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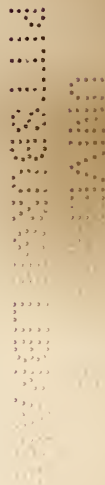
SECRETARY OF STATE

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PREFATORY NOTES TO FIFTH VOLUME.

The fifth and sixth volumes cover the period from the death of Governor Johnstou to the death of Governor Dobbs in March, 1765.

Upon the death of Governor Johnston, which, it will be remembered, took place on the 17th July, 1752, Nathaniel Rice, the President of the Council, became *ex officio* Commander-in-Chief of the Province, but his career as Chief Executive was both brief and uneventful, almost the only thing worthy of note during his administration being the visit of Bishop Spangenburg to the Province and the location by him of the lands bought from Earl Granville for the Moravian settlement.

President Rice, who was old and feeble, died on the 29th of January 1753, and Matthew Rowan, as "next in Council," took the oaths of office as President and Commander-in-Chief of the Province, and continued to exercise the duties of Chief Executive until the 31st October, 1754. The other members of the Council were James Murray, James Hasell, James Innes, John Rutherford, John Swann and Lewis DeRosset. James Murray was made Secretary of the Province.

President Rowan, though of Scotch descent, was doubtless of Irish birth. According to Burke's *Dictionary of the Landed Gentry of Great Britain and Ireland*, the Rowan family was established in the parish of Govan, in the county of Lanark, in Scotland, as early as 1548. In 1661, however, the Rev. Andrew Rowan, eldest son of John Rowan, of Govan, was inducted into the rectory of Dnnaghy, diocese of Connor, County Antrim, in Ireland, and died in 1717. His second son, Rev. John Rowan, married Margaret Stewart, of County Down, and had issue—1, John; 2, Andrew; 3, Alexander; 4, Stewart; 5, MATTHEW; 6, William; 7, Robert, a clergyman in Ireland; 8, Hugh; 9, Acheson. In his will, which was made on 18th April, 1760, just before his death, and which is now of record in the office of the Secretary of State, President Rowan, then of New Hanover county, made bequests to children of his brothers Andrew, Acheson and William, by name.

11-1-86 Rowan, Geo

At what time President Rowan first came to North Carolina is not definitely known. He appears first on our records as one of the church wardens for the parish at Bath, in 1726, and next as a member of the Assembly in 1727. His name is also upon a list of persons recommended in London by Governor Burrington, on 6th August, 1730, to the Board of Trade for seats at the Council Board, and later in the year, in the formal instructions to Governor Burrington from the King, as one of the persons who were to constitute the Council of the Province. For some years he lived at the town of Bath as a merchant, and dealt in "Irish goods," for which he made voyages to and from the old country. In November, 1733, Governor Burrington, as an evidence of the amount of coin in circulation in the Province, stated that Mr. Rowan had told him that he had "caryed to Ireland above one hundred pounds silver money in a voyage," money that had been taken in at Bath.

On the 17th January, 1732, in the town of Edenton, he was duly sworn into office as a member of the Council, of which he continued a member until his death, and of which for seven years he was President. He was also the Surveyor-General of the Province, and, in 1735, was one of the Commissioners appointed to run the boundary between North and South Carolina. His last appearance in public affairs was, so far as our records show, in 1760, when, on the 9th January, he sat as President of the Council.

During President Rowan's administration there were two sessions of the Legislature, the first on 27th March, 1753, and continuing till the 12th April following; the second on 19th February, 1754, and continuing till 9th March following.

Called to the head of the government at a critical juncture in the affairs of the Province, President Rowan seems to have acted with vigor, directed by prudence and a wise discretion, so much so as to draw forth commendation from the authorities in England without alienating the affections of the people in the Province.

On the 31st October, 1754, Arthur Dobbs, who, on the 25th January, 1753, had been appointed Governor of the Province, arrived in New-Bern and took the oaths of office.

Governor Dobbs was an Irishman, born according to the account that seems best corroborated, in 1684, according to another not until 2d April, 1689. In 1720 he was High Sheriff of the county of Antrim, the county in which it will be remembered the Nevins lived. He was also a member of Parliament, he was twice for Carrickfergus and Engineer and Surveyor-General of Canada in 1730 Robert Walpole. He was best known to the public history by his attempt to discover the Northwest Passage. Nor was he unknown to the literati, he having in 1729 published a work called "The Trade and Improvement of Ireland"; in 1744 another called "Captain Middleton's Voyage" and in 1745 still another called "An Account of the Countries adjoining to the Hudson's Bay."

He reached Hampton, Virginia, on the 6th October, 1754, on the ship-of-war Garland, after a passage of ten weeks, from Plymouth, in England, during which a violent storm was encountered, causing the main-mast to be lost and the fore-mast to be sprung. On the next day he set out for Williamsburg, where he remained until the 23d of that month. From there he made his way to New-Bern, where he arrived on the 31st, having lost one day at Edenton "by a contrary wind so fresh that the ferry-boat could not pass the ferry, which was above eight miles over." President Rowan and Mr. Murray, of the Council, met him at Bath and returned with him to New-Bern, where he took the oaths of office in the presence of such members of the Council as could be assembled.

In some respects, the time of Governor Dobbs's arrival was an auspicious one, coming as he did when the Province, tired of strife, was anxious for harmony. A foreign war, too, then actually in progress, was as usual dwarfing all mere local issues, and accustoming the people to act together in a common cause. Besides, Dobbs having been one of the original complainants against Johnston, there was room to hope for better things, and so when he came he was received with open arms. It was the habit, too, of the people to welcome a new Governor with the greatest courtesy and hospitality, as if unwilling to pass judgment upon him before giving him an opportunity to develop his character and purposes. Governor Dobbs was especially fortunate, moreover, in bringing

over with him the King's order disallowing or repealing Governor Johnston's act of 1746, taking away from the northern counties their right of representation in the Legislature. With the call of a Legislature, which he proceeded at once to make, recognizing in full the rights of those counties, so long denied them, peace seemed at once to be restored, and this, too, in spite of the fact that he brought with him another royal order that, if enforced, would have created very great confusion and universal dissatisfaction in the Province. The point at issue, in this last order, was the right of the Legislature to authorize counties to elect members of the Assembly, which was claimed to be a matter solely of royal prerogative. To put an end to the dispute twelve acts creating new counties and towns were disallowed or repealed and the Governor was directed to re-establish them by charter when desirable, and to give such representation in the Assembly as to him only might seem expedient; and the royal order to this effect was brought over by the new Governor. The evil effects of its execution, however, were at once so apparent, and promised to be so great, that Governor Dobbs prudently refrained from its official publication until proper representation could be made in the premises to the authorities at home. At any other time, and under other circumstances, the repeal of the acts in question would doubtless have produced great bitterness and excitement among the people and have precipitated a condition of affairs not unlike that brought about by the effort to deprive the northern counties of their right of representation. As it was, with the new Governor actively and openly on their side, the order of disallowance was received in a very kindly spirit by the people, who contented themselves with sending a legislative memorial to the King, in which it was represented that, by the rapid increase of population, it was often necessary to divide counties and erect new ones, as well as to alter their boundaries, which could not be done were they established by charter, inasmuch as every corporation must remain entire, unless the charter was forfeited or surrendered by general consent; that if the acts of incorporation were disallowed the lands whereon the public buildings were erected would revert to the former owners or their heirs; that the inhabitants of a town in such case would be wholly divested of their tenements (which would also revert to their

former owners or their heirs), having no other title than deeds executed by Commissioners authorized by the acts of incorporation. The result of it all was a compromise by which the Legislature was permitted to re-establish or revive the counties and towns already incorporated, and from time to time in future to erect new ones and alter their boundaries, as might become necessary, reserving to the Governor, as the representative of the Crown, the right to confer by charter authority to elect members of the Assembly. It was also conceded to be a part of the royal prerogative to fix places for holding courts of justice, and accordingly we find that the Governor was invited by the Legislature to name counties and to fix and name the sites for county towns. And, too, the first acts of Governor Dobbs's administration were vigorous, intelligent and wise, and seemed to justify the hopes of those who looked for better things than had for years befallen the Province. Orders were at once given to get at the strength of the Province by ascertaining the number of its taxables, the number of its women and children, the strength and discipline of the militia, the quantity and condition of the ammunition on hand and in store, the names of the officers and the number of Indians. A new Legislature was at once called, and met in New-Bern on the 12th December, with a full representation from the northern counties. In spite of all this, however, Williamson gravely asserts that "none of the counties any longer claimed the right of sending five members."* The Governor's speeches and messages were well received, and everything gave promise of the greatest harmony, and it really seemed that the troubles of the Johnston administration had been healed over, and that the Province, though at war abroad, at home was at peace.

But this happy condition of affairs did not last very long. Well advanced in years, being, according to the most favorable account, in his 66th year, and according to the other in his 71st, Governor Dobbs, soon after his arrival in the Colony, found himself confronted in difficult times with a people singularly impatient of control under the happiest circumstances; and for near ten years, year by year, the difficulties increased, as year by year his capacity to cope with them diminished. Patriotically

*Williamson's History of North Carolina, Vol. 2, p. 96.

anxious to do her full part against the common enemy and eager to help her neighbor Colony, North Carolina had perhaps improvidently, as will be seen, taken upon her slender shoulders a heavy burden of debt for the prosecution of the war then going on. In spite of this, however, the demands upon her for fresh levies were both constant and urgent and far beyond her resources, and Governor Dobbs pushed them in season and out of season. Unfamiliar with the resources of the Colony, a stranger to her people, a zealous servant of the Crown, a sworn foe to the French, fanatical in his hatred of their religion, and expecting to govern by prerogative alone, he was precisely the man to exhaust the resources of the Colony in the war then going on, and that being done, to find himself inextricably involved in difficulties with the people, and at their mercy. For a time, as we have seen, his course was vigorous and intelligent, but as the years went by, his mental faculties, probably never very great, weakened and finally gave way under the strain upon them to meet increased demands with diminished resources, and in December, 1762, a stroke of palsy, that deprived him of the use of his lower limbs all the winter, put an end to all hope, for the time, at least, of his future usefulness. He rallied, however, and if he did, indeed, escape the drivelling imbecility of old age, he committed its supreme folly by marrying a very young girl. Complimented in 1755 for his vigor and intelligence, in 1762 he was told by the Lords of the Board of Trade that his dispatches were so very incorrect, vague and incoherent that it was almost impossible to discover his meaning, and that as far as they could be understood, they contained little more than repetitions of propositions he had made to them before, and upon which he had received their sentiments fully and clearly expressed. Finally, in 1764, he was given permission to return to England, and never expecting him to resume his duties as Governor, a Lieutenant-Governor was sent out to take charge.

Tradition says he was inordinately fond of Irishmen in general, and of his kindred in particular; that he brought a swarm of these latter with him, and quartered them on the government. This statement, however, seems scarcely to be justified, as the only relatives, so far as the records show, provided for by him were his nephew, Richard Spaight,

who, by the way, lived to enjoy his share of the spoils only a few years, and a son, Edward Brice Dobbs, an officer in the British army, then on leave of absence, who was given a company in the troops sent to Virginia and New York, and afterwards given a commission as Major.

His frequent short prorogations of the Legislature have often been brought against him as proof of ill temper and bad humor. Rightly understood, they are far from making such proof. In that day the old rule of parliamentary law, that no act could be amended at the session in which it was passed, was in full force, and hence, when a bill had passed that he could not or would not sign, and there was hope of a compromise of the question at issue, he would prorogue the Legislature for a night or for a day, or some other short time, in order that the old session being ended, and a new one begun, it might be possible to accommodate matters. Another reason at times for proroguing the Legislature was that a minority could do no business whatever, not even adjourn, and hence, when, as frequently happened at the beginning of a session, a quorum was not present, the Governor would formally prorogue the Legislature from day to day, in order to keep it alive, as it would die if the day for which it was called should expire without any further day for its meeting having been fixed. Our Constitution now provides that a minority may adjourn from day to day.

His policy towards the Indians has been commended. He thought they ought to be treated with fairness and justice, and believed they could be won over by kindness and square dealing, and when he first came over, at least, he had no race prejudice against them. Indeed, he went so far on the other side as to propose that the soldiers should take unto themselves Indian wives, a practice that he thought would do much toward the permanent establishment of Britain in America. At a later period, when his experience with "the noble red man" in and about the Province was greater, he said he thought the proper plan in war, at least, was to kill the warriors and enslave the women and children, a conclusion which, however harsh it may seem, it is believed most white men have come to after a like experience.

On the 17th July, 1752, Governor Johnston died and Nathaniel Rice, President of the Council, took the reins of government.

In August, 1752, Bishop Spangenburg and his party set out from Bethlehem in Pennsylvania for Edenton in this State to locate the lands bought the year before from the Earl of Granville for the Moravian settlement. Leaving Edenton about the middle of September, their route lay through Chowan, Bertie, Northampton, Edgecombe and Granville, to its western border near the Virginia line, and from thence along the Indian Trading Path, as near as can now be ascertained, to the Catawba River, thence up that river to its upper waters, thence by mistake over the divide to New River, thence back to the head-waters of the Yadkin and thence down the Yadkin to Muddy Creek, where, some ten miles from the river and on the "upper Pennsylvania road," they found some 100,000 acres in a body unoccupied, which they proceeded at once to take up. In January, 1753, they returned home, having surveyed 73,037 acres of land, to which were added 25,948 acres surveyed by Mr. Churton in the same tract, making in all 98,985 acres. A general deed for the whole tract was made on 7th August, 1753.

At Wilmington, on the 29th January, 1753, President Rice died and Matthew Rowan, as "next in Council," became President and Chief Executive of the Province.

Early in the year 1754 began one of the most eventful periods in the history of North Carolina, covering as it did the struggle between England and France, growing out of the attempt of the latter to connect her extensive dominions in America by uniting Canada with Louisiana. To accomplish their end the French took possession of territory claimed by England to be within the Province of Virginia, and commenced a line of military posts from the lakes to the Ohio. Acting under general instructions from the Crown given to the Governors in anticipation of such a seizure of territory, Governor Dinwiddie of Virginia straightway demanded in the name of Great Britain that the French should abandon designs which it was insisted violated the treaties between the two Crowns. The bearer of this demand was George Washington, then quite a young man. The answer of the Commandant of the French forces being an emphatic denial of the British claims to the territory in ques-

tion, preparations were made to maintain them by force, and the Virginia Legislature voted to raise a regiment of 300 men for that purpose. Governor Dinwiddie also, on the 29th of January, 1754, wrote to President Rowan asking his immediate assistance in dispossessing the French. The contingency had now arisen in which, under the royal instructions, the Colonial Governors were directed to make common cause against the French and Indians. The answer of North Carolina to the appeal of the Virginia Governor for help was prompt and decided. The Legislature, which, looking forward to such an emergency, had been prorogued by President Rowan to the last of March, met and at once voted £12,000 to equip a regiment of 750 men to go to Virginia.

These were the first troops raised by any British Colony in America to fight outside of its own borders in behalf of a common cause and in the general common defense, and their officers were James Innes, Colonel; Caleb Grainger, Lieut.-Colonel; Robert Rowan (a kinsman of the President), Major. The other officers were Thomas Arbuthnot, Edward Vail, Alexander Woodrow, Hugh Waddell, Thomas McManus and Moses John DeRosset. The number of these troops was fixed at 750 enlisted men at the outset, under the impression that North Carolina would not be required to maintain them after their arrival in Virginia. Finding out, however, that every Province would be required to maintain its own troops, the number was reduced to 450 enlisted men, just 150 more than Virginia had raised, and this, too, when it was Virginia soil that was invaded, and when Virginia had more than three times as many whites as North Carolina.

And just here began the greatest trouble North Carolina encountered during the war, that is to say, the provisioning and paying her troops. This trouble arose from the fact that there was little or no silver or gold or English money in the Province, and her own paper money was not current outside of the Province. The result was that beef cattle or hogs were driven with the troops or to them, and sold for local currency for their use. In some instances pork was bought at home and shipped to Virginia and sold for the same purpose. In other instances shipments were made to the West Indies and the cargoes sold for bills of exchange on New York to pay and feed our troops in service in that Province.

The consequence was, especially in the earlier days of the war, that the expense of maintaining her troops was very greatly increased, the pork and beef cattle being generally sold at unremunerative prices, being put upon a dull market and offered under a well known necessity.

The contributions on the part of North Carolina to the common defense, in view of her scant resources, were, perhaps, more generous than wise, as will be seen later on, and were certainly out of all proportion to the contributions of the other Colonies; but it has never been her habit to permit patriotic impulse to be dwarfed by scanty means. Governor Dobbs said North Carolina "could not be expected to defend its western frontier, assist the other Colonies and also maintain an independent force to defend the forts and protect the navigation of the Colony." Yet that is precisely what she did, although it was admitted on all hands, the Board of Trade in England and Governor Dinwiddie included, that North Carolina was not able to do as much as the other Colonies, because of her narrower resources.

But the events of this protracted struggle belong to general American History, and will be treated of in these pages no further than may be necessary to explain the action of North Carolina in connection with them. It may not be amiss, however, to refer briefly to the career of a man whom this struggle brought prominently before the American public, one who, by his character and public services, deserves more than a passing notice in the annals of North Carolina.

Colonel James Innes was a native of Scotland, and was probably born not later than the year 1700, as in 1754 he suggested he was too old to take chief command in an active campaign. Governor Dinwiddie, of Virginia, who had tendered him the appointment, replied that his age was nothing when his regular method of living was considered. He told him, too, in answer to some suggestion as to the probable expectations of Virginians in regard to the chief in command of the forces, that he always had regard to merit and knew his, and that he need not have any fear of any reflections from them. Washington greeted his appointment with the declaration that he would be glad to serve under "an experienced officer and a man of sense."

Between Colonel Innes and Governor Dinwiddie, who usually addressed him as "dear James," and was constantly sending messages to him from his "wife and daughters," there seems to have been a strong bond of attachment. At the time of his appointment to the command of the expedition against the French and Indians in 1754, Colonel Innes was a member of the Council in North Carolina, having been appointed thereto on 5th July, 1750, by Governor Johnston, on the death of Eleazer Allen—his first appearance in public life in the Colony, so far as the records show, though he had been recommended to the King for the place as early as 1734. That he was residing in the Province, and his appointment as assistant Baron of the Exchequer Court as early as 1735, also appear from the Council Journals of that date. Doubtless he was one of the Scotchmen who came over with the Governor of that nation. In 1740 he was one of the captains in the North Carolina troops on the expedition against Carthagea, in South America. He had also seen other service in the British army. Later on he was one of Granville's agents and Colonel of a militia regiment in New Hanover county.

In spite, however, of Governor Dinwiddie's favorable opinion of him, Colonel Innes was allowed to hold his commission as chief in command only about five months, from 4th June to 24th October, 1754, when he was succeeded by Governor Sharpe, of Maryland, by appointment from the Crown. His actual command in the field lasted less than four months. Colonel Innes naturally wished to resign under the circumstances, but so strong was Governor Dinwiddie in the belief that his services were necessary that he would not permit it, and appointed him Camp-Master-General, with his former rank. From this date he remained at Fort Cumberland, completing the Fort, making treaties with the Indians and organizing the forces. On 24th June, 1755, he was appointed "Governor of Fort Cumberland" by General Braddock, and left in command there when Braddock advanced on his hapless march, and there he received the broken fugitives from the fatal field, and there he was abandoned by Colonel Dunbar, who succeeded Braddock in the command, and who precipitately "went into winter quarters" (in August) in Philadelphia, leaving Innes with 400 sick and wounded, and a handful of Provincials to defend the frontier. And there he continued to do

his duty faithfully, and in the face of all sorts of difficulties, until August, 1755, when he returned to North Carolina.

That success did not crown the Colonial arms under his command is not to be wondered at. Judge Marshall, himself a Virginian, in his *Life of Washington*,* says: "The [Virginia] regiment returned [in July, 1754] to Winchester to be recruited, and the companies expected from North Carolina and Maryland having arrived, Governor Dinwiddie, without attending to the condition or number of the forces, ordered them, on advice of Council, immediately to march over the Alleghany Mountains, either to dispossess the French of their Fort, or to build one in some proper place in the country. The little army in Virginia, which was placed under the command of Colonel Innes from North Carolina, did not, as now re-inforced, exceed half the number of the enemy, and was unprovided with the means of moving, or with those supplies for a winter campaign which are so particularly necessary in the severe climate where they were about to act. With as little consideration directions were given for the immediate completion of the regiment without furnishing a shilling with which to recruit a man. Although Virginia had long basked in the sunshine of peace, it seems difficult to account for such inconsiderate and ill-judged measures. Colonel Washington remonstrated strongly against these orders, but prepared, as far as possible, to execute them. The Assembly, however, having risen in a few days without making any provision whatever for the further prosecution of the war, this wild expedition was for the present relinquished." Campbell, too, in his *History of Virginia*, says: "The force under Innes did not exceed half the number of the enemy and was unprovided for a winter campaign. The Assembly making no appropriation for the expedition it was fortunately abandoned."† The historian Chalmers also, who, from his ten years' residence in Maryland just prior to the Revolution, was familiar with all these matters, says:‡ "in such a situation what could have been expected from Tilly or Turenne, from Marlborough or Saxe?"

*Marshall's *Life of Washington*, p. 12, v. 2.

†Campbell's *History of Virginia*, p. 469.

‡Chalmers's *History of the Revolt of the American Colonies*, V. 2, p. 268.

Mr. Jared Sparks, however, attributes the failure to other causes, that is to say, to the disbanding of the North Carolina troops, who, he says, "went off without ceremony," and to the incompetency of Colonel Innes, who had the further disqualification of being an inhabitant of North Carolina.*

What are the facts, and which is right, Campbell, Chalmers and Judge Marshall, or Mr. Sparks, who was born some forty years after the events of which he wrote, and in a distant State?

Colonel Fry, the first Commander-in-Chief, died on 31st May, 1754, leaving Washington next in command. On 3d June a commission was issued making Colonel Innes Commander-in-Chief. He was then in North Carolina superintending the departure of his regiment for Virginia. On 3d July the Great Meadows disaster occurred, Washington being in command. On 5th July, Colonel Innes was at Winchester *en route* from North Carolina for the front, and then or some few days later at Will's Creek, afterwards known as Fort Cumberland, took formal command. On 20th July, Governor Dinwiddie directed him to build a log fort and magazine, not thinking it prudent for him to march to the Ohio until he had sufficient force to attack the enemy. He suggested to him also to scatter his troops, sending some back to Winchester and others to Alexandria, etc., and to grant furloughs. Counting all his forces, Colonel Innes could muster only about 750 men, while the enemy numbered 1,500. On 1st August, Governor Dinwiddie ordered him to fill up the ranks of Washington's regiment and the independent companies and rendezvous with all his forces at Will's Creek, and "when in a body" to march over the mountains against the French. No money was provided for enlisting Virginia recruits and none to feed the North Carolina troops. By the 1st of September, the North Carolina troops having been disbanded and sent home, and the Virginia troops having been greatly reduced by desertion and other casualties, there were not more than 150 men for duty, just one-tenth of the strength of the enemy. By the same date Governor Dinwiddie had quarreled with the Virginia Legislature because of the "rider" the Assembly wished to put on the appropriation bill, in

*Washington's Writings, Vol. 2, pp. 63 and 262, notes.

consequence of which he prorogued that body without getting a dollar, and abandoning all thought of an advance, ordered Colonel Innes to fall back and fortify. In the latter part of October Colonel Innes was notified that he had been superseded.

There seem to have been at least four principal causes contributing to this state of affairs, to three of which Mr. Sparks did not advert :

1. The disbanding of the North Carolina troops and their going home.
2. The great reduction in numbers of the Virginia regiment by desertion and other casualties, and the failure to recruit its ranks.
3. The refusal of Governor Dinwiddie to accept the £20,000 offered him by the Virginia Legislature for the conduct of the war.
4. The quarrel between the regular and Provincial officers about rank.

But for none of these things was Colonel Innes responsible, not even for the disbanding of the North Carolina troops, though done by his order. What could he or any one else have done but disband and send them home? No provision had been made for their rations, and Governor Dinwiddie, upon application, said it was all he could do to pay and ration the Virginia troops, and, indeed, that was more than he did. With an ample military chest and with a well organized *commissariat* a commanding officer may feed his troops in a populous, civilized country, but with neither of these, and in a country inhabited only by hostile savages, it was simply impossible. What, then, could be done with the North Carolina troops but send them home? And certainly it was no fault of Colonel Innes that the Virginia troops were mutinous and disorderly and given to desertion with their arms in their hands, as it appears they were from the correspondence between Colonel Washington and Governor Dinwiddie. Nor was excuse wanting for this state of affairs; for, not having been paid, the men were naked, said Washington. Nor was Colonel Innes responsible for the quarrel about rank, though perhaps less affected by it than others, acting as he did "under two commissions, his old one from the King, received in the former war, and his new one from Governor Dinwiddie, to each of which he appealed as occasion required." But even with this advantage he had only a "nominal command." And most assuredly he was not responsible for the quarrel between Governor Dinwiddie and the Virginia Legislature.

The truth is, that although the seizure by the French of disputed territory, and a war in consequence too great to be conducted by any one Colony, or, indeed, by all of them put together, were events anticipated by the English Government, it did not until the fall of the year 1754 assume direct control of military operations in Virginia. Before that time Governor Dinwiddie and the Provincials had charge of affairs. Afterward it would have been idle for any Provincial officer to expect an important command. It is true that next year, after Braddock's defeat, Washington, a Provincial officer, was appointed Commander-in-Chief of the Virginia forces; but that amounted to nothing, for from that time operations in Virginia were conducted under direction of the British Commander-in-Chief, and Washington, so to speak, was merely in command of one of the outposts at a part of the line at which a serious attack was anticipated. Even in 1758, when the expedition was made against Fort Duquesne, General Forbes was commander of the expedition. The reason for all this was the prejudice against Provincial officers, whom the British Government thought incapable of conducting important military operations. It was not to his discredit, therefore, that under the circumstances Colonel Innes was superseded by Sharpe and Braddock, as Washington was substantially by Shirley, Loudoun, Abercrombie and others.

Colonel Innes was a plain, modest soldier of approved courage and experience in military affairs. In this last service, too, he was evidently a soldier from a patriotic sense of duty, and not from mere love of adventure or for pay, and so, even after his removal from the chief command, and in spite of his desire to withdraw from a service with which, like Washington, he was thoroughly disgusted, he remained in the field, because he was told that even in a subordinate position he could be of use to his country. Washington, it will be remembered, left the service. As a matter of fact, Innes accomplished quite as much as Washington did when on the same ground and under circumstances not more unfavorable.

It will be seen, therefore, that Colonel Innes was neither with Washington at the Great Meadows disaster in July, 1754, nor with Braddock at his defeat in July, 1755, that for a few weeks only after taking command did his forces reach one-half of the strength of the enemy, that for

the balance of the time they were only about one-tenth of it, and that in truth there was nothing that any commander could have accomplished under the circumstances, no matter what his ability might have been. The facts, therefore, facts that Mr. Sparks ought to have known, do not justify his criticism, but convict him of gross injustice.

It is stated generally in the publications concerning Colonel Innes that he died at Winchester, Virginia, soon after the campaign of 1754. But it appears from the Journals of the Council of North Carolina that at the meeting held at New-Bern, September 27th, 1755, he was again in his seat, and that he attended the meetings during the years following up to the 17th May, 1759. Other records show that he died on the 5th September, 1759, at Wilmington.

Colonel Innes in his will made 5th July, 1754, at Winchester, Virginia, now of record both in New Hanover county and in the office of the Secretary of State at Raleigh, described himself as "James Innes, of Cape Fear, in North Carolina, in America, Colonel of the Regiment of s^d Province raised for His Majesty's immediate service and Commander-in-Chief of the Expedition to the Ohio against the French and their Indians who have most unjustly invaded and fortified on His Majesty's lands, being now ready for action," &c. After directing "a remittance may be made to Edinburg sufficient to pay for a church bell for the parish church of Cannisbay in Caithness," and a further remittance of one hundred pounds sterling to be put at interest for the poor of said parish, he gave his plantation "Point Pleasant," a considerable personal estate, his library and one hundred pounds sterling "for the use of a free school for the benefit of the youth of North Carolina," and appointed as trustees of the fund "the Colonel of the New Hanover Regiment, the Parson of Wilmington Church and the Vestry for the time being or the majority of them." In the year 1783 the Legislature of North Carolina passed an act to establish the Innes Academy at Wilmington, in which there is a recital of the fact that the legacy had not been received and the house and buildings at Point Pleasant had been burned, and directing the trustees to sue for and receive the legacy, and to sell the real estate for the benefit of the academy. Colonel Innes's bequest was the first private bequest of the kind in the history of the State.

Colonel Innes's widow, whose name, Jean, would indicate that she also was Scotch, married, in 1761, Francis Corbin, Lord Granville's Agent, and a member of the Council of the Province. Cannisbay, which was doubtless Colonel Innes's native place, is a town on the extremest northern point of the coast of Scotland, near John O'Groat's house.*

Early in 1754, if not sooner, as has been seen, quarrels about rank and precedence existed between officers holding military commissions from a Colonial government and officers holding them directly from the Crown when serving together. The first phase of the dispute was between Colonial officers and the officers of independent companies raised in the Provinces but who were in the immediate pay of the Crown, and were officers by royal commissions. The question in all its phases was settled squarely in favor of the Crown officers by an order from the King, issued in November, 1754, in which it was declared that all troops serving by commissions from the King, or by those from the General Commanding-in-Chief in North America, should take rank before any troops serving by commissions from a Colonial government; that the General and Field officers of Provincial troops should have no rank with General and Field officers serving under commissions from the Crown, and that captains and other inferior officers with commissions from the Crown serving with Provincial officers of like grade should take rank of them even though the commission of the Provincial officer should be of older date. But though this ought to have satisfied any reasonable man, a still further claim was made at Fort Cumberland next year by one Captain Dagworthy, the commander of a small company from Maryland, who claimed to outrank Colonel Washington. Washington refused to serve under Dagworthy, and was sent by Governor Dinwiddie to the Commanding General to have the matter disposed of. It turned out that the commission Dagworthy claimed to act under had been "cancelled by his taking a sum of money in lieu of half pay," so that he was no longer in service under it. But, unjust as the whole affair was, it lasted until 1756, when, after creating much confusion, the order was changed so that captains

*For the facts relating to the later years of Colonel Innes, see the interesting Sketch of the Life and Times of General Hugh Waddell, by his great-grandson, Colonel Alfred M. Waddell.

and subalterns took rank in their grades according to the dates of their commissions, no matter whether Royal or Colonial. In November, 1757, the order was further modified so that the Field officers also took rank in their several grades according to date of commission.

On the 19th June, 1754, in pursuance of a royal requisition of the preceding year that a plan of general union between the Colonies be perfected for their common defense, Commissioners from the Northern Provinces met at Albany, New York, and agreed upon a draft of Union between all the Colonies. New Jersey, Virginia and the Carolinas, says Chalmers, with their accustomed spirit, either neglected or refused to send their delegates.* This draft was in the shape of an application for an act of Parliament of Great Britain by virtue of which one general government might be formed in America, including all of the said Colonies, within and under which government each Colony might retain its existing Constitution, except in the particulars in which a change might be directed by the said act of Parliament. The General Colonial Government was to be administered by a President-General and a Grand Council, to be chosen by the Assemblies in the respective Colonies, as follows: Massachusetts and Virginia, seven delegates each; Pennsylvania, six; Connecticut, five; New York, Maryland, North Carolina and South Carolina, four each; New Jersey three, and New Hampshire and Rhode Island two each, to be elected every three years. No Province was to have more than seven nor less than two members. The assent of the President-General was necessary to all acts of the Council, and he and the Council were to have power to make Indian treaties, regulate Indian trade, raise troops, levy taxes, issue money, grant commissions, &c., &c. All laws, however, were to be sent to England for the approbation of the King and Council.

The draft was by order of the Congress sent to each Legislature for approbation or amendment. Upon being laid before the Legislature of North Carolina, in December, its consideration was postponed until the next session, and the Printer directed in the meantime to print and

*Chalmers's History of the Revolt of the American Colonies, Vol. 2, p. 271.

send a copy of it to each member for his mature consideration. At the next session, however, no reference seems to have been made to the subject, either by the members or by the Governor, and, as we learn from history, it met with equal disfavor in the other Colonies, not one, it is said, having adopted it. It found no favor in England either. The objection in England was that too much power was given to the Provinces, and in America that not enough was given.

But the project for a general union, though it came to naught, is worthy of special notice, inasmuch as it was the first definite proposal formally submitted to the Colonies for such a union. It is worthy of remark, too, that the proposition came not from the Colonies themselves, but from the Government authorities in England. Had it been made during or at the end of the war, rather than at its beginning, and in anticipation of it, the confederation of the Colonies of America might have been entered into twenty years sooner than it was, as at the end of the war the Colonists were better able to appreciate the benefits of co-operation and confederation for common defense than before it.

The original germs of the confederation of the British Colonies of North America were, however, doubtless contained in the project for a Colonial union presented by William Penn in 1697. His plan was for a Congress, to consist of two delegates from each Colony, to meet once a year in time of war, and once in two years in time of peace, the President to be appointed by the Crown, with power to legislate: first, in cases of absconding debtors; second, criminals from justice; third, to regulate commercial intercourse; fourth, to raise troops for protection against the public enemies, &c.

As early as 1754 vacant public lands, as we would now call them, could be found in large bodies only in the back settlements near the mountains, and settlers were coming in there "in hundreds of wagons from the northwards." The habit, it seems, was either to send an agent in advance to select lands or to employ some friend already located to do so. The immigrants were said to be very industrious people, who went at once into the cultivation of hemp, flax, corn and the breeding of horses and other stock.

In October, 1754, at Williamsburg, in a conference between Governor Dobbs, Governor Sharpe, of Maryland, and Governor Dinwiddie, of Virginia, a plan of operations was formed for the coming campaign, in which it was agreed to assemble 1,000 men if possible, the independent companies included, and to carry the French fort on the Monongahela before it could be re-inforced from Canada in the spring, and to build a fort on an Island in the Ohio River opposite the French fort. Fort Cumberland, at Will's Creek, on the Potomac, was to be used as a magazine for the troops employed in the expedition, of which Governor Sharpe was to be Commander-in-Chief.

In 1754 appears for the first time on our records a name that soon became as familiar as a household word in the Province—the name of Hugh Waddell. In that year he was sent as a Lieutenant in Colonel Innes's Regiment to Virginia, and there made a Captain. In 1755 he was sent with a company to the North Carolina frontiers and built Fort Dobbs, of which he retained the command for several years. In 1756, as Commissioner from North Carolina in conjunction with Peyton Randolph and William Byrd, Commissioners from Virginia, he negotiated treaties with the Cherokees and Catawbas. He was then barely twenty-one years old. In 1758, having been promoted to be Major, he went to Virginia with three companies and took part in the expedition against Fort Duquesne under General Forbes. In this expedition, as will be seen, he distinguished himself very much, not merely for great personal courage, but for great skill as an Indian fighter as well. In the spring of 1759 he was promoted to be a Colonel and again given charge of the frontiers, with power to call out the militia of Orange, Rowan and Anson whenever occasion might require. Later in the same year he commanded the North Carolina contingent of troops in the expedition against the Cherokees under Governor Lyttelton, of South Carolina. In February, 1760, he was again at Fort Dobbs and present at the Indian attack on that place. That he took no part in the expedition under Colonel Montgomery against the Cherokees in June of that year was doubtless due to the fact that Governor Dobbs having refused to accept the appropriation offered him by the Assembly no provision was made for raising troops in time for it. Before the summer passed, however, the emergency became so great as to

swallow up every other consideration, and an ample appropriation having been offered and accepted, Colonel Waddell was given four independent companies, in addition to the frontier militia under his command, for the protection of the settlers. In 1761 he commanded the North Carolina contingent of the troops in the campaign in which the power of the Cherokees was finally broken and peace restored to the frontiers. In 1765, in conjunction with Colonel John Ashe, he raised the militia of the Cape Fear, seized the vessels bringing in the stamps, and forcibly prevented their distribution. In 1771, as General commanding the troops raised in the west, he took part in the campaign against the Regulators. On the 9th April, 1773, he died at Castle Haynes in his 39th year.

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

General Waddell was evidently a born soldier and, though so young, doubtless trained and disciplined, though there is nothing to show where he got his training, if any he had, before serving under Colonel Innes. But whether trained or not, wherever firing was to be heard there young Waddell was sure to be, and certainly as an Indian fighter he was without an equal in the Province. Physically he was a powerful man, of large stature, having not only unusual length of limb but great breadth of chest, and possessed activity, strength and endurance in a rare degree.

He was, too, a man of no ordinary mental calibre, fertile in resources and quick and ready in making use of them. Many traditions remain showing the personal character of the man.

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

An earnest patriot, with war the passion of his life, and possessing reputation, experience and capacity, General Waddell's career in the Revolution, had he lived and retained his health, would doubtless have been a great one. But he was cut off in the prime of life and just when his country most needed his services. But how well North Carolina must have been grounded in the faith to have shown no check in her course when Hugh Waddell and James Moore, two of her very best soldiers, and John Harvey, her acknowledged civil leader, went to the grave at the very outset of the great struggle, just at the time when they were so much needed.

On the 14th January, 1755, the Governor gave his assent to an act passed earlier in the session appropriating £6,000 for the endowment of a public school for the Province, under such regulations as the Governor and Legislature might make. The appropriation, however, was made subject to the approval of the King. After the passage of the bill the Committee of Propositions and Grievances of the Assembly formally resolved, "that under a sense of the many advantages that will arise to the Province from giving our youth a liberal education (whether considered in a moral, religious or political light), a publick school or seminary of learning be erected and properly endowed. And that for effecting the same the sum of £6,000 already appropriated for that purpose be properly applied." On the 11th October of the same year the same Committee urged that the advantages arising from the proper education of youth as hitherto proposed by the committee should be secured.

From that time forward the attention, both of the Governor and of the Crown, was called to the fact that the Province was so impoverished in its circumstances through granting repeated aids to the King for making it defensible, and for carrying on expeditions in conjunction with the other Colonies against the French and their Indian allies, that they could not erect proper schools for the education of the youth. In passing, it may be proper to say that the Governor thought that "one public provincial school for the languages, &c., would be enough to be endowed, and the county schools be only for English scholars to learn to read, write and account, with some other branches of the mathematicks." In 1764 the parish vestries were given authority to lay a parish tax of ten shillings per taxable to maintain a parson, school-master, &c. The mixing up the schools with the church, however, did no good to the schools. From all of which it will be seen that the evil effects of the lavish appropriations to the war were very far-reaching—much more so than could have been anticipated at the time they were made.

On the 14th April, 1755, a convention of Colonial Governors met in Alexandria, Virginia, at the invitation of General Braddock, to settle with him or rather, doubtless, to receive from him the plan of the coming campaign. The statement made by Martin, however, that Governor Dobbs, having left the Province early in the year for the purpose, was

present on that occasion seems to be without foundation, as according to Dobbs's own account of his movements he was at that time, and for some time prior thereto, going up Neuse River looking for a site for a provincial capital. According to Governor Dinwiddie, too, the only persons present at that conference were himself, General Braddock, Commodore Keppel and the Governors of New England, New York, Pennsylvania and Maryland.*

Early in 1755, Edward Brice Dobbs, a son of the Governor and an officer in the regular British army, then on leave of absence, was sent with a company to Virginia to take part in the Braddock campaign.

On the 14th October, 1755, an act was passed establishing a postal service in North Carolina for the first time. It was done on the recommendation of the Governor in a message to the Legislature, in which he called attention to the fact that there was no established post through the Province, and the great necessity there was for some regular means of correspondence with other Colonies, by which all public letters might be carried without any other pay therefor than a salary to him who undertook the service. On the day after the message was sent to the Legislature an agreement was come to with James Davis, the Public Printer to the Province, and the necessary appropriation made therefor, by which he undertook to convey all public letters, expresses and dispatches, relating to the Province, to any part thereof, and every fifteen days to send a messenger to Suffolk, in Virginia, and to Wilmington, on the Cape Fear, for the term of one year, in consideration of the sum of £100 6s. 8d. proclamation money.

In February, 1756, Messrs. Peyton Randolph and William Byrd on the part of Virginia, and Hugh Waddell on the part of North Carolina, were sent as Commissioners to negotiate treaties of alliance, offensive and defensive, with the Cherokee and Catawba Indians. The Commissioners concluded treaties in due form with both tribes, the outcome of which was that Virginia built and garrisoned a fort (Fort Loudoun) at the junction of the Tellico and Tennessee Rivers, for the defense of the Cherokees, and North Carolina built one for the Catawbans near the

*Dinwiddie Papers, Vol. 2, p. 15.

Catawba River (Old Fort). But it required something stronger than a paper-writing to make Indians friends of the English.

In May, 1756, Mr. Chief-Justice Henley held a conference in Salisbury, at the house of Mr. Peter Arran, with King Hagler of the Catawba Nation, fifteen of his principal warriors and some thirty of his young men, painted and armed after their fashion in time of war. The conference was occasioned by the seizure by the Cherokees of certain horses in Virginia on their return from the Shawnee campaign. It seems the Cherokees were instigated to take the horses by a white woman whom they had carried off, and that the Catawbas had taken the woman from the Cherokees, and wanted to know what disposition to make of her. King Hagler begged that she might not be put to death, as he was "always sorry to lose a woman; that the loss of one woman might be the loss of many lives, because one woman might be the mother of many children." Observing that the audience smiled, he added, "I believe I have spoken nothing but the truth." He begged also that a stop might be put to the sale of strong liquors to the Catawbas by the white people, saying that if the white people would make strong drink they ought to sell it to one another, or drink it in their own families, and thus prevent the Indians from getting drunk and quarreling with the white people.

Later in the year four companies of North Carolina troops, including Captain Dobbs's company, then in Virginia, were sent to New York to assist in the operations to the northward. The reason assigned by Governor Dobbs for the transfer of his son's company was that if it remained in Virginia it would be used on the local defense of that Colony, without making any effort in behalf of the common cause, as they had neither officers nor artillery there fit for any general plan of operations. He feared also that neither Maryland nor Pennsylvania would do more than defend their own frontiers, not seeming very zealous for the common cause of the Colonies. The four companies were under the command of Captains Edward Brice Dobbs, Caleb Grainger, Thomas Arbuthnot and Thomas McManus, Dr. Wm. Furguson, Surgeon. In Arbuthnot's company Wm. Furguson and Henry Johnson were Lieutenants, David Rogers Ensign, and Joshua Johnson Sergeant. John Paine was Lieu-

tenant in McManus's company. At the request of the General Commanding that a Field officer be appointed to command the North Carolina troops, Captain Dobbs was made Major.

There was no lack of commanders of high degree to give direction to the campaign, especially to the northward, that year. Troops, too, it would seem, there were in abundance, but for all that there were no victories. Johnston and Shirley and Abercrombie and Loudoun were all there with more than 10,000 troops, including 3,000 British regulars, besides the garrison at Oswego. Yet Montcalm was allowed to capture Oswego for want of re-inforcements and to construct a fort at Ticonderoga in the front of "forces that could have penetrated to the heart of Canada."

On the 15th March, 1757, the Governors of North Carolina, Virginia, Maryland and Pennsylvania, met in Philadelphia, at the invitation of Earl Loudoun, Commander-in-Chief of the King's Forces in North America, to concert, in conjunction with him, a plan for the defense of the Southern Provinces. This was done in view of the fact that in the coming campaign it was intended to employ the greatest part of the regular troops to the northward, though his Lordship was willing to leave for the defense of the Southern Provinces one battalion, to be completed to 1,000 men, and the three independent companies in South Carolina, of 100 men each. After consultation it was agreed, in view of the danger of an attack on South Carolina by sea from St. Domingo, or from the Alabama Fort, in the Creek Nation of Indians, that 2,000 men were needed for its defense and that of Georgia, and that they should be raised as follows:

Five companies of regular troops	500
Three independent companies	200
Provincial troops from South Carolina.	500
Provincial troops from North Carolina	200
Provincial troops from Virginia	400
Provincial troops from Pennsylvania	200
Total.....	<u>2,000</u>

The troops were to be under the command of Colonel Bouquet, and to be transported to Charleston as soon as possible, the regulars and those

from Pennsylvania and Virginia by sea, and those from North Carolina to march by land; all to be maintained with "the King's provisions" after their arrival in South Carolina.

On his return home Governor Dobbs issued a call for a special session of the Legislature, to enable him to carry out his part of the agreement entered into at Philadelphia. He also at the same time issued a proclamation for a day of Solemn Fasting and Humiliation, with which he was so much pleased that he sent a copy of it to Mr. Secretary Pitt, as he did afterwards (1759) a copy of a hymn of twelve stanzas, of "his composure," to be sung on the day of Thanksgiving in that year, to the 100th Psalm-tune. The old gentleman evidently thought well of his powers of composition in proclamation literature. The hymn was very patriotic and very protestant, and made the British Lion roar very loudly, while the poor "Papal Beast" hid away in great terror, and was in a bad way generally. The hymn, according to the Governor, had the further merit of being "in the line of the prophecies up to date."

The Legislature met on the 16th May following and congratulated the Governor on his safe return from Philadelphia, but failed to reimburse him for the expenses of his trip, an omission that he seems never to have forgotten or forgiven. The Legislature did not fail, however, to make the necessary provision for raising troops to send to South Carolina, voting for that purpose £5,300 to raise two companies of 100 men each, and allowing each enlisted man £5 advanced payment. As usual, there was difficulty about arranging for the payment of the troops when outside of the Province. In this instance the Governor gave orders for the purchase of stores to send to Charleston to sell for that purpose, a hard necessity, as there was a duty on naval stores sent from North Carolina to Charleston. Public advertisement was also ordered to be made for any person willing to contract for remitting £500 sterling to South Carolina for the use of the troops. The officers of these companies were: Captains Caleb Grainger and John Paine, Dr. Hardy, Surgeon, and subalterns Brown, Dixon and Williams.

Orders were also given to send two-thirds of the militia of the four southern counties to South Carolina upon the first notice from Governor Lyttelton or Colonel Bonquet. In July, however, Governor Lyttelton

wrote to Governor Dobbs requesting him not to march his men into South Carolina, as it seemed difficult to provide quarters for even the battalion of the Highland Regiment that came with Colonel Bouquet.

In the spring of 1758 it was determined to undertake the reduction of Fort Duquesne in the next campaign, and the forces relied upon for the purpose consisted mainly of the troops from Pennsylvania, Maryland, Virginia and North Carolina. Three companies of North Carolina troops, under command of Major Hugh Waddell, were accordingly sent to General Forbes for operations on the Ohio. The companies were to consist of one hundred men each, and to encourage and hasten enlistment the Legislature gave £10 bounty to every able-bodied recruit. Two companies were sent by sea to the Potomac River, and the third marched by land from our western frontier to Winchester, Virginia. As the Province had no cash, and the currency was at a great discount, the men could not be paid after they left home, even at 50 per cent. discount, so that Governor Dobbs wrote to General Forbes to pay them and reimburse himself from the North Carolina dividend from the £50,000 granted by Parliament to the Southern Provinces. Captains Paine and Bailey were with Major Waddell. The result of the campaign, causing the French to abandon Fort Duquesne and retreat to the Mississippi, is a matter of general history.

Governor Dobbs reported that Major Waddell "had great honor done him, being employed in all reconnoitering parties, and dressed and acted as an Indian; and his sergeant, Rogers, took the only Indian prisoner, who gave Mr. Forbes certain intelligence of the forces in Fort Duquesne, upon which they resolved to proceed." A fuller statement is that the army had forty miles to march through a perfect wilderness when the winter set in. A regular siege could not be attempted, and the possibility of taking the fort by storm was not ascertained. In that desperate state of his affairs General Forbes offered a reward of five hundred pounds to any person who would take a hostile Indian prisoner. John Rogers, a sergeant in Major Waddell's company, brought in the prisoner, from whom the necessary information was obtained. The light troops made a forced march and the enemy abandoned the fort.*

*Williamson's History of North Carolina, Vol. 2, p. 91.

Rogers's own statement, as set forth in his petition laid before the Assembly on the 7th May, 1760, was that he was sergeant in the company commanded by Major Hugh Waddell in the expedition against Fort Duquesne; that the commanding officer at Loyal Hanning promised a reward of fifty guineas and another officer one of four hundred guineas for taking of an Indian prisoner; that in consequence thereof and to distinguish his zeal for the public service, at the hazard of his life he did take an Indian prisoner in November, 1758, who gave satisfactory intelligence, &c.; that General Forbes being since dead he conceived he could not get the reward, and therefore prayed the Assembly would consider the said service and make him some allowance therefor. The Assembly allowed him twenty pounds, Major Waddell, who was one of the members, being present.

It is a little singular, to say no more, that the above is the only reference made by Williamson in his History of North Carolina to service of North Carolina troops beyond the borders of the Province during this long war, and that Martin in his History makes no mention whatever of such service, save a single reference to Colonel Innes and his regiment, in which, curiously enough, in view of the facts, he says that having marched at the head of his men to Virginia only to find the expedition countermanded for want of provision for its prosecution, "Colonel Innes marched back his men to North Carolina."

On Friday, the 6th February, 1761, intelligence having been received the day before of the death of King George the Second, George the Third was duly proclaimed King at Brunswick "by all the gentlemen near the place, the militia drawn out, and a triple discharge from Fort Johnston of twenty-one guns and from all the ships in the river." On the next day, Saturday the 7th, at Wilmington, His Majesty was again proclaimed by the corporation and gentlemen of the neighborhood under a triple salute of twenty-one guns, an entertainment being given and the militia drawn out. The day wound up with bonfires, illuminations, a ball and snpper, amid universal demonstrations of joy.

On the 10th February, 1763, peace was made between Great Britain and France.

On the 10th October, 1764, Lieutenant-Governor Tryon arrived at Cape Fear, in North Carolina.

On 28th March, 1765, Governor Dobbs died at his place in Brunswick on the Cape Fear.

Had McCulloh never obtained such enormous grants for land in North Carolina Arthur Dobbs, doubtless, would never have been its Governor. Dobbs, however, was one of the "associates" or partners of McCulloh in the venture, and when the spoils were divided out more than two hundred thousand acres of land, some in Duplin, but the greater part in the south-western part of the Province, fell to the share of the future Governor. In view of the interest these "McCulloh lauds," on many accounts, have for the student of North Carolina history, a brief account of them, as shown by the records, will not be inappropriate.

On 19th May, 1737, the Crown granted to Murray Crymble and James Huey, two merchants of London, warrants for 1,200,000 acres of land in North Carolina upon condition that they settled thereon 6,000 Protestants, and paid as Quit Rents four shillings per 100 acres. These parties, however, as they subsequently formally declared, were mere trustees for one Henry McCulloh, another London merchant, and his associates. The Surveyor-General of North Carolina, in 1744, in pursuance of an order in Council, surveyed and located the warrants on the heads of the Pee Dee, Cape Fear and Neuse Rivers, the associates being allowed to take out separate grants, provided no grant should contain less than 12,000 acres. These lands, it seems, were laid out into tracts of 100,000 acres each, as follows:

Tracts numbered 1, 2, 3 and 5, on the waters of the Yadkin and the Catawba.

Tracts numbered 4, 7, 8 and 10, on the Yadkin and Uwharrie.

Tracts numbered 6 and 9, on the Yadkin.

Tract numbered 11, on the Cape Fear and Deep River.

Tract numbered 12, on the Flat, Eno and Tar Rivers.

These tracts were subdivided into smaller parcels containing 12,500 acres each. Tracts Nos. 1 and 3 were assigned to "associate" John Selwyn, and Nos. 2 and 5 were assigned to "associate" Arthur Dobbs, of Castle Dobbs in Ireland, and in 1745 the grants therefor were issued.

On the same day a grant for 72,000 acres, between North East and Black Rivers, was issued to McCulloh by Governor Johnston. The grants for these lands are recorded in Book 19 of the Records of Grants in the office of the Secretary of State. Dr. Wm. Houston, of New Hanover, to whom some of the grants were issued as an "associate," was, in reality, only a trustee for McCulloh. At the same time that the grants were issued the grantees were exempted from the payment of Quit Rents until the 14th March, 1756, and allowed until that date to comply with their contract in the matter of settlement. Meanwhile the war with the Cherokees came on, and in view of the obstacles thereby thrown in his way McCulloh was given until 25th March, 1760, for the performance of his part of the contract. Afterwards the time was still further extended until two years after the conclusion of the war with the Cherokees. Finally, in 1762, a compromise was made with the Crown by which McCulloh and his associates were allowed to retain as much land as the number of settlers they had brought over would entitle them to on the original basis—*i. e.*, 200 acres for each settler. Accordingly Colonel Nathaniel Alexander, of Mecklenburg county, and John Frohock, Esq., of Rowan county, were appointed Commissioners to ascertain the number of white persons, male and female, young and old, who were, without fraud, resident upon each of the grants on 25th March, 1760, and make due return of the same under oath to the Governor and Council. It was further agreed that upon such return being made McCulloh and his associates should formally surrender the unsettled lands to the Crown and be released from the payment of the back rents due thereon. After the arrangement was consummated Henry Eustace McCulloh sought to have the lines of his grants ascertained and the lands subdivided into smaller parcels to suit the wants of new settlers, but he found it almost impossible to do so. South Carolina surveyors were in the territory locating grants issued by that Province, North Carolina surveyors were there locating lands under her grants, and McCulloh's surveyors were also there in his interest. Disorders were frequent and violent collisions, in some of which lives were lost. Many settlers had entered upon the McCulloh lands and were determined to hold them by force, and so at first when the McCulloh surveyors took the field they were met by an

armed force, some of them soundly thrashed, and all of them directed to interfere no further with the settlers and their lands in that part of the Province. These settlers to the number of about 150 families upon Sugar and Reedy Creeks were emboldened to a rare degree by the fact that the territory in question was claimed by both North and South Carolina. The authority of neither government, however, was respected. No officer of justice from either Province dared meddle with the settlers as they all "united together to repel what they called an injury offered any one of them," and even Governor Dobbs himself was personally treated with the greatest indignity.

In 1762 the Sheriff of Anson county, having complained that he had been abused and insulted by the settlers on Sugar and Reedy Creeks in the execution of the duties of his office, was ordered to raise the *posse committatus* and apprehend the guilty parties; but they having notice thereof collected themselves together, and when he attempted to arrest them began to behave in a riotous manner. The Sheriff thereupon, in the King's name, commanded the peace, but not a whit intimidated, "they damned the King and his peace and beat and wounded several of those whom the Sheriff had called to his assistance; return of which having been made to said Court, the persons so beat and abused were summoned on his Majesty's behalf to the Superior Court of that district and indictments found against several of the rioters and proper precepts issued for apprehending them, all of which were returned 'not executed,' by reason of the threats and frequent abuse committed upon the officers of justice and the protection they mett with from the South Carolina government."

The troubles in this section began as far back as the year 1755. In that year Governor Dobbs visited his lands and was applied to by several parties for the same piece of land. The unsuccessful parties then applied to Governor Glenn, of South Carolina, for a grant, alleging that the lands were in that Province, and the South Carolina Governor, it seems, was not loth to extend or confirm his jurisdiction, as the case might be.

The lands thus retained remained in the possession of McCulloh and his son, Henry Eustace McCulloh, and their associates until the Revolution, when they were confiscated, their owners having adhered to and

remained in Great Britain during that struggle. After the war was over Henry Eustace McCulloh wrote a very cringing letter to Mr. Iredell, begging most humbly his influence in securing the return of his property, but it availed nothing. This bit of history will account for the provision in our statute book under the head of Evidence relating to the McCulloh lands.

Among the persons brought over by McCulloh were some of the first settlers of Duplin county.

As has been before stated, the dispute between the two Carolinas about their boundary line had its origin about 1720, when the purpose to erect a third Province in Carolina, with the Savannah River for its northern boundary, began to assume definite shape. But the matter not being of any pressing practical importance the Lords Proprietors sold their rights to the Crown without having fixed the limits of either Colony. After the surrender of the charter, however, it was thought best to put an end to the uncertainty in the premises, and on Thursday, the 8th of January, 1729-'30, the newly-appointed Governors, Colonel Johnson, of South Carolina, and Captain Burrington, of North Carolina, together with other gentlemen belonging to those Provinces, then in London, appeared before the Lords of the Board of Trade and Plantations at Whitehall and made known to the Board that they had agreed upon a division line between the Provinces which they promised to mark upon a map for the information of the Board. Two weeks later the two Governors being again "present as they had been desired in relation to the Boundaries between those Provinces mentioned in the minutes of the 8th inst., their Lordships after some discussion thereupon agreed upon the following divisional line, vizt.: the line to begin at 30 miles southwestward of Cape Fear, and to be run at that parallel distance the whole course of said river," and directed the respective Governors to be instructed accordingly. In June following Governor Johnson informed the Board that he did "apprehend the running the boundary line between North and South Carolina would admit of the following way of expressing to answer the same intent, viz.: That a line should be run (by Commissioners appointed by each Province), beginning at the Sea 30 miles distant from the mouth

of Cape Fear River, on the southwest side thereof, keeping the same distance from the said river as the course thereof runs, to the main source or head thereof, and from thence the said boundary line shall be continued due West as far as the South Sea; but if Waccama River lyes within thirty miles of Cape Fear River, then that river to be the boundary from the sea to the head thereof, and from thence to keep the distance of thirty miles Parallel from Cape Fear River to the head thereof, and from thence a due West course to the South Sea."

This suggestion having been adopted, was made by the Board in December, 1730, a part of the instructions to the two Governors. It was charged, however, in North Carolina that, in making it the South Carolina Governor took advantage of the ignorance of the Board of Trade in the matter of Carolina geography. Whether ignorantly or knowingly given, the instruction was a hard one for North Carolina, and the Governor and Council protested against the injustice of a line which, as the Cape Fear River rose very close to the Virginia border, would have prevented any extension on the part of North Carolina to the westward. Meanwhile both Provinces claimed land on the north side of Waccamaw River.

In 1732, Governor Burrington published a Proclamation in *Timothy's Southern Gazette*, declaring the lands lying on the north side of Waccamaw River to be within the Province of North Carolina. Governor Johnson, of South Carolina, replied in the same paper by proclamation also, that they belonged to South Carolina, and stated that when he and Governor Burrington appeared before the Board of Trade in London to settle the boundary between the two Provinces Governor Burrington laid before their Lordships Colonel Moseley's map describing the Cape Fear and Waccamaw Rivers, and insisted that the Waccamaw should be the boundary from its mouth to its head; that on the part of South Carolina it was insisted that the line should run thirty miles distant from the mouth of Cape Fear River on the south-west side thereof, &c., as set forth in the instructions, and that the Board agreed thereto, unless the mouth of Waccamaw River was within thirty miles of Cape Fear River, in which case both Governor Burrington and himself agreed that Waccamaw River should be the boundary. The omission of the word mouth, in the last part of the instructions, Governor Johnson thought was only a mistake in the wording of it.

In consequence of the disputes and of the representations made to them the Lords of Trade withdrew their instruction and ordered that each Province should appoint Commissioners to agree upon a proper line, subject to the King's approval. Accordingly on the 23d April, 1735, the Commissioners appointed by the respective Colonies met at the house of Eleazer Allen, Esq., in New Hanover precinct, and on the next day agreed "that a due west line should be run from Cape Fear along the sea coast for thirty miles, and from thence proceed northwest to the 35th degree of north latitude, and if the line touched Pee Dee River before reaching the 35th degree, then they were to make an offset at five miles distant from Pee Dee and proceed up the river till they reached that latitude, and from thence they were to proceed due west until they came to Catawba town, but if the town should be to the northward of the line, they were to make an offset around the town so as to leave it in the south government."

A copy of this agreement, duly signed and sealed, was deposited in the Secretary's office in each Province. The Commissioners began to run the line on the 1st May, 1735, and proceeded 30 miles west from Cape Fear, which fell 10 poles of the mouth of Little River, and then went north-west to the country road and set up stakes there for the mearing or boundary of the two Provinces and then separated, agreeing under hand and seal to meet again on the 18th September, and if either party failed in coming the other was to continue the line and it was to be binding upon both. In September the North Carolina Commissioners attended and ran the line north-west about 70 miles. The South Carolina Commissioners arrived in October and followed the line about 40 miles, and finding the work right so far sent a draught of what they had done to the Lords of Trade, and as they had been paid nothing for their trouble or expense, would proceed no further. A deputy surveyor, however, took the latitude of Pee Dee at the 35th parallel and set up a mark which was from that date deemed to be the mearing or boundary at that place.

In 1737 the line was extended in the same direction twenty-two miles to a stake in a meadow supposed to be at the point of intersection with the 35th parallel of north latitude. In 1764 the line was extended

from this stake due west sixty-two miles, intersecting the Charleston road from Salisbury near Waxhaw Creek at a distance of sixty-one miles. In 1772, after making the required offsets so as to leave the Catawba Indians in South Carolina in pursuance of the agreement of 1735, Commissioners appointed by the Governors of the respective Provinces extended the line in a due west course from the confluence of the North and South forks of the Catawba River to Tryon Mountain. This was done in pursuance of instructions from the Board of Trade sent out the year before. The Legislature of North Carolina, however, repudiated not only "the line of 1772," as it was called, but the authority by which it was run, contending that the parallel of thirty-five degrees north latitude having been made the boundary by the agreement of 1735 it could not be changed without their consent, and maintained this position until 1813, when it was agreed that the "line of 1772" should be recognized as a part of the boundary. The reasons that controlled the Commissioners in recommending this course, and the Legislature in agreeing to it, were that the observations of their own Astronomer, President Caldwell of the University, showed there was a palpable error in running the line from the Pee Dee to the Salisbury road, that line not being upon the 35th parallel, but some 12 miles to the south of it; that "the line of 1772" was just about far enough north of the 35th parallel to rectify that error by allowing South Carolina to gain on the west of the Catawba River substantially what she had lost through misapprehension on the east of it, and that it was better to secure the proffered confirmation of the line east of the Catawba by this restitution than to undo everything that had been done and go back to the 35th parallel for the line, though agreed upon in the compromise of 1735 and called for in the Constitution of 1776.

The zigzag shape of the line as it runs from the south-west corner of Union county to the Catawba River is due to the offsets already referred to and which were necessary to throw the reservation of the Catawba Indians, which had been set off to them by metes and bounds, into the Province of South Carolina. There is usually a substantial, sensible, sober reason for any marked variation from the general direction of an important boundary line, plain enough when the facts are known; but

the habit of the country is to attribute such variations to a supposed superior capacity of the commissioners and surveyors "on the other side" for resisting the power of strong drink. Upon this theory, judging from practical results, North Carolina in her boundary surveys, and they have been many, seems to have been unusually fortunate in having men who were either singularly abstemious or very capable in the matter of strong drink, for so far as now appears, in no instance have we been overreached.

Space will not conveniently permit a detailed statement of the condition of affairs in the disputed territory. It is sufficient to say that grants were issued by the South Carolina Governor for lands to the north of the 35th parallel, and by the North Carolina Governor for lands south of it, and that the result from all causes, according to the statement of Governor Dobbs, was the creation of a "kind of sanctuary allowed to criminals and vagabonds by their pretending, as it served their purpose, that they belonged to either Province." But who can help a feeling of sympathy for those reckless free lances to whom constraint from either Province was irksome? After men breathe North Carolina air for a time a very little government will go a long way with them. Certainly the men who publicly "damned the King and his peace" in 1762 were fast ripening for the 20th May, 1775.

Meanwhile the Colony was steadily growing in wealth, productions and population. The population numbered, it may be safely said, near 100,000 at the beginning and near 125,000 at the end of Dobbs's administration, three-fourths, if not four-fifths, of whom were white. To meet the wants of white new-comers, four new counties had been recently created, to-wit: Orange and Cumberland in the centre and Anson and Rowan in the west. So fast had the population in Orange and the western counties grown, that whereas in 1746 scarce 100 fighting men were therein to be found, there were in 1753 full 3,000, in addition to some 1,000 or more Scotch, in Cumberland, equivalent to 20,000 or more people, covering the Province more or less thickly from Hillsboro and Fayetteville westwardly to the mountains. How many of these new-comers were Irish and how many were German may not now be

said with certainty. On the 10th July, 1756, Governor Dobbs wrote to the Earl of Loudoun that there were not "100 families of foreigners [Germans] in the Province," which but ill accords with the statement of President Rowan that in June, 1753, there were in the up country "at least 3,000 fighting men, for the most part Irish Protestants and Germans, and dayley increasing." The weight of testimony seems to show, however, that the Scotch-Irish were the pioneers, and for some years constituted the bulk of the earlier settlers of the up country.

And just here it may be pertinent to remark that when it is remembered that Governor Johnston came from the south-west part of Scotland, and that President Rowan and Governor Dobbs came from the north-east of Ireland, and when the intimate connection between these localities is considered, it is easy to understand how that wonderful migration of Scotch-Irish, that did so much for the settlement of North Carolina, had its origin. Through these three men, Johnston from Dumfriesshire, and Rowan and Dobbs from Antrim, these three successive Governors of the Province, their relatives, friends, connections and acquaintances in the north of Ireland and the south of Scotland, North Carolina was, perhaps, better known there than in any other part of the old world.* It could not well have been otherwise, seeing that for thirty years the Chief Executives of the Province were native there and in many ways well known. Doubtless, as Governor Dobbs insisted, but for the restrictions put upon the Southern Provinces by the Navigation Acts of Great Britain, by which direct trade was rendered practically impossible, that migration would have come by shipping from Ireland directly to our own shores rather than to those of Pennsylvania and from thence to find its way hither in wagons overland.

In all of this territory the black population, young and old, male and female, did not reach five hundred. In the other or older settled parts

*Colonel Innes, too, must be taken into this count. According to Burke, the family of Innes is of great antiquity in Scotland and derives its surname from the lands of Innes, a word supposed to be derived from Gaelic *Inch*, part of that barony being an island formed by the two branches of a stream running through the estate. It is notable, too, for its rank, Barons, Earls and even Dukes being among its members. Of this family it was said that "in all the long course of their succession their inheritance never went to a woman: that none of them ever married an ill wife, and that no friends ever suffered for their debts."

of the Province, that is to say, to the eastward of Hillsboro and Fayetteville, the black population was much more numerous, but even there constituted only about one-fourth of the whole.

The returns also showed that there were in North Carolina, which then extended to the Mississippi, the following named Indian tribes:

In Anson county, which embraced all the western part of the Province to the Mississippi River, 240 Catawba and 2,390 Cherokee warriors; in Bertie county, 100 Tuskerora warriors and 201 women and children; in Granville county, 7 or 8 Meherrin warriors, and on the Islands or "the Banks," some 15 or 20 Mattamuskeet and other Indians.

The military strength of the Province in 1754 was about 15,000 infantry, 400 mounted men, 1,000 exempt from muster, as Justices, Lawyers, Millers, Ferrymen, &c., and about 1,500 on the frontiers not enrolled. There were 22 counties, in each of which President Rowan had formed a regiment of infantry, the militia having fallen much to decay during the administration of Governor Johnston.

The chief productions of the Province during Dobbs's administration were naval stores of all kinds, lumber of all kinds, pork, beef, hides, deerskins and furs, bees and myrtle wax, rice, Indian corn, cotton and indigo. The cultivation of the last named article was gone into with great spirit at first, it being believed that "it could be grown here equal to any in America," in fact that it thrived here "to admiration." Later on, however, it was found that indigo did not answer so well for a money crop, as it suffered so much from drought and other accidents that no dependence could be put upon any but the first cutting. The exportation of beef, too, from the Province was very much lessened by the great loss of cattle occasioned by a distemper brought from South Carolina, by which near seven-eighths of the cattle were destroyed, so that as late as 1764 the Province was only just beginning to recover from the loss thereby inflicted. The price of beef was raised to 4d. per pound, and the price of salt butter from 12d. to near two shillings per pound. Mulberry trees, it was said, became full grown in three or four years from the seed, and the climate being regarded as "extremely proper for silk," the future of the silk business was looked forward to, as usual, with extravagant hopefulness. The native grapes of the upper country were said to yield rich

wines, and needed only "proper vine dressers to improve them." Hemp and flax grew surprisingly, and flaxseed were exported hence to Ireland, *via* Pennsylvania, that exceeded in quality the best Pennsylvania and New York seed. Tobacco, too, and of a better kind, grew more abundantly than in Virginia, but as the market was already overstocked, and its production here would prejudice the trade of Virginia, the government did not encourage it, so that only some two thousand hogsheads were grown by "planters on the Virginia Line and Roanock and Chowan." But in spite of the lack of encouragement from the government the cultivation of tobacco increased so much that in 1756 warehouses were established for its inspection before being exported from the Province by sea at Relfs in Pasquotank, the Court House in Perquimans, at Edentou and Bennet's Creek in Chowan, Jackson's Ferry on the Chowan and Whitmell's on the Cashie in Bertie, Pitch Landing in Northampton, at Elbeck's Landing on Roanoke, William Williams's, Kehukee and Howell's Ferry on Tar River in Edgecombe, at Red Banks in Beaufort county and at Bath Town. Others were established later, as follows: in 1758, one on the lands of Thomas Barnes on Roanoke River in Halifax; in 1759, three in the county of Dobbs, and in 1760, two in Cumberland. The cultivation of wheat, too, increased so that in 1764, bolting mills having been erected on the Cape Fear, several hundred barrels of flour were exported to the East Indies, a great change, remembering that hitherto all the flour had been brought from New England. A premium upon the exportation of hemp and flax having been given by the Legislature, these articles were no longer carried to South Carolina for exportation, but sent out directly from the Cape Fear.

The only articles manufactured in the Province were "a few ill-made coarse hats," linen that Irish back settlers were beginning to make, and the common "homespun" cloth that formed the ordinary wear of the country. The exports of naval stores had also increased in 1764 to 36,647 barrels per annum, and above forty saw-mills having been put upon the Cape Fear and its branches, more than 30,000,000 feet of scantling and lumber were exported.

The Province had no trade with any foreign plantation except Eustatia and St. Croix, and with no foreign countries in Europe except with

the Madeiras and Azores, and with the Canaries, for wine. Its trade was carried on by inland carriage from Virginia and South Carolina, and by shipping through its different ports. Owing to the death and removal of officers Governor Dobbs could not get exact returns, but he considered the following estimate to be very nearly accurate: number of shipping, 296 (mostly small); tonnage, 11,862, and seafaring men, about 1,500. The proportion of the several ports was as follows:

PORTS.	SHIPS.	TONS.
Brunswick	90.....	4,830
Beanfort	73.....	2,740
Bath	30.....	1,163
Roanoke	97.....	3,052
Currituck	6.....	77
	296	11,862

The tonnage as above estimated was supposed to be about one-third short of the real burden of the vessels, being taken from the registers wherein it was usual not to insert above two-thirds of the true tonnage. Not above 50 of these vessels were owned in the Province, nor had there been any increase or diminution in the shipping for some time, though there would have been an increase to supply the new inhabitants had it not been for the war and the increased inland traffic with Virginia.

The British manufactures imported into the Province amounted to some £28,500 per annum, about one-half coming directly from Great Britain, the rest coastways from Boston, New York, Philadelphia, &c. These manufactures consisted of linens and woolens and all kinds of clothing, hardware, nails, earthenware, pewter and tin manufactures, powder and lead, stationery and haberdashery wares. From the number of factors from Virginia scattered through the Province it was estimated that the British manufactures brought inland from that Colony greatly exceeded the import into any of our sea-ports. The quantity from South Carolina was much smaller. These manufactures were of the same kind as those directly imported from Great Britain, but often such as had become unsaleable at the place of their import.

Illicit trade directly with foreigners was but little known in the Province during Governor Dobbs's administration, though foreign commodities were doubtless brought here by small sloops and schooners from the Northern Colonies with regular clearances from the Collectors there, by which the cargoes appeared to be British commodities legally imported there. The chief part of the illicit trade in South Carolina was carried on with St. Augustine and Havana. During the administration of Governor Dobbs, indeed, there were but three seizures, although during a great part of the time there were two sloops of war, the *Hornet* and the *Viper*, cruising off the coast in the revenue service, and in the case of one of these seizures there was manifestly no purpose to violate the law. In the importation of wine and spirits, however, upon which the Province laid an import duty, the Governor thought there was fraud, by "running and short entries," which, under the circumstances, it seemed impossible to prevent.

From a statement submitted to the Assembly on the 24th November, 1764, by Mr. Treasurer Starkey, setting forth in detail the amount, kind and value of the paper money of the Province then current, it appears:

That in April, 1748, the sum of £21,350 and in March, 1754, the sum of £40,000 were issued to be current and lawful tender in all payments at the rate of proclamation standard, that is, every 4s. proclamation bills to be of the value of 3s. sterling, for redeeming and sinking which an annual poll tax of 1s. per poll was laid on each taxable and a duty of 4d. per gallon on all spirituous liquors imported into the Province, to continue until the said bills should be paid in and burnt; that in the year 1760 were issued £12,000 at same rate, to be redeemed by a poll tax of 1s. per poll, to begin in the year 1763 and continue until the said sum should be paid; that in 1761 were issued £20,000 in legal tender bills, at the rate above mentioned, to be redeemed by an additional poll tax of 2s. per poll, to begin in 1764 and to continue till the said £20,000 be paid in and burnt; and that there had been paid in and burnt of the above £25,286 12s., leaving then in circulation of the above issues £68,063 8s.

That in the year 1756, for the encouragement of the late war, there were issued treasury notes bearing interest at 6 per cent. from their respective dates to 10th November, 1757, at the abovementioned rate, to the amount of £3,600 principal money, for redemption whereof a poll tax of 2s. was laid for the year 1756, and an additional duty of 2d. per gallon on all spirits imported for one year; that in 1757 a further sum of these notes, amounting to £5,306 principal money, on same terms as above, to bear interest till 29th September, 1758, for redemption of which a poll tax of 4s. 6d. was laid for 1757, and a tax on law-suits for two years; that in the same year was issued a further sum of £9,500 in interest notes, redeemable 10th December, 1758, by a poll tax of 6s. 6d. levied for the year 1758; that in the year 1758 a further sum of £7,000 was issued in interest notes, redeemable 12th December, 1759, by a poll tax of 4s. 6d. laid for the year 1759, and a duty of 2d. per gallon on all spirits imported for the term of four years; that in the same year a further sum of £4,000 was issued in interest notes, redeemable on the 10th June, 1761, by a poll tax of 3s. 1d. levied for 1760, amounting in all to £30,776, including interest; that on the above there had been paid in and burnt £23,807 3s. 10d., leaving a balance, including interest thereon, of £6,968 16s. 2d. in interest notes still in circulation. From all of which it appears that since April, 1748, to 24th November, 1764, there had been issued:

Bills of credit at proclamation standard	£ 93,350
Interest notes.	30,776
	<hr/>
Total	£124,126
Amount of the above paid in and burnt....	49,093 15 10
	<hr/>
Leaving still in circulation.	£ 75,032 4 2

For the sinking of the above a poll tax of 4s. and a duty of 4d. per gallon on spirits were laid to continue until the whole should be paid in and burnt. As there were about 35,000 taxables in the Province the annual revenue from this source would have been about £7,000, had collections been closely made, and according to the estimate of Governor Dobbs a 4d. duty on spirits ought to have been worth over £1,000 a year. As a matter of fact, however, tax collections were negligently made by the

Sheriffs and even more negligently returned to the Treasurers, and the duties on spirits were evaded by shippers.

And thus another embarrassing legacy was left for succeeding administrations to dispose of. What was the outcome of it all remains to be seen. For the present it is sufficient to say that in view of the important part the public debt played in the politics of the Province the above official statement, showing its amount and the history of its creation in detail, is as opportune as it is interesting.

It must not be supposed, however, there were no hindrances to the growth of the Province save internal strife and disordered finances. Other obstacles quite as serious grew out of the restrictions upon the trade of the Colonies imposed by the "Navigation Acts" of Great Britain, as they were called. For example, the prohibition upon the importation of salt from all parts of Europe, except Britain, to North Carolina and the other Southern Provinces was a serious drawback upon our trade. It mattered not, then, that the salt brought from Great Britain was not adapted to the curing of pork and beef in our climate, and that "Portugal salt" was found by the producer to be "the only proper salt" for the purpose, it could not be imported directly into the Province, but had to be brought "at great disadvantage from New York and Pennsylvania at double freight and a further advanced price to the Northern importers." Had there been no such iniquitous restriction upon our importations, trade would have opened up directly to Portugal and Spain for salt and wine, in return for our lumber, naval stores, corn and other products, that those countries were obliged to buy somewhere. Like restrictions prevented what otherwise would have been profitable trade with other countries. A special grievance growing out of the restrictions upon the trade with Ireland was that immigrants seeking this Province were obliged to go first to Pennsylvania and from thence to Carolina by land, in wagons, at such great expense that when they reached here they were for some time incapable of improving the lands they took up. So, too, as a result, in part, of a want of proper salt to cure meat, the chief part of the live stock in the northern and western part of the Province was driven by land to Philadelphia, and the hogs to Virginia.

Other impediments to the growth of the Province during Governor Dobbs's administration came from the Indian wars of that period, to understand which readily it will be well to keep in mind:

1st. That the Shawnee Indians lived on the waters of the Upper Ohio, abreast of the frontiers of Pennsylvania and Virginia.

2d. That the Cherokees lived over the Blue Ridge, extending from the Keowee Valley in South Carolina across North Carolina toward the Virginia line; that the "lower towns," as they were called, were in the Keowee Valley, the "middle towns" on the upper waters of the Little Tennessee River, and the "upper towns" still further to the north, and that being thus situated the Cherokee country was more accessible from South Carolina than from any other Province.

3d. That the Catawbias lived in both of the Carolinas, extending from Catawba River to the Blue Ridge; that owing to frightful ravages of the small-pox in 1760 the tribe, at no recent date very large, was so greatly reduced in numbers as to be insignificant either as friends or as enemies.

The following recapitulation will give some idea of the Indian troubles:

In June, 1753, three French and five Northward Indians met and fought thirteen Catawba Indians within less than two miles of Salisbury and during the session of the Court. Two of the French and three of the Northern Indians were killed.

In June, 1754, Colonel Clark informed President Rowan that on the morning of the 16th of that month the Indians killed sixteen persons on Buffalo Creek, on the north side of Broad River, and that ten others were missing, supposed to be killed or carried away as captives, and that he thought it was their purpose to cut off the back settlements, and said that unless help was given all the people would be obliged to move away, as some had already done. As their weapons had no cross upon them they were not believed to be French Indians.

In 1755, early in the year, a company was stationed on the frontier, and later in the year a fort called Fort Dobbs was built on Fourth Creek, between Salisbury and Statesville, and not very far from the point where the Western North Carolina Railroad crosses it. This place was fixed upon as the most central for a retreat for the back settlers, being beyond

the well-settled country yet not out of reach. This fort was built by Captain Hugh Waddell, and was for some time under his command.

In February, 1756, an expedition under Major Andrew Lewis, consisting of some one hundred or more Cherokee Indians and some two hundred or more Virginia Rangers, was sent against the Shawnee Indians because, as Governor Dinwiddie said in his instructions to Major Lewis, the Shawnees had, contrary to their faith, in a most violent and barbarous manner, robbed and murdered many persons in the frontier settlements, for which reason he had determined to attack them in their towns and punish them.

The expedition, however, proved unsuccessful, after a six weeks' campaign in the woods. The streams they had to cross were so much swollen from the rains and the snows that they lost their provisions and ammunition in crossing them, and the expedition was obliged to return in a starving condition, being compelled to kill their horses for food. On the return of the Cherokees through Virginia from the Shawnee campaign certain horses running at large in the range were taken by them to speed them on their journey homeward. For this the Virginia owners of the horses rose in arms, attacked the Indians and killed some sixteen of their number.

In 1756 Commissioners were appointed to visit the frontiers and recommend to the Governor a place for the location of the new fort, and report upon the condition of Fort Dobbs, Richard Caswell being one of the Commissioners. On the 21st December, 1756, they reported that they had viewed the western settlements and found them in a defenseless condition, except near Fort Dobbs, which was a good and substantial building of oak logs 53 x 40, and 24½ feet high, containing three floors, from which 100 muskets might be discharged at one time. They also found, under command of Captain Waddell, 46 effective men, officers and soldiers appearing well and in good spirits. The new fort, which they recommended to be located near the Catawba River, was to be a stockaded fort and not put up at any great expense, as it was expected the settlements would continue reaching out to the westward. The site of the fort is now known as "Old Fort," being the station of that name on the Western North Carolina Railroad, at the foot and to the eastward.

of the famous "Mountain Section" of that road. It seems, however, that although this fort was intended mainly for the defense of the Catawbas and to fix them in the English interest, they became very much displeased and regarded what had been done as an encroachment on their possessions, instead of being grateful for the money expended for their protection. It is easy to see the fine hand of the French in this.

In July, 1756, petitions were sent to the Governor from the settlers on Broad and South Catawba Rivers, setting forth that several robberies and other abuses had been committed by parties of strolling Indians who would not discover to what nation they belonged, but were believed to be Cherokees, headed by some French Indians and perhaps two or three Northern Indians that the French brought with them. These gained some of the strolling Cherokees to commit robberies, hoping thereby to provoke the settlers to some action that would serve as a pretext to fall upon and murder them, and so bring on a general war.

At the October session in 1756 an address was sent by the Legislature to the King, representing the defenseless condition of the Province and the danger to which the frontier inhabitants were exposed from both the French and their Indian allies; that the latter had already committed several acts of hostility, and from their threats were expected to commit others; that the Cherokees, a numerous and warlike nation, that had formerly given the strongest assurances of good-will, were now, since the fall of Oswego, committing such outrages on our frontiers as to leave no doubt of their alliance with the French, and that in case of war with them Fort Dobbs and the company stationed in its garrison, even though assisted by the militia in the neighborhood, would be able to make but little defense. They declared also that as all the back settlers were preparing to retire from the frontier into the inner settlements they were unwilling to part with any more men out of the Province.

In the same year, and in the year following, a great number of people, on account of the war with the Shawnee and Delaware Indians, sought and found refuge with the Moravians, who enclosed their town, Bethabara, and the adjacent mill, near which some of the fugitives had built houses, with palisades.

In 1757, Governor Dobbs reported that the Catawbas insulted our planters and had the impudence, during a sitting of the Supreme Court in Salisbury, in Rowan county, to insult the Chief-Justice. This was upon their return home, after doing little or nothing in Virginia in one of the campaigns there. Having robbed a wagon and tied up a wagoner with his own chain, they were followed and the goods retaken, whereupon they returned, loaded their guns and insulted the Court.

In May, 1758, a petition was presented to the Legislature from the inhabitants of Rowan county, setting forth that the murders lately committed on the Dan River had occasioned the inhabitants of the forks of the Yadkin to leave their settlements, and praying the continuance of Captain Bayley (who was the successor of Captain Waddell) and his company, or some others in their room.

On the 10th May, 1759, Governor Dobbs informed the Assembly that he had received an express from the western frontiers stating that several murders had been committed by Indians supposed to be Cherokees, and desired the advice of the Assembly as to the best and quickest way to protect the inhabitants; he also asked that provision be made for paying workmen for putting in order such arms as could be gotten. The Assembly being of opinion that the militia law fully authorized the Governor to march the militia against the enemy in case they invaded or distressed the inhabitants of the Province, with proper pay for both officers and men when so employed, advised him first to order out the militia of the country where the murders were committed, and the parts adjacent thereto, and made provision for the payment of workmen to put the arms in proper condition for service. Shortly after this Major Waddell was given two companies of provincials to protect the frontier inhabitants and a commission as Colonel, with authority to order out and command the militia regiments of Anson, Rowan and Orange, if the Indian incursions should continue.

In the fall of 1759, Governor Lyttelton, hurried on, it is said, "by zeal to display authority, and eager to gain the glory of conducting an unusual expedition against the Cherokees," determined to conduct in person an expedition against them, and appealed to Georgia, North Carolina and Virginia for help. By the consent of the Council Governor Dobbs

sent an express to Colonel Waddell to order out the Anson, Rowan and Orange regiments to co-operate with the forces under Governor Lyttelton. Orders were also sent to the Colonels of militia at Edenton and New-Bern to assemble their regiments and report how many men were ready and fit for service, and to be prepared, in case of a draft, to send detachments at once to the frontiers. The provincials and five hundred of the militia, who had been drafted for that purpose, were finally ordered to South Carolina under Colonel Waddell. The great body of the militia, however, refused to march beyond the borders of the Province, so that the North Carolina contingent was greatly reduced in numbers. With the forces at his command, however, Colonel Waddell pursued his march until ordered back by Governor Lyttelton.

Meanwhile, on the 17th of October, a deputation of Chiefs from the Cherokee Indians had appeared in Charleston and pleaded for peace. Governor Lyttelton, however, intent upon his expedition, told them to return with him and that "not a hair of their heads should be hurt." Taking up the march, Governor Lyttelton and his forces reached Fort Prince George in December, where the Indian Chiefs who, in violation of all laws, had been arrested on the way were imprisoned in a small hut. On the 26th of the month a treaty was made, one of the provisions of which was that the Chiefs were to be confined in the forts as hostages as a guarantee for its execution. Governor Lyttelton and his forces then returned home. The result was what might have been expected.

In January, 1760, the Captain and two other officers of Fort Prince George, where the hostages were held in custody, were beguiled from the fort by the Indians and assassinated, and thereupon, the hostages having been put to death, a general massacre of the whites outside of the fort began. In April, General Amherst sent six hundred Highlanders and six hundred royal Americans, under Colonel Montgomery and Major Grant from the Army at the Northward, to strike a sudden blow at the Cherokees and return. With these forces, two hundred and ninety-five South Carolina Rangers, forty picked men of the new "levies" and "a good number of guides," amounting in all to about 1,650 men, Colonel Montgomery moved from Ninety Six, in South Carolina, on the 28th of May. That there were no troops from North Carolina in the expedition

was due, doubtless, to the refusal of Governor Dobbs to approve the bill making provision for raising troops in time for it, an account of which will be seen elsewhere. On the 1st of June he crossed Twelve-Mile River, where the tents were left and the work of destruction began in earnest. Every village in the Valley of Keowee was first plundered and then burned. Resting at Fort Prince George, the upper and middle Cherokee towns were summoned to make peace on penalty of suffering like treatment. On the 24th June, no response having been made to his summons, Colonel Montgomery began his march for the middle and upper towns. On the 27th, not far from the present town of Franklin, he was forced to fight a battle, the result of which was so undecided that he marched back to Fort Prince George, and from thence returned to the army under General Amherst.

Meanwhile, in June, 1760, and pending the campaign against the Cherokees, Governor Bull having reported to Governor Dobbs that the Creek Indians, at the instigation of the French, had murdered many of the South Carolina traders, and that a general Indian outbreak was immediately expected, he hastily called the Legislature together and asked for an appropriation in order that, by following up the blow given by Colonel Montgomery to the Cherokees, a general Indian war might be prevented. The exigency of the case seemed so great that the Assembly, though a full quorum was not present, after a resolve that it should not be thereafter drawn into precedent, passed an act making the desired appropriation. In his letter asking for help Governor Bull expressed the fear that it would be too late to save Fort Loudonn, and so it proved. The retreat of Colonel Montgomery sealed the fate of the garrison of that unhappy place, which, after being reduced to the most desperate straits, found itself obliged to starve or surrender to the Cherokees. By the terms of the surrender the troops were permitted to return to Virginia or Fort Prince George. But at the break of day the first morning after beginning their march homeward the Indians surrounded their camp and poured in a deadly fire upon them, killing Captain Demere, three of his officers and twenty-six men. The rest fled to the woods, but were soon overtaken and carried captives to the various Indian towns.

The fall of Fort Loudoun and the withdrawal of Colonel Montgomery and his regulars left the frontiers at the mercy of the Cherokees, who then had near 3,000 warriors, so that the appropriation, just above mentioned, came none too soon. With it four additional companies, 300 men in all, were raised to serve for six months on the frontiers, and authority given to the Governor to send them beyond the limits of the Province. It was not thought, however, that this authority would be exercised, the expectation being that the frontier troops would have their hands full looking after matters within our own borders.

To accommodate a number of fugitives who had asked permission to stay with the Moravians and settle on their lands another town, called Bethany, three miles from Bethabara, was laid out into 30 lots, 15 of which were assigned to the fugitives. By the next year, 1760, the incursions of the Cherokees and their devastations and cruelties had progressed so far as to put the Moravian settlement under the necessity of being day and night continually upon its guard. Hostile Indians came often very near their towns with intent to destroy them and to kill the inhabitants or make them prisoners, but never ventured to make an attack; sometimes they were frightened by the ringing of the bell for the meeting at the church, which meetings, both in Bethany and Bethabara, were held on Sundays and every evening in the week. Many soldiers marching against the Indians attended divine services in both places. In Bethany about 400 were present at the services on Easter Sunday.

On the evening of the 27th February, 1760, Colonel Waddell and his command in Fort Dobbs, on Fourth Creek, were attacked by a body of Indians, who assaulted in two parties. The Indians, however, were repulsed with a loss of some ten or twelve killed and wounded. The garrison lost two men wounded, one of whom was scalped, and one boy killed. Another attack was expected the next night, as night was the favorite time with Indians for attacking fortified places, but, as Colonel Waddell said, they did not like their reception.

With the year 1761 came the determination to strike the Cherokees a blow that should make them forever powerless to hurt the English, and a campaign was planned that required in its execution regulars as well as provincial troops from Virginia and both the Carolinas. The North

Carolina contingent, under Colonel Waddell, joined the Virginia contingent and marched into the Cherokee country by way of the upper towns, while Colonel Grant, with the regulars and the South Carolina contingent, marched in by way of the lower towns on the route taken by Colonel Montgomery the year before. On the 10th June he reached the spot at which Colonel Montgomery had fought the year before, and finding the Indians in heavy force in his front a battle ensued in which they were finally defeated. After remaining thirty days in the middle settlements, reducing the towns to ashes, destroying the provisions and laying waste the corn fields, Colonel Grant marched back to Fort Prince George. The blow was such a heavy one that the Cherokees were forced to sue for peace, and so at last the murderous war came to an end.

The effect of all these troubles was so serious that in 1761 Governor Dobbs wrote that for seven years prior thereto there was a total stop put to immigration to the Province, first by the Indian war to the northward, and later by the Cherokee war at home. Before that time great numbers came in from the Jerseys and Pennsylvania. Not only did the war stop new settlers from coming here; old settlers were driven away as well, and some of them, indeed, killed. In 1762 he wrote that the planters, all of them having been forced off their lands by the Indians in the Cherokee war, were just returning to them, so that McCulloh and his associates had not received one farthing from the settlers who upon account of the confusion of the times, could not improve or till their lands, being always under arms to prevent being scalped and keep their horses and cattle from being driven off or destroyed. He submitted, therefore, to the Board of Trade whether it would not be better to give McCulloh and his associates further indulgence, until the planters were again settled on their farms, for if they should be pushed all the lands except the choice parts would be abandoned.

And in this connection it must be remembered that these lands lay in great part between the Yadkin and Catawba Rivers.

Another hindrance to the prosperity of the Province was the existence of "Granville's District," as it was called.

It will be remembered that the Earl Granville, while uniting with the other Lords Proprietors in surrendering to the Crown the sovereignty of the Province of Carolina, reserved to himself all rights, as owner of the soil, in his share of the grant. This share, one-eighth of Carolina, was by deed set off to him by metes and bounds, in 1744, wholly in that part of the Province known as North Carolina, and stretched from the Virginia line on the north to the parallel of 35° 34' north latitude on the south, a line running near or through the old town of Bath, the present towns of Snow Hill and Princeton, along the southern borders of the counties of Chatham, Randolph, Davidson and Rowan, a little below the southern border of Catawba county, but not so low down as Lincolnton, and so on west to the Mississippi. It was scant justice to North Carolina to set off the whole of Granville's share to him in her territory. Common fairness, it would seem, would have dictated that a part of his share ought to have been set off to him in South Carolina, that the two Provinces, the outcome of old Carolina, might share alike in the benefits or burdens of such an immense private proprietorship.

It was not long before it was determined whether that great proprietary was to be a blessing or a burden. The district contained above 26,000 of the 52,000 square miles in the State as it now stands. The result was that the quit rents from one-half of the Province, instead of going into the public, that is to say, the King's treasury, to make up a fund for the payment of the current expenses of the Province, went into the private pocket of Earl Granville, and as Granville's district embraced the older and more thickly settled parts of the Province, this was a serious loss, as it forced the rapacity of the government officials to satisfy itself by bleeding the people instead of the King. In South Carolina all the quit rents belonged to the King. The importance of this difference will be appreciated when it is remembered that the people held their lands, not in fee-simple as now, but as tenants, at an annual rent. In time, too, jealousies grew up between Granville's district and the King's domain, though it may be doubted whether these did not have their origin in the conflict seemingly inevitable between newer and older settlements on the Atlantic slope under the same government. But a greater trouble still, perhaps, was Earl Granville's persistent neglect of

his great North Carolina possessions. For years there was no office open in the Province for the sale of his lands, thereby delaying the settlement of the Province, and when he did have agents here their extortions, exactions and oppressions were almost unendurable, causing the people to rise up more than once against them. So far did these things go that in less than ten years from the time any great part of it had been measured off to him the district was formally presented as a public nuisance. The Committee on Propositions and Grievances formally reported to the Assembly on the 9th of January, 1755, "that Lord Granville's agent, by himself and his subordinates inducing several persons to make entries for the same piece of land, receiving a fee from each, and refusing to refund the same; declaring the grants made by Edward Moseley and Robert Halton, Esqrs., his Lordship's former agents, void; receiving entries for the same lands, granting them anew and exacting fees for so doing; remitting the quit rents due to his Lordship on those lands to such as will accept new grants on them, and his exacting exorbitant fees on all grants for his Lordship's lands, are great grievances, detrimental to his Lordship's interest, and do greatly retard the settlement of that part of the government of which his Lordship is proprietor."

So far as appears, however, this report was never acted upon; indeed, as Earl Granville was entirely beyond the jurisdiction of the Legislature, it is difficult to see what redress that body could have afforded, no matter how great might have been its anxiety to give relief in the premises.

Matters continued to go from bad to worse and in 1758 became so intolerable that application was made by the people to the Attorney-General to know how to be relieved. He advised them to petition either the Earl of Granville or the Legislature to take their grievances into consideration. On 25th November, 1758, as the Journals show, certain "inhabitants and freeholders" of Granville's district, through Mr. William Williams, Representative from the county of Edgecombe, presented their petition to the Assembly, and a special committee was appointed to inquire into the matter of the "misconduct of Francis Corbin and Joshua Bodley, agents of Earl Granville," with power to send for persons and papers. After examining the witnesses produced, both by the people and the agents aforesaid, due notice of the time and place having been given, and

counsel being present, the committee submitted a formal report to the Assembly, setting forth in detail the facts of various instances of wrongdoing of Granville's agents and their subordinates, showing a state of affairs truly deplorable and justifying in full the report made by the Committee on Propositions and Grievances in 1755. No action, however, was taken by the Legislature, and the only good result seemed to be that Corbin produced his table of fees for public inspection, which he had not hitherto done. For this, or some other reason, the clamor against Corbin became somewhat less, while that against his subordinates rose to fever-heat. During this time Haywood, one of the subordinates, returned home, died suddenly and was there buried. The people, thinking the report of his death was untrue, and put out to prevent his prosecution, went to his grave in a body and opened it, but finding his remains really there, went home without further disturbance.

On 24th January, 1759, after the Legislature had adjourned, and no redress having been had either for the past or the future, either from Corbin or his subordinates, a number of people, variously estimated, went from Edgecombe to Corbin's house, near Edenton, seized Corbin, and took him in the night to Enfield, where he had an office, and there obliged him to give security, or "an unusual bond," as it was termed, to return at the following Spring Court and disgorge all the fees unjustly taken from the people; whereupon, they allowed him to return home with the other agent, Mr. Bodley, whom they also had in custody.

On 14th May, 1759, Robert Jones, the Attorney-General, who in the meanwhile had lost favor with the rioters and was no longer either in their councils or in sympathy with them, made oath before the Governor and Council and in addition to the facts above stated deposed that he had "heard it was intended by a great number of rioters to petition the court at Granville to silence him, the deponent, and that if no such order was made, to pull the deponent by the nose and also to abuse the court," and said, unless a proclamation was issued, and a reward given to discover the rioters, there would be no safety in the counties in which they lived. The Assembly went so far as to represent to the Governor in a formal address on the 15th May, 1759:

“That sundry persons inhabiting in that part of the government within Lord Granville’s Proprietary have combined together in traitorous conspiracies and committed several riots and routs, and particularly that a number of the said inhabitants about the 24th January last did enter the house of the Honorable Francis Corbin, Esq., one of the members of his Majesty’s Honorable Council, in the night season, and with force carried him about 70 or 80 miles from his home and held him in *duress* until he, by giving them a bond of a most unusual nature, procured his releasement.

“That no measures have hitherto been taken or used to suppress the said disorders or apprehend or punish the authors thereof, and as this Assembly are truly sensible that suffering such outrages and violations of the laws to pass with impunity must tend to subvert all rule, order and government, they request your Excellency would be pleased immediately to issue a proclamation, thereby requiring the Chief-Justice and other Justices of the Supreme Courts, Justices of the County Courts and others entrusted with the executive power of the law, as also all the Sheriffs, Constables and Ministers of Justice, to exert themselves in their respective stations in apprehending and bringing to justice the said offenders agreeable to law and their demerit. And that all and every one of the said offenders who enjoy any commission under His Majesty, either civil or military, may be displaced and declared incapable thereof.

“And that the said offenders may not escape being discovered and punished, we beg leave to recommend it to your Excellency to offer a free and gracious pardon to any two of the said offenders who shall first make a full discovery on oath to the Chief-Justice or any other Justice or the Attorney-General, of the principal persons who have been concerned in perpetrating, advising or committing the said crimes; and also a reward of twenty-five pounds to each person making such discovery, to be paid out of the public Treasury upon conviction of the offenders or any of them.

“And that the endeavors to apprehend and bring the authors of the said crimes to condign punishment may be rendered effectual, this Assembly would further humbly request, that in case it shall be anyways needful the officers of the respective regiments of militia within this Province,

upon notice, may be enjoined to raise the troops within their respective counties or such of them as will be sufficient to assist the civil powers, cause obedience to the laws and preserve peace and good order."

A proclamation was accordingly issued, and certain persons having been arrested were committed to jail, but the jail was straightway broken open and the prisoners set at liberty. Corbin began to take steps to prosecute the rioters, but being advised that if the matter came to a trial he would be the sufferer, as he had done things he could not justify, and that the fault would be laid to the charge of his office, he let the matter drop. The counties in which the rioters lived covered the territory constituting the present counties of Granville, Vance, Warren, Halifax, Edgecombe, Wilson, Nash and Franklin.

A curious circumstance connected with these riots was that the Governor was said to be the friend of the rioters while the Assembly was their avowed enemy. The Assembly was continually flinging into the teeth of the Governor his failure to put down the "mobs, riots and insurrections that prevailed," and he as persistently claimed, first, that they sought to make mountains out of mole-hills; and second, that it was as much the duty of other officials, including the Attorney-General, as his own, to take action in the premises, and that they had done nothing, though nearer the scene of action.

It will be remembered that for several years the conduct of Corbin and Granville's other agents had been formally denounced by the Assembly as a great grievance and hindrance to the settlement of the Province; that in pursuance of the advice of the Attorney-General "the rioters" again carried their grievances against Corbin and his associates to the Assembly in November, 1758; that on the 22d of December following a special committee, appointed for the purpose, reported that after due examination they had found the material facts to be as alleged by the "rioters," and that this report was formally agreed to by the Assembly; that a month having elapsed after the adjournment of the Assembly without relief the "rioters" forcibly arrested Corbin, carried him to Enfield, and made him give bond to disgorge; that in May following the Assembly met again, severely virtuous and greatly shocked in every fibre of their law-abiding sensibilities at the traitorous conspiracies of the riot-

ers, particularly, as they said, at the arrest of the gentle Corbin, and that the Attorney-General was equally disturbed at the violated majesty of the law, moved thereto, possibly, by the threat to pull his nose at the last Granville Court! From this time the Assembly omitted no opportunity to denounce the "rioters," a change so sudden and so pronounced as to provoke inquiry into the cause. It will not do to say that the Assembly was so actuated by a regard for the law and respect for its officers, that although they sympathized with the people in their grievances, they felt obliged to condemn the methods adopted for redress, even against such a man as Corbin, for if ever a people were estopped by their record from pleading habitual reliance on purely judicial methods for redress of grievances, the people of North Carolina would seem to be that people.

In view of the facts, then, and in view of the past habit of the Assembly in such matters, it seems strange, indeed, to find the Governor the champion, and the Assembly the opposer, of the people in their efforts to obtain redress for admitted grievances. It may be that there was truth in the statement of Governor Dobbs that his opponents in the Assembly "found it for their interest to make up matters with Corbin, against whom the greatest charge was laid, and change sides," so that by the report of the committee the rioters "had no redress." Whether the suggestion be true or false, certain it is, as the Journals show, the committee contented themselves in their report with simply finding the facts without expressing any opinion in regard thereto; whereas, in 1755, for instance, the Committee on Propositions and Grievances found the same facts "to constitute a great grievance." It may be, however, that this anomalous state of things was only the outcome of the irrepressible conflict between the Governor and the Assembly, which made each party ready, perhaps without due reflection, to oppose any cause the other had espoused.

But to whatever cause due, the effect of this paradoxical state of affairs was long felt, for the Regulators being but a succeeding generation of Enfield rioters, inherited, as it were, the denunciations of the Assembly, though not the favor of the Governor, and were considered to be what their forerunners were so long described to be by the popular assembly, that is, lawless rioters. Indeed, to this day they are so regarded by many people, a belief that, without a knowledge of this chapter of our history,

it is difficult to understand. That the Regulators extended further west was due simply to the fact that population had extended further west.

In the appendix to this volume will be found some very interesting matter in regard to several early church settlements in the Province. In an appendix to a subsequent volume the history of other early church settlements will be given, together with the oldest obtainable records of the "mother counties" of the middle and western portions of the State. It has been found impossible, the Editor regrets to say, to collect and prepare this matter in time for proper chronological arrangement in *THE RECORDS*.

COLONIAL RECORDS.

1752.

[TRANSLATED FROM THE ORIGINAL IN THE ARCHIVES OF THE MORAVIAN CHURCH
AT SALEM, N. C., BY REV. R. P. LINEBACK.]

DIARY OF BISHOP SPANGENBURG—LOCATION OF THE MORAVIAN SETTLEMENT.

EDENTON Sept. 13. 1752

The condition of the Indians in N. C. is rather a deplorable one. The tribe of Chowans is reduced to a few families. Their land has been taken away from them. The Tuscaroras live about 35 miles from here & are still in possession of a fine tract of land. They are a remnant of that tribe that waged war with N. C.; & then took refuge with the 5 Nations, & became incorporated with them. Those that have remained here are treated with great contempt, & will probably soon be entirely exterminated.

The Meherring Indians live farther to the West, & are also reduced to a mere handful. It would seem that a curse were resting upon them and oppressing them. Still farther to the West are the Catawbas. They have been at war with the 5 Nations. Beyond S. C. far to the Southwest are the Cherokees, a strong tribe. They keep up connection with S. C. & make annual journeys thither to receive their "Presents."

Granville Co. Sept 25. 1752. As regards the commerce of N. C. the prospect is bad, because there are no navigable streams, & hence there are difficulties in the way of shipping. As there is no opportunity for exportation the evil becomes greater; Edenton is one of the oldest towns in America, & yet it is hardly $\frac{1}{4}$ as large as Germantown, although it has a beautiful situation. There are other cities mentioned in the Law Book; but there are no houses—no people—they are only created cities by act of Assembly. Tobacco is raised in considerable quantities, but it is generally taken to Suffolk or Norfolk in V^a. Here it is examined by the Inspectors—i. e.

the officers appointed for that purpose; all that is merchantable is selected—the remainder is *burnt*. The V^a merchants ship that which is fit, & pay the Ca. farmers what they please for their tobacco. There are also large numbers of cattle taken to Va., but the N. Carolinians do not get the profits—they are reaped by the Virginians. The stock is taken to V^a and there slaughtered, & sold with a profit, while the raiser suffers loss, as he receives pay only for the meat, after it is slaughtered. For the hide, tallow &c. the butcher pays him nothing. The same is the case with hogs. They are taken to V^a, slaughtered, salted up, exported & sold as V^a pork. It is taken to West India & traded for rum, Sugar Molasses, &c. which the Carolinians buy—paying money for it.

As regards the different mechanical employments, it is about the same, as far west as 150 miles—the end of our travels. We scarcely found any mechanics at all. In Edenton I saw one blacksmith: one shoemaker: & one tailor: if there are any more I did not see them.

Granville Co. Sept. 26. 1752. If we desire to become a separate corporation in N. C. we must become a Borough, Town, Village or County.

Should we form a corporation in N. C., we must have an act of Assembly for the purpose, confirmed by the King. We have passed through several counties in N. C. viz. Chowan, Bertie, Northampton, Edgecombe & Granville, as far as Mr. Salis', 153 miles from Edenton. Our way lies through Orange & Anson, which is the last county towards the West.

The land which we have seen has nothing remarkable, but yet, as we are told, has all been taken up—if at all available.

We sometimes travel 2 & 3 hours without finding anything but Pine Barrens—or stretches of White Sand covered with Pine. These districts are all taken up, I am informed, & the people make Tar, Pitch, Turpentine &c. If only these products could be conveyed to some stream & carried away by means of small craft to some port or other.

We saw some few stretches of country that produce some Oak & other trees—with some tolerable farms—though if you except the culture of Indian corn & raising of hogs there is but little done on these plantations. As far as cattle & stock are concerned—it is purely their care to see to it how they get through the winter; with horses it is no better. If they survive it—they survive it! Hay they have none for there are no meadows, & corn fodder & tops do not go far. Thus in winter the people have no milk at all, & when spring comes the cows are so nearly starved out as to be of little benefit till harvest. This may be the reason that their horses are not much larger than English colts—and their cows the size of their yearlings.

The best lands lie along the rivers, i. e. the Chowan & Roanoke. But these streams are subject to freshets & the Roanoke often rises 25 ft. above common level.

Jno. Salis', Granville Co. 153 miles from Edenton. The Lord has here arrested our progress for a time & four of our company are suffering from remittant fever—of a bad type. N. C. about here is low, & there are many standing pools as well as running water & much malaria exists and causes many deaths. The brethren—Henry Antes, Jno. Merk, Herman Lash, & Timothy Horsefield are all down, & going through a severe sweating process—induced by a certain medicinal herb.

We probably contracted the fever in Edenton as it is a regular fever nest & lies very low. The streams have no ebb & flow nor tide, for the sand banks along the coast dam up the streams & prevent navigation—ergo there can be no commerce or travel in V^a. In short there is not a navigable river in Lord Granville's district. We propose to remain here, until our people are recovered & then to continue our journey. We are at present staying with a man who spent a year & a half in Guinea (Africa) The Captain with whom he sailed, deserted him; The negroes captured & bound him with the intention of killing him but set him free & treated him with kindness, & would gladly have kept him with them; but he sighed for his native land & availed himself of the first opportunity of returning thither. He & his wife treat us with the greatest kindness & consideration, & we pray that he may be abundantly recompensed.

N. C. Catawba River, Oct 28. 1752. Here I must remark on some of the difficulties incidental to the colonizing of this country. They will probably settle in Auson Co. Where? That remains to be seen, as we know not.

They will require salt & other necessaries which they can neither manufacture nor raise. Either they must go to Charleston, which is 300 miles distant. The distance is not the only objection—on the road they have mostly stinking water to drink; & are in danger on account of robbers. Or else, they must go to Boling's Point in V^a on a branch of the James, & is also 300 miles from here. This is the usual course of the Planters who usually require several weeks to make the trip. The roads are bad & there are many streams & bad hills to cross; or else they must go down the Roanoke—I know not how many miles—where salt is brought up, from the Cape Fear—but here there is no proper road laid out as yet. Possibly a saltpeter manufactory might be of advantage here; but that is all in the dim & distant future.

Forks of Little River, South side Brushy Mt. in Camp. Nov. 5. 52. I must say something of the surveying in N. C. as it is carried on in all our land measurements. The Surveyor has received strict orders from Lord Granville's Agents, to run no other lines but N. S. E. & W. I have spoken much about this matter with Mr. Churton—who certainly is a reasonable man—but he always pleads his orders, & says he must abide by them. In the next place I would suggest to the brethren, that when they come to possess the land, it might be of great advantage to avail themselves of the services of the hunters whom we have to assist us to find the different bodies & tracts of land which we take up. Their names are Henry Day, who lives in Granville Co. Near Mr. Jno. Salis', Jno. Perkins who lives on the Catawba River & is known to Andrew Lambert, a well known Scotchman; & Jno Rhode, who lives about 20 miles from Capt Sennit on the Yadkin road. I mention these items, because no one about here knows anything about our lands nor their boundaries. I especially recommend Jno Perkins as a diligent & trust-worthy man & a friend to the brethren.

In the 3rd place I would say that our surveyor only measures three sides of a tract, & says it is a lawful survey. I state this that the brethren may not trouble themselves for nothing, seeking the marks on the trees on the 4th side.

I would state that the surveyor has made great objections (& caused us much trouble) to measuring small tracts. I had much difficulty in inducing him to survey the smaller parcels in the forks of Little River, & the 1000 acre tracts along the Catawba. In the warrant from My Lord Granville it is mentioned, that for every 5000 acres surveyed the surveyor receives 3£ sterling—which the surveyor interprets as meaning that we are only to take such sized parcels. But should we do so there would be too much mountain & barren land in the survey. It would almost seem as if we would be compelled to take them in—mountain & all—as we can hardly otherwise get our land in one piece.

There are many small tracts of 1, 2 or 300 acres which we did not get into our survey—tho' they lie along our line. The surveyor is excessively scrupulous & strenuously opposes the surveying of any piece of land that is not square. I have spoken to Mr. Corbin—requesting him not to dispose of these tracts to any one but the brethren, in the event of their coming to this part of the country.

From the Camp at Little River—20 miles from the Catawba River—& the mouth of Little River—Anson Co. N. C. This is the first piece of land which we have taken up. It lies at the 2 branches of Little River, of which one flows S. West, & the other S. East. Little River

flows into the Catawba, about 20 mls. from Andrew Lamberts, a well known Scotchman.

We finished the survey to day.

This piece of land contains 1000 acres—(the acres 160 Rods). The best of the land is the low land—which lies between two hills, in a curve like an elbow. This land is all very rich, & is at times overflowed by Little River. This tract extends about 3 miles in the curve—contains about 300 acres—The most of it is already cleared & has been cultivated in corn & hemp. Hemp is not only useful for domestic purposes—but there is a bounty on it to encourage its culture. Wood is not so abundant but there is still enough for all ordinary purposes. For stock raising it is very convenient, & 10 families could readily make a comfortable living here. There is abundant opportunity for making meadows—though stock could easily subsist in winter in the reed thickets as they remain green all winter—& cows & horses are very fond of the reed blades.

There is no lack of water courses in the bottoms & there is a fine site for an overshot (wheel) mill—both in the N. & E. side of the tract: Upon the whole the bottom has an abundance of water courses, not only from the creek which has such steep banks as to render it too steep for fording—(except where buffaloes have made a ford) but it abounds in springs also. There are also stones here suitable for building purposes—but no limestone. Indeed it is said there is no limestone this side of the Alleghanias. That is the reason there are nothing but very indifferent houses of wood to be met with about here. About 14 miles from here lives a family of Scotch Irish: there is said to be a mill there, but there is neither road nor way leading to it

Brother Henry Antes thinks mill stones may be found within the limits of the tract we have taken up. Joining the upland tract, are several hundred acres, of good woodland, also a piece of bottom which may be secured by the brethren at some future day & time if found desirable.

Nov. 7. 1752. Second Fork Little River in the Brushy Mountains—2 miles fr. 1st Fork. This is now the 2nd place where we have camped to take up land. What has especially induced us to do so, is the fact that there is here much lowland, & is near the First Fork. This lowland comprising about 200 acres is not only watered by Little River, but by numberless streams issuing from the mountains. By conducting a stream of water fr. Little River—to the N. side of the mountain—wh. could be done without much difficulty, a very excellent Mill could be built. wh. would be exempt from the high water which so often prevails here. Stone is found here for building purposes—but neither lime

nor limestone. Abundance of good wood, with excellent soil is the rule. For the culture of hemp & corn the soil is good; & in most respects this tract excels the first one taken up by us.

A short distance eastwardly from here we come to an admirable piece of land, alongside the bottom, which has the benefit of the sunshine all day long. With a little labor water could be brought here from Little River—also a mountain stream which would furnish fresh cold water for household purposes. And here there would thus be water power enough to run a grist & saw mill, for both sections in this tract. Along the W. side is a hillside of very rich soil, & thickly covered with locust trees.

Nov. 12. 1752. In Camp on the Catawba River. We are here in the neighborhood of what may be called "Indian Pass." As we believe it is the Lords purpose to confer a blessing on the Catawba & Cherokee Indians—by means of the Brethren—we resolved to take up some land here. There are about 200 acres of land (bottom) & along this strip, are 1 or 200 acres more, of very good quality, a kind of second bottom. This lowland is a narrow strip,—but is good and well timbered, & is suitable for meadow & wheat land. This piece has such a steep bank, that it is not easily reached by the Catawba freshets. A number of hills bound this tract, between which several strong Springs as well as creeks wind along & furnish water power for several mills. Here we have taken up a piece of over 1,000 acres which is three miles long, & half a mile wide embracing a portion of every hill. Tis a pleasant locality & is peculiarly attractive. The hills are wooded, in part with pine trees. By judicious management the forests can be improved, as they have been partially ruined by the Indians, when they set the woods on fire, to drive the deer to certain localities, that they might be more easily taken. Portions of the hills may also be made useful for corn culture, more especially where they be near the bottoms. The next settlement from here is that of Jonathan Weiss more familiarly known as Johnathan Perrot. This man is a hunter & lives 20 miles from here. There are many hunters about here, who live like the Indians, they kill many deer selling their hides, & thus live without much work.

Nov. 19, 1752. From the camp of the Middle River of the three Rivers which flow into the Catawba, near Quaker Meadows.

We are now in the forest, 50 miles from all the settlements. We arrived here last Thursday & struck up camp—& rode about until in the night—& found all we thought was required for a settlement.

Very rich fertile bottoms, the like of which we had as yet seen nowhere in Carolina, & some of which could be cultivated many years

before it could be impoverished. They lie at the foot of very rich hills from which the rain would rush down the rich soil & keep them always fertile. There is also a good deal of land that lies somewhat higher, which is well adapted to the culture of wheat & Indian corn. There are many springs & streams & even creeks, the water of which is as clear and sweet as any one could possibly wish. Further down is the river—higher up there are two branches which unite & form the river the waters of which are clear as crystal. Bottoms & uplands are well stocked with wood. For stock this is an excellent country, as the reeds are still quite green: This is fortunate as our horses would otherwise perish. There are many places which could be converted into good meadows & many more could be made because the water from the streams could be so conducted as to irrigate the land with but little labor. The soil along the hill is a rich clay: in the bottom it is black soil. For the erection of mills there is abundant water & fall—stones are plentiful, & as we believe suitable for grindstones, but no limestone.

'Tis to be regretted that so much good land is not in one piece—& that the hills which are fertile are so very steep that they can not be plowed as they would make such good wheat land. Our survey begins 7 or 8 miles from the mouth of the River where it flows into the Catawba. What lies farther down the river has already been taken up. The other line of the survey runs close to the Blue Ridge. I must add that we were compelled to take in a number of high hills which are bare of trees & useless for cultivation. But this is not to be avoided. This piece thus consists of about 6000 acres. We can have at least 8 settlements in this tract & each will have water enough, wood enough & land enough; and very good land & meadow land in abundance; & I calculate to every settlement 8 couples of brethren & sisters. How the roads are to be laid out I know not. We crossed high & steep hills in coming here, & calculate the distance from the Catawba land to be about 18 miles; the road lies in a N. W. direction (but why do I speak of road when there is none but what the Buffaloes have made). The hills run to the very water's edge, & one hill rises behind the other. But possibly something may manifest itself which as yet we do not see. Our surveyor & his Company were stopped here by 6 Cherokees. They were out on a hunt & were coming through the woods; however they soon became very friendly. The whole woods are full of Cherokee Indians; we come upon their traces very often wherever we go. They are now engaged in hunting.

Nov. 24, 1752. From the camp in the Fork of the Third River wh. empties into the Catawba near Quaker Meadows—about 5 miles from

Table Mountain. This is now the 5th piece of land wh. we have surveyed. "A fine piece of land," between 7 & 800 acres. The greater part is bottom which lies on 2 creeks. The country is further watered by different smaller streams & there are fine springs in different localities. The land is in several places very rich, & up to this time has been a Buffalo pasture, whose tracks & paths may yet be ascertained, & found to be useful. Frequently however, their tracks can not be followed—for they go through "thick & thin," & thro' the deepest morasses & rivers—and often they are so steep that a man may roll down, or fall down, but he can neither ride nor go down them. There is also good light soil & good wheat land.

On some of the pieces the soil is too rich for wheat, but is more suitable for corn, tobacco hemp &c. There is a moderate supply of wood on it. The survey takes in several hills which are not so steep, & may therefore be used for farming purposes. Others have some trees on them—which fact is not to be despised. Others are so barren, that they are scarcely available for anything. But we have less barren land here than in any of our surveys, as the land was more favorable for the prescribed N. C. method of surveying.

Should it be desirable to build mills, there is sufficiency of water & of fall: & there are several places suitable for buildings, to which the water from springs might easily be brought. With stock raising there are here also great facilities, as the cattle could live through the winter on the cane that grows along the streams.

The wolves wh. are not like those in Germany, Poland & Lifland (because they fear men & dont easily come near) give us such music of 6 different cornets the like of wh. I have never heard in my life.

Several brethren, skilled in hunting will be required to exterminate panthers, wolves &c. not only here but in the other places also. They will thus not only obtain the hide of the animal but there is a bounty of 10 shillings for every panther & wolf that is killed: besides such men will be needed to furnish game from the wood to help the larder. Two settlements of 6 or more couples would find room enough in this survey.

Nov. 28. 1752. Old Indian Field N. E. Branch of Middle Little River. We arrived here on the 25th & resolved to take up some land. It is lowland (bottom) lying on two streams—the one larger than the other, & both containing excellent water. These streams are well adapted to mill purposes, & have this additional advantage that they never freeze in winter, being purely spring water.

There are more than 20 springs among the mountains here which pour their waters into the creeks whose sides are covered with reeds. These

bottoms are mostly rich & moist & would make fine meadows: part is quite dry & would be well adapted to the culture of corn, hemp, tobacco &c. Wheat would not do well here, as it is too rich, tho' by repeated crops of corn it might be brought to raise wheat also. For stock culture it also suits well—for there are nothing but mountains all around, & the reeds on the streams would feed stock the whole winter until tame grass could be raised. When there are so many neighbors about there is not so much opportunity for stock raising & they all keep stock & that renders the pastures bare. In order to embrace all the bottom—we are compelled to take in a good many mountain districts—& thus this tract contains 2000 Acres. But there is nothing lost, for if we have taken in some barrens, there are many of the mountains that are not too steep to be plowed near the bottoms—& thus may be cultivated. Furthermore—the most of the mountains are covered with forests—& in fact, there is a superabundance of wood.

The strips of land lying between the mountains will make beautiful meadows. Below our land, there is another large piece of bottom which the brethren can hereafter take up, should they finally settle here.

That Indians once lived here, is very evident, (possibly before the war which they waged with the Whites in N. C.) from the remains of an Indian fort: as also the tame grass wh. is still growing about the old residences, & from the trees. It may have been 50 years since they left this locality. Two settlements might be made here—each numbering 10 couples—& these would be amply supplied with Land, meadow, wood, water & pasture for stock. Furthermore this tract bounds the 600 acre piece which we took up on Middle Little River, from wh. it is separated by an E & W. line.

Nov. 29. 1752. From the Camp at the Upper Fork of the 2nd or Middle Little River, wh. flows into the Catawba not far from Quaker Meadows. We are now in a locality that has probably been but seldom trodden by the foot of man since the Creation of the World. For 70 or 80 miles we have been traveling over terrible mountains, & along very dangerous places where there was no way at all. With respect to this locality where we are now encamped—one might call it a Basin or Kettle. It is a cove in the mountains & is very rich soil. Two creeks—one larger than the other—flow through it. Various springs of very sweet water form lovely meadow lands. Mills may easily be built, as there is fall enough. Below the forks, the stream becomes quite a large one. Of wood there is no lack. Our horses find abundant pasture among the buffalo haunts, & tame grass among the springs, wh. they eat greedily, & certainly the settlers of this place can very soon make meadows if they wish.

Not only is this land suitable for hemp, oats barley &c. but there is excellent wheat land here also. There is also abundance of stone, not on the land, but on the surrounding mountains. (It will not be a matter of surprise, that I should mention this fact, to any one who has traveled in portions of S. & N. C. where for hundreds of miles there is not stone enough to rest a log upon.) I must add that there is not the tenth part of stones in these mountains that are found in many mountains in Pa. This survey would contain in itself all the requisites to make comfortable farms & homes for about 10 couples.

Dec 3. 1752. From the Camp on a River in an old Indian field, wh. is either the Head, or a branch of New River, wh. flows through N. C. to V^a & into the Miss. River. Here we have at length arrived after a very toilsome journey, over fearful mountains & dangerous cliffs. A hunter whom we had taken along to show us the way to the Yadkin, missed the right path, & we came into a region from wh. there was no outlet, except by climbing up an indescribably steep mountain. Part of the way we had to crawl on hands and feet; sometimes we had to take the baggage & saddles & the horses, & drag them up the mountains (for the horses were in danger of falling down backward—as we had once had an experience) & sometimes we had to pull the horses up, while they trembled & quivered like leaves.

Arrived on the top at last, we saw hundreds of mountain peaks all around us, presenting a spectacle like ocean waves in a storm. We refreshed ourselves a little on the mountain top, & then began the descent wh. was neither so steep, nor as deep as before, & then we came to a stream of water. Oh how refreshing this water was to us! We sought pasture for our horses, & rode a long distance, until in the night, but found none but dry leaves. We could have wept with sympathy for the poor beasts. The night had already come over us, so we could not put up our tent. We camped under the trees & had a very quiet night. The next day we journeyed on: got into laurel bushes & beaver dams, & had to cut our way through bushes wh. fatigued our company very much.

Then we changed our course—left the River & went up the mountain, where the Lord brought us to a delicious spring—& good pasturage on a chestnut ridge. He sent us also at this juncture two deer—which were most acceptable additions to our larder. The next day we came to a creek, so full of rocks that we could not possibly cross it; & on both sides were such precipitous banks, that scarcely a man, & certainly no horse could climb them. Here we took some refreshments for we were weary. But our horses had nothing—absolutely nothing—this pained

us inexpressibly. Directly came a hunter who had climbed a mountain, & had seen a large meadow. Thereupon we scrambled down to the water, dragged ourselves along the mountain & came before night into a large plain.

This caused rejoicing for men and beasts. We pitched our tent, but scarcely had we finished when such a fierce wind storm burst upon us, that we could scarcely protect ourselves against it. I can not remember that I have ever in Winter anywhere encountered so hard, or so cold a wind. The ground was soon covered with snow ankle deep—and the water froze for us aside the fire. Our people became thoroughly disheartened. Our horses would certainly perish & we with them. The next day we had fine sunshine, & then warmer days though the nights were "horribly" cold. Then we went to examine the land. A large part of it is already cleared & there long grass abounds, and this is all bottom.

Three creeks flow together here, & make a considerable river which flows into the Ohio, & thence into the Miss. according to the best knowledge of our hunters. In addition there are almost countless springs & little runs of water, wh. come from the mountains & flow through the country making almost more meadowland, than one could make use of. There is not a trace of reeds here, but so much grass land, that Brother H. Antes thinks a man could make several hundred loads of hay of the wild grass, wh. would answer very well if it only be cut & cured at the proper time. There is land here suitable for wheat, corn, Oats, barley, hemp &c. Some of the land will probably be flooded when there is high water. There is a magnificent Chestnut and Pine forest near here. Whetstones & mill stones wh. Brother Antes regards the best he has seen in N. C. are plenty. The soil is here mostly limestone & of a cold nature. The Waters are all higher than on the E. side of the Blue Ridge. We surveyed this land, & took up 5400 acres in our lines. We have a good many mountains, but they are very fertile and admit of cultivation. Some of them are already covered with wood, and are easily accessible. Many hundred—yes thousand crab-apple trees grow here—wh. may be useful for vinegar. One of the creeks presents a number of admirable seats for milling purposes.

This survey lies about 15 miles from the Va. line, as we saw the Meadow Mountain, & judged it to be about 20 miles distant. This mountain lies 5 miles from the line between V^a & N. C. In all probability this tract would make an admirable settlement for Christian Indians, like Gradenhütten in Pa. There is wood, mast, wild game, fish, & a free range for hunting, & admirable land for corn, potatoes, &c.

For stock raising, it is also incomparable. Meadow land & pasture in abundance.

Dec. 14. 1752. Camp on Headwaters of Yadkin—where W. & S. Branches make a Fork. Here we have arrived safely at last, after a bitter journey among the mountains. We virtually lost ourselves in the mountains, & whichever way we turned—we were literally walled in on all sides. None of us had ever been in that region—& path & road were unknown to us. But why speak of roads & paths where there were none. We had nothing but bleak mountains, & dry valleys to traverse, & because we followed the river several days in hopes of escaping from the mountains, we were only getting down deeper all the time, for the river flowed N. & S. & E. & W., in short all points of the compass. At last we determined to keep a course between E & S., & to scramble across the mountains as well as we could. One mt. rose up beyond the others, & thus we pursued our way, between fear on one side—& hope on the other. We suffered very much on account of our poor horses, as they had nothing to eat.

At last we came to a very rapid stream, that flowed down the mountain. We followed it, & successfully reached this side of the Blue Ridge. We were fortunate also to find pasture for the horses, What a joy this was to all! Here we again killed two deer, & as we, for several days, had had very scanty larder—there was rejoicing in the Camp. We thus found ourselves at the N. Branch of the Yadkin. From here we hastened to the Yadkin itself. Upon our arrival here we found a fine piece of land—we resolved to survey it—while our horses were recruiting among the reeds.

But here my dear Bro. Antes became very sick. Several days ago he had cut himself very severely in the hand—& then travelling on with us he had caught cold in the wound, wh. caused such intense pain in the arm as to be almost beyond endurance. But here the Lord helped us. We came upon some whites They were returning from a deer hunt, & were riding on the other side of the Yadkin, as we camped on this side. The mau's name was Owen, of Welch stock, who had only settled here in the Spring. He invited us into his house & treated us very kindly. The next day we went to his house, & pitched our tent there as his house was too small to admit all.

As regards the land wh. we surveyed it lies on both sides the Yadkin, 3 or 4 miles down the river; & takes in the N. & S. Fork. Many springs & many streams flow through the lowlands of the River. Quantities of cane grow here—& should brethren come to this place, they can winter their cattle among them for several years. A number of meadows

can be made here—for nature has adapted the soil & land to that purpose—The soil is rich & of a warm nature.

Those mountains wh. come within our range have fine woods, though only in part. It has a very desirable situation. It is probable the lowland may be flooded in high water; still I believe this to be one of the finest pieces we have thus far surveyed.

Dec. 20th 1752. From the Camp on the Yadkin—near the Mulberry Fields—at Mr. Owen's house. Here by the Grace of God we have all arrived safely, except that H. Antes suffers very much from his arm. He has "Wound Fever," & yet we are glad he can stay in Mr. Owen's house, & recruit himself somewhat. The rest are busy surveying; for we have found a splendid tract through Mr. Owen's suggestion. It lies on the Yadkin 4 miles below—opposite the Mulberry fields. These are Old Indian Fields—where the Cherokees probably lived once. They have a pleasant situation & remarkable fertility of soil. Morgau Bryant had taken them up but they are uninhabited. Our land, on the opposite side of the Yadkin, is not far from the first piece wh. we surveyed on the Yadkin. Could we buy the Mulberry tract, we would bring the land on both sides of the river together for a space of 10 miles—as we have already a fine tract on the Mulberry Field side—which joins Mr. Owen's land. As regards this tract just surveyed it is much like the other, as to require no further description. The nearest house, except Mr. Owen's is 60 miles distant.

Jan. 8. 1753. From the Camp on the Three Forks of Muddy Creek. It is the middle of Winter & we have a "smart" snow. We still camp out in the woods—sound, well & contented, in the care of our Heavenly Father. Towards the close of the year we came here, & found a body of land wh., perhaps better than any other, answers the desired purpose. Had we possessed correct information of this tract in the beginning—probably we would not have gone to the Waters of the Catawba, or New River. But the Lord has doubtless overruled this for wise purposes, so that the 100000 acres were taken up there—wh. may be reserved for some special purpose. As regards this land upon which we have camped, I regard it as a Corner which the Lord has reserved for the brethren. It lies in Anson Co., about 10 miles from the Yadkin, on the upper Pennsylvania road—some 20 miles from the V^a line. It is designed to construct a road from here to a "Landing," where goods brought on the Cape Fear may be brought, then conveyed to their destination. From here it is 150 miles to said Landing Place—Edenton is 350—the nearest mill is 19 miles distant. The situation of this land is quite peculiar. It has countless springs & many creeks—so that as many mills can be built

as may be desirable. These streams make many & fine meadow lands— & they may even be carried to lands that do not lie so low.

The stock would have excellent pasturage & might be kept for a number of winters among the reeds on the creeks. There is a great deal of bottom—wh. is not too wet & may be used for Indian corn, & other products of the farm.

Of the rest of the land, which is either quite level or somewhat inclined, there is a large quantity here, wh. is good for wheat, corn, &c. &c. A portion has but little timber, for the hunters have so often ruined it with fire; but it is still not to be despised. A good manager will cultivate this first, as he will have less trouble & can spare the forests. There are barrens here too, & if a man would say it was half good—one fourth bad—one fourth “middling” it would be correct. But all land in N. C. is so mixed, & no 600 acres can be taken up without some barrens. There is no lack of stone for building—& bro. H. Antes thinks there are good mill stone to be found. Compared with Nazareth land it is about equal—only that that has more meadow land than this.

The most of this land is level & plain, The air fresh & healthy—& the water good, especially the springs, wh. are said not to fail in summer. According to the laws—the hunting & fishing privileges are exclusively ours. In the beginning a good forester & hunter will be indispensable. The wolves & bears must be exterminated as soon as possible—or stock raising will be pursued under difficulties. The game in this region may also be very useful to the brethren in the first years of the colony. The whole piece as surveyed comprises from 72 to 73000 acres. This we divide into 14 pieces—wh. will not be of the same size—but will not differ very much & are about 10 miles long & 11 wide according as the creek flows.

The plots of these tracts Mr. Churton will make on his return to Edenton—& return them. Each tract has wood—water—meadow—& arable land. Every one who knows the land, says it is the only piece where so much good land may be found together, & among all the still vacant lands it is the best. And we rather believe that way also.

I. SPANGENBERG.

I. H. ANTES.

1753.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 16.]

MY LORDS, [OF THE BOARD OF TRADE]

I received a letter from Mr. Pownall, dated 17th Nov^r 1752, signifying to me your Lordships commands, "that I should acquaint you whether I had any intentions of returning to North Carolina and, if I had, when I proposed to depart &c." In obedience to which I must beg leave to assure your Lordships that I am, and ever shall be, most ready to obey your Lordships Orders; and more particularly those which prescribe to me my Duty in an office that I have the honour to hold under His Majesty's royal Commission, but in order to give a particular Answer to the said letter, I must crave leave previously to represent to your Lordships the occasion of my return to England, and the business which has detained me here.

My Lords on the 28th February 1745 I had the honour to receive His Majesty's Commission of that date appointing me Attorney General of the Province of North Carolina, in which Commission there is inserted a Grant to me of all Sallaries perquisites and profits appertaining to the said Office; and in consequence of which Commission I soon repaired to the said Province, and took upon me the execution thereof.

My Lords; there are annexed to the said Office two yearly sallaries, one of £80. and the other 30£ sterling payable (as all other appointments in that Province are) out of His Majesty's royal revenue of Quit rents, arising in the said Province of North Carolina. Now altho' I did at a very great expence, and at frequent hazards of my life, continue to execute the said Office, I have never yet been able to get one farthing of my said sallaries.. Occasioned (as I verily believe) by the insufficiency of the fund of Quit rents to answer the said Appointment, and by the mismanagement or neglect of the Officers in forming a good rent roll, and for want of proper Laws to regulate and enforce the payment of Quit rents. So that my said Sallaries, as granted to me by His Majesty's said Commission of February 1745, are wholly in arrear from that time to this, as appears by the late Govern^r Johnstons testimonial and Certificate thereof, under his hand and the great Seal of the said Province produced herewith.

My Lords, being in great want of my aforesaid Dues, I applied to the said late Governor Johnston for his leave to return to England, in order to sollicit payment of the same, or to procure some other kind of satis-

faction in lieu thereof; as will also appear by the aforementioned Testimonial and certificate And as to any prejudice that may arise to His Majesty's Affairs &c. I took care to procure a very able gentleman of the Bar in that Province, to act for me in my absence, and whom the late Gov^r the more readily commissioned for that purpose as the said Gentleman had before that for a long time executed the said Office of Attorney General in a former Vacancy. So that, I hope, no manner of prejudice can or will arise to His Majesty's service by means of my Absence.

My Lords, from my particular knowledge of the Affairs of North Carolina, I am certain that, unless some method be found out of easing His Majesty's said revenue of Quit rents, pro tempore, of the Govern^r's Salary of £1000. per annum, neither the said annual charges thereupon, nor the Officer's said arrears will have any chance of being discharged within these twenty years at least. A Hardship that will bear heavy upon, and be very grievous to many Gentlemen, that have acted for many years in His Majesty's Service, under great difficulties and at their own expense.

All which is most humbly submitted to your Lordships consideration.
&c.

THOMAS CHILD

Stafford row near Buckingham Gate Westm^r 8th January 1753.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 21. P. 369.]

SIR, [TO CHIEF JUSTICE ENOCH HALL]

The Lords Commiss^{rs} for Trade & Plantations having been informed that you have been for some years resident in England their Lordships have directed me to desire you will forthwith acquaint them whether you have any intentions of returning to North Carolina or if you have when you propose to depart to the end that proper measures may be taken to prevent that prejudice that may arise to His Maj. service and the affairs of that Province from the absence of so necessary an officer

I am Sir, &c.,

THOS. HILL

Whitehall Jan^r 19th 1753.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 17.]

At the Court of S^t James Whitehall the 25th January 1753.

Present The Kings most excellent Majesty in Council

Upon reading this day at the Board a representation from the Lords Comm^{rs} for Trade and Plantations dated the eleventh of this instant set-

ting forth that Gabriel Johnston Esq^r Captain General and Governor in Chief of His Majesty's Province of North Carolina in America is dead, and that Arthur Dobbs Esq^r appearing to them a person every way qualified to serve His Majesty in that station, They therefore humbly propose to His Majesty that the said Arthur Dobbs may be appointed Captain General & Governor in Chief of His Majesty's said Province of North Carolina, in the room of the said Gabriel Johnston Esq^r deceased. His Majesty in Council approving thereof is pleased to order, as it is hereby ordered, that the said Arthur Dobbs be constituted and appointed Captain General and Governor in Chief of His Majesty's said Province of North Carolina in the room of Gabriel Johnston Esq^r deceased, and that the said Lords Commissioners for Trade and Plantations do prepare the draughts of a Commission and Instructions for the said Arthur Dobbs, and lay the same before His Majesty at this Board for His approbation.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 18.]

At the Court at S^t James's the 7th day of February 1753.

Present the Kings most Excellent Majesty in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations, together with the Draught of a Commission prepared by the said Lords Commissioners for Arthur Dobbs Esq^r to be Captain General & Governor in Chief of His Majesty's Province of North Carolina, And it appearing that the said Draught of Commission is drawn in the usual Form—His Majesty was pleased with the advice of His Privy Council to approve thereof, and to order, as it is hereby ordered, that the right honorable the Earl of Holdernese one of his Majesty's principal Secretarys of State, do cause a warrant to be prepared for His Majesty's royal Signature in order to pass a Commission under the Great Seal of Great Britain agreeable to the said Draught which is hereto annexed.

A true Copy

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 20.]

CAPE FEAR, NORTH CAROLINA February 14th 1753.

MY LORDS, [OF THE BOARD OF TRADE]

On the death of Nathaniel Rice Esq^r late President and Commander in Chief of this Province, it is become my Duty as next in Council, to

inform your Lordships of this alteration in the administration of His Majesty's Government here.

I was within a few miles of Wilmington where Mr. Rice died on the 29th of last month and immediately caused the Members of His Majesty's Council to be summoned, and accordingly James Murray, James Hassell, James Innes, John Rutherford, John Swan and Lewis De Rosset Esq^r being all the Members that could then attend, met me in Council the 1st of this month where I and they qualified by taking the Oaths by Law appointed.

His Majesty's Commission to the late Governor Johnston, the royal Instructions to him dated the 3rd August 1733, and two other Instructions from their Excellencies the Lords Justices dated the 16th April last were immediately delivered to me. These I shall carefully peruse & observe. And in order to carry into execution that most necessary Instruction of their Lordships for the revisal of our Laws, a work of time & pains much wanted here, I have by the advice of His Majesty's Council prorogued the General Assembly to the 27th of March next then to meet at Newbern.

By the advice of His Majesty's Council I have appointed James Murray Esq^r Secretary and Clerk of the Crown in the room of Mr. Rice who held these Offices till he died.

The publick Papers have come thro' so many hands of late that I am the less surpris'd at so few of them being delivered to me; but I shall cause strict search to be made and the Papers of the late Governor & President by their executors for such as yet remain that I may have all the directions necessary for promoting His Majesty's service and obeying your Lordships commands.

I am, with great respect, &c., MATH: ROWAN.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 24.]

To the King's most excellent Majesty in Council

The Memorial of Arthur Dobbs Esq^r Your Majesty's Governor of the Province of North Carolina in America. Humbly sheweth,

That your Majesty was graciously pleased to instruct the late Governor of North Carolina, to cause forts to be erected at proper places for the defence of the said Province, and the navigation thereof.

That in pursuance of such your Majesty's Instructions the Legislature of that Province made Provision, for erecting Forts, and in consequence

thereof one Fort is already erected on Cape Fear river a plan of which Fort, with an estimate of the Charge, that attended the same having been transmitted over by the late Governor and having been put into the hands of your Memorialist together with a Draught of the Entrance into the said river and Scituation of the Fort upon the river are herewith laid before your Majesty.

That the Inhabitants of the said Province relying on your Majesty's royal favour for proper Ordnance and Stores for such Fort were thereby induced to cause the same to be erected at their own charge, but are by no means able to defray the farther expenses of Ordnance and Stores necessary thereto.

And your Memorialist begs leave farther to represent to your Majesty that for want of Forts properly supplied your Majesty's subjects in that Province were miserably harassed and often plundered by the enemy during the late war, and now in time of peace, are so situated, that piratical Vessels, Vessels coming from infected Places, or Vessels carrying on an illicit trade, may come into, and go out of the said Province, without hindrance or molestation, the consequence whereof may prove not only very fatal, to the Inhabitants of that Province, but likewise, very detrimental to your Majesty's revenue, and the trading interest of this Kingdom.

All which is most humbly submitted to your Majesty's royal consideration by your Memorialist who most humbly prays that your Majesty will be graciously pleased to grant such Ordnance and Stores for the safety of the Colony and shipping as the Fort and Battery so erected may necessarily require.

Signed. ARTHUR DOBBS.

Rec^d April 11th 1753.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 25 AND 26.]

18th April 1753.

SIR, [MR. POWNALL]

I am directed by Mr. Walpole Auditor General of the Plantations to transmit to you the following account of what has passed relating to the Quit rents in North Carolina to be laid before the Lords of Trade and Plantation :

Soon after the purchase of the Provinces of North and South Carolina His Majesty was pleased to remitt £5000. arrears to the people there in consideration that they would pass some Laws for the establishing and improving the Quit rents due to the Crown.

The Governor and Council did pass some Laws in both Provinces relating to the Quit rents but they were found to be so injurious to the rights of the Crown that they were disapproved here by Committees of Council.

Sometime afterwards Governor Johnston of North Carolina came over to England and having represented to the Lords of the Treasury that the reason why the Quit Rents there were not duly ascertained & collected was because the Officers of the Crown did not receive proper encouragement for their trouble, he proposed the following Establishment to be made and paid annually out of that revenue viz:

To the Governor	£1000.
Auditor	100.
Chief Justice.....	70.
Baron.....	40.
Surveyor General.....	40.
Secretary	70.
Attorney General.....	80.
Clerk of the Crown.....	25.
Charges for the Exchequer Court.....	30.
	<hr/>
	£1455.

As what would not only answer that end but would, as he alleged, by the diligence and assistance of the Officers from such an encouragement produce a surplus for the service of the Crown beyond the Establishment, which was accordingly granted by His Majesty in September 1733. But so little care was taken by the Governor and Officers to improve and ascertain that revenue that the amount of Mr. Allen's the late receiver General's Accounts for 14 years from 1735 to 1748 both inclusive were £13356 17^s 9^d sterling which at a medium is about £954 per annum. And you will observe falls very short of the said Establishment. But those accounts were not audited and passed by Mr. Walpole's deputy abroad, nor when transmitted home allowed here being very imperfect and irregular for want of a complete rent-roll and proper Vouchers.

In the year 1744 Mr. Allen transmitted a rent-roll which only consisted of the names of the persons, N^o of acres and dates of the grants without specifying the annual rent of such Lands or separating the Crown's part from the Earl of Granville's.

He likewise transmitted another rent-roll with some additional Grants from 1744 to 1748, in the same manner and consequently liable to the same objections.

The Earl of Granville not having agreed to include his share as a Proprietor when the Crown purchased those provinces he obtained in the year 1742, a Grant from the Crown for exchanging his eighth part in both Provinces for an equivalent in North Carolina which Grant having never been entered in the Auditor's Office the extent or value of it does not appear there.

The present receiver Mr. Rutherford seems disposed to act in concert with the Deputy Auditor in North Carolina in making out a proper rent roll agreeably to what I suggested in a letter I wrote to him of May y^e 6th 1752, by Mr. Walpole's direction for that purpose desiring him at the same time to use his utmost endeavours with the Deputy Auditor to bring the Executors of Mr. Allen the late receiver to a fair and regular account of all moneys he had received from his first appointment to that Office to make out a rent roll exclusive of Lord Granville's share.

I have received from Mr. Rutherford the present receiver, his account of quit rents of North Carolina from the 14th of May 1751, to the 5th of October following amounting to no more than £161 8^s 0^d sterling.

As His Majesty has been pleased to appoint Mr. Dobbs to be Governor of North Carolina, Mr. Walpole desires you will move their Lordships to give him particular instructions to support with his countenance and lawful authority the Officers of the Crown in causing a rent roll to be made out and for recovering, improving and ascertaining the quit rents due to His Majesty there: and am Sir,

Your most humble servant

THOMAS SMITH Dep: And:

P. S. I have sent you a Copy of Mr. Walpole's report to the Lords of the Treasury on Widow Johnston's claim with an abstract of Mr. Allen's account for 14 years.

Copy of Mr. Walpole's report to the Lords of the Treasury on Widow Johnston's Claim, dated the 10th April 1753.

To the right Hon^{ble} the Lords Commissioners of His Majesty's Treasury.

In obedience to your Lordships commands signified to me by Mr. West in his Letter of the 2^d of November last, that I should consider the annexed Memorial of the Widow of Gabriel Johnston Esq^r the Governor of North Carolina & report to your Lordships a state of the Petitioner's Case with my opinion what is fit to be done therein,

I have considered the said Memorial setting forth that at the time of her late husband's death (*viz*^t) on the 17th of July last there was and still is due unto her said husband from the Quit rents of that Province arrears of Salary to the amount of £13000 sterling and upwards as will hereafter be properly authenticated to your Lordships.

That on the recovery of the said arrears the support of herself and children of the deceased Governor and payment of his numerous creditors both at home and abroad, principally depends.

That the appropriation of the Quit rents of that Province to any new purposes would absolutely deprive her of relief from thence, whereupon she enters this her claim upon the said Quit rents and most humbly entreats your Lordships that the same may be sustained preferable to any subsequent appropriation or appointment of that fund.

Upon which I beg leave to report to your Lordships that in the year 1733. His Majesty was pleased to grant to Governor Johnston £1000 per annum, which was £300 more than was allowed to the former Governor of North Carolina and certain sallarys to the rest of the Officers of the Crown payable out of the revenue of Quit rents amounting in the whole to 1455 as appears by the Establishment under His Majesty's royal sign manual in September 1733, as a proper encouragement to them in ascertaining and supporting the just rights of the Crown and in expectation, as the said Governor alledged that by such an encouragement the Quit rents would not only be made sufficient to answer the said Establishment but produce a considerable overplus for the service of the Crown, now far from answering the purposes for which those sallarys were granted such has been the remissness of the late receiver & I am afraid on the part of the Governor as well as other Officers of the Crown in exerting themselves for the receiving of the Quit rents that there are great arrears due to His Majesty on which the Establishment is charged and also I suppose to all the Officers as well as to the representatives of Governor Johnston: But as Mr. Allen's accounts from 1735 to 1748 were always justly objected to by my Deputy there for want of regularity and sufficient Vouchers & upon Mr. Allen's death the said Governor Johnston appointed Mr. Rowan to act as receiver General of North Carolina till His Majesty's pleasure was known who has never transmitted any account during the time he acted; it is impossible for me to ascertain the exact claim due to the Officers of the Crown out of the Quit rents, and it is possible that the late Governor's arrears may arise to about the sum set forth by the Petitioner & unless there is an additional fund for some other Provision made for Gov^t Johnston's successor or some other means can be found for procuring a compleat rent roll,

and for recovering, improving, ascertaining & receiving the Quit rents, the arrears due to the Officers will rather increase than decrease; as your Lordships may perceive by the abstract of Mr. Allen's receipt of Quit rents & by Mr. Rutherford's the present receiver's account from the 14th of May 1751, to the 5th of October following, amounting to no more than £161 8^s sterling.

As to what your Memorialist alledges that an appropriation of the Quit rents to any new purposes would deprive her from having relief from them is (I apprehend) in the present state of the Quit rents but too true and that is the case of the rest of the Officers, who I must observe to your Lordships seem by the present Establishment equally entitled to their respective proportion of their arrears out of the Quit rents due to the Crown as they are received, in the meantime if those arrears are to be pay'd in course and preferable to any new incumbrance I don't see how the salary of the Gov^r lately appointed can be charged upon them and payd, until the Quit rents by a new rent roll & a better management & collection of them shall be vastly increased.

All which is submitted by your Lordships Most obedient servant

H. WALPOLE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 22.]

CAPE FEAR, NORTH CAROLINA May 28th 1753.

MY LORDS, [OF THE BOARD OF TRADE]

On the 27th of March last the General Assembly of this Province met at Newbern, pursuant to the Proclamation I acquainted your Lordships of, in my letter of the 14th of February.

The Laws past during that session were,

1. An additional Act concerning slaves; 2^d an Act of relief for the sufferers by the accidental loss of the records in Onslow County.

3^d An additional Act to the Act for fixing the seat of Government &c. (this is only to continue for a time the tax of 4^d per roll to defray the charge of the circuit Courts.)

4th An Act to prevent excessive gaming

5th An Act to prohibit the exportation of grain in time of scarcity.

6th An Act to divide Anson County.

7th An Act to appoint a town at Oceaecock Inlet and to erect a fortification there.

8th An Act to settle the bounds of Orange County.

These Acts are ordered to be printed and shall be laid before your Lordships by the first opportunity after they are done.

Finding that the Journals of the Upper House have not been regularly transmitted to your Lordships, I have caused the clerk to transcribe such as have not been sent viz: the Journals for the Sessions in March 1747 $\frac{7}{8}$, in March 1749, October 1749, March 1750, July 1750, September 1751, and April 1752, these seven Journals are enclosed with this as also the Journal of the Lower House for March 1752. The Journals of the last Session not being completed when I left Newbern cannot be sent at this time.

I have not since the decease of the late President received any of the royal Instructions, or any of your Lordships commands except what are mentioned in my letter of February.

I have ordered the several Collectors to furnish the accounts of the imports and exports required by your Lordships, as soon as they come to hand they shall be sent together with a state of the militia which I have taken pains to make more complete than it has been heretofore.

I have no further to add but am with great respect,

My Lords, Yours, &c., MATH: ROWAN.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 23.]

NORTH CAROLINA, CAPE FEAR JUNE 28th 1753.

MY LORDS, [OF THE BOARD OF TRADE]

My last of the 28th of May with seven Journals of the Upper House and one of the Lower House I sent by Captain Peterson for London since that have received the Laws passed last Assembly which I now transmit.

I recommended to the Assembly the revival of all our Laws but they seemed to think that important task fitter for the first Session of a new Assembly than the last of an old one for which reason it was deferred.

Our militia had been very much neglected, several Counties had never been regimented and others most of the Officers dead or removed, I have fitted up the vacancies and appointed new regiments in the Countys where there was none.

In the year 1746 I was up in the Country that is now Anson, Orange and Rowan Countys, there was not then above one hundred fighting men there is now at least three thousand for the most part Irish Protestants and Germans and dayley increasing. I have no further to add but am with the greatest respect, My Lords, Your most, &c.,

MATT: ROWAN.

[B. P. R. O. AM: & W. IND: VOL. 67.]

CAPE FEAR N^o CAROLINA NOV^r the 21st 1753.

MY LORD [EARL OF HOLDERNESSE]

I rec^d your Excellency's of the 28th of Aug^t by way of Virginia, have since called the Council & Made all the inquery possible about the French and Indians in any Number coming on our frunteers but cannot find any foundation for the Information.

Last June three French and five Northward Indians came down to kill some of the Catabahs but were met by thirteen of the Catabah Indians who killed two french & three of the N^oward Indians the other three made th^r escape the five were killed dead so that no information could be had from them this action was within less than two miles of Rowan County Court House during the sitting of the Court.

Last week the High Sheriff of Rowan which is the most frunteere County came down here some of their Hunters were a great way back but saw nothing of any french or Indians he returns tomorrow will give him directions to make the best inquery he can, I will order the Militia to be in redyness, our three fruntire Countys are Anson, Orange, & Rowan. they are for the most part, settled with Irish Protestants, & Germans brave Industrious people their Militia amounts to upwards of three thousand Men and incresing fast.

Your Excellency may depend on it I will not suffer any insult or incroachment on his Majestys Dominions in This Province whilst the administration is in my hands and am My Lord, &c.,

MATT ROWAN

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 21.]

SIR, [PRESIDENT MATTHEW ROWAN]

We take the first opportunity to acknowledge the receipt of your several letters to us dated 14th February 28th May and 28th June last and of the public papers transmitted with them.

The method you took of calling His Maj. Council together and taking the oaths upon the death of Mr. Rice appears to us to be right and proper and we doubt not of your faithful and diligent execution of the important trust devolved upon you until Mr. Dobbs whom His Maj. has appointed his Governor shall arrive and hope that the person whom you

have made choice of to execute the office of Secretary until His Majesty shall appoint one will be no less attentive to his duty in a place which appears to us to require great diligence and ability.

Your endeavours to put the Militia upon a better foot show a proper regard and attention to the interest and security of the Province and we should be glad to receive from you a particular account of their strength and numbers and in what manner they are train'd and disciplined.

So We bid you heartily farewell and are

Sir Your very loving friends, &c.,
 DUPPLIN CHARLES TOWNSHEND
 FRAN FANE JAMES OSWALD

Whitehall Dec^r 5th 1753.

[From the Board of Trade]

[B. P. R. O. B. T. JOURNALS. VOL. 61.]

BOARD OF TRADE JOURNALS.

Wednesday January 10th 1753.

Present.

Earl of Halifax

Mr. Pitt. Mr. Grenville.

Lord Dupplin. Mr. Fane.

Mr. Oswald.

Ordered that the Draught of a Representation to His Majesty be prepared proposing that Arthur Dobbs Esq. may be appointed Governor of North Carolina in the room of Gabriel Johnston Esq. deceased.

Thursday January 11th 1753.

The following Representations and Letters having been prepared pursuant to the preceding Minutes were laid before the Board agreed to transcribed and signed.

* * * * * * *

Representation to His Majesty proposing that Arthur Dobbs Esq. may be appointed Governor of North Carolina in the room of Gabriel Johnston Esq. deceased.

Wednesday, January 17th 1753.

Mr. Child Attorney General of the Province of North Carolina attending was called in and he laid before the Board the following paper viz:

Reasons humbly offered to the Lords Commiss^{rs} for Trade and Plantations by Mr. Child Attorney General of North Carolina for his being absent from the Province.

He likewise produced to their Lordships the late Governor's Testimonial under the seal of the Province of his good services and conduct and of the reasons which induced him to come over into England which being read was redelivered to him and he was acquainted that his reasons appeared to their Lordships to be satisfactory.

Ordered that the Secretary do write to Mr. Enoch Hall Chief Justice of the Province of North Carolina who appeared to have been absent from his duty for upwards of four years desiring he would acquaint the Board with his reasons for such long absence & when he purposes to return.

Wednesday January 31st 1753.

Read an Order of Council dated 25th Jan^{ry} 1753 approving a Representation of this Board proposing that Arthur Dobbs Esq. may be appointed Governor of His Maj. Province of North Carolina in the room of Gabriel Johnston Esq. deceased and directing this Board to prepare a Commission and Instructions accordingly.

The following Draughts of Represen^t to His Maj. having been prepared in consequence of the foregoing Orders were laid before the Board agreed to transcribed and signed. * * * *

Representation to His Maj. with the Draught of a Commission appointing Arthur Dobbs Esq. to be Gov. of North Carolina.

Friday March 9th 1753.

Read several copys of Orders in Council the titles of which are as follow viz^t

* * * * *
Copy of an Order in Council dated 7th February 1753 approving a Representation of this Board together with the Draught of a Commission prepared by them for Arthur Dobbs Esq. to be Governor of His Majesty's Province of North Carolina.

Tuesday, April 10th 1753.

Read a letter from Mr. Rice President of the Council and Commander in Chief of North Carolina to the Board dated 13th Dec. 1752 acknowledging the receipt of two packets from their Lordships to the late Gov^r Johnston dated 28 April and 3 June last and transmitting Minutes of Council in April and August 1752.

The Secretary laid before the Board a collection of all the Laws now in force in North Carolina received from the Agent of the said Province

Wednesday, April 11th 1753.

Present

Earl of Halifax

Mr. Pitt.	Lord Dupplin.	Mr. Grenville.
Mr. Townshend.	Mr. Fane.	Mr. Oswald.

Their Lordships took into consideration the state of His Maj. Province of North Carolina and also a Body or Collection of the Laws of the said Province mentioned in the preceding Minutes.

Resolved that the state of the said Province be taken into further consideration on Tuesday next the 17th inst.

Tuesday, April 17th 1753.

Their Lordships took into further consideration the state of affairs in His Maj. Province of North Carolina and ordered a state of the case with respect to the Act passed there in 1746 for ascertaining the number of the Assembly and Queries thereupon to be prepared in order to be laid before the Attorney and Solicitor General for their opinion.

Wednesday, April 18th 1753.

The Rt. Hon. Horatio Walpole Esq. being present their Lordships made a further progress in the consideration of the state of affairs in His Majesty's Province of North Carolina more particularly with respect to the confused state of the Grants of Land and quit rents therein.

Wednesday May 2nd 1753.

Read a letter from Mathew Rowan Esq^r one of the Council of North Carolina to the Board dated 14 Feb^{ry} 1752 giving an account of the death of Nathaniel Rice Esq^r late President of the Council and Commander in Chief of the said Province and of his having taken upon him the administration of that Government.

Wednesday, November 14th 1753.

Read a letter from the Attorney & Solicitor General to the Secretary dated 20th July 1753 with their Report upon the case referred to them relative to the Act of North Carolina for ascertaining the number of Representatives.

Ordered that the Draught of a Representation to His Majesty be prepared upon the state of affairs in His Maj. Province of North Carolina

Friday, November 16th 1753.

Read two letters from Mr. Rowan President of the Council of North Carolina dated 28th May & 28th June last transmitting the following papers

Journals of the Upper House & also of the House of Burgesses of that Province

A printed copy of the Acts passed in the last Assembly of that Province in March 1753.

Ordered that the Acts be sent to Mr. Lamb for his opinion in point of law

Ordered that the Draught of a letter to Mr. Rowan be prepared.

Wednesday, November 28th 1753

The following Draughts of Letters having been prepared pursuant to their Lordships orders were agreed to and ordered to be transcribed Viz:

* * * *

Draught of a letter to Mr. Rowan President of the Council of North Carolina—which was signed on 5 Dec^r 1753.

[FROM THE MSS. RECORDS OF NORTH CAROLINA COUNCIL JOURNALS.]

COUNCIL JOURNALS.

NORTH CAROLINA—SS.

At a Council held at Wilmington the 1st of February 1753

Present The Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray John Rutherford }
 { James Hasell John Swann } Esq^{rs} Members.
 { James Innes Lewis De Rosset }

The Hon^{ble} Nathaniel Rice Esq^r Late President and Comm^r in Chief in and Over this Province having departed this Life on the 29th of last month and the administration of the Government hereby devolving on the Honourable Mathew Rowan Esq^r Eldest Councillor, pursuant to his Majestys Royall Instructions the said Mathew Rowan Esq^r took and subscribed the Several Oaths by Law Appointed to be taken by publick Officers, made and subscribed the Declaration call'd the Test and took the Oath of Office and his seat at the Board as President

The several Members of Council now Present in like manner took and subscribed the said several Oaths made and subscribed the said Declaration and severally took the Oath of a Councillor and their seats at the board accordingly.

His Hon^r the President was pleased to appoint James Murray Esq^r Secretary, Clerk of the Council and Clerk of the Crown in the Room of the late Nathaniel Rice Esq^r De'd Untill his Majestys Pleasure shall be

known of which appointment the Council approved a Commission was accordingly made out for the said James Murray who took and made the several Oaths & Declarations above Ment^d as also the Oath for the due Execution of the said Offices

Ordered that a Proclamation Issue for continuing all Officers Civil and Military in their severall offices till further Orders

Ordered that a Proclamation issue to command the Meeting of the General Assembly at Newbern on Tuesday the 27th day of March next

His Hon^r the President was pleased to lay before the Board a Letter of this date from William Wilkins Comm^r of his Majestys Sloop Scorpion setting forth that haveing Received orders from the Lords of Admiralty to proceed immediately with the said Sloop to England and being directed by his Instructions to consult the Comm^r in Chief and His Majestys Council in all affairs of Importance tending to the welfare and security of this Province and taking his leaving the Province at this time to be of the utmost Importance, desires to be favoured with the sentiments of His Hon^r & the Council thereupon whether or not they concur with the Orders he has Received This Board taking the same into consideration is of Opiniun that Notwithstanding several Good Reasons appear for continuing the said Sloop on this Station till relieved, they cannot Advise Capt Wilkins to Dispense with the late orders he has Received from the Lords of Admiralty for his Departure

At a Council held at Newbern on Wednesday the 28th day of March 1753

Present the Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray James Innes } Esq^{rs}
 { James Hasell Lewis De Rosset }

Francis Corbin and James Craven Esq^{rs} Severally exhibited a Mandamus from their Excellencies the Lords Justices, Mr. Corbin's dated the 5th and Mr. Craven's the 9th day of June 1752 directing and Requiring the Comm^r in Chief of this Province to swear and admit them the said Francis Corbin and James Craven Esq^{rs} Members of His Majestys Council in this Province in the room of Eleazor Allen and Cullen Pollock Esq^r de^{cd} whereupon the said Francis Corbin and James Craven took the severall Oaths by Law appointed to be taken by Publick Officers made and subscribed the Declaration called the Test and took the Oath of a Councillor and their Seats at the Board Accordingly

Present ut supra & the Hon^{ble} Francis Corbin and James Craven Esq^{rs}

Mr. Richard Neal produced a Certificate of His admission as an Attorney from the Clerk of the Court of the Kings Bench in England,

which being Read he took Oaths by Law Appointed to be taken, made and subscribed the Declaration against Transubstantiation & took the oath of an Attorney

Read the Petition of the Tuskerora Indians, setting forth that their King had in a Clandestine manner leased to John M^cGasky contrary to their Inclination & the Laws of this Province made in their favour—delay'd this for further consideration till to morrow

Mr. John Devis produced a Commission from His Hon^r the President appointing him Clerk of the Upper House of Assembly & was Qualified by taking the Oaths and making and subscribing the Declaration by Law required to be taken and made

Mr. Jeremiah Vail producing a Comission from the Secretary appointing him Deputy Clerk of the Council and Deputy Clerk of the Crown was Qualified in like Manner as Mr. Devis

Newbern March 29th 1753

Present The Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray Francis Corbin }
 { James Hasell James Craven } Esq^{rs} Members.
 { James Innes Lewis De Rosset }

On considering the Petition of the Tuskarora Indians which was read yesterday It was Ordered that a Commission issue directed to Mr. Thomas Whitmil, Mr. William Taylor and Mr. John Hill to empower and require them to Enquire into the fact Complained of in the said Petition & to hear & determine concerning the same with Liberty of appeal to this Board if any of the Parties shall think him or themselves agreived by the Judgment of the said Commissioners who are to make Report of their Proceedings by Virtue of the said Comission

At a Council held at Newbern April the Second 1753.

Present The Honble Mathew Rowan Esq^r President

The Hon^{ble} { James Murray Francis Corbin }
 { James Hasell James Craven } Esq^{rs} Members.
 { James Innes Lewis De Rossett }

John Riensset Esq^r by virtue of a Mandamus from their Excellencies the Lords Justices dated at Whitehall the 11th of June 1752 which he produced was sworn & Admitted a Member of his Majesties Council in due form and took his seat at the Board accordingly

April the 9th 1753

Present the Hon^{ble} the President

{ James Murray Francis Corbin }
 { James Innes Lewis De Rossett } Esq^{rs}
 { John Rutherford John Riensset }

Francis Corbin Esq^r was qualified as an associate Justice of the General Court by taking the Oath of Allegiance, Supremacy, & Abjuration & making the Declaration against Transubstantiation and taking the Oaths of Office according to Law.

April 10th 1753

Present His Honour the President and the same members as yesterday Ordered the Secretary to make out Commissions of the Peace and Dedimus Directed to the Persons mentioned in the Commission book for the Countys of Johnston, New Hanover, Craven, Bertie, Hyde, Beaufort, Duplin, Carteret, Tyrrel, North^s Hampton, Edgecombe, Chowan, Granville, Orange, Anson, and Onslow,

April 11th 1753

Present his Hon^r the President

{	James Murray	John Rutherford	}	
{	James Innes	Francis Corbin	}	Esq ^{rs}
	John Rieusset			

His Honour the President with the approbation of the Council was pleased to appoint James Innes Esq^r Escheator General in the room of Robert Halton Esq De^{cd}. Ordered that a Commission be made out accordingly.

Read the Petition of Edward Ward Jun^r setting forth that he is Tenant in possession of a Certain Tract of Land containing 640 acres of Land lying in the precinct, now in the County of Onslow which was Granted by Patent dated the 20th day of Feb^r 1735 to Hezekiah Ress afterward conveyed by s^d Ress to Solomon Jenning & from him to William Robinson who died (as is said) without Heirs and praying that a warrant of Escheat for the same may be issued & Directed to the Escheator General Granted.

April 12th

Present His Honour the President and the same members as yesterday An Act intituled an act to prevent the Exportation of Grain in time of scarcity having been passed this session of Assembly John Rutherford Esq^r one of the members of this board being the last person come from Cape Fear made oath that the price of Indian Corn at the time of his Departure from Thence, exceeded three shillings Proclamation ¶ Bushell and that severall of the Inhabitants there were really in Distress for want of Grain Whereupon His Honour the President by virtue of the beforementioned Act and with the Unanimous advice & Consent of the Council was pleased to order a proclamation to be issued to prohibit untill the 12th day of November next the Exportation of Indian Corn

& other Grain out of the Port of Brunswick in Cape Fear River and a Proclamation was issued accordingly.

Ordered the Attorney Generall to enter a Nolli Prosequi in the Kings Suit against John Haywood it being on a bill of Indictment found against him in the Execution of his Office as a Magistrate.

At a Council held at Wilmington on the 9th day of May 1753

Present the Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members

Read the Petition of Mrs. Sarah Allen setting forth that the late Eleazor Allen Esq^r by Patent dated 20th day of Feb^{ry} 1735 was possessed of a Tract of Land on Perdreaux Creek in New Han^c County said to Contain 640 acres, that the Pet^r apprehends much less land is contained within the Bonuds of the said Tract than is Granted by the said Patent that his Majestys Quit rents have been duly paid for the whole 640 acres and praying an Order for a Resurvey so as to have the full Complaint made Up from his Majesties vacant Land adjoining the said Tract Granted the order of a Resurvey.

May the 10th 1753

Present His Hon^r the President and the same members as yesterday.

James Carter Esq^r Having deposed on Oath in Council that sundry persons Under pretence of authority from the surveyor Gen^l of South Carolina have run out divers Tracts of Land the Property of severall persons on the Waxaw fields and parts adjacent within this Province to the great Disturbance of their Peace and Quiet

Ordered that a proclamation be issued to authorize and Command all officers Civil and Military and all Other his Majesties Liege Subjects within this Province to apprehend every Offender in the Premises and to bring him before the Chief Justice or any of the Associate Justices at Newbern or Wilmington to be dealt with according to law

May the 12th

Present His Hon^r the President

{ James Murray James Innes
 { James Hasell Lewis De Rossett } Esq^{rs}

Read the Petition of John Brown complaining of being insulted confined & abused by Thomas Turnbull Esq^r one of His Majesties Justices of the Peace for the County of Bladen and praying such Redress as should seem meet—the Parties were called in, their Evidences Examined and their Council heard and it Appears that Notwithstanding the

Provocation given by the Complainant the said Magistrate had thro Passion Misbehaved in his office It is therefore the opinion of this Board that the said Mr. Turubull Ought to be Repremanded and enjoyned to behave with more Temper and Caution for the future and he was call'd in and by his Hon^r the President reprimanded and Cautioned accordingly.

Read the Petition of George Moore Esq^r setting forth that by Patent from the Late Lords Proprietors to the late Roger Moore Esq^r the Pet^r's Father dated the 5th day of August 1727 he (the Pet^r) now holds a Traet of Land containing 3000 acres in the fork of a Branch of Black River now in Duplin County and not being able to trace the lines of the said Land as Described in the said Patent prays an order to resurvey the same Granted

At a Council held at Wilmington on the 31st Day of August 1753

Present the Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray John Rutherford } Esq^{rs}
 { James Hasell John Swann }
 { James Innes Lewis De Rossett }

Read the Petition of John Martinleer for an Order to resurvey the Land he lives on Granted

Read the Petition of William Barns setting forth that his wife haveing during his absence retailed Liquors contrary to Law a Bill of Indictment had been found against him in the County Court of New Hanover and that he being poor as well as Innocent of the said Crime prayed that a Nolle prosequi might be Entered in his behalf The case of this Petitioner being Recommended by the s^d Court the Attorney General was ordered to Enter a Nolle Prosequi Accordingly.

Ordered that a Proclamation be Issued to prorogue the General Assembly to Tuesday November next then to meet at Newbern.

At a Council held at Newbern on Wednesday the 26th day of September 1753

Present the Hon^{ble} Mathew Rowan Esq^r President

{ James Murray John Swann } Esq^{rs}
 { James Hasell John Riensset }

On Reading the Petition of Alexander Mackay and George Robards two warrants for certain interfering Lands between Trentham Creek and Duck Branch in Bladen County

It was ordered that Alexander Mackeys Land be Resurveyed exactly square and that In the mean time George Robards Petition for a Patent be postponed

The Commissioners on the 28th day of March last to examine hear and Determine concerning the Complaint of the Tuskerora Indians made their Report in the following words,

“Pursuant to the within Warrants the Parties appeared, and John M^cGasky the Defendant confessing that he held a Tract of Land by Virtue of a Lease from the Indian King ordered and adjudged that the Defendant quit his Claim and all pretention to the said Land by Virtue of the said Lease, from which Judgment the Defend^t appeals Given under Our Hands this 21st day of May 1753.

Signed THOMAS WHITMELL
WILLIAM TAYLOR Com^{rs}”

Which return being read and the appellant heard it was Ordered that the Judgment of the said Commissioners be confirmed and that the said John M^cGasky do remove himself and his effects off and from the said Indians Lands Accordingly

At a Council held at Newbern on Thursday the 27th Day of September 1753

Present His Hon^r the President and the same Members as Yesterday.

Read and Granted the following Petitions for Resurvey of Land held in Craven County.

Thomas Pollock one Tract of 1500 & another Tract of 2500 acres
John Devis 238 acres

James Hasell Esq^r produced a Commission from His Honour the President for Chief Baron of His Majestys Court of Exchequer and took the severall Oaths by Law appointed for the Qualification of Public Officers as also the oath of Chief Baron and subscribed the Declaration against Transubstantiation.

Newbern Sep^r 28 1753

Present His Hon^r the President and the same Members as yesterday.

Read the Petition of John Stiring setting forth that he Obtained an order for a Resurvey of a Tract of Land which he holds by patent Granted to Charles Worth Glover dated the 19th November 1723 that by the Return of s^d Resurvey it appears that one of the Courses viz So 60 East and the Distance of the Course viz 130 poles have been entirely omitted to be inserted in the said Patent and Record and praying the said mistake may be Rectified—Granted and the said Error was in the presence of the Councill Rectified both in the Patent and Record

Ordered that a Proclamation be Issued to prorogue the Gen^l Assem-
bly to the Third Tuesday in February next then to meet at Wilmington

At a Council held at Newbern the 29th day of September 1753.

Present the Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray John Swann } Esq^r
 { James Hasell John Rieusset } Esq^r

The Secretary Represented that a Great Number of Warrants for Land have been Executed in his Office and there Remain the Warrantees neglecting to compleat their Titles; and that many of these Warrantees under colour of those warrants, possess or keep vacant great Quantities of His Majesties Lands within this Province, eluding thereby the payment of his Majestys Quit rents & preventing the fair and equal settlement of this His Majestys Province for Remedy whereof It was ordered that a Proclamation be issued that all Lands described by warrants dated Before the 25th day of September 1752 and now lying in the Secretarys Office not patented, to be vacant Lands and free to be taken up And for the better Discovering all Fraud and Neglect in the premises, It was likewise ordered that the Secretary do publish in the Gazette a List of the Warrants returned into his Office for which Compleat Patents have not been issued distinguishing such warrants as are not yet Expired.

At Rowan the 8th Day of November 1753 Robert Palmer Esq^r produced to His Hon^r the President a Warrant under the Royall sign Manual appointing him surveyor General of His Majestys Lands in this Province in the Room of George Gould Gent De^{ced} as also Commission from the Commissioners of the Customs appointing him Collector in the port of Bath in this Province whereupon he the said Robert Palmer took the several Oaths by Law appointed to be taken by Publick Officers made and subscribed the Declaration & took the Oaths of Office.

At a Council held at Wilmington on the 15th day of November 1753

Present The Honourable Mathew Rowan Esq^r President

The Hon^{ble} { James Murray John Rutherford }
 { James Hasell John Swann } Esq^r
 { James Innes Lewis De Rossett }

His Honour the President was pleased to Lay before this board a Letter to him from the Right Honourable The Earl of Holderness one of his Majesty's principall Secretarys of State dated 28th August 1753 which was Read in the words following viz^t

WHITEHALL 28th August 1753

SIR

His Majesty having received Information of the March of a considerable number of Indians, not in alliance with the King supported by some regular European Troops, intending, as it is apprehended, to commit some Hostilities on parts of His Majestys Dominions, in America, I have the King's Command to send you the Intelligence and direct you to use your Utmost Diligence to Learn how far the same may be well founded and to put you Upon your Guard, that you may, at all Events, be in a Condition to resist any Hostile Attempts that may be made Upon any part of his Majestys Dominions within your Government and to Direct you in the King's name that in Case the Subjects of any foreign Prince or State should presume to make any Incroachments on the Limits of his Majestys Dominions or to Erect forts on His Majestys Lands or Commit any Other Act of Hostility, you are Immediately to Represent the Injustice of such Proceeding, and to require them forth with, to desist from any such unlawful undertaking But if, notwithstanding your Requisition they should still persist, you are then to draw forth the armed force of the Province, and to use your best Endeavours to repel Force by Force, But, as it is, His Majestys Determination, not to be the Agresor, I have the Kings Commands, most strictly to Enjoyn you not to make use of the Armed Force under your Directions excepting within the undoubted Limits of his Majestys Dominions

And whereas it may be Greatly conducive to his Majestys service that all his Majestys Provinces in America should be aiding and assisting each other, in case of any Invasion, I have it particularly in Charge from his Majesty to acquaint you that it is his Royall will and pleasure, that you should keep up an Exact Correspondence with all his Majestys Governours on the Continent, and in case you shall be informed by any of them of any Hostile Attempts you are immediately to assemble the Generall Assembly within your Governments and lay before them the Necessity of a Mutual Assistance, & engage them to grant such supplys as the Exigency of Affairs may require I have wrote by this conveyance to all His Majestys Governors to the same purpose. I am Sir your most Obedient Humble servant

HOLDERNESS

At a Council held at Wilmington the 17th day of November 1753Present the Honourable Mathew Rowan Esq^r President

{	James Murray	James Innes	}	Esq ^r
	James Hasell	John Rutherford		
	Lewis De Rosset			

On the motion of Mr. Swann a Commission was issued directed to the members of his Majesty's Council and to Samuel Swann and George

Moore Esq^r empowering them or the majority of them residing or for the time being in the County of New Hanover to call to account all persons in whose hands are any of the negroes stores or other Goods belonging to a Spanish Privateer blown up before the Town of Brunswick on the 8th day of November 1748 or in whose hands any of the moneys due for the same is or shall be And such moneys &c by themselves or their Agent having recieved to distribute one half among the sufferers by the Depredations of the Crew of the said Privateer in Brunnswiek and the other half among the Captors of the Survivors of the said Crew.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 28.]

LEGISLATIVE JOURNALS.

At an Assembly begun, and held at Newbern the twenty fifth day of February, in the year of our Lord one thousand seven hundred and forty six and in the twentieth year of the reign of our Sovereign Lord George the second by the grace of God of Great Britain, France and Ireland, King Defender of the Faith &c. And continued from thence by several prorogations, to the twenty seventh day of March, one thousand seven hundred, and fifty three in the twenty sixth year of his said Majesty's reign, and then continued by Adjournments to the twenty ninth instant.

Thursday March 29th 1753. In the Upper House.
Present.

The Hon ^{ble}	{	James Murray	Francis Corbin	}	Esq ^{rs} Members.
		James Hasell	James Craven		
		James Innes	Lewis De Rosset		

The honourable Mathew Rowan Esq^{re} President came to this House, and sent a message to the Lower House, commanding their immediate attendânce.

Whereupon the Speaker attended by the Lower House, waited on his Honour in the Council Chamber, when his Honour made the following speech to both Houses

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

I have received a late Instruction from their Excellencies the Lord Justices, enjoining a revisal of our Laws. I will order the Instruction,

and the other papers transmitted with it, to be laid before you, for your consideration.

You are all well acquainted Gentlemen, with the Interests of this Province, and I am persuaded, from long experience, of your hearty disposition, to promote them: You may depend on my concurrence in every thing, that is for the good of the Country, and consistent with his Maj^{ties} royal Instructions.

Then His Honour withdrew from the House.

This Board was pleased to take under their consideration, His Honour's Speech and ordered the same to be read, which accordingly was; and the Honourable James Hasell and James Craven Esq^s two of the Members of this Board, were appointed a Committee to answer the same.

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

The House met according to Adjournment.

Present

The Hon^{ble} { James Hasell James Craven } Esq^s Members.
 { James Innes Lewis De Rosset }
 Francis Corbin

Mr. Brice Brought up the following message, to wit,

GENTLEMEN OF HIS MAJESTIE'S HON^{ble} COUNCIL,

This House have appointed the following Gentlemen Committee on the publick Accounts, and Claims (viz.) Mr. Ormond, Mr. Vail, Mr. Kearney, Mr. Washington and Mr. Ashe, on the publick accounts, Mr. Starkey, Mr. Haywood, Mr. Barrow, Mr. Lovick, Mr. Sinclare, Mr. Howell and Mr. Sampson on the claims in conjunction with such Members of your House, as your Honours shall think fit.

By order SAM. SWANN. Speaker.

March 29th 1753.

Then this House adjourned till to morrow morning 10 o'clock.

Friday March 30th The House met according to Adjournment.

Present

The hon^{ble} { James Murray James Craven } Esq^s Members.
 { James Hasell Lewis De Rosset }
 James Innes

This House taking under their consideration the message brought from the Lower House, were pleased to order the following message to be sent. (to wit.)

MR. SPEAKER & GENTLEMEN,

This House taking under their consideration the message of yesterday relative to the Appointment of the Committees, of publick Accounts, & Claims, have thought fit to appoint the following Gentlemen, in conjunction with those of yours (to wit) The honourable James Hasell and James Innes Esq^{rs} on the Claims, and the honourable Francis Corbin, James Craven and Lewis De Rosset Esq^{rs} on the publick accounts.

The gentlemen appointed by this Board to draw up an address to the honourable the President's speech, reported the same; which was ordered to be read, and being approved of was ordered to be engrossed.

Then His Honour came to this Board, and the honourable James Murray Esq^{ro} presented him with the said Address which is in the following words (to wit)

To the Hon^{ble} Mathew Rowan Esq^{ro} President & Commander in Chief
in and over His Majesty's Province of North Carolina.

The humble Address of His Majesty's Council for the said Province.

We, His Majesty's most dutiful and loyal subjects, the Members of His Majestic's Council for this Province, return your Honour our sincere thanks for the favourable opinion you have been pleased to express, of our dispositions, to promote the interest of this Government; which we always shall endeavour to preserve.

When the Instruction enjoyning the revisal of our Laws, with the other papers transmitted to your Honour, by their Excellencies the Lords Justices, shall be laid before us, we will take the same under our immediate consideration.

As you, Sir, have had a great share, in whatever services have been done the publick, for many years past, we have the greatest reason to believe, you will make the best use of your authority, for the good of the community, consistent with His Majesty's royal Instructions, and we on our parts, shall most cheerfully concur with your Honour, and the General Assembly, in every purpose conducive to the welfare of this Province, agreeable to His Majestic's direction.

By order JAMES MURRAY.

Mr. Barrow & Mr. Dickson Brought up the following Bill.

A Bill to prevent excessive & deceitful Gaming &c. In the General Assembly read the first time & passed.

Then the House adjourned till 4 o'clock in the afternoon.

The House met according to Adjournment.

Present

The hon^{ble} { James Hasell James Craven
James Innes Lewis De Rosset } Esq^{rs} Members
Francis Corbin

The Bill to prevent excessive and deceitfull gaming &c. In the Upper House read the first time & passed.

Then the House adjourned till to morrow morning 10 o'clock.

Saturday March 31st The House met according to Adjournment.

Present

The hon^{ble} { James Hasell James Craven
James Innes Lewis De Rosset } Esq^{rs} Members
Francis Corbin

Mr. Washington & Mr. Dickson Brought up the following Bills (to wit)

The Bill to prevent excessive & deceitfull gaming &c. In the General Assembly read the second time & passed with amendments.

The Bill for an Act for an Amendment of an Act intituled an Act for dividing part of Granville, Johnston and Bladen Countties, into a County and Parish, by the name of Orange County and the Parish of S^t Mathew, and for appointing vestrymen, for the said Parish, and other purposes therein mentioned, &c. In the General^e Assembly read the first time & passed. In this House read the first time and pass'd.

Then the House adjourned till Monday morning 9 o'clock.

Monday April 2nd The House met according to Adjournment.

Present

The hon^{ble} { James Murray James Craven
James Hasell Lewis De Rosset } Esq^{rs} Members.
James Innes John Rieusset
Francis Corbin

This day John Devis produced his Commission for Clerk of the Upper House in the place of Richard Lovitt deceas'd, and took the oath of Office &c.

Mr. Ashe & Mr. Dickson Brought up the following Bills (to wit)

A Bill to revive and continue a clause in an Act of the General Assembly of this Province, intituled an Act to fix a place for the seat of Government, and for keeping Offices, for appointing circuit Courts, and defraying the expenses thereof, also for establishing the Courts of Justice &c.

A Bill to appoint a Town on the East side of the North East branch of Cape Fear in New Hanover County, at the place called the Sand Hill, and to appoint Inspectors, other purposes therein mentioned &c.

A Bill to relieve such persons that have or may suffer by the loss of the records in Onslow County &c.

In the General Assembly read the said Bills the first time and pass'd. In this House read the first time and pass'd.

Mr. Howell & Mr. Robinson Brought up the following Bill

A Bill, for an Act appointing, and laying out a Town on the land of John Jenkins, on the south side of Pedee River, in Anson County, and establishing two Fairs, to be annually; and other purposes therein mentioned. In the General Assembly read the first time & pass'd. In this House read the first time & pass'd.

Mr. Dickson & Mr. Barrow Brought up the following Bill (to wit)

A Bill for an Act, for amendment of an Act, intituled an Act, for dividing part of Granville County &c. In the General Assembly read the second time & pass'd.

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

The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	James Craven	} Esq ^{rs} Members.
		James Innes	Lewis De Rosset	
		Francis Corbin	John Rieusset	

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

Tuesday April 3^d The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	James Craven	} Esq ^{rs} Members.
		James Hasell	Lewis De Rosset	
		James Innes	John Rieusset	
		Francis Corbin		

Mr. Vail & Mr. Bartram Brought up the following Bills

A Bill to alter and amend an Act, intituled an Act for licencing Pedlars, Traders and petty Chapmen, & granting to His Majesty an impost, or duty on Goods, wares and Merchandize to raise supplies for the necessary charges of Government &c.

A Bill for an additional Act concerning servants & slaves &c.

Also the Bill directing the examination & admission of persons, hereafter to be admitted to plead or practice the Law in this Province &c.

In the General Assembly read the said Bills the first time and pass'd.

The Bill to prevent excessive & deceitfull gaming &c. In this House read the second time and pass'd with Amendments.

The Bill directing the examination, and admission of Persons hereafter to be admitted to plead or practise the Law &c. In this House read the first time & pass'd.

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

The House met according to Adjournment.

Present

The hon ^{ble}	{	James Hasell	James Craven	}	Esq ^{rs} Members.
		James Innes	Lewis De Rosset		
		Francis Corbin	John Rieusset		

The Bill for an additional Act, concerning servants and slaves &c.

Also the Bill to alter and amend an Act, intituled an Act, for licencing Pedlars &c.

In this House read the said Bills, the first time and pass'd.

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

Wednesday April 4th The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	James Craven	}	Esq ^{rs} Members.
		James Hasell	Lewis De Rosset		
		James Innes	John Rieusset		
		Francis Corbin			

Mr. Berron & Mr. Washington Brought up the following Bills (to wit)

The Bill to appoint a Town, on the North East Branch of Cape Fear river &c. In the General Assembly read the second time, and pass'd with Amendments.

The Bill to relieve such persons that have, or may suffer by the loss of the Records in Onslow County &c. In the General Assembly read the second time & passed with amendments.

The Bill for an Act to revive & continue a Clause in an Act, intituled an Act to fix a place for the seat of Government &c. In the General Assembly read the second time & passed with amendments.

Also the Bill for appointing and laying out a Town on the land of John Jenkins, on the south side of Pedee River &c. In the General Assembly read the second time and passed with Amendments.

The Bill to revive & continue a clause in an Act, intituled an Act to fix a place for the seat of Government &c. In this House read the second time & passed.

The Bill for an amendment of an Act, intituled an Act for dividing part of Granville &c. In this House read the second time and passed with Amendments.

The Bill to relieve such persons, that have or may suffer by the loss of the Records in Onslow County &c. In this House read the second time and passed with Amendments.

The Bill to appoint a Town on the North East Branch of Cape Fear River &c. In this House read the second time and passed with Amendments.

Mr. Berron & Mr. Bartram Brought up the following Bill

The Bill for an Act for erecting a County, and Parish, on the Head of Anson County &c. In the General Assembly read the first time & pass'd.

Mr. Berron & Mr. Washington Brought up a Bill for laying out a Town on the land of John Jenkins on the south side of Pedee River &c. In the General Assembly read the second time & passed with amendments.

Mr. Starkey & Mr. Ashe Brought up the following Bill (to wit)

A Bill for granting to His Majesty the sum of Proclamation money, and for stamping and emitting the said sum of Publick Bills of Credit of this Province at the rate of Proclamation money to supply the Treasury and for making proper provision for defraying the contingent charges of government, and for making copper halfpence current in this Province &c. In the General Assembly read the first time & passed.

Mr. Dickson & Mr. Washington Brought up the Bill to prevent excessive and deceitfull gaming &c. In the General Assembly read the third time and pass'd with amendments.

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

The House met according to Adjournment.

Present

The hon ^{ble}	{	James Hasell	James Craven	}	Esq ^{rs} Members.
		James Innes	Lewis De Rosset		
		Francis Corbin	John Rieusset		

The Bill for granting to His Majesty the sum of Proclamation money, and for stamping and emitting the said sum of Publick Bills of Credit &c. In this House read the first time and passed.

The Bill for appointing and laying out a Town, on the Land of John Jenkins on the south side of Pedee River &c. In this House read the second time and passed with amendments.

The Bill to prevent excessive & deceitful gaming &c. In the Upper House read the third time and pass'd. Ordered that the same be sent down and engrossed.

Then the House adjourned till to morrow morning 10 o'clock.

Thursday April 5th The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	Francis Corbin	}	Esq ^{rs} Members.
		James Hasell	James Craven		
		James Innes	Lewis De Rosset		
		John Rutherford	John Riensset		

Mr. Ashe & Mr. Bartram Brought up the Bill for an additional Act, concerning servants and slaves. In the General Assembly read the second time & pass'd with amendments.

Likewise the Bill directing the examination & admission of persons hereafter to be admitted to plead &c. In the General Assembly read the second time and pass'd with amendments.

Also the Bill to alter and amend an Act intituled an Act for licencing pedlars &c. In the General Assembly read the second time and passed. Then the House adjourned till 3 o'clock in the afternoon.

The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	John Rutherford	}	Esq ^s Members.
		James Hasell	Francis Corbin		
		James Innes	John Rieusset		

Mr. Haywood & Mr. Starkey Brought up the following Bills (to wit)

The Bill to appoint a Town on the North East branch of Cape Fear River &c.

The Bill for an Act to revive and continue a clause in an Act intituled an Act to fix a place for the seat of Government &c.

In the General Assembly read the said Bills the third time and passed.

Likewise the Bill to relieve such persons, that have or may suffer by the loss of Records &c.

And also the Bill for an amendment of an Act intituled an Act for dividing part of Granville &c.

In the General Assembly read the two said Bills the third time and passed with amendments.

The Bill to revive and continue a clause in an Act intituled an Act to fix the seat of Government. In this House read the third time and pass'd. Ordered the same to be sent down and engrossed.

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

Fryday April 6th The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	Francis Corbin	}	Esq ^s Members.
		James Hasell	Lewis De Rosset		
		James Innes	John Rieusset		
		John Rutherford			

Mr. Ashe & Mr. Sampson Brought up the following Bills (to wit)

The Bill for prohibiting the exportation of Grain, in the time of scarcity &c. In the General Assembly read the first time & passed. In this House read the first time and passed.

The Bill for an additional Act concerning servants and slaves &c. In this House read the second time and passed with amendments.

On reading the Bill to appoint a Town on the North East branch of Cape Fear River &c. And also the Bill to alter and amend an Act intituled an Act for licencing Pedlars &c. This Board were pleased to order the above said two Bills to lye on the Table.

The Bill directing the examination and admission of persons hereafter to be admitted to plead. In this House read the second time and passed with Amendments.

The Bill for an amendment of an Act, intituled an Act for dividing part of Granville &c. In the Upper House read the third time and passed.

Ordered to be sent down and engrossed.

Mr. Ashe & Mr. Sampson Brought up the Bill to erect a Town on Core Banks near Ocacock inlet &c. In the General Assembly read the first time & passed.

Mr. Dickson & Mr. Robinson Brought up the two following Bills (to wit)

The Bill for an Act, for erecting a County and Parish on the Head of Anson County &c. In the General Assembly read the second time, and pass'd with amendments.

The Bill for appointing and laying out a town on the land of John Jenkins, on the south side of Pedee River &c. In the General Assembly read the third time & passed with amendments.

This Board, on reading the Bill to relieve such persons, that have, or may suffer by the loss of the records &c, the third time, were pleased to send to the Lower House the following Message, to wit.

MR. SPEAKER & GENTLEMEN &C.

In the conclusion of the last clause of the Bill, to relieve such persons that have, or may suffer by the loss of the Records in Onslow County, there is no time limited for the building the Court House, nor the place mentioned where such Court House should be built. We therefore desire to know if you will consent to the following amendment, otherwise we cannot pass the Bill: (In the town of Johnston; and the same shall be built within two years, from the passing hereof) if your House approve of such amendment, we desire you would send two of your Members to see the same incerted in the Bill.

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

The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	Francis Corbin	} Esq ^{rs} Members.
		James Hasell	Lewis De Rosset	
		James Innes	John Rieusset	
		John Rutherford		

Mr. Starkey & Mr. Bell Brought up the following Message

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL

In answer to your message regarding the amendment you propose in the Bill, to relieve such persons that have, or may suffer by the loss of the Records in Onslow County; we agree to the said amendment, and have sent Mr. Starkey & Mr. Bell two of the members of this House to see the same made. By Order.

April 6th 1753.

SAM. SWANN. Speaker.

Mr. Starkey and Mr. Bell in pursuance of the above message came up to this House, and saw the amendment made, in the Bill to relieve such persons that have, or may suffer by the loss of the Records in Onslow County. Wherenpon the said Bill passed the third time upon the said amendment. And ordered that the same be sent down and engross'd Then the House adjourned till to morrow morning 9 o'clock.

Saturday April 7th The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	Francis Corbin	} Esq ^{rs} Members.
		James Innes	Lewis De Rosset	
		John Rutherford	John Rieusset	

Mr. Sampson and Mr. Brice Brought up the Bill to prohibit the exportation of Grain &c. In the General Assembly read the second time & passed with amendments.

This Board was pleased to order the Bill to erect a Town on Core Banks, near Oacock Inlet to be read, which was accordingly read the first time & passed.

In the Upper House read the Bill to prohibit the exportation of Grain &c. The second time, & passed with amendments.

The Bill for an Act, for effecting a County and Parish, on the Head of Anson County &c. In this House read the second time, and passed with amendments.

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

The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	John Rutherford	} Esq ^{rs} Members.
		James Hasell	Francis Corbin	
		James Innes	Lewis De Rosset	

Mr. Calef & Mr. Brice Brought up the following Bills (to wit)

The Bill to prohibit the exportation of Grain &c. In the Lower House read the third time and passed.

The Bill to erect a Town on Core Banks &c. In the Lower House read the second time and passed with amendments.

The Bill for an Act for erecting a County and Parish &c. In the Lower House read the third time and passed with amendments.

The Bill for an additional Act, concerning servants and slaves &c. In the Lower House read the third time and passed.

The Bill directing the examination and admission of Persons hereafter to be admitted to plead &c. In the Lower House read the third time and passed with amendments.

The Bill for an additional Act, concerning servants and slaves &c. In the Upper House read the third time & passed. Ordered the same to be sent down and engrossed.

The Bill for prohibiting the exportation of Grain &c. In the Upper House read the third time and passed. Ordered the same to be sent down and engrossed.

Then the House adjourned till Monday morning 9 o'clock.

Monday April 9th The House met according to Adjournment.

Present

The hon^{ble} { James Murray Francis Corbin } Esq^{rs} Members.
 • { James Innes Lewis De Rosset }
 { John Rutherford John Rieusset }

This honourable Board, on reading the Bill, for an Act, for erecting a County, and Parish, on the head of Anson County &c. were pleased to send the following message, (to wit)

MR. SPEAKER AND GENTLEMEN &c.

We observe, that in the Bill, for an Act, for erecting the upper part of Anson County, into a County, and Parish, by the name of Rowan County, and S^t Luke's Parish, and for appointing a place, for holding a Court, in the said County, you have *dele^d* the bounds that we had incerted in the Bill, together with the names of George Smith and Jonathan Hunt; in lieu thereof, have added others. We therefore propose the following amendments, (to wit) That Anson County be divided by a line beginning where Anson line was to cross Earl Granville's Line, and from thence in a direct line north, to the Virginia line, and that the said County be bounded to the north by the Virginia Line and to the south by the southern line of Earle Granville's line. And also the names of George Smith, and Jonathan Hunt be incerted. If you agree to the above

amendments send two Members of your House, to see the same incerted; and the Bounds you had mentioned for the County, and names of George Ellison and Robert Simington *dele^d*: upon which shall pass the Bill.

The Bill to alter and amend an Act, intituled an Act for liceneeing Pedlars &c. In this House read the second time and passed.

On reading the Bill directing the examination, and admission of persons hereafter to be admitted to plead &c. This House was pleased to send the following message (to wit)

MR. SPEAKER & GENTLEMEN &C.

We observe that in the Bill, directing the examination, and admission of persons hereafter to be admitted to plead and practice the Law in this Province, your House has thought fit to *dele* the following clause And if any Attorney shall act contrary to his duty, the Governor and not less than five of the Council upon complaint and proof thereof made before them, may supersede such Attornie's licence, and suspend him for a time, or disable him for ever, as they shall think just.

We apprehend that if complaint against practicers of the Law, are not to continue to be cognizable before the Commander in chief in Council, where complaints against all Officers in the Proviuce are cognizable, and by whom they may be suspended; it will be difficult, if not impracticable for his Majesty's subjects to have relief against the misdemeanours of the Gentlemen of that profession. We therefore cannot recede from our Amendment, but desire your concurrence, which if your House agrees to, please to send two of your members to see the same done.

The Bill to appoint a Town on the North East branch of Cape Fear &c. being put to the vote by this Board, whether it should be read the third time, was rejected.

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

The House met according to adjournment.

Present

The hon ^{ble}	{	James Murray	Francis Corbin	} Esq ^{rs} Members.
		James Innes	Lewis De Rosset	
		John Rutherford	John Rieusset	

The Bill for appointing and laying out a Town on the Land of John Jenkins &c. In the Upper House read the third time and rejected.

The Bill, to erect a Town on Core Banks &c. In this House read the second time, and passed with Amendments.

Mr. Starkey & Mr. Sampson Brought up the following message (to wit)

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

In the General Assembly, the above message in relation to a Bill for an Act, for erecting a County and Parish on the Head of Anson County &c. concurred with, and have sent Mr. Starkey and Mr. Sampson two of the Members of this House, to see the proposed amendments made.

By order. SAM. SWANN, Speaker.

Mr. Starkey & Mr. Sampson in pursuance of the above message came to this House and saw the Amendments made. Whereupon the said Bill passed the third time on the said amendments. And ordered the same to be sent down and engrossed.

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

Tuesday April 10th The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	Francis Corbin	} Esq ^{rs} Members.
		James Innes	Lewis De Rosset	
		John Rutherford	John Rieusset	

Mr. Bartram & Mr. Sampson Brought up the following Bills (to wit.)

The Bill, to alter and amend an Act, intituled an Act, for liceneeing Pedlars &c. In the Lower House read the third time and passed with Amendments.

Also the Bill to erect a Town on Core banks, near Ocacock Inlet &c. In the Lower House read the third time and pass'd with amendments.

The Bill to erect a Town, on Core Banks, near Ocacock Inlet &c. In the Upper House read the third time and pass'd. Ordered to be sent down and engrossed.

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

The House met according to adjournment.

Present

The hon ^{ble}	{	James Murray	Lewis De Rosset	} Esq ^{rs} Members.
		James Innes	John Rieusset	
		John Rutherford		

The reports of the Committees of Publick accounts and publick claims, being duly examined, were sent down, concurred with.

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

Wednesday April 11th The House met according to Adjournment.

Present

The hon ^{ble}	{	James Murray	Lewis De Rosset	} Esq ^{rs} Members.
		James Innes	John Rieusset	
		John Rutherford		

Mr. Starkey & Mr. Ashe Brought up the subsequent resolves.

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL,

We observe by the reports of the Committee of accounts that there is in the hands of John Starkey Esq^r Treasurer of the Southern District, the sum of seventy seven pounds, eight shillings and seven pence, Proclamation Bills, which he received for Powder money, which is unapplied.

Therefore this House have resolved, that the said Treasurer out of the said £77. 8. 7^d. pay the expences of the Committees, and the Officers of both Houses, this Session of Assembly; and that the remainder, together with what powder money, the Treasurers may receive from the former receivers of the powder money, arising in the several Ports of this Province not otherwise applied, and the money arising by the Import Duty on Wine &c, be applied, and paid by the said Treasurers, towards discharging the publick Debts, allowed by the General Assembly to the Claimant, or Claimants producing a certificate of such allowance, and an order, or warrant thereon, from the Commander in Chief, for the time being; to which we desire your Honour's concurrence.

April 10th 1753. By order. SAM: SWANN. Speaker.

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL,

The Chairman of the Publick Accounts having reported to this House, that he hath received the sum of £739. 6^s 8^d $\frac{3}{4}$ Proclamation Bills, and also the Chairman of the Committee of Publick Claims having reported that he hath received the sum of £160. 19^s. 6^d. old Bills, by the way of Claims, both which sums are for the sinking fund, and by law ought to be burned,

Therefore this House have appointed a Committee of the whole House in conjunction, with such of your Honours, as you shall think fit to see the same burnt to morrow 12 o'clock.

By Order. SAM: SWANN. Speaker.

This House on reading the message regarding the burning of the Bills, thought fit, on considering the same, to send the following message:

MR. SPEAKER & GENTLEMEN &C.

This House, agreeable to your message, of yesterday, relating to the new and old Bills, to be burnt this Session, will immediately, on notice of your being ready, resolve themselves into a Committee of the whole House on that service.

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

The House met according to Adjournment.

Present

The hon^{ble} { James Murray Francis Corbin } Esq^{rs} Members.
 { James Innes John Rieusset }
 John Rutherford

The Message of yesterday, relative to the expences of the Committees, and the Officers of both Houses, sent down concurred with.

This honourable Board having thought it absolutely necessary to examine the Bills, which passed both Houses, this Session, sent the following Message, to wit.

MR. SPEAKER & GENTLEMEN &C.

If the Bills which pass'd both Houses, this Session, are engrossed, we think it necessary they should be examined as usual, by a Committee of both Houses, and have appointed the honourable Francis Corbin and John Rieusset Esq^{rs}, a Committee of this House, to join a Committee of your House, for that purpose.

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

Thursday April 12th. The House met according to Adjournment.

Present

The hon^{ble} { James Murray Francis Corbin } Esq^{rs} Members.
 { James Innes Lewis De Rosset }
 John Rutherford John Rieusset

This honourable Board were pleased to send the following Message, (to wit.)

MR. SPEAKER & GENTLEMEN,

We herewith send you the estimate of the wages, &c. due to the Members, and Officers &c. of this House, for the present Session, amounting to one hundred pounds, five shillings and four pence Proclamation; to which we desire your concurrence.

Mr. Barrow and Mr. Bell brought up the estimate of wages &c. due to the Members and Officers &c. of this House concurred with; and likewise the following Message (to wit.)

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL,

We herewith send you the estimate of the allowances due, and payable to the Members of this House, clerk and other Officers thereof, this present session, for your concurrence.

The above Message concurred with, and the estimate sent down to the Lower House.

Then the honourable Mathew Rowan Esq^{rs} came to this Board, and ordered the immediate attendance of the Lower House.

Whereupon the Speaker attended by the Lower House, waited on his Honour in the Council Chamber, & presented to his Honour the subsequent Bills.

An additional Act to an Act, concerning servants and slaves &c.

An Act, for appointing and laying out a Town on Core Banks &c.

An Act, to revive and continue a clause in an Act, of this Province, intituled an Act to fix a place for the seat of Government &c.

An Act, to relieve such Persons, that have, or may suffer by the loss of the Records in Onslow County &c.

An Act, to prohibit the exportation of Grain &c.

An Act, for erecting the upper part of Anson County, into a County and Parish &c.

An Act, to amend an Act intituled an Act for dividing part of Granville, Johnston and Bladen Counties, into a County and Parish &c.

An Act to prevent excessive & deceitful gaming &c.

To all which his Honour was pleased to give his assent. And then was pleased to prorogue the Assembly to the fourth Tuesday in September next: to be held at New Bern.

NORTH CAROLINA—ss.

In the Lower House, Wednesday March 28, 1753, to y^e 12th April 1753.

Mr. John Barrow, one of the Members of this House for Beaufort County appeared, and took his seat in the House.

Mr. Joseph Bell, one of the Members for Carteret County appeared, and took his seat in the House.

The House adjourned till to-morrow morning 10 o'clock.

Thursday, March 29, 1753. The House met according to Adjournment.

Mr. Francis Brice, one of the Members of this House, for Duplin County, and Mr. Caleb Howell, one of the Members for Anson County appeared, and took their seats.

The Clerk of the Crown having certified that Mr. Jeremiah Vail was returned, duly elected Representative for Newbern Town and Mr. Josiah Dickson, and Mr. Mark Morgan, were duly elected Representatives for Orange County, pursuant to the Writs for that purpose issued,

Pursuant to which Elections and Returns, Mr. Jeremiah Vail, the

Representative for Newbern Town, and Mr. Josiah Dickson, one of the Representatives for Orange County appeared, took the Oaths by Law appointed for their Qualification, subscribed the Test, and took their Seats in the House accordingly.

His Honour the President sent a Message to this House, requiring the immediate Attendance thereof in the Council Chamber.

The House in a full Body waited on His Honour the President in the Council Chamber, where His Honour was pleased to Deliver the following Speech.

The House returned and ordered the same to be Read. Read the same.

Ordered, That the same be entered on the Journals of the House.

The same is entered, and is as follows, Viz^t

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

I have received a late Instruction from their Excellencies the Lords Justices, injoining a Revisal of our Laws; I will Order the Instruction and the other Papers transmitted with it, to be laid before you for your Consideration You are well acquainted, Gentlemen, with the Interest of this Province, and I am persuaded, from long experience, of your hearty Disposition to promote them; You may depend on my Concurrence in everything that is for the good of the Country, and consistant with His Majesty's Royal Instructions.

Mr. Ormond, Mr. Sinclare, and Mr. Starkey, are appointed a Committee, to prepare an Address in Answer to His Honour the President his Speech to this House, and report the same to the House for Approbation.

Mr. Ormond moved, That a Committee be appointed to state and settle the Publick Accompts of this Province; and Mr. Ormond, Mr. Vail, Mr. Kearney, Mr. Washington, and Mr. Ash, were accordingly appointed.

Mr. Ormond moved, That a Committee be appointed, to examine and allow Publick Claims, and Mr. Starkey, Mr. Lovick, Mr. Haywood, Mr. Sinclare, Mr. Barrow, Mr. Howell and Mr. Sampson, were accordingly appointed.

Ordered, The following Message be sent to His Majesty's honourable Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL.

"This House have appointed the following Gentlemen Committees on "the Publick Accompts and Claims, viz, Mr. Ormond, Mr. Vail, Mr.

“Kearney, Mr. Washington, and Mr. Ash, on the Accompts; and Mr. Starkey, Mr. Lovick, Mr. Haywood, Mr. Sinclare, Mr. Barrow, Mr. Howell, and Mr. Sampson, on the Accompts, in Conjunction with such Members of your House, as your Honours shall think fitt.

Sent by Mr. Brice and Mr. Kearney.

Mr. Starkey moved, That a Committee of Propositions and Grievances be appointed, and Mr. Washington, Mr. Dickson, Mr. Brice, Mr. Ash and Mr. Joseph Bell, are accordingly appointed.

The House adjourned till Four o'clock afternoon.

P. M. The House met according to Adjournment.

Mr. Ormond from the Committee appointed to prepare an Address to his Honour the President, in Answer to His Speech this day delivered to this House, reported, That the said Committee had prepared the same, which he produced to this House, and read the same in his place.

The House was pleased to approve of the same, and ordered it to be Engrossed.

The same is Engrossed, and is as follows, viz.

To the Honourable Mathew Rowan Esq: President and Commander in Chief, in and over the Province of North-Carolina.

The Humble Address of the General Assembly of the s^d Province.

MAY IT PLEASE YOUR HONOUR,

We his Majesty's most dutiful and loyal Subjects, the General Assembly of this Province met at Newbern, beg leave to return your Honour our sincere and hearty thanks for your Speech yesterday Delivered, and assure your Honour, that as we have the good of this Province very much at Heart; we will readily join in everything that may tend to the Settlement and Happiness thereof, in which we doubt not of your Honours ready Concurrence and the thorough knowledge which your Honour has of the present state of this Government, join'd with your Management and Care for the good thereof, gives us the greatest reason to expect all the Assistance in your Power for that Salutary End.

We thank your Honour for the Confidence you repose in our Knowledge of the Provincial Interest, and of our ready Disposition to promote the Publick good; and from the Duty we owe to our King and Country, your Honour may Depend upon everything in our Power towards Establishing the same upon a solid and lasting Foundation; and so soon as your Honour shall be pleased to lay before us the Instruction concerning the Revisal of our Laws, and other Papers transmitted from their

Excellencies the Lords Justices, this House will take the same under Immediate Consideration, and such other matters as may seem Necessary.

And as we are fully assured of your Honours ready Concurrence and Assistance therein, we shall use our utmost Endeavours to do everything consistant with our Duty to His Majesty, and the Welfare of this Colony.

Mr. Ormond moved, that the absent Members, to wit, Mr. John Smith and Mr. John Herring, for Johnston County; Mr. James Mackilwean, for Craven County; Mr. William Houston for Duplin County; Mr. Joseph Clark, and Mr. William Bartram, for Bladen County, Mr. Charles Robinson for Anson County; Mr. William Eaton and Mr. Robert Harris, for Granville County, be sent for in Custody of the Messenger.

Resolved, that the above said Members be sent for in Custody, and that Mr. Speaker issue his Warrant accordingly.

Mr. Dickson moved for leave to bring in a Bill for amending an Act, for dividing Part of Johnston, Granville, and Bladen Counties, into a County and Parish by the name of Orange County, and the Parish of S^t Matthew, and for appointing Vestrymen for the said Parish and other Purposes therein mentioned.

Ordered, that he have Leave, and that he prepare and bring in the same.

The House adjourned 'till to-morrow morning Nine O'clock.

Fryday, March 30th 1753. The House met according to adjournment.

Ordered, That Mr. Ormond and Mr. Ash wait on his Honour the President, and acquaint him this House is ready to wait on him with their Address, and desire his Honour to let them know when this House should wait on him. His Honour the President returned for Answer, that he would receive this House immediately in the Council Chamber.

The House in a full Body waited on his Honour the Presid^t in the Council Chamber, where Mr. Speaker presented to him the foregoing Address; for which his Honour was pleased to return this House his Thanks.

His Honour the President laid before this House an Instruction from the Lords Justices, and other Papers signifying his Majesty's Pleasure, that the Council and General Assembly do forthwith consider and revise all and every the Laws, Statutes, and Ordinances, which are in force in this Province, excepting only such as relate to private property, or are only of a private Nature, and so forth.

Mr. Ormond moved that the said Instruction and other Papers be read.

Read the same.

Mr. Ormond moved that a Committee be appointed to bring in a Bill, to appoint a Committee to revise the Laws of this Province agreeable to his Majesty's Instruction signified by the Lords Justices, and was seconded by Mr. Sinclair.

Mr. Starkey opposed the said motion, and was seconded by Mr. Ash and gave for reason that the Laws, etc., of this Province, having been lately revised and sent home, and are before the Lords of Trade and Plantations, and it not appearing their Lordships have come to any Determination thereon, and also that the Arrival of a Governor being daily expected; therefore moved, that the Appointment of the said Committee be postponed. After several Debates for and against bringing in the said Bill, the question was put, and carried in the Negative.

Mr. Ormond moved for Leave to bring in a Bill to prevent excessive and deceitful gaming.

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

Mr. Ormond brought in the said bill, which he read in his Place. Ordered, that the same Pass, and be sent to the Council.

Sent the said Bill to the Council, by Mr. Barrow & Mr. Dickson.

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN,

This House taking under their Consideration the Message of Yesterday, relative to the Appointment of the Committees of Publick Accompts and Claims, have thought fitt to Appoint the following Gentlemen, in conjunction with those of Yours, to wit, the Honourable James Hasell and James Innes Esq^r, on the Claims, and the Honourable Francis Corbin, James Craven and Lewis De Rossett Esq^r on the Publick Accompts.

The House adjourned till four o'clock Afternoon.

P. M. The House met according to Adjournment.

Mr. Dickson brought in a Bill for Amendment of an Act, intituled, An Act for dividing part of Granville Johnston and Bladen Counties, into a County and Parish, by the name of Orange County, and the Parish of S^t Matthew, and for appointing Vestrymen of the said Parish, and other Purposes therein mentioned, which he read in his Place.

Ordered that the same Pass, and be sent to the Council.

Sent the said Bill to the Council, by Mr. Dickson & Mr. Washington.

Mr. Ormond moved that his Honour the President be addressed to direct the Clerk of the Crown to issue a Writ for electing a Member to represent the Town of Edenton, in the room and stead of the late sitting Member for that Town, to wit, Mr. James Craven, who is now appointed one of His Majesty's Honorable Council.

Mr. Starkey objected to the said Motion, and informed the House, that Mr. Stillwell was elected a Representative for the said Town, at the last general Election of Representatives for this Province, to sit and vote in this present General Assembly.

Ordered, that the Clerk of the Crown have notice, that he certify to this House the Person elected (and returned into his Office) to represent the said Town of Edenton.

Ordered, that the Clerk lay before this House the Journal thereof, of the first Session of this present General Assembly on Monday next.

Received from the Council the Bill to prevent excessive and deceitful Gaming. Endorsed, in the Upper House read the first time, and passed.

Mr. Joseph Clerk, one of the Members of Bladen County appeared and took his Seat.

Mr. Ormond moved that a Committee be appointed to bring in a Bill to appropriate the Sum of Four Thousand Pounds Proclamation Money, remaining in the Treasurers Hands not applied, for building Forts, etc. for re-stamping the present Currency, and giving Copper Halfpence a Currency here.

Ordered, that the following Persons, to wit, Mr. Ormond, Mr. Sinclair, and Mr. Ash, be appointed a Committee to prepare and bring in the said Bill, and they are accordingly appointed.

The House adjourn'd till to-morrow morning Nine o'Clock.

Saturday, March 31st, 1753. The House met according to Adjournment.

Mr. Charles Robinson, One of the Members for Anson County, appeared, and took his Seat.

Ordered that the Bill to prevent Excessive and deceitful Gaming, be read. Read the same a second time, and passed with Amendments.

Ordered, That the same be sent to the Council.

Sent the same to the Council, by Mr. Dickson & Mr. Washington.

Mr. Ormond moved, for leave to absent himself from the Service of the House until Tuesday Night next. Ordered, That he have Leave accordingly.

The House adjourn'd till Monday morning Nine o'Clock.

Monday, April 2nd 1753. The House met according to Adjournment.

Mr. Ash moved for leave to bring in a Bill to appoint a Town on the North East branch of Cape Fear River, in New Hanover County, at a place called the Sand Hill, and to appoint an Inspector, and other purposes therein mentioned. Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Ash brought in the abovesaid Bill which he read in his Place. Ordered that the same Pass, and be sent to the Council. Sent the above Bill to the Council.

Received from the Council, the Bill to amend an Act, intituled an Act for dividing part of Granville, Johnston, and Bladen Counties, into a County & Parish, &c. Endorsed, In the Upper House read the first Time and passed.

Mr. Starkey moved for leave to bring in a Bill to revive and continue a Clause in an Act of the General Assembly of this Province, intituled An Act to fix a Place for the seat of Government, and for keeping Public Offices, for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein. Ordered that he have Leave, & that he prepare & bring in the same.

Mr. Starkey brought in the abovesaid Bill which he read in his Place. Ordered that the same pass, and be sent to the Council.

Mr. Starkey moved for leave to bring in a Bill to relieve such persons that have, or may suffer by the loss of Records in Onslow County. Ordered that he have leave, and that he prepare and bring in the same.

Mr. Starkey brought in the abovesaid Bill which he read in his Place. Ordered that the same Pass and be sent to the Council.

Sent the above two Bills to the Council, by Mr. Ash & Mr. Dickson.

Mr. Robinson moved for leave to bring in a Bill, for appointing and laying out a Town on the land of John Jenkins, on the South side of Peedee River, in Anson County, and establishing two Fairs to be held annually, and for other purposes therein mentioned. Ordered, that he have leave, and that he prepare & bring in the same.

Mr. Robinson brought in the abovesaid Bill, which he read in his Place. Ordered that the same Pass, and be sent to the Council.

Sent the above Bill to the Council by Mr. Robinson and Mr. Howell.

Read the Petition of several Persons, whose Names are thereunto subscribed, in behalf of themselves, and the rest of the Inhabitants of the Upper and Frontier Parts of Anson County setting forth the great hardships they undergo in travelling great distances to the Court House of Anson County, Praying an Act may pass, to divide the said County of

Anson, etc and signed with the Names of three hundred and forty Eight Persons.

Ordered that the Bill for an Amendment of an Act, intituled An Act for the Division of Part of Granville, Johnston, and Bladen Counties etc, be read the second Time. Read the said Bill the second time and amended. Ordered the same to be sent to the Council, with the said Amendments.

Sent the said Bill to the Council, by Mr. Dickson & Mr. Barrow.

Mr. Bartram one of the Members for Bladen County appeared, and took his Seat.

The House adjourned till to-morrow morning Nine o'Clock.

Tuesday, April 3rd 1753. The House met according to Adjournment.

Received from the Council, the Bill to revive and Continue a Clause in an Act intituled, An Act to fix a place for the seat of Government, and for keeping Publick Offices, etc.

The Bill to relieve such Persons as have or may suffer, by the loss of records in Onslow County.

The Bill for appointing and laying out a Town on the Land of John Jenkins, on the south side of Pee Dee River, in Anson County etc.

And the Bill to appoint a Town on the North East Branch of Cape Fear River in New Hanover County, etc.

Endorsed, In the Upper House read the first Time and passed.

Mr. Starkey moved for leave to bring in a Bill, to alter and amend an Act, intituled, An Act for licensing Pedlars, Traders and Petty Chapmen, and granting to his Majesty, an Impost or duty on Goods, Wares & Merchandize, to raise supplies for the necessary charges of Government.

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

Mr. Starkey brought in the abovesaid Bill which he read in his Place.

Ordered that the same Pass, and be sent to the Council.

Sent the same to the Council by Mr. Vail and Mr. Bartram.

Mr. Starkey moved for leave to bring in a Bill, directing the Examination and Admission of Persons hereafter to be admitted to plead and practise the Law in this Province.

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

Mr. Starkey brought in the said Bill which he read in his Place.

Ordered that the same Pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Vail and Mr. Bartram.

Mr. Ash moved for leave to bring in a Bill for an Additional Act to an Act concerning Servants and Slaves.

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

Mr. Ash brought in the above said Bill which he read in his Place.

Ordered that the same Pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Vail & Mr. Bartram.

Mr. Haywood moved that the four Bills from the Conneil be read.

Ordered that they be read.

Read the Bill to appoint a Town on the North East Branch of Cape Fear River in New-Hanover County.

Read the Bill to relieve such Persons that have or may snffer from the loss of Records in Onslow County.

Read the Bill for appointing and laying out a Town on the land of John Jenkins, on the south side of Pee Dee River in Anson County.

Read the Bill to revive and continue a Clause in an Act intituled, An Act to fix a Place for the seat of Government and for keeping Publick Offices etc. Amended the foregoing four Bills.

Ordered that the said four Bills pass, with the said Amendments, and be sent to the Council.

Sent the above four Bills to the Council, by Mr. Barrow & Mr. Washington.

Received from the Council the following Bills, Viz

The Bill directing the Examination and Admission of Persons hereafter to be admitted to Plead and Practise the Law in this Province. Endorsed. In the Upper House read the first Time and Passed.

And the Bill to prevent excessive & deceitful Gaming. Endorsed In the Upper House read the second time and passed with Amendments.

The House adjourn'd till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment.

Mr. James Calf one of the Members for Hyde County appeared, and took his seat.

Pursnant to an Order of this House, of the 30th of March, the Clerk laid before this House the Journal of the first Session of this Present Assembly, whereby it appears, that Mr. Sam^l Stillwell was duely elected Member for Edenton to serve in this Present General Assembly, and the said Samnel refusing to qualify himself as a Member of this House for the said Town.

Mr. Haywood acquainted this House, that Mr. Francis Stringer, one of the Members for Craven County, since the last Session of Assembly died, and that Mr. Lewis De Rosset, late Member for Wilmington, is appointed one of his Majesty's Honourable Council and qualified accordingly.

Resolved, that his Honour the President be addressed to direct the Clerk of the Crown to issue Writs for electing Members for the said Town and Counties, to serve in this present General Assembly.

Sent the following Message to his Honour the President, viz.

MAY IT PLEASE YOUR HONOUR.

Mr. Samuel Stillwell, having been elected a Member, to serve in this present General Assembly, for the Town of Edenton, and hath refused to qualify himself accordingly; Mr. Francis Stringer, late one of the Members of this House for Craven County, since the last session of Assembly, being dead; and Mr. Lewis De Rosset, late Member of this House for Wilmington, having been appointed and qualified as one of the Members of His Majesty's Honourable Council, this House therefore desire your Honour would be pleased to direct the Clerk of the Crown, to issue Writs for electing Members qualified to sit and vote in this present General Assembly, for the said Towns and Counties.

Received from the Council the following Bills, viz.

The Bill for an Additional Act, concerning Servants & Slaves.

The Bill to alter and amend an Act, intituled an Act, for licensing Pedlars, Traders and petty Chapmen etc. Endorsed, In the Upper House, read the first time and passed.

The House adjourn'd till to-morrow morning Nine o'Clock.

Wednesday, April 4th 1753. The House met according to Adjournment.

Mr. Sampson moved, That the Bill to prevent Excessive and deceitful gaming, be read the third time, agreeable to the notice given for that Purpose yesterday, by Mr. Speaker.

Ordered that the same be read.

Read the said Bill the third time and passed with Amendments.

Ordered that the same be sent to the Council.

Sent the same to the Council by Mr. Dickson & Mr. Washington.

Mr. Vail moved for leave to bring in a Bill, to erect a Town on Core Banks, near Oeacock Inlet.

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

Mr. Vail brought in the above said Bill, which he read in his Place.

Ordered that the same Pass and be sent to the Council.

Mr. Starkey moved for leave to bring in a Bill, for granting to his Majesty the sum of Proclamation Money, and for stamping, and emitting the said sum of Bills of Credit, of this Province, at the rate of Proclamation Money, to supply the Treasury, and for making

proper Provision for defraying the contingent Charges of Government, and for making Copper Halfpence current in this Province.

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

Mr. Starkey brought in the abovesaid Bill, which he read in his Place.

Ordered, That the same Pass and be sent to the Council.

Sent the said Bill to the Council, by Mr. Starkey and Mr. Ash.

Mr. Sampson moved for leave to bring in a Bill, for erecting a County and Parish on the Head of Anson County.

Ordered That he have Leave, and that he prepare and bring in the same.

Mr. Sampson brought in the above said Bill which he read in his Place.

Ordered that the same pass and be sent to the Council.

Sent the said Bill to the Council by Mr. Barrow & Mr. Bartram.

The House adjourned till three o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council, the Bill to prevent Excessive and deceitful gaming. Endorsed, In the Upper House, read the third time and passed. Ordered to be sent down and Engrossed.

Received from the Council, the Bill to revive and continue a Clause in a Act, intituled, an Act to fix a Place for the seat of Government, and for keeping Publick Offices for appointing Circuit Courts, and defraying the Expenses thereof etc. Endorsed, In the Upper House, read the second time and passed.

Received from the Council the following Bills viz.

The Bill for appointing and laying out a Town on the Land of John Jenkins, on the south side of Pee Dee River in Anson County etc.

The Bill to appoint a Town on the North East Branch of Cape Fear River in New Hanover County etc.

The Bill to amend an Act intituled, an Act for dividing part of Granville, Johnston, and Bladen Counties, into a County and Parish by the name of Orange County etc.

The Bill to relieve such persons that have or may suffer by the loss of Records in Onslow County.

Endorsed, In the Upper House read the second time & passed with Amendments.

The Bill for erecting a County and Parish on the Head of Anson County.

And the Bill for granting to his Majesty the sum of Proclamation Money, and for stamping and emitting the said sum of Bills of Credit of this Province, at the rate of Proclamation Money, and so forth.

Endorsed, in the Upper House read the first time and passed.

Mr. Sampson moved, That the Bill directing the Examination and Admission of Persons hereafter to be admitted to plead and practise the Law in this Province be read the second time.

Ordered, that the same be read.

Read the said Bill the second time, & amended the same.

Ordered that the same pass and be sent to the Council, with the said Amendments.

Sent the said Bill to the Council by Mr. Clark & Mr. Bartram.

Mr. Ash moved, that the Bill for an Additional Act to an Act, concerning Servants and Slaves, be read the second time.

Ordered that the same be read.

Read the said Bill the second time, and amended the same.

Ordered that the same pass and be sent to the Council, with the said Amendments.

Sent the said Bill to the Council by Mr. Clark & Mr. Bartram.

Mr. Ash moved, That the Bill for an Additional Act to an Act, concerning Servants and Slaves be read the second time.

Ordered that the same be read.

Read the said Bill the second time, & amended the same.

Ordered that the same Pass, and be sent to the Council, with the said Amendments.

Sent the same to the Council by Mr. Clark & Mr. Bartram.

Mr. Starkey moved, That the Bill to alter and amend an Act intituled An Act for licensing Pedlars, Traders, and Petty Chapmen etc. be read a second time.

Ordered the same be read a second time.

Read the same a second time and passed.

Ordered that the same be sent to the Council.

Sent the same to the Council by Mr. Clark & Mr. Bartram.

The House adjourned till to-morrow morning Ten o'Clock.

Thursday April 5th 1753. The House met according to Adjournment.

Mr. Vail moved for leave to bring in a Bill, for an additional Act to an Act to appoint Inspectors in New-Hanover County, and for regulating the Exports at Cape Fear.

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

Mr. Vail brought in the above said Bill which he read in his Place.

Mr. Barrow opposed the passing of the said Bill, and was seconded.

The Motion was made and the Question put, Whether the said Bill pass or not And was carried in the Negative.

Ordered that the following Bill be read viz.

The Bill to revive and continue a Clause in an Act intituled an Act to fix a Place for the seat of Governm^t, and for keeping Publiek offices, and for appointing Circuit Courts, and defraying the Expense thereof, the third time.

Ordered that the same Pass and be sent to the Council.

Read the Bill to relieve such Persons that have or may suffer, by the Loss of Records in Onslow County the third time.

Ordered, That the same Pass, and be sent to the Council.

Read the Bill for an Amendment of an Act, intituled An Act for dividing part of Granville, Johnston and Bladen Counties etc. the third time.

Ordered that the same pass and be sent to the Council.

Read the Bill to appoint a Town on the North East Branch of Cape Fear River in New Hanover County, the third time.

Ordered that the same Pass and be sent to the Council.

Sent the above four Bills to the Council by Mr. Haywood and Mr. Starkey.

The House adjourned till Four o'Clock Afternoon.

P. M. The House met according to adjournment.

Received from the Council, the Bill to revive and continue a clause in an Act intituled An Act to fix a place for the seat of Government, and for Keeping Public Offices, and for appointing Circuit Courts, and defraying the Expenses thereof. Endorsed, In the Upper House, read the third time and passed.

Ordered to be sent down and Engrossed.

The House adjourn'd till to morrow morning Nine o'Clock.

Friday, April 6th 1753. The House met according to Adjournment.

Mr. Sinclare moved for leave to absent himself from the Service of the House.

Ordered that he have leave Accordingly.

Sent the Bill to erect a Town on Core Banks, near Oeacock Inlet, to the Council, agreable to the order of Wednesday last by Mr. Ash and Mr. Sampson.

Mr. Starkey moved for leave to bring in a Bill, to prohibit the Exportation of Grain in Time of scarcity.

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

Mr. Starkey brought in the above said Bill, which he read in his Place.

Ordered, that the same pass and be sent to the Council.

Sent the said Bill to the Council by Mr. Ash and Mr. Sampson.

Received from the Council the Bill to prohibit the Exportation of Grain in Time of Scarcity. Endorsed, In the Upper House, read the first time & passed with Amendments.

Mr. Haywood moved, That the Bill for erecting a County and Parish on the Head of Anson County, be read a second time.

Read the said Bill the second time, & amended the same.

Ordered the same be sent to the Council, with the Amendments.

Sent the above Bill to the Council by Mr. Dickson and Mr. Robinson.

Ordered That the Bill, to appoint a Town on the North East Branch of Cape Fear River in New-Hanover County be read a third time.

Read the said Bill the third time, & amended the same.

Ordered That the same pass, and be sent to the Council with the said Amendments.

Sent the said Bill to the Council, by Mr. Dickson and Mr. Robinson.

The House adjourned til Four o'Clock Afternoon.

P. M. The House met according to Adjournment.

Received from the Council the following Bills, viz.

The Bill for an Amendment of an Act, intituled An Act for dividing part of Granville, Johnston, and Bladen Counties, into a County and Parish by the Name of Orange County etc. Endorsed, In the Upper House read the third time and passed.

Ordered to be sent down and Engrossed.

The Bill directing the Examination and Admission of Persons hereafter to be admitted to plead and practice the Law in this Province. Endorsed, In the Upper House, read the second time and passed with Amendments.

The Bill for an Additional Act to an Act concerning Servants and Slaves. Endorsed, In the Upper House read the second time and passed with Amendments.

Received from the Council the following Message, viz.

MR. SPEAKER AND GENTLEMEN,

In the Conclusion of the last Clause of the Bill, to relieve such Persons that have or may suffer, by the Loss of Records in Onslow County, there is no time limited for the building of the Court House, nor the Place mentioned where such Court House should be built, we therefore desire to know if you will consent to the following Amendment, otherwise we

cannot pass the Bill: In the Town of Johnston, and the same shall be built within two years from the passing hereof; if your House approve of such Amendment, we desire you'd send two of your Members to see the same incerted in the Bill.

Ordered that the following Message be sent to the Council.

“GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL.

In Answer to your Message regarding the Amendment you propose in the Bill to relieve such Persons that have or may suffer by the loss of Records in Onslow, we agree to the said Amendment, and have sent Mr. Starkey and Mr. Bell, two of the Members of this House, to see the same made.”

Mr. Ash moved, That the Bill to prevent the Exportation of Grain in time of Scarcity, be read the second time.

Ordered, That the same be read.

Read the said Bill the second time, & amended the same.

Ordered that the same pass, and be sent to the Council, with the said Amendments.

Sent the above Bill to the Council by Mr. Sampson & Mr. Brice.

The House adjourned till to-morrow morning Nine o'clock.

Saturday, April 7th 1753. The House met according to Adjournment.

Received from the Council the Bill to relieve such Persons that have or may suffer by the loss of the Records in Onslow County. Endorsed, In the Upper House, read the third time and passed with Amendments.

Mr. Ash moved, That the Bill for an Additional Act to an Act, concerning Servants and Slaves, be read the third time.

Ordered that the same be read a third time.

Read the said Bill the third time, Amended the same.

Ordered that the same pass, and be sent to the Council, with the said Amendments.

Sent the said Bill to the Council, by Mr. Calf & Mr. Brice.

Mr. Sampson moved, that the Bill directing the Examination and Admission of Persons hereafter to be admitted to plead and practise the Law in this Province, be read a third time.

Ordered that the said bill be read a third time.

Read the said Bill the third time, & amended the same.

Ordered that the same pass and be sent to the Council.

Sent the same to the Council by Mr. Calf and Mr. Brice.

Received from the Council the Bill to prohibit the Exportation of Grain in time of Scarcity. Endorsed, In the Upper House, read the second time & passed with Amendments.

Received from the Council, the Bill to erect a Town on Core Banks near Oacock Inlet. Endorsed, In the Upper House, read the first time and passed.

Mr. Bell moved that the above Bill be read a second time.

Ordered that the same be read a second time.

Read the said Bill the second time, & amended the same.

Ordered that the same pass and be sent to the Council with the said amendments.

Sent the above Bill to the Council, by Mr. Calf and Mr. Brice.

Received from the Council the Bill for erecting a County and Parish on the Head of Anson County. Endorsed, In the Upper House read the second time & passed with Amendments.

Mr. Ash moved, That the Bill to prevent the Exportation of Grain in time of Scarcity be read a third time.

Ordered that the same be read a third time.

Read the said Bill the third time.

Ordered that the same pass, and be sent to the Council, by Mr. Calf and Mr. Brice.

Mr. Ash moved for leave to absent himself from the Service of the House.

Ordered that he have leave accordingly.

Read the Petition of Miles Gale, setting forth, That there are several Buoys and Chains in his Custody, belonging to the Publick: Praying the Order and Direction of this House, regarding the Disposal of the same: whereupon this House resolved, that the said Miles Gale dispose of the same separately at public Vendue, giving forty days notice thereof before such Sale, and that he account with the next General Assembly for the amount of such Sales.

Mr. Sampson moved, That the Bill to erect the Upper part of Anson County into a County and Parish, be read the third time.

Ordered that the same be read a third time.

Read the said Bill a third Time, and amended the same.

Ordered, That the abovesaid Bill be sent to the Council, with the said Amendments.

Sent the same to the Council, by Mr. Calf and Mr. Brice.

The House adjourn'd til Monday Morning Nine o'Clock.

Monday, April 9th 1753. The House met according to Adjournment.

Received from the Council, the Bill to amend an Act, intituled an Act for licensing Pedlars, Traders, and Petty Chapmen etc. Endorsed, In the Upper House read the second time and passed.

Received from the Council the following Message, viz.

MR. SPEAKER AND GENTLEMEN,

We observe that in the Bill for an Act for erecting the Upper part of Anson County into a County and Parish, by the name of Rowan County and S^t Lukes Parish, and for appointing a Place for holding a Court in the said County, you have *deled* those Bounds that we had incerted in the said Bill together with the Names of George Smith and Jonathan Hunt, in Lieu thereof have added others, we therefore propose the following Amendments, to wit, That Anson County be divided by a Line beginning where Anson Line was to cross Earl Granville's Line, and from thence in a direct Line North to Virginia Line, and that the said County be bounded to the North, by the Virginia Line, and to the South by the Southern Line of Earl Granville's Land, and also the names of George Smith and Jonathan Hunt be reincerted; if you agree to the above Amendments, send two Members of your House to see the same incerted, and the Bounds you had mentioned for the County, and the Names of George Ellison and Robert Simington *deled*, upon which it shall pass.

Ordered that the foregoing Message be sent to the Council.

Sent the said Message to the Council, Endorsed, Concurred with, and sent Mr. Starkey and Mr. Sampson, two of the Members of this House, to see the Amendments in the said Bill proposed made.

Received from the Council the following Message, viz.

MR. SPEAKER AND GENTLEMEN.

We observe that in the Bill for directing the Examination and admission of Persons hereafter to be admitted to plead and practice the Law in this Province, your House have thought proper to *dele* the following Clause, And if any Attorney shall Act contrary to his Duty, the Governor, and not less than five of the Council, upon Complaint & Proof thereof made before them, may supercede such Attorney's Licence, and suspend him for a time, or disable him as they shall think just. We apprehend, that if Complaints against Practisers of the Law are not to continue to be cognizable before the Commander in Chief in Council, where Complaints against all officers in the Province are cognizable, and by whom they may be superceded, it will be difficult, if not impracticable

for his Majesty's Subjects to have relief against the Misdemeanours of the Gentlemen of that Profession; we cannot therefore recede from our Amendment abovementioned, but desire your Concurrence to the reinserting of it, which if your House agree to, please to send two of your Members to see the same done.

The House adjourn'd til Four o'Clock Afternoon.

P. M. The House met according to Adjournment.

Resolved, That the following Message be sent to the Council. viz

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

In Answer to your Message of this day, in relation to the Bill directing the Examination and Admission of Persons hereafter to be admitted to plead and practise the Law in this Province, we must observe to your Honours, that this House conceive, that was not the Common Law, as well as several Statutes for punishing Attorneys and Practisers of the Law for Male Practise and other Misdemeanors in Force in this Province, ample Provision is made in the above mentioned Bill for the punishing them in those Cases, without the Clause incerted in your House, and *deled* in this on the third Reading thereof, and which you would again have incerted; and at the same Time, we must beg Leave further to observe, that the said Bill is calculated more immediately to prevent Persons being admitted to practise as Attorneys or Lawyers in the several Courts in this Province, not properly qualified for that Business, and because heretofore with no other Recommendation, Capacity, or Ability, than that of being obsequious Tools of a bad Administration, have been admitted to practise the Law in this Province, when others, ancient Practisers of good Character, known Integrity, and knowledge in the Law has been obstructed in their Business or Practise, for no other reason than that they or their Clients have been so unfortunate to have incurred the Displeasure of the Chief Magistrate, and at the same time new and unusual Clauses, without any Warrant of Law, added in the Commissions of the Peace, to prevent the Justices admitting them to get their Living in their Lawful Callings, and what generally rendered their Case the worse, they could not expect the Chief Justice would redress them at the risque of his Commission, we hope this may never again be the Case; but the time is still within the Memory of some of the Members of this House when it was so. We must further beg leave to observe to your Honours, that we can't find, on the strictest Enquiry, a Precedent in this Province where an Attorney or Practiser of the Law was ever called upon to Answer before the Governor & Council for

Male Practise or any other Crime, nor any Law to Warrant a Tryal and Prosecution against such otherwise than in the Courts of Common Law of this Province, and of England in force here; what Cognizance the Commander in Chief, in Council, may have over the Commissioned Officers in this Province, on Complaints against them, we shall not pretend to Examine as not being a Point now in Question: Wherefore upon the whole, as we are certain it cannot be for His Majesty's Service, or the Interest of his good Subjects of this Province, (our Constituents) to erect any unusual or extraordinary Jurisdiction to judge and determine on their Rights, Contrary to the due course of Law, we cannot concur with your Honours to reinsert the Clause you mention in the aforesaid Bill.

Sent the above Message by Mr. Starkey and Mr. Bell.

Received from the Council, the Bill to erect a Town on Core Banks, near Oeacock Inlet. Endorsed, In the Upper House, read the second Time, and passed, with Amendments.

The House adjourn'd til Tomorrow Morning Nine o'Clock.

Tuesday, April 10th 1753. The House met according to Adjournment.

Ordered, That the Bill to alter and amend an Act, intituled An Act for licensing Pedlars, Traders, and Petty Chapmen, be read a third Time.

Read the said Bill a third time, and amended the same.

Ordered, That the same Pass, and be sent to the Council, with the said Amendments.

Sent the said Bill to the Council, by Mr. Bartram and Mr. Sampson.

Received from the Council, the Bill for Erecting a County and Parish on the Head of Anson County. Endorsed, In the Upper House, read the third time, and passed with Amendments.

Ordered the same be sent down and Engrossed.

Ordered that the Bill to erect a Town on Core Banks, near Oeacock Inlet, be read a third time.

Read the said Bill a third Time, and amended the same.

Ordered that the same be sent to the Council, with the said Amendment.

Sent the above said Bill to the Council, by Mr. Bartram and Mr. Sampson.

Mr. Lovick, Chairman of the Committee of Public Claims, reported to the House, that the said Committee had settled and allowed several Claims, which he presented to the House for Concurrence.

Ordered, That the said Reports be made.

Read the same, and after adding the Claims of the Clerks of both Houses thereto,

Resolved that the said Claims be allowed, and sent to the Council for their Concurrence.

Resolved, That the Public Treasurers do procure Copies of the Commissioners Accompts, under the late Navigation Act, and lay the same before this House, at the next Session of the General Assembly.

Resolved, That the Public Treasurer of the Southern District do demand and receive the one Fourth part of the Monies which have arose out of the sale of the Goods saved & taken from the Spanish Privateer, which was blown up at Brunswick, on Cape Fear, from the Person or Persons who hath or may have received the same, and on Neglect or refusal of such Person or Persons to pay the same, to bring suit for recovery thereof.

Reported by Mr. Vail, Chairman of the Committee of Public Accompts, that the said Committee had stated and settled the Public Accompts of the Southern and Northern Treasurers, and produced the report thereof to this House.

Ordered, That the same be read.

Read the same.

Resolved That the said Report be approved of, and be sent to the Council for their Concurrence.

Ordered, That the following Message be sent to the Council.

Sent the following Message with the above two Reports, to wit, the Reports of the Committee of Claims & of Accompts.

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

We herewith send you the Reports of the Committee of Accompts in this House concurred with, as reported from the Committee and also the Report of the Committee of Claims, and after examining the same, and adding several Claims thereto, have allowed thereof; to both which said reports we desire your Honours Concurrence, and that you will send the same back by Mr. Haywood and Mr. Starkey.

Received from the Council the following Bills, viz.

The Bill to alter and amend an Act, entituled, an Act, for licensing Pedlars, Traders and Petty Chapmen etc.

The Bill to erect a Town on Core Banks, near Oacock Inlet.

Endorsed, In the Upper House, read the third time, and passed.

Ordered, That the same be sent down and engrossed.

The House adjourn'd til Three o'Clock Afternoon.

P. M. The House met according to Adjournment.

Whereas it appears by the Report of the Committee of Public Accounts of this Session of Assembly, that there is in the hands of John Starkey Esq, Public Treasurer of the Southern District the sum of Seventy Seven Pounds, which was received for Powder Money, and unapplied.

Resolved, That the said John Starkey, out of the said Money, pay the officers of both Houses, and the Expenses of the Committees of this Session of Assembly, and that what Powder money the Treasurers may receive from the former Receivers of the Powder money, arising in the several Ports of this Province, not otherwise applied, and the money arising by the Impost Duty on Wine etc, be applied and paid by the said Treasurer towards discharging the Public Debts allowed by the General Assembly, on the Claimant or Claimants producing a Certificate of such Allowance, and an Order or Warrant thereon, from the Commander in Chief for the time being.

Ordered That the following Message be sent to the Council. viz.

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

We observe by the Reports of the Committee of Accounts, that there is in the hands of John Starkey Esq^{rs}, Treasurer of the Southern District, the sum of Seventy Seven Pounds, which he received for Powder money, which is unapplied therefore this House have resolved, that the said Treasurer out of the said Seventy seven Pounds, pay the Expenses of the Committees, and the officers of both Houses this Session of Assembly, and that the remaining, together with what Powder money the Treasurers may receive from the former Receivers of the Powder money, arising in the several Ports of this Province not otherwise applied, & the money arising by the Impost Duty on Wine etc, be applied and paid by the said Treasurers toward discharging the Publick Debts allowed by the General Assembly, on the Claimant or Claimants producing a Certificate of such Allowance, and an Order or Warrant thereon from the Commander in Chief for the Time being, to which we desire your Honours Concurrence.

Mr. Starkey acquainted this House, that the Sum of Seven Hundred and Thirty Nine Pounds, six shillings and Eight-pence, three farthings, Proclamation Bills, received by the Committee of Public Accounts, and paid by the Chairman thereof to this House, which by Law is to be burnt, therefore moved that the same be burnt, and that this House would appoint a Committee thereof to see the same done, in Conjunction with those of the Council as they shall think fitt to appoint; and also

acquainted this House, that there is paid unto the Committee of Claims the sum of One Hundred and Sixty Pounds, Nineteen shillings, and Six-pence, Bills of the late Emission, which by Law are also to be burnt, therefore moved as above.

Resolved, That the said Bills be burnt accordingly.

Ordered, That a Committee of the whole House be appointed, in Conjunction with such Members of the Council as they shall think fit to see the said Bills burnt.

The House resolved into a Committee of the whole House for the purpose abovesaid, and ordered that the following Message be sent to the Council, viz.

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

The Chairman of the Public Accounts having reported to this House, that he hath received the sum of Seven Hundred and Thirty Nine Pounds, Six shillings, and Eight-Pence, Three Farthings, Proclamation Bills; and also the Chairman of the Committee of Public Claims having reported, that he hath received the sum of One Hundred and Sixty Pounds Nineteen Shillings, and Six pence, old Bills, by way of Claims, both which Sums are for the sinking Fund, and by Law ought to be burnt; Therefore this House have appointed a Committee of the whole House, in Conjunction with such of your Honours as you shall think fit, to see the same burnt To-morrow Twelve o'Clock.

Sent the above Message by Mr. Starkey and Mr. Bell.

The House adjourned til To-morrow Morning Twelve o'Clock.

Wednesday, April 11th 1753. The House met according to Adjournment.

Received from the Council the Report of the Committee of Claims. Endorsed, In the Upper House, Concurred with, & received also the following Message, viz.

MR. SPEAKER AND GENTLEMEN,

This House agreeable to your Message of yesterday, relating to the New and old Bills to be burnt this Session, will immediately, on notice of your being ready, resolve itself into a Committee of the whole House on that Service.

Mr. Vail the Chairman of the Committee of Public Accompts and Mr. Lovick the Chairman of the Committee of Public Claims, reported that the Committee of both Houses, appointed to see the Bills burnt had met, and that they had burnt the sum of Seven

Hundred and Thirty Nine Pounds, Six shillings and Eight Pence, Three Farthings Proclamation Bills of the last Emission, and One Hundred and Sixty Pounds, Nineteen Shillings and Six-pence old Bills, agreeable to the resolve of yesterday. Received from the Council the Message this House sent yesterday regarding the Approbation of the Sum of Seventy seven Pounds, Eight Shillings and Seven-pence received for Powder-money, in the Hands of the Treasurer of the Southern District. Endorsed, Concurred with.

The House Adjourned for an Hour.

The House met according to Adjournment.

Mr. Lovick moved for Leave to absent himself from the Service of the House To-morrow.

Ordered, That he have leave accordingly.

The House adjourn'd til to morrow morning Eight o'clock.

Thursday, April 12th 1753. The House met according to Adjournment.

Received from the Council the following Message, viz.

MR. SPEAKER AND GENTLEMEN,

We herewith send you the Estimate of the Wages etc, due to the Members, Clerk; and officers of this House this Session, amonnting to One Hundred Pounds, Five shillings, and Four-pence Proclamation money, to which we desire your Concurrence.

Resolved, That the same be concurred with.

Ordered, That the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

We herewith send you the estimate of the Allowances due and payable to the Members, Clerk, and other Officers of this House, this present Session for your Concurrence.

Sent by Mr. Bell and Mr. Barrow.

His Honour the President sent a Message to this House, requiring the attendance thereof in the Council Chamber, for such Bills as are Engrossed.

The House in a full body waited on His Honour the President in the Council Chamber, when Mr. Speaker presented him the following Bill for his Assent thereto, viz.

The Bill to alter and amend an Act, intituled, An Act for licensing Pedlars, Traders and Petty Chapmen, and for granting to His Majesty a Duty on Goods, Wares, and Merchandize, to raise supplies for the Necessary Charges of Government.

The Bill for an additional Act to an Act, concerning Servants and Slaves.

The Bill for an Act for appointing and laying out a Town on Core Banks, near Ocacock Inlet, in Carteret County, and for appointing Commissioners for completing the Fort at or near the same Place.

The Bill for an Act, to revive and continue a Clause in an Act of the General Assembly of this Province, intituled, An Act to fix a place for the seat of Government, and for keeping Public Offices, for appointing Circuit Courts and defraying the Expence thereof, and also for Establishing the Courts of Justice, and regulating the Proceedings therein.

The Bill to relieve such Persons who have or may suffer, by the Loss of Records in Onslow County.

The Bill to prevent Excessive and deceitful Gaming.

The Bill for erecting the Upper part of Anson County, into a County and Parish, by the Name of Rowan County, and S^t Luke's Parish, etc.

The Bill to amend an Act, intituled, An Act for dividing part of Granville, Johnston and Bladen Counties, into a County and Parish, by the Name of Orange County, And the Parish of S^t Mathew, and for appointing Vestrymen of the said Parish, and for other purposes therein mentioned.

The Bill to prohibit the Exportation of Grain in Time of Scarcity.

To all which His Honour was pleased to Assent, except the Bill to alter and amend an Act, intituled, An Act for licensing Pedlars, Traders, and Petty Chapmen, and granting to His Majesty an Impost or Dnty on Goods, Wares, and Merchandize, to raise supplies for the necessary Charges of Government, which His Honour was pleased to reject. Then directed the House to return, and proceed to further Business.

The House returned.

Resolved, That His Honour the President be addressed to direct the Clerk of the Crown, to issue a Writ to elect Members qualified by Law, to sit and vote in the General Assembly of this Province for the County of Rowan.

Sent the following Message to His Honour the President.

MAY IT PLEASE YOUR HONOUR,

The Bill for erecting the Upper part of Anson County into a County and Parish, by the Name of Rowan County etc, having this day passed into a Law by your assent thereto, therefore desire your Honour would be pleased to direct the Clerk of the Crown to issue a Writ to Elect Members qualified to sit & vote in the General Assembly for the said County.

His Honour the President sent to this House, Commanding the immediate Attendance thereof in the Council Chamber.

The House in a full Body waited on His Honour the President in the Council Chamber, when His Honour was pleased to prorogue this Assembly until the fourth Tuesday in September next to be then held at Newbern.

The House returned, when Mr. Speaker pronounced the Prorogation Accordingly.

1754.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 28.]

The Memorial of Arthur Dobbs Esq^r His Majesty's Governor of the Province of North Carolina in America [to the Board of Trade] Humbly sheweth,

That in the year 1733 His Majesty was graciously pleased by His royal sign manual, dated the 25th of September, to direct that a Salary of one thousand Pounds per annum should be paid to His Governor of the Province of North Carolina out of the revenue of the quit rents within the said Province, and also at the same time to establish other salaries payable out of the said revenue for the other Officers of Government in proportion to their respective employments.

That for want of a proper regulation and due management of the said revenue it has fallen so far short of answering the said Establishment, that the arrear of Salary, due at this time to the Officers of Government do amount to a very large sum, of which there is due to the late Governor no less than thirteen thousand four hundred & sixty two pounds nineteen shillings and two pence, and in like proportion to the rest of the other Officers; all which remains to be discharged, before your Memorialist can receive any advantage from the said Establishment; and how little probability there is of this being effected within any reasonable time will sufficiently appear to your Lordships from the annexed Account of the annual receipt of the quit rents within this Province from the year 1745 to the year 1748 inclusive. In this situation your Memorialist thinks it his Duty for His Majesty's service and interest, for the credit of the Government with which His Majesty has been graciously pleased to intrust him, and in justice to the Officers of Government, to lay a true state of his case before your Lordships, in

confidence that your Lordships will, upon due consideration of the facts herein before stated, and of the manifest inconveniences, which must result from the Officers of the Crown being left, if not wholly, at least for many years without any support in a Government, the weak, unsettled state of which calls for the most diligent attention to their duty be pleased to represent to His Majesty the necessity there is to support the Government of that Province by a proper provision for your Memorialist out of some other fund than the quit rents, until such time as they can be so far increased as to answer the Establishment of the Province, and pay off the arrears due to the several Officers upon the Establishment, which your Memorialist, in conjunction with the respective Officers of the Government, will use his best endeavours to increase & make effectual.

All which is humbly submitted by

ARTHUR DOBBS.

An Abstract of Eliezer Allen, His Accounts of Quit Rents in North Carolina.

	Currency.	Sterling.	Proclamation Money.
For the year 1745.	_____	_____	323 " 7 " 6
For the year 1746.	_____	_____	402 " 0 " 6
For the year 1747	_____	_____	389 " 6 " 1
For the year 1748.	_____	_____	146 " 13 " -
			<u>1261 " 7 " 1</u>

[B. P. R. O. AM: & W. IND: VOL. 74.]

WHITEHALL 18th January 1754.

SIR, [GOVERNOR OF NORTH CAROLINA]

His Majesty having been informed, that the several Independent Companies doing Duty in the different Provinces of North America are far from being compleat, tho' by means of false Musters, the full Complement they ought to consist of, appear under Arms at a Time of Review, but are filled by Persons who only do occasional Duty, & not by such as are willing and able to act as Soldiers when His Majesty's Service shall require it; His Majesty being determined to put an End to such scandalous Practiees for the future has commanded me to signify to You His Royal Pleasure, that you should take the most immediate and effectual Measures for obliging the officers commanding such Companies within

Your Government, to compleat them without Loss of Time, with good and able Soldiers, And you are likewise forthwith to transmit to me, for His Majesty's Information, the real State in which you shall find those Companies, together with the Names of the Officers commanding them; And it is His Majesty's express Commands, that you should do this without Favour or Affection, & with strictest regard to the real Truth.

And it is His Majesty's farther Pleasure, that you should forthwith give the necessary Orders, that one complete Company should march into the Province of Virginia, and there put themselves under the Command of Mr. Dinwiddie Lieu' Gov^r thereof, who will be informed of the King's Intentions as to the Destination of those Forces.

I am, &c

HOLDERNESSE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 29.]

The Humble Memorial of Henry M^cCulloh [to the Board of Trade] Sheweth,

That as your Memorialist humbly apprehends, your Lordships intend to take the state of the Grants he is concerned in in North Carolina into consideration, he therefore humbly prays leave to lay before your Lordships a brief state of his particular case, and to point out the difficulties he is under with respect to the said Grants, more especially as it relates to such as are included within the right hon^{ble} Earl Granvilles Lines, whereupon as humbly conceived it may be proper to observe,

That his Majesty by his Instructions dated the 15th September 1742, ordered the Comm^{rs} appointed for making the said Division, to transmit a plan containing a full and exact description of the lands allotted to Lord Carteret together with the respective boundaries thereof, in order to His Majesties signifying his royal pleasure for conveying the same.

And His Majesty by His Instructions dated 25th April 1743, renews the aforesaid Instructions to the said Comm^{rs} and commands them to be extremely careful to transmit a full and exact plan of the said Lands, in order thereby to avoid all disputes which might hereafter arise thereupon.

And it is also very observable that it was represented to the right hon^{ble} the Lords of the Committee of Council as may more fully appear by their Lordships' report to His Majesty dated the 9th May 1744, that the return and Plan transmitted by the said Commissioners were one and the same & that the said plan contained a full and exact description of the $\frac{1}{2}$ part of the said Provinces or Territories, so set out and allotted to

the said Lord Carteret, and for the greater certainty a Copy of the said Plan was inserted on the fifth skin of the Conveyance, made to the said Lord Carteret.

That when the Copy of the return made by said Comm^{rs}, was wrote out in order to be laid before the Attorney and Solicitor General, & as a Guide or direction to them in preparing the Deed of Conveyance to be made to Lord Carteret, the following words were inserted in said Copy, viz:

And the said Comm^{rs} did pursuant to the said Order in Council, transmit to His Majesty a Plan containing a full & exact description of the said $\frac{1}{2}$ part of the said Provinces or Territories, so set out and allotted to the said John Lord Carteret annexed to their said report, all which are marked out & ascertained by the said Plan, a true and exact Copy whereof was ordered to be stamped on the fifth skin of the Conveyance made to the said Lord Carteret, as may more fully and at large appear by the Copy of said return entered in the Secretary of State & Attorney General's Office.

That in pursuance of the above Order of Council and of the Copy of the return said to be made by the aforesaid Comm^{rs} His Majesty's Attorney & Solicitor General prepared the Instrument or Deed of Conveyance to His Lordship, who (as most humbly conceived) cannot be entitled to more Lands than what are within the Description of said Plan. Yet altho' the intention of the Crown seems to be as clear & evident as the sun at noon day, his Lordships Agents upwards of eighteen months after the date of his Grant, and also upwards of two years after the Commission for running the said Boundary had expired, prevailed on the late Governor Johnston to appoint Commissioners in behalf of the Crown, and his Lordships Agents also appointed Comm^{rs} in his behalf to extend the said Lines, and accordingly the said Lines were extended above one hundred & sixty miles and have been since further extended so as to include upwards of twelve millions of acres of Land, which are not within the description of the said Plan transmitted to His Majesty by the aforesaid Comm^{rs} as may fully appear by looking into the said Plan.

That a great part of the Land belonging to your Memorialist is included within the said Lines as since extended, which hath put it in the power of his Lordships Agents to intimidate the Settlers so as to make many of them attorn to his Lordship for the payment of their quit rents, and others have deserted their Plantations.

And as to such part of your Memorialist's Lands as are not included within said Lines, the most valuable part of them were by the late Governor Johnston and by the Presidents of the Council since his decease

granted to other persons, so as to deprive your Memorialist of the benefit of his Grants from the Crown.

That your Memorialist hath not only greatly suffered in those respects, but is also much injured by the delay given in the payment of the arrears of Salary due to him for which he received a Warrant payable in South Carolina for six thousand two hundred pounds sterling, of which sum the receiver was said to be in Cash upwards of three thousand four hundred pounds sterling, but when the Warrant was sent to South Carolina he absolutely denied having any money in his hands to discharge any part of said Warrant, & now in the course of almost two years since the date of said Warrant, he hath not as your Memorialist is informed paid more than seven hundred & sixty pounds sterling.

That your Memorialist hath been kept twelve years from the payment of his salary, & thereby suffered many difficulties & hardships, which would be shocking even to mention.

Therefore your Memorialist most humbly prays your Lordships to take his unhappy case into consideration, & that your Lordships will be pleased to grant him relief therein,—And also that in consideration of the Obstructions he hath met with in the settlement of his Lands, & the great loss he hath sustained in not being paid his salary, your Lordships will be pleased to recommend it to His Majesty, to grant him some equivalent or Allowance in the payment of his quit rents.

And your Memorialist as in duty bound shall ever pray

HENRY M^cCULLOH.

Rec^d January 31st 1754.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 21.]

Representation of the Lords of Trade to the King. 14 March 1754

MAY IT PLEASE YOUR MAJESTY,

Since We received Your Maj. commands to prepare a Draught of Instructions for Arthur Dobbs Esquire whom Your Majesty has been pleased to appoint your Governor of the Province of North Carolina the President of Your Maj. Council of the said Province has transmitted to us a Collection or Body of all the public Acts or Laws of Your Maj. said Province now in force & usnge there which have lately been revised by Commissioners appointed by an Act of the Assembly of that Province for that purpose & confirmed in full Assembly.

Upon an attentive review of these Laws a great variety of considerations have arisen upon points relative to the general state of Your Maj.

said Province upon which it will be necessary for us to receive your Maj. orders & determination before we can prepare a Draught of Instructions proper to be laid before Your Majesty We therefore think it our duty to submit to Your Majesty our observations & opinion upon such of these Laws as appear to us to be illegal improper or unnecessary or which any way affect your Majesty's Royal Prerogative in the interest and welfare of Your Maj. subjects inhabitants of that Province.

An Act for the better ascertaining the number of Members to be chosen for the several Counties within this Province to sit & vote in General Assembly and for establishing a more equal Representation of all His Maj. subjects in the House of Burgesses. Passed the 28th November 1746.

The preamble of this Law sets forth that the inhabitants of several of the Northern Counties had assumed to themselves the privilege of choosing five persons to represent them in General Assembly without any pretence for such claim while those of the Southern & Western Counties who are more numerous and contribute much more to the General Tax are represented only by two Members which inequality had been attended with great inconvenience & therefore enacts that every County erected already or to be erected shall for the future choose two Representatives to sit in General Assembly and that fourteen Members shall constitute a quorum of the Assembly.

This Act having been transmitted to us by Mr. Johnston late Governor of this Province a petition was soon after presented to your Majesty on behalf of the inhabitants of the Northern Precincts or Counties of Chowan Perquimans Pasquotank Currotuck Bertie & Tyrrell complaining of the said Governor for having passed the said Act in an illegal & improper way and praying to be reinstated in their just rights and privileges.

This Petition having been referred by Your Majesty to the Lords of the Committee of the Privy Council was by their Lordships referred to us to consider thereof and to report our opinion upon it.

Upon a hearing before us of the Petitioners in consequence of the said Reference it appearing that they were not able to prove the allegations of their petition for want of evidence We made our report to the Lords of the Committee of Your Maj. Council and submitted whether it would not be proper that orders should be given to admit the Petitioners to examine witnesses in the Province in support of the Petition as also to allow the like liberty to the Governor to examine witnesses on his part and to direct him to return his Answer to the Complaint contained in the said Petition and to transmit copies of the Minutes of the Gen-

eral Assembly and of such other papers as might be necessary for Your Maj. full information in this affair.

In consequence of this Report the Lords of the Committee of Your Majesty's Council were pleased to direct that a copy of the said Petition of Complaint should be transmitted to Gabriel Johnston Esq. Governor of the said Province requiring him to return his Answer thereunto in writing with all convenient speed and that the Complainants or their Agents should be at liberty to take copies of all Records in any of the Public Offices in the said Province touching the matters complained of as the said Complainants or their Agents should think necessary to support the said Petition of Complaint and that the same should be delivered to the Complainants or their Agents signed and authenticated in the usual manner under the seal of the Province upon paying the usual fees for the same and that free liberty should also be given to all such persons as the said Complainants or their Agents should name as also to all such persons as the said Governor should name to make affidavits before the Chief Justice and Judge of the Court of Admiralty of the said Province or either of them of what they knew touching the premises particularly as to the practise of the said Province with regard to a majority of the Assembly being present before any Business could be proceeded upon and likewise with regard to the number of Representatives sent by each of the Northern Counties to the General Assembly from the year 1696 to the year 1746 And that such Chief Justice and Judge of the Admiralty Court or either of them should summon before him or them such persons as the Complainants or their Agents should name as likewise such as the said Governor should name and take their affidavits and examine them upon such Interrogatories as should be exhibited for that purpose which the said Governor was to signify to the said Chief Justice and Judge of the Admiralty Court as soon as might be and that the Complainants or their Agents should deliver unto the said Governor copies of such Affidavits or Depositions as should be made or taken in this matter on their part as also that the said Governor should deliver unto the said Complainants or their Agents copies of his Answer & of such Affidavits and Depositions as should have been likewise made on his part within the space of three months after the receipt of the said Order as also that within thirty days after receiving each others Proofs the said Governor should in like manner exchange with the said Complainants or their Agents the Replies that should be made by Affidavits or Depositions before they were transmitted And that the whole matter should be returned under the seal of the said Province within the space of six months from the time that the said Order should be served upon the said

Governor of the Province of North Carolina and that the said Gov^r should transmit the Minutes of the General Assembly of the said Province in November 1746 with the names of such Members as were present at their first Meeting, the names of such as were sworn in afterwards and the whole number present during the continuance of that Session and also attested copies of some of the Writs issued for calling Assemblies antecedent to the year 1736 if the same form had been constantly observed And if there had been any variation in the form of those Writs then to send copies of such as had so varied & also copies of the returns upon such Writs together with a copy of the Order of the Palatine's Court in the year 1696 directing five Members to be chosen for the Northern Counties and that the same should be properly authenticated under the seal of the said Province and transmitted at the same time with the aforementioned Proofs and Depositions whereof the said Governor of North Carolina the Chief Justice & Judge of the Admiralty Court and all others whom it might concern were to take notice and govern themselves accordingly.

In consequence of this Order the papers & other evidence thereby acquired were transmitted and laid before their Lordships who referred them to us with directions to proceed in the examination of this affair and make our further Report Whereupon We humbly beg leave to represent to Your Majesty That the points upon which the legality or illegality the propriety or impropriety of this Act depend are

1. The right which the inhabitants of the six Northern Counties claim of sending five representatives each to the General Assembly.
2. The necessity of a majority to constitute a quorum of the Assembly and
3. The manner in which the Act in question was passed.

With respect to the two first of these points it will be necessary to revert to that period when first an Assembly was constituted in this Colony and to state such Regulations as have from time to time been made with respect thereto and by what authority the several places which now send Members to the Assembly have been empowered so to do

In 1663 soon after the Grant made by King Charles the Second of Carolina to the Lords Proprietors they by a Commission under their hands and seals erected all that part of the Grant which lay to the North East of Chowan River into a distinct & separate County by the name of Albemarle County.

In 1667 the Proprietors appointed Samuel Stephens Esq. to be their Governor of Albemarle County with a power of nominating twelve persons to be of his Council and to call an Assembly of twelve persons to

be chosen from amongst the Freeholders until the Country should be divided into Parishes Districts or Divisions and then each Division District or Parish was to send two Representatives who with a Governor & Council were to form a General Assembly

In 1669 the Proprietors of Carolina framed a Model of Governm^t for the better ordering and ruling their Province commonly known by the name of the Fundamental Constitutions of Carolina.

By these Constitutions it was directed that a Parliament should be held once in every two years to consist of the Proprietors or their Deputies the Landgraves & Cassiques and one freeholder out of every Precinct.

The Proprietors again in 1679 framed a new set of Fundamental Constitutions with some little variation as to the succession of Officers and they were sent to the Governors of the several districts in Carolina which were then three viz: Albemarle Craven and Clarendon.

These Constitutions however were never received or acknowledged by the people and in 1693 were laid aside by the Proprietors themselves.

With these Fundamental Constitutions the Governor of Albemarle had instructions to issue Writs to the four Precincts of that County requiring them to elect each five freeholders to be their Representatives in Assembly who were to govern themselves according to the rules laid down in the Fundamental Constitutions

In 1691 Colonel Ludwell was appointed Governor of all Carolina with instructions from the Proprietors to call a General Assembly to consist of twenty Members viz: five for Albemarle County five for Berkeley County five for Colleton County and five for Craven County and when any new County was erected and should make it appear that there were forty freeholders inhabitants of it to have a privilege of sending four Members to the Assembly and then the whole to be reduced to four for each County.

The said Governor was further directed by additional instructions to appoint a Deputy Governor of North Carolina if he thought proper and if he should find it impracticable for Albemarle County to send Delegates to the General Assembly to direct Berkeley & Colleton to send seven each & Craven six

The same powers & directions given to Colonel Ludwell were given by the Proprietors to Mr. Smith & Mr. Archdale his successors in the Government of Carolina in 1693 and 1694 the latter of whom at a Palatine's Court holden in 1696 ordered Writs to be issued out to the several Precincts of the County of Albemarle for electing five Burgesses for each Precinct and the Precinct of Pamlico without the limits of Albemarle to the

Southward in the County of Archdale was erected into a County by the name of Bath and empowered to send two Members to the Assembly.

In 1705 Bath County was by an Order of a Council of the Proprietors Deputies divided into three Precincts by the names of Pamplico Wickham and Archdale each of which was by the said Order empowered to send two Members to the Assembly.

Some time after this the particular time not appearing the three aforementioned Counties were by the succeeding Gov^{rs} appointed by the Proprietors erected into four Counties by the names of Beaufort Hyde, Craven & Carteret each of which sent two Members to the Assembly and in 1715 two Towns were erected in the Southern District by the names of Bath Town and Edenton the first of which was empowered by an Act of the Legislature to send one Member to the Assembly.

In the same year an Act was passed in North Carolina entitled an Act relating to the Biennial & other Assemblies which directed that each Precinct in Albemarle County—viz: Chowan, Perquimans Pasquotank & Currotuck should send five Members to the Assembly and each Precinct in every other County or Counties then erected or thereafter to be erected to send two but this Act was repealed by Your Majesty in Council dated 21 July 1737.

In 1722 a new Precinct was by Act of Assembly erected out of the County of Albemarle called Bertie Precinct and empowered to send five Members to the Assembly as was Tyrrell Precinct in the year 1729.

In 1729 the Crown purchased the Sovereignty of both Carolinas from the Proprietors and also $\frac{2}{3}$ ^{ths} of the Property of the Lands which purchase was confirmed by Act of Parliament and in consequence thereof Your Majesty appointad a Governor of North Carolina with a power of calling Assemblies according to the Laws and usage of the said Province.

It appears from the Journals of the first Assembly called after the Crown's purchase that the Assembly consisted of forty one Members, Viz:

For Chowan Precinct	5
Perquimans	5
Pasquotank	5
Currotuck	5
Berty	5
Tyrrell	5
Beaufort	2
Hyde	2
Craven	2
Carteret	2

Edenton	1
Bath Town	1
Newburn	1
	<u>41</u>

During the administration of Gov^r Burrington the first Governor the following Precincts were erected in the County of Bath by the Governor's order, Viz:—New Hanover, Edgecombe, Bladen, and Onslow, the two last of which were confirmed by Act of Assembly in 1734.

In 1733 Gabriel Johnston Esq^{re} was appointed Governor of the Province and the first Assembly which met after his arrival was composed of 49 Members Viz:

For Chowan	5
Perquimans	5
Currotnek	5
Pasquotank	5
Bertie	5
Tyrrell	5
Beaufort	2
Hyde	2
Craven	2
Carteret	2
Edgecombe	2
New Hanover	2
Bladen	2
Onslow	2
Edenton	1
Bath Town	1
Newburn	1
	<u>49</u>

In 1736 the Writs issued by the Governor for calling Assemblies which before that time directed the four Northern Counties to send each five Members were altered and they were directed to send not any particular number, but Representatives only in general words.

During the administration of Governor Johnston part of Bertie County was by Act of General Assembly erected into a separate County by the name of Northampton County & empowered to send two Representatives to the Assembly and the same Act directs that Bertie County for the future should send but three and at the same time Edgecombe County which had been erected by Gov. Burrington and had sent two

Members to the Assembly was confirmed in that privilege by Act of Assembly.

In 1739 the Town of Wilmington was erected by Act and empowered to send one Representative to the Assembly and in 1746 a little before the passing of the Act in question two other Counties were erected by Act of Assembly in the Southern District called Granville and Johnston and empowered to send each two Representatives.

From the foregoing state^t therefore it appears that at the time of passing this Act the Province was divided into seventeen Counties and four Towns that four of these Counties in the County of Albemarle viz: Chowan, Perquimans, Pasquotank & Currotuck had from the first establish^t of an Assembly chosen each five Representatives that the other two in the same County viz: Bertie & Tyrrell had been empowered by the Acts by which they were erected to send the like number and did actually send the like number until Bertie County was limited to three by the Act which separated Northampton from it and that the other eleven Counties in the Southern District commonly called Bath County had never sent more than two each.

Since the passing of this Act two other Counties have been erected by Act of Assembly in the Southern District by the name of Dupplin & Anson.

As to the second point Viz: the necessity of a majority of the whole Assembly to constitute a quorum of the Assembly We most humbly beg leave to represent to Your Majesty,

That by the Charter granted to the first Proprietors of Carolina 1662 they had a power of making Laws with the advice assent and approbation of the freemen of the said Province or of the greater part of them or of their Delegates or Deputies and in a Declaration soon after published by the Proprietors setting forth the encouragement to be allowed to persons who should settle in the Province they declare that they will empower the major part of the Freeholders or their Deputies or Assembly men to be by them chosen out of themselves to make their own Laws.

In 1663 when the County of Albemarle was first erected as has been already mentioned the Gov^t of Virginia was empowered by the Proprietors to appoint a Governor & six Council who were to have a power by & with the consent & advice of the Freeholders or Freemen or the major part of them their Deputies or Delegates to make Laws.

By the Instructions given to Gov^t Stephens in 1667 to call an Assembly it was declared that they should have a power of ascertaining their own quorum provided it was not less than $\frac{1}{3}$ of the whole number.

By the Fundamental Constitutions it is declared that the quorum of the Parliament shall be one half of the Members.

By the Instructions given to Col. Ludwell & his Successors in the Government Messrs. Smith & Arehdale concerning Assemblies they are empowered with the advice & consent of the Deputies of the Proprietors the Landgraves and Cassiques and the Deputies of the Freemen or the major part of them to make & ordain Laws Statutes and Ordinances.

It does not appear from any Books or Papers in this Office what was the regulation or usage with respect to the Quorum of the Assembly from the year 1694 to the year 1715 when the Biennial Law was passed by which it was enacted that a Quorum of the House of Burgesses should not be less than one half.

It is to be presumed that this Rule was observed while this Act remained in force and it does appear that at the first Assembly called by Mr. Burrington a majority of the Members was present the first day of the Sessions and that on the first of January 1734 the first day of the meeting of the first Assembly called by Mr. Johnston the succeeding Governor he adjourned them on account of there not being a majority present.

As to the 3rd Point viz: the manner of passing the Law We must beg leave humbly to represent to Your Majesty That it appears by the Journals of the Assembly that the Assembly by which the Law was passed met first at Newbern on 12 June 1748 and were prorogued to the 28th November to be then held at Wilmington that they met at Wilmington on the said day 14 Members being present when the Bill now in question was moved for and brought in & read and ordered to be sent to the Council the next day That on the next day it was received back and read a second time and that it was read a third time and passed the next day.

This method of proceeding in passing this Act is represented by the Northern Counties as a design of the Governor to ensnare and entrap them the Town of Wilmington to which they were prorogued being 200 miles from their habitations and where it was not possible for them to attend & that the 14 Members present were all of the Southern district as well as the Council which advised the Governor to take this step.

That Your Maj. Governor of the said Province in order to show the propriety and necessity of the law & to justify his passing it acquaints us in a letter dated 9 March 1746 that the Northern Counties having 31 votes out of 54 and being generally united under the conduct of a few designing men who found their account in keeping public affairs in confusion they had made the Governor & Council and the remaining Mem-

bers of no weight in the Legislature for they could not so much as meet unless they thought fit to be present & after they were met if they did not like any Bill they withdrew privately and then the majority of Burgesses being absent no more business could be done so that the very being of Assembly depended on their whim and humour and not on the King's Writ and Governor's Proclamation and Prorogation.

That this was no imaginary consequence but a real effect which has happened more than once within four years when he had waited with the Council for 3 or 4 weeks and been obliged to separate without doing any one thing.

That when he prorogued the Assembly in June 1746 to the middle of November following then to meet at Wilmington they entered into a formal Agreement not to attend and to engage as many of the other Members as they could influence to stay at home.

The questions arising upon a consideration of the foregoing points were various and as great difficulty occurred to us upon each of them in point of law, as many Laws had been passed by Assembly who had sat and acted under the authority of the Law in question and proceedings had been had and judgments given by Courts established by Laws passed by them We thought it our duty to state our doubts to Your Maj. Attorney & Solicitor General and to take their opinion upon them & having received their report We shall humbly beg leave to submit to Your Maj. judgment the several questions which occurred to us upon these points with their Answer thereto which are as follows

Qu: Have all the six Counties viz: Chowan, Perquimans, Pasquotank, Currotuck Bertie & Tyrrell or any of them or which of them a right to elect five Representatives to serve in the General Assembly

Answer. Tho' the case seems very carefully & accurately stated We are afraid of giving an official opinion upon so important rights where no question has arisen upon which the parties can have an opportunity to be heard In general as the four Counties first named from the first establishment of an Assembly are said to have chosen each five Representatives and the two Counties last named were empowered by the Acts of Assembly by which they were created to send each the like number and Bertie County by a subsequent Act was limited to three We are at a loss to find out upon what foundation an objection is made to Bertie County sending three and the rest five Representatives each.

Qu: Is a majority of the Representatives necessary to constitute a quorum of the Assembly?

Answer. It dont sufficiently appear to us that a majority of the Representatives is necessary to constitute a quorum of the Assembly. Such a constitution is very extraordinary and liable to great inconvenience

Qu: Was the Law in question legally & properly passed?

In answer to this Query Your Maj. Attorney & Solicitor General referred to an opinion which they had before given on this question viz: that the Act appeared to have been passed by management precipitation & surprise when only 14 Members were present and that it was of such a nature and tendency and had such effect and operation that the Gov^r by his Instructions ought not to have assented to it though it had passed deliberately in a full Assembly and that they were of opinion that the Act was not proper to be confirmed

Qu: If it should be thought proper to repeal the Law can the Crown by virtue of its own prerogative make any alteration with respect to the places which send Representatives to the Assembly or direct what number of Representatives each place shall send?

Answer. Tho' it may not be advisable for the Crown to impeach rights heretofore granted & enjoyed We think as the Province grows more peopled & cultivated the King may erect Towns & Counties and give them the privilege of choosing Representatives and to preserve the King's prerogative we think it ought rather to be done in this way than by Act of Assembly.

Qu: If the said Law should be repealed Will the Acts of the Assembly of the said Province held in consequence of the said Act which Acts were subsequent to the passing of the said Act of 1746 but previous to the repeal of it become void & illegal by such repeal.

Answer We apprehend the Acts of Assembly are good till repealed and consequently void only from notification of the repeal.

Upon the whole as Your Maj. Attorney & Solicitor General seem to be of opinion that the Northern Counties have a right to send each five Representatives and that the Act was not proper to be confirmed We shall without troubling your Majesty with any further observations upon it humbly propose that it may be repealed but in order to obviate the manifest inconvenience & prejudice which must arise to Your Maj. service and the interest of that Province from the pretended right which is claimed of having a majority in the Assembly to transact business which Your Maj. Attorney & Solicitor General are of opinion does not sufficiently appear to be necessary We would humbly propose that the Quorum of the Assembly should be fixed & ascertained by Your Maj. Instructions & limited to such a number as Your Maj. shall judge most proper and expedient and as it is represented to us that the number of the Assembly is now increased to sixty We humbly submit whether 15 may not be determined to be a proper quorum.

We would further humbly propose that the Gov^t should be forbid to pass any Law whereby the duration of the said Assembly should be limited or ascertained or any other regulation made relative thereto contrary to Your Maj. rights & prerogative and that in order to remedy the inconvenience which may arise from one part of the Province having a larger proportion of Representatives in the Assembly than the other Your Maj. Governor should be instructed as the Province grows more peopled to erect such and so many Towns & Counties in the Southern District with the privilege of sending such a number of Representatives to the Assembly as that each different district or division a reasonable and just proportion And as Your Maj. Attorney & Solicitor General seems to be of opinion that the erecting Towns & Counties by Provincial Laws and giving them the power of sending Representatives is improper & inconsistent with Your Maj. prerogative We would humbly propose

That the following Laws which have been passed in the Province from time to time for erecting Counties Townships or Precincts and declaring what number of Members they shall send to the Assembly as also for regulating the Assembly & its proceedings be repealed And that Your Maj. Governor be directed to confirm the rights of the several Towns Precincts or Counties by Charters of incorporation.

The Acts relative to the above points are as follows

An Act appointing that part of Albemarle County lying on the west side of Chowan River to be a precinct by the name of Bertie Precinct passed in 1722.

An Act for incorporating the Sea Port of Beaufort in Carteret Precinct into a Township by the name of Beaufort passed in 1723.

An Act to appoint that part of Albemarle County lying on the south side of Albemarle Sound & Morattuck River as high as the Rainbow Banks to be a Precinct by the name of Tyrrell Precinct passed in 1729.

An Act to confirm & establish the Precincts of Onslow and Bladen and for appointing them distinct Precincts passed in 1734.

An Act for erecting the village called Newton in New Hanover County into a Town & Township by the name of Wilmington & regulating & ascertaining the bounds thereof passed in 1739.

An Act for confirming Titles to the Town Lands of Edenton for securing the privileges heretofore granted to the said Town & for the further encouragement and better regulation thereof passed in 1740.

An Act to confirm and erect that part of the Province called Edgecumbe County into a County by the name of Edgecumbe County and for establishing the said County a Parish &c. passed in 1741.

An Act for erecting the upper part of Bertie County into a County by the name of Northampton County and for regulating the limits between Society Parish and the North West Parish of Bertie &c. passed in 1741.

An Act to regulate elections for Members to serve in General Assembly for the several Countys to declare who shall be qualified to vote in the said election &c. passed in 1743.

An Act for erecting the upper part of Craven County into a County & Precinct &c. passed in 1746.

An Act for dividing Edgecumbe County & Precincts and for erecting the Upper part thereof into a County and Parish by the name of Granville County &c. passed in 1746.

An Act for erecting the Upper part of New Hanover County into a County and Parish by the name of Dupplin County &c. passed in 1749.

An Act for erecting the upper part of Bladen County into a County & Parish by the name of Anson County &c. passed in 1749.

The next Act we shall beg leave to lay before Your Majesty is entitled An Act for forming a rent roll of all the Lands holden in this Province for quieting the inhabitants in their possessions and for directing the payment of quit rents passed in 1748.

This Act appears to us to be of a very extraordinary nature & very greatly to affect Your Maj. prerogative & revenue & the rights of Your Maj. subjects.

But before we proceed to state the provisions of it or make any observations thereon We shall humbly beg leave to lay before Your Majesty a detail of the several regulations which have been made with respect to Grants of Land & Quit Rents in the Province from the first granting of the Charters to the Proprietors which appears to be absolutely necessary in order to the clearly understanding upon what Titles & under what conditions the inhabitants hold their Lands & consequently forming a proper judgment on this Act.

By the declaration of privileges published by the Proprietors of Carolina soon after the date of the Charter every person going to settle there was to have 100 acres of land for himself 50 for every servant capable of bearing arms and provided with a fire lock & sword and 20 for every woman servant and to pay $\frac{1}{2}^d$ per Ann: per acre quit rent.

In 1667 the Governor of Albemarle was directed to make Grants of Land within his Province upon the following conditions viz: every Freeman or Freewoman being Master or Mistress of a Family was to have 60 Acres for themselves 60 for every man servant capable of bearing arms and 50 for every other servant and every servant was to have 50 Acres for themselves at the expiration of their servitude and all Grantees of Land were to pay $\frac{1}{2}^d$ per ann: per acre quit rent.

In 1668 the Proprietors by an Instrument under their Hands & seals dated 1st May which Instrument has since been commonly called by the name of the Great Deed of Grant declared that the inhabitants of Albemarle should hold the Lands to be granted to them under the foregoing proportions upon the same terms & conditions that Land was then actually granted in Virginia upon which [most] was at 2^s per every hundred Acres.

This Instrument upon which the inhabitants of Albemarle county do to this day lay great stress appears however to have been only a temporary power of Attorney to the Governor of Albemarle revocable at pleasure & this not only from the nature of it but also from different regulations being soon after established with respect to the conditions upon which Grantees were to hold the Land for by the Instruction given to the Governor of Albemarle by the Proprietors in 1679 he was directed in all Grants to reserve a rent of one penny per acre per annum and to allow 60 acres of land to every settler above the age of 16 the like quantity for every servant capable of bearing arms and 50 for every other servant.

By the Instruction given to Col. Ludwell who was appointed Gov^r of all Carolina in 1691 as has been already mentioned, he was empowered to sell Land in the following manner viz 6,000 Acres to any person upon payment of one shilling per acre in pieces of eight at 5 shillings per piece.

The like power of selling Land was given to Gov. Archdale in 1694 reserving however a rent of one shilling for every hundred acres per annum with an allowance to receive the rent in commodities if money could not be had The price fixed by the Proprietors upon the sale of land was £20 for every thousand acres near the sea and £10 per 1000 higher up in the Country.

The said Governor had likewise a power of granting lands reserving a quit rent of $\frac{1}{2}$ ^d per acre per ann: upon all lands to the Southward of Albemarle County.

Sir Nathaniel Johnson who was appointed Gov^r of Carolina in 1702 had the like power of selling & granting lands upon the same terms & conditions.

In 1708 the Proprietors directed their Governor to let lands at $\frac{1}{2}$ ^d per ann: per acre but no one person to have more than 640 acres.

The power given by the Proprietors to their Governors of selling & letting Lands having been greatly abused by them they came to a resolution that no more land should be sold or granted but by themselves at their Board in London This resolution was accordingly signified to

the Governor but was soon after receded from by the Proprietors and the Land Office in Carolina for selling & granting of land again opened to the people but the Governors still continuing to abuse their powers to the injury of the Proprietors they in the year 1715 ordered it to be again shut up and that no Land should be disposed of but by themselves in London.

Notwithstanding this injunction from the Proprietors to the Governor not to sell or grant any more lands it appears that in the year 1724 the then Gov^r & Council gave leave to people to take up lands in the County of Bath upon condition of paying 3^s for every hundred acres and cultivating the lands in two years.

And a few years after this about the time of or soon after the Crown's purchase of Carolina Sir Rich. Everard then Governor for the Proprietors made large Grants of Land to the amount of 400,000 Acres at the rate of £20 for every 1000 Acres upon the pretence of raising money to pay the expense of running the Boundary Line between North Carolina and Virginia the charge of which did not amount to more than £2000 & therefore he ought not at that rate to have granted more than 100,000 acres. Before the aforementioned Grants it appears that he also granted 167,611 acres at 6^d per hundred acres 91,752 acres at 2^s per hundred acres and 30,582 acres of land lapsed for want of cultivation. We must likewise beg leave humbly to represent that it appears that the Patents for the 400,000 acres were issued in a most shameful & improper manner being drawn up signed & sealed in due form but the persons names the number of acres the description of the Boundary & the sums paid for them left blank and so issued from the Secretary's Office just as the Clerk or other Officer thought proper without any previous survey which was essentially requisite to make the Grant valid.

This irregularity gave rise to such endless & exorbitant frauds that it has not been possible at this day to come to any exact knowledge of the state of these Grants

By the Act of Parliament passed in 1729 for establishing the Crown's purchase of the Carolinas from the Proprietors there is an exception as to all Grants made antecedent to the 10 Jan^{ry} 1727 whereupon several of the possessors of these Grants filled up the Blank antecedent to that date which is fully proved from a great number of grants of 1725 & 1726 being entered in the Records after Grants of the years 1729 & 1730.

By the instructions given to Mr. Barrington appointed Gov^r of North Carolina after the Crown's purchase he was directed to give his assent to an Act for remitting the arrears of quit rents due to the Proprietors

which by the deed of sale were made over to the Crown provided that by the same Act all Possessors of land in the Province did register their respective Grants by which they claimed such lands in the Auditors Office and that every person possessing land by virtue of grants from the Lords Proprietors should for the future pay the annual quit rents reserved upon such Grants and that the salaries & fees of all Officers should for the future be paid in Proclamation money.

The Gov^r was likewise directed to get an Act passed for enforcing cultivation within a reasonable time and he was empowered to grant lands upon the following conditions Viz: 50 Acres for every white or black man Woman or Child of which the Grantees family should consist at the time of making the Grant and he was to take care in laying out the lands where they laid contiguous to a river that not above $\frac{1}{4}$ of the land bordered upon the river that is that there should be four chains in depth backwards for every chain in front leaving a free passage for all to and from the river & the quit rent reserved upon all lands was to be 4^s Proclamation money upon every 100 Acres.

This last provision of paying the quit rents in Proclamation money the people have never yet been brought to comply with alleging that by a Provincial law they were at liberty to pay them in commodities at a certain rate and tho' a quit & a Register law was soon after Mr. Burrington's arrival passed by the Assembly yet as it allowed the people to pay the quit rents in rated commodities it was for that & other objections made to it rejected by the Council after which nothing was done either with respect to registering the Grants or any other matter which Mr. Burrington was directed by his Instructions to endeavour to settle arising from the want of harmony & agreement between the different branches of the Legislature and the disputes and controversies amongst the other Officers of the Crown.

In 1733 Mr. Johnston was appointed Gov^r of this Province with the same instructions as to the obtaining a Register Act enforcing cultivation granting of lands and the quit rents to be reserved thereon as were given to his predecessor Mr. Burrington and with particular Instructions to examine into the state of the Blank & other Patents Granted by Sir Richard Everard since the year 1728 and to transmit an account thereof and if he found any Grants which had not passed thro' the essential & requisite forms he was to cause prosecution to be made by the Attorney General for vacating such of them as had been fraudulently obtained and as it had been represented that the reason why the quit rents of North Carolina were not duly ascertained & collected was because the Officers of the Crown did not receive proper encourage^t for

their trouble Your Majesty was graciously pleased by your Royal Sign Manual in Sept. 1733 to make the following establishment of Salaries payable annually out of the revenue of quit rents, viz:

To the Governor	1000
Auditor.	100
Chief Justice	70
Baron.	40
Surveyor General.	40
Secretary	70
Attorney General	80
Clerk of the Crown	25
Charges of the Exchequer Court	30

Armed with these Instructions and encouraged by so large an additional support Mr. Johnston did erect a Court of Exchequer with a view to carry on prosecutions therein against the forementioned irregular & fraudulent Patents he likewise transmitted a state of these Patents with a copy of the Grand Deed from the Proprietors to the people of Albemarle in 1668 and the Acts relative to rated Commodities upon which the people founded their claim to pay their Quit Rents in such commodities all which were in 1736 referred to His Maj. Attorney & Solicitor General for their opinion.

As the state of this case contains nothing more than what has already been set forth We shall not trouble Your Majesty with a repetition of facts, But as this matter is of great consequence with respect to any future regulations which may be made relative to these points We humbly beg leave to insert the questions stated to the Attorney and Solicitor General with their Answer to each question.

1st Question—Whether any of the Patents granted after the Proprietors had ordered the Land Office to be shut up can be deemed valid other than such as were granted by order in London?

Answer—We are of opinion that such Patents may be good notwithstanding that order to shut up in the Land Office if the Lords Proprietors were either made privy to those Grants or after they were made received the consideration for them otherwise we think they cannot be supported.

2^d Question—Whether such Patents as were granted after the King's purchase by the Lords Proprietors Governor before the new Governor arrived from the Crown particularly such as appear to have been entered in the Secretaries Books after advice received in the Province of the King's purchase are to be deemed good?

Answer—We are of opinion that none of the Patents mentioned in this 2^d Question can be deemed good.

3^d Question—Whether as the Act of Parliament made upon the Crown's purchase from the Lords Proprietors & what clause in it that was for quieting possessions of Grants takes notice of such only as bore date before 1727 If it does not give room for a strict examination into all such as were issued subsequent to that time and if such Grants appear to have been irregularly made they ought not to be voided? but as to such as were granted for defraying the expense of running the Boundary line if the Crown in such case ought not to bear that expense?

Answer—We think it proper to observe that the clause referred to in this Query does not put it upon the Patents bearing date but being actually made before 1st Jan^{ry} 1727 & considering the extraordinary circumstances attending these Grants and that the Crown had no notice of them at the time of the purchase there is great reason for strict enquiry into the validity thereof and to avoid them for such irregularities But as those that were granted for defraying the expense of the Boundary Line seem to stand in a much more favorable light We think it reasonable some indulgence should be shown to such Purchasers by regranting on the terms of the purchase what they or their Assigns have actually cultivated and by repaying a portion of the consideration money for the rest.

4th Question—Whether such Patents as were drawn up and signed with Blanks and not registered in the Secretary's Office for some years afterwards shall be deemed good and if their not being registered is not an evidence of fraud?

Answer—We are of opinion that in general such Patents as were executed with such Blanks as are mentioned in the case tho' filled up afterwards are void, But if they have been attended with a long possession & not obtained fraudulently or irregularly in any other respect We think they ought to be now supported And as to the circumstance of not being registered in the Secretary's Office for some years afterwards it not being stated how far or within what time such Register is necessary to the validity of such Grants nor for how long it was neglected We cannot form any judgment what influence that will have upon the Patents.

5th Question—Whether such Patents as were given out without any description of the Boundaries and not preceded by regular Surveys returned into the Secretary's Office are to be deemed valid?

Answer—We are of opinion that the want of the description of the Boundaries or of preceding regular surveys is not of itself sufficient to destroy such Patents unless such circumstances were the known requisites necessary to such Grants & even in that case if the Proprietors have had

the consideration & the lands have been enjoyed accordingly without fraud we think such Grants ought to be deemed valid.

6th Question—Whether those Grants issued by virtue of Warrants that had lain by many years are to be deemed good notwithstanding the Grants assigned them were taken out irregularly and particularly those after 1727.

Answer—We are of opinion that the circumstance of there having been warrants before the Grants issued is not of itself sufficient to support Grants that would otherwise be irregular & void tho' upon the general question of fraud that circumstance may probably be of service to the Grantees according to the particular circumstances of each case whether such Grants issued before or after the year 1727.

7th Question—As it is alleged by the Governor that many of the people that hold lands by virtue of the Patents formerly granted under the Lords Prop^{rs} possess much greater quantities than they ought to hold by the words of the said Grants Has not the Crown the power to resurvey such lands? and in case any fraud should appear what steps must the Crown take to recover its right?

Answer—We are of opinion that whoever possesses a much greater quantity than they ought to hold by the words of a Grant made since Jan^{ry} 1727 is liable to have the same resurveyed on behalf of the Crown But as to Grants made before 1727 upon surveys actually made, we apprehend (if they were otherwise good in law) they are excepted by the Act 2 Geo. 2^d out of the sale to the Crown and therefore not liable to be now resurveyed And as to such cases wherein a resurvey is proper and yet the Grants are valid in law We are of opinion that the proper way is by information in the name of the Attorney General of the Province in a Court of Equity there in order to have the real quantity set out and the excess pared off for the benefit of the Crown.

8th Question—In case any of these Grants appear to be voidable in law what is the proper method to have the same vacated?

Answer. We are of opinion that the proper method for the Crown to recover its right except in the instances mentioned in the answer to the last question is by an information of intrusion in the proper Court in the Province & in case of error thereby appeal to His Majesty in Council.

This state of the case with the questions upon it and the Answers thereto were transmitted by this Board to Mr. Johnston for his guidance and direction and several ineffectual methods were tried by him for obtaining a quit Rent & Register Laws conformable to his Instructions but without success the people strenuously insisting upon paying the quit rents in rated commodities

At length however in 1738 he gave his assent to two Acts the one entitled An Act for providing His Majesty a Rent roll for securing His Maj. quit rents for the remission of arrears of quit rents and for quieting the inhabitants in their possessions & for the better settlement of His Maj. Province of North Carolina the other entitled An Act declaring what shall be deemed sufficient cultivation of lands already granted or to be hereafter granted by His Majesty & for ascertaining the manner of granting lapsed lands.

By the first of these acts great room was left for frauds upon the Crown in registering of grants & too great a power was given to the Gov^t & Council in matters determinable in the ordinary course of law It likewise admitted of the quit rents being paid in paper money or rated commodities & empowered the Governor Council Attorney General Receiver Gen^l & an equal number of the House of Burgesses to regulate the course of exchange annually which last clause was complained of by the Merchants.

As to the second Act the method prescribed for enforcing cultivation appearing to be improper & liable to be evaded by the Planter who might be thereby released from the terms and conditions on which they received their Grants this Act together with the one was disallowed by Your Majesty & repealed by Your Maj. Order in Council dated 27 day of November 1740.

Soon after the repeal of these Laws Your Majesty was graciously pleased by your Order in Council dated 14th day of August 1740 to make certain new Regulations with respect to the method of granting lands in both Carolinas and to direct that all persons petitioning for lands should previous to the obtaining a Warrant thereon prove their right before the Governor & Council when at least four Members of the Council should be present not having any concern or interest in the lands petitioned for, and that if the lands so petitioned for were granted the Warrants for granting the same should be drawn up & signed by the Governor in Council & made returnable by the Surveyor within twelve months at furthest from the date thereof & that a particular description of the lands so petitioned for be inserted in the Warrants and that before the Warrants should be delivered to the Surveyor a Doequet thereof should be entered in the Auditor's Office there and that in default of any of the said particulars being observed the said Grants should be void That when the Warrants should be returned the Grants to be made in due form expressing the terms & conditions upon which the Warrants were issued & the lands surveyed That the said Grants should be registered in six months from the respective dates in the Secre-

tary's Office and a Doequet thereof in the Auditor's Office and on default the Grants to be void : Copies of all which entries were to be transmitted to this Board & to the Commiss^{rs} of Your Maj. Treasury within twelve months from the date of them.

Notwithstanding these & the former Regulations established by Your Maj. Instructions, notwithstanding the great encouragement given to the Officers by the aforementioned establishment little care has been taken to improve and ascertain the revenue of Quit Rents & there is great reason to believe that great irregularities have been committed in the manner of granting lands, it appears by an account of the annual receipt of Quit Rents in North Carolina from the year 1741 to the year 1748 inclusive that the receipt of the four first years of that time from 1741 to 1744 amounted to £4003.1.2^d and the receipt of the four last years from 1745 to 1748 inclusive to no more than £1261.7.1. which at a medium is £323.6.9^¼ per ann: and very large sums appear to be due to the late Governor and to all the other Officers which must be discharged before the Salary of the present Governor can take place & who must therefore unless his salary be paid out of some other fund remain for many years without any support.

The great decrease in the Quit Rents of the Province must not be here entirely imputed to the want of a Quit Rent law another great cause of that decrease is the Grant made by Your Majesty to the Earle Granville in 1744 of all that part of the Province which lyes between the Northern boundary next Virginia and the latitude of 35 degrees 34 minutes to the South with the arrears of Quit Rents annual rents issues & profits thereof in lien of his Title to & interest in one $\frac{3}{8}$ part of both Provinces which said Tract of land is more than one half of the Province of North Carolina.

We come now to consider the law in question whereupon we must humbly beg leave to represent

That the first clause in the Act directes that all lands holden in the Province by any Grants or Titles whatsoever under the Lords Proprietors shall be registered in the manner thereby directed within twelve months under the penalty of Five Pounds

Upon this occasion we think it our duty to observe that this clause appears to us in every light the most partial and the most improper that could have been framed in a Bill which by the Title of it appears to be general for as it does not extend to lands granted by the Crown it can neither operate as a mode of security to the Grantees nor as a Regulation for the better ascertaining the Revenue and as the quantity of lands in that part of the Province which now remains in his Majesty held under

Grants from the Propriet^{rs} is very inconsiderable there is greater reason to believe that this law was partially calculated to take effect in one part of the Province only.

That by this Act all Patents register^d in the manner thereby prescribed will become valid and there is a clause which declares 20 years possession to be a good Title without any exception to fraudulent or irregular patents granted by Sir Richard Everard after the Crown's purchase commonly called the Blank Patents.

It likewise admits of the Quit Rents being paid in Commodities at a certain rate which is contrary to Your Maj. Instructions whereby the Quit rents are directed to be paid in Proclamation money.

For these reasons We humbly beg leave to lay this Act before Your Majesty for Your Maj. disallowance & to propose in the place of it such regulations with respect to Grants of Land & the Quit Rents within Your Maj. said Province as appear to us to be for Your Maj. interest the increase of your Revenue and the welfare & better settling and improving the Province of North Carolina

That one hundred acres be granted to every person being Master of a family for himself and fifty acres for every white or black man woman or child of which his family shall consist at the actual time of making the Grant subject to the payment of a quit rent of 4 shillings Proclamation money per ann: for every hundred acres granted.

That every Grantee upon having proved that he has fulfilled the terms & conditions of his Grant shall be entitled to another Grant according to the foregoing provisions.

That the Grantee be obliged by the terms of his Grant to clear & cultivate at the rate of five acres in every year to every hundred contained in his Grant in failure of which the Grant to be void and that the payment of the Quit rents do commence within two years from the date of the Grant on failure whereof the Grant to be void.

That all persons having intention to apply for grants appear before the Governor and at least four of the Council not having any interest in the lands applied for in order to prove their rights upon oath.

That upon due proofs of such rights the Governor do sign a Warrant for making out such Grants accordingly.

That a Doequet of the Warrant be entered in the Auditor's Office.

That the said Warrant be delivered to the Surveyor General with orders to make a survey of the lands & to return the Warrant within six months with an exact description or Plan of the lands mentioned therein.

That upon the return of the Warrant a Patent be made out in due form conformable to the foregoing conditions which are to be fully expressed in the aforementioned Warrant.

That the said Grant shall be registered within six months from the date thereof in the Secretary's Office and also an entry made in the Auditor's Office copies of which entries & registers to be transmitted to the Lords of the Treasury & to this Board within six months from the date thereof.

That every person be obliged to give security not to enter upon or cultivate his land until a Patent for the same be finally completed & entered as aforesaid.

That the Governor do immediately upon his arrival direct a strict examination into the state of all Warrants & Grants of land as well such as were made by the Proprietors as those since the Crown's purchase within that part of the Province the property of which remains in Your Majesty as also into the accounts of the Collectors Receivers & Auditors of the Revenue in order to make out an exact account of the Quit Rents which have been paid or still remain due to Your Majesty and that a full state of the whole be transmitted home to be laid before Your Majesty

That all Grants as well from the Lords Proprietors as from Your Majesty be registered & that it be recommended to the Gov^r to get a proper law for that purpose.

That all persons having lands under Grants from the Proprietors before the 1st of January 1727 be obliged to produce their Titles before the Gov^r in Council & if it shall appear that the Grantees are in possession of more land than is expressed in their Grant be required to take out fresh Grants for such surplusage subject to a quit rent of four shillings Proclamation money for every hundred acres and in case of refusal to comply with this condition that an information be lodged in the name of the Attorney General of the Province in a Court of Equity there in order to have the real quantity set out and the excess pared off for the benefit of the Crown.

That where the original Grants are lost or destroyed & full proof of such Grants cant be made nor of their tenor & condition such person be permitted to take out a new Grant for the land so claimed subject to the aforementioned Quit Rent of four shillings Proclamation money for every hundred acres & all the conditions of a new Grant

That such as can bring full proof of their having Patents from the Proprietors before the 1st Jan^{ry} 1727 & of the terms & conditions of the Patents be permitted to hold the lands upon the same conditions upon which they were first granted tho' the Patents be destroyed or lost.

Persons holding lands from the Proprietors since the 10th Jan^{ry} 1727 to have new Grants upon the terms & conditions prescribed by the Instructions the land to be subject to a resurvey or upon refusal to admit a resurvey the land to be forfeited.

All persons possessed of Warrants for lands who have entered thereupon without a proper Grant to be obliged to complete their Grants conformable to the foregoing Regulations in failure whereof the Governor to regrant such lands to any other persons applying for the same.

All Persons who have obtained Grants and have not yet entered upon their lands or cultivated them to be obliged to enter upon and cultivate the same within six months after proper notice given in failure of which the Grants to be void.

All Grants irregularly made since the Crown's purchase in a manner contrary to or inconsistent with the former instructions to be declared void and the Grantee to be obliged to take out new Grants upon the foregoing terms & under the foregoing regulations.

In the year 1736 Your Majesty was graciously pleased to direct that one million two hundred thousand acres of land should be set out & granted to Henry M^cCulloh and others his Associates for the settling of Foreign Protestants upon the following terms & conditions That they should settle one white person for every two hundred acres within ten years from the date of the Grant & also at the expiration of that time to pay four shillings Proclamation money for every hundred acres.

It appears from an examination into the state of this Grant that in consequence of this order the Petitioners did take out 96 Grants making in the whole one million two hundred thousand acres of which about four hundred & seventy five thousand is included in that part of the Province claimed by the Earl of Granville and the remaining quantity of seven hundred & twenty five thousand to the southward of his Lordship's line upon which according to the terms of the Grant there ought to have been three thousand six hundred and twenty five people settled but of which there are no more than eight hundred & fifty four actually settled; the Grantees however have three years remaining from the date of their Grant to complete the settlement in the proportion of one person for every two hundred acres.

As the making exorbitant Grants of lands in this Province to persons who want ability to cultivate & improve them has been of great prejudice to Your Maj. service & interest We thought it our duty to enquire into the state of this Grant to the end that Your Maj. might give such instructions to Your Gov^r concerning it as should appear to Your Maj. to be necessary and proper And we would humbly propose that Your

Maj. Governor should be instructed that when the term allowed the Petitioners to complete their settlement is expired he should accept of a surrender from the Grantees of such part as shall not be settled according to the foregoing proportion of one person for every two hundred Acres and empowered to regrant such land so surrendered to any other persons applying for the same And that the present Grantees shall be released from the condition of being obliged to pay quit rent for such land so surrendered taking care however that proper measures are taken to secure the payment of the quit rents upon such part as shall be settled by admitting the Possessors holding under Grants or Leases from the original Grantees or Proprietors to attorn to the Crown for payment of their Quit Rents and to register the Grants by which they hold their lands.

And as complaint has been made to us by Mr. M^cCulloh that he has been greatly disturbed & molested in the quiet possession of his Grant by the late Gov^r & others acting under his authority who have taken upon them to grant to other persons lands before set out & granted to him pursuant to Your Maj. Order We would humbly propose that an Instruction should be given to the Governor to maintain & support the said Grantee & his Associates in their just & legal rights & in the quiet possession of their lands.

These rules and regulations if properly carried into execution will we hope in some measure restore & establish Your Maj. rights so long neglected & abused and put Your Maj. Province upon a better foot than it hath hitherto been but in order to enforce these Regulations to render them effectual and secure Your Maj. rights it will be necessary that the Governor should be instructed to establish a Court of Exchequer with all the necessary powers rights & privileges incident to such Court without which there is reason to fear these or any other Regulations Your Maj. might think it advisable to make would be greatly if not entirely ineffectual there being no Court established in this Province vested with the proper powers for taking cognizance of matters relating to Your Maj. revenue.

If Your Maj. shall be pleased to approve of the foregoing Regulations We would humbly propose that Instructions should be given to Your Governor of this Province conformable thereto and that the following Laws which have been from time to time passed in that Province which contain Regulations with respect to the granting or surveying of lands payment of quit rents and do any ways affect Your Maj. prerogative & revenue be repealed, Viz:

An Act to put in force in this Province the several Statutes of the Kingdom of England or South Britain therein particularly mentioned passed in 1749

It would be needless to trouble Your Maj. with the numberless objections arising to so extraordinary an Act as this is And we hope it will be sufficient for the present purpose to observe that there is a clause in it declaring all the Statute Laws in this Kingdom which are not therein enumerated & made of force (such only excepted which relate to or concern His Maj. Customs & the Acts of Trade & Navigation) not adapted or applicable to the constitution of that Province As none of the Laws of England relative to any branch of the Revenue upon which the Courts of Exchequer & other Courts where Your Maj. rights are pleadable do proceed are enumerated in this Act but on the contrary the Courts of Justice are restrained by this Act from taking any notice of or carrying into execution any Laws not mentioned in it the power & authority of a Court of Exchequer or any other power or authority Your Maj. may at any time think proper to give to the Courts of Judicature in this Province with respect to Your Revenue will be restrained & ineffectual while this Act remains in force.

An Act to direct the disposal of goods taken upon execution & for the better regulating of distresses hereafter to be made for levying of quit rents passed in 1715.

This Act directs that goods taken upon execution for taxes or quit rents if not redeemed within ten days shall be appraised by four substantial freeholders of the County. This we apprehend to be an improper & inadequate method inasmuch as the Appraiser may from connexion or from a consideration that the same thing may some time or other happen to himself be prompted to appraise them at an exorbitant rate and by this means debts due to Your Majesty in sterling or Proclamation money may be paid off in commodities of little or no value and entirely useless to the public receiver.

An Act for preventing disputes concerning Lands already surveyed Passed in 1715.

This Act declares that all surveys already made & Patents granted by any preceding Governors whatever shall be good & valid & establishes Regulations with respect to resurveys inconsistent with those which we have before proposed.

An Act to regulate divers abuses in the taking up of lands and to ascertain the method to be observed from henceforth in taking up & surveying Lands. Passed in 1715.

This Act contains Regulations with respect to the method to be observed in taking up & granting Lands in this Province totally different from the Orders & Instructions which have been given from time to time by Your Maj. relative to the granting of Lands and allows any person to take up 640 acres without limitation.

An Act for granting an aid to His Majesty to defray the expences of transporting the several troops enlisted in His Maj. service in this Colony and to ascertain the method of paying all taxes and Levys in Commodities and for other purposes therein mentioned Passed in 1740.

This Act allows of all public taxes debts due upon executions &c to be paid in Commodities at a certain rate which method has been found to have been attended with great inconveniences and open to great fraud & abuse and has been disapproved of by your Maj. in other Colonies

An additional Act to an Act entituled An Act for forming a Rent Roll of all the Lands held in this Province for quieting the inhabitants in their possessions and for directing the payment of Quit Rents. Passed in 1749.

An Act to repeal part of a Clause in an Act intituled an Act for forming a Rent Roll of all the Lands holden in this Province and for directing the payment of Quit Rents. Passed in 1750.

We shall now beg leave to lay before Your Maj. our observations upon such other Acts of this Province as are not relative to any of the foregoing points but which appear to us improper and unnecessary.

An Act concerning Escheat Lands and Escheators. Passed in 1715.

This Act establishes Regulations with respect to the manner of granting and disposing of Escheated Lands contrary to Your Maj. Instructions to Your Governors in the Plantations relative to Escheats and inconsistent with Your Majesty's rights.

Public Treasurers to give account Passed in 1715.

This Act directs that all persons who formerly have been now are or hereafter shall be Treasurers Collectors or Receivers of Public money raised by the authority of the Assembly shall be accountable to the Assembly or such Commissioners as shall be appointed by the authority of the same and to no other person or persons whatsoever which We humbly apprehend to be injurious to Your Maj. rights and prerogative and contrary to Your Maj. Instructions to Your Governors of this and the other Colonies

An Act for establishing the Church for appointing Parishes and the method of electing Vestries and for directing the settlement of Parish accounts throughout the Govern^t Passed in 1741.

This Act deprives Your Majesty of your just and undoubted right to the Patronage and Advowson of all Churches and Chapels in this Province and vests them in a select Vestry of Twelve Freeholders which Vestry is also empowered to determine the quantum of the Minister's stipend or salary and to withdraw it at pleasure.

An Act to fix a place for the seat of Government & for keeping public Offices for appointing Circuit Courts and defraying the expence thereof and also for establishing the Courts of Justice and regulating the proceedings therein. Passed in 1746.

This Act having been passed at the same time and under the same circumstances as the Law for ascertaining the number of Representatives first mentioned in this Representation We thought it our duty to refer it with that Law to Your Majesty's Attorney & Solicitor General who reported to us that this as well as the other Law appear to have been passed by management precipitation & surprise when very few Members were present and was of such nature & tendency & had such effect & operation that the Governor by his Instructions ought not to have assented to it though it passed deliberately in full Assembly

Besides the Objections made by Your Majesty's Attorney & Solicitor General to the manner of passing this Law there are We humbly apprehend other objections to the matter of it not stated by them. The fixing the seat of Government and establishing Courts of Justice are acts of Sovereignty which belong to Your Majesty alone & therefore ought not to have been done by Act of Assembly nor is it in any degree a justification of this measure that the great inconveniency & confusion occasioned by the want of a seat of Government and of proper Courts of Justice made it absolutely necessary to pass this Law since the same thing might have been done by the sole act of the Governor and Council We would therefore humbly propose that this Act should receive Your Maj. disallowance and that the Governor be directed to establish such and so many Courts of Justice as shall appear to be necessary and proper for the better administration of justice and to consider of the most convenient place for the seat of Government and to make a Report thereof to Your Majesty for Your Majesty's further directions therein.

All which is most humbly submitted

DUNK HALIFAX	JAMES OSWALD
J. GRENVILLE	ANDREW STONE

Whitehall March 14th 1754

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 34.]

CAPE FEAR, NORTH CAROLINA, March 19th 1754.

MY LORDS, [OF THE BOARD OF TRADE]

I received a letter from the Earl of Holderness dated the 28th of August last informing me of the march of a considerable number of

Indians not in alliance with His Majesty supported by some regular European Troops intending as is apprehended to commit some hostilities on parts of His Majesty's Dominions in America.

I am commanded in case they make any Ineroachment on this Province to draw forth the armed force of the Province and to repel force by force and in case any of our neighbouring Provinces should be attacked to call the Assembly and lay before them the necessity of a mutual assistance and engage them to grant such a supply as the exigency of Affairs may require.

The 18th of last month I received a letter from the Governor of Virginia requiring our immediate assistance to dispossess the French of a settlement they have made at the Ohio within the undoubted limits of Virginia where they have imprisoned His Majesty's Subjects and confiscated their goods, built a strong fort and intend to build five more with design to secure all the waters of the Mississippi which waters comes close up to our settlement.

If we suffer this they will secure the Gaps of the mountains and destroy our settlements at their Pleasure I expected this demand some time & had prorogued the Assembly to meet at Wilmington the 19th of last month, which met accordingly. I was under a necessity of creating twenty two thousand pounds Proclamation Paper Bills of Credit to issue immediately; viz^t £12,000 for raising and providing for a regiment of 750 effective men to be sent to the Assistance of Virginia, £2,000 to repair & finish the Fort at the mouth of Cape Fear river £2,000 to be added to the money formerly granted to build and finish the Fort at Oeacock Inlet £1,000 to buy arms and ammunition for the poorer Inhabitants of Rowan & Anson Countys being most exposed £800 for stamping and emitting the Bills of Credit and £4,200 for other contingencies to be sunk by a poll tax and a duty on wine, rum and all other spirituous liquors which are the best funds we have; there is also £18000 more for other uses not to be emitted till His Majesty's Pleasure is known.

This I have been under a necessity of doing otherways I cou'd not have got any supply. Will transmit the Laws of last Session with the Journals of both Houses by the first ship for London.

I am with the greatest subm'ssion, &c.,

MATH: ROWAN.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 122.]

Governor Dinwiddie to Matthew Rowan, President of North Carolina

Mar. 23rd, [1754.]

SIR:

Your kind favo. of the 10th Mar. by Mr. Ashe, I dually rec'd. It gives me much Pleasure to observe the Loyalty and Readiness of your Assembly in raising Money for the Good of the Common Cause. Our Assembly were much divided and a Spirit of Content'n among them, that they voted only 10,000[£] for the imediate raising 300 Men to join and escort a Compa. of 100 Men, now at the Ohio building a Fort agreeable to His M'y's Com'd's to me, but I do not doubt of their raising a much larger Sum for the general Service. These Men I expect will be at Alexandria, the Head of Potomaek River, next Week, w'n they are directed to march imediatey to the Ohio. That Part of the River where they are order'd to build a Fort is in Dispute, whether it is in their Gov't or in the Proprietary Grant of Mr. Penn, of Pensylv'a, however, it's deem'd the Property of the Crown of G. B., and for the Safety of His M'y's Colonies on this Con't, it's absolutely necessary to prevent the French from settling or building Fortesses there. And as it is for the general Safety of the Whole, the Forces rais'd in each different Colony, is to be Paid and maint'd in Provisions by them. I have provided six Mo's Provisions for the men now rais'd, and those from the No'ern Colonies will bring their Provisions with them. The Pay of our Officers and soldiers is as follows. The Colo. 15s. Lieut. Colo. 12s. 6d., Maj'r 10s., Capt. 8s., Lieuts. 4s., Ensigns 3s., Doct'r 4s., and the Private Men 8d. $\frac{3}{4}$ Day. To bring them into an uniform dress of a red Coat and p'r Breeches, they allow a Stoppage to be made out of their Pay. Provisions of Flower, Pork and Beef to be given them at the Discretion of the Com'd'g Officer, and Rum, a little on their March, and a Quart for every four Men w'n at Work on the Ohio, with Encouragem't of Land to every Person according to their Merit, free of Rights or Quit Rent for 15 Years. The pay that Mr. Ashe tells me Your Private Men are to have, Surprizes me. I wish you e'd prevail with the Officers and Soldiers to be at the same Pay as our Forces, but I fear if they know the Pay, they will be backw'd in coming, but this I must leave to Your Prudence. As to Provisions, if You write me, I shall take care to provide w't You may Order, and as I fear the Expence will be large either for Your Province or our's to bear, we must in a proper Manner repres't it home and depend on His M'y's Goodness for reimbursem't. As

the Ministers are very earnest on this Expedit'n I doubt not of their good Offices in being rep'd. Cannot You order a Qn'ty of Pork for Your Forces. I am glad Your Regim't comes under the Com'd of Colo. Innes, who's Capacity, Judgment and cool Conduct, I have a great Regard for. And w'n he comes here [I] shall do all I can to help him. The March of Y'r People by Land will be long and very fatiguing, I recommend their coming by Sea to Hampton, w'n shall have Sloops to carry them to Alex'a, thus I advise the independ't Compa's from N. York and Carolina to be transported, and if Y'r Station Ship is with You, I think as it's for the Service of the Crown, he sh'd bring round to Hampton as many as he can accommodate, and for other Vessells they may be press'd on this emergent Occasion. This my Opinion I submit to Your Judgm't. The Gov'r of Pensylv'a sent me an Express last Week w'n he was in hopes to prevail with the Assembly to qualify him to send 1,000 Men and I doubt not of the other Colonies sending their proper Quotas agreeable to the Supplies voted by their Assemblies, w'ch as yet, I am not inform'd of, but the greatest Dispatch is absolutely necessary as the French is expected down the Ohio next Mo. I have nothing further to add, but that my sincere Wishes for Success in this Expedit'n attends it.

I am, with very great regard and Esteem,

Y'r Hon'r's most h'ble Serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 125.]

Governor Dinwiddie to Mr. Rowan, President of North Carolina.

Mar. 23, [1754.]

S'R:

Since closing my Let'r of this date, I have examin'd into our Magaz'e, and find we have only 300 small Arms remain'g, that I hope You will be able to supply Y'r Regim't in Your own Colony. We allow no Bedding to the Soldiers, but send Tents with them; we are also deficient in them, but I propose having some made. I found our Magazine very short of Warlike Instrum'ts, not having any Cutlasses, but Bayonets for the Arms.

I remain, with very great Esteem,

Y'r Hon'rs most humble Serv't.

P. S. Our Forces are not to be p'd agreeable to the Act of Assem-
 bly in pay'g the Militia, but as Volunteers, w'ch accordingly as in my
 Other Letter, their Pay is establish'd.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 125.]

Governor Dinwiddie to Colonel James Innes.

23d Mar., [1754.]

DEAR JAMES:

Y'r Kind Let'r of the 12th Curr't I rec'd by Mr. Ashe, and I am very glad that I shall have the Pleasure of seeing You at the Head of a Regim't of 750 Men. I intended You the Chief Com'd of our Forces, but the few now rais'd were to march directly to the Ohio, that [I] was oblig'd to Com'on the Officers. Y'r Age is nothing, w'n You reflect on Y'r regular Method of living. It gives me Pleasure that You are to be on the Expedit'n, and I hope You will soon recover [from] your present Complaint. As for the Expectat's of the People here, I always have regard to Merit, and I know Yours and You need not mind or fear any Reflect's. The Bearer appears to be a very discreet, well-behav'd Gent., and I doubt not will make a good Officer, and the Encouragm't, You give in preferring those that raise their Compa's first to the Senior Com'o., is right. We allow'd a Pistole listing Money to each Man besides their Pay, but I refer You to my Let'r to Your Presid't. The very Thought You write me, occur'd to me, and a Month ago I wrote to [the] Gov'rs of N. York and New England to make a Faint towards Canada, to divert their sending the Number of Forces mention'd; whether they will put it in practice I cannot say. Dispatch is absolutely necessary, and [I] hope You will bring Y'r Forces by Sea, and I heartily wish to see You and them. I think Y'r Com'd from me must be by a Com'o. superior to any I have yet granted. You know my regard and Esteem for You. My Wife, Lise, and the Child, join me in sincere respects to You and Mrs. Innes, and believe me, I am,

S'r, Y'r affect'o. h'ble Serv't.

P. S. His M'y sent 30 Pss. Cannon, 4 Pownders, with all necessary Implem'ts. They are heavy, therefore [I] have sent only ten up to be carried in Waggons to the Ohio; if they be easily transported I shall send the other twenty. No Cowhorns or hand Granades here.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 30.]

At the Conneil Chamber Whitehall the 26th day of March 1754.

By the right hon^{ble} the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased to referr unto this Committee, a rep-

resentation made by the Lords Commissioners for Trade & Plantations dated the 14th day of this Instant March upon the present state of the Province of North Carolina, particularly with respect to the Laws now in force in that Province, and praying to receive directions thereupon, that they may be the better enabled to prepare the draught of Instructions for Arthur Dobbs Esq^{re}, whom His Majesty has been pleased to appoint Governor of that Province The Lords of the Committee this day took the said representation into consideration, and do find, that the said Lords Comm^{rs} propose, that the several Laws therein specified should be repealed, and that Instructions should be given to the Governor of the said Province, upon the following points viz^t

To limit the quorum of the Assembly to fifteen

To forbid the passing any law whereby the duration of the Assembly should be limited or ascertained, or any other regulation made relative thereto, contrary to His Majesty's Rights and Prerogative.

To erect, (as the Province grows more peopled) such and so many Towns and Countys in the Southern District, with the Priviledge of sending such a number of representatives to the Assembly, as that each different district or division may have a reasonable and just proportion.

To confirm the rights of the several Towns, Precincts or Countys by Charters of Incorporation.

To establish such new regulations with respect to Grants of Lands and the quit rents, as are become necessary upon the repeal of the quit rent Act passed in 1748.

To accept a surrender from Mr. McCulloh and his Associates (when the Term allowed them to compleat their settlement is expired) of such part of the Lands granted them as shall not be settled according to the proportion of one person for every two hundred acres, and to regrant the same to any other persons and to release the present Grantees from being obliged to pay quit rent for the land so surrendered.

To support and maintain Mr. McCulloh and their Associates in their just and legal rights, and in the quiet possession of their lands.

To establish a Court of Exchequer with all the necessary Powers, rights and Priviledges accident to such Court.

To establish such and so many Courts of Justice as shall appear to be necessary and proper for the better administration of Justice, and to consider of the most convenient place for the seat of Government, and to make report thereof to His Majesty.

And the Lords of the Committee agreeing in opinion with the said Lords Commissioners, that the Laws specified in their said representation should be repealed, and that the Instructions proposed upon the above

Points should be given to the Governor of North Carolina, are hereby pleased to order, that the said Lords Commissioners do prepare Instructions conformable thereto, and insert the same in the General Instructions for the said Governor.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 31.]

At the Court at St James's the 28th day of March 1754.

Present The King's most Excellent Majesty in Council

Whereas there was this day read at the Board a report made by the right hon^{ble} the Lords of the Committee of Council for Plantation affairs dated the 26th of this Instant upon considering a representation from the Lords Comm^{rs} for Trade & Plantation relating to the settling upon Arthur Dobbs Esq^{re} the present Governor of North Carolina the like Salary of one thousand pounds per ann: as was allowed to the last Governor and likewise to the setting apart some other more certain fund for the payment thereof than that which has been hitherto appropriated for that purpose.

By which report it appears, that His Majesty was pleased in September 1733, to direct a Salary of one thousand pounds per annum to be paid to Gabriel Johnston Esq^{re}, the late Governor of North Carolina out of the revenue of Quit rents arising within that Province, But that His Majesty's said revenue has not proved sufficient to answer the same—The Lords of the Committee therefore reported as their opinion that it might be adviseable for His Majesty not only to order the said Salary of one thousand pounds to be continued to the present Governor but in regard to the deficiency of the fund arising from the aforementioned revenue of Quit rents there, that some other more certain fund should be appropriated for the payment thereof—His Majesty having taken the said report into His royal consideration was pleased with the advice of His Privy Council to approve of what is therein proposed and to order that it be referred to the Lords Commissioners of His Majesty's Treasury to consider of a proper fund for payment of the said Salary and to prepare and lay before His Majesty the necessary Instrument for establishing the said Salary upon such fund

A true Copy.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 39.]

At the Court at S^t James's the 8th of April 1754.

Present the Kings most Excellent Majesty in Council.

Whereas eight Acts were passed in the Province of North Carolina during the time the said Province was under the Government of the late Lords Proprietors entitled

1. An Act to direct the disposal of Goods taken upon executions and for the better regulating of distresses hereafter to be made for levying of Quit rents Passed in 1715.

2. An Act for preventing disputes concerning Lands already surveyed. Passed in 1715.

3. An Act to regulate divers abuses in the taking up of Lands and to ascertain the method to be observed from henceforth in taking up & surveying Lands. Passed in 1715.

4. An Act concerning Escheat Lands & Escheators. Passed in 1715.

5. Public Treasurers to give Account. Passed in 1715.

6. An Act appointing that part of Albemarle County lying on the west side of Chowan River to be a Precinct by the name of Bertie Precinct. Passed in 1722.

7. An Act for incorporating the Sea Port of Beaufort in Carteret Precinct into a Township by the name of Beaufort. Passed in 1723.

8. An Act to appoint that part of Albemarle County lying on the south side of Albemarle sound and Moraltuck river as high as the rainbow banks to be a Precinct by the name of Tyrrell Precinct. Passed in 1729.

Which Acts together with a representation from the Lords Comm^{rs} for Trade & Plantations proposing the repeal thereof having been referred to the consideration of a Committee of the Lords of His Majesty's most hon^{ble} Privy Council for Plantation Affairs The said Lords of the Committee did this day report to His Majesty as their opinion that the said Acts ought to be repealed—

His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare His Disallowance of the said Acts—And pursuant to His Majesty's royal Pleasure thereupon expressed, the said Acts are hereby repealed declared void and of none effect.

Whereof the Governor or Commander in Chief of His Majesty's Province of North Carolina for the time being and all others whom it may concern are to take notice and Govern themselves accordingly.

A true Copy.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 37.]

At the Court at S^t James's the 8th day of April 1754.

Present The King's most Excellent Majesty in Council.

Whereas by Commission under the Great Seal of Great Britain the Governor, Council & Assembly of His Majesty's Province of North Carolina are authorized and empowered to make, constitute and ordain Laws, Statutes and Ordinances for the Publick Peace, Welfare and Good Government of the said Province Which Laws Statutes & Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and to be transmitted for His Majesty's royal Approbation or Disallowance In pursuance of which Powers eighteen Acts have been passed in the said Province & transmitted entituled as follows viz^t

1. An Act to confirm and establish the Precincts of Onslow & Bladen and for appointing them distinct Precincts. Passed in 1734.

2. An Act for erecting the Village called Newton in New Hanover County into a Town and Township by the name of Wilmington & regulating and ascertaining the Bounds thereof. Passed in 1739.

3. An Act for confirming Titles to the Town Lands of Edenton for securing the Priviledges heretofore granted to the said Town & for the further encouragement and better regulation hereof. Passed in 1740.

4. An Act for granting an aid to His Majesty to defray the expenses of transporting the several troops enlisted in His Majesty's service in the Colony, & to ascertain the method of paying all taxes and levys in Commodities & for other purposes therein mentioned. Passed in 1740.

5. An Act to confirm and erect that part of the Province called Edgcombe County into a County by the name of Edgcombe County and for establishing the said County a Parish &c. Passed in 1741.

6. An Act for erecting the upper part of Bertie County into a County by the name of Northampton County and for regulating the limits between Society Parish & the North West Parish of Bertie &c. Passed in 1741.

7. An Act for establishing the Church for appointing Parishes and the method of electing Vestrys and for directing the settlement of Parish Accounts throughout the Colony. Passed in 1741.

8. An Act to regulate elections for Members to serve in General Assemblys for the several Countys to declare who shall be qualified to vote in the said Election &c. Passed in 1743.

9. An Act for the better ascertaining the number of Members to be chosen for the several Countys within this Province to sit and vote in General Assembly and for establishing a more equal representative of all His Majesty's Subjects in the House of Burgesses. Passed the 28th Nov^r 1746.

10. An Act for erecting the upper part of Craven County into a County and Precinct &c. Passed in 1746.

11. An Act for dividing Edgecumbe County and Precincts and for erecting the upper part thereof into a County and Parish by the name of Granville County &c. Passed in 1746.

12. An Act to fix a place for the seat of Government and for keeping Publick Offices for appointing Circuit Courts and defraying the expense thereof and also for establishing the Courts of Justice & regulating the Proceedings therein. Passed in 1746.

13. An Act for forming a rent roll of all the Lands holden in this Province for quieting the Inhabitants in their possessions & for directing the payment of quit Rents. Passed in 1748.

14. An Act for erecting the upper part of New Hanover County into a County and Parish by the name of Dupplin County &c. Passed in 1749.

15. An Act for erecting the upper part of Bladen County into a County & Parish by the name of Anson County. Passed in 1749.

16. An Act to put in force in this Province the several Statutes of the Kingdom of England or South Britain therein particularly mentioned. Passed in 1749.

17. An Additional Act to an Act intituled An Act for forming a rent roll of all the Lands held in this Province for quieting the Inhabitants in their Possessions & for directing the payment of quit rents. Passed in 1749.

18. An Act to repeal part of a clause in An Act intituled An Act for forming a rent roll of all the Lands holden in this Province & for directing the payment of Quit Rents. Passed in 1750.

Which Acts together with a representation from the Lords Comm^{rs} for Trade & Plantations proposing the repeal thereof having been referred to the consideration of a Committee of the Lords of His Maj^{ty's} most hon^{ble} Privy Council for Plantation Affairs, the said Lords of the Committee did this day report to His Maj^{ty} as their opinion that the s^d Acts ought to be repealed—His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare His disallowance of the s^d Acts—And pursuant to His Maj^{ty's} royal Pleasure thereupon expressed, the said Acts are hereby declared void and of none

effect. Whereof the Governor or Commander in Chief of His Majesty's Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

A true Copy.

W. SHARPE.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 130.]

Governor Dinwiddie to Mathew Rowan, President of North Carolina.

15th Apr., [1754.]

SIR:

I c'd not let slip the good Opp'ty of Colo. Innes in paying my Respects to You. He and I have talk'd the Affairs fully over in regard to the Forces from Y'r Colony, and [I] therefore refer You to him; and I desire to assure You that I shall do every Thing in my Power for the Service of No. Carolina, as I am very much pleas'd with their readiness in granting Supplies on this emergent Occasion, and I rem'u with great respect,

Y'r Hon'r's most h'ble Serv't.

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

NORTH CAROLINA.

Know all men by these presents that I Samuel Swann of the County of New Hanover & Province afores^d am held and firmly bound Unto the Honourable Matthew Rowan Esq^r President And Commander in Chief of the province of North Carolina for the time being and his successors in the sum of Five Thousand pounds Proclamation Money to be paid to the said President and Commander in Chief and his successors for the Use of the Publick Unto which payment well and truly to be made and done I bind my self my heirs Executors and Administrators firmly by these presents sealed with my seal and dated this thirtyeth day of April 1754.

The Condition of the above Obligation is such that Whereas the above named Samuel Swann is by Act of Assembly pass^d at Wilmington the ninth day of March in the Year of Our Lord One thousand seven Hundred and fifty four Oppointed one of the Commissioners for Stamping and Emitting the sum of forty thousand pounds publick bills of Credit Equal in value to Proclamation money Now if the above Named Samuel Swann shall Duely & faithfully Discharge the trust by the pub-

lick reposed in him According to Law as Commissioner afores^d then the above obligation to be void or Else to be & remain in full force virtue and authority in the Law

SAM^r SWANN (Seal)

Sealed and Delivered In the presence of

HENRY HYRNE

JAMES POITEVINTE

NORTH CAROLINA—New Hanover County

This May Certifie that the within named Samuel Swann one of the Commissioners appointed by Act of Assembly pass^d at Wilmington the Ninth day of March 1754 for Stamping and Emitting the sum of forty thousand pounds publick bills of Credit personally appeared before me and made Oath in due form of Law that he wood Duely and faithfully Discharge the trust by Law reposed in him to the best of his Knowledge and Capaity Sworn to this thirtyeth day of April 1754 before me

JOHN ASHE

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

NORTH CAROLINA

Know all men by these presents that I John Starkey of Onslow County in the province aforesaid am held & firmly bound unto the Honourable Matthew Rowan Esq^r President and Commander in Chief of the province of North Carolina for the time being & his Successors in the sum of Five thousand pounds Proclamation money to be paid to the said President and Commander in Chief and his successors for the Use of the publick Unto which payment well and truly to be made and don I Bind myself my heirs Executors and Administrators firmly by these presents seal'd with my seal and dated this 30 day April 1754

The Condition of the above obligation is such that Whereas the above named John Starkey is by Act of Assembly pass^d at Wilmington the Ninth day of March in the Year of our Lord One thousand seven hundred & fifty four Oppointed one of the Commissioners for Stamping & Emitting the Sum of Forty thousand pounds Publick bills of Credit Equal in Value to Proclamation money Now if the said John Starkey shall duely and faithfully Discharge the trust by the Publick Reposed in him According to Law as Commissioner afores^d then the above obligation to be void or Else to be & remain in full force Virtue and authority in the Law

JOHN STARKEY (Seal)

Sealed & Delivered in presence of us

HENRY HYRNE

JAMES POITEVINTE

NEW HANOVER COUNTY

This may Certifie that the within named John Starkey one of the Commissioners appointed by act of assembly for stamping and Emitting the sum of forty thousand pounds publick bills of Credit personally appeared before me John Ash one of his majestys Justices assigned for to Keep the pease for the said County and made oath in due form of Law that he wood Duely & faithfully Discharge the trust by Law reposed in him to the best of his Knowledge and Capacity Sworn to this 30 day of April 1754 before me

JOHN ASHE J. P.

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

NORTH CAROLINA

Know all men by these presents that I John Swann of the County of New Hanover and province aforesaid am held and firmly bound unto the Honourable Matthew Rowan Esq^r President and Commander in Chief of the province of North Carolina for the time being and his successors in the sum of five thousand pounds Proclamation Money to be paid to the said president and Commander in Chief and his successors for the use of the Publick Unto which payment well and truly to be made and done I bind me my heirs Executors and Administrators firmly by these presents seal'd with my seal and dated this Third day of May 1754

The Condition of the above Obligation is Such that Whereas the above named John Swann is by Act of Assembly passed at Wilmington the ninth day of March in the year of Our Lord One thousand seven hundred fifty four appointed one of the Commissioners for stamping and Emitting the sum of forty thousand pounds publick bills of Credit equal in value to proclamation Money now if the said John Swann shall duely and faithfully Discharge the trust by the Publick reposed in him according to Law as Commissioner aforesaid then the above Obligation to be void or Else to be and remain in full force and virtue and authority in the Law

JN^o SWANN (Seal)

Sealed and delivered In presence of

WILL^m WILLKINGSBENJⁿ MORISON

NEW HANOVER COUNTY

This may certifie that the within named John Swann one of the Commissioners appointed by Act of Assembly pass^d at Wilmington the ninth

day of March 1754, for Stamping and Emitting the Sum of forty thousand pounds publick bills of Credit personally appeared before me and made Oath in due form of Law that he wood duely & faithfully Discharge the trust by Law reposed in him to the best of his Knowledge and Capacity Sworn to this 3^d day of May 1754 before me

JOHN LYON J P.

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

NORTH CAROLINA

Know all men by these presents that I Lewis Derosett of the County of New Hanover and province aforesaid am held and firmly bound unto the Honourable Matthew Rowan Esq^r President and Commander in Chief of the province of North Carolina for the time being and his successors in the sum of five thousand pounds proclamation Money to be paid to the said president and Commander in Chief and his successors for the Use of the publick Unto which payment well and truly to be made and done I Bind my self my Heirs Executors And Administrators firmly by these presents sealed with my seal and dated this Third day of May 1754.

The condition of the above Obligation is such that Whereas the above Named Lewis Derosett is by Act of Assembly pass^d at Wilmington the ninth day of March in the year of our Lord One thousand seven Hundred and fifty four Oppointed One of the Commissioners for Stamping and Emitting the sum of forty Thousand pounds publick bills of Credit Equal to proclamation money Now if the said Lewis Derosett shall duely and faithfully Discharge the trust by the publick reposed in him According to Law as Commissioner aforesaid then the above Obligation to be void or Else to be and remain in full force virtne and authority in the Law.

LÉWIS DE ROSSET (Seal)

Sealed and Delivered In Presence of

WILL^m WILKINGS

BENJ^a MORISON

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 33.]

The humble Memorial of H. M^cNulloh. [to the Board of Trade]
Sheweth,

That as your Lordships have now under consideration, the state of the Grants in which your Memorialist is concerned in N^o Carolina he

most humbly prays leave to submit it to your Lordships, whether it doth not in all respects appear reasonable & equitable and also for the service of the Crown, to set off part of the £6200, due to your Memorialist by warrant from the Crown in South Carolina, in discharge of the quit rents of your Memorialists Lands, which will hereafter, become due to the Crown, in North Carolina, and also that in order to keep up the record in said Colony such persons as purchase Lands from him shall be at liberty to attorn to the Crown for the payment of their respective quit rents, in which case your Memorialist is to be exempted from any further demand in respect to the same.

Your Memorialist hath nothing more at heart than, if possible to prevent all manner of disputes in relation to his said settlement. And therefore most humbly prays your Lordships to take the premises into consideration and as your Memorialist hath £1035 sterliug being the last payment of His Majestic's Warrant unapplied that your Lordships will be pleased to recommend it to His Majesty to grant him the liberty to set off said sum of £1035 sterling to the payment of such quit rents as may hereafter arise and become payable by him in North Carolina, and that when his tenants or such as have mesue conveyances under him have attorned to the Crown for the payment of their respective quit rents he shall be thereafter exempted from the payment of such part or proportion thereof.

And your Memorialist as in duty bound Shall ever pray &c.

HENRY McCULLOH.

Rec^d May 15th 1754.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 21.]

MAY IT PLEASE YOUR MAJESTY

We have had under our consideration a Memorial presented to us to Mr. Henry McCulloh who under Grants from Your Majesty is possessed of many large tracts of land within the Province of North Carolina setting forth that by virtue of Your Maj. Warrant on the Receiver of your quit Rents in the Province of South Carolina the sum of six thousand two hundred pounds are due to the Memorials and his assigns on account of his Salary as late Comptroller of Your Maj. Quit Rents in the said Provinces that the sum of one thousand and thirty five Pounds sterling part of the said six thousand two hundred pounds remain assigned and at the disposal of the Memorialist & therefore praying that he may have Your Maj. permission to set off the said sum of one thou-

said & thirty five Pounds in discharge of such quit Rents as may hereafter arise & become payable by him in North Carolina & that when his Tenants & such as have Mesne Conveyances under him have attorned to Your Majesty for the payment of their Respective Quit Rents he may thereafter be exempted from the payment of such part or proportion of them.

As this request appears to be reasonable and such an indulgence from Your Majesty may enable the Petitioner to comply with the terms of his Grant and to cultivate his lands We humbly beg leave to lay before Your Majesty the annexed copy of the said Memorial and to submit it to Your Majesty to give such directions upon it as to Your Maj. shall seem most proper

Which is most humbly submitted

DUNK HALIFAX	J GRENVILLE
J PITT	T. PELHAM.
R. EDGCUMBE	

Whitehall May 18th 1754.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 36.]

CAPE FEAR, June 3^d 1754.

MY LORDS, [OF THE BOARD OF TRADE]

The 4th of April I received your Lordships of the 5th Dec^r nothing could give me more pleasure than to find my proceedings to that time approved of.

My last of the 19th of March informed your Lordships of the proceedings of last Assembly to which I refer you; I assure your Lordships I have acted the part of a faithfull Servant to His Majesty am afraid from the unhappy divisions in the different Provinces the French will make good their settlements on the Ohio this year; when I wrote last I imagined our People would be maintained in Virginia after their arrival there, but I find every Province are to maintain their own people; as we have but very little silver and gold here this has laid us under great difficultys, we are obliged to lessen the number of our forces to 450 men, I expect 150 of them will sail for Alexandria in Virginia the first fair wind, the rest will begin their march in three or four days.

From the indolence of Mr. Johnston our militia was fallen much to decay. This Province is divided into twenty two Counties; I have

formed a regiment of foot in each of them, I have already form'd nine troops of Horse and intend forming eight more, they will be of great service in case of any sudden attack.

I have not been able to get an exact list of the militia yet; by the best computation I can make the amount of the foot is about 15,000, and about 400 Horse now formed, about 1000 exempt from muster as Justices, Lawyers, Millers, Ferrymen &c. only in case of an invasion and about 1500 in the out parts that do not list themselves; by the best computation I can make there is about 10,000 slaves from twelve years old & upwards. Last week I received a letter from several of the Inhabitants of Anson County near the Cattaboes with a Copy of a letter from Mr. Glen Governor of South Carolina to the King and Great men of the nation dated the 8th of April last telling them that he and the Council had given Orders that no white men should settle within thirty miles of their town and that he had ordered all the white men within that distance to remove, there is settled within that bounds at least five hundred familys of white people that have the Kings Patents It is as fine a Country as any in America, the Cattaboes are about three hundred men, the tuskarora Indians are as numerous as the Cattaboes and are very well satisfied with ten thousand acres of land this is upwards of two millions of acres. What power he and his Council has to do this I cannot say last April he gave me an account that he had entered into such an agreement with the Indians I think this is ill timed. Inclosed is the *Journals of the Assembly of April 1753.* by the death of the clerk of the Upper House and the negligence of the clerk of the Lower House and the Printer I am not able to transmit the Laws and Journals of the last Session but expect to be able to do it in a few days.

MATH: ROWAN.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 193.]

Governor Dinwiddie to Colonel Washington.

WIN'R, June 4th, 1754.

SIR:

On the Death of Colo. Fry, I have tho. it proper to send You the enclos'd Com'o. to Com'd the Virg'a regiment, and another for Maj'r Muse, to be Lient. Colo. Colo. James Innes, an old experienc'd Officer, is daily expected, who is appointed Com'd'r in Chief of all the Forces, w'ch I am very sensible will be very agreeable to You and the other offi-

cers. You cannot believe the Uncasiness and Anxiety I have had for the Tardiness of the Detachm't under Colo. Fry's Com'd in not joining You some Time since, as all the Delay in the Provisions and Amunition: however, I have given strong Instruc's on both these Heads, and hope you will soon be joined with proper Numbers to give the French a total Defeat. Continue in good Spirits, and prosecute Y'r usual Conduct and Prudence, w'ch must recomend You to the favo. of His M'y and Y'r Country. My F'dship and respect I hope you do not doubt. I therefore rem'n with great Truth,

S'r,

Your real Friend.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 194.]

Governor Dinwiddie's Commission to Colonel James Innes.

His Majesty George, the Second of G. B. F'r. and I. King, having been graciously pleas'd to Order and Com'd Me to raise Forces, build Fortresses on the river Ohio, and to protect his Lands on the s'd River; also to prevent any foreign Power whatsoever to settle on the s'd Lands, as His M'y has an undoubted right thereto, And I repos'g especial Trust and Confidence in the known Loyalty, Conrage and Conduct in You, the s'd James Innes, have, by Virtue of the Power and authority given me by His s'd M'y constituted and appointed, And do hereby constitute and appoint You, the s'd Jas. Innes, to be Com'd'r in Chief of all the Forces already rais'd and destin'd, or that shall hereafter be rais'd, design'd and ordered on the Service of the s'd Expedit'n. You are therefore, carefully and diligently to discharge the Duty of a Com'd'r in Chief agreeable to the Instruct's herewith given You; And I accordingly hereby Order and Com'd all the Officers and Soldiers to give due Obedience to such Orders and Direct's as from Time to Time You may think proper and necessary to direct and Com'd. And You are to follow all such further Instruct's and Orders as You may receive from me in discharge of the Duty of Y'r s'd Com'd, for all w'ch this shall be Y'r Warr't and Com'o. Given under my Hand and the Seal of the Colony at Winchester this 4th day of June, 1754

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 195.]

Governor Dinwiddie's Instructions to Colonel Innes.

All the Forces appointed and by me directed and order'd to the Gen'l Rendezvous being joined, You are on the first convenient day [to] cause a Muster roll of the whole to be taken, and all such of the Articles of War to be publicly read as may relate to Mutiny, Desertion and the keeping up a proper Discipline among the Officers and Soldiers under Y'r Com'd, whereby each Officer may know and perform their respective Duties. And that I may be acquainted with the Exact Number of the Forces, You are once in every two Months [to] cause a Gen'l Muster to be made and a List or Muster roll sent me by the first Opp'ty or Courier, and the s'd Articles of War, at such Musters to be as publicly read. You are, before You enter on any Action of Attack or extraordinary Enterprize to annoy or circumvent the Enemy, [to] call a Council of War, to consist of the Field Officers and Capt's of the Independ't Compa's; in w'ch Council You are to form a Plan of Operations and issue Your Orders accordingly. The Capt's and Officers of the Independ't Compa's having their Com'ds sign'd by His M'y imagine they claim a distinguish'd rank, and being long train'd in Arms, expect suitable regards.

You will, therefore, consult and agree with Y'r Officers to shew them particular marks of Esteem, w'ch will avoid such Causes of Uneasiness as otherwise might obstruct His M'y's Service, wherein all are alike engag'd and must answer for any ill Consequences of an unhappy Disagreem't. You are to appoint and hold Courts Martial as often as the same shall be thought necessary, to proceed and give Sentence according to the rules and Articles of War, of w'ch You are to give me Advice. The French having unjustly invaded the King of G. B. Lands on the river Ohio and taken Possession of a Fort that was begun to be built by my Order for his s'd M'y and the territory around the same. You are hereby order'd and directed, as soon as Your united Forces shall be sufficient, to repair thither, and summons the French possessing it, to surrender the Fort and evacuate the King of G. B. Lands. And in case of refusal, You are to use Your utmost Efforts to compell and force them, and if You have the desired Success, You are to take especial Care of the Prisoners by sending them down to W'mburg. Or if You sh'd think the sparing of Men to guard them thither w'd too much weaken Y'r small Army, then, You may give them some Canoes to go down the river Ohio; by no means leting them go up that river to Canada or returning.

If, in Y'r Council of War, the taking the above na'd Fort sh'd be judged impracticable, You are to build another Fort on the s'd river Ohio, in some proper Place, for the better security of Your Men, Arms, Stores, Provis's, &c., And prevention of any Supplies being carried to the French Garrison, whereby, in all probability, They will be reduced to the Necessity of Capitulating and accept'g such Terms as the Situation and Circumstances of Y'r affairs may require and You may reasonably admit of. If any of the French Army sh'd desert to You, take proper notice of them, but not to give them too much Liberty, and w'n convenient, it may be proper to send them down the Country.

The Ohio Ind's having discover'd their Inclinations to join the English, being now convinced of their Intent's to defend and protect the Ind's ag'st the late Invasion and Encroachm'ts of the French on the Ohio Lands, And particularly the Half King who has greatly distinguish'd Himself as our hearty Friend, and appears to me a Man of good Sense and great resolution, I therefore recomend him in the Kindest maner to Y'r F'dship and good Offices and let him and the other Ind's know that we come to aid and assist them and to protect their Lands from the ruinous Excursions of the French and their Ind's, and so order it that Y'r Soldiers behave to them with great Decency and Brotherly Affect'n. If any of Y'r Officers sh'd die or unfortunately [be] slain in Battle, You are to supply their Places by the most deserving, hav'g regard to seniority in Com'o, And give me Advice thereof for my Approbat'n and Confirmation. Whilst it may be tho't unnecessary for His M'y's Service to keep his Forces on the river Ohio, a Courier will be appointed that I may be frequently advised of the Occurrences; You will therefore embrace such Opp'tys. As I have hitherto exerted my utmost Endeavours to hasten the several Corps to their appointed rendezvous, purchas'd and sent the necessary Provisions and Stores, tho' attended with extraordinary and great Delays, I am determin'd to continue my resolutions to have Your army supplied in future, trusting that His M'y and myself will have the pleasing Acc't of Y'r well doing. As many Occurrences and Accidents may happen that cannot be fore-knownn, You are to act in such Cases in the best manner advisable, as may conduce to His M'y's Service, for the doing of w'ch You have my full Power and Instruct'n. Wishing You and the whole Corps good Health and Success, I am Sir,

Y'r loving Friend.

Additional Instruct's.

To preserve regularity and Order, to keep up Discipline, and enforce Obedience, I do hereby further authorize and empower You to suspend

any Officer who shall misbehave himself or be refractory as You shall see Cause, and appoint another in his room, Giving me imediate Notice thereof.

June 25th, [1754], W^msburg.—The Independ^t Compa's are also under Y^r Com'd. You are, therefore, to receive them in a particular manner, and give them Y^r Orders from Time to Time as You do the other regim'ts, they having my Orders to obey Y^r Com'ds, and to receive their Orders from You. I wish for Unanimity and good Conduct in defeating the Designs of the French. I wish You Health and Success.
I am S^r, Y^r h[']ble Serv^t.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 197.]

Colonel Washington to Governor Dinwiddie.

10th June 1754.

HON[']BLE SIR:

Your's of the 1st, 2nd and 4th Ult^o I received by the Post, and return your Honour my hearty thanks for your kind congratulations on our late success, which I hope to improve without risquing the imputation of rashness or hazarding what a prudent conduct wou'd forbid. I rejoice that I am likely to be happy under the command of an experienced Officer and man of Sense, it is what I have ardently wish'd for. I shall here beg leave to return my grateful thanks for your favour in promoting me to the Command of the Regiment, believe me, Hon[']ble Sir, when I assure you my Breast is warm'd with every generous sentiment that your goodness can inspire; I want nothing but opportunity to testifie my sincere regard for your person, to whom I stand indebted for so many unmerited favours.

I hope Capt. McKay will have more sense than to insist upon any unreasonable distinction, tho' he and His have Com[']ns from his Majesty; let him consider tho' we are greatly inferior in respect to profitable advantages, yet we have the same Spirit to serve our Gracious King as they have, and are as ready and willing to sacrifice our lives for our Country's as them; and here once more and for the last time, I must say this Will be a cancer that will grate some Officers of this Regiment beyond all measure, to serve upon such different terms, when their Lives, their Fortunes, and their Characters are equally, and I dare say as effectually expos'd as those who are happy enough to have King's Commissions.

I am much griev'd to find our Stores so slow advancing. God knows when we shall [be] able to do anything for to deserve better of our Country. I am, Hon'ble Sir, with the most sincere and unfeign'd Regard,
Y'r Honour's most Ob't and most H'ble Serv't.

G^o. WASHINGTON.

The Contents of this Letter is a profound Secret.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 201.]

Governor Dinwiddie to Sir Thomas Robinson.

June 18th, 1754.

R'T HON.:

Last Night I was hon'd with Y'r Let'r of the 26th of Mar. And I am perswaded had His Majesty's Com'ds to the other Colonies been duely obey'd, and the necessary Assistance given by them, the French wou'd have long ago have been oblig'd entirely to have evacuated their usurp'd Possession of the King's Lands, instead of w'ch they are daily becoming more formidable, whilst every Gov't except No. Caro. has amus'd me with Expectations that have proved fruitless, and at length refuse to give any Supply, unless in such a manner as must render it ineffectual. The French too justly observe the want of connection in the Colonies, and from thence conclude (as they declare without reserve) that altho' we are vastly superiour to them in Numbers, yet they can take and secure the Co't'y before we can agree to hinder them. Now w't, Sir, must be the result of this? Virg'a alone is unable to support the whole Burthen, and if some Method is not found to take away these destructive Denials of Assistance from the other Colonies, w'h it is judg'd proper to be demanded by His M'y for the comon Good, as now, The Consequ'ce must be the present loss of one of the finest and most fertile Countries in America and the future Destruction of all the British Dom's on this Con't. The two Compa's from N. York arrived only four Days ago. The reason of their long Delay I cannot Acc't for. Enclosed You have their Muster rolls. I have order'd one of the Council to review them, and shall hereafter acqu't You with their Condition. I have order'd them out to join the other Forces. The Compa. from So. Caro. has joined Colo. W., and the Forces from No. Caro. are on their March. The Gov'r of N. York informs me that 30 Batteaus, with Colours flying, past by Fort Oswego* lately, in their way to reinforce their Army at Ohio.

R't Hon. Sir, Y'r most obed't humble serv't.

*Fort Oswego was established in 1737.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 205.]

Governor Dinwiddie to the Lords of Trade.

18th June, [1754].

R'T HON.:

I arrived here from Winchester two Days ago. The two Compa's from N. York arrived here only four Days ago, tho' My Lord Holderness's Letter was forwarded to the Gov'r of N. York the 1st of Mar. The Supply from No. Caro. of 400 Men are on their March; w'n they are all collected together they will scarcely amo. to 900 Men, and it's reported the French Forces will consist of 1,500, that, I think, we are not of Strength sufficient, however all in my Power shall be done with great Assiduity. I have been for some Month flatter'd with a mutual Assistance from the neighbouring Colonies agreeable to His M'y's Com'nds to them, and tho' the Assemblies have met several Times, they have done nothing, or can I have any Dependence of Aid from any of them. I beg leave to give my humble Opinion that the Progress of the French in Possessing themselves of His Majesty's Lands will never be effectually opposed but by means of an Act of Parliament to compell the Colonies to contribute to the comon Cause, independently of Assemblies, who, in these Parts, are either ignorant or do not foresee Danger at a Distance, or at least, [are] so Obstinate as to pay little regard to it.

R't Hon., Y'r L'ds. most obed't h'ble Serv't.

[B. P. R. O. AM: & W. IND: VOL. 74.]

To the Presd^t of the Council of N. Carolina

WHITEHALL, 5th July 1754.

SIR

Your letter of the 21st of November last, in answer to the Earl of Holderness's of the 28th of August, having been received, and laid before the King, I am to acquaint You, that it is His Maj^{ty's} express Com-mand, that You should, in obedience thereto, not only act vigorously in the Defence of the Government under your Care, but that You should likewise be aiding and assisting His Majesty's other American Colonies, to repel any hostile Attempts made against Them, and it was with great Surprize, that the King observed your total Silence upon that part of His Majesty's Orders, which relate to a Concert with the other Colonies, which

You must be sensible is now become more essentially necessary for their common Defence, since the Account which you have no doubt received, with regard to the Hostilities committed by the French upon the River Ohio, which verify in Fact what was apprehended, when the Earl of Holderness wrote so fully to You in August last, and which might have been in great measure, if not totally prevented, had every One of His Majesty's Governments exerted Themselves according to those Directions, the Observance whereof I am now, by the King's command to enforce to You in the strongest Manner.

I am &c T: ROBINSON.

P. S. Since writing what is above, His Majesty is pleased to find that you have begun to shew an attention to His Commands, by actually raisin 300 Men, & I am to Exhort You to proceed with Diligence in taking all farther Measures that shall be necessary for the Publick Service.

T: R:

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 232.]

Governor Dinwiddie to Colonel Innes.

July 20, [1754.]

SIR:

I rec'd Y'r two Letters of the 8th and 11th, and [you] refer me to one enclos'd, w'ch You forgot. The Misfortune attending our Expedit'n is entirely owing to the delay of Your Forces, and more particularly the two Ind't Compa's from N. Y.; how they can answer their disobedience to His Majesty's Com'ds I know not, and w'n You have review'd them, give me a particular Acc't. As to Y'r regim't I can say little to, as You are talking of disbanding them before they join the other Forces. I sh'd think the [£]12,000 has been ill managed, if expended already, or can I tell the Pay and Cha's attending them till this Time; they have been very dillatory and keep drooping in one after another. Maj'r Rowan's Compa. took Shipping on Tuesday last for Alex'a; they all have call'd on me for Money to pay their Arrears, to buy Cloths, &c. The arrears, I think, should have been p'd in No. Car. in Y'r Paper Curr'cy. You gave me no Orders to advance Money, or can I do it; our own regim't has got all the Money I can spare, and that's attended with heavy Cha's to this Co't'y, and each Colony is to subsist, &c., their own Forces. The Pork gives but a poor Prospect of rais'g Money from its Condition, [as to] w'ch [I] refer You to my former Letter, and y't Comodity is now sold at a large Credit, y't You can have no dependence on it for Cash,

unless You order it to be sold at public Vendue. Colo. Hunter, Maj'r Carlyle and Self, are in Advance to Y'r regim't, and expect Paym't from the Produce of the Pork. I think if You can State the Ace't of Y'r Disbursem'ts and Cha's, You sh'd transmit the same to Mr. Dobbs (who is daily expected) and have his determinat'n w't You are to do for the Future, and it's probable he will find some Method of keeping Y'r regim't together for 8 Mo's longer. As for Y'r Operat's now, I desire You will call a Council of Y'r field Officers and consult a proper Place for building a Log Fort, and erecting a Magazine to receive 6 m's Provisions for 12 or 14 [*sic?*] men, as I think it's not prudent to march out to the Ohio till You have a sufficient Force to attack the Enemy, and y't You be properly provided with every thing for y't purpose. The Independ't Compa's, I think, sh'd remain there, and w't of Y'r regim't You may think proper; the other You may order to Alexa and Win[chester] for some Time, and y't they may be ready at a Call. I am told You can, from the Forces, hire workmen sufficient to build the Fort and Magazine. Maj'r Carlyle will agree with them to pay so much a day for their Labour, and supply Tools, Nails, &c.; this, I think is w't is proper to be done at present. The French Prisoners are to be ret'd by the Articles agreed on by our People and the French, and [I] shall, therefore, send them up to You soon, to be sent by a proper Escort, and to have the two Hostages ret'd. Capt. Clark has wrote me for leave to go Home. He, nor those Compa's deserve any Indulgence, from their unaccountable delays, w'ch they must answer to higher Powers; however, as You are Com'd'r in Chief, if You see Proper, You may give him a Furlow for some Months. I promised Capt. McKay leave to go Home to his Family, You may some Time hence give him leave, but to return again in Jan'y next. Colo. Muse desires leave to resign his Com'd; as he is not very agreeable to the other Officers, I am well pleas'd at his resignat'n, and have now sent You ten blank Com'o. to be filled up properly, take the adv'ice of Colo. W. in this affair as they must be fill'd up from their own Corps. The late unlucky Engagm't gives me Concern, however, we must look forwards in hopes of turning the tables on the Enemy; w'ch I am not willing to venture till You have a sufficient Force and proper Supplies. I sent up the Small Arms, Bayonets, Powder, and Shott for Y'r People, w'ch Maj'r Carlyle tells me arriv'd safe at Alexa'a, and I doubt not You have properly disposed of, as before. I can give no Orders for entertaining Y'r regim't, as this Dom'n will maintain none but their own Forces, You must, therefore, write Mr. Dobbs on the affair, and the sooner the better. Enclosed I send You a Let'r and Deposit'n, to w'ch I refer You. After Y'r Fort and Magazine is built, I suppose

the Independ't Compa's may expect a little Recess in coming to proper Places down the Co't'y, tho' to be at call; in that case You must always take care to have a proper [force] at the Fort and Magazine, so that two Compa's at least be there. If leave be given to one Compa. for a Mo., on their return another [is] to have the same Leave, but this or any other Affairs y't be necessary, I desire may be settled at Y'r Council of War. Write how the Officers of the Independ't Compa's and those of our Forces are likely to agree, w'ch I expect You will by Y'r Authority Endeav'r to promote, y't everything may be conducted with Order for the benefit of the Service. I am quite weary, must therefore leave off, expecting soon to hear from You, and

I am, S'r, Y'r h'ble Serv't.

Maj'r Carlyle will receive Y'r Orders for supplying Y'r regim't for the Pres't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 261.]

Governor Dinwiddie to Colonel Innes.

Aug'st 1st, [1754.]

SIR:

I detain'd Y'r Messenger till I consulted with my Council; they advis'd me, and I hereby order You to give proper Direct's for the 3 Ind't Compa's, to recruit them to the Numbers on the Establishm't; the same orders to Colo. Washington to compleat His regim't to 300 Men, and I hope Y'r regim't consists of 400. You are to order the general rendezvous to be with all Expedition at Wills's Creek, and w'n in a Body, You are to march them over the Allegany Mount's, and if You shall think it impracticable to dispossess the French of the Fort they now Possess, You are to build a Fort at the Crossing Place, red Stone Creek, or any other Place y't may be fix'd on by a Council of War, w'ch You are to call for y't Purpose. The Gov'r of M'y'd undertakes the ordering a Magazine for Provis's to be built at Wills's Creek, and I shall give the necessary Orders y't y'r Forces shall be duely and properly supply'd with Provis's and any other Thing wanted, y'ts in my Power. You have now three Mo's for Action, in w'ch Time, I hope You will be able to do something Essential. I presume Maj'r Carlyle must have a good deal of Powder and Lead, but write me w't may be wanted, and I shall send a proper Supply of every Thing I have. I suppose You will take the Swivel Guns and some of the Cannon with You, w'ch You are to order as You shall see proper. For Tools, apply to Mr. Carlyle, who, undonbtedly, will supply You with w't You may want. If he has them not, he must purchase them for You.

The disorder and mutinous Behaviour of the Virg'a regim't, I am sorry for; they have been greatly fatigued and not properly paid, but as Money is order'd for them, I hope they will proceed with Spirit; and as some Officers may be wanting in y't regim't, consult with Colo. Washington and Colo. Stephens on y't head. One Wm. Wright is strongly recommended to me; if You see proper, I recommend him to You, and let the Com'o. be among their own Corps. As Officers are wanted in the Independ't Compa's from N. York, I think there sh'd be some appointed. I recommend Doet'r Colhonn and another Gent. (his Let'r mislaid), who came from N. York as a Volunteer or Cadet. You know the Season of the Year requires great Expedit'n; I therefore desire You to exert Y'rself accordingly. Capt. Clark's going to Phil'a to head their troops is idle, for as yet they have not voted any Supply; he and all other Affairs, I entirely leave to you, tho' it's probable his Inclinat's and state of Health will not admit of any Fatigue. As You do not want the Small Arms Mr. Sharp sent You, let them be given to the Virg' regim't, w'ch will prevent the delay of sending some from this [place]. I have sent from this [place] since the commencement of the Expedit'n, 400 Small Arms, 3,800 lb Ball, 2,800 Flints, and I think, 30 lb Gun Powder from Hampton. However, what further Supplies may be wanted, shall be sent as soon as I have notice of it. As the Conducting this Expedit'n is now entirely with You, I have no doubt of Y'r Care and Diligence in executing the Scheme propos'd as above. That Health and Success to our Arms may attend You, is the sincere Wish of,

Sir, Y'r Friend and h'ble Serv't.

Write me w't You have used of the Ind's Pres'ts.

P. S.—I have order'd And'w Montour with a Compa. of Ind's to You; if they come, shew him and them a regard.

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 1. P. 268.]

Governor Dinwiddie to Colonel Washington.

3d August, [1754.]

SIR:

I rec'd y'rs of the 28th Ulto. The Bearer brings You £600, w'ch is all can be got, and hope it will answer for the pres't. I have no doubt w'n the Assembly meets they will grant a Supply in such manner as to Com'd Money, the want thereof, I know has been a great Loss to the Expedit'n. I am sorry Y'r. regim't have behav'd so very refractory; tho' they have a right to their Pay, they sh'd have been easy till You

ret'd. It's strange the Officers sh'd have allow'd them to desert with their Guns. I hope he sent a party after them, and an Example sh'd be made of the ringleaders; at this distance, I cannot conceive the reason, but appears to me, the want of proper Com'd. Muse wrote me, and I answer'd, he was welcome to resign, and I suppose Maj'r Stephens succeeds him. I sent You Orders to recruit Y'r regim't with all possible Diligence, y't You may be ready to join the other Forces at Will's Creek, to execute the Scheme sent by Colo. Innes. I repeat my Orders now, and am in hopes You will meet with little difficulty in Complying therewith, and y't with Expedit'u, as the season of the Year calls for it, and I am convine'd of Y'r hearty Inclinat's, w'ch I desire You will now exert.

S'r, Y'r friend, &c.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 276.]

Governor Dinwiddie to President Rowan, of North Carolina.

Aug'st 5th, [1754.]

SIR:

Y'r Let'r of 21st Apr. I rec'd on my return from Winchester where I went to meet the Chiefs of the Ind's, but was disappointed (the French invading their Lands on the Ohio); they sent me a Message y't they c'd not leave their Young Men for fear the French with their fair Promises sh'd delude them. The first Detachm't of our Forces march'd over the Allegany Mount's, [in] the Mo. of May, under the Com'd of Colo. Washington; the 26th of y't Mo., the Half-King wrote him y't a Party of French from the Fort were hankering round his small Camp and desir'd y't he w'd march a Party of his Men to join him and he w'd conduct them to their Lodgm't; he accordingly, with 40 Men march'd in the Night and join'd the Half-King, one of the Indians tract the feet of the French and in the Morning were in sight of them; the French immediately flew to their Arms, a small Action ensued; we had one Man killed and two wounded; we killed 14 French and took 21 Prisoners, who are now in our Goal. The rest of our regim't and the Ind't Co. from Car'o. join'd Colo. W. in June; they had Acc't Y't the French were re-inforced with 700 Men, and the 3rd July had a further Acc't y't the French were on their March to attack them. They had not time properly to draw their Men up in Order till they were in Sight; y'n another Action ensued, the Particulars whereof You have in the enclos'd News Paper, just as it

was reported to me by our Officers. The French obtain'd the Victory by the Capitulat'n, but the Behaviour of our few Forces gives them Hon'r. If Y'r regim't had join'd our Forces in Time, as might have been expected, they w'd not have got this Advantage. The monstrous Delay of Y'r People I cannot acc't for. Capt. McKilware went from Hampton the Middle of last Mo., Capt. Varle ab't the same Time, Maj'r Roan some Time after, and C't Bryan was at Augusta 27th July. His People mutined, and w'd go no further with't Money, w'n a Friend of mine was obliged to let him have 40£, to quiet their Mutiny, and Y'r regim't have not as yet wholly join'd our Army. Co. Innes writes Y'r Money will not last above two Mo's longer, w'n he will be oblig'd to disband them. There has been bad Conduct, y't the Money rais'd in Y'r Province sh'd be expended before the regim't gets to the Place of Action. The high Pay (I understand y't was allow'd them while in Carolina) is the reason. Our Forces had no more y'n 8d. ^{per} Day from [the] Time they were enlisted. I shall be glad if you can find some Method to raise Money to continue them longer in the Service. My Orders to Colo. Innes are, w'n all the Forces are collected in a Body, to march them over the Allegany Mount's endeavour to dislodge the French from the Fort, if y't is not practicable, to call a Council of War, and choose a proper Place, and there build a Fort, w'ch is all y't can be done at pres't. He will have near 1,000 Men with him. M'yl'd has voted 6,000[£]. Pensylv'a Assembly is now siting. The Gov'r thinks they will grant a handsome Supply. The Money rais'd here is very near expend'd. I have call'd the Assembly to meet the 22d of this Mo., w'n I have pretty good Assurances they will grant further Supplies. I desire You will, on return of this Express, write me if You think You have any probability of more Supplies from Y'r People. It's too hot Weather to drive Steers, but in the Fall no doubt they will sell here. The Pork Colo. Innes sent to Mr. Hunter proves very bad, but he will make the most of it. If You will write Colo. Innes, I shall take care to forward it. I remain with great respect,

Y'r Hon'r's most h'ble Serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 287.]

Colonel Washington to Governor Dinwiddie.

ALEXANDRIA, 20th of August, 1754.

HON'BLE SIR:

I again take the Liberty of recommending to your Honour the great necessity there is of a regulation in the Soldiers' pay, and that a deduc-

tion be made for the Country to furnish them with Cloaths; otherwise they never will be fit for Service. They are now Naked, and can't get credit even for a Hatt, and are teasing the Officers every Day to furnish them with these and other necessaries. Another thing which shou'd be fix'd indisputably, is the Law we are to be guided by, whether Martial or Military; if the former, I must beg the favour of your Honour to give me some written Orders and indemnification; otherwise [I] cannot give my assent (as I am liable for all the proceedings) to any judgment of the Martial Court that touches the Life of a Soldier, tho', at this time, there is absolute necessity for it, as the Soldiers are deserting constantly, and yesterday, while we were at Church, 25 of them collected and were going off in Face of their Officers, but were stop'd and Imprison'd before the Plot came to its full height. We have Catch'd two Deserters, which I keep imprison'd till I receive your Honour's answer how far the Martial Law may be extended, and it is absolutely necessary that an Example be made of some for warning to others; for there is scarce a Night, or opportunity, but what some or other are deserting, often two, or three, or 4 at a time. We always advertize, and pursue them as quickly as possible, but seldom to any purpose. The expences attending this, will fall heavy on the Country while this Spirit prevails.

I am Your Honour's Most ob't and most H'ble Serv't,

G^o. WASHINGTON.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 41.]

NORTH CAROLINA, CAPE FEAR August 29th 1754.

MY LORDS, [OF THE BOARD OF TRADE]

My last of the 3^d June informed your Lordships of the Affairs of this Province to that time.

Inclosed is the Laws of last Session how your Lordships will take the Currency Law I cannot say but I am sure I have acted the part of a faithful servant to His Majesty: the Council and Assembly were unanimous in not granting one shilling towards the expedition to the Ohio or to the Fortifications unless I passed the Bill to which I refer you.

We have now in Virginia in His Majesty's service near four hundred men under the command of very good Officers which we subsist but our Fund will not last above three months longer at which time they must return if not subsisted by his Maj^{ty} or some of the Provinces that have not furnished men.

I have no further to add but am with the greatest submission

My Lords, Yours, &c.,

MATH: ROWAN.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 302.]

Governor Dinwiddie's Address to the General Assembly, Proroguing it.

Sept. 4th, [1754].

GENT. OF THE COUNCIL, MR. SPEAKER AND GENT. OF THE HO.
OF BURGESSES:

The impending danger from the violent Incursions of the French, their Threats and depredat's, were the only Motives of calling You together at this Time. And the Lives, Liberties, and Properties of Y'r Constituents are in such imminent Hazard I did not in the least doubt but y't You w'd before this have strengthened my Hands with a proper Supply to frustrate their malicious Intent's, and especially w'n I rec'd from You such strong and repeated Assurances y't You were determined, on Y'r Parts, to withstand the impend'g danger and to pursue every Measure in Y'r Power to defeat these pernicious designs of Y'r Enemies, I tho't I might reasonably admit the pleasing Hopes y't You w'd effectually provide for y'r Country's Preservat'n and convince the World y't You had nothing more at Heart than a zealous discharge of Y'r duty to the best of Kings and the sincerest regard for y'r Country's Welfare.

How great y'n, Gent., must be my surprize, and with w't Amazem't must Y'r Co't'y, and the World, see such High Expectat's cast down so low! See You called upon in the day of Y'r Country's distress, hear you declaring Your Knowledge of her danger and professing the most ardent Zeal for her Service; yet find these declarat'ns only an unavailing Flourish of Words, and y't inconsistent with Them and the Purposes of Y'r Meeting, You Withold Y'r aid and thereby leave the Enemy at full Liberty to perpetuate their destructive and unjust designs. The Independ't Companies ordered by His M'y, clothed and paid by him, and now employed in Y'r imediate defence, You absolutely, by Y'r resolve to me, deny subsistence to: A thing unprecedented in any of His M'y's dom's where they have been employ'd in their defence from Incursions or threatened Invasions. I have my Master's Service, and the Safety and Hou'r of Virg'a, so much and so truly at Heart, y't I cannot but be deeply affected at a Conduct so contrary to her Interest and not altogether unconcerned for You, Gent. of the Ho. of Burgesses, y't You sh'd appear in so bad a Light to His M'y, and give such an ill Impression to the neighbouring Colonies. However, as I find You are determined not to do w't Y'r Duty to His M'y and the present obvious danger indispensably require, I think it proper to avoid aggravating unnecessary

Expences, particularly In[con]venient at this Time, and therefore, to put an end to Y'r Continuance here, I do prorogue You to the 17th day of Oct'b'r next, and You are accordingly prorogu'd to y't Time.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 303.]

Governor Dinwiddie to Governor Sharpe.

Sept'r 6th, 1754.

SIR:

Y'r Kind favo. of the 20th Aug'st I rec'd, and sh'd have answer'd before this, but waited the result of our Assembly, w'ch I prorogu'd Yesterday after [their] doing Nothing to support the pres't Expedition. On y'r first meeting they appear'd greatly inclin'd to give a handsom[e] Supply; I press'd the absolute Necessity thereof with all the Int't I had, and they accordingly voted 20,000[£], w'ch gave me much Pleasure, but the Day after, on the third reading of the Bill, they loaded it with a rider for paying Payton Randolph, Esq'r, (the Person they sent Home to complain ag'st me,) 2,500[£]. As the Council had formerly rejected a resolve for y't Sum, they c'd not, in hou'r, pass this as a rider to a Money Bill for a Supply to His M'y, w'ch is incoustitutional, therefore rejected it. I took all the Pains in my Power to convince them of the irregularity of their Proceedings by acquainting them that the resolve for y't Sum, with their other resolves, lay now with the King and Council; it was therefore out of our Hands, and we c'd not meddle with it till we heard the Determinat'n of the Council thereon, but all the Argum'ts I c'd use, availed Nothing; they were obstinate, and by no means w'd send the Bill with't the rider to the Council, on w'ch I was oblig'd to prorogue them till the 17th of Oct'r, w'n I hope they will come in a better Temper, and before that Time I expect a King's Ship with Mr. Dobbs, Gov'r of No. Car., and by her I probably shall have Acc't of all the Affairs y't lie before the Council. The Plan of Operat's y't I proposed for this Fall, are entirely defeated:—1st. By the No. Car. Forces disbanding Themselves, w'ch was occasioned by a monstrous mis-managem't of them from the Beginning; they raised 12,000[£]. The Presid't of y't Colony gave the private Men 3s. Proclam'n Money 7^d Day, and the Officers in Proportion, so that their Money was wholly expended before they joined the other Forces, and w'd serve no longer with't Assurance of the above Pay. This is monstrous ill conduct, and more so, because I wrote the Presid't the Establishm't of the Pay of our regim't. Next is the reduct'n of the No. of our Forces, those killed and Wounded unfit for Service, and desert'n, w'ch has reduced the Number

to 150. If the [appropriation of the] 20,000[£] had pass'd, I fully intend'd to Augm't our regim't to eight Compa's of 70 Men each, w'ch with Officers wanted, w'd have made 600 Men, and, in course, made up the deficiency occasioned by the No. Car. People, but the Obstinacy of our Assembly have defeated my Intent's, and [I] am now perswaded y't no Expedit'n can be conducted here with dependence on American Assemblies. I have therefore wrote to y't Purpose Home and have propos'd a B. Act of Parliam't to compell the Subjects here to Obedience to His M'y's Com'ds, and to Protect Y'r Properties from the Insults of the French by proper Supplies and a vigorous resistance.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 43.]

Copy of a letter from Col. John Clark to Pres^t Rowan.

PACALET, Sept^r 25th 1754.

MOST WORTHY SIR,

This melancholy news is to let your Honour Know that on Monday morning the 16th of this instant at the House of John Gutrey & James Anshers on the North side of Broad river on Buffellow Creek was killed 16 persons and ten which we did not find which we suppose to be killed or carried away captive. As to the manner of the murder please to enquire of the Bearer who can give a true account being with me at the burial of the dead and saw the weapons of war which they left and the manner of their going away. As to what Indians that has done the murder we know not we believe them not to be French by not having the Cross on the Instruments of war which they left behind them. It appears to me by their behaviour that they intend to cut our back settlements off without some speedy relief from your Honour, who has always been the support of our back settlements. I entreat your Honour to take our weak case into your consideration and grant us a quantity of men with arms & ammunition sufficient to range the frontiers of our settlements to keep the enemy off us.

Without this or some other method which your Honour may think more proper we shall of necessity be obliged to move off as several of our neighbours has already done.

If your Honour think proper to grant us any men I beg that you would order William Green Commander of the same he being a man of good conduct and a good Woodsman.

I have no more to add but pray detain not the Bearer but grant us some speedy relief for we are in great danger.

My compliments to Madam Rowan & am, Sir, Yours, &c.,

JN^o CLARK.

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

NORTH CAROLINA—Rowan & Anson Countys

At a Treaty held on Thursday the Twenty Ninth day of August one Thousand Seven Hundred and Fifty four at the house of Mr. Matthew Tool, Between Alexander Osburn & James Carter Esq^{rs} Commissioners, and the Cataba Indians—

Present

King Hagler and sundry of his headmen and Warriors

James Carter	}	Esq ^{rs} Commissioners &c.
&		
Alexd ^r Osburn		

The Commission which was sent by his Hon^r the President to the above Commissioners, being Read in the presence of King Hagler and sundry of his headmen and Warriors, after which it was Interpreted by Mr. Matthew Tool, Together with the Letter which was also sent by his Hon^r to Cap^t M^cClenachan And^w Perkins Esq^r and Others, as Concerning said Indians

After Each sentence was Distinctly Interpreted by Mr. Tool, who was Sworn for that purpose the King made the following Speech—

BROTHERS AND WARRIORS

I am Exceeding glad to meet you here this day, and to have the opportunity of haveing a talk one with an Other in a Brotherly and Loveing manner, and to Brighten, and Strengthen, that Chain of Friendship which has so long remained between us and the people of those three Provinces, and I am Very Sorry to hear those Complaints that are Laid to our People's Charge, But now will Open our Ears to here those Grievances & Complaints that shall be made by you against our Young men and Others, and we do Heartily Thank our Good Brother the President of North Carolina for his good Talk in his Letter to us, and also for his appointing You to meet us here, to have this Discourse.

Then William Morrison Appeared, to support the Complaint that was by him Made to the Officers at a late Court martial held in Rowan County, Concerning the Indians Insults to him at his own house, some time before, when they Came to him at his mill and Attempted to Frow a pail of water into his Meal Trough, and when he would prevent them they made many attempts to striek him with their guns over his head

To which some of the Indians said what they Intended to do with the water was only to put a handful or Two of the meal into it to make a kind of a Drink which is their way and Custom.

The King also Said that it was well that one of them had killed him, for said he had they killed You or anybody Else we would surely have killed him for they would not let him Live above the ground, but would put him under the ground, as Lately we have Done to one of our Young Fellows who got Drunk and in his Liquor met with a little girl on his way below the Waxhaw Settlement and kill'd her we were Immediately aprized of it by one our own People, and we soon Discovered who, it was that Committed the fact whereupon we Directly Caused an Other young man the fellows own Cousin to kill him, which he readily did in the presence of some of our Brothers, the white people in Order to shew our Willingness to punish such offenders.

Then Came James Armstrong William Young and William M^cNight who Laid sundry things to the Indians Charge, (to wit) Concerning their taking Bread meat meal and Cloaths and also for attempting to Take away a child, and attempting to stab men and women if opposed by them from Committing those Crimes, To which the King & some of the Headmen, Answered

Brothers as You are Warriors Yourselves, You well know that we oftentimes goe to War against our Enemies and Many Times we are Either making our Escape from our Enemies or in pursuit of them, which prevents us from hunting for meat to Eat when we are in Danger, least our Enemy should Discover us; and as this is our Case many times we are forced to go to Your houses when Hungry, and no sooner we do appear but your Dogs bark and as soon as You Discqver Our Comeing You Immediately hide Your Bread Meal and Meat or any Other thing that is fit to Eat about your houses, and we being sensible that this is the Case, it is True we serch, and if we finde any Eatables in the house we Take some, and Espeially from those who behave so Churlish and ungreatfull to us, as they are very well assured, of our great need many times for the Reasons we now give, If we ask a little Victnals you Refuse us & then we Owne we Take a Loaf of bread a little meal or meat to Eat, and then You Complain and say those are Transgressions, it is True there are many in those Settlements that are very kind and Curtious to us when or as often as we come they give us Bread and milk meat or Butter very freely if they have any ready and never Do refuse whether we do ask or no, and if it should happen that they have nothing we goe away Contented with them, for we well know that if they had any thing ready we would have it freely &c not Refused by them. One of the Captains named James Bullin Owned that not Long agoe he and his men were in pursuit of the Enemy and then on their Track he Came to James Armstrong's house, the above Complainant; who gave him a small Cake of Bread, and being very hungry he asked more for himself and

his men, and being Told by s^d Armstrong that there was no more ready in the house One of the Indiaus Lifted up a bag that lay in the house Under which they Discovered Some Bread which they had Suspected was hid from them, and taking some of it the woman struck one of them Over the head, which is the Cause of our Taking, Those things without law that we would not do to those who are kind to us in our Necessity when we apply to them

KING—You I Remember Brothers accuse our People with attempting To take away a Child from one of Your People, but I hope you will not harbour this Thought of us so as to Imagine it was done in Earnest, for I am Informed it was Only done by way of a joke by one of our wild Young men in Order to Surprize the People, that were the parents of the Child, to have a Laugh at the Joke

But as to their Takeing other things such as knives Cloaths or Such Things we own it is not right to do but there are some of our young fellows will do those trieks altho' by us they are oftentimes Cautioned from such ill Doings altho' to no purpose for we Cannot be present at all times to Look after them, and when they goe to war or hunting Among the Inhabitants we generally warn them from being any ways offensive to any white person upon any Consideration whatever,

KING—Brothers here is One thing You Yourselves are to Blame very much in, That is You Rot Your grain in Tubs, out of which you take and make Strong Spirits You sell it to our young men and give it them, many times; they get very Drunk with it this is the Very Cause that they oftentimes Comunit those Crimes that is offensive to You and us and all thro' the Effect of that Drink it is also very bad for our people, for it Rots their guts and Causes our men to get very sick and many of our people has Lately Died by the Effects of that strong Drink, and I heartily wish You would do something to prevent Your People from Daring to Sell or give them any of that Strong Drink, upon any Consideration whatever for that will be a great means of our being free from being accused of those Crimes that is Committed by our young men and will prevent many of the abuses that is done by them thro' the Effects of that Strong Drink

COMMISS^{rs}—King Hagler and Brethren here is one thing more that is Laid to your peoples Charge by many of the white people, that is your Coming into our woods and among our plantations and Steale our horses mares and Young Creaturs from us and Takes them away and sell them to others under a pretence of their being your property if such Things as these were Done by any of our people agst one an other, our Laws and Customs are to put them to Death, or any offender when Discovered or Catch'd in any such heinous fact, or for smaller facts they are punished

according to the Nature of the Crime; but when your people do any of these things we have no remedy but are obliged to apply our selves to you, that the Offenders may be punished according to the Nature of the Crime and according to your manner and Customs, and if these Offences are by you permitted to be done it will be a great means to Breake that strong Chain of Friendship that has been so Long made Between as: it will also be a means to rise discentions among you and us and make us act and be hard towards one an other as tho' we were Entire Enemies to one an other, if this should be our Case the Great king your Father and ours would be much Displeased with you and us, as he looks upon us as his own Children and so doth the president who he sent here in his stead as a guardian over us and you, but on the other hand whilst we behave well to Each Other it will Cause them to Rejoice and they will be ready and willing to protect us from the Impositions of Insults of any other nations or that would attempt to take our properties from us or you

COMMISS^{rs}—You Remember in the Letter the President wrote to you by Cap^t M^cClenachan and the other Gentlemen he told you that he had understood that Mr. Glen the Governor of South Carolina Incouraged you to Drive, all the white people from the Land within thirty miles of Your Nation, if he has told you so you Cannot Expect that this man Loves you or the white people, Because he well knows that the great king your Father & ours gave those Lands to his Children and also he gave it into the Care of the President of North Carolina to Divide according to his Discretion among his people and not to the Governor of South Carolina and it is his desire and pleasure to do Justice Between you and us, for he Looks upon you and us as his own people and would rejoice to here of our Unity and Friendship to Each Other for whilst we behave thus to Each Other and stand by Each other we need not fear any oppressors that should attempt or Come to Dismay us.

KING—Brothers and Warriors You Talk very well, and as to your talk about our people takeing your Horses and Mares, it is very True there are a great many of our Creatures that Runs amongst the white peoples and there are also many stole from us by these people for it is not Long ago since we caught a white man with some of our Horses and sent him to Justice, but was not punished as Represented to us while agoe

COMMISS^{rs}—Who was that Justice you Carried him before

INDIANS.—Before Mr. M^cGirt in South Carolina below the Waxhaw settlement.

COMMISS^{rs}.—This offence was not in our power to punish for we have no authority in an other Government so that we are Excusable in this Case.

KING.—As to our Living on those Lands we Expect to live on those Lands we now possess During our Time here for when the Great man above made us he also made this Island he also made our forefathers and of this Colour and Hue (Showing his hands & Breast) he also fixed our forefathers and us here and to Inherit this Land and Ever since we Lived after our manner and fashion we in those Days, had no Instruments To support our living but Bows which we Completed with stones, knives we had none, and as it was our Custom in those days to Cut our hair, which we Did by Burning it of our heads and Bodies with Coals of Fire, our Axes we made of stone we bled our selves with fish Teeth our Cloathing were Skins and Furr, instead of which we Enjoy those Cloaths which we got from the white people and Ever since they first Came among us we have Enjoyed all those things that we were then destitute of for which we thank the white people, and to this Day we have Lived in a Brotherly Love & peace with them and more Especially with these Three Governments and it is our Earnest Desire that Love and Friendship which has so Long remain'd should Ever Continue.

KING.—Our Brother the Governor of Virginia sent for us not Long agoe, we gladly answered his Call, and he Entertained us and shook hands with us very kindly, and had he Indulged us we would have Gone with the white people to war against their Enemies the French, but arms and ammunition being not sufficient to supply the white people who were then going out, we were forced to Return Back to our Nation again untill further Instructions from him

We understand that our Brothers and the french has had a battle and that several of our friends were kill'd I am heartily sorry for it

We Never had the pleasure of seeing our Good Brother the President of North Carolina as yet, but this Let our Brother know that we want to be brothers and Friends with him & all his people, and with the great king over the water, and all his Children, and to Confirm the same I shall as soon as get home I will Call all our nation Together and charge the young men and Warriors Not to Misbehave on any Consideration whatever to the white people and as we do Expect an Everlasting Friendship between you and us, we Expect your kinds to us for ever as you may depend upon our Friendship and kindness to you.

And Tell our Brother the President of North Carolina that if this war Continues between the white people and the french that I and my

people are ready and Willing to Obey his Orders in giving all possible assistance in my power to him when called by him or the Governor of Virginia and as a pledge of the same Take our Brother this letter as a token of Everlasting Friendship and return him Thanks for our good Talk this, Day with Each other.

Then they shook Hands all round.

KING HAGLER

A True Cobby as to me Delivered by Mr. Matthew Toole Interpreter at the above Treaty.

JN^o DUNN

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

D^r S^r

LISBOURN 10th Oct^r 1754

Since we Parted in Dublin I have Been as Assiduious as in my Power in Purchasing a Cargo & in furnishing & Equipping my new Ship for the Purposes then Mentioned to you in the Strongest and in every Respect in the most Compleat manner and as such it was impossible for me to Bring her to the Harbour of Belfast before the first Ins^t by means of which unavoidably Delay I apprehend the ship has lost Three fourths of her Passengers she might very Commodiously carried according to your Scheme which She shall Constantly Pursue untill my Charitable donation be fully Compleated and as much longer as you may Advise my Nephew John Sampson and me, twas the dependance I had on your goodness & Publick Sperritt, which I Observed from my Earlyest Acquaintance with you that under God indue'd to the doration of one thousand Pounds yearly for ever for the Propigation of the Gospell among the Indian Nations in and near your Government & that you & your Successers as Governours, the Councill, & the Assembly of North Carolina be Perpetuall Trustees for this donation to commence after the death of my s^d Nephew on whome I depend to enlarge this my Gift to North Carolina as thereby he may be enabled at his Death my said Nephew whome I Brought from said Province by my Letters to him to said Purpose having Informed me that he shew my letters to some of the Members of your Councill and Assembly for said Province & that they Assured Him that Provided my donation was not Confined to the Indians Only, but made to Extend as an Academy or Seminary for Religion and learning to all his Majesties Subjects in North Carolina they in that Case would Enlarge my donation by a reasonable Tax on each Negroe in that Province wherenpon my Lawyer whome I fee'd to draw Propper deeds for me to Execute to that Effect in Confrance with my Lord Bishop of Derry then ready to imbark for England they Both concur'd in advising me to surspend the Execution of said Deeds so

Prepared untill by some Act of Assembly a Perpetuall Tax was fixed to induce me to Alter my Originall Scheme and untill said Bishop in Confrance with the Society in London for the Propegation of the Gospell and on their Recommendation to the King and Council a Charter & farther Encouragement may be Obtained thus as I am Advised that an Act of Assembly in North Carolina is Previously Necesssary to my Executing said Deeds & Previously Necessary to Induce the King and Council to do the needfull on their Part so as this Publick good may be put on as Rational & lasting a foundation as Human Wisdom can advise I make no Doubt of your zeal and Expedition in laying the Purport of this my Letter in Propper form Before the states of said Province on your first Assembly of them by which & their Concurrence as afs^d the Deeds as afs^d to be Executed by me and my Nephew M^r John Sampson shall go by him on his Next Return to North Carrolina & I make no Doubt but that he may also Carry with him what may be Necessary on the Part of our King and his Council as afs^d the Bishop of Derry who is my most Zealous Solicitor being now in London & there to Continue till about the first of may next & having the best Intrest at Court and in London of any Bishop in Ireland being now Hurried by other affairs I must for the Refreshment of your Memory as my Originall Scheame Refer you to my Letter to M^r John Sampson then in North Carolina which Bro^t him to this Kingdom.

A True Extract from the Original Letter Subscribed

GEORGE VAUGHAN

Laid before the Assembly Dec^r 24 & read in the House

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 42.]

CAPE FEAR, NORTH CAROLINA October 22^d 1754.

MY LORDS [OF THE BOARD OF TRADE]

My last inclosed the Laws of last Session of Assembly; I omitted sending the Journal of the House of Burgesses for March 1753 by mistake. I herewith inclose it; the Journal of the House of Burgesses for last Session I have not yet received from the Clerk.

Since my last the North Carolina regiment I sent to the assistance of Virginia were disbanded by Colonel Innes, who had the command of that Regiment and all the other Forces at Winchester the 11th of August, for want of subsistance; a very small sum with good words would have kept them together till Gov^r Dobbs' arrival.

The Minutes of Council will be ready to transmit in a few days.

I have used my endeavours to get the list of Vessells enter'd & cleared but not one Collector has as yet taken any notice of it.

The state of the Militia I have transmitted in the best manner I cou'd which I think is pretty exact.

The Treasurers Account has never yet been sent home. Mr. Dobbs will soon be able to regulate that matter.

A few days ago I received a letter by express from Col: John Clark of Anson County informing me of the murder of 16 white people & 10 carried away, a copy of which I inclose.

I have sent up what powder and lead I cou'd get with Orders to Col: Smith, the commanding Officer in Rowan County to assist Col: Clark.

When Col: Clark's express came away a party of the Cataba Indians were on the track of the Indians that committed the murder. I expect every hour to have an Account of them.

Last Friday night I received by express a letter from Governor Dobbs from Hampton in Virginia dated the 7th inst. he arrived there the night before in the Garland Ship of War after a passage of ten weeks from Plymouth they met with a violent storm in which they lost their main mast and sprung their fore mast he was setting out for Williamsburg where he intended to stay some days; I set out to morrow morning in company with the Members of Council that live this way to meet him at Newbern. I am with the greatest, &c.,

MATH: ROWAN.

[B. P. R. O. AM: & W. IND: VOL. 74.]

Circular to the Governors in North America.

WHITEHALL Oct^r 26th 1754.

SIR,

Having informed you in my leter of July 5th That The King had under His Royal Consideration the State of Affairs in North America; I am now to acquaint you, That, amongst other Measures, that are thought proper for the Defence of His Maj^{ty's} just Rights, & Dominions, in those Parts, The King has not only been pleased to order Two Regiments of foot, consisting of 500 Men, Each, besides Commissioned, & non-Commissioned officers, commanded by Sir Peter Halkett, & Col^l Dunbar, to repair to Virginia, & to be there augmented to the number of 700, Each; but likewise, to send Orders to Gov^r Shirley, & Sir William Pepperell, to raise Two Regiments, whereof They are, respectively,

appointed Colonels, of 1000 Men, Each; And, also, to sign Commissions for a Number of officers to serve in said Two Regiments, & who will, forthwith, repair to North America for that purpose.

Whereas there will be wanting a considerable Number of Men to make up the designed Complements of the said Four Regiments; It is His Maj^{ty}'s Pleasure, That you should be taking the previous Steps, towards contributing, as far as You can, to have about 3000 Men in Readiness to be enlisted; And It is His Maj^{ty}'s Intention, That a General Officer of Rank, & Capacity to be appointed to command in chief all The King's Forces in N^o America, a Deputy Quarter Master General, & a Commissary of the Musters, shall set out, as soon as conveniently may be, in order to prepare every Thing for the Arrival of the Forces above mentioned from Europe, for the Raising of the others in America.

You will receive from That General, & the other Officers just mentioned, full & exact Account of the Arms, Cloathing, & other Necessaries, to be sent, upon this important Occasion, as likewise of the Ordnance Stores, & of the Officers, and Attendants, belonging thereto. All which being ordered for this Service, are such proofs of His Maj^{ty}'s Regard for the Security, & Welfare of His Subjects in those Parts, as cannot fail to excite you to exert Yourself, & Those under your care, to take the most vigorous Steps to repel your common Danger; & to Shew, That The King's Orders, which were sent you, last year, by the Earl of Holderness, & were renewed to you, in my Letter of the 5th July, have, at last rouzed that Emulation, & Spirit, which Every Man owes, at this Time; to His Maj^{ty} The Publiek, & Himself: The King will not, therefore, imagine, That Either You, or the Rest of His Governors, will suffer the least Neglect, or Delay, in the Performance of the Present service, now strongly recommended to you; particularly, with regard to the following Points; viz^t, That you should carefully provide a sufficient Quantity of fresh Victuals, at the Expence of Your Government, to be ready for the Use of the Troops at their Arrival.

That you should likewise furnish the Officers, who may have Occasion to go from Place to Place, with all Necessaries for Traveling by Land, in Case there are no Means of going by Sea. And

That you should use Your utmost Diligence, & Authority, in procuring an exact Observance of such Orders, as shall be issued, from Time to Time, by the Commander in Chief, for Quartering the Troops Impressing Carriages, and Providing all Necessaries for such Forces, as shall arrive, or be raised, within Your Government.

As the Articles abovementioned are of a Local & peculiar Nature, & Arising entirely within Your Government, It is almost needless for

Me to acquaint You, That His Majesty will expect, That the charge thereof be defrayed by His Subjects belonging to the Same. But, with regard to such other Articles, which are of a more general Concern, It is the King's Pleasure, That the Same should be supplied by a Common Fund, to be established for the Benefit of All the Colonies, collectively, in N^o America, For which purpose, You will use your utmost Endeavours to induce the Assembly of Your Province, to raise, forthwith, as large a Sum, as can be afforded, as their Contribution to this Common Fund, to be employed, provisionally, for the general Service of North America (particularly for paying the Charge of Levying the Troops, to make up the Complements of the Regiments abovementioned,) until such Time, as a Plan of general Union of His Majesty's Northern Colonies, for their Common Defence, can be perfected.

You will carefully confer, or correspond, as You shall have Opportunities, upon every Thing, relative to the present Service, with the said General Sir William Pepperell, & Gov^r Shirley, or Either of Them; & as It is the King's Intention to give all proper Encouragement to such Persons, who shall engage to serve upon this Occasion, You will acquaint all such Persons, in the King's Name, That They will receive Arms, & cloathing from hence, & That They shall be sent back (if desired) to their respective Habitations, when the Service in America shall be over.

As the several Governors, in all The King's Provinces, & Colonies, in N^o America, will receive, by this Conveyance, a Letter to the same Effect, with This, which I now send you, They will be prepared, at the same Time, to obey His Majesty's Commauds:—And I am to direct you, to correspond with All, or Either of Them, occasionally, as you shall find it expedient for the General Service.

I am &c

T ROBINSON.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 351.]

The Plan of Military Operations—A Plan of Operations, Consulted and agreed upon by Gov^r Dinwiddie, of Virg'a; Gov^r Dobbs, of No. Carolina, and Gov^r Sharpe of M'y'd. In Consequence thereof, Gov^r Sharpe, who is, by His M^y, appointed Com'd'r of the combined Forces on the Expedit'n to the Ohio, agrees to the same as follows:

In pursuance of their Advice and Approbat'n of the Scheme, I propose, if possible, to assemble 1,000 men, the Ind't Compa's included; and unless

the Winter sets in too severely very shortly, I hope they will be able to carry the Fr. Fort on the River Monongahela, at least before it can be reinforced from Canada, in the Spring. This, indeed, and building a Fort (w^{ch} we think necessary) opposite to it, on an Island in the Ohio, is all I can entertain very sanguine Hopes of being able to execute, with so small a Number of Men as I [am] affraid will be under my direct'n, unless we are reinforced from Home, as large Detachm^{ts} will be immediate[ly] necessary, and must be employ'd in garrisoning those Forts (sh'd we be successful in our Enterprize), and one y^t is already built at a Place called Will's Creek, on Potom^k, by way of Magazine for the Forces y^t shall be employ'd in this Service. And if we find there is the least Prospect of succeeding therein, I will make an attempt, with our American Strength, on the Forts w^{ch} the French have built near Lake Erie, up the River Buffaloe. And You will be pleased to assure his Majesty y^t Nothing shall be wanting, on my Part, to perform it, tho' I hope y^t the strength of the Enemy in those Parts, and their Superiour Knowledge of the Co[']try proposed for the Scene of Act'n, as well as their numerous Allies among the Ind'n Nations, will be taken into Considerat'n, lest my utmost-Endeavours and Success with an Inferior Force sh'd not answer His M[']ty's Royal Expectations.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 44.]

Letter from Arthur Dobbs, Esq^{re}, Governor of North Carolina, to the Board, dated Newbern, Nov^r 9th 1754.

To the right hon^{ble} & hon^{ble} the Comm^{rs} of Trade &c.

MY LORDS,

Upon my leaving Virginia the 23rd of October after consulting with Mr. Dinwiddie and Col. Sharpe, to whose letters I beg leave to refer I made the best of my way for this place. About the boundary line of this Province, I met the messenger I had sent to Cape Fear, to the President upon my landing in Virginia, and had an account from the President that he had sent to summon the Members of the Council to meet him here the 29th, to receive me, and swear me into the Government so that I found my stay in Virginia had occasioned no delay in business, since I could not have been sworn before the 30th, and I arrived here on Thursday the 31st, having lost one day at Edenton by a ferry above eight miles over, by a contrary wind so fresh that the ferry boat could not pass. The President and Mr. Murray met me at Bath town; when I arrived

here there were only two more of the Council arrived, Mr. Rutherford and Mr. Swan, Chief Justice Hassell having been detained at his Circuit Court at Edgecomb, so that I had but 4 to swear me, but as it was chiefly matter of form, tho' material to begin upon Busyness, I took the several oaths required, and then administered them to the Councillors present, according to my Instructions, and after reading over some of the most material Articles, gave Orders in Council for issuing a Proclamation for dissolving the Assembly that day, and for issuing writs next day, to elect 60 members pursuant to my Instructions; who by the practise here are to be elected on the same day, which I appointed for to be on the 26th instant, and the Assembly to meet here on the 12th of Dec^r forty days from the test of the writs. On Saturday the 2^d after swearing Mr. Hassell I by advice of the Council ordered a Proclamation for all Officers to hold their places till farther Orders, & then published by Proclamation the repeal of several of the Laws, which were necessary immediately to be known, but the Laws about the Courts of Justice, the Law about Elections and those for erecting Counties &c. as it might occasion a confusion at present, we thought it prudent not to publish the repeal of those until the Assembly met, or after the first Prorogation to prevent delays & disputes as well as about the right of the Members, as we had not time to make out Charters without postponing the Assembly, which might delay us in assisting Virginia.

I then directed circular Orders to be sent to the Coll^o & Captains of the Militia to send me an exact list of the men in their several districts capable of bearing arms, with an account how they were armed & what ammunition they had, to be returned to me by the 12th of December; (and then enquired into the state of the Publick Stores and with concern must inform your Lordships, that there is not one pound of gunpowder or shot in store in the Province, nor any arms, and those given to me by His Majesty are not yet arrived from Virginia, tho' hourly expected, nor upon enquiry can I find that there are twelve barrells of gunpowder in the Province, in Traders hands; and that they sell at two shillings per pound currency, and shot in proportion.)

I at the same time sent Orders to the Registers and County Clerks to send me a return upon Oath of the number of taxables, distinguishing how many whites & blacks and also an account of the number of women and children.

I shall also by the first opportunity send Orders to the several Collectors or proper Officers to send me a list of the Vessells entered inwards or outwards, distinguishing from what Ports for 7 years past; and also what number of Negroes have been imported in that time, and an account

of the gross and net produce of the several duties, fines, forfeitures &c. for 7 years in order to know the state of the revenue raised by the Laws of the Province and what care is taken of the Collection.

I have also directed Mr. Rutherford the Receiver General to make out immediately his account of receipts and payments and arrears standing out upon the Quit rents, and to make out a rent roll distinguishing the quantity of Land granted by Patent from those by warrant in each County; in order to transmit the account to your Lordships, and to the Lords of the Treasury, and have directed Mr. McCulloh the Auditor to meet him, that no time may be lost in doing it, in the best manner they can, altho' it may not be perfect, which can't be until a true Survey is made of each County, and where the Counties are divided between the King and Lord Granville, I submit it to your Lordships, whether you won't apply to his Lordship, to send orders to his Agents here, to joyn in the expense in proportion to the number of acres which shall appear to be in his part of each County; As this Survey can't be done without expense, I submit it to your Lordships whether you won't apply to the Treasury for an Order to the Receiver General to pay the expense out of the Quit rents; as it must ascertain & greatly increase the rent roll and receipts; by discovering the quantity of Lands granted in each County and consequently discover what surplus Lands are held, above what is granted by patent, as the total of the Grants ought to make up the total of the Survey in each County, if no surplus Lands are held by patent, for I apprehend the Assembly will give no allowance for that purpose.

I have acquainted Mr. Rutherford that the Lords of the Treasury had agreed to give 5 per cent to the Sherrifs of each County, in case they gave security to receive and pay unto him the arrears and growing Quit rents in their several Counties, over and above ten per cent. at present allowed to him; which will make them exact in the receipts, as it will be their interest to receive it, & without it I apprehend the Quit rents will never be regularly received by Mr. Rutherford, for tho' I have no reason to doubt his being an honest man, yet I believe he is quite indolent, and am told gives himself no trouble to go about to collect the Quit rents; whether his being married to the late Governor's young widow, makes him unwilling to go abroad or whether it is his natural inactivity I can't tell; but I'm told he has received very little of late, under pretence that he would await my arrival. It certainly requires a person of activity as well as a carefull and good accomptant, to be employed in that receipt, and is a place not to be given out of favour. I submit it to your Lordships whether it may not be proper upon his getting this

allowance, to let him know either from your Lordships or from the Lords of the Treasury, that if the best rent roll be not made out that can be done until there is a returning; in which he shall have all the aid I can give or procure to him; and that the whole recoverable Arrears and rent, be not immediately levied by distress; that upon my making a return that the account rent roll and receipt is not complied with; and laid before me, to be transmitted, that I shall have power to suspend him & to nominate another pro tempore, until His Majesty's Pleasure be known who shall succeed him, this may perhaps rouse him out of his lethargy.

I have directed the late President and Secretary Murray, to lay before me all the papers relating to the late law for issuing out the paper Currency, and the several payments made upon it; and what remains in bank out of the £22000 issued, and that they may make up a state of the whole to be sent to your Lordships, in justification of themselves and the Council; and at the same time that the Treasurer appointed by the Assembly, should lay before me the state of the former paper Bills, and what sum was standing out, when the last were issued; and the funds appointed with the annual receipt, appropriated to pay it off; and how these sums have been applied. This must take up time as the Treasurers dont live here, and have not attended me. I apprehend I shall be greatly delayed in business, since none of the Council, nor publick Officers reside here, being all dispersed, 7 of the Council near Cape Fear, 2 at Edenton, one at present in Virginia, 2 in England; notwithstanding this is the most central place, and of late supposed to be the seat of Government and Courts of Justice; and no meeting can be had of the Council, or public officers without sending expresses which travel very slow & at great expense; and no fund for contingencies to pay it. I came here the 30th ult. past the 2^d of Nov^r Mr. Swan begd leave to go home, Mr. Rutherford did the same next day, so that I had only three left to consult with, on the 6th President Rowan went home and on the 8th Secretary Murray, and with him Chief Justice Hassell, who holds a Circuit Court next week at Wilmington, they alledge their books are all at Cape Fear, so that I shall get no business done nor any to meet me until the Assembly the 12th of December.

Although the Chief Justice seems to be a good natured man and bears a good character here in private life, yet as he has neither capacity nor law, sufficient to be Chief Justice, that your Lordships may procure for us a worthy good lawyer for Chief Justice, it is my duty to let you know that the business of the Court has so much increased here, that the President Rowan informs me that the Chief Justices Fees amount annually to

above £360 Currency besides his Salary on the quit rents and £200 allowed for going the Circuits. It may in a little time be enough for two Judges as business increases. As soon as the seat of Government is fixed which I apprehend at present will be upon News river, above this town, as far as it may be navigable for flat bottomed boats, in case I find the Lands good, and situation healthy, as it will be nearer the back settlements which increase very fast, and is most central, and this town will still be the place where the merchants will reside and ships be entered, and both the gentlemen to northward and southward, seem to like it as the great Ferries at Edenton and Bath will be avoided; and it will be equally near to Cape Fear, as this place, and more healthy. I submit it to your Lordships whether it wont be necessary to oblige at least 5 of the Council, to reside at or near the metropolis, or at least so many in rotation for 3 months at a time, to expedite publick business, and save the expense of expresses and also to oblige the Receiver General, Auditor and other public Officers to fix and keep their Offices there; and attend by themselves or proper deputies & clerks that their several books may be inspected; that it may be known that they are doing their duty, for at present each lives upon his Plantation and never attends but upon Summons, the Receiver Gen^l above 100 miles to the southward and the auditor 100 miles to northward, how then can they meet with the Secretary, to make out a rent-roll, or attend their Offices; so that they never meet but at Assemblies or perhaps at a General Court; I must therefore beg your further Instructions about it, and in case they don't attend, by themselves, or sufficient deputies, whether I should not have a power to remove them, or at least suspend them till His Majesty's Pleasure is known.

I was in hopes to have got 2 or 300 men raised at 8^d $\frac{1}{2}$ diem in independant Companies to lessen the expense, the regiment having been disbanded in August for want of pay and upon account of their desertion for not being allowed three shillings $\frac{1}{2}$ diem. But find there is not £2000 left of the £22000 emitted, except what is appropriated to the building the two Forts which I cant dispose of, and the disbanded Officers are exclaiming for want of their pay, from June till August, when they were disbanded; so that I can't act till the Assembly meets and empowers me, nor give any support to Governor Sharpe in case he should have an opportunity of making any impression upon the French before winter. As I can do no more at present, I propose going to Cape Fear, and see what they are doing at the Fort and make a report to your Lordships of the condition of it, and give further directions about it, and by seeing so much of the Country can form a Judgement where to fix the seat of Government.

As your Lordships may observe in how weak a condition the country is, for want of ammunition and Stores, I humbly hope that you will move His Majesty to allow us twenty or thirty barrells of Powder and a proportionable quantity of Balls; which if not otherwise to be had, shall be repaid out of the Powder duty which I expect will be raised by Act of Assembly; since at present we have no credit and must pay double price, if any is imported by merchants.

I shall furnish myself with all the proceedings & facts relative to the Boundary with South Carolina, to support what alterations we shall desire to be made in the Boundary Line, for His Majesty's Service & the good of this Colony, and shall then write to South Carolina and desire them to lay reasons before your Lordships for what alterations they think proper to have made, upon account of that Colony, and when you will have both transmitted to you your Lordships can then properly represent to His Majesty what you shall think will be the most equitable boundary, and most for his service and further benefit of each Colony; But as I expect Mr. Glen will be soon removed, I dont propose doing it sooner, as he is too opiniated and self sufficient to have any dealings with him.

I find it will be impracticable to have a resurvey made to find out the overplus lands held by the Planters Patents, in order to detect their frauds, without having an independent Company established here, to support the Surveyors in their Survey, where any are obstinate, for a Surveyor who had been directed to resurvey a Plantation, upon his attempting only to enter the Land, was shot by the Planter, who fled for the murder, but am told his son or family still remain on the Land; This hath so intimidated the Surveyors that none will venture without a guard to protect them, where the Planter is obstinate; and as I expect Fort Jackston will be soon tenable and a sum is granted for erecting a Fort at Portsmouth near Oeacoe, and also considering the murder lately committed by the French Indians at the back settlements, of which President Rowan tells me he acquainted your Lordships, it will be necessary to erect a Fort beyond our farthest settlers to protect that Frontier and our Indian Allies; and it is also necessary to support the custom house Officers and to prevent an illicit Trade; I hope therefore your Lordships will represent to His Majesty the necessity there is of having a Company of 100 men established here for these purposes; in order to have His Majesty's approbation of laying an estimate of the expense before the Parliament.

Before I left London I lodged a memorial to the same purpose before the Council.

I am informed since I came here that there is a Gentleman (who they say is very well qualified for it) now engaged in surveying the whole sea coast from Cape Romain beyond Winyan, to Cape Henry in Virginia; which is at present done by subscription; if I find he is qualified for it, I will joyn in it and encourage him all I can, as it will be of great benefit to our Trade & safety to our ships. I mentioned the Copper Coinage, which I had applied for to the Treasury to be coined at the mint at our expense, for this Colony to the members of the Council who were here, and also the Plan of an act for a Loan Office, instead of a paper currency a Copy of which I left with your Lordships; and they seem to relish both, as they will operate together, and are of opinion they will be both gratefull to the Assembly, and may prevail with them to give larger supplies to sink the present currency the sooner; and for giving them so great a benefit which they much want, it may induce them to comply with other demands, I therefore think of printing the plan of the act, to give to each of the Members for their consideration when they meet.

I submit it to your Lordship's consideration whether it maynt be of service to His Majesty & this Colony to enlarge my instructions relative to the Grants of Lands; so that I may not exceed 640 aeres in any one Patent, for I find there are no Lands in the Colony where there is any quantity together, not patented, but at the back settlements near the mountains, there being none now that are good near any navigation, but what are patented except where there may be over pluss Lands discovered or marshes & swamps upon the resurveys and therefore no Grants can be made near the sea coast, or river navigation, and the settlers who are coming in hundreds of waggons from the northwards to take up land in the back settlements employ either some of their own people to come before them to look out for Lands, or some of their friends already settled here and they desire to take up 5 or 600 aeres to accommodate 2 or 3 families together in the same grant, and as none take up lands there, but with a view to cultivate and improve them, as fast as they can, all the back settlers being very industrious, cultivating Indigo, Hemp, Flax, Corn &c. as well as breeding horses and other stock, they ought to be indulged being a frontier at present much more than those near the shore, who only took up lands for the sake of light wood, to make piteb, tar & turpentine, and then gave up their lands, having only taken out warrants; besides there is no danger now of them not taking out Patents upon their warrants, for President Rowan has introduced a method to prevent it by obliging those who take out warrants for a survey, to lodge the money for their Patents, and for registering them when

taken out upon return of the survey and before they get possession and then their Patents are made out upon return of the Survey so that His Majesty's quit rents are secured, and cultivation enforced properly, and the Country settled to the satisfaction of the people, by not giving large Grants to any one Person. This method I believe your Lordships will approve of when executed by the new Settlers, and you will please to give me Instructions accordingly.

Among the Acts which are repealed by your Lordships' representation, there is one entitled, an Act to put in force in this Province the several Statutes of the Kingdom of England or South Britain, therein particularly mentioned, which Law passed in the Session of October 16th 1749, Chapter 1st, but there is another Act which passed the same Session Chap: 6th entitled—An Act to confirm the several Acts of the Assembly of this Province therein mentioned, as revised by the Comm^{rs} appointed by an Act to revise and print the Laws &c. and such other Laws of this Province as have been passed here since said revisal, and to direct the printing of the Laws—which I believe you will think proper to have repealed—For in the 4th section there is a clause That all & every Act or Acts, Clause and Clauses, Section & Sections, of all and every act & acts of the General Assembly of this Province in the said revised Laws or Acts of the said General Assembly, mentioned to be obsolete, expired, and repealed, are hereby enacted & declared to be obsolete, expired and repealed, and the title with such note only to be printed. By this clause and repealing the above Law Chap: 1st An Act entitled An Act for the more effectually observing the queen's peace and establishing a good & lasting foundation of Government in North Carolina I think stands repealed, which I believe was not your Lordships intention; as so good a Law can't be passed again in this Province; For the title of this Act is only entered & printed in the book of Laws, mentioned Chap. 31st 1715, with this margine note provided for by Statutes enforced in this Province by Act October 6th 1749 Chap: 1st which being the Law above mentioned lately repealed in Council, it can't be provided for by that Act, and therefore stands repealed by their book of Statutes, by the above clause, which declares those Laws whose Titles only are printed, to be obsolete, expired and repealed; until that Law be also repealed; when you look into the Law of the queen's Peace, you will see the usefulness of it, and then can judge whether it ought to be continued, and if so this last law ought also to be repealed.

I think it proper also to acquaint your Lordships that there are some other Acts which upon recollection you may think proper to have repealed with those already repealed—viz. An Act passed in 1715, chap. 52, for

appointing a Township in the County of Bath &c. which erects Bath Town into a Borough with a power to send a Burgess to the Assembly, when they should have 60 houses in town. Also two additional Acts, besides the Act repealed which was passed in 1739 for the erecting the Village of Newton in [New] Hanover County into a Town and Township by the name of Wilmington viz. one passed in 1739 Chap: 4th for the better regulation of the Town called Wilmington in New Hanover County &c. which enacts the making the Town a Borough, and to send a Member to the Assembly—And an Act passed in 1745, Chap: 10th for the better regulating the Town of Wilmington &c. which appoints markets, the appointing of which is also the Prerogative of the Crown; you will please to consider whether these also ought not to be repealed; An Act also passed in 1752, Chap: 6th which divided part of Granville, Johnston & Bladen Counties into a County & Parish by the name of Orange County &c. And also an Act passed in 1753 for erecting the County of Rowan. Neither of which were repealed & altho' Orange County was erected a year before the other, yet it was overlooked, & it was omitted in my Instructions to send Members to the next Assembly, altho' it was allowed to Rowan; & therefore I did not think proper to send out a writ for Orange, contrary to my Instructions, which limited me to the several Counties mentioned, & to the number of 60 members. There hath also been a new County erected since, in the Assembly held in March last, called Cumberland, as also Brunswick Town into a Borough; which you will see in the Laws of last Session sent over to you since I left England, by President Rowan. I believe your Lordships will represent all these Laws fit to be repealed as soon as possible, otherwise I shall be obliged to issue out writs for the Members, & hope for your Instructions to give a Charter to Orange County as well as to the rest, & to know whether I shall do the same to Cumberland County & Brunswick Town, or whether the 2 last may ly over until I see whether it is necessary for His Maj^{ty's} service & the conveniency of the Colony.

I am afraid I have tired your L^{ps} & therefore shall only assure y^r L^{ps} that I shall do my utmost when the Assembly meets to raise & keep up their spirits against French Ineroachments & their villanous schemes & to promote a union in the Colonies to act in concert against them, & beg leave to assure you that I am with the greatest respect

My Lords, your Lordships most, &c.,

Newbern, Nov^r 9th 1754.

ARTHUR DOBBS.

[B. P. R. O. AM: & W. IND: VOL. 74.]

GEORGE R.

Whereas some doubts have arisen with regard to the Rank and Command, which Officers and Troops raised by the Governors of our Provinces in North America, should have, when joined, or serving together with Our Independent Companies of Foot, doing Duty in Our said Provinces. In order to fix the same, and to prevent for the future all Disputes on that Account, We are hereby pleased to declare, that it is Our Will & Pleasure that all Troops serving by Commission signed by Us, or by Our General commanding in chief in North America, shall take Rank before all Troops, which may serve by Commission from any of the Governors, Lieutenant or Deputy Governors, or President, for the time being, of Our Provinces in North America: And it is Our farther Pleasure that the General and field Officers of the Provincial Troops, shall have no Rank with the General and Field Officers, who serve by Commission from Us; But that all Captains, and other inferior Officers of Our Forces, who are, or may be employed, in North America, are on all Detachments, Courts Martial, or other Duty, wherein they may be joined with officers, serving by Commission from the Governors, Lieutenant or Deputy Governors, or President for the time being of the said Provinces, to command & take Post of the said provincial Officers of the like Rank, tho' the Commissions of the said Provincial Officers of the like Rank, should be of elder Date.

Given at Our Court of St James's this 21st Day of November 1754, in the Twenty Eighth Year of Our Reign.

By His Majesty's Command

T: ROBINSON.

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

S^r

Haveing Received Your Honours Instructions by the Hands of Mr. Jones I have Taken what Care I possibly Could in Sending You as Particular an Account of what Taxables are this Year in Rowan County and by the returns made to me by the Justices it appears to be 1116 white and 54 Black, the Justices having made no sort of Distinction between the male and Female Black Taxables it will be impossible to be so particular as Your Instructions required

I have Inclosed Your Hon^r What Administration Bonds are now in the Office, there are several who applied for Letters of Administration to this Court, after which being Granted they Left Court before the bonds were Executed as I Could not attend to Draw them Dureing the Time of the Sitting of Court, but promised to Execute them before they Came to Take out their Certificate from me to Y^r Hon^r which I shall be Careful in Getting Without Delay, I have sent 3 Blanks of the Letters of Administration which are unfilled one of which were filled in a mistake Through Hurry in Court, I haveing fill'd one a few minnits before I forgot and filled this for the same person and when I found the mistake I kept this back

I have also sent Your Hon^r An Account of What Wills as were Proved in this Court since the 1st of Jan^y 1753 and as near to Your Instruction as I possibly could.

S^r as to the Complaints of the Executors of his Late Excellency I Can find no room for as I was not in Commission at Any Time Dureing his Government whereas Your Honour is Very Sensible I Rec^d my Commission from President Rice after his Excellency's Death

I Thought to have attended His Honour the President and You, as soon as I Heard of the Gov^{rs} Comeing in, when I should Have Endeavoured to Adjust and Cleer all my Acc^{ts} with his Honour &° but Haveing the Misfortune of Geting a fall from off my Horse as I was rideing Together with Major Carter at the Head of some of the Companies to Our Gen^l Muster By which fall and the kicks I rec^d on my Breast after I was down my body was so bruised that I was some weeks obliged to keep my bead and at this Time am not able to stoop to Buckel my Shoe or Sit to write Unless it be a line at a time and then rest, untill my pains abate

I Therefore Hope His Hon^r the President and You Will at this Time Excuse my non attendance to answer Your Letter to me, And as Soon as I hear of the session of the Assembly or Court of Claims or other time of Business I will Endeavour to Attend when I hope to Give Y^r Hon^{rs} Further Satisfaction &°

In the mean time I shall beg Leave to Subscribe My Self Your Honours Most Humble Servt.

JN^o DUNN

Rowan November 20th 1754

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 45.]

MY LORDS, [OF THE BOARD OF TRADE]

I herewith send you the Speech I made at the opening of the Assembly with the Addresses of the Council & Assembly, and a message sent to them about the French scheme for ruining the Colonies.

They met the 12th pursuant to the Proclamation, but as the House that day was very thin, occasioned by several from the Northward being stopped at the Ferries, & several from the Westward upon account of their distance from hence, in order to give them time to arrive, and to give neither Party umbrage I prorogued the Assembly till next Morning; when I sent them a message to attend me in the Council or Upper House, & directed them to choose a speaker, and to return immediately when chosen for approbation, out of 60 members for which writs were issued, 52 appeared, & upon the division for speaker, the northern Members having named Captain John Campbell, elected for Bertie, against Mr. Samuel Swan the late Speaker elected for Onslow, the votes were equal 26 for each, and therefore no election, upon which they sent me a message to let me know the reason they could not attend me; some advised me to prorogue them again until next day, they desired to have my opinion, as the case stood, how they were to act, I told them I thought it an unprecedented Case, but in all cases where there was a right, there ought to be a remedy, and therefore there ought to be a casting vote, for in case the six absent Members should arrive and still three be of each side, there might then be an equality, and therefore I thought the Clerk who put the question must in that case decide it; but as he was no Member, I thought it more prudent to wait the arrival of some of the Members who were hourly expected, and so returned, and left the Assembly to wait until the evening, Mr. Swan who had all the votes he could expect, except the Members from Anson who were not arrived, nor expected that day, and also expecting that 2 of the Members from Currituck would arrive that evening, offered to give it up, but his Southern friends would not consent but upon talking with them separately, they thought it advisable that he should, and after dinner he came to me to acquaint me that to prevent any delay or difficulty, he had prevailed with them to let him decline it, and then Mr. Campbell was declared Speaker and a message being sent to me, I directed them to come next morning, Saturday, for approbation; altho' there may be some little sparring betwixt the parties, yet both have assured me it shall have no effect upon publick affairs or make my administration uneasy, so that I am sanguine enough to hope for a reasonable and speedy supply, altho' the ways & means are difficult, as there is no cash in the Country, and the present Paper Currency not passable in Virginia, but as the Fence rail Law, as they call it, is repealed, and they have now my plan for a permanent Paper Currency by a Loan Office, and the Virginians declaring their willingness to take our Currency, when put upon a certain security, and our obliging the Carolinians to take them back again as cash

for their goods sold in Virginia ; we expect to have our Currency at par, when a good fund is fixed to sink the present paper Currency, they have also my proposal for a Copper Coinage in the Tower before them, to give us small change, which at present they seem to relish. If these be agreed to, then I must get a power to apply the sums at present granted for the fortifications at Oeacoc and Core Sound, to pay the troops we shall be able to raise, which I hope will be 300 men at British pay, in independent Companies, to lessen the expense, and if any further sum is wanted until supplies are granted & raised, I must get a further power to apply as much of the £1800 left for His Majesty's determination, as will give Virginia the benefit of the troops, raised in due time, and if I can get 8^d a gallon duty raised upon all spirits and wine imported, to sink the present paper Currency we may hope to get rid of it in a reasonable time, and then the interest of the Bills in the loan Office will be a perpetual fund to answer the contingencies and emergencies of Government, repairing fortifications &c.

The Tuskerora Indians who are at present here amount to 100 men & 200 women and children, they came to make their acknowledgments & to make complaints that some of the Northern settlers forbid their hunting in the winter on their grounds, I have assured them of my redressing any wrong done to them, and altho' they live in the middle of this Colony, yet I have by the consent of the Assembly given them a small present of about £25 value to shew our other Indian allies that we are desirous of their living with us as brethren, and sharing in all our priviledges. I expect that the Catawbias may also come here, and we ought to give them a present, but our present poverty and want of credit will be a difficulty ; if I can by my diligence increase his Majesty's quit rents considerably, so as not only to pay the Establishment, but also the arrears in a short time, I would humbly hope that your Lordships would represent it to his Majesty, that we might have a power to apply as much as he shall think proper out of the superabundant quit rents, in presents for those and such other Indians as we can gain into our allyance. I am preparing a paper to shew what proceedings have been in settling our Southern boundary with a plan of what I think will be the proper line, with reasons to support it, & shall immediately write to South Carolina that they may do the same, and then lay the sentim^{ts} of both Provinces with their reasons to support the boundary that each proposes for your Lordships consideration, to be laid before His Majesty to determine it as he shall judge it most for his service, and the good of each Colony ; for it is absolutely necessary that a line should be immediately determined, and if it should be left to be determined by these two Gov-

ernments it would meet with almost infinite delays; and probably we should never agree, but will gladly submit to whatever his Majesty orders, when the whole state of the Boundary expected by each Province, with their reasons for the alteration they desire are laid before His Majesty—I wrote fully to Lord Hallifax the state of our fort at Cape Fear, and the necessity there is for an independent Company, to which I refer; the letter went by a ship from Cape Fear, this I expect will go by Captain Byrne in the Sea Flower bound for London, who I expect is not yet sail'd from Ocaocoe, but am uncertain whether he maynt have sailed before this gets down to Ocaocoe which would occasion a further delay.

I have not yet got in the number of the militia and taxables, but they are now bringing them in. I find it will be of more service to relax me of some of the instructions about cultivation, for I find it is not practicable to get 5 acres improved in one year 3 is as much as they can do, and go on with other improvements at the same time; and as the present settlers, who are out of the pine lands improve their Plantations as fast as they can, it would discourage their taking of Lands, to oblige them to do more than they can accomplish; and I am still of opinion that it is better to give to rich settlers, who come from the Northward, tho' they have not at present a right to so much from their number, 640 acres provided I don't exceed that quantity, for they will not remove for a small farm, when they can get more in other Provinces, who don't stint them so much, I shall find great difficulty in getting a proper rent-roll, there is not one plot or chart of any Survey lodged in any office, in the King's part of this Province, there being only one which is annexed to the Patent, the only entry in the Secretary's or Auditors Office, being only the bearings of the lines, as entered in the Patents, so that upon reexamining the Patents to get duplicates of the Charts, which I must do, before I can do justice to the Crown, I am afraid it will appear that different Surveyors have entered into the surveys of those who went before them, & that the plots will not tally with each other as they ought, but probably may overlap one another & in many cases there may be great Vacancies not granted at all, but occupied by the neighbouring Patentees, but I am determined to go through them regularly County by County until I can compleat the rent roll & keep all the Officers to their duty, & after properly dividing the Counties, when I give them Charters, & fixing the boundaries of each County, I will have duplicates of every chart lodged in the proper office to prevent future frauds, for want of proper places to keep the Offices in & to preserve records upon account of the changeable state of this Province, whenever a Receiver General, Surveyor General, Secretary or Auditor dies, all papers die with them, for the Successors say

they have got no papers, or if any those very insignificant, from their Predecessors, which I must beg leave to say is owing to the Appointment of improper persons who know nothing of the Business, & therefore neglect it, & leave it all to their Deputies or Clerks, who only work for themselves, & not for the Publick; every Officer or Clerk going to his Plantation, & neglecting the publick business—So that I expect a great deal of trouble, & a thorough application to put things into a proper order, to do justice to his Majesty, & to the people in the Province,—The Assembly having voted £8000 & an Address to his Majesty, which they propose to present to me to morrow, as the Vessel leaves this to morrow morning, lest the ship should be sailed from the Bar, I send this by her, & probably shall write with the Address, & get a sloop that goes off in the evening to carry it to the ship, in case she has not sailed, & therefore shall conclude, being with the greatest respect, My Lords, Yours, &c.,

Dec^r 19th 1754.

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 62.]

MY LORD [EARL OF HALIFAX]

I wrote fully to y^r Lordship upon my arrival in Virginia what had occurred until my setting out for this Province which was sent with Mr. Dinwiddies Letters; and about ten days ago I wrote a long letter to the Board of Trade of all I had done, or could learn, of the Affairs of the Province until that time, Dated from New Bern by a Ship which was ready to sail from Ocaroe [Ocacok] Bound for Liverpool, to which I beg leave to refer on the 15th I set out to view the Southern Part of the Country near the Sea Coast and the several Navigable Rivers, and to view the Fort lately erected on Cape Fear River, 8 miles below Brunswick, to observe its situation and to give Directions how the £2000 lately given to finish it should be laid out where I had a meeting with the Comm^{rs} appointed to finish it, and have given the Necessary Directions to proceed upon it, and to provide the Materials to make it Defensible and Capable of protecting our own Ships, and preventing any enemy from coming up the River, to destroy our Shipping and Settlements, as happen'd last war, A plan of the Fort I enclose with this to y^r Lordship: The Fort you may observe is very small, but large enough to Defend the Lower Battery which is made almost a Fleur de Peau and is proposed to contain 14 18-poundors, 12 in Front where the Channell is not 500 yards wide, and 2 upon the Flank, which will Command the Ships which go up or come

down the River: which with 16 9 Pounders to be mounted upon the curtain and the two Flanks and faces of the Bastians which Front the River and the Channel going up the River, we think will be Sufficient for the Defense of the River against any Ships of force, which can get over the Bar, and 30 Swivel Guns with Musquetoons fixed in the Same manner will be Sufficient to Defend the Curtains and Bastions lying towards the Land: at present the Rampart and Parapet is faced only with Strong Pine Trees Cut into large Planks 6 inches thick, Sloping inwards, to support the Rampart, and the parapet which is railed no higher than the guns without embrasures; and there are only 5 6 pounders and 4 2 Pounders, old honey comb'd Ship guns, in the Fort, there is a good House built in the Fort which can contain an officer and 12 or 14 men with Guns and Stores; we have given orders to face the Curtains and two Bastions fronting the River, with a Wall which is to be made of a Cement of oyster shells, lime and sand which upon tryal here has been found to grow as hard as a Rock, much stronger and more durable than a Brick Wall and to raise the Parapet higher with embrasures and to forfeit the lower Battery and make a Sally Port thro' the Curtain into the Fort, the Cement wall to be built without the other end as it is railed to take up the Timber, and near the earth behind the wall The other Part of the Fort may continue for some time so that we shall only finish the Fosse and make a Palisade upon the Counter Scarp, as it cant Contain a Garrison to defend a Covered way and therefore shall only make a Glacis, and Clear all the Ground within Gun shot of the Fort we have also given Directions to add to the House and make it as big again to Contain 30 men with the officers Gunners &c and to make a Magazine Bomb proof in one of the Lands Bastions, and to make a Gate and Draw Bridge and sink a well and if any money remain, or a further supply be granted we shall finish the rest of the walls in the same manner.

The River of Cape Peare is an exceeding fine River 18 feet water on the Bar at ordinary Tides navigable to Wilmington and near 20 miles higher upon the North west for large ships, except one small shallow which may be deepned where they take out part of their Landing, and the North East Branch navigable several miles above it, for Large vessels and the main Branch navigable for Periagoes and Flats for about 150 miles from Wilmington which is 30 miles above the Bar. There are above 100 vessels annually enter'd in this River which are Increasing, there were 16 in the River when I went down; at present there are 70 Families in Wilmington which is improving they have built a good County House or Town House; and have raised a large Brick Church which is ready for the Roof. Brunswick contains 20 families and the Plan-

ters about being opulent they are building a large Brick church 76 feet long by 56 wide which they have raised this season so as to Cover the Windows; and have a House ready for the Parson, and a Glebe of 300 acres; These Towns being seated Close to the River are upon a loose Land but with a Clay Bottom at some depth and have very good springs the Lands which are Dry at some Distance from the River are much the same with other Lands near the sea coasts the marshes along the River and Creeks being Rich but the high Lands generally Pine Barren, which are no ways equal to the Lands on the Back Settlements yet when all the good Lands are taken up these are by no means to be despised.

I have seen the master of the Sloop & Dinbibin who has undertaken the making an Exact Chart of the Sea Coast, and do believe he will perform it very well He has shew'd me a specimen of what he has already done, and has made an Exact chart of a very fine Safe Harbour at Cape Lookout which has never yet been laid Down or has been known by any of the Kings Ships, or others landing on this Coast; altho it has been Discover'd by the Spanish Privateers at the latter end of the last War and is now used by our Whale fishers in the winter: a Draught of which I hope to send to your Lordship as soon as he has connected Cape Lookout with Cape Sound at Topsail Inlet where is also a fine Harbour. This new Harbour is as safe as a mill pond without any Bar, land locked from all winds so that in the greatest storm upon knowing the Latitude any Ship may get in safe. The Road is safe where any Ship may ride in 6 or 7 Fathom only open to a South west wind; and the Harbour within, it above half a mile over with 2 fathom close into the Beech where they may ride entirely land locked from to 3 and 4 fathom water.

There has been £1500 Curreney appropriated to Erect a Fort at Topsail Inlet near Beaufort, But since this Harbour is found out, as well to protect our ships in time of war as to prevent Privateers from Sheltering there and Interrupting our Ships: I shall endeavour to view both places as soon as I have leisure after the Assembly, and the season will permit it.

I had prepared a memorial when I was in London to give in to his Majesty in Council for a Supply of Artillery and ordinance Stores for the Port at Cape Fear; But as I was [not] sufficiently acquainted with the condition of the Port y^r Lordship thought it proper to Deferr it, until I should arrive here and view it if it be therefore agreeable to your Lordship and the Board of Trade that the Application should be now made Since we Dont know whether we are near the eve of an American war, Y^r Lordship will be pleased to mention it to Mr. Powell, and Mr. Aber-

crombie our Agent may prepare it and give it in my name, for the number and size of the guns as above mentioned with stores and gunpowder in proportion in Case his Majesty has not already ordered the gunpowder for the use of the Province I wrote for in my last, to the Board and at the same Time a gunner and Buttress in case we get the stores and the Independant Company which I apply'd for, and which is absolutely necessary here for his Majestys Service and the Safety of the Colony in Expectation of which I shall endeavour to get a Fund from the Assembly to erect a Fort upon our western Frontiers, at or beyond the mountains to protect our Back settlements, and Indian Allies

Dunbibbin tells me there are a great variety of shells near Cape Look-out and has promised to collect some for y^r Lordship

I am with all Imaginable Respect, &c.,

ARTHUR DOBBS.

Wilmington November 20th 1754

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 58.]

To His Excellency Arthur Dobbs Esq^r Gov^r &c over the Province of North Carolina.

SIR,

December 24, 1754.

Your Excellency having acquainted me that by your Instructions all publick Money shou'd be liable to be accounted for unto His Majesty in Great Britain and to the Commissioners of His Treasury or High Treasurer for the time being and audited by the Auditor General of the plantations or his Deputy for the time being, and that you are required to take care that fair Books of Accounts of all Receipts & paym^{ts} of Publick Money be duely kept and the truth Thereof attested upon Oath and that all such Accounts be audited & attested by the Auditor General of the plantations or his Deputy who is to transmit Copies thereof to the Commissioners of the Treasury for the time being, and that you do half yearly send over another Copy thereof attested by yourself to the Comissioners of Trade & Plantations and Duplicates thereof by the next Conveyance in which Books shall be specified every particular Sum raised or disposed of with the name of the persons to whom any payment is made to the end that his Majesty may be satisfied of the right Application of y^e Revenue of the Province.

I must therefore beg Leave to inform your Excellency that I have not heard that any such Books were ever kept and that no Accounts of pub-

liek Money have ever been produced to me to be audited, nor any Account except what has been produced to me by the Receiver of the Quit Rents, all other Accounts having been passed in the Assembly without ever having been audited by me.

I therefore submit it to your Excellency how I can transmit Copies of such Accounts to his Majesty Treasury, and therefore must wait Your Excellency's order to Know how to proceed in order to comply wth the Instruction I am Sir, &c.,

ALEX^r M'CULLOCH.

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

Abstracts of returns from the several counties in response to circular from Governor Dobbs. [See *ante*, page 144.—EDITOR.]

Beaufort—Coll: Barrows Regim^t for Beaufort County 7 Companys 587 The Coll: gives up, recommends John Boyd Lieut Coll: to succeed him, Major Will^m Caruthers to be Lieut Coll: Captⁿ Buck to be major Mr. John Handy to be Captⁿ and John Alderson to be a Captⁿ in place of Captⁿ Newman who is infirm and desires to be excused No indians; no arms in the publick store in the county about 50 lbs weight of powder and 150 lbs of large shot

Bertie—Coll: Robert West's Regim^t in Bertie County without officers, 8 Companys 720. Troop 44 Tuskerro Indians 100 men & 201 women & children in all 301

Bladen—Col: Rutherfords Regim^t of Foot in Bladen County 441. a Troop of horse 36. A new company necessary to be made at Waggonmaw James Kerr recommended for Captⁿ

Drowning Creek on the head of Little Pedee, 50 families a mixt Crew, a lawless People, possess the Lands without patent or paying quit rents; shot a Surveyor for coming to view vacant lands being inclosed in great swamps

Quakers to attend musters or pay as in the Northern Counties; fines not high enough to oblige the Militia to attend musters No arms stores or Indians in the county

Bladen Troop Will^m Davys Captⁿ with officers 33 men The Troop wants Holsters with Blew Caps & Housings fringed, pistols, Carbinies, Broad Swords or hangers with which they want to be furnished. No Indians

Carteret—Coll Thom^s Loviek Collector of Beaufort in Carteret County His Regm^t consists only of 2 companys amounting to 195 men including

officers Coll &c 209. no arms or ammunition in store No Indians in the County

Chowan County—Coll Cravens Reg^{mt} in Chowan consists of 7 Companies in all 652 men besides officers Captⁿ is dead Will^m Walton recommended to succeed him He desires to have the companys more equally divided and to have 8 companys and to alter the districts There is but one Indian Nation the Chowans in the County only 2 men and 5 women and children ill used by their neighbors

No arms in store 400 weight of Bullets & swan shot. The last County Court made an order to buy 100 weight of Gun powder

He complains that the officers pay is too small and the Private Men too large

Currituck—Currytuck County Coll: Shergold 5 companies Officers Included 345 Will^m Shergold to be Coll: Stephen Williams Lieut Coll: Robert Whitehall Major Tho. Burgess in room of Captⁿ Davys John Woodhouse in room of Captⁿ Jacob Ferrers in room of Captⁿ Carr.

Dupplin—Capt Fred^k Greggs Troop Dupplin County including officers 39 men. No arms. No ammunition in store. Pay he says is too small in case of a march

Edgcomb—Coll: John Haywood returns for Edgcomb County 14 companies Number of men including officers 1317 5 Captains Removed laid down or dead No Indians in the county no arms in store. The number of militia upon a new muster may be about 200 more It is desired that more companies be added and these more equally divided

Granville—Will^m Eaton Esq^r Coll: of Granville county His Regim^t consists of 8 companys 734 besides officers 2 Capt^{ns} Simms & Jones are moved away the others Resigned He thinks the fines on delinquents should be fixed by a Court Martial.

No arms or ammunition in the Stores There are about 12 or 14 Sapona men and as many women & children in the county Major Payne by Col: Eaton for Granville county recommends John Martin to be Captⁿ over part of Sugar Jones Company & Will^m Hawkins Captⁿ over the other part above Shaws Road and John Hawkins Captⁿ over part of Rich^d Coleman's Company & Will^m Johnston over part of Will^m Harris Company & Will^m Paton Cap^{tn} instead of Benjamin Sims moved away Capt Hursts Troop with officers 32.

Hyde—Hyde county Coll: Sinclair. Reg^t 4 companys with officers 252.

Johnston—Coll: De Rossetts Reg^{mt} in Johnston county 10 companies officers included & Troop of Horses 893 No Indians. Indifferently armed Most have guns Captⁿ has resigned Robt Cade his Lieut to succeed him.

New Hanover—Col: W^m Dry Returns for Coll: Innes' Reg^{mt} in New Hanover county Total including officers in 5 companys 508.

No Indians in the county no arms nor ammunition in store but desires to have some lodged at Cape Fear to protect the shipping

The Major having thrown up he desires Cap^{tn} John Ashe the eldest Captain to be made Major his Lient to be made Captain & Ensign Lieutenant Ensigns he says are made by the Field officers and the clerks sergeants & Corporals by the Cap^{tn}; his observations on y^e militia are to have 4 quarterly musters and those who don't appear without reasonable excuses to each Captain or of Captains to the field officers to be fined Captains 30 Lieuts 20 Ensigns 15 Sergeants Corporals and private men 6^s 8^d each. Sergeant upon the Captain's warrant to Levy the fine or upon neglect or refusal to pay 20 Those who dont attend the General muster to forfeit double; private men who enlist in the Horse to bring a certificate from the officer of the Troop upon neglect to pay a fine as above. No Cap^{tn} of a Troop to enlist a man out of his county or district on penalty of £5

Northampton—Northampton County John Dawson Coll: 7 Companys officers included 739 Captⁿ Will^m Short recommended for Major as eldest Captⁿ in Room of Major James Manny deceased The return suggested to be Short by 200 No arms &c in store no Indians but the Meherrins about 708 fighting men.

Onslow—Onslow County Coll: John Starkey Reg^{mt} 4 Companys officers included 352. No Indians no arms in store

Orange—Elex^r M^cCullogh gives up his Commission for Orange Recommends John Gray Sherrif to be Colonel Dixon Lient Coll: not suitable for Colonel

Pasquotank—Pasquotank County Coll: R^t Murdens Regiment officers included 590. No arms no Indians David Davys & William Martin recommended in room of Capt^{ns} Hughe & Abercrombie

Perquimans—Perquimans County Coll: John Russells Regim^t including officers 379—3 companies No arms nor ammunition no Indians 150 Quakers in y^e militia Wants to divide the eldest Company and recommends for Captⁿ

Tyrrell—Captⁿ Evan Jones returns for Tyrrell county Militia which consists of 5 companies 4 returned at 337 Captⁿ Everet made no return The Coll: dead Lient Coll & Major have neglected to act He as eldest Captⁿ desires a promotion No arms or ammunition in store no Indians in the County

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

To His Excellency Arthur Dobbs Esq^r Cap^m General, Governour & Commander in Chief in and over his Majesty's Province of North Carolina, The Hon^{ble} Members of his Majestys Council, and to the Members of the General Assembly of s^d Province

The Humble Petition of us the Subscribers Sheweth

That the Court of New Hanover County having some time agoe appointed a ferry from the Town of Wilmington to the Point of Marshe at the Mouth of the Thoroughfare, also another at a Place called Mount Misery on the North West branch of Cape Fear River, And the Commissioners of the Several Districts have neglected and Refused to cause roads to be made to the same, to the Great Detriment of all Travellers, as also the Inhabitants of New Hanover and the Upper Counties

We therefore pray that a Law may be passed to Oblige the Commissioners of the Several Districts adjoining the said Ferries, to cause Sufficient Roads to be made to the same, and your Petitioners as in Duty bound will ever Pray

Moses Jn^o DeRosset

Edmond ^{his} + Rousk
_{mark}

Tho: Hall

Sam^l Neale

James Arlow

Matthew Byrne

William Bell

Cloud Cuningham

William Robinson

John Walker

Ithamas Singletary

James Gregory

Thomas Neale

James Knott

John Boyd

Tho Bowen

John Jones

John Frazear

Anth^r Ward

John Wilkins

Rich^d Eagles Jun^r

Tho: Corbett

Arthur Mabson

Geo Hyrne

Jn^o Jones

Iver McKay

Dennis Moore

Caleb Mason

James Moore Jun

Tho^s ^{his} + Cunningham
_{mark}

Alex^r M^oAlister

Dan: M^oVuary

Benj^a Hillyard

Abraham Molton

Tho^s Landen

Rich^d Parker

Edw^d Melket

Townsend Robinson

Henry Moore

Fran: Brice

W ^m Routledge	Henry Skibbow
Th ^o Routledge	Marmaduke Jones
W ^m M ^c Ree	John Eede
Martin Holts	W ^m Veale
Daniel ^{his} + Diggins _{mark}	Sam ^l Dunbibin
Gibbons Jennings	Joseph Gary
Farmer Hembro	Beuj ⁿ Morison
Christopher Dudley	Peter Simons
Bishop Dudley	Hen: Simmonds
Nath ^l Zeman	W ^m Simmonds
Newell Harris	Geo: Gibbs
John Maulsby Jun ^r	Dan ^l Dunbibin
David Thomson	Will: M ^c Neill
Ja: Campbell	David Jones
Thos Custry	Berr ^v Moore
Thomas Waman	Tho ^s Rowan
W ^m Davis	W ^m Smith
John Wattson	Walter Simson
John Brown	John Small
Robert Burleigh	Johannes Eppinger
E ^d ward Palmer	Will ^m Sym
Alex ^r M ^c Dougald	Neil Stothin
David Dond	Jo Walker
Isaac Vick	Samuel Willets
John Davis Jun ^r	Chris ^r Walton
Joshua Toomer	John Barnet
Tho ^s James	Nath Alexander
Ja ^s Blyth	Isaac Ogden
John ^{his} + Rose _{mark}	William Gregory
Benjamin ^{his} + Smith _{mark}	Tho ^s Vince
John Roe	Edw ^d Bryan
Jacob M ^c Clendon	Hugh Murray
Thomas Sharfard Williams	Antoine Dubose
John Dunn	Roger Evans
John Earle	Benjamin Evas
John Colvin	John Wright
John Marshall	Sam ^l Groon
John Gready	Sam ^l Watters

Sam ^l Samford	Da ^d Morgan
Jos Clarke	A Jn ^o Lillington
Maur Moore	Tho ^o White
Hugh Purdie	Duncan M ^o Neill
John Maulsby Sen ^r	Sam ^l Ashe
Ust ^r Espy	Ja ^o Mackilwean
Will ^m Cain	W ^m Williams
John Campbell	Cosmas Farquharson
W ^m Pugh	Geo Merreek
Serence Kelly	Will ^m Dry
William Walker	Robert Moore
	J Beteilke

We the Grand Jury for the Counties of New Hanover Onslow [copy mutilated] Anson Duplin, Rowan & Cumberland agree to the Above Petition as witness our hands

William Farris Foreman	Isaac Jones
Geo. Moore	George Brown
Jn ^o D: Bois	Cha ^o Robinson Jun ^r
Fred ^k Gregg	Edw ^d Brown
Corn ^o Harnett	Richard James Grant
R ^d Farr	Rob ^t Knowles
Joseph Mumford	John Brown
Thomas Finney	Daniel M ^o Duffie
Jn ^o White	Caleb Howell
John Grange	

[B. P. R. O. E. T. JOURNALS VOL. 62.]

BOARD OF TRADE JOURNALS.

Thursday, January 31st 1754

Present

Earl of Halifax

Mr. Grenville. Mr. Fane

Mr. Townshend. Mr. Oswald.

Read an Order of the Lords of the Committee of Council dated 3rd April 1753 referring to this Board for their consideration and report the Memorial of Arthur Dobbs Esq. Governor of North Carolina to His Majesty praying for ordnance and stores for the Fort lately erected on Cape Fear River.

Their Lordships agreed to take the said Order into consideration on Friday the 8th Feb^{ry} and ordered the Secretary to write to Mr. Dobbs to desire his attendance thereupon.

Ordered that the draught of a Report upon the state of North Carolina prepared pursuant to their Lordships Order be taken into consideration on Thursday next and that the Secretary do write to Mr. Dobbs to desire his attendance.

Read a letter from Mr. Smith Deputy to Mr. Walpole Auditor General of the Plantations to Mr. Pownall dated 18 April 1753 relating to the Quit rents in North Carolina and inclosing

An Abstract of Mr. Allen's Accounts as Receiver General of Quit Rents in North Carolina from 1735 to 1748.

Copy of Mr. Walpoles Report to Lords of the Treasury on Widow Johnston's claim.

Read a Memorial of Arthur Dobbs Esq. Governor of North Carolina to the Board setting forth the insufficiency of the Quit Rents of that Province to pay the Salaries of the Governor and other Officers and praying their Lordships to represent to His Majesty the necessity of making some other provision for the said Salaries.

Their Lordships agreed to take the said Memorial into consideration on Friday 8th February.

Thursday, February 7th 1754.

Mr. Dobbs Gov^r of North Carolina attending their Lordships took into consideration the draught of a Report upon the state of that Province prepared pursuant to their Lordships order and having made some progress therein agreed further to consider of it on Tuesday next and to defer the consideration of Mr. Dobbs petition for a salary and for Ordnance stores for the Fort built in North Carolina until Wednesday next.

Tuesday, February 12th 1754

Their Lordships agreed that the consideration of the papers mentioned in the preceding Minutes relative to the affairs of North Carolina should be postponed to another opportunity

Friday, February 22nd 1754

Their Lordships took into further consideration the draught of a Representation upon the state of the Province of North Carolina mentioned in the minutes of the 7th inst. and made some progress therein

Monday, February 25th 1754

Their Lordships took into further consideration the draught of a Representation to His Majesty upon the state of the Province of North Carolina which having been agreed to was ordered to be transcribed

Tuesday, February 26th 1754.

Mr. Dobbs Gov^r of North Carolina attending their Lordships took into consideration his Memorial relative to his Salary mentioned in the Minutes of the 31st Jan^{ry} and ordered the draught of a Representation to His Majesty to be prepared thereupon.

Their Lordships took into consideration a Memorial of Mr. Dobbs to his Majesty referred to this Board by the Lords of the Committee of Council relative to Military Stores for the Fort built in that Province mentioned in the Minutes of the 31st Jan^{ry} and Mr. Dobbs was desired to attend again tomorrow morning with the Agent of the Province and to lay before their Lordships evidence in support of the allegations of the said Memorial

Read a Memorial of Mr. Henry M^cCulloh to the Board setting forth the hardships he labours under and praying their Lordships to recommend his case to His Maj. consideration Their Lordships agreed to take the said Memorial into consideration tomorrow morning and the Secretary was directed to write to Mr. M^cCulloh to desire his attendance

Wednesday, February 27th 1754.

Mr. Dobbs attending with Mr. Abercromby Agent for North Carolina they were called in and their Lordships took into consideration Mr. Dobbs Memorial to His Majesty for Ordnance stores for the Fort at Cape Fear and Mr. Abercromby produced to their Lordships several papers in proof of the allegations of the Memorial but it appearing to their Lordships they had not sufficient information whereon to ground a Report to the Council upon this affair the further consideration of it was postponed until Mr. Dobbs should be able to transmit to their Lordships more particular information with respect to the several matters set forth in his Memorial.

Mr. M^cCulloh attending as desired was called in and their Lordships acquainted him that as that part of his Memorial which related to Lord Granville's line was a matter of private property and had never been under the consideration of this Board and as the other part of his Memorial which related to the arrears of Salary due to him and the insufficiency of the warrant he had obtained from the Treasury was a matter entirely within the jurisdiction of the Lords of the Treasury they did not think it proper or advisable for this Board to enter into a consideration of those points.

Thursday, March 14th 1754.

The draught of a Representation to His Majesty upon the state of the Province of North Carolina having been prepared pursuant to the Minutes of the 25th Feb^{ry} was signed.

The draught of a Representation to His Majesty upon Mr. Dobbs' Memorial relative to his Salary having been prepared pursuant to the Minutes of the 26th February was agreed to transcribed & signed.

Wednesday, April 3rd 1754.

Read an Order of the Lords of the Committee of Council dated 26 March 1754 approving a Representation of this Board upon the present state of North Carolina and directing the Board to prepare Instructions for Mr. Dobbs upon the several points mentioned in said Representation conformable thereto.

Ordered that the Draught of General Instructions and of those relative to the Acts of Trade be prepared for Mr. Dobbs and that Instructions upon the several points mentioned in the above Order be inserted therein.

Wednesday, May 22^d 1754.

Read the following copies of Orders of Council received from the Clerk of His Maj. Council viz:

Copy of an Order in Council dated 28 March 1754 upon a Representation of this Board relating to the settling a salary of £1000 per annum upon Mr. Dobbs the present Gov^r of North Carolina and referring it to the Lords of the Treasury to consider of a proper fund for the payment of it &c.

Copy of an Order in Council dated 8 April 1754 approving a Representation of this Board proposing the repeal of Twenty six Acts passed in the Province of North Carolina between the Years 1715 and 1749.

Thursday, May 23rd 1754.

The Secretary pursuant to the Board's Order of the 3rd April laid before the Board a draught of general instructions and also a draught of instructions relative to the observance of the laws of trade for Arthur Dobbs Esq. appointed Governor of North Carolina and part of the said instructions having been read and agreed to the further consideration of them was postponed until tomorrow morning.

Friday, May 24th 1754.

Read a Memorial of Henry M^cCulloh praying that he may be allowed to set off one thousand and thirty five pounds due to him from the Crown in discharge of so much quit rents due to the Crown.

Mr. M^cCulloh attending without was called in and their Lordships after some conversation with him upon the subject of the said Memorial

ordered the draught of a Representation to His Majesty thereupon to be prepared.

Their Lordships pursuant to yesterday's minutes proceeded to the consideration of the draught of instructions prepared for Arthur Dobbs Esq. Gov^r of North Carolina and having gone thro' the same they were agreed to and ordered to be transcribed and the Draught of a Representation to His Majesty thereupon to be prepared.

Tuesday, May 28th 1754.

The draught of a Representation to His Majesty upon Mr. M^cCulloh's Memorial having been prepared pursuant to the Minutes of Friday last was agreed to transcribed and signed.

Wednesday, June 12th 1754

The draught of a Representation to His Majesty upon the draughts of General Instructions and of those which relate to the Acts of Trade for Mr. Dobbs Gov^r of North Carolina having been prepared pursuant to the Minutes of the 24th May was agreed to and ordered to be transcribed—and signed June 14th

Thursday, June 13th 1754

Read a letter from Mathew Rowan Esq^o President of the Council & Commander in Chief of North Carolina to the Board dated March 19th 1754 relative to the encroachments of the French on the River Ohio.

Ordered that a copy be made of the foregoing letter to be laid before His Majesty and that the draught of a letter to Sir Thos. Robinson inclosing it be prepared—which was agreed to, transcribed and signed June 14th

Tuesday, June 18th 1754.

The following Representations to His Majesty were agreed to and signed, Viz:

* * *

Representation proposing that Henry M^cCulloh Esq. may be appointed Secretary of North Carolina in the room of Nathaniel Rice Esq^o

Friday, June 21st 1754.

Read the following Orders in Council viz:

* * * *

Order of Council dated 21st inst. approving a Representation of this Board proposing that Henry M^cCulloh Esq. may be appointed Secretary of the Province of North Carolina in the room of Nathaniel Rice Esq. deceased & directing this Board to cause a Warrant to be prepared for that purpose.

Friday, July 5th 1754.

Mr. Dobbs Gov^r of North Carolina attending without was called in and the following points were recommended to his attention upon his arrival in North Carolina.

To enquire into the state of the paper currency which by Mr. Rowan's last letter appears to have been created and issued there, to send over the Act for issuing it and not to apply any part of it which now remains in the Trustees hands to answer contingencies until he receives further directions from His Majesty unless in cases of emergency and absolute necessity.

To take every prudent and effectual method of keeping up that spirit which has appeared in the Colony to oppose the hostile encroachments of a Foreign Power and in case of a requisition from any of the Colonies for assistance to direct the troops under his command in such manner as should appear to him to be best for the general interest and security of His Maj. Colonies.

To endeavour to get an Act passed for establishing a Powder duty in case that formerly passed should be expired.

To consider that Article of His Maj. Instructions which relates to the security to be given by persons applying for Grants of Land that they will not enter upon it until a Patent be finally passed and in case it should appear to him that the carrying it into execution would be attended with any particular hardship or inconvenience to make a full Representation of the case to the Board

To enquire into the state of the proceedings with respect to the Boundary Line between North and South Carolina and to consult with the Gov^r of South Carolina upon what will be a proper line and report his opinion fully to the Board.

Thursday, October 24th 1754.

Read a letter from Mr. Rowan President of the Council and Commander in Chief of North Carolina to the Board dated at Cape Fear 3rd June 1754 inclosing

Journal of the House of Burgesses in April 1753.

Journal of the Upper House in Assembly in Feb^r & March 1754

Tuesday, October 29th 1754.

The Secretary laid before the Board the following copy of Orders in Council, Viz:

* * * * *

Order of Council dated 8th April 1754 approving a Representation of this Board to His Majesty proposing the repeal of eight Acts passed in North Carolina in the years 1715 & 1729.

Order of Council dated 8th April 1754 approving a Representation of this Board to His Majesty proposing the repeal of eighteen Acts passed in North Carolina between the years 1734 and 1750.

Order of Council dated 21st June 1754 approving the Draughts of General Instructions and of those which relate to the Acts of Trade & Navigation prepared by this Board for Arthur Dobbs Esq^r Governor of North Carolina.

Tuesday, December 10th 1754

Read a letter from Mr. Rowan President of the Council of North Carolina to the Board dated at Cape Fear 26th Aug^t 1754 inclosing a printed copy of the Acts passed in that Province at the last Session.

Ordered that the said Acts be sent to Mr. Lamb for his opinion thereon in point of law.

[FROM THE MSS. RECORDS OF NORTH CAROLINA COUNCIL JOURNALS.]

COUNCIL JOURNALS.

At a Council held at Wilmington on the 19th day of February 1754

Present the Honourable Matthew Rowan Esq^r President

{ James Murray James Innes }
 { James Hasell John Swann } Esq^{rs}
 Lewis De Rosset

His Honour the President was pleased to lay before the board a Letter from the Hon^{ble} Robert Dinwiddie Esq^r Lieut. Governor of Virginia dated at Williamsburg the 29th day of January last which was read in the following words viz

WILLIAMSBURG VIRG^a Jan^y 29th 1754

SIR

Being justly alarmed at the Rumours of the French Proceedings on the Ohio, my Solicitude for the preservation of His Majestys Rights and the Welfare of all His Majestys Colonies in General, induced me to send a Gentleman to the place, by whom I might know the Truth. His Return informed me of the following Particulars, which I thought necessary to impart to you by this Express.

On his arrival at the Ohio Maj^r Washington (the Gentleman I sent) found that the French had taken Post on a branch of that River, and built a fort wherein they had mounted eight pièces of Cannon, Six pounders, and that they had in Rediness materials for other forts which

they Declared their Intentions to erect on the River and particularly at Logs Town the Place Destined for their Chief Residence, so soon as the season would permit them to embark and for which Purpose he saw 220 Canoes ready finished besides a great many more blocked out, Having delivered his Credentials and my Letter, he Complained to the Command^r of the violence that had been Offered to his Majestys subjects in siezing their Effects and making Prisoners of their Persons to which he was answered that the Country belonged to them that no Englishman had a Right to Trade upon those waters and that he (the Commandant) had orders to make Every Person Prisoner that attempted it on the Ohio or the waters of it. Your Honour will perceive these to be their sentiments by the Inclosed and that they are determined to Carry these Designs into Execution, and it were Superfluous to advance many Arguments with so discerning and Sagacious a Servant of our Master; to prove the Urgency that Presses every one of His Majesty's Colonies, to exert themselves on this Occasion to Vindicate the Honour and Dignity of His Crown and justify his undoubted Rights against these invaders of the British property The power of Our Enemies is far from being contemptible and it is as certain they will exert its utmost efforts to procure all Possible Advantages against us, they have already engaged three Indian Nations, the Chyppoways Ottoways and Orundacks to take up arms against the English and from the best Information Maj^r Washington learned that the French had four forts on the Mississippi besides their strong settlement at New Orleans where they have fourteen hundred men in Garrison that by means of the River Ovabaseck they have a Communication between Canada and the Mississippi and some Forts on the Oubash to Cover and protect this Communication.

Before they sent their Troops into Winter Quarters last fall they call'd the severall Tribes of Indians near their forts together and told them that altho the approaching Season and the state at that Time of the Waters, made it necessary to Send the Chief of the Forces into Winter Quarters, yet they might be assured to see them early in the Spring with a much more considerable Armament, and then they would take possession of the Ohio and threatened them if they were not entirely passive.

These Circumstances induced me to order out for the Present a Detachment of the militia, and Call together the Assembly which I Have ordered to meet the 14th of next month and hope they will enable me to take more Vigorous measures in the common cause, the success of which, as I apprehend greatly depends on the Dispatch with which our Forces are Drawn together, & the promptitude of every Colony to exert itself on this pressing Occasion. I have for the Present ordered a De-

tachment of the militia to Cover our People from farther insult, and I Hope the Assembly which I Have called together to meet the 14th of next month, will enable me to have a good Party at Will's Creek on the head of Potowmack, ready to join the forces from His Majestys Other Dominions. I propose this Place for the Rendezvous, as being the most generally Convenient for us all, and nearest the Scene of Action, And thither I should be Extremely pleased, if your Honour would be so good as to order the men that you can furnish and to be there by the first of March if possible.

As it might be Detrimentall to divide the Command I Hope you will have no Objection to plaing the Command of your men in the hands of the same General Officer whom I shall Entrust with the Conduct of the Whole

Your answer on the Return of this Express with the prospect you may have of Raising forces & the Time you think they may march will be very Agreeable to

Sir Your Hon^{rs} most Humble Servant

ROBERT DINWIDDIE

P S I have wrote to all the Colonies to the Northward of this for their Aid and Assistance on the Present Emergency

At a Council held at Newbern the 28th day of March 1754

Present the Honourable the President

{ James Murray James Innes } Esq^{rs}
 { James Hasell Lewis De Rosset }

His Honour the President was pleased to acquaint the Board that John Rieussett Esq^r a member of Council Moved for leave of absence for twelve months Granted

James Innes Esq^r Colonel of the Regim^t now Raising for his Majesty's service Represented to this board that a Surgeon's Mate will be indispensibly necessary for his Regiment.

And His Honour and the Council being of the same opinion and finding no pay for such an Officer Established by Law Ordered that the surgeon's mate to be Commissioned for the said Regiment shall have and Recieve two Shilling and six pence Proclamation money p Day for his service while the said Regiment Continues in pay or till the same shall be alter'd by the Assembly

March 29th 1754

Present His Honour the President The same members as yesterday

James Innes Esq^r Colonel of the Regiment now Raising in this Province for his Majestys service and Robert Palmer Esq^r Colonel of the Militia in the County of Cumberland Produced their Commissions and Took the Oaths by Law Appointed to be taken by Publick Officers and made and subscribed the Declaration called the Test

Saturday March 30th 1754

Present His Honour the President

The Hon^{ble} { James Murray James Innes
James Hasell Lewis De Rosset } Esq^{rs} Members
John Rienssett

Felex Oneal Gent produced his Commission from His Honour the President for Clark of the Council as an Upper House of the Assembly and took the Oaths by Law appointed to be taken by Publick Officers and made and subscribed the Declaration called the Test and took the Oath of Office

Friday May — 1754

Present His Honour the President

The Hon^{ble} { James Murray James Innes
James Hasell John Swann } Esq^{rs} Members
Lewis De Rossett

His Honour the President was Pleased to order a prorogation of the General Assembly to the fourth Tuesday in September next then to meet at Newbern to which the council concurred. Several patents were passed and Signed as ⁱⁿ entry book

Wilmington May 21st 1754

Present His Honour the President

The Hon^{ble} { James Murray James Innes
James Hasell Lewis De Rosset } Esq^{rs} Members

On a Motion by Mr. Jones in behalf [of] Henry Downs setting forth that a judgement has been obtained by John Nickolas in the General Court of this Province for a Certain Sum which the said Down maketh Oath hath been paid by him to the said Nickolas and to the sheriff of Orange County in Verginia as by his affidavit exhibited into Council is more fully sett forth and praying an Injunction Granted

Ordered that new Commissions of the Peace do issue for the Counties of Rowan and Orange

Orange the first Tuesday in July Rowan the second Tuesday in Ditto Complaint having been made by the Magistrates and Militia officers

of Rowan County that a party of Indians suspected to be Catawbor have Committed several gross abuses on the White People of Rowan and Anson Countys Ordered that a Commission issue to Alex^r Osbern and James Carter Esq^{rs} to enquire into the said Complaint to represent the same to the said Indians and make their Report the fourth Tuesday in Sept^r next.

At a Council held at Newbern on the 24th day of Sep^r 1754.

Present the Honourable Math Rowan Esq^r President

The Hon^{ble} { James Murray Francis Corbin } Esq^{rs} Members
 { James Hasell John Swann }
 { Lewis De Rossett }

John Dawson Esq^r produced a Mandamus from their Excellencies the Lords Justices dated the Eighth day of June one thousand Seven hundred and fifty Two Commanding the Gov^r or Commander in Chief of this Province forthwith on Reciept thereof to swear and admit him the said John Dawson to be one of his Majestys Council in this Province in the room of Roger Moore Esq^r Dece^d

Whereupon the said John Dawson took the Oaths by Law appointed to be taken by publick officers made and subscribed the Declaration Called the Test and took the Oath of a Councillor and his seat at the board

Newbern September the 26th 1754.

Present ut supra and John Dawson Esq^r

Present His Honour the President

The Hon^{ble} { James Murray Francis Corbin } Esq^{rs} Members
 { James Hasell John Swann }
 { John Rutherford John Dawson }
 { Lewis De Rossett }

The Letter of Governor Dinwiddie dated the 5th Day of August and the Letters of Col Innes dated the 3 & 12 day of August were Read directed to his Honour the President upon which the board was of opinion that all the Money remaining of the £12000 after paying the forces and Charges already accrued shall be applied for his Majestys Service for the assistance of Virginia agreeable to the original Intention of the act and it was Desired that his Honour the President would be pleased to acquaint Gov^r Dinwiddie and Col^o Innes thereof

Newbern September 27 1754

Present His Honour the President

The Hon^{ble} { James Murray Francis Corbin } Esq^{rs} Members
 { James Hasell John Swann }
 { John Rutherford John Dawson }
 { Lewis De Rossett }

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

By Letter from the Earl of Holderness one of His Majesties Principal Secretaries of State, dated in August last, I have been informed of the March of a considerable number of Indians, supported by some regular European Troops with intention to commit hostilities on parts of His Majesty's American Dominions.

These advices are confirmed by an express I received from Governor Dinwiddie of Virginia, last Monday, by which it is evident that the French have formed, and gone considerable length in executing a design to encroach on our Settlements to the Westward.

You know too well gentlemen the Importance of the Western Territory to these Colonies to sitt still and tamely see a formidable foreign Power possess themselves of it, therefore I have not the least doubt of your exciting yourselves to the utmost in the common cause on this occasion, a good and seasonable supply now, as it will be the most effectual, will be likewise the most saving to the several Provinces.

His Majesty out of His Paternall care for all his Subjects, desires nothing more than their general benefit, which is perfectly compatible with your own, for my own part the King my master, and your interests are mine, I have nothing to ask but what you will either be willing to do, or what your posterity will have reason to wish you had done.

I intended to have recommended several other matters to your consideration, but until this pressing business is dismissed, I would not have your intentions diverted.

I will order Copys of the Earl of Holderness, Governor Dinwiddie, and the French commandant's Letters to be laid before you.

Then His Honour withdrew from this House

This Honourable Board was pleased to take under their Consideration His Honour's Speech, and ordered the same to be read, which was accordingly, and the Honourable James Hasell, James Innes, and Lewis De Rosset Esq^{rs} three of the Members of this Board were appointed a Committee to answer the same.

Then the House adjourned till to-morrow morning 10 o'clock

Thursday, February 21st 1754 The House met according to Adjournment

Present

The Hon ^{ble}	{	James Murray	John Swann	}	Esq ^{rs} Members
		James Hasell	Lewis De Rosset		
		James Innes			

excite us with cheerfulness and unanimity to join the other House in such measures as may be most proper for that salutary and necessary purpose, that our latest posterity may have nothing to reproach us with on this Occasion.

When this pressing business is properly dismissed we shall be fond of taking into our consideration any other matters beneficial to this Province, which your honour may think proper to lay before us, as will be a means of showing our sincere attachment to the good thereof consistent with His Majesty's Prerogative, as we flatter ourselves that your Honour will readily concur in all measures we may propose for that end. We hope this session may be brought to an happy conclusion. By order.

Then the House adjourned till 4 o'clock in the afternoon

The House met according to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

And adjourned till to-morrow morning 9 o'clock.

Saturday, February 23^d 1754. The House met according to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

And adjourned till 3 o'clock in the afternoon.

The House met according to adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

And adjourned till 9 o'clock Monday morning.

Monday, February 25th 1754. The House met according to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

And adjourned till 4 o'clock in the afternoon.

The House met according to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

And adjourned till to-morrow morning 10 o'clock.

Tuesday, February 26th 1754. The House met according to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

Adjourned till 3 o'clock in the afternoon.

The House met according to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
 { James Hasell Lewis De Rossett } Esq^{rs} Members.
 James Innes

Mr. Ashe and Mr. Harnett brought up the following Message

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have appointed the following Members Committees of Accounts and Claims (viz^t)

Mr. Vail Mr. Ashe and Mr. Harnett on the Public Accounts, and Mr. Starkey, Mr. Howell, Mr. Brice and Mr. Clark with Mr. Houston on the Publick Claims in conjunction with such of your Members as your Honours shall think fitt to appoint. SAM SWANN, Speaker.

This House having taken under their consideration the Message of this day, relative to the appointment of the Committee of Publick Accounts and Claims, have thought fitt to appoint the following Gentlemen to join those of your House (to wit) the Hon^{ble} James Hasell and Lewis De Rossett Esq^{rs}, on the Publick Accounts. And the Hon^{ble} James Innes and John Swann Esq^{rs} on the Claims.

By Order. JOHN DEVIS, C^{lk}

Mr. Dixon and Mr. Brandon, brought up the following Bills.

The Bill for continuing several Acts therein mentioned

The Bill for granting to His Majesty the sum of £ —

And for stamping and emitting the sum of £ —

In the General Assembly read the said Bills & passed.

In this House read the first time and passed.

Then the House adjourned till to-morrow morning 10 o'clock.

“A Bill for appointing the several Ferries therein mentioned, and for obliging the Commissioners of the several Districts to make roads to the same.

In the Lower House read the first time and passed.

“The Bill for the further and better regulating the Town of Wilmington and for repealing the several Acts therein mentioned. In the Upper House read the first time & passed with Amendments.

“The Bill to alter the time for holding the Courts of Orange, Rowan and Bladen Counties. In the Upper House read the second time and passed.

“The Bill for granting unto the Town of Brunswick the priviledge of choosing and sending a Representative to the General Assembly.

“The Bill to divide Bladen County into a County and Parish by the name of County, and S^t Parish.

“The Bill for appointing Commissioners of the Roads for the South West district of New Hanover County.

“The Bill to regulate the Freight on Cape Fear River.

“The Bill for an Act to empower the Justices of Craven County to sell the lott, whereon the Court House stands in Newbern.

“The Bill to amend an Act entituled an Act to appoint a convenient place for holding the County Court of Duplin.

In the Upper House read the above six Bills the first time and passed.

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow on the East side of the North East Branch of Cape Fear River, at the place called the Sand hills, and to appoint an Inspector in the said Town, and other purposes therein mentioned.

“The Bill for an Additional Act to an Act entituled An Act for empowering the several Commissioners herein after named.

In the Upper House read the first time & passed with Amendm^{ts}.

“The Bill for appointing the several Ferries therein mentioned, & for obliging the Commissioners of the several Districts to make roads to the same. In the Upper House read the first time and passed.

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

Fryday, March 1st 1754. The House met according to adjournment.

Present

The Hon ^{ble}	{	James Murray	John Swann	}	Esq ^{rs} Members.
		James Hasell	Lewis De Rosset		
		James Innes			

The Hon^{ble} James Murray Esq^{ro} President moved that the House resolve into a Committee of the whole House.

Resolved, That the House resolve into a Committee of the whole House

The House resolved into a Committee of the whole House, and the Honourable James Hasell Esq^{ro} is chosen chairman.

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

The House met according to Adjournment.

Present,

The Hon^{ble} { James Murray John Swann
James Hasell Lewis De Rossett } Esq^{rs} Members.
James Innes

The Hon^{ble} James Hasell Esq^{ro} moved, that Mr. President resume the Chair

Mr. President resumed the Chair and the Hon^{ble} James Hasell Esq^{ro} Chairman, reported the Proceedings of this House on the Bill for granting to his Majesty the sum of £——

To which amendments the House agreed, and ordered that the Amendm^{ts} proposed by the Committee be incerted in the Bill.

The Bill for granting His Majesty the sum of £ and for stamping and emitting the sum of £ In the Upper House read the second time & passed with Amendments.

Mr. Brice & Mr. Harris brought up the following Bills,

The Bill to amend an Act entituled an Act to appoint a convenient place for holding the County Court of Duplin.

The Bill to empower the Justices of Craven County to sell the lot whereon the Court House stands in Newbern.

The Bill for appointing Commissioners of the roads for the South West district of New Hanover County.

The Bill to divide Bladen County into a County and Parish by the name of Cumberland County and S^t Davids Parish.

The Bill for granting unto the Town of Brunswick the priviledge of choosing and sending a representative to the General Assembly.

The Bill for appointing the several Ferries therein mentioned and for obliging the several Commissioners of the several Districts to make roads to the same.

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow, on the East side of the North East Branch of Cape Fear River at the place called the Sand Hills, and to appoint an Inspector in the said Town, and for other purposes therein mentioned.

The Bill for an additional Act, to an Act entituled An Act for empowering the several Commissioners hereafter mentioned.

In the Lower House read the said Bills the second time & passed with amendments.

Mr. Carter & Mr. Harnett brought up the following Bills.

The Bill for continuing several Acts therein mentioned.

The Bill for the further and better regulation of the Town of Wilmington and for the repealing the several Acts therein mentioned.

In the Lower House read the Bill for continuing several Acts read the third time and passed with Amendments.

In the Lower House read the Bill for the further and better regulation, read the second time and passed with Amendments.

The Bill for the further and better regulation of the Town of Wilmington, & for repealing the several Acts therein mentioned. In the Upper House read the second time & passed with Amendments.

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

Saturday, March 2nd 1754. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	James Murray	John Swann	}	Esq ^{rs} Members.
		James Hasell	Lewis De Rossett		
		James Innes			

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow on the East side of the North East Branch of Cape Fear River.

The Bill to divide Bladen County into a County and Parish by the name of Cumberland County and S^t Davids Parish.

The Bill to ammend an Act entituled An Act to appoint a convenient place for holding the County Court of Duplin.

The Bill for appointing the severall Ferries therein mentioned, and for obliging the severall Commissioners of the severall Districts to make roads to the same.

The Bill for appointing Commissioners of the roads for the South West District of New Hanover County.

The Bill for granting unto the Town of Brunswick the priviledge of choosing and sending a representative to the General Assembly In the Upper House read the second time & passed with Amendm^{ts}

The Bill to impower the Justices of Craven County to sell the lott whereon the Court House stands in Newbern.

The Bill for an additional Act for impowering the severall Commissioners herein after named.

The Bill to appoint a convenient place for holding the County Court of Orange. In the Upper House read the second time and passed.

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

Monday, March 4th 1754. The House met according to Adjournment.

Mett pursuant to Adjournment.

Present

The Hon^{ble} { James Murray John Swann
James Hasell Lewis De Rossett } Esq^{rs} Members.
James Innes

Mr. Robinson and Mr. Bryan brought up the Bill to encourage men to enlist for the assistance of Virginia, Endorsed read in the General Assembly the first time and passed

By Order, W^m HERRITAGE C^{lk}

Which Bill was read in this House the second time and passed with Amendments and sent down.

Adjourned till to-morrow morning 9 o'clock.

Fryday, March 8th 1754. Mett pursuant to Adjournment.

Present as before .

Adjourned till to-morrow morning 9 o'clock.

Saturday March 9th 1754.

Present.

The Hon^{ble} { James Murray John Swann
James Hasell Lewis De Rossett } Esq^{rs} Members.
James Innes

Mr. Harnett & Mr. Brice, brought up the following resolve from the other House,

In the General Assembly Resolved, That the sum of £1333.6.8 proclamation money be paid by the Publick Treasurer of the Southern District, out of the money he shall receive from the Commissioners for stamping and emitting the sum of £40,000, unto the Hon^{ble} Mathew Rowan Esq^{re} President and Commander in Chief in and over this Province as a compensation for his trouble and expenses in attending several Assemblies, and other services for the benefit of this Province.

By Order, W^m HERRITAGE C^{lk} SAM SWANN Speaker

Which message was concurred with by this House & sent down.

The Bill for continuing the severall Acts therein mentioned was read the third time. (Adjourned.)

The Reports of the Committee of Accounts and Committee of Claims was laid before this House, and the same being read, were approved, sent down and concurred with.

The Estimate of Wages, expenses and Ferriages of this House during the Present Session of Assembly, including an allowance to John Devis

Clerk of this House for stationary and service extraordinary amounting to seventy six pounds nine shillings and six pence was sent down for concurrence.

Adjourned till 3 in the afternoon.

Mett pursuant to Adjournment.

Present ut supra

Mr. Brandon and Mr. Harris brought up the following resolves viz^t

In the General Assembly 9th March 1754. Resolved, That the Publick debts as well as those now allowed, as those allowed by former Assemblys already upon the Estimates & Claims, as also the sum of £1333.6.8, now voted to His Honour the President by both Houses, and a sum sufficient to pay the salary and extra charges of the Agent appointed to solicit the affairs of this Province at the several Boards in England be paid and satisfyed out of the sum of £4.200 part of the Bills to be emitted and applyed for, and towards paying the Publick Debts of this Province by an Act passed this Session of Assembly intituled an Act for granting unto His Majesty the sum of £40,000 and for stamping and emitting of £40,000 and that the remainder of the said sum shall be applyed towards payment of the arrears of salary due to His Majesty's Chief Justice and Attorney General of this Province. And the sum to be paid to the said Chief Justice and Attorney General shall be replaced in the Treasury out of the Money to be paid in the Circuit Tax.

SAM^l SWANN Speaker.

Which resolve was conenrred with and sent to His Honour the President for his Assent, and having received the same was return'd to the General Assembly.

Mr. Harris and Mr. Brandon, brought up the following resolve viz^t

In the General Assembly 9th March 1754. Resolved, That the Publick Treasurers pay by Warrant from the President or Commander in Chief to the Commanding Officer (or his order) of the forces to be raised in this Province for the present Expedition against the French and Indians at Ohio, the money remaining in their hands for the use of the several Forts respectively and that the same to be replaced in the Treasury for the use of the said Forts out of the £12,000 to be stamped and emitted in virtue of an Act passed this Session (Intituled An Act for granting to His Majesty the sum of £40,000) and applyed for raising and snbsisting the said forces.

SAM^l SWANN Speaker.

Which resolve having received the concurrence of this House was sent to his Honour the President for his assent and having received the same was returned to the General Assembly.

Mr. Brandon and Mr. Harris brought up an Estimate of the Allowances due to the Members, Clerk, and other Officers due to the General Assembly for this present Session, amounting to £198.16.10 Proclamation money with which this House concurred.

Mr. Brandon and Mr. Harris brought up the following Message.

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

The Chairman of the Committee of Publick Accounts having reported to this House that he hath received the sum of £337.17.3 proclamation Bills, and also the Chairman of the Committee of Claims hath reported that he hath received the sum of £7.16.6 old Bills by way of Claims, both which sums are to be applyed for sinking the present Currency, and by Law ought to be burnt. Therefore this House have appointed a Committee of the whole House in conjunction with such of your Honours as you shall think fitt to see the same burnt this afternoon.

SAM^r SWANN Speaker.

In Auswer to which the following Message was sent.

MR. SPEAKER AND GENTLEMEN,

In compliance with your Message acquainting us that you have appointed a Committee of your whole House in conjunction with such of Ours as wee should think fitt for burning the sum of £337.17^s.3^d Proclamation money and £7.16.6 old Bills, which by Law ought to be burnt, This House has appointed the Hon^{ble} John Swann and Lewis De Rosset Esq^r a Committee to join your Committee on the Occasion.

By Order of the Upper House

JOHN DEVIS. C^{rk}.

NORTH CAROLINA—ss.

At a General Assembly begun and held at New-Bern the Twelfth day of June in the Year of our Lord One Thousand seven Hundred and Forty Seven, and in the Nineteenth Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain, France and Ireland King (and so forth) and from thence continued by several Prorogations and Adjournments to the third Tuesday in February next to be then held at Wilmington—being the thirteenth Session of this Present General Assembly.

Tuesday the 19th Feb. 1754

Members Present

Samuel Swann Esq. Speaker

Mr. John Starkey

Mr. Francis Brice

Mr. John Ashe

Mr. W^m Houston

Mr. Joseph Clark

Mr. Josiah Dixson

Mr. James M^cLewean

Mr. Jere Vail

The House adjourned till to-morrow morning 9 o'clock.

Wednesday the 20th of February 1754. The House met according to Adjournment.

Mr. William Bartram Mr. Caleb Howell and Mr. Charles Robinson appeared and took their seats in the House.

The writs for Electing Members for Wilmington and for the County of Rowan were Returned, Pursuant to which Mr. Cornelius Harnett, The Elected Member for Wilmington, Mr. James Carter, and Mr. John Brandon, Elected Members for Rowan County, appeared took the Oaths by Law appointed for their Qualification Subscribed the Test and took their seats in the House accordingly.

His Honor the President sent a Message to this House requiring the Immediate attendance thereof in the Council Chamber.

The House in a full body waited on His Honor the President in the Council Chamber where His Honor was pleased to deliver His Speech to This House.

The House Returned.

Mr. Speaker laid before This House the said Speech which is Ordered to be Read Read the said Speech.

Ordered the same be entered on the Journal of this House as follows:

GENTLEMEN OF HIS MAJESTY'S COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

[For address of the Governor see Journal of the Upper House.]

The House adjourned till 8 o'clock to-morrow morning.

Thursday the 21st Feb. 1754. The House met according to adjournment.

The Writ for Electing a Member for Craven County in the room of Francis Stringer late Member for the said County, Deceased being Returned Pursuant to which Mr. Joseph Bryan The Elected Member for the said County, appeared took the Oaths by Law appointed for His Qualification Subscribed the Test and took his seat in the House accordingly.

His Honor The President laid before this House Copies of the Earl of Holderness Governor Dinwiddie's and the French Commandants Letters pursuant to His Honors Speech to this House yesterday.

Ordered the said Letters be Read.

Read the Same.

Ordered, That Mr. Starkey, Mr. Vail and Mr. Ashe prepare and lay before this House an Address in answer to His Honors Speech.

Resolved, That this Province raise such a Number of Forces as the present Circumstances thereof will admitt to assist the Neighboring Colony of Virginia, in repelling the French who have Invaded the said Colony at Ohio, and

Resolved, That a Committee be appointed to consider of ways and means to raise and subsist such Forces. And Mr. Starkey, Mr. Vail Mr. Ashe Mr. Harnett and Mr. M^eLewean are accordingly appointed.

The House adjourned till to-morrow Morning 9 o'clock.

Friday the 22nd of February 1754. The House met according to adjournment.

Mr. Starkey from the Committee appointed to Prepare an address in answer to His Honor the President his Speech, Reported that the Committee had prepared the same, which he read in his place.

Ordered, The same be Engrossed.

Mr. Harris one of the Members for Granville County appeared and took his seat in the House.

Mr. Starkey moved a Committee be appointed to prepare and bring in a Bill for granting to his Majesty the sum of forty Thousand pounds and for stamping and Emitting the said Sum of Forty Thousand pounds (and so forth) And the following persons were accordingly Appointed (viz:) Mr. John Starkey, Mr. John Ashe Mr. Jeremiah Vail, Mr. Corn: Harnett and Mr. James Macklewean.

Mr. Caleb Howell moved for leave to bring in a Bill to Erect a Town in Anson County. Ordered he have leave and that he prepare and bring in the same.

The House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

Mr. Clark laid before this House the Petition of Several of the Inhabitants of Bladen County, and moved the same be Read.

Ordered, The said Petition be Read.

Read the same which sets forth the many and Great Hardships the Inhabitants of the said County Endure by Reason of the great Distance many of them live from the Court House of the s^d County. Praying

a Bill may be brought in to Erect part of the said County of Bladen into a County.

Mr. Bartram moved for leave to bring in a Bill agreeable to the Prayer of the Petition.

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

Mr. Brice produced a certificate from the Court of Duplin County setting forth that Allan Ramsey is a poor man and recommending to this House that he be discharged from paying Publick Levies.

Ordered he be Exempt accordingly.

The House adjourned till to-morrow morning 9 o'clock.

Saturday the 23rd of February 1754. The House met according to adjournment.

Ordered the Engrossed Address of this House be read. Read the same.

Resolved the same be presented to his Honor the President.

Ordered that Mr. Ashe and Mr. Harnett wait on his Honor the President and acquaint him this House is ready to present the Address thereof to him and desire to know when His Honor will be pleased to receive the same.

Mr. Ashe and Mr. Harnett returned and acquainted this House that His Honor would receive the s^d Address in half an hour. His Honor the President sent a message to this House Commanding the Immediate attendance thereof in the Council Chamber.

The House in a full Body waited on his Honor the President in the Council Chamber where Mr. Speaker Presented him with the following address, (Viz)

To the Honorable Mathew Rowan Esq, President and Commander in Chief in and over His Majesty's province of North Carolina.

The Humble Address of the General Assembly of the s^d Province

MAY IT PLEASE YOUR HONOR,

The late behaviour of the French in our Neighbouring Colony of Virginia which your Honor in your Speech at the opening of this Session and the Papers laid before us inform us of must fire the Breast of every true Lover of his Country with the warmest Resentments, That this restless nation now in the time of a General Peace in Europe should dare to seize the Persons and Effects of his Majestys Subjects, And in an Hostile Manner Invade the Lands for many years past in actual Possession of British Subjects in Virginia, and there Erect a strong fort and place a Garrison not only to secure what they have so unjustly possessed

themselves of but Perhaps in order to make further Encroachments on the undoubted rights of Britain certainly Calls for a speedy Remedy, and as we know not how soon our own frontier may be disturbed by this Formidable Neighbour or the Indians under their directions in which case we might reasonably expect the Friendly assistance of our Neighbouring Provinces.

We are therefore resolved according to His Honor the Governor of Virginia his Request and his Majestys Commands to furnish as many forces as we can conveniently spare towards this so necessary an Expedition, and as the Enlisting a number of Volunteers and Subsisting them while in this Province must necessarily cause a great Expence which we at present have no fund to defray we shall therefore consider of such ways and means Immediately to supply the Treasury as the Circumstances of our Constituants will admitt and wherewith we doubt not of meeting your Honors ready Concurrence.

We assure your Honor that tho' there are many other matters that merit our Serious attention, would the near approach of the General Court at New Bern where many of us must necessarily attend allow time, Yet we shall in our Deliberation on this Pressing occasion prefer this Important affair you have recomended to us The speedy doing of which will be a fresh Instance of our Duty to his Majesty and Zeal for his Service as well as the care we have to preserve the peace happiness and safety of all his Majesty's subjects on the Continent, Especially our Constituents the free people of this Province

SAMUEL SWANN, Speaker.

Feb 23rd 1754.

The House adjourned till Monday morning 10 o'clock.

Monday the 25th of February 1754. The House met according to adjournment.

Mr. Starkey moved that a Committee be appointed to examine State and Settle the Publick Accounts of this Province and the following Persons were accordingly appointed (Viz:) Mr. Jer: Vail Mr. John Ashe & Mr. Cor: Harnett.

Mr. Starkey also moved that a Committee be appointed to settle and allow Public Claims and the following persons were accordingly appointed, (Viz:) Mr. Starkey, Mr. Brice, Mr. Howell, Mr. Clark and Mr. Houston.

Ordered a Message be sent to the Council

Sent the following message to the Council (Viz:)

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL.

This House have appointed the following Members, Committees of Accounts and Claims, (Viz:)

Mr. Vail, Mr. Ashe, and Mr. Harnett on the Publick Accounts.

And Mr. Starkey, Mr. Brice, Mr. Howell, Mr. Clark and Mr. Houston on the Publick Claims, in conjunction with such of your Members as your Honors shall think fit to appoint.

SAMUEL SWANN, Speaker.

Sent the above Message by Mr. Harnett & Mr. Ashe.

The House adjourned till 10 o'clock to-morrow Morning.

Tuesday the 26th of February 1754. The House met according to adjournment.

Mr. Starkey from the Committee appointed to bring in a Bill for Granting to His Majesty the Sum of Forty Thousand pounds and for Stamping and Emitting the said Sum of Forty Thousand pounds (and so forth) Reported that the Committee had prepared the said Bill which he laid before the House.

Ordered the same be Read.

Read the same.

Ordered the same pass and be sent to the Council.

Mr. Starkey moved for leave to bring in a Bill for continuing the several acts of Assembly therein mentioned.

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

Mr. Starkey brought in the above s^d Bill which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the above Bills to the Council by Mr. Dixson and Mr. Brandon.

Mr. Carter moved for leave to bring in a Bill to alter the times of holding the Courts of Orange, Rowan and Bladen Counties.

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

Mr. Carter brought in the above s^d Bill which he Read in his place.

Ordered the same pass and be sent to the Council.

Mr. Howell moved for leave to bring in a Bill for appointing and laying out a Town on the Land of John Jenkins on the South side of Pee Dee River in Anson County and for other purposes therein mentioned.

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

Mr. Howell brought in the said Bill which he Read in his place.

Ordered the same pass and be sent to the Council.

Mr. Dixson moved for leave to bring in a Bill to appoint a proper and Convenient place for holding the County Court of Orange and to Impower the Commissioners hereafter named to build a Court House prison and stocks in the said County.

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

Mr. Dixson brought in the said Bill which he Read in his place.

Ordered the same pass and be sent to the Council.

Sent the above three Bills to the Council by Mr. Dixson and Mr. Cartér.

Received from the Council the following Message (viz:)

MR. SPEAKER AND GENTLEMEN,

This House having taken under their consideration the message of this day relative to the appointment of Committees of Publick accounts and claims have thought fit to appoint the following Gentlemen to joyn those of your House (to wit)

The Honorable James Hasell and Lewis De Rossett Esq^{rs} on the Publick accounts, and the Honorable James Innes and John Swann Esq^{rs} on the Claims.

Received from the Council the following Bills (viz:)

The Bill for Granting to his Majesty the Sum of Forty Thousand pounds and for stamping and Emitting the said sum (and so forth)

And the Bill to continue the Several Acts therein mentioned. Endorsed February 26th 1754 In the Upper House read the first time and passed.

The House adjourned till to-morrow 9 o'clock.

Wednesday the 27th of February 1754 The House met according to adjournment.

Ordered the Bill for Granting to His Majesty the sum of Forty Thousand pounds and for stamping and Emitting the s^d sum (and so forth) be Read.

Read the said Bill

Mr. Starkey moved that the House resolve into a Committee of the whole House to Debate on the Subject matter of the said Bill and was seconded.

The House Resolved into a Committee of the Whole House and appointed Mr. James M^cLewean Chairman who Ordered that the said Bill be read in the said Committee.

Read the said Bill in the s^d Committee after some time spent, The Committee proposed several amendments to the said Bill.

Then Mr. Ashe one of the Committee moved that Mr. Speaker resume the Chair and that Mr. Chairman report to the House the several amendments proposed by the Committee.

Mr. Speaker resumed the chair.

Mr. Chairman Reported that the Committee had proposed several amendments to the said Bill, which he produced to which the House agreed and Ordered the said Amendments to be Incerterd in the said Bill—which are accordingly done.

The House adjourned till to-morrow 8 o'clock.

Thursday the 28th day of February 1754. The House met according to adjournment.

Received from the Council the Bill for appointing and laying out a Town in Anson County.

The Bill to alter the time of holding the Courts of Orange, Rowan and Bladen Counties.

And the Bill to appoint and lay out a place for holding the County Court of Orange. Endorsed Feb: 27th 1754. In the Upper House read the first time. Passed with amendments.

Mr. M^cLewean moved that the Bill for granting to His Majesty the sum of Forty Thousand pounds, and for Stamping and Emitting the said sum (and so forth) be read the second time with the amendments, proposed by the Committee incerted by the House.

Read the said Bill with the amendments the second time and passed.

Ordered the same be sent to the Council.

Ordered the Bill for continuing the several Acts therein mentioned be Read the second time. Read the said Bill the second time and amended the same.

Ordered the same passed with amendments, and be sent to the Council.

Sent the above two Bills to the Council by Mr. M^cLewean and Mr. Harris.

Mr. Brice moved for leave to bring in a Bill to amend an Act Entituled an Act to appoint a place for holding the County Court of Duplin and to Impower the Commissioners therein named to build a Court House prison and Stocks in the said County and for enlarging the bounds thereof.

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

Mr. Brice brought in the aboves^d Bill which he read in his place.

Ordered the same passed and be sent to the Council.

Sent the same to the Council by Mr. Bryan and Mr. Howell.

Mr. Harnett moved the following Bills be Read a second time (to wit)

The Bill to appoint a convenient place for holding the County Court of Orange, (and so forth)

The Bill to alter the time of holding the Courts of Orange, Rowan and Bladen Counties (and so forth)

The Bill for appointing and laying out a Town in Anson County &c. Ordered the said Bills be read a second time.

Read the said Bills a second time and passed with amendments.

Ordered the said Bills be sent to the Council.

Sent the said Bills to the Council by Mr. Bryan and Mr. Howell.

Received from the Council the Bill for continuing the several Acts therein mentioned. Endorsed Feb: 28th 1754. In the Upper House, read the second time and passed with amendments.

Mr. Harris moved for leave to bring in a Bill for Erecting the Upper part of Johnston County and the lower part of Orange County into a County and parish by the Name of County and Parish &c.

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

Mr. Harris brought in the aboves^d Bill which he read in his place.

Mr. Bartram brought in a Bill to Divide Bladen County into a County and Parish by the name of Cumberland County, and Saint David's Parish &c. Which he read in his place.

Mr. Vail moved for leave to bring in a Bill to Impower the Justices of Craven County to sell the lott whereon the Court House now stands in New Bern.

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

Mr. Vail brought in the aboves^d Bill which he read in his place.

Mr. Harnett moved for leave to bring in a Bill for the further and better regulation of the Town of Wilmington and for Repealing the several Acts therein mentioned.

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

Mr. Ashe moved for leave to bring in a Bill to appoint and lay out a Town on the Plantation of Henry Skibbow on the East side of the North East Branch of Cape Fear River at a place called the Sand Hill and to appoint an Inspector in the said Town and other purposes therein mentioned.

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

Mr. Ashe brought in the said Bill which he read in his place.

Mr. Ashe moved for leave to bring in a Bill for appointing Commissioners of the Roads for the South West District of New Hanover County.

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

Mr. Ashe brought in the aboves^d Bill which he read in his place.

Mr. Ashe moved for leave to bring in a Bill for granting unto the Town of Brunswick, the Priviledge of Choosing and sending a representative to sit and vote in the General Assembly.

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

Mr. Ashe brought in the aboves^d Bill which he read in his place.

Ordered the above Seven Bills pass and be sent to the Council.

Sent the above Seven Bills to the Council by Mr. Bryan and Mr. Howell.

The House adjourned till 3 o'clock afternoon

P. M. The House met according to adjournment.

Mr. Ashe moved for leave to bring in a Bill for an Additional Act to an Act Intituled an Act for Impowering the several Commissioners herein after named to make, mend and repair all Roads, Bridges cuts and water courses allready made &c.

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

Mr. Ashe brought in the aboves^d Bill which he read in his place.

Mr. Harnett moved for leave to bring in a Bill for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the several Districts to make roads to the same

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

Mr. Harnett brought in the said Bill which he read in his place.

Ordered the above two Bills pass and be sent to the Council.

Sent the above two Bills to the Council by Mr. Ashe and Mr. Harnett.

Mr. Carter moved that the Petition (sent to this House from the Council) from the Inhabitants of the North side of the Yadkin River in Rowan County Praying the Removal of the Court House of the County may be Read.

Ordered the same be read.

Read the same.

Mr. Houston moved for leave to bring in a Bill pursuant to the prayer of the said Petition.

Mr. Carter objected thereto.

Mr. Houston moved that the Petitioners be heard by their Council to-morrow morning.

Resolved That the Petitioners be heard by their Council to-morrow morning at the Barr of this House.

Received from the Council the Bill for the further and better regulation of the Town of Wilmington and for Repealing the several acts therein mentioned.

Endorsed February the 28th 1754. In the Upper House read the first time and passed with amendments.

The House adjourned till to-morrow morning 9 o'clock.

Friday the 1st of March 1754. The House met according to adjournment.

Received from the Council the following Bills (viz:)

The Bill to amend an Act Intituled an Act to appoint a convenient place for holding the County Court of Duplin.

The Bill to Impower the Justices of Craven County to sell the Lott whereon the Court House now stands in New Bern &c.

The Bill to regulate the freight on Cape Fear River.

The Bill for appointing Commissioners of the Roads for the South West District of New Hanover County.

The Bill to Divide Bladen County into a County and Parish &c.

The Bill for Granting unto the Town of Brunswick the Priviledge of choosing and sending a Representative to sit and vote in the General Assembly.

And the Bill for appointing the several persons therein mentioned &c Endorsed Feb: 28th 1754 In the Upper House read the first time and passed

The Bill to alter the time of holding the Courts of Orange, Rowan and Bladen Counties. Endorsed Feb 28th 1754 In the Upper House read the second time and passed with amendments.

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow on the East side of the North East Branch of Cape Fear River &c.

And the Bill for an additional Act to an Act for Impowering the Several Commissioners herein after named to make, mend and repair all Roads, Bridges &c.

Endorsed Feb: 28th 1754 In the Upper House read the first time and passed with amendments.

Mr. Houston moved that the petitioners petitioning to have the Court House of the County of Rowan removed, have notice agreeable to the resolve of yesterday that this House is ready to hear them by their Council.

The Petitioners by their Council George Nicholas Esq. appeared and after having spoken in support of the said Petition withdrew.

After Several Arguments pro or Con the s^d Petition

Mr. Starkey moved that the Consideration of the Petition be postponed untill the next Session of Assembly and that in the mean time the money allready collected, Except so much thereof as hath been allready expended be and remain in the hands of the Commissioners

appointed by the Justices to receive the same until they shall have the further order of this House directing the application thereof.

Resolved, That the money collected by the Inhabitants of Rowan County for building a Court House prison and Stocks in the said County be and remain in the hands of the Commissioners appointed by the Justices of the said County to receive the same except so much thereof as hath been already expended ab^t the said Court House prison and Stocks until they shall have the further order of the General Assembly directing the application thereof.

Ordered, That a message be sent to the Council regarding the removal of the Court House in Rowan County, together with the petition of the Inhabitants of the North side the Yadkin River in Rowan County, and the resolve of this House thereon.

Sent the said Message, Petition, and Resolve to the Council by Mr. Dixon and Mr. Bartram.

Mr. Starkey moved that this House resolve that his Honor the President be paid the sum of One Thousand, Three Hundred and Thirty Three pounds, Six Shillings and Eight Pence Proclamation money for his Trouble and expences in attending the Several Assemblys and Charges of Expresses since his being President and Commander in Chief in and over this Province—which was put to the vote and carried in the affirmative.

Ordered The Bill for Continuing the several Acts therein mentioned, be read the third time.

Read the said Bill the third time and pass with amendments.

Ordered the same be sent to the Council.

Sent the said Bill to the Council by Mr. Harnett and Mr. Carter.

Ordered, That the Bill for the further and better Regulation of the Town of Wilmington, and for repealing the several Acts therein mentioned &c, be read the second time.

Read the said Bill a second time

Mr. Starkey moved that the House Resolve into a Committee of the Whole House to debate on the several matters in the said Bill contained.

Resolved, That the House resolve into a Committee of the Whole House for the Purposes aforesaid.

The House resolved into a Committee of the Whole House and Mr. Macklewean being sick, Mr. Starkey is appointed Chairman.

After some time spent therein several amendments to the said Bill were proposed by the Committee. Then Mr. Harnett moved that Mr. Speaker resume the Chair.

Mr. Speaker Resumed the Chair.

Mr. Chairman Reported that the Committee had proceeded on the said Bill, and proposed several amendments thereto, which he layed before the House, and to which the House agreed, And ordered that the said amendments be Incerted and that the said Bill pass with such amendments, and be sent to the Council.

Incerted the said amendments, and sent the said Bill to the Council by Mr. Harnett and Mr. Carter.

The House adjourned till 3 o'clock afternoon

P. M. The House met according to adjournment.

Mr. Ashe moved that the following Bills be read a second time.

Read the following Bills a second time (viz:)

The Bill to amend an Act Intituled an Act to appoint a Convenient place for holding the County Court of Duplin, and amended the same.

The Bill to Impower the Justices of Craven County to sell the lott whereon the Court House stands in New Bern and amended the same.

The Bill for appointing Commissioners of the Roads for the South West District of New Hanover County, and amended the same.

The Bill to Divide Bladen County into a County and Parish by the name of Cumberland County and Saint David's Parish and amended the same.

The Bill for granting to the Town of Brunswick the priviledge of choosing and sending a Representative to sit and vote in the General Assembly and amended the same.

The Bill for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the several Districts to make Roads to the same, and amended the same.

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow on the East side of the North East Branch of Cape Fear River &c, and amended the same.

The Bill for an Additional Act to an Act for Iⁿ powering the several Commissioners herein after named to make, mend and repair all roads, Bridges &c, and amended the same.

Ordered, The said Eight Bills pass with the said amendments.

The House adjourned till to-morrow 8 o'clock.

Saturday the 2nd of March 1754. The House met according to adjournment.

Received from the Council the Bill for the further and better regulating the Town of Wilmington (and so forth) Endorsed March the 1st 1754 In the Upper House read the second time and passed with amendments.

And the Bill for Granting to His Majesty the sum of Forty Thousand Pounds, and for Stamping and Emitting the said Sum &c Endorsed March 1st 1754 In the Upper House, read the second time and passed with amendments.

Ordered the Bill to alter the time of holding the Courts of Orange, Rowan and Bladen Counties be read a second time

Read the said Bill a second time and passed with amendments.

Ordered the same be sent to the Council.

Sent the above Bill to the Council by Mr. Bartram and Mr. Dixon.

Mr. Houston produced a certificate from the County Court of Duplin thereby certifying that John George Burlee is a poor sickly and decrepid man and therefore recommended by the said Court to be exempt from paying Levies and Taxes.

Ordered he be exempt accordingly.

Received from the Council the following Bills (viz:)

The Bill to Impower the Justices of Craven County to sell the lott whereon the Court House stands in New Bern.

The Bill for an additional Act to an Act Intituled an Act for Impowering the Several Commissioners herein after named to make, mend and repair all Roads, Bridges &c.

The Bill to appoint a Convenient place for holding the County Court of Orange &c.

Endorsed March the 2nd 1754 In the Upper House read the second time and passed.

The Bill for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the Several Districts to make Roads to the same.

The Bill for Granting to the Town of Brunswick priviledge of choosing and sending a Representative &c.

The Bill for appointing Commissioners of the Roads for the South West District of New Hanover County.

The Bill to amend an Act Intituled an Act to appoint a Convenient place for holding the County Court of Duplin &c.

The Bill to Divide Bladen County into a County and Parish by the name of Cumberland County &c.

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow, on the East side of the North East Branch of Cape Fear River &c.

Endorsed March the 2nd 1754 In the Upper House, Read the second time and passed.

The House adjourned till Monday morning 10 o'clock.

Monday the 4th of March 1754 The House met according to adjournment.

The House adjourned till to-morrow 9 o'clock.

Tuesday the 5th of March 1754. The House met according to adjournment.

Received from the Council the Bill for appointing and laying out a Town in Anson County. Endorsed 4th March 1754. In the Upper House Read the second time and passed.

And the Bill to alter the time of Holding the Courts of Orange Rowan and Bladen Counties &c. Endorsed 4th March 1754. In the Upper House Read the third time and passed.

Ordered to be Engrossed.

Ordered the following Bills be read, (to wit)

The Bill for Granting unto His Majesty the sum of Forty Thousand Pounds and for Stamping and Emitting the said sum &c. and amended the same.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Harnett and Mr. Brice.

The Bill to Impower the Justices of Craven County to sell the lott whereon the Court House now stands in New Bern and amended the same.

The Bill for the further and better Regulating the Town of Wilmington and for Repealing the Several Acts therein mentioned and amended the same

The Bill to amend an Act Intituled an Act to appoint a place for holding the County Court of Duplin &c.

The Bill for appointing Commissioners of the Roads for the South West District of New Hanover County and amended the same.

The Bill to appoint and lay out a Town on the Plantation of Henry Skibbow on the East side of the North East Branch of Cape Fear River &c. and amended the same.

The Bill for appointing the several ferrys therein mentioned and for obliging the Commissioners of the several Districts to make Roads to the same.

Read the above Bills a third time.

Ordered they pass as amended and be sent to the Council.

Sent the above six Bills to the Council by Mr. Harris and Mr. Brandon.

The House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

Ordered the following Bills be read a third time.

Read the following Bills a third time (viz:)

The Bill to appoint a convenient place for holding the County Court of Orange &c.

The Bill for Granting unto the Town of Brunswick the priviledge of choosing and sending a Representative to sit and vote in the General Assembly.

The Bill for appointing and laying out a Town in Anson County &c.

The Bill to Divide Bladen County into a County and Parish by the name of Cumberland County &c.

Ordered the said Bills pass and be sent to the Council.

Sent the above four Bills to the Council by Mr. Dixon and Mr. Carter.

Received from the Council the Bill to Impower the Justices of Craven County to sell the Lott whereon the Court House now stands in New Bern. Endorsed March the 5th 1754 In the Upper House read the third time and passed.

Ordered to be Engrossed.

The House adjourned till 8 o'clock to-morrow morning.

Wednesday the 6th of March 1754. The House met according to adjournment.

Received from the Council the following Bills, (viz:)

The Bill for granting unto the Town of Brunswick the priviledge of choosing and sending a Representative to sit and vote in the General Assembly &c.

The Bill to appoint a Convenient place for holding the County Court of Orange.

The Bill for appointing Commissioners of the Roads for the South west District of New Hanover County.

The Bill for laying out a Town in Anson County &c.

The Bill to Divide Bladen County into a County and parish by the name of Cumberland County (and so forth.)

The Bill for the further and better regulating the Town of Wilmington &c.

The Bill to amend an Act Intituled an Act to appoint a place for holding the County Court of Duplin &c.

The Bill for appointing the Several Ferrys therein mentioned, and for obliging the Commissioners of the Several Districts to make roads to the same.

The Bill to appoint and lay out a town on the Plantation of Henry Skibbow on the East side of North East Branch of Cape Fear River.

And, The Bill for an additional Act to an Act Intituled an Act for Impowering the several Commissioners hereafter named to make, mend and repair Roads, Bridges Cuts &c. Endorsed March the 5th 1754 In the Upper House read the third time and passed.

Ordered to be Engrossed.

The House adjourned till to-morrow 9 o'clock.

Thursday, the 7th of March 1754. The House met according to adjournment.

Received from the Council the following message (viz:)

March 7th 1754.

MR. SPEAKER AND GENTLEMEN,

On reading a third time the Bill for Granting unto His Majesty the sum of Forty Thousand Pounds &c. We find it necessary to propose several amendments which we apprehend will be easiest considered in a Committee of both Houses, that such amendments as shall be agreed to by the Committee and afterwards consented to and approved by both Houses may be Incerted in the Bill, we propose the meeting to be in the Great room at Mr. Toomers if you concur.

Sent the above message to the Council by Mr. Dixon and Mr. Harnett. Endorsed, Concurred with

By Order SAM'L SWANN, Speaker
W^m HERRITAGE C^{lk}.

Mr. Starkey Chairman of the Committee of Claims, reported that the said Committee had settled and allowed Sundry claims which are ordered to be read.

Read the same and after several amendments, made therein by the House, Ordered the same be sent to the Council for Concurrence.

Sent the same to the Council for Concurrence by Mr. Houston and Mr. Bartram.

The House adjourned till 5 o'clock in the afternoon.

P. M. The House met according to adjournment

The House adjourned till to-morrow 9 o'clock.

Friday the 8th of March 1754. The House met according to adjournment.

Received from the Council the Bill to encourage men to enlist for the assistance of Virginia against the French and Indians who have Invaded their Western Settlements.

Mr. Jeremiah Vail Chairman of the Committee of Publick accounts, reported that the said Committee had examined stated and settled the Publick accounts of this province which are ordered to be read.

Read the same.

Ordered the same be sent to the Council for Concurrence.

Sent the same to the Council by Mr. Clark and Mr. Carter.

The House adjourned till to-morrow morning 8 o'clock.

Saturday the 9th of March 1754. The House met according to adjournment.

Received from the Council the Bill for Continuing the several acts therein mentioned. Endorsed, In the Upper House, read the third time and passed.

Ordered to be Engrossed.

His Honor the President sent a message to this House desiring the attendance thereof in the Council Chamber with what Bills are Engrossed.

The House in a full body waited on His Honor the President When Mr. Speaker Presenting the following Bills (to wit)

The Bill for Granting unto his Majesty the Sum of Forty Thousand Pounds and for stamping and Emitting the same &c

The Bill for Continuing the several accounts therein mentioned.

The Bill for the further and better regulating the Town of Wilmington and for repealing the several Acts therein mentioned.

The Bill to appoint and lay out a Town on the plantation of Henry Skibbow on the East side of the North East branch of Cape Fear River &c

The Bill for an additional Act to an Act Intituled an Act for Impowering the Several Commissioners herein after named, to make, mend and repair all roads Bridges Cuts and Water Courses.

The Bill for appointing Commissioners of the Roads for the South West District of New Hanover County.

The Bill for Granting unto the Town of Brunswick the Priviledge of choosing and sending a Representative to sit and vote in the General Assembly.

The Bill to Impower the Justices of Craven County to sell the Lott whercon the Court House stands in New Bern.

The Bill to Divide Bladen County into a County and Parish by the name of Cumberland County and St David's Parish.

The Bill to amend an Act Intituled an Act to appoint a convenient place for Holding the County Court of Duplin &c.

The Bill to appoint a convenient place for Holding the County Court of Orange

The Bill for appointing and laying out a Town in Anson County.

The Bill to alter the time of holding the Courts of Orange, Rowan and Bladen Counties.

To which said thirteen Bills His Honor was pleased to assent.

Resolved the following messages be sent to His Honor the President (viz:)

MAY IT PLEASE YOUR HONOR

The Bill to Divide Bladen County into a County by the name of Cumberland County—and

The Bill for Granting unto the Town of Brunswick the Priviledge of choosing and sending a representative to sit and vote in the General Assembly having this day passed into an Act,

This House therefore desires your Honor will be pleased to Direct the Clerk of the Crown to Issue Writs to elect representatives for the said County and Town duly qualified to sit and vote in this present General Assembly By order.

SAMPL SWANN, Speaker

W^m HERRITAGE, C^{lk}.

March 9th 1754.

Pursuant to the motion of Mr. Starkey of the first Instant the House resolved

That the sum of One Thousand Three Hundred and Thirty Three Pounds Six Shillings and Eight Pence Proclamation money be paid by the Treasurer of the Southern District out of the money he shall receive from the Commissioners for Stamping and Emitting the sum of Forty Thousand Pounds to the Honorable Mathew Rowan Esq President and Commander in Chief in and over this Province as a Compensation for his Trouble and expences in attending several Assemblies and other Services for the Benefit of this Province.

SAMPL SWANN, Speaker

By order WILLIAM HERRITAGE C^{lk}

Sent the above resolve to His Majesty's Honorable Council for Concurrence by Mr. Harnett and Mr. Brice.

Received the above message from the Council. Endorsed March 9th 1754. In the Upper House Concurred with.

Jas. Murray President sent to the Council the Estimate of the allowances due and payable to the Members of this House Clerk and officers thereof this present Session for Concurrence.

Ordered the following message be sent to the Council (to wit:)

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL

The Chairman of the Committee of Publick accounts having reported to this House that he hath received the sum of Three Hundred and Thirty Seven Pounds Seventeen Shillings and Three Pence Proclamation Bills—and also the Chairman of the Committee of Publick Claims, Reports that he hath received the sum of Seven Pounds, Sixteen Shillings and six Pence old Bills by way of Claims both which sums are to be applied for sinking the Present Currency and by Law ought to be Burnt.

Therefore this House have appointed a Committee of the whole House in conjunction with such of your Honours as you shall think fitt to see the same Burnt this afternoon.

W^m HERRITAGE C^{lk}
9th March 1754.

By order
SAM'L SWANN, Speaker

Received from the Council the Reports of the Committees of Publick Accounts and Claims. Each Endorsed 9th March 1754.

The foregoing Reports of the Committees of Accounts and Claims was perused approved and concurred with.

JAS. MURRAY, President.

Resolved that the Publick Debts as well those now as those allowed by former Assemblys allready upon the Estimates and Claims as also the Sum of One Thousand Three Hundred Thirty Three Pounds, Six Shillings and Eight Pence now voted to His Honor the President by both Houses and a sum sufficient to pay the Salary and Extra Charges of the Agent to Solicit the affairs of the Province at the several Boards in England be paid and satisfied out of the sum of Four Thousand and Two Hundred Pounds part of the Bills to be Emittted and applied for and towards paying the Publick Debts of this Province by an Act passed this Session of Assembly, Intituled an Act for Granting unto His Majesty the sum of Forty Thousand Pounds and for Stamping and Emitting the said sum, and that the remainder of the same shall be applied towards payment of the Arrears of Salary due to His Majesty's Chief Justice and Attorney General of this Province, and the Sums so to be paid to the said Chief Justice and Attorney General shall be replaced in the Treasury out of the moneys to be paid in by the Circuit Tax.

By Order SAM'L SWANN, Speaker

W^m HERRITAGE C^{lk}
9th March 1754.

Resolved, That the Publick Treasurers pay by Warrant from His Honor the President or Commander in Chief for the time being to the Commanding Officer (or his order) of the Forces to be raised in this Province for the Present Expedition against the French and Indians at Ohio, the money remaining in their hands for the use of the Several Forts respectively and that the same be replaced in the Treasury for the use of the said Forts out of the twelve Thousand Pounds to be stamped and Emitted in Virtue of an Act (passed this session of Assembly) Intituled an Act for Granting unto His Majesty the Sum of Forty Thousand Pounds &c and applied for raising and subsisting the said Forces.

SAM'L SWANN, Speaker

By Order WILLIAM HERRITAGE, C^{lk}
9th March 1754

Sent the above Resolve by Mr. Harris and Mr. Brandon to the Council for their Concurrence.

Received the above Resolves from the Council. Endorsed, Concurred with
JAS. MURRAY President

In Pursuance of the message of this day to the Council, regarding Burning the Bills, a Committee of both Houses met and burnt the same, that is to say the Sum of Three Hundred and Thirty Seven Pounds, Seventeen Shillings and Three Pence Proclamation Bills, and Seven Pounds Sixteen Shillings and six Pence old Bills.

His Honor the President sent a message to this House requiring the Immediate attendanee thereof in the Council Chamber.

The House in a full body waited on his Honor the President in the Council Chamber, when His Honour was pleased to Prorogue this Assembly untill the Second Tuesday in June next to be then held at New Bern

The House returned and Mr. Speaker Pronounced the Prorogation accordingly.

Test. W^m HERRITAGE, Clk. General Assembly.

NORTH CAROLINA—SS.

An Estimate of the allowances due and payable to the several Members of the General Assembly held at Wilmington in February and March, in the Year of our Lord, One Thousand, Seven Hundred and Fifty Four (N. S.) and to the Clerk and other Officers of the said Assembly.

Samuel Swann Esq. Speaker	4	19	23	0	"	4	"	0	8	16
Mr. John Starkey	4	19	23	0	"	2	"	0	8	14
Mr. John Ashe	2	19	21	0	"	4	"	0	8	1
Mr. Joseph Clark	4	19	23	0	"	5	"	4	8	17
Mr. James Macklewean	8	19	27	0	"	3	"	4	10	5
Mr. Francis Brice	4	19	23	0	"	2	"	0	8	14
Mr. William Houston	4	19	23	0	"	2	"	0	8	14
Mr. Josiah Dixon	14	19	33	0	"	6	"	0	12	13
Mr. Jeremiah Vail	8	19	27	0	"	2	"	0	10	4
Mr. William Bartram	4	19	23	0	"	5	"	4	8	17
Mr. Charles Robinson	12	19	31	0	"	6	"	0	11	18
Mr. Caleb Howell	12	19	31	0	"	6	"	8	11	19
Mr. Cornelius Harnett	2	19	21					Nil	7	17
Mr. James Carter	14	19	33	0	"	6	"	0	12	13
Mr. John Brandon	14	19	33	0	"	7	"	4	12	14
Mr. Robert Harris	12	17	31	0	"	2	"	8	11	15
Mr. Joseph Bryan	8	17	25	0	"	4	"	8	9	12
W ^m Herritage clerk	8	19	27	0	"	4	"	0	14	12
Alex. M ^c Coy Messenger	—	19	—					Nil	5	16
Henry Irby, door keeper	—	19	—					Nil	5	16
									£198	16

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL

The above is an Estimate of the allowance due and payable to the Members of the General Assembly agreed to by the said Assembly and Desire your Honours Concurrence thereto.

By Order SAMUEL SWANN Speaker

W^m HERRITAGE Clk.

Received the above Estimate from the Council. Endorsed March 9th 1754. In the Upper House Concurred with

JAS. MURRAY, President.

Test: W^m HERRITAGE Clk. General Assembly.

NORTH CAROLINA

At an Assembly held at Newbern the Twelfth day of December in the year of our Lord seventeen hundred and fifty four and in the twenty eighth year of our sovereign Lord George the second by the Grace of God of Great Britain, France and Ireland King defender of the Faith &c. and continued by Prorogation and adjournment until this fourteenth of December 1754.

Saturday Dec^r 14th 1754 In the Upper House
Present

The Hon ^{ble}	{	Mathew Rowan	John Swann	} Esq ^{rs} Members.
		James Murray	John Dawson	
		James Hasell	Lewis De Roset	
		Francis Corbin		

Rich^d Spaight produced his Commission from the Gov^r empowering him to act as Clerk of the Upper House of Assembly and took the oath by law directed for Publick Officers and subscribed the Declaration.

His Excellency Arthur Dobbs Esq^{re} Cap^t General Gov^r and Commander in chief in and over this Province came to this House and sent a message to the Lower House and Commanded their immediate attendance Whereupon the Speaker attended by the Lower House waited on his Excellency in the Council Chamber where he was pleased to make to both Houses the following speech.

GENTLEMEN OF HIS MAJESTIES COUNCIL, MR. SPEAKER AND GEN^l
OF THE ASSEMBLY

His Majesty having been Graciously pleased to Honour and Intrust me with the Government of this Province, have taken the earliest opportunity of meeting with you in full Assembly to Consult you upon what may tend to the peace, Happiness Increase and Improvement of this Province and to Consider the proper laws to secure the Rights and properties and improve the Trade of this Colony; And to unite the affections of all the members of the society that all may concur in promoting your wealth and happiness as the first and greatest principal, and foundation of all social Happyyness is the Knowledge of True Religion and the practice of Morality & Virtue to Know Love and Adore the divine Being as we ought and to obey the Precepts he has revealed to us so I think it my Duty, In the first place to Recommend to you the providing a Proper fund, to support a sufficient number of Learned Pious Clergymen to reside in the Province and to accommodate with Houses Glebes and Parish Clerks to enable them to instruct the Inhabitants and the rising generation in the Principles of true Religion & Virtue in such a prudent manner without Tyths, as to Prevent Contests and preserve a harmony betwixt the Clergy and the Laity, that their interest may be the same and they may have leisure as well as Inclination to Instruct their flock in Christian Principles.

Next to this in Duty to his Majesty who like a Beneficent Father has given to this Colony a Permanent property In their Lands reserving to himself a very small acknowledgement of Quit Rents, who has Protected it in its Infant state from all foreign Insults and has maintained and

supported it in all its Civil and Religious rights and Priviledges by a true Christian Liberty of Conscience and in the Happiest Constitution on the Globe; I must earnestly recommend to you that in return for his Majesty's paternal Care you make an effectual law of the speedy and easy Collection of the Quit Rents which his Majesty has been Graciously pleased to Apply for the ease of this Colony towards the discharge of a Great arrear due to the Officers of this Establishment and towards their Annual support who are necessary to support your Peace and to have Justice Impartially distributed in the Province This in Justice to yourselves as well as in Gratitude to the best of Princes who is not only the Father of his people but the benefactor of Mankind; I'm Convinced you will readily agree to—After these I must recommend to your Consideration the making effectual Laws to secure your Peace and Properties and to obtain your rights; and to have Justice distributed in the easiest and speediest manner without dilatory law proceedings, & also Laws to promote Trade, and industries; in order to support your credit at Home, & abroad by making effectual Laws to recover just Debts, without Chicanery or Delay and all small Debts in a summary way, which will promote Economy and Industry & Prevent indolence and stealth. Since a paper currency has been found Beneficial hitherto for the want of Bullion or Coin I must recommend to you keeping up your paper credit by making your Paper Bills a Permanent fund of credit upon Land security by a loan office, and to provide a sufficient sum to pay off and cancel the Bills of Credit already Issued—In a short time, a plan of which shall be Communicated to you this with a General Inspection law and employing Inspectors In all your sea Ports, to view and support the credit of y^r Exports, and a proper Economy with Industrie, must necessarily occasion a Balance In your favour and consequently a return in Gold or silver and will Demonstrate that honesty in trade as well as in all other dealings is the best Policy. The extending your trade into the Continent and our Colonies into the fine Countries beyond the Mountain, being of the utmost consequence; to this and all our Colonies, I must earnestly recommend it to you to make a law to lay our Indian traders under proper regulations and to promote an Intimacy, and friendship and living in Harmony with our Indian Neighbours and Allies that we may be enabled to Civilize and make them Industrious and to Incorporate with them by Carrying on an equitable trade with them and treating them with Christian Benevolence. this at least we owe to them upon Aect of Possessing their Happy Climate and Country, & we shall not only Profit by their trade but make them our steady friends and by extending our alliance to distant Nations we

may enlarge our trade over the whole Northern Continent and form an Impregnable Barrier against our ever active enemies the French who in time of profound peace have not only headed their Indian Allies and have prevailed with them to make depredations Massacre in cold blood and scalp several of the Inhabitants of this and our other Colonies, but have entered with an armed force and have erected forts in the Counties belonging to his Majesty, as well as of our Indian allies and therefore I'm commanded by his Majesty to recommend it to you in the strongest manner to provide a supply to assist the Colony of Virginia whose country is invaded and his Majesties troops slaughtered for endeavouring to repel these Invaders. The fire which has caught your Neighbours house has lately spread into your own, your religion Liberty and property are all at stake if [not] repelled & drove back to their Inhospitable Colonies, But as this subject is of the utmost importance and it will be tedious to explain the French plan calculated for the ruin of Britain and these Colonies at this time; as soon as you fall upon business I shall lay it before you in a more ample manner that you may see the Necessity of a speedy and effectual supply

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I am Instructed & have it in command from his Majesty to look out & fix upon a convenient and healthy situation for the seat of Government & Courts of Justice which may best answer the whole Province, and to lay it before his Majesty for his approbation when that is fixed, your own prudence & wisdom will suggest to you whither you should not have a fund provided to erect publick buildings for the residence of the Gov^r and for the Publick Offices & Courts of Justice since the Credit & increase of the trade of the province depends in a great measure upon the healthiness and Increase of the Capital, and having all the publick Offices together.

I am also commanded by his Majesty earnestly to recommend to you the raising a suitable fund without Limitation of time to support the dignity of the Present and all future Governors and to answer the Contingencies & Emergencies of Government the payment of the officers & clerks of the Council and Assembly for the repairing of Fortifications, store Houses & Magazines, when erected which establishment will be always necessary for your security and defence.

His Majesty having been graciously pleased to give you a 1000 firelocks and Accoutrements for the use of this Province & I have a well grounded expectation that proper artillery with Military stores will be granted to the several Forts when erected and an Independent Company,

provided that a powder duty be again granted to supply the magazines in the Province, it is with great Concern that I observe from the late divisions in the Province the proper duties laid on for the support of the establishment and for sinking the paper Currency have not been properly levey'd, from the disputing the Legality of the Assembly in passing and Continuing those duties, by which means the charges of Government have not been paid and the Publick debt Increased, as this bone of Contention is happily laid aside by his Majesty having minutely entered into an Examination of the Constitution and Laws of the province by repealing several laws it will be necessary for you to have all the present laws revised and where laws have been repealed upon acct of some improper clauses, to reenact them with unexceptionable Clauses and to have the whole Laws ascertained, which may be best done by appointing Committees to sit upon them during the recess betwixt this and the next session, to have them ready to be offered at Next assembly.

GENTLEMEN OF HIS MAJESTIES COUNCIL MR. SPEAKER AND GEN^t
OF THE ASSEMBLY.

Since his Majesty has been graciously pleased to Intrust me with the Care and Improvement of this Province as it is my duty so it shall be my Constant care to promote true Religion & Virtue and the wealth Peace and Happyness of the Colony & to Increase and Improve its trade. As a Union of Affections and Acting together for the general good of the Province is not only a prudent and right measure but absolutely necessary to be pursued to Improve the Colony In wealth & Trade it is my determined resolution to encourage and Countenance those who shall heartily concurr in so good a purpose which must Improve the markets support the Credit establish Justice and give strength and weight to the Colony & Induce merchants, Artizans, and other Gentlemen of Learning Merit & probity, to Purchase & reside in the Province.

Then his Excellency withdrew from this House.

This Hon^{ble} House was pleased to take into Consideration his Excellency's speech and ordered the same to be read which was accordingly done. Then the Hon^{ble} Frans: Corbin Jno Swann and Lewis De Roset were appointed a Committee to Answer the same

Then the house adjourned untill 3 o'clock this afternoon.

Met & adjourned untill 11 o'clock a Monday morning

Munday December 16th 1754 The House met according to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	}	Esq ^{rs} Members.
		Jas Murray	Jo ⁿ Swann		
		Jas Hasell	Jo ⁿ Dawson		
		Jno Rutherford	Lewis De Roset		

The Gentlemen appointed by this Board to draw up an address to His Excellency Arthur Dobbs Esq^r reported the same which was ordered to be read Being approved of was ordered to be engrossed

Then the House adjourned until 3 o'clock P M.

Met according to adjournment present as above.

Then the Hon^{ble} Frans Corbin and Lewis De Roset Esq^{rs} were appointed to waite on his Excellency to know when he would be pleased to receive the address of this house they went accordingly & reported that his Excell^y appointed tomorrow at 11 o'clock to receive the same in Council and the House adjourned to 10 o'clock tomorrow morning

Tuesday December 17th 1754 The House met according to adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	}	Esq ^{rs}
		Jas Murray	Jo ⁿ Swann		
		Jas Hasell	Jo ⁿ Dawson		
		J ^{no} Rutherford	Lewis De Roset		

The House waited on his Excellency at the Council room and by the Hon^{ble} Mathew Rowan Esq^{rs} presented him with the following address (vizt.)

MAY IT PLEASE YOUR EXCELLENCY,

We his Majesties most dutiful and loyal subjects the Members of his Majesty's Council for this Province with pleasure embrace this first opportunity (of our meeting together) of Congratulating your Excellency on your safe arrival in this Province. And we beg leave to assure you we have a lively sence of his Majesties Paternal care and tenderness in intrusting the Government to a Gentleman whose benevolent Character and experience in publick Affairs gives us the most sanguine hopes that under his prudent administration an end may be put to all the divisions under which this Province has already too long groan'd & that peace and Happiness may succeed raucour and party.

We are next to return your Excellency our sincere and hearty thanks for your speech and to express the great satisfaction it gives us to observe you have pointed at those things only which may conduce to the happiness, safety and peace of this Government we shall therefore in duty to his Majesty and our Country readily concur with the other

House In passing such laws as may be most effectual for the encouragement of Pious & learned Clergymen to Instruct the Inhabitants in true Religion and virtue for the more easy Collecting of his Majesties Quit-Rents, that he may be enabled to discharge the great arrear due to the officers of this Government for the supporting the Credit of our Paper Currency & fixing a Permanent fund of Credit that our Character in foreign Parts may be established. For the extending our trade into the Continent and laying our Indian traders under proper Regulations. For the Granting such further aid to the Colony of Virginia as a Country already exhausted (by a considerable sum before given for that purpose) can possibly spare, we shall also readily concur with the other House in providing a sufficient fund to erect publick buildings at such a place as the seat of Government may be fixed at, and for the other purpose Your Excellency Mentions.

We look upon it as our duty to return his Majesty our sincere thanks for having removed the bone of Contention that occasioned our late divisions and nothing can give us a more sensible pleasure than the prospect we have of a Coalition under your Excellencys administration, and that Instead of hard & Injurious terms all parties may be so united that as they are under one Government so they may all joyn for the general good by the enforcing the many good laws already made and for the future heartily Joyn in making such others as the necessity of the Government may require and as appointing a Committee for a new revisal will be the only means whereby the deficiency of the Laws (already made) can be found we shall chearfully concur in appointing such persons as may be most capable for that purpose

It is with the greatest satisfaction that we observe your Excellencys Inclination to promote true Religion and Virtue the wealth peace and happiness of this Province as well as the Increase & Improvement of its trade and your wise Resolution for the establishing a Union of Affections in the people of this Government by giving of encouragement and Countenance to those only who will concur in so good a purpose as for our part as we are unanimous in our sentiments, unbiased by the prejudice of Parties & having no other view, or any more at heart than the welfare of the Province shall use our utmost endeavours by a steady Conduct to reconcile the affections of the people to one another and by that means render your Excellencys administration Prosperous and Happy.

We think it an Indispensible obligation on us to return his Majesty our sincere and greatfullest thanks for having been graciously pleased to send over to this Province a thousand stand of arms, and we flatter our-

selves that thro' your Excell^{ty's} Intercession we may obtain an independant Company with Artillery and proper stores for our Forts to defend us against the Insults of our Enemies.

To which his Excellency was pleased to return the following Answer

I am extremely obliged to you for this address. Your Dnty and Loyalty, and the zeal you express to have, peace and unanimity reestablished in this Province; I shall faithfully represent to his Majesty.

The satisfaction you express of your sense of my Inclinations and endeavours to promote his Majestys Interest and the good of this Colony will add to my zeal, And care to restore peace and harmony, and to secure & Improve this Province.

Mr. Ashe and Mr. Caswell brought up the following Message

GEN^t OF HIS MAJESTYS HON^{ble} COUNCIL

This House have appointed Mr. Tho^s Barker Mr. Joⁿ Harvey Mr. Sam^l Swann Mr. Rob^t Jones and Mr. Joseph Blunt a Committee to examine state settle the publick Acct^s of this Province And Mr. Tho^s Lovick, Mr. John Starkey, Mr. Will^m Mackay Mr. Sam^l Sinclair and Mr. Wyriott Ormond a Committee to examine settle and allow publick claims in Conjunction with such of your Honours as you shall think fit to appoint

By order W^m HERITAGE Clerke

JOHN CAMPBELL Speaker

The House adjourned until 3 o'clock P. M. Met and adjourned until 10 o'clock tomorrow morning

Wednesday Dec^r 18th 1754 Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	Jo ⁿ Swann	} Esq ^{rs} Members.
		Jas Hasell	Jo ⁿ Dawson	
		Fran ^s Corbin	Lewis De Roset	

This House proceeded to chuse a Committee to Joyn that of the other house on the Publick Accounts and claims & the Hon^{ble} Jas Hasell and Joⁿ Rutherford Esq^{rs} appointed on the Acct^s and the Hon^{ble} Joⁿ Swann & Joⁿ Dawson Esq^{rs} were appointed on the Claims & a message was sent to the other house acquainting them therewith in the following words Viz.

MR. SPEAKER GEN^t OF THE ASSEMBLY

This House taking under their Consideration the Message of yesterday Relative to the appointment of the Committees of publick accounts

and claims, have thought fit to appoint the following Gentlemen in conjunction with those of yours viz. The Hon^{ble} Jas Hasell & Joⁿ Rutherford Esq^{rs} on the Publick Acct^s and the Hon^{ble} Joⁿ Swann and Joⁿ Dawson Esq^{rs} on the Claims.

Received from his Excellency a message which was read and is as follows.

GENTLEMEN OF HIS MAJESTIES COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Having in my speech to you at your meeting, told you that I should in a more ample manner lay before you the grand plan of France to ruin and distress the British Colonies on this Continent: I take the earliest opportunity of laying their wicked and enslaving scheme before you that you may see the Necessity there is of granting a reasonable and immediate supply and entering into a plan of union with all the British Colonies for our mutual future defence

The French ever active and ambitious under the insatiable and rapacious house of Bourbon, whose ministers having destroyed the galick Liberties by the establishing an Arbitrary Power in the King alone have for near two Centuries laid a plan for enslaving Europe by ruining the liberties of the Germanick body & protestant interest of Europe Their first attempt was to ruin the house of Austria by playing the Germanick body against the head and raising themselves upon its ruin; and made use of the Germanic protestant powers for that purpose, when at the same time they were ruining the protestants In France and depriving the French of their Liberties, whilst they were extending their limits, at the expence of Germany and the Spanish branch of the House of Austria and by that means had forced the House of Spain for the sake of Peace to intermarry with the House of Bourbon upon their solemn Renunciation of the right of Succession to the Spanish Monarchy that fatal Match has been the cause of the late expensive wars and has endangered the loss of the Liberties of Europe for by the Galick Intrigues they have established a younger branch of the House of Bourbon to govern the Spanish Monarchy which by its Pretention to and possession of above half of America, which they claim as their right only by a Papal Donation have aquired a Dominion more extensive and rich than any Empire ever known on the Globe. Thus France from a powerfull Enemy have made the Spanish Monarchy a Confirmed & Potent ally with some hopes I fear too well groundod of its being sooner or latter to the Galic Monarchy.

But the French after two long and bloody wars having been obstructed in their plan of aggrandising themselves In Europe by failing in their attempts of ruining the house of Austria by the prudence magnanimity and steady conduct of our most gracious King, the Father of his People who supported by the Courage Wealth and naval Power of the British Empire by Powerfully supporting and assisting his allies hath Defeated the Galic future schemes in Europe: The French mad at their disappointment finding that the British liberties and protestant succession in his Illustrious House; and that Britain cant be conquered or reduced but by ruining its commerce and with it our Naval power have changed their system, and have laid a plan to ruin the British Commerce by Confining invading and Conquering all our American Colonies, by first Attempting the Colonies on the Continent for by securing the fisheries and naval stores of America they would increase their Marine and ruin the Commerce and with it the Naval Power of Britain; and then they would divide America with the Spaniards, and the whole would Center in the House of Bourbon: for then by the Assistance of France Portugal must fall an easy Prey to the Power of Spain and the French would stipulate to have the Brazils Africa and India yielded to them as the elder branch of the House of Bourbon and then the Power and wealth of Britain being reduced all the powers of Europe tho United could not withstand the united power and wealth of the house of Bourbon it being Demonstrable that those who have the wealth power and Commerce of America, Africa and the Indies must be Masters of the Liberties of Europe

The Gallic branch of the House of Bourbon distinguished of late for their worse than Punic faith have for at least a Century never ended one war but with a view to extend their Power and Dominions in time of Peace by force or Intrigues and to prepare for another war and think it no Crime to invade or incroach upon their Neighbours who obstruct their schemes in Profound Peace thinking themselves not bound by the most solemn treaties, if they prevent their aggrandizing their Empire.

This has been very Notorious formerly in Europe, but their schemes proving abortive there they have of late prosecuted their plan in America, have they not Contrary to the most solemn treaties deprived us of the greatest and best part of Nova Scotia to the westward of the Bay of Fundi erected Forts at Chinecto to Confine us within the Peninsula? and made another, and are forming a settlement on the river of St Johns to ruin the trade of New England and the Northern Colonies by their Privateers In the next war when we shall be Couped up by their shipping there and at Louisbourg; Have not they by their hellish Missionaries spirited up all their Indian Allies to Massacre and make Depreda-

tions not only In Nova Scotia but against all our Northern Colonies Have they not erected a Fort at Crown Point to distress and Confine our Colonies of New England and New York on lands w^{ch} are the undoubted right of his Majesty? Have they not erected a Fort at Niagara upon the Lands of the six Nations our acknowledged and declared Allies by the treaty of Ulrecht have they not laid a claim to and erected Forts upon his Majesties lands on the back of Virginia and pretended a right to all the lands beyond the Moutains, as far as the Mississippe? have they not contrary to the right of Treaties deprived us of the Indian trade and seized our traders and all their goods, In time of Profound peace: have they not privately sent over and Increased their forces from time to time both in Louisiana and Canada and have they not sent forces from Louisiana to erect a fort on the entrance of the Onabach or river of St Jerome into the Ohio? Are not these enormous Invasions and Ineroachments in time of Peace? Are not they gaining all the Indian Nations intercepting & depriving us of our Indian allies and daily instigating their Allies to scalp, massacre and destroy our settlers these are all facts too notorious and recent to be denied, and must naturally discover to us the whole plan and scheme laid by the French to Confine, Conquer, and enslave all our Colonies.

A scheme grand in its extent, romantic In appearance and even beyond the Power of France to execute altho the Crown has an absolute Power over all the Private Purses of his subjects when he has a call for them; provided the Colonies exert their native force Immediately and Repel them to their Inhospitable Cold Colony of Canada and Confine them to the hot sands of Louisiana the plan they have laid is no less than Immediately to Confine our Colonies betwixt the Mountains and the Eastern Ocean by erecting forts from Canada to Louisiana upon the Ohio, and principal Rivers betwixt the two Colonies, fixing strong Garrisons in them and so forming a chain of above 2000 miles to prevent our Corresponding or trading with our Indian Allies when that is done; and they have by menaces, or by Hellists Jesuitical Missionaries made Proselytes of them not to the True Christian Religion founded on peace Benignity and brotherly love, but to the pomps and outward trappings of the Popish Hierachy, and superstition and have Inspired an enthusiastic fury into them against Protestants whom they call heriticks making it meritorious in them to massacre and destroy them upon which they assure them their future happiness depends then they propose proceeding further and to seize and secure all the passes on the mountains and head the Indians against all our Colonies and force us to become tributary or to submit to the Arbitrary Govern^t of France and become

their slaves or be massacred by them and their Indians, or be forced out of our Religion Liberties and Properties a fatal Dilemma should they execute their scheme.

This scheme hatched in hell and supported by the Court of Rome so iniquitous and unlikely to be brought to perfection could never be adopted by the Court of France if they were not prepossessed that the British Colonies were unwilling or Incapable of uniting and exerting their force Imagining (for which they have some grounds) that the several Colonies are like a Rope of sand each guided by selfish partial Views, and that each planter is more wedded to his own private gain, than to defend the Rights of his Community, or of the Neighbouring Colonies, and will not part with a share of his wealth to secure the remainder imagining that he will be the last that will suffer, or vainly expecting that Britain will or can be at the whole expence and let them Idolently look on; so that before they can be brought to act, The French will have formed their chain and gain their ends They also consider the military genius of the French Gentry who are educated with a view to pomp and Power and their whole thoughts are turned to support the Glory of the Grand Monarque and therefore are never easy in time of Peace but always forming projects of aggrandizing France by the next war so that this Vilainous opinion they have of the british planters in the Colonies and the enthusiastic spirit of their Military Genius induce the French Ministry to undertake schemes beyond their Power to execute If then we give the French time to execute the scheme they have begun the Liberties, Properties, and Protestant Religion in these Colonies would be unavoidably Less.

How miserable must be the condition then of all our Colonies and the Indians from being our faithful Allies obliged to become our Inveterate Enemies drove by them from the Mountains toward the sea Coast attacked by flying French squadrons and privateers. In this situation we must submit to be slaves to France become their hewers of wood and Drawers of Water supporting them with most enormous taxes

God Almighty, who by his Providence under the Conduct of our Messiah hath in many Remarkable instances defeated all Popish schemes, when the Protestant Interest and Liberties of Britain seemed to be at the brink of ruin. Our Messiah who is ever a beneficent Guardian to his true Protestant Church, founded in Justice Humanity and social love hath now put it in our power to make their whole scheme abortive, if we exert our whole native strength without loss of time, by infatuating their Councils and permitting them to Discover and enter upon the execution of their plan, before they are prepared and strengthen'd by a sufficient

Force from France it being evident at present that we outnumber the French Colonies upon this Continent above forty to one, and are yet strengthened with many brave Indian allies so that we vastly exceed both in wealth and number all the French upon the Continent or those they can support if sent from France in their present Inhospitable Colonies.

Great Britain which has formed and nursed up these Colonies from their infancy to a state of manhood & hath greatly increased their numbers, and though they are loaded with debts and enormous tho necessary taxes hath not only protected these Colonies, but indulged them In paying a small Quit Rent, and the easiest taxes (spent in their own support) of any Civilized nation on the globe whilst Britain and every state in Europe are loaded with taxes and most of the trading nations with heavy debts, whilst Britain is struggling under these difficulties altho the Parliament hath a power of taxing the Colonies for their own support by taking off the Premium they pay us for some of our exports and laying on duties upon what we export to Britain or elsewhere; yet his Majesty in regard to his faithful Colonies is only desirous that they should unite and form a society amongst themselves to raise a proper and adequate Quota or fund for their mutual support and defence that the united forces of the Colonies to Consider of the most equitable and proper method of raising the taxes which are necessary for the support of his Government their own peace and safety and a reasonable sum from each of the Colonies to be laid up as a fund to support and Increase our Indian Allies and to prevent all foreign invasions and incroachments and if France should still go on with their Romantic scheme when they see we shall exert our whole native force and should pour in troops from France to enslave us, then his Majesty will exert his power and maintain the rights of Britain by their naval power and enable the Colonies to support their Just Rights and Properties.

In this critical situation let us his Majestys faithful subjects of the Colony of No Carolina shew that we are true sons of Britain whose ancestors have been ever famous for defending their valuable religion and liberties, and that we are still Inspired with the same spirit of Liberty, and are determined to support our Religions, and civil rights, and hand them down to our Posterity let us show that we are one of the latest Colonies, and scarcely arrived at the state of Manhood our neighbouring Colonies have attained to either in wealth or number, yet that we are still ready to exert our power and grant an Immediate supply to assist in the General defence of the Colonies; and that as we have already shewn a good example so we shall continue to be a laudable precedent to the rest of the more opulent Colonies; and instead of entering into pri-

vate party Quarrels, as some have done or putting off proper supplies as some others have done, by an Ill Judged Economy, or out of a penurious selfish Consideration as some propriatory and charter Colonies have done, vainly Imagining that the danger is at a distance and that they will leave the brunt of it to others and that Britain loaded with debts and taxes will defend them and Indulge them in living without taxes or assisting in the general defence of the Colonies, let us then cheerfully give what is reasonable and proper for us by an immediate supply, as well knowing that a moderate sum now granted will go farther in securing our rights and properties, than ten times as much if longer delayed. Let us then inspire the other Colonies with an equal fire to maintain their religion & Liberties and to preserve the friendship and defend the rights of our Indian Allies This as gratefull men we owe to them for the Happiness we enjoy in possessing these fine Climates and rich lands of America which was once theirs either by Possession or Conquest, this we owe to them as free men and true christians to promote their happiness and make them partakers of our happy Constitution, and extending it thro' the Continent by endeavouring to Civilize and Incorporate with them, and to lay a foundation for their becoming Christians and their true zeal will heap blessings upon all our Colonies and our Posterity.

Let us then behave like generous brave men and true christians for a little while confine our appetites and luxuries and part with a reasonable part of our wealth to preserve the Remainder and our happy Constitution in church and state to our latest posterity; this will shew the Gallie Monarch, and his insatiable ministry that we are not to be Intimidated or to be bullied out of our rights and that if he should Insist upon his Romantic scheme of surrounding, confining, and enslaving us, that we will Jointly and Unanimously support our valuable religion Liberties and Properties with our lives and fortunes, and that whilst we behave like brave men and true Christians we are sure of the protection of God our Messiah and that we will not only be happy in this world but to endless Ages.

Then the Hon^{ble} Fran^s Corbin & Lewis De Roset Esq^{rs} were appointed a Committee to prepare an address to be presented to his Excellency thereupon.

The house adjourned to 3 o'clock.

Met pursuant to adjournment. Present as above.

Adjourned to tomorrow morning 9 o'clock

Thursday 19th Decemb^r 1754. Met according to adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Fran ^a Corbin	}	Esq ^{rs} .
		James Murray	John Swann		
		Jas Hasell	Jo ⁿ Dawson		
		Jo ⁿ Rutherford	Lewis De Roset		

Adjourned to 3 o'clock P. M.

Met according to adjournment Present as above

Adjourned to tomorrow morning 9 o'clock.

Friday, Dec^r 20th 1754. Met pursuant to adjournment

Present.

The Hon ^{ble}	{	Mathew Rowan	Fran ^a Corbin	}	Esq ^{rs} .
		Jas Hasell	John Swann		
		Jo ⁿ Rutherford	Jo ⁿ Dawson		
		Lewis De Roset			

The Gentlemen appointed by this board to draw up an address to his Excell^y Arthur Dobbs Esq^r in answer to his message reported the same which was ordered to be read & approved of was ordered to be engrossed

The House adjourned to 3 o'clock.

Met pursuant to adjournm^t and adjourned to tomorrow morning 9 o'clock.

Saturday Decemb^r 21st 1754. The House met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Fran ^a Corbin	}	Esq ^{rs} .
		Ja ⁿ Hasell	Jo ⁿ Swann		
		Jo ⁿ Rutherford	Jo ⁿ Dawson		
		Lewis De Roset			

Adjourned to 4 O'clock P M.

Met according to adjournment Present as above.

The address of this House to his Excell^{ty} in answer to his message was delivered to the Hon^{ble} Mathew Rowan Esq^r to be by him presented and is as follows.

MAY IT PLEASE YOUR EXCELLENCY

As you have been pleased to lay before us in your message to the grand plan of the French (as mentioned in your speech) to ruin and distress all the British Colonys on the Continent In such Judicious and strong terms, we are under the Necessity of Addressing your Excell^y on that head.

We are fully sensible of the encroachments of the French and the methods they had taken to gain over several of our friendly Indian Nations by whose connivance and Assistance they had built Forts within the Gov^t of Virginia on the river Ohio from whence they had in conjunction with the Indians made excursions on the Inhabitants of the back Country Pillaging and Massacreing without distinction of age or sex all that came in their way and all this In open Violation of the solemn treaties subsisting between the two nations. Wherefore at our last meeting we joynd the other House In granting to his Majesty such an aid as exceeded that of any of the other Colonys (altho they were either of them far more opulent and more exposed than us) And in w^{ch} we hoped we should have been followed by our neighbours, but their indolence was such that for want of exerting themselves, The French defeated the Virginia Forces and thereby became quiet possessors of their unjust pretentions and of course firmly attached the Indians to their Party from whence its plain we are open and exposed to the ravages of a Cruel and merciless enemie who threatens nothing less than the depriving us of our Libertys and propertys, as well as the free exercise of our religion; as this Sir is our true state on the Continent we hope it will cause the breast of every true lover of his Country to glow with a Just Indignation & resentment and rouse the other Colonies out of their stupid lethergy, & In order to stir them up to assert his Majestys Just rights and to preserve to our posterity the Invaluable priviledges, we have long enjoyed. We shall in conjunction with the other House grant to his Majesty such a further aid as the Indigency of the Province will permit of; that your Excellency may be enabled to send a body of men to Joyn the forces Intended to dispossess the French, and should not this be sufficient to spirit up our Neighbours yet we shall have the satisfaction of reflecting that no blame can lye at our door, & that we have with alacrity and unanimity Discharged the duty we owe to the best of Kings and to our Country.

Then the House adjourned to ten o'clock tomorrow [Monday] morning

Munday Dec^r 23^d 1754. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	} Esq ^{rs}
		Jas Murray	Jo ⁿ Swann	
		Ja ^s Hasell	Jo ⁿ Dawson	
		Jo ⁿ Rutherford	Lewis De Roset	

Adjourned to tomorrow morning 9 o'clock.

Tuesday 24th Dec^r 1754. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		Jas Murray	Jo ⁿ Swann		
		Jas Hasell	Jo ⁿ Dawson		
		Jo ⁿ Rutherford	Lewis De Roset		

Adjourned to 3 o'clock P. M.

Met according to adjournment. Present as above. Adjourned to 9 o'clock Thursday 26th 1754.

Thursday 26th Decem^r 1754. Met pursuant to adjournment

Present.

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		Jas Murray	Jo ⁿ Swann		
		Jas Hasell	Jo ⁿ Dawson		
		Jo ⁿ Rutherford	Lewis De Roset		

Mr. Ash and Mr. Vail brought up a bill for establishing the supreme Courts of Justice Oyer and Terminer and gen^l goal delivery of N^o Carolina which bill was read and ordered to lye on the table to ten o'clock to morrow morning In the assembly read the first time and passed

Then adjourned to three o'clock P M.

Met pursuant to adjournment. Present as above except the Hon^{ble} Jas Murray Esq^r

Brought up a bill by Mr. Caswell and Mr. Read for establishing County Courts for enlarging their jurisdiction and settling their proceedings therein In the Assembly read the first time and Passed. In the upper House read the first time and passed

Brought up by Mr. Spear and Mr. Bell a bill for appointing Parishes and Vestrys for the Encouragement of an Orthodox Clergy, for the Advancem^t of the protestant religion and for the direction of the Settlement of Parish Acc^{ts}. In the Assembly read the 2nd time and passed. In the upper House read the first time and passed.

Adjourned to 9 O'clock tomorrow morning

Fryday Dec^r 27th 1754 Met pursuant to adjournm^t

Present

The Hon ^{ble}	{	Mathew Rowan	Jo ⁿ Rutherford	}	Esq ^{rs}
		Jas Murray	Fran ^s Corbin		
		Jas Hasell	Lewis De Roset		

Mr. Harnet and Mr. Ashe brought up a bill to repeal an Act Intituled an Act to prevent the exportation of raw hides pieces of hides and calf

skins out of this Governm^t. In the Assembly read the first time and passed. In the upper House read the first time and passed

Mr. Samuel Swann Jun^r & Mr. Relf brought up a bill to appoint an Agent to represent and solicit the Affairs of this Province at the several Boards In England. In the Assembly read the first time & passed. In the Upper House read the first time and passed

This House took under their Consideration the Bill for establishing the supreme Courts of Justice Oyer and terminer and Gen^l Goal delivery of No Carolina which was ordered to lye on the Table to this morning and passed. In the upper House read the first time and passed.

Then adjourned to 3 o'clock P M.

Met pursuant to adjournment present as above Then adjourned to 9 O'clock tomorrow morning

Saturday 28th December 1754. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		Jas Murray	Jo ⁿ Swann		
		Jas Hasell	Jo ⁿ Dawson		
		John Rutherford	Lewis De Roset		

Mr. Harnet & Mr. Blunt brought up a bill for granting an aid to his Majesty for the defence of the Frontiers of this Province and other Purposes. In the Assembly read the first time & Passed.

Mr. Ashe and Mr. Houston brought up a bill for appointing the several ferrys therein mentioned & for obliging the Commissioners of the several districts to make roads to the same In the Assembly read the first time & passed.

The bill for Granting an Aid to his Majesty for the defence of the frontiers of this Province and other purposes was read and the Hon^{ble} Ja^s Murray & Fran^s Corbin Esq^{rs} were appointed A Committee to prepare amendments to the same against Munday morning next.

Then adjourned to 3 o'clock. P M.

Met pursuant to adjournment Present as above.

Mr. Williams and Mr. Hutchins brought up a bill for appointing Parishes and Vestrys for the encouragem^t of an Orthodox Clergy for the advancement of the protestant Religion & for the direction of the settlement of Parish acc^{ts} In the Assembly read the second time and passed with amendments

Mr. Cade and Mr. Bell brought up a bill for removing the Court In Granville County & for other Purposes In the Assembly read the first time and passed.

The Bill for appointing the several ferrys therein mentioned and for obliging the Commissioners of the several Districts to make roads to the same In the Upper House read the first time and passed with Amendm^{ts}

The bill for removing the Court in Granville County and for other purposes. In the Upper House read the first time and passed with Amendments.

Then adjourned to Munday the 30th at 10 O'Clock.

Munday 30th December 1754. Met pursuant to adjournment

Present.

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	} Esq ^{rs}
		Jas Murray	John Swann	
		Jas Hasell	John Dawson	
		Jo ⁿ Rutherford	Lewis De Roset	

The Committee appointed to prepare Amendments to the Bill for Granting an Aid to his Majesty for the defence of the Frontiers of this Province & other purposes reported the same which were agreed to by this House the said Bill being read and passed. In the Upper House read the first time and passed.

Mr. Ashe and Mr. Caswell brought up the bill for the several ferrys therein mentioned and for obliging the Commissioners of the several districts to make roads to the same. In the Assembly read the second time and passed with Amendments.

Mr. Sam^l Swann Jun^r and Mr. Rew brought up the bill for establishing the Supreme Court of Justice Oyer & Terminer and Gen^l Jayl Delivery of North Carolina. In the Assembly read the second time and passed with Amendm^{ts}

Mr. Sam^l Swann Jun^r and Mr. Rew brought up the bill for establishing County Courts for enlarging that Jurisdiction and settling the Proceedings therein. In the Assembly read the second time and passed with Amendments.

Mr. Sumner and Mr. Bell brought up the Bill to appoint an Agent to represent & solicit the Affairs of this Province at the several boards in England. In the Assembly read the second time and passed with Amendments

Adjourned to 3 o'clock.

Met pursuant to adjournment Present as above.

The Bill for appointing Parishes and Vestrys for the encouragement of an Orthodox Clergy for the advancement of the Protestants religion & for the direction of the Settlement of Parish Acc^{ts}. In the Upper House read the second time & passed with Amendments.

The Bill to appoint an Agent In England to Represent and solicit the Affairs of this Province at the several Boards Rejected.

Then adjourned to 9 o'clock tomorrow morning

Tuesday 31st December 1754. Met pursuant to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Fran ^s Corbin	} Esq ^{rs}
		Ja ^s Murray	Jo ⁿ Swann	
		Jas Hasell	Jo ⁿ Dawson	
		Jo ⁿ Rutherford	Lewis De Roset	

The Bill for establishing the supreme Courts of Justice Oyer and Terminer and Gen^l Goal Delivery of North Carolina. In the Upper House read the second time and passed with Amendm^{ts}

The Bill for establishing County Courts for enlarging their Jurisdiction and settling the Proceedings therein. In the Upper House read the second time and passed with Amendments.

The Bill for appointing the Several Ferrys therein mentioned, and for obliging the Commissioners of the Several Districts to make roads to the same. In the upper house read the second time & passed with Amendments.

Then adjourned to 3 o'clock P M.

Met pursuant to adjournment present as before the Hon^{ble} John Rutherford & John Swann Esq^r only excepted.

Then adjourned to 10 o'Clock tomorrow morning.

[For Journals of the succeeding days of the session see A. D. 1755.—
EDITOR.]

At a General Assembly begun and held at New Bern the twelfth day of December in the twenty-eighth year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland, King Defender of the Faith, And in the Year of our Lord One thousand seven hundred and fifty four and continued by pro-rogation to the Twelfth Instant being the first Session of this present General Assembly.

Tuesday the 12th December 1754.

Rec^d a Certificate from the Clerk of the Crown of the return of the Writs for Electing Members for the several Counties and Towns in this Province to sit and vote in this present General Assembly.

Craven County—Mr. Joseph Bryan, Mr. John Fonville.

Carteret County—Mr. Thomas Lovick, Mr. Joseph Bell.

Johnston County—Mr. Richard Caswell ju^r, Mr. Stephen Cade.

Currituck County—Mr. William Shergold, Mr. John Surry, Mr. Francis Brown, Mr. Stephen Williams.

Pasquotank County—Mr. Robert Murden, Mr. Thomas Relfe, Mr. Samuel Swann junr, Mr. John Brothers, Mr. Griffith Jones.

Perquimons County—Mr. John Harvey, Mr. Benj: Harvey, Mr. William Wyatt, Mr. Joseph Sutton.

Chowan County—Mr. Demsey Sumner, Mr. Joseph Blunt, Mr. Timothy Walton, Mr. Joseph Heron, Mr. Edward Vail.

Bertie County—Mr. Jno Campbell, Mr. Thomas Whitnell, Mr. Benj Wynns.

Onslow County—Mr. Samuel Swann, Mr. John Starkey.

New Bern —

Bath Town—Mr. Wyrriot Ormond.

Beaufort County—Mr. John Hardy, Mr. William Spier.

Hide County—Mr. Samuel Sinclaire, Mr. John Harvey.

Northampton County—Mr. James Washington, Mr. Robert Jones junr.

Tyrell County—Mr. William Mackay, Mr. James Conner, Mr. Jacob Blount, Mr. Francis Ward, Mr. Samuel Spruill.

Edgcomb County—Mr. William Kinchin jr, Mr. William Williams.

Granville County—Mr. Robert Harris, Mr. James Payne.

Duplin County—Mr. Francis Brice, Mr. William Houston.

New Hanover County—Mr. George Moore, Mr. John Ashe.

Bladen County—Mr. William Bartram, Mr. Isaac Jones.

Anson County—Mr. Anthony Hutchings, Mr. John Hamer.

Rowan County—Mr. James Carter, Mr. John Bravard.

Edenton—Mr. Thomas Barker.

Wilmington—Mr. Cornelius Harnett.

His Excellency the Governor was pleased to prorogue this Assembly untill tomorrow.

Friday the 13th December 1754. The House met according to prorogation

Two members waited on his Excellency the Governor and acquainted him the Members were met.

His Excellency the Governor sent a Message commanding the Members to attend him in the Council Chamber.

The Members waited on His Excellency the Governor in the Council Chamber when his Excellency commanded to make Choice of a Speaker. Mr. Sinclaire proposed and sett up Mr. Samuel Swann, Mr. Thomas Barker proposed and sett up Mr. John Campbell, On which the Motion

was made and the question was put and on the House dividing there appeared an Equality of Votes. After some time Mr. Swann acquainted the Members that in order to Expedite the Business of the House he gave up his pretensions to the said Place to Mr. John Campbell, Whereupon he was placed in the Chair.

Mr. Heron and Mr. Harvey waited on his Excellency the Governor and acquainted him that the House of Burgesses in obedience to his Commands had made choice of a Speaker and desired to know when they should attend him.

His Excellency sent for Answer that he would receive them tomorrow morning at eleven o'Clock.

Then the House adjourned till Tomorrow 10 o'Clock.

Saturday the 14th December 1754. The House met according to adjournment.

His Excellency the Governor sent a Message to the House commanding the immediate attendance thereof in the Council Chamber.

Accordingly Mr. Speaker with the House went up to the Governors and the House acquainted him that they had made choice of a Speaker and presented Mr. John Campbell for his Excellencys approbation, Who was pleased to approve of their choice.

The House being returned Mr. Speaker Reported That the House had attended his Excellency the Governor in the Council Chamber and that he was pleased to make a Speech to the Council and this House of which he had to prevent Mistakes obtained a Copy which he delivered in at the Table when it was read by the Clerk and is as follows.

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

His Majesty having been Graciously pleased to Honour me with the Government of this Province I have taken the earliest opportunity of meeting with you in full Assembly to Consult you upon what may tend to the peace, Happiness Increase and Improvement of this Province and to Consider of proper Laws to secure the Rights and Properties and Improve the Trade of this Colony and to unite the Affections of all the Members of the Society that all may concur in promoting your General Wealth and Happiness.

As the first and greatest Principal Foundation of all Social Happiness is the knowledge of true Religion and the Practice of Morality and Virtue to Know Love and Adore the Divine Being as we ought and to obey the Precepts he has revealed to us—So I think it my Duty in the first place to recommend to you the providing a proper Fund to support

a sufficient Number of Learned pious Clergymen to reside in the Province and to accommodate them with Houses, Glebes and Parish Clerks to enable them to Instruct the Inhabitants and the rising Generation in the Principles of true Religion and Virtue in such a prudent manner without Tythes as to prevent Contests and preserve a Harmony between the Clergy and the Laity that their Interest may be the same, and they may have leisure as well as inclination to instruct their Flock in Christian Principles.

Next to this in Duty to His Majesty who like a Beneficent Father has given to this Colony a permanent Property on their Lands reserving to himself a very small acknowledgment of Quit Rent who has protected it in its Infant State from all Foreign Insults and has maintained and supported it in its Civil and Religious rights and Privileges by a true Christian Liberty of Conscience and in the Happiest Constitution on the Globe I must earnestly recommend it to you that in return for his Majesty's Paternal Care you make an Effectual Law for the Speedy and easy Collection of the Quit Rents which his Majesty has been graciously pleased to apply for the use of this Colony towards the discharge of a great Arrear due to the Officers of this Establishment and towards their Annual Support who are necessary to preserve your Peace and to have Justice impartially distributed in the Province. This in Justice to yourselves as well as in Gratitude to the best of Princes who is not only the Father of his people but the benefactor of Mankind I am convinced you will readily agree to.

After this I must recommend to your Consideration the making Effectual Laws to secure your Peace and Property and to obtain your Rights and to have Justice distributed in the speediest and easiest Manner without Dilitory Law Proceedings, and also Laws to promote Trade and industries in order to support your Credit at Home and Abroad by making Effectual Laws to recover just Debts without Chicanery or tedious Delays and all small Debts in a summary Way which will promote Economy and Industry and prevent Indolence and Sloth.

Since a paper Currency has been found Beneficial hitherto from the Want of Bullion or Coin I must recommend to you the keeping up your Paper Credit by making your Paper Bills a permanent Fund of Credit upon Laud Security by a Loan Office, and to Provide a Sufficient Fund to pay off and Cancell the Bills of Credit already Issued in a short time, a Plan of which shall be Communicated to you, This with a General Inspection law and Employing Inspectors in all your Sea-Ports to View and Support the Credit of your Exports and a proper

Economy with Industry must Occasion a Ballance In your Favour and consequently a Return in Gold or Silver will demonstrate that Honesty in Trade as well as in all other Dealings is the best Policy.

The extending our Trade into the Continent and our Colonies into the fine Countries beyond the Mountains being of the utmost Consequence to this and all our Colonies I must earnestly recommend it to you to make a Law to lay our Indian Traders under proper Regulation and to promote an Intimacy of Friendship and living in Harmony with our Indian Neighbours and Allies that we may be enabled to Civilize and make them Industrious and to Incorporate with them by carrying on an Equitable Trade with them and treating them with Christian Benevolence; This at least we owe to them upon Account of our possessing their happy Climate and Country and we shall not only Proffit by their Trade but make them our Steady Friends and by Extending our Alliance to Distant Nations we may enlarge our Trade over the whole Northern Continent and form an Impregnable Barrier against our ever active Enemies the French who in the time of Profound peace have not only headed their Indian Allies and have prevailed with them to make depredations Massacre in Cold Blood and Scalp several of the Inhabitants of this and our other Colonies but have entered with an Armed Force and erected Forts in the Counties belonging to his Majesty as well as our Indian Allies—And therefore I am commanded by his Majesty to recommend it to you in the strongest manner to provide a supply to assist the Colony of Virginia whose Country is Invaded and his Majestys Troops slaughtered for endeavouring to repell these Invaders. The fire which has Caught your Neighbours House has lately spread into your own, Your Religion, Liberty and property are all at Stake, if they be not repelled and drove back to their Inhospitable Colonies, But as this Subject is of the utmost Importance and it will be tedious to Explain the French Plan Calculated for the Ruin of Britain and these Colonies at this time, As soon as you fall upon Business I shall lay before you in a more ample manner that you may see the necessity of a speedy and Effectual Supply.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I am Instructed and have it in Command from his Majesty to look out and fix upon a Convenient and Healthy Situation for the Seat of Government and Courts of Justice which may best answer the whole province and to lay it before his Majesty for his approbation when that is fixed your own Prudence & Wisdom will Suggest to you whether you should not have a Fund provided to Erect publick Buildings for the Residence

of the Governors and for the publick Offices and Courts of Justice since the Credit and Increase of the Trade of the Province depends in a great Measure upon the Healthiness and Increase of the Capital and having all the Public Offices together.

I am also Commanded by his Majesty earnestly to recommend to you the raising of a suitable Fund without Limitation of time to support the dignity of the present and all future Governors and to answer the Contingencies and Emergencies of Government the payment of the Officers and Clerks of the Council and Assembly for the repairing Fortifications, Store Houses and Magazines when Erected which Establishment will be always necessary for your Security and defence His Majesty having been graciously pleased to give you a thousand Firelocks and Accoutrements for the use of this Province and I have a well grounded Expectation that proper Artillery with Military Stores will be granted to the several Forts when Erected and an Independant Company provided that a powder Duty be again Granted to supply the Magazines in the Province.

It is with great Concern that I observe from the late Divisions in the Province the proper Duties laid on for the support of the Establishment and for the sinking the Paper Currency have not been properly Levied from the Disputing the Legality of the Assembly in passing and continuing those Duties by which means the Charges of Government have not been paid and the publick Debt Increased as this Bone of Contention is happily laid aside by his Majestys having minutely entered into an Examination of the Constitution and Laws of the province by repealing several Laws it will be necessary for you to have all the present Laws revised and where Laws have been repealed upon Account of some improper Clauses to reenact them with unexceptionable Clauses and to have the whole Laws ascertained which may best be done by appointing Committees to sit upon them during the Recess betwixt this and the next Session to have them ready to be offered at the next Assembly.

Since his Majesty has been graciously pleased to Intrust me with the Care and Improvement of this Province as it is my Duty so it shall be my Constant Care to promote true Religion and Virtue and the Wealth Peace and Happiness of the Colony and to Increase and Improve the Trade As a Union of affectionous and acting together for the general good of the Province is not only a Prudent and right measure but absolutely necessary to be pursued to Improve the Colony in Wealth and Trade it is my determined Resolution to encourage and Countenance only those who shall heartily Concur in so good a purpose which must Improve the Marketts support the Credit, Establish Justice and give

Strength and Weight to the Colony and induce Merchants Artizans and other Gentlemen of Learning Merit and property to purchase and reside in the province.

Mr. Barker moved that a Committee be appointed to prepare an Address in Answer to his Excellencys Speech; and Mr. Barker, Mr. Swann, Mr. Ormond, Mr. Starkey and Mr. Sinclaire were accordingly Appointed.

Mr. Joseph Blunt one of the Members for Chowan County, Mr. Joseph Sutton one of the Members for Perquimons County, and Mr. John Hamer and Mr. John Hutchings the two Members for Anson County, Appeared took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

Mr. Starkey produced to this House an Accompt from Capt Thomas Pearson for the Freight of One thousand Arms Swords &c, from his Majesty for the use of the Province.

Resolved, The Sum of Sixty six pounds seventeen Shillings and four pence proclamation Money for the Freight of these Arms &c be kept to the said Thomas Pearson by John Starkey Esq^r Treasurer of the Southern District out of the Money in his Hands for supporting the Contingencies of Government.

The House adjourned till Monday Morning 10 o'Clock.

Monday the 16th December 1754. The House met according to adjournment.

Mr. Swann Reported that the Committee appointed had according to Order prepared an Address to the Governor which he read in his Place and afterwards Delivered it in at the Table when the same was again read by the Clerk and agreed to, and is as follows,

MAY IT PLEASE YOUR EXCELLENCY,

We his Majesty's most Dutifull and Loyal Subjects the Members of the General Assembly of North Carolina beg leave to Congratulate your Excellency on your safe Arrival in your Government and return you our hearty Thanks for your Speech at the opening of this Session.

The Temporal Good as well as the Eternal Felicity of Mankind so essentially depends on the knowledge and practice of true Religion and the Encouragement of a learned Clergy is so evidently necessary that we shall readily give all the Assistance in our Power to Accomplish what your Excellency has so justly recommended on that Head.

The Numberless advantages and Invaluable Priviledges which all his Majestys Subjects enjoy under his Wise and Beneficent Administration

are such as will on every Oecasion stimulate our Endeavours to a faithful discharge of our Duty to the best of Kings; The large Arrear of Quit Rent due to the Crown and to Earl Granville deserve great Attention and we shall pass a Bill for the most speedy and easy Manner of Collecting the same, that the poor and Indigent State of the Province will admit.

We shall chearfully give our attendance in supplying any defects in the Laws which relate to the Courts of Justice in the proper Regulation of which the planting as well as Trading Interest is greatly concerned.

We shall fully consider the plan mentioned in your Excellency's Speech for making a Paper Currency whenever you shall please to lay the same before us.

The apparent necessity both in a Political and Moral Light of keeping a good correspondence with the Indians in Amity with us will engage us to take such measures as will secure their Trade and confirm their Friendship

The unjustifiable Incroahments of the French on his Majesty's Territories in the Colony of Virginia and their unwarrantable Hostilities so Pathetically mentioned by your Excellency deserve the just Resentment of every British Subject and will excite us to raise such supplies as the Circumstances of our Constituents will admit of to enable your Excellency to protect our Frontiers and assist the other Governments in repelling a Treacherous and inhospitable Enemy.

We shall endeavour to obliterate the Remembrance of our former Contentions and the ill consequence which attended them being desirous in all our Consultations to proceed with unanimity and publick Spirit in every Measure that may be for his Majestys Service and the General Good of the Province which are so intimately connected that whatever advances the one contributes to the other.

We perceive the necessity of revising the Laws and shall prepare a Bill for that purpose and your Excellency may be assured that we shall give due Attention to everything you have recommended.

We Esteem it a singular mark of his Majesty's Favour his appointing a Gentleman of your Excellency's known Abilities and Character to preside over us, and we shall with the greatest Alacrity concur with the Members of his Majestys Council in everything that may tend to make your Administration easy and happy.

Ordered, That the said Address be fairly Transcribed and presented by the whole House.

Ordered, That Mr. Sinclair and Mr. Blount wait on his Excellency the Governor to know when the House shall attend him with the same to present it.

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

P. M. The House met according to adjournment.

Mr. Robert Jones one of the Members for Northampton County appeared took the Oaths by Law appointed for his Qualification Subscribed the Test and took his Seat in the House.

Mr. Sinclair and Mr. Blount reported that according to Order they had waited on his Excellency the Governor to know when this House should attend him with their Address and that he was pleased to appoint tomorrow and to say he would signify by a Message when he was ready to receive it.

Then the House adjourned till 11 o'Clock tomorrow Morning.

Tuesday the 17th December 1754. The House met according to adjournment.

His Excellency the Governor sent a Message to the House to acquaint them that he was ready to receive their Address in the Council Chamber

Mr. Speaker with the House went up and being returned Reported that he with the House had attended the Governor in the Council Chamber and represented the Address of this House to him to which he was pleased to answer

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I thank you for this Dutiful and Loyal Address the zeal you have shewn for Religion the Loyalty and Duty you Express for his Majesty for his Paternal Care over this Province, The just Resentment you have of the French Depredations and Encroachments in these Colonies and the necessity there is for an immediate supply and Union of the Colonies and securing our Indian Allies I shall faithfully represent to his Majesty.

The good opinion you have expressed of my endeavours to serve this Colony must add (if possible) to my Assiduity and care to promote Religion and Virtue and the peace and Wealth and Improvement of this Province.

Mr. Starkey moved that a Committee be appointed to settle and allow publick Claims, And also a Committee to Examine State and Settle the Publick Accounts, And the following Members were accordingly Appointed Mr. Barker Mr. Samuel Swann, Mr. Robert Jones, and Mr. Joseph Blount. And on the Claims, Mr. Lovick, Mr. Starkey Mr. Mackay, Mr. Sinclair and Mr. Ormond.

Ordered, Mr. Ashe and Mr. Caswell wait on the Council with the following Message,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have appointed Mr. Thomas Barker, Mr. John Harvey, Mr. Samuel Swann, Mr. Robert Jones and Mr. Joseph Blount a Committee to Examine State and settle the publick Accompts of this Province

And Mr. Thomas Lovick, Mr. John Starkey, Mr. William Mackay, Mr. Samuel Sinclaire, and Mr. Wyriott Ormond to examine Settle and allow publick Claims in Conjunction with such of your Honours as you shall think fit to appoint.

By order JOHN CAMPBELL Speaker

WILLIAM HERITAGE C^{lk}.

Mr. Ormond moved that a Committee of propositions and Grievances be appointed and the following Members were accordingly appointed (Viz^t) Mr. Joseph Heron, Mr. Bryan, Mr. Bell, Mr. Cade, Mr. Spier, Mr. Harvey jun^r. Mr. Shergold, Mr. Swann, jun^r. Mr. Sutton, Mr. Ward, Mr. Whitmell, Mr. Washington, Mr. W^m Williams, Mr. Harris, Mr. Bruce, Mr. Ashe, Mr. Bartram, Mr. Hamer, Mr. Carter, Mr. Starkey and Mr. Harnett.

His Excellency the Governor laid before the House a Transcript of the twenty sixth Article of his Instructions and acquainted this House that his Majesty had Commanded him to have the above said Article Entered on the Journals of this House.

Resolved, That the said Instructions be entered on the Journals of this House and is as follows (Viz^t)

Whereas several Inconveniences have arisen to our Governments in the plantations by Gifts and presents made to our Governors by the General Assemblys for prevention thereof for the future it [is] our Express Will and pleasure that neither you the Governor nor any Governor, Lientenant Governor, Commander in Chief or President of the Council of our said province of North Carolina for the time being do give your or their Consents to the passing any Law or Act for any Gift or presents to be made to you or them by the Assembly and that neither you nor they do receive any Gift or Present from the Assembly or others on any account or in any manner whatever upon pain of our highest displeasure and of being recalled from that Government.

Signed ARTHUR DOBBS.

Dated 17th December 1754

The House adjourned till to-morrow morning 9 o'Clock.

Wednesday the 18th December 1754. The House met according to adjournment.

Mr. Washington presented a petition from the County Court of Northampton Setting forth that had applyed to the said Court to be recommended to this House to be Exempt from paying publick Taxes and Duties

Ordered he be Exempt accordingly.

Mr. Washington presented to the House a Certificate from the County Court of Northampton Setting forth that wife of a free Negroe through violent sickness hath lost the use of her Limbs and therefore recommended her to this House that she be Exempt from paying publick Taxes.

Ordered she be exempt accordingly.

Mr. Williams presented a petition from the County Court of Edgecomb Setting forth that hath applyed to the said Court to be Exempt from paying publick Taxes.

Ordered he be exempt accordingly.

Received from the Councill the following Message.

MR. SPEAKER AND GENTLEMEN,

The House taking into consideration the Message of yesterday Relative to the appointment of the Committee of publick Accompts and Claims have thought fit to appoint the following Gentlemen in Conjunction with those of yours (Viz^t) The Hon^{ble} James Hasell and John Rutherford Esq^r on the publick Accompts and Hon^{ble} John Swann and John Dawson Esq^r on the Claims.

December 18th 1754.

Mr. Barker moved that the House pass a vote to enable his Excellency the Governor to make proper provisions for the Indians now in Newbern, Which was agreed to Nem Con.

Mr. Starkey moved that his Excellency the Governor be empowered to draw on the Treasurer of the Southern District for the sum of Twenty five pounds in order to make Gifts and presents to the Indians.

Resolved, that the publick Treasurer of the Southern District pay to his Excellency the Governor the sum of twenty five pounds to make Gifts and presents to the Indians now in New Bern and that the said Treasurer be allowed the same on his accounting with the Publick.

Resolved, That Mr. Samuel Swann and Mr. Starkey wait on the Reverend Mr. James Read and return him the Thanks of this House for his Sermon preached before them on Sunday the 15th Instant.

Mr. Ormond moved that three of the Members of this House be appointed to provide and supply necessary lodgings and provisions for the Indians now in Town and that the Expence thereof be placed on the Estimate of the publick Claims.

Ordered, That Mr. Thomas Whitmell, Mr. Francis Brice, and Mr. William Williams do agree with proper persons to supply the said Indians agreeable to the above Motion.

Mr. John Fonvealle presented a Certificate from the County Court of Craven Setting forth that hath applied to the Court to be recommended to this House to be Exempted from paying Publick Taxes.

Ordered he be Exempt accordingly.

Mr. William Williams presented to this House the petition of William Hurst complaining of an undue Election of Mr. Robert Harris one of the Representatives for Granville County.

Ordered to be read and read.

Mr. Williams moved that the consideration of the said Petition be referred 'till tomorrow morning.

Resolved That the Consideration of the said petition be referred till tomorrow.

Mr. Robert Jones moved that a Committee be appointed to prepare and bring in a Bill for granting an Aid to his Majesty for the Defence of the Frontier of this province and other purposes.

Ordered That Mr. Jones, Mr. Swann, Mr. Ormond, Mr. Barker and Mr. Starkey prepare and bring in the same.

Mr. Bryan presented to this House a Certificate from the County Court of Craven, Setting forth that hath applied to the said Court to be recommended to this House to be Exempt from paying publick Dues.

Ordered he be Exempt accordingly.

The House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

Mr. Fonville presented to this House a Certificate from the County Court of Craven Setting forth that had applied to the said Court to be recommended to this House to be Exempt from paying publick Taxes.

Ordered he be Exempt accordingly.

Mr. Bryan presented to this House a Certificate from the County Court of Craven Setting forth that hath applied to the said Court to be recommended to this House to be exempt from paying publick Taxes.

Ordered he be exempt accordingly.
The House adjourned till tomorrow 9 o'Clock.

Thursday the 19th December 1754. The House met according to adjournment.

Mr. Starkey presented to the House a petition of several Freeholders of the Town of Newbern complaining of an undue Election of Mr. James Davis for a Representative for the said Town.

Ordered That Mr. James Davis and Mr. Heron wait on the Clerk of the Crown and acquaint him this House desires the return of the Writt for Electing a Representative for the said Town to be laid before them.

Mr. Barker moved for leave to Bring in a Bill for securing the payment of Quit Rents due to his Majesty and Earl Granville for quieting the Freeholders in the Possession of their Lands and for other Purposes.

Ordered the following Gentlemen be appointed a Committee to prepare and bring in the same (Viz^t)

Mr. Barker, Mr. Jones, Mr. Swann, Mr. Harvey jun^r, Mr. Murden, Mr. Sinelaire, Mr. Ashe, Mr. Starkey, Mr. Blount, Mr. Lovick, Mr. Bravard, Mr. Hutchins, Mr. Bryan, Mr. Mackay, Mr. Sutton, Mr. Caswell jun^r, Mr. Paine, Mr. Hardy, Mr. William Williams, Mr. Ormond, Mr. Bartram and Mr. Stephen Williams.

And they are appointed Accordingly.

Mr. Barker moved that the House would resolve a Sum necessary to be granted to his Majesty for the defence of the Frontiers of this province &c.

Resolved Nem: Con, That the Sum of £8,000 proclamation money be granted as an Aid to his Majesty to enable His Excellency the Governor to assist the neighbouring provinces in repelling the French from their unjustifiable encroachments on the river Ohio and protect the Frontiers of this Province.

Mr. Jones moved that the House resolve into a Committee of the whole House to consider of Ways and Means to Raise the sum of £8,000 pursuant to the above Resolve.

Resolved, That the House resolve into a Committee of the whole House tomorrow morning pursuant to the above Motion.

Mr. Jones moved that an Humble Address be made to His Majesty to Express our Loyalty and Attachment to his Royal person and to return him our Sincere thanks for the Arms he has been graciously pleased to send us for the Defence and protection of this province and to Inform him of our Readiness notwithstanding our Indigence to grant an Aid of £8,000 to enable his Excellency the Governor to assist the

Neighbouring Provinces in repelling the French from their unjustifiable Encroachments on the River Ohio and Defend the Frontier of this province and to pray the Continuance of his paternal Favour and protection.

Resolved, Nem. Con. that his Majesty be addressed accordingly.

Resolved, That Mr. Jones, Mr. Ormond Mr. Barker, Mr. Swann and Mr. Starkey prepare the said Address and lay the same before the House for Approbation.

Mr. Jones moved that a Committee be appointed to prepare and bring in a Bill for Establishing the Supreme Courts of Justice and regulating the proceedings therein.

Ordered, That Mr. Jones, Mr. Starkey, Mr. Barker, Mr. Swann, Mr. Swann jun^r, Mr. Harvey, Mr. Harnett, Mr. Bell, Mr. Sumner, Mr. Moore, Mr. William Williams, Mr. Lovick, Mr. Ashe, Mr. Brown, Mr. Caswell, jun^r, Mr. Blount and Mr. Relfe, do prepare and bring in the same

Mr. Barker moved that a Committee be appointed to prepare and bring in a Bill for appointing parishes and Vestries for the Encouragement of an Orthodox Clergy for the advancement of the Protestant Religion and for the Direction of the Settlement of parish Accompts and other purposes.

Ordered That Mr. Barker, Mr. Ormond, Mr. Swann, Mr. Fonville, Mr. Lovick, Mr. Cade, Mr. Spier, Mr. Sinclair, Mr. Stephen Williams, Mr. Relfe, Mr. Jones, Mr. Harvey, Mr. Blount, Mr. Ward, Mr. Wynns, Mr. Washington, Mr. William Williams, Mr. Paine, Mr. Brice, Mr. Moore, Mr. Harnett, Mr. Bart^{am}, Mr. Hutchins, Mr. Bravard and Mr. Starkey do prepare and bring in the same.

Mr. Jones moved that the Committee appointed to prepare and bring in a Bill for Establishing the Supreme Courts of Justice and regulating the proceedings therein together with Mr. Ormond, Mr. Blount, and Mr. Sinclaire do prepare and bring in a Bill for Establishing County Courts for enlarging their Jurisdiction and settling the proceedings therein.

Ordered The said Committee together with Mr. Ormond, Mr. Blount, and Mr. Sinclaire do prepare and bring in the same.

Mr. Jones moved that the House (tomorrow morning) resolve into a Committee of the whole House to consider as well on the Controverted Election of a Member for the Town of Newbern as also that for the County of Granville.

Resolved, The House resolve into a Committee of the whole House for the Consideration of as well the Controverted Election of a Member for Newbern as also for that of Granville County, And that the Writs with the Returns thereof be then Referred to the said Committee.

Then the House Adjourned till tomorrow 10 o'Clock.

Friday the 20th December 1754. The House met according to adjournment.

Mr. Hurst the petitioner complaining of an undue Election of a Member for Granville County appeared at the Bar of the House and avowed the Substance of the petition to be true.

Mr. Jones presented a petition of several of the Inhabitants of the Town of Newbern setting forth that Mr. Davis Sheriff of Craven County having returned himself a Member to serve in this present Assembly and Mr. Jeremiah Vaile had several Votes at the said Election, Praying in Case Mr. Davis should be adjudged not Qualify^d this House would be pleased to Address his Excellency the Governor to order the Clerk of the Crown to issue a Writ for the Election of a Burgess for the said Town to sit and Vote in the present Assembly.

This House agreeable to the Order of Yesterday have resolved into a Committee of the whole House to Consider as well on the Controverted Election of one of the Members for Granville County as on the Controverted Election of a Member for New Bern and Chose Mr. Starkey Chairman who was placed in the Chair Accordingly.

After some time spent the Committee came to several Resolutions thereon which Mr. Chairman was directed to Report to the House

Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee appointed had had under their Consideration the Matters relating to the Controverted Elections and came the following Resolutions to wit—

That the Law does not allow of an Inquiry into the Facts contained in the said petition but at the time of the Election And that Mr. Robert Harris is duly Elected to serve in this present Assembly as a Member for Granville County.

And that Mr. James Davis was not Qualified to serve as a Member for the Town of New Bern he having been Sheriff of Craven County at the time of his Election which he read in his place and then Delivered them in at the Table where they were again read and agreed to by the House.

Mr. Jones moved that his Excellency the Governor be addressed to Order the Clerk of the Crown to Issue a Writ for Electing a Member to serve in this present Assembly in the Room of the said Mr. James Davis to which Motion Mr. Swann objected and moved that Mr. Vail who had several Votes at the said Election be admitted a Member for the said Town in the Room of the said Mr. Davis on which the Question was put and carried by a Majority that his Excellency be Addressed

Ordered His Excellency be addressed accordingly

The Order of Yesterday being read That the House resolve into a Committee of the whole House to Consider of Ways and means to raise the sum of eight thousand pounds for granting an Aid to His Majesty &c.

Resolved That this House resolve into a Committee of the whole House to-morrow for the purpose aforesaid.

Mr. Barker moved that Mr. Blount, Mr. Harvey jun^r Mr. Sumner, Mr. Harnett, Mr. Ashe, Mr. Sinclair, Mr. Heron, Mr. Murden, Mr. Shergold, Mr. Lovick, Mr. Relfe, Mr. Whitmell, Mr. William Williams, Mr. Wynns, Mr. Caswell, Mr. Hardy, Mr. Bryan, Mr. Mackay, Mr. Swann jun^r, Mr. Carter, Mr. Moore, and Mr. Bell be added to the Committee appointed to prepare and bring in a Bill for granting an Aid to his Majesty for the Defence of the Frontier of this Province and other purposes.

Ordered That they be added accordingly.

Ordered That Mr. Harvey and Mr. Ashe wait on his Excellency the Governor and acquaint him this House desire him to direct the Clerk of the Crown to Issue a writt for Electing a Member to sitt and vote in this present Assembly for the Town of Newbern in the Room of Mr. James Davis.

His Excellency sent for Answer that he would direct the Clerk of the Crown so to do.

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

Saturday the 21st December 1754. The House met according to Adjournment.

Mr. Hardy moved for leave to be absent from the Service of the House until Tuesday next.

Ordered, That he have leave accordingly.

Mr. Ashe presented a petition from several of the Inhabitants of New Hanover County Setting forth that the Court of New Hanover County having appointed a Ferry from the point of Marsh to the Mouth of the Thoroughfare and also another Ferry at a place called Mount Misery on the North West Branch of Cape Fear River,

Praying a Law may pass to oblige the Commissioners of the several Districts adjoining the said Ferrys to cause sufficient Roads to be made to the same which was read And then Mr. Ashe moved for leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

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

Mr. Harnett presented a Petition from several of the Inhabitants of the Town of Wilmington, Setting forth the many Hardships and disadvantages they labour under by the Tanners being the means of lowering the price of Hides, Praying a Remedy.

Ordered the same lye for Consideration.

Mr. Bell moved for leave to bring a Bill for the Amendment of an Additional Act to an Act concerning Roads and Ferrys.

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

Mr. Starkey from the Committee of propositions and Grievances Reported that the said Committee had sat and had agreed to several propositions which he read in his Place and was again read by the Clerk.

Ordered, The same lye on the Table for Consideration

Mr. Robert Jones Reported that the persons appointed had according to Order prepared an Address to his Majesty which he read in his place and then Delivered in at the Table where it was again Read and agreed to by the House

To the Kings most Excell^t Majesty.

The Humble Address of the Assembly of N^o Carolina

MOST GRACIOUS SOVEREIGN,

We your Majesty's most Dutifull and Loyal Subjects the Members of Assembly of North Carolina now met in General Assembly return your Majesty our humble and hearty Thanks for your Paternal Care of the American Colonies in general And for the Arms you have been pleased to Order for the use of this Province in particular.

We are truly sensible of your Majestys goodness in appointing his Excellency Arthur Dobbs Esq^r to be our Governor whose zeal for your Majestys person and Service and endeavours to promote the happiness of the People have already rendered him highly acceptable to your Majestys Subjects in this Government.

Our inviolable Attachment to your Majestys person and the Protestant Succession in your Royal Line will ever engage us chearfully to embrace all opportunitys of demonstrating our duty and loyalty to your Majesty and of shewing an unalterable Resolution to prosecute such Measures as may at any time be necessary for your Majestys Service.

We beg leave to express our utter detestation of a perfidious Scheme long since planned and now attempted to be carried into Execution by the French in open violation of the most Solemn Treaties have invaded your Majesty Territory in Virginia And not content with the Injuries perpetrated by themselves have spirited up the Indians in their Alliances to Massacre your Majestys Subject in that and several of the other

provinces. Animated with a just resentment of these unwarrantable Outrages we have notwithstanding our Poverty and Indigences granted to your Majesty an additional Supply of Eight Thousand pounds to enable his Excellency the Governor to Assist the other Governments in repelling those Intruders from their unjustifiable Encroachments on your Majestys Lands on Ohio: And to protect our own Frontiers.

We are bound in Duty and Gratitude to return your Majesty our humble and sincere Thanks for having been graciously pleased to examine the Constitution of this province and to repeal several Laws repugnant thereto whereby the people by your Majestys Favour are restored to their Ancient Rights and Priviledges; And the Contests which subsisted among us are happily terminated.

We shall by a due Attention to everything relating to your Majestys Interest endeavour to Establish ourselves in your good opinion and hope to be favoured with the Continuance of your Majestys paternal Care and Royal protection.

Ordered, That the said Address be fairly Engrossed which is done and is as follows and then the House resolved Nem. Con. That the said Address do stand for the Address of the House.

Resolved, That Mr. Speaker with the House do attend his Excellency the Governor with the same Address and desire that he would cause the same to be laid before his Majesty.

Mr. Barker moved that a Committee be appointed to prepare and bring a Bill to appoint an Agent to Sollicit the Affairs of this Province at the several Boards in England and the following Gentlemen were accordingly appointed (Viz^t) Mr. Barker, Mr. Ormond, Mr. Jones, Mr. Swann, and Mr. Starkey.

The House taking into Consideration the petition of Several of the Inhabitants of Wilmington preferred to the House this Day have ordered that Mr. Starkey do prepare and bring in a Bill to repeal an Act Intituled an Act to prevent the Exportation of raw hides—pieces of hides and Calf Skins out of this Government.

A petition of several of the Inhabitants of Granville County complaining of the Hardships and Inconveniencies they labour under by the present Situation of the Court House of the said County praying Relief &c. On which Mr. Barker moved for leave to bring in a Bill for removing the Court of Granville County.

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

Resolved, That the Order of yesterday regarding the Committee of Ways and Means to raise the sum of Eight thousand pounds for granting an Aid to his Majesty &c be adjourned to Monday next.

On Motion made,

Ordered, That Mr. Heron and Mr. Blonnt do wait on his Excellency the Governor to know when this House shall attend him with the Address of this House to his Majesty.

His Excellency was pleased to return for answer he would receive them immediately.

The House immediately waited on His Excellency the Governor with their Address to his Majesty and desired he would be pleased to cause the same to be laid before his Majesty.

Mr. Speaker with the House returned and Mr. Speaker reported that the House has waited on his Excellency the Governor with their Address to the King and that his Excellency promised he would transmitt the said address to his Majesty by the first Opportunity.

Then the House Adjourned till Monday morning 10 o'Clock.

Monday the 23rd of December 1754. The House met according to adjournment.

Mr. Thomas Weeks one of the Members for Perquimons County appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his place in the House.

His Excellency the Governor sent a Message to this House in Writing as follows, to wit

MR. SPEAKER AND GENTLEMEN

The Draft of a Plan of a Union betwixt the several Colonies agreed upon by the Commissioners who met at the Congress at Albany the 19th June last having been by their Orders sent to the several Governors of each Province to be communicated to the Assemblies of each province for their Consideration Amendments or Approbation in Order to bring about so happy a Union and as his Majesty having Instructed me to promote a happy Union among the provinces for their General Union and Defence,

I therefore lay the Plan transmitted here before you for your Consideration that you may Concurr with them or alter and amend the plan and represent to his Majesty what you think may be of more Benefit to the Colonies in fixing a Proper Quota for onr General Defence and to snbmit it to his Majesty to lay a proportional sum upon each Colony according to their Wealth and Number.

December 21st 1754

ARTHUR DOBBS.

Ordered The Consideration of the said plan be referred till tomorrow.

Mr. Lovick moved for leave to absent himself from the service of the House until Saturday next.

Ordered he have leave accordingly.

Then the House adjourned 'till 3 °Clock in the Afternoon.

P. M. The House met according to adjournment.

The order of the Day being read that the House resolve into a Committee of the whole House to Consider of Ways and Means to raise the sum of Eight Thousand pounds for granting an Aid to his Majesty &c.

Resolved The House resolve into a Committee of the whole House to consider of Ways and Means to raise the sum of Eight thousand pounds for granting an Aid to his Majesty &c.

Resolved into a Committee of the whole House to Consider of Ways and Means &c. after some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman acquainted the Committee had come to the following Resolutions thereupon which they had directed him to Report to the House which he did and read the same in his Place and are as follows.

Resolved that the most Eligible means for raising the sum of Eight thousand pounds proc. money by stamping and emitting the said sum in publick Bills of Credit to be sunk by a poll Tax as will be most easy to the people to which the House agreed after having been again read by the Clerk.

Mr. Jones moved that the Committee appointed to prepare and bring in a Bill for granting an Aid to his Majesty &c. may receive a Clause or Clauses to be added to the said Bill agreeable to the above Resolve.

Ordered The said Committee do receive a Clause or Clauses agreeable to the aforementioned Resolve.

Ordered That Mr. Thomas Whitmell be added to the Committee of Claims in the Room of Mr. Thomas Lovick who has obtained of the House [leave] to be absent till Saturday next and excused from that Service.

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

Tuesday the 24th December 1754. The House met according to adjournment.

The House adjourned till 3 °Clock in the Afternoon.

P. M. The House met according to adjournment.

Mr. Barker acquainted this House that he was appointed one of the Committee of publick Accompts and that he is no Accountant—Therefore moved that the House would Excuse him from that Service.

Resolved That he be excused from that Service for the above Reason and that Mr. Cornelius Harnett be appointed of the said Committee in his Room.

Mr. Jones acquainted the House that the Committee appointed to bring in a Bill for Establishing Supreme Courts of Justice, Oyer and Terminer and General Goal Delivery of North Carolina had prepared the same which he read in his place and Delivered the same in at the Table where the said Bill was again read by the Clerk and agreed to by the House.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Ash and Mr. Veal.

His Excellency the Governor laid before this House Extracts of several of the Articles of his Instructions and a Letter from George Vaughan Esq^r Dated at Lisbon the 24th of October 1754 for their Consideration.

Ordered The same lye on the Table for Consideration

The House having taken into Consideration the Plan of Union betwixt the several Colonies agreed upon by the Commissioners who met at the Congress at Albany the 19th of June last &c. According to the Order of yesterday have

Resolved That the Consideration of the said plan be referred to the next Session of Assembly and that in the mean time the printer print the same and Deliver a Copy thereof to each Member of the Assembly for their Mature Consideration thereof

[*The plan of the Union was as follows, viz.:

“It is proposed that humble application be made for an act of parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said colonies: [Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina] within and under which government, each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows:

PRESIDENT GENERAL AND GRAND COUNCIL.

That the said general government be administered by a President General, to be appointed and supported by the crown, and a Grand Council, to be chosen by the representatives of the people of the several colonies, met in their respective assemblies.

ELECTION OF MEMBERS.

That within months after the passing of such act, the Houses of Representatives that happen to be sitting within that time, or that shall be

*Minot's continuation of the History of Massachusetts Bay, Vol. 1, p. 191.

especially for that purpose convened, may and shall choose members for the Grand Council in the following proportion, that is to say :

Massachusetts Bay,	7
New Hampshire,	2
Connecticut,	5
Rhode Island,	2
New York,	4
New Jersey,	3
Pennsylvania,	6
Maryland,	4
Virginia,	7
North Carolina,	4
South Carolina,	4
	48

PLACE OF FIRST MEETING.

Who shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the President General as soon as conveniently may be after his appointment.

NEW ELECTION.

That there shall be a new election of the members of the Grand Council every three years; and on the death or resignation of any member, his place shall be supplied by a new choice, at the next sitting of the Assembly of the colony he represented.

PROPORTION OF THE MEMBERS AFTER THE FIRST THREE YEARS.

That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of members to be chosen for each colony shall, from time to time, in all ensuing elections, be regulated by that proportion (yet so as that the number to be chosen by any one province be not more than seven, nor less than two.)

MEETINGS OF THE GRAND COUNCIL AND CALL.

That the Grand Council shall meet once in every year, and oftener, if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at, by the President General, on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

CONTINUANCE.

That the Grand Council have power to choose their Speaker: and shall neither be dissolved, prorogued, nor continued sitting longer than

six weeks at one time; without their own consent, or the special command of the crown.

MEMBERS' ATTENDANCE.

That the members of the Grand Council shall be allowed for their services, ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

ASSENT OF PRESIDENT GENERAL AND HIS DUTY.

That the assent of the President General be requisite to all acts of the Grand Council; and that it be his office and duty to cause them to be carried into execution.

POWER OF PRESIDENT GENERAL AND GRAND COUNCIL—TREATIES OF PEACE AND WAR.

That the President General, with the advice of the Grand Council, hold or direct all Indian treaties in which the general interest of the colonies may be concerned; and make peace or declare war with Indian nations.

INDIAN TRADE.

That they make such laws as they judge necessary for regulating all Indian trade.

INDIAN PURCHASES.

That they make all purchases from the Indians for the Crown, of lands not now within the bounds of particular colonies, or that shall not be within their bounds, when some of them are reduced to more convenient dimensions.

NEW SETTLEMENTS.

That they make new settlements on such purchases by granting lands in the King's name, reserving a quit-rent to the crown, for the use of the general treasury.

LAWS TO GOVERN THEM.

That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

RAISE SOLDIERS, AND EQUIP VESSELS, &c.

That they raise and pay soldiers, build forts for the defence of any of the colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any colony, without the consent of the Legislature.

POWER TO MAKE LAWS, LAY DUTIES, &c.

That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most

equal and just (considering the ability and other circumstances of the inhabitants in the several colonies) and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.

GENERAL TREASURER AND PARTICULAR TREASURER.

As they may appoint a general Treasurer and particular Treasurer in each government, when necessary; and from time to time may order the sums in the treasuries of each government into the general treasury, or draw on them for special payments, as they find most convenient.

MONEY, HOW TO ISSUE.

Yet no money to issue, but by joint orders of the President General and Grand Council, except where sums have been appropriated to particular purposes, and the President General has been previously empowered by an act to draw for such sums.

ACCOUNTS.

That the general accounts shall be yearly settled, and reported to the several assemblies.

QUORUM.

That a quorum of the Grand Council, empowered to act with the President General, do consist of twenty-five members; among whom there shall be one or more from the majority of the colonies.

LAWS TO BE TRANSMITTED.

That the laws made by them for the purposes aforesaid, shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council, for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

DEATH OF THE PRESIDENT GENERAL.

That in case of the death of the President General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.

OFFICERS, HOW APPOINTED.

That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President General; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President General's approbation before they officiate.

VACANCIES, HOW SUPPLIED.

But in case of vacancy, by death, or removal of any officer, civil or military, under this constitution, the Governor of the province in which such vacancy happens, may appoint till the pleasure of the President General and Grand Council can be known.

EACH COLONY MAY DEFEND ITSELF ON EMERGENCY, &c.

That the particular military as well as civil establishments in each colony remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any colony may defend itself, and lay the accounts of expense thence arising before the President General and Grand Council, who may allow and order payment of the same as far as they judge such accounts reasonable]

Then the House Adjourned till Thursday the 26th Instant 3 °Clock in the Afternoon.

Thursday the 26th December 1754. P. M. The House mett according to Adjournment.

Mr. Harnett laid before the House the petition of several of the Officers belonging to several Companies raised in this Province for the Assistance of Colony of Virginia,

Praying to be allowed the expences they were at in Recruiting &c which he read in his Place and the same was again read by the Clerk, viz.:

[*TO THE HON^{ble} SPEAKER AND THE WORSHIPFULL MEMBERS OF THE HOUSE OF BURGESSES, NOW SITTING AT NEW BERN:

The humble Petition of your Subscribers Sheweth:

That whereas your Petitioners have Been at considerable Expences Recruiting their Respective Companies Lately Raised on his Majesty's Service on the Expedition In Virginia, as also at great expences while there and Returning home, And Whereas His Excellency the Gov^r and Colonel James Innes (by his letter) have left it to The Consideration of your House what sum should be allowed for said Expences We humbly Pray you'll be Pleas'd to take the same Into your Consideration and Grant us such Relief as you in your Wisdom shall see Meet. And your Petitioners Will ever Pray—

CALEB GRAINGER, HU. WADDELL,
EDW^d VAIL, THOS. M°MANUS,
ALEX^r WOODROW, MOSES JN° DE ROSSET.]

*MSS. Records in office of Secretary of State.

Resolved, the same be referred to the Committee of Claims.

Mr. Jones acquainted this House that the Committee appointed to prepare and bring in a Bill for Establishing County Courts for Enlarging their Jurisdiction and settling the proceedings therein had prepared the same which he read in his place and Delivered the same in at the Table where it was again read by the Clerk and ordered that the same pass and be sent to the Councill

Sent the above Bill to the Councill by Mr. Caswell and Mr. Cade.

Mr. Barker acquainted this House that the Committee appointed to prepare and bring in a Bill for appointing parishes and Vestries for the Encouragement of an Orthodox Clergy for the Advancement of the Protestant Religion and for the Direction of the Settlement of parish Accompts had prepared the same which he read in his place and delivered the same in at the Table where it was again read.

Ordered the same pass and be sent to the Councill

Sent the same to the Councill by Mr. Spier and Mr. Bell.

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

Friday the 27th of December 1754. The House met according to Adjournment

The Clerk of the Crown laid before this House a Certificate of the return of a Writt for electing a Member for the Town of New Bern to serve in this present Assembly by which Return it appears that Mr. Solomon Rew is duly elected a Member for the said Town.

Pursuant to which the said Solomon Rew appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his seat in the House.

Mr. Harnett brought in a Bill pursuant to Order to repeal an Act intituled an Act to prevent the Exportation of Raw Hides, pieces of Hides and Calf Skins out of this Government which he read in his place and Delivered the same in at the Table where the same was again read and ordered to be sent to the Councill

Sent the above Bill to the Councill by Mr. Harnett and Mr. Ashc.

Mr. Barker acquainted the House that the Committee appointed to prepare and bring in a Bill to appoint an Agent to represent and sollicit the Affairs of this province at the several Boards in England had prepared the same which he read in his place and Delivered in at the Table where it was again read by the Clerk, and

Ordered to be sent to the Councill

Sent the above Bill to the Council by Mr. Sam^l Swann Jun^r and Mr. Relfe.

Received from the Council the Bill for Establishing County Courts for Enlarging their Jurisdiction and settling the proceeding therein.

And the Bill for appointing parishes and Vestries for the Encouragement of the Orthodox Clergy for the Advancement of the protestant Religion &c. Endorsed the 26th December 1754 In the Upper House read the first time and passed.

Ordered the Bill for Establishing County Courts &c be read in the Afternoon a second time.

Ordered that the Bill for appointing parishes and Vestries for the Encouragement of an Orthodox Clergy for the advancement of the protestant Religion &c. be read a second time.

Read the same a second time and several Amendments were proposed thereto.

Mr. Swann moved that the House resolve into a Committee of the Whole House to consider of the said Amendments in the said Bill proposed.

The House resolved into a Committee of the whole House to consider of the Amendments in the said Bill proposed and chose Mr. Wyriott Ormond Chairman who was placed in the Chair accordingly.

After some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had fully Considered of the Amendments proposed and had agreed to several which he offered to the House

Resolved the House receive them tomorrow morning.

Received from the Council the following Bills (Viz^t) The Bill for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery of North Carolina.

The Bill to appoint an Agent to represent and sollicit the Affairs of this province at the several Boards in England.

The Bill to repeal an Act entitled an Act to prevent the Exportation of Raw Hides &c. Endorsed the 27th December 1754. In the Upper House read the first time and passed

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

Saturday 28th December 1754. The House met according to Adjournment.

Pursuant to Order Mr. Ashe brought in a Bill for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the several Districts to make Roads to the same which he read in his

Place and was again read by the Clerk and ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Ashe and Mr. Houston.

Mr. Hutchins moved for leave to bring in a Bill to repeal an Act intituled an act for destroying Vermin in this Province.

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

Mr. Barker acquainted this House that the Committee appointed to bring in a Bill for granting an Aid to his Majesty for the Defence of the Frontier of this province and other Purposes had prepared the same which he read in his place and was again read by the Clerk and ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Harnett and Mr. Blount

Mr. Ormond reported that the Committee of the Whole House to Consider of the several amendments proposed to the Bill for appointing parishes and Vestries &c Agreeable to the Order of yesterday had agreed to several Amendments to the said Bill which he read in his place and afterwards delivered them in at the Table when they were again read by the Clerk and agreed to by the House and Inserted in the Bill.

Ordered the said Bill with the said Amendments be sent to the Council

Sent the Bill to the Council with the said Amendments by Mr. Williams and Mr. Hutchins.

Mr. Barker pursuant to the Order of the 21st Instant brought in a Bill for removing the Court of Granville County and for other purposes which he read in his place and was again read by the Clerk.

Ordered the said Bill pass and be sent to the Council.

Sent the same to the Council by Mr. Cade and Mr. Belk.

Ordered the following Bills be read a second time (to wit) the Bill for Establishing the Supreme Courts of Justice &c, and the Bill for Establishing the County Courts &c.

The above said two Bills were accordingly read and several amendments proposed

Then Mr. Swann moved that the House this Afternoon resolve into a Committee of the whole House to take into Consideration the said Bills and Amendments.

Resolved the House resolve into a Committee of the whole House in the afternoon to Consider of the said Bills and Amendments.

Then the House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

The House agreeable to the resolve of this Morning Resolved into a Committee of the whole House to Consider of the Bill for Establishing the Supreme Courts of Justice &c And also the Bill for Establishing the

County Courts and the Amendments thereto proposed and unanimously chose Mr. Ormond Chairman who was placed in the Chair Accordingly. After some time spent therein Mr. Speaker resumed the Chair. Mr. Ormond reported that the Committee of the whole House to Consider of the Bill for Establishing the Supreme Courts of Justice &c. and the Bill for establishing the County Courts &c with the several Amendments proposed had the said Bills read and had considered thereof and proposed several Amendments which he was directed to report to the House.

Resolved the House receive the same on Monday next.

Then the House adjourn till Monday Morning 10 o'Clock.

Monday the 30th December 1754. The House met according to Adjournment.

On motion ordered the Bill for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the several Districts to make Roads to the same be read a second time. Read the said Bill a second time and several Amendments were made thereto.

Ordered the said Bill pass with the said Amendments and be sent to the Council.

Sent the above Bill with the Amendments to the Council by Mr. Ashe and Mr. Caswell.

Agreeable to the Order of Saturday last that the House would receive the Report of the Committee on the Bill for the Establishing of Supreme Courts of Justice &c. And the Bill for Establishing the County Courts &c. Mr. Ormond reported the Amendment to the said two Bills by the Committee proposed, which he read in his place and afterwards Delivered the same with the said two Bills in at the Table where they were again read by the Clerk and agreed to by the House and Resolved that Mr. Jones, Mr. Barker and Mr. Swann wait on the Governor and lett his Excellency know that this House having under Consideration a Bill for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal delivery of North Carolina proposing the furtherance of Justice and making the Administration thereof more Speedy and Expeditious as well as less Expensive than heretofore hath been do desire his Excellency to Appoint and Ascertain proper Places for Erecting the said Courts at to the End that the Assembly may proceed to perfect and pass the said Bill.

Mr. Jones, Mr. Barker and Mr. Swann waited on his Excellency the Governor with the above Resolve who returned for Answer that he thought proper to appoint Newbern the place for holding the Supreme Court for the Counties of Craven, Carterett, Johnson, Beaufort, and

Hide. And Edenton for the Counties of Currituck, Pasquotank, Perquimons, Chowan, Bertie and Tyrell. Endfield for the Counties of Northampton, Edgcomb and Granville. Salisbury for the Counties of Rowan, Orange and Anson. And Wilmington for the Counties of New Hanover, Bladen, Onslow Dupling and Cumberland.

Mr. Jones moved that the House would insert in the said Bill the above places for holding the several Supreme Courts of Justice in this province on which the question was put and carried in the affirmative.

Resolved the same be Inserted in the said Bill which was accordingly done and ordered That the said Bill with the said places inserted be sent to the Council together with the Bill for Establishing County Courts &c for enlarging their Jurisdictions &c And the Amendments thereto.

Sent the said Two Bills with the amendments thereto to the Council by Mr. Swann Jun^r and Mr. Rew.

On motion Ordered that the Bill to appoint an Agent to represent and solicit the Affairs of this province at the several Boards in England be read a second time. Read the said Bill a second time.

Ordered the same pass and be sent to the Council with the said Amendments.

Sent the said Bill to the Council by Mr. Swann and Mr. Bell.

Then the House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for granting an Aid to his Majesty for the Defence of the Frontier of this Province and other purposes. Endorsed the 30th of December 1754 In the upper House read the first time and passed with amendments.

On motion Ordered that the above Bill be read a second time—read the said Bill a second time

Then Mr. Barker moved that the House resolve into a Committee of the whole House tomorrow to take the said Bill into Consideration.

Resolved the House resolve into a Committee of the whole House tomorrow to take the said Bill into Consideration.

Mr. Jones moved for leave to bring in a Bill to restrain the Exportation of bad and unmerchantable Tobacco and for preventing Frands in his Majestys Customs.

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

On motion Ordered that the Bill for removing the Court of Granville County and for other Purposes be read the second time, the same was accordingly read a second time.

Then the Motion was made and the Question put whether the said Bill pass or not and was carried by a Majority in the Negative.

Resolved the said Bill do not pass.

Then the House adjourned till tomorrow morning 9 °Clock.

Tuesday the 31st of December 1754. The House met according to adjournment.

Agreeable to the Order of Yesterday that the House resolve into a Committee of the whole House to take into Consideration the Bill for granting an Aid to his Majesty &c The House Resolved into a Committee of the whole House and chose Mr. Barker Chairman—After some time spent therein several Amendments were proposed which Mr. Chairman was directed to report to the House.

Mr. Speaker resumed the Chair

Mr. Barker acquainted this House that the Committee had gone through the Bill paragraph by paragraph and proposed several Amendments thereto which he Offered to the House.

Resolved the House receive the said Bill with the proposed Amendment tomorrow.

Received from the Councill the following Bills (Viz^t)

The Bill for Establishing the Supreme Courts of Justice Oyer and Terminer, &c.

The Bill for Establishing County Courts for enlarging their Jurisdiction &c.

Endorsed 31st December 1754. In the upper House read the second time and passed with Amendments.

The Bill for appointing Parishes and Vestries &c. Endorsed 30th December 1754. In the upper House read the second time and passed with Amendments.

On Motion ordered that the Bill for appointing Parishes and Vestries &c be read a third time The same was accordingly read a third time and after several Amendments made thereto

Ordered the same pass and be sent to the Council with the said Amendments together with the following Message

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCILL—

On reading the Bill for appointing parishes and Vestries &c We find several Amendments made by your House thereto—We agree to the following (to wit) the Enacting the style of The Certificate to be produced by the Minister to be presented to any Parish and the Method of Recovery of the five pounds for the Sheriff not summoning the Vestrymen. The other Amendments we cannot agree to and do Insist on our Amendments.

On motion Ordered the Bill to repeal an Act to prevent the Exportation of Raw Hides pieces of Hides &c. be read a second time

Read the said Bill a second time and passed and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Caswell and Mr. Rew

Mr. Jones moved that the House would Excuse him from his Service on the Committee of publick Accompts he being appointed on several Committees to prepare sundry Bills therefore cannot attend the Committee of Accompts.

Ordered he be excused and that Mr. Heron be appointed in his stead and Mr. Heron is accordingly appointed.

Then the House adjourned till tomorrow Morning 9 °Clock.

[For Lower House Journals of succeeding days of the session, see A. D. 1755.—EDITOR.]

1755.

LEGISLATIVE JOURNALS—CONTINUED.

[In the Upper House]

Wednesday 1st January 1755. Met pursuant to adjournment

Present

The Hon ^{ble}	{	Matthew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		Jas Murray	John Swann		
		Jas Hasell	Jo ⁿ Dawson		
		Jo ⁿ Rutherford	Lewis De Roset		

Mr. Rew & Mr. Caswell brought up the bill to repeal an Act Intituled an Act to prevent the Exportation of raw Hides, pieces of hides and Calf skius ont of this Province. In the Assembly read the second time and passed with Amendments

Mr. Rew and Mr. Caswell brought up the bill for appointing parishes & Vestrys for the Encouragem^t of an Orthodox Clergy for the advancement of the Protestant Religion & for the direction of the settlement of Parish Accounts. In the Assembly read the third time & passed with Amendments

Mr. Caswell and Mr. Rew brought up the following Message.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

On reading the bill for appointing parishes and vestrys We find several amendments made by your House thereto.

We agree to the following (to wit) the enacting stile of the Certificate to be produced by the minister to be presented to any Parish and the method of recovering the five pounds for the sheriff not Summoning the Vestrymen, the other Amendm^{ts} we cant agree to & Do Insist on our Amendments.

By order JOHN CAMPBELL, Speak^r
WILL HERITAGE, C^{lke}.

The Bill for appointing parishes and Vestrys for the encouragement of an Orthodox Clergy for the Advancem^t of the protestant Religion & for the direction of the Settlements of Parish Acc^{ts}. In the upper house read the third time and passed Nem Con.

The Bill for to repeal an Act Intitled an Act to prevent the exportation of Raw Hides pieces of hides and Calf skins out of this Government. In the Upper House read the second time and passed

The following message was sent to the other House (to wit)

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

The Bill for appointing Parishes and Vestrys for the Encouragement of an Orthodox Clergy for the Advancement of the Protestant Religion and for the direction of the Settlement of Parish Acc^{ts} has been read In the upper House the third time and passed In the same manner you have without Alteration.

Then adjourned to three oClock P M.

Met pursuant to adjournment present as before.

Mr. Blount and Mr. Vail brought up a Bill for granting an aid to his Majesty for the defense of the Frontiers of this Province and other Pnrposes. In the Assembly read the second time and passed with amendm^{ts}

Mr. Hamer and Mr. Hutchings brought up a Bill to repeal an Act Intitled an Act for destroying Vermin In this Province In the Assembly read the first time & passed

Mr. Sumner & Mr. Fontville Brought up a bill for securing the payment of Quit Rents due to His Majesty & Earl Granville for Quieting the Freeholders in the possession of their Lands & for other purposes In the Assembly read the first time & passed.

The Bill to repeal an Act Intitled an Act for destroying Vermin In this Province was read in this House the first time & passed

Mr. Brown & Mr. Shergold brought up a bill for establishing the supreme Courts of Justice Oyer & Terminer and Gen^l Goal Delivery of North Carolina. In the Assembly read the third time and passed with Amendments.

The Bill for the payment of Quit Rents due to his Majesty & Earl Granville for Quieting the freeholders In the possession of their Lands and other purposes In the Upper House read the first time & passed with Amendm^{ts}

Mr. Blount and Mr. Vail brought up a Bill for to restrain the exportation of bad and unmerchantable Tobacco, and for preventing frauds In his Majestys Customs. In the Assembly read the first time and passed In the Upper House read the first time & passed with Amendments.

Then adjourned to 10 o'Clock tomorrow morning.

Thursday Jan^r 2^d 1755 Met pursuant to Adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		Jas Murray	Jo ⁿ Swann		
		Jas Hasell	Jo ⁿ Dawson		
		Jo ⁿ Rutherford	Lewis De Roset		

Mr. Ashe & Mr. Blount brought up a bill to repeal an Act Intituled an Act to prevent the exportation of Raw Hides pieces of hides and calf skins out of this Government. In the Assembly read the third time and passed.

Mr. Harvey & Mr. Swann brought up the bill for establishing County Courts for enlarging their Jurisdiction and settling their proceedings therein In the Assembly read the third time and passed with Amendments

The Bill for establishing the supreme Courts of Justice Oyer and Terminer and Gen^l Goal delivery of N^o Carolina In the Upepr House read the third time and Passed ordered to be Engrossed.

The Bill to repeal an Act Intituled an act to prevent the Exportation of raw Hides Pieces of Hydes and Calf skins out of this Government. In the Upper House read the third time ordered to be engrossed.

Then adjourned to 3 o'Clock P M

Met pursuant to adjournment present as before.

The Bill for establishing County Courts for enlarging their Jurisdiction & settling their Proceed^{es} therein. In the Upper House read the third time ordered to be engrossed.

Then adjourned to 10 o'Clock tomorrow morning.

Friday Jan^r 3^d 1755. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		Ja ^s Murray	Jo ⁿ Swann		
		Ja ^s Hasell	Jo ⁿ Dawson		
		Jo ⁿ Rutherford	Lewis De Roset		

Mr. Ashe & Mr. Conner brought up the Bill for securing the Payment of Quit Rents due his Majesty and Earl Granville for quieting the freeholders in possession of their Lands & for other purposes In the Assembly read the second time & passed wth amendm^{ts}

Mr. Ashe & Mr. Conner brought up the Bill for the Better Regulating the Militia In the Assembly read the first time & passed.

The following message was sent to the Assembly viz

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the bill for appointing the several ferrys therein mentioned and for obliging Commissioners of the Several districts to make roads to the same we find in y^r last amendment you have left the direction of the working on the said Road and the granting Certificates to the people working therein to the Commissioners of the district or any two of them We therefore propose that instead thereof should be inserted the Commissioners of the district or the majority of them If you approve thereof please to send two of your Members to see such Alterations made.

Rec^d from the assembly the following message

Concurred with and have sent Mr. Ashe & Mr. Hamer to see the said Amendm^{ts} made By order. JOⁿ CAMPBELL Speak^r

WILL HERITAGE C^{lk}.

Mr. Rew & Mr. Hutchins brought up a bill to provide Indifferent Jurymen In all causes Criminal and Civil & for an Allowance for the attendance of Jurers Attending at the supreme Courts of Justice. In the Assembly read the first time and passed.

Mr. Ashe & Mr. Rew brought up the Bill to prevent malicious maiming & wounding. In the Assembly read the first time & passed.

The Bill for appointing the several Ferrys therein mentioned and for obliging the commissioners of the several districts to make roads to the same. In the Upper House read the third time & passed Nem: Con: Ordered to be Engrossed

Then adjourned to 3 O'clock P. M.

Met pursuant to adjournment present as before.

The Bill to provide Indifferent Jurymen in all causes Criminal or Civil and for the Allowance for the Attendance of Jurors Attending at the Supreme Courts of Justice. In the Upper House read the first time and passed.

The Bill for the Better Regulation of the Militia In the Upper House read the first time and passed.

The Bill to prevent malicious maiming and wounding In the Upper House read the first time and passed.

The bill for granting an aid to his Majesty for the Defense of the frontier of this Province & other purposes. In the Upper House read the Second time and passed with Amendments.

Mr. Harris & Mr. Hamer brought up a Bill to amend an Additional Act Intituled an Act Concerning roads & ferrys. In the Assembly read the first time & passed.

Mr. Harriss & Mr. Hamer brought up a Bill to restrain the Exportation of bad unmerchantable Tobacco and for preventing frauds In his Majestys Customs. In the Assembly read the second time and passed with Amendm^{ts}.

The bill to amend an additional Act Intituled an Act Concerning roads & ferrys. In the upper House read & ordered to lye on the table till tomorrow morning.

Then adjourned to ten °Clock [to-morrow morning]

Saturday 4th Jan'y 1755. Met pursuant to adjournm^t

Present

The Hon ^{ble}	{	Matthew Rowan	Fran ^s Corbin	}	Esq ^{rs}
		James Murray	John Swann		
		James Hasell	Jo ^a Dawson		
		John Rutherford	Lewis DeRoset		

The House took under their consideration the bill to amend an additional Act Intituled an Act Concerning roads & ferrys & was rejected.

The bill to Restrain the Exportation of bad & Unmerchantable Tobacco & for preventing frauds In his Majestys Customs. In the upper House read the Second time & passed with Amendments.

The bill for granting an aid to his Majesty for the Defense of the frontier of this Province and other purposes was read and ordered to lye on the table to the evening.

Mr. Carter and Mr. Sumner brought up a bill for Inspecting Beef, Pork, Rice, Indigo, Tar, pitch, Turpentine & Lumber. In the Assembly read the second time & passed.

Mr. Cade and Mr. Payne brought the bill to prevent malicious maiming and wounding. In the Assembly read the second time & passed with amendments.

Then adjourned to 3 O'clock. P M.

Met pursuant to adjournment Present as before.

The bill to prevent malicious maiming and wounding In the upper House read the second time and passed.

The Bill for Inspecting Beef, Pork, Rice, Indigo, Tar, Pitch, Turpentine & Lumber. In the Upper House read the first Time and passed.

Mr. Caswell & Mr. Hamer brought up the bill to restrain the Exportation of bad & unmerchantable Tobacco and for preventing frauds In his Majestys Customs. In the Assembly read the third time & passed.

Mr. Caswell & Mr. Hamer brought up the bill for the better regulating the militia. In the Assembly read the second time and passed with amendments

The Bill for granting an aid to his Majesty for the defense of the frontier of this Province and other purposes which was ordered to lye on the Table to the Evening this House took under Consideration and sent the following message, Viz^t

MR. SPEAKER AND GEN^l OF THE ASSEMBLY

On reading the third time the bill for granting an aid to his Majesty we find we cannot agree to pass the Bill in the manner you have sent it to us therefore we propose the following Amendments Viz^t that the eight thousand pounds be made up out of the six thousand pounds for the founding and endowing a Publick School and two thousand pounds out of the moneys appropriated for building a Fort at or near Ocaecock called fort Granville not hitherto applied that the Governor may have the disposal of the said eight thousand pounds as may be most effectual for his Majestys service Agreeable to the Intent of the said Bill if you agree to those Amendments send up two of your members to see the Bill altered accordingly

Then adjourned to Monday 6th Jan^y 1755

Monday 6th January 1755. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Fran ^s Corbin	} Esq ^{rs}
		James Murray	Jo ⁿ Swann	
		James Hasell	Jo ⁿ Dawson	
		John Rutherford		

Mr. Hardy and Mr. Spiers brought up a bill for ascertaining a proper place for building thereat a Court House Prison pillory stocks for the County of Beaufort. In the Assembly read the first time & passed

Mr. Hardy & Mr. Spier brought up a bill for granting his Majesty a duty upon the tonage of Ships and Other Vessells coming into this Province for the purposes therein mentioned. In the Assembly read the first time and passed.

Mr. Isaac Jones & Mr. Shergold brought up a bill for raising a Fund for paying the Salaries of the Chief Justice & Attorney Gen^l and for other purposes. In the Assembly read the first time and passed.

The Bill for securing the Payment of Quit Rents due to his Majesty and Earl Granville for Quieting the Freeholders in the Possession of their Lands and for other Purposes. In the Upper House read the second time and passed with Amendm^{ts}

The Bill for raising a fund for Paying the Salaries of the Chief Justice and Attorney Gen^l and other purposes. In the upper House read the first time & passed.

The Bill for granting to his Majesty a Duty upon the Tonage of Ships & other Vessells coming into this Province for the purposes therein mentioned. In the upper House read the first time and passed.

The Bill for ascertaining a proper place for building thereat a Court House Prison pillory & Stocks for the County of Beaufort. In the upper House read the first time & passed.

The Bill for the better regulation of the Militia. In the upper House read the second time & passed with amendments.

Mr. Heron and Mr. Harvey brought up a Message from the other House w^h was read and is as follows

GEN^t OF HIS MAJESTYS HON^{ble} COUNCIL,

By your message of the fourth Ins^t we observe that you propose amendm^{ts} to the Bill for granting an aid to his Majesty &c viz^t That the £8000 be made up out of the £6000 for the founding and endowing a Publick school & £2000 out of the moneys appropriated for building a Fort at or near Ocacock called Fort Granville not yet applied and [give] the Gov^r the Disposal of the said eight thousand pounds in the most effectual manner for his Majestys service According to the Direction of the said Bill upon consideration of which this House have resolved that They do Consent to the first Amendments by you proposed & Disagree to the Second That they cannot recede from their Amendments to the said Bill Whereof a Discretionary power is given to the Governor either to raise recruits with the five thousand pounds in the Bill mentioned for that purpose to be sent to Ohio, or remit the same in Provision for accomo- dating his Majestys Troops Already ordered to serve there as shall seem most Convenient for his Majestys service.

By Order J^{no} CAMPBELL Speak^r

WILLIAM HERRITAGE C^{lk}

Then adjourned till 3 o'clock P. M.

Met pursuant to adjournment Present as before.

Sent a message to the Assembly which was as follows. Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We agree to your amendments proposed by your message by Mr. Heron & Mr. Harvey and desire you to send us two of your members to see the same Inserted In the Bill for Granting an Aid to his Majesty.

Mr. Harnett & Mr. Ashe did see the same amendments made.

The Bill for granting an aid to his Majesty for the Defense of the Frontier of this Province and other purposes. In the upper House read the third time & passed Nem Con & ordered to be Engrossed

The Bill to prevent malicious maiming & wounding In the upper House read the third time & passed. Nem Con & ordered to be engrossed

Mr. Relf & Mr. Houston Brought up a Bill to provide Indifferent Jurymen in all causes Criminal and Civil and for an allowance for the attendance of Jurors attending at the Supreme Courts of Justice In the assembly read the second time & passed with Amendments.

Mr. Relf and Mr. Spier brought up a Bill for Inspecting Beef Pork Rice Indigo, Tar, Pitch Turpentine & Lumber In the Assembly read the second time and passed with Amendments

The Bill to restrain the exportation of bad and unmerchantable Tobacco & for Preventing frauds in his Majestys Customs In the Upper House read the third time and passed Nem Con Ordered to be engrossed.

Then adjourned to tomorrow morning 9 o'clock

Tuesday 7th January 1755 Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Jo ⁿ Rutherford	} Esq ^r
		James Murray	Fran ^s Corbin	
		James Hasell	Jo ⁿ Swann	
		Jo ⁿ Dawson		

Mr. Ashe & Mr. Haruett brought up the Bill for the better Regulating the militia sent a message to the Assembly which was as follows Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

We find on a third reading of the militia Bill a clause Inserted by you for exempting the people called Quakers from appearing at any muster provided with arms accoutrements & ammunition That those people may be of some service and deserve the Indulgence given them, We propose that they shall be obliged to muster as other Pioneers with a good axe spade shovel or Hoe to which Amendments we desire your Concurrence and that you'll be pleased to send two of your members to see the same Inserted

Mr. Rew and Mr. Fontville brought up a Bill for securing the Payment of Quit Rents due to his Majesty and Earl Granville for quieting the Freeholders In the Possession of their Lands and for other Purposes. In the Assembly read the third time and passed with Amendments.

Mr. Rew and Mr. Fontville brought up a Bill to Confirm an agreement by the present Church Wardens and Vestry of Christ Church Parish in Craven County, with the Rev^d James Reed. In the Assembly read the first time and passed

Mr. Vail and Mr. Herron brought up a Bill to facilitate the raising recruits to serve his Majesty in the intended Expedition against the French on the Ohio & Guarding the Frontier of this Province In the Assembly read the first time and passed.

Mr. Vail and Mr. Herron brought a bill for appointing Commissioners to revise the Laws. In the Assembly read the first time and passed.

The Bill to provide Indifferent Jurymen in all causes Criminal & Civil and for an allowance for the attendance of Jurors attending at the Supreme Courts of Justice In the Upper House read the second time and passed with Amendments.

The Bill for securing the payment of Quit Rents due his Majesty & Earl Granville for Quieting the Freeholders in the possession of their Lands and for other purposes In the Upper House read the third time and passed Ordered to be Engrossed.

The Bill to confirm an agreement made by the present Church Wardens & Vestry of Christ Church Parish in Craven County with the Rev^d James Reed In the upper House read the first time and passed.

The Bill to appoint Commiss^{rs} to revise the Laws In the upper House read the first time and passed.

The Bill to facilitate the raising recruits to serve his Majesty in the Entended Expedition &c. In the upper House read the first time and Passed.

Then adjourned to 3 O'clock P. M.

Met pursuant to adjournment Present as before the Hon^{ble} Joⁿ Dawson Excepted

Mr. Harvey & Mr. Relf brought up the following message

GEN^t OF HIS MAJESTYS HON^{ble} COUNCIL

This House having taken your message of this day regarding the amendments proposed by yours to the bill for the better Regulating the

militia under Consideration have resolv'd that they cannot agree to the Amendm^{ts} proposed by your House nor recede from their own.

By order JOHN CAMPBELL Speaker

W^m HERITAGE C^{lke}.

The bill for the better regulating the Militia In the upper House read the third time and rejected.

Mr. Spier and Mr. Sutton brought up a bill for ascertaining a proper place for building thereat a Court House Prison Pillory & Stocks for the County of Beaufort. In the Assembly read the second time and Passed.

Mr. Spier and Mr. Sutton brought up the Bill to establish a publick Ferry from Newbys point to Philips's point whereon the Court House now stands on Pequimon River. In the Assembly read the first time and passed.

The Bill to establish a publick Ferry from Newbys point to Philips Point whereon the Court House now stands on Pequimon River In the Upper House read the first time and passed.

Mr. Brice and Mr. Connor brought up the Bill to confirm an agreem^t made by the Present Church Wardens and Vestry of Christ Church in Craven County with the Rev^d Ja^s Reed. In the Assembly read the second time and passed.

Mr. Brice and Mr. Connor brought the bill to facilitate the raising Recruits to serve his Majesty In the intended expedition against the French on the Ohio & guarding the Frontier of this Province. In the Assembly read the second time & passed.

Mr. Brice & Mr. Connor brought up a bill for raising a Fund for paying the salaries of the Chief Justice and Attorney Gen^l and for other purposes. In the Assembly read the second time and passed.

Then adjourned to 10 o'clock tomorrow morning

Wednesday 8th January 1755 Met pursuant to adjournment

Present.

The Hon^{ble} { Matthew Rowan Fran^s Corbin } Esq^{rs}
 { James Murray John Swann }
 James Hasell

The Bill for confirming an agreement made by the present Church wardens & Vestry of Christ Church Parish In Craven County with the Rev^d James Reed. In the upper House read the second time and passed

The Bill for raising a fund for paying the salaries of the Chief Justice, Attorney General and other purposes In the upper House read the second time and passed with amenduents

Mr. Hutchins and Mr. Houston brought in a Bill to amend an Act Intituled an Act for Destroying Vermin in this Province In the Assembly read the first time and passed.

Mr. Hutchins and Mr. Houston brought up a Bill to provide Indifferent Jurymen In all causes Criminal and Civil and for an Allowance for the attending of Jurors Attending at the Supreme Court of Justice In the Assembly read the third time and passed with amendm^{ts}

Mr. Houston and Mr. Rew brought up a Bill for Granting to his Majesty a Dnty upon the Tonage of Ships & other Vessells coming into this Province for the purpose therein mentioned In the Assembly read the second time and passed with Amendments.

Mr. Houston & Mr. Rew brought up the Bill for raising a Fund for Paying the Salaries of the Chief Justice and Attorney General and for other purposes. In the Assembly read the third time and passed

Mr. Fontville & Mr. Harvey brought up a bill to confirm an agreement made by the present Church Wardens & Vestry of Christ Church parish in Craven County with the Rev^d Jas Reed. In the Assembly read the third time & passed

Mr. Fontville brought up a Bill to establish a publick ferry from Newbys Point to Philip's point whereon the Court House now stands at Pequimon River In the Assembly read the second time & passed

Mr. Fontville and Mr. Harvey brought up a Bill for Appointing Com^{rs} to revise the Laws In the Assembly read the second time.

The Bill for Commissioners to revise the Laws. In the upper House read the second time and ordered to lye on the table to the 20th Jan^y for Further Consideration.

The Bill to amend an Act Intituled an Act for Destroying Vermin in this Province. In the upper House read the first time and passed.

The Bill for Inspecting Beef Pork Rice Indigo Tar Pitch Turpentine & Lumber. In the Assembly read the second time & passed with Amendm^{ts}

The Bill for ascertaining a proper place for building thereat a Court House Pillory &c. In the Upper House read the second time and passed with Amendments.

Rec^d a message from the Assembly sent by Mr. Harvey & Mr. Heron which is as follows

Tuesday 7th Jan^y 1755. In the Assembly.

Resolved that the sum of four Hundred and four Pounds fourteen shillings and four pence Sterl^s be reimbursed to his Excellency out of the Treasury.

And also the further sum of two hundred pounds prock money be advanced by the Treasurer to such person as his Excell^r shall order to receive the same to be employed In the Encouragement & Carrying on the silk manufacture as he shall Direct

By order JOⁿ CAMPBELL Speaker
WILLIAM HERITAGE C^{lke}.

GENT: OF HIS MAJESTYS HON^{ble} COUNCIL,

The above resolve of this House we send you for Concurrence.

By order J^{no} CAMPBELL Speaker.
WILL^m HERITAGE C^{lke}.

To which the upper House sent the following.

In the upper House
The above resolve of the assembly was Unanimously concurred with
By order MATTHEW ROWAN
HU: WADDELL C C^{lke}

The Bill to provide Indifferent Jurymen In all causes Criminal and Civil and for an Allowance for the Attendance of Jurors Attending At the Supreme Courts of Justice In the Upper House read the third time & passed ordered to be Engrossed.

The Bill for granting to his Majesty a duty upon the Tonage of Ships and other Vessells Coming into this Province for the purpose therein mention'd. In the upper House read the second time & passed with Amendments.

The Bill to facilitate the raising recruits to serve his Majesty in the intended expedition against the French on the Ohio and Guarding the Frontier of this Province In the upper House read the second time & passed.

Then Adjourned to 10 O'Clock Tomorrow morning.

Thursday 9th January 1755. Met pursuant to adjournment.
Present.

The Hon^{ble} { Matthew Rowan Joⁿ Rutherford } Esq^{rs}
 { James Murray Fran^s Corbin }
 { James Hasell }

Mr. Williams and Mr. Harris brought up a Bill to amend an Act Intituled an Act for destroying Vermin in this Province. In the Assembly read the second time & passed.

Mr. Williams and Mr. Harris brought up a Bill for ascertaining a proper place for building thereat a Court House prison pillory & Stocks

for the County of Beaufort. In the Assembly read the third time & passed with Amendments

Mr. Williams and Mr. Harris brought up a Bill to Encourage the emportation of Gold Silver & Copper Coins in this Province In the Assembly read the third time & passed.

Mr. Caswell & Mr. Payne brought up the Bill to facilitate the raising recruits to serve his Majesty on the Entended Expedition against the French on the Ohio and Guarding the Frontier of this Province. In the Assembly read the third time & passed with Amendments

Mr. Caswell & Mr. Payne brought up the bill to establish a Publick Ferry from Newbys point to Philips Point whereon the Court House now stands on Pequimon River In the Assembly read the third time & passed

Mr. Caswell and Mr. Payne brought up the bill for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province for the purpose therein mentioned In the Assembly read the third time & passed with Amendments

The bill to Confirm an agreement made by the present church wardens & Vestry of Christ Church Parish in Craven County with the rev^d James Reed. In the upper House read the third time & passed. Ordered to be Engrossed.

Mr. Williams and Mr. Harris brought up the Bill for Inspecting Beef, Pork, rice Indigo Tar, Pitch Turpentine & Lumber. In the Assembly read the third time & passed with Amendm^{ts}

The Bill for granting to his Majesty a duty upon the Tonnage of Ships and other Vessels coming into this Province for the purpose therein mentioned. In the Upper House read the third time & passed ordered to be Engrossed.

On reading the Bill for Inspecting beef Pork &c the following message was sent to the Assembly viz^t

MR. SPEAKER AND GENT: OF THE ASSEMBLY,

In reading a third time the Bill for Inspecting Beef Pork &c We think proper to reinsert in its place the annexed Clause we therefore desire you to send two of your Members to see the same done and otherwise we cant pass the Bill.

The Clause.

Provided that every Inspector heretofore appointed or that shall hereafter be appointed who resides at the place of his Inspection and faithfully performs the office of Inspector according to the directions of this Act shall not be removed from his Office anything in this to the Contrary Notwithstanding.

The Bill to amend an Act Intituled an Act for destroying Vermin In this Province. In the upper House read the third time & passed Ordered to be Engrossed.

The Bill to encourage the Importation of Gold Silver & Copper Coins into this Province In the Upper House read the second time & Ordered to Lye on the Table to the 20th Jan^r

This House sent a Message to the Assembly which was as follows.

MR. SPEAKER AND GEN^t OF THE ASSEMBLY,

On reading a third time the Bill for raising a fund for paying the salaries of the Chief Justice and Attorney Gen^l and for other purposes We think it necessary that the tax therein mentioned be Continued for four years Instead of two as the bill now stands and that the Annexed clause be added to the Bill, if you approve thereof send two of your members to see the same amendments made accordingly

And Whereas the sum of two thousand eight Hundred pounds was appropriated for & toward the Contingent Charges of Government by an Act passed In the year 1754 Intituled an Act for granting to his Majesty the sum of forty thousand pounds In publick Bills of Credit at the rate of Proclamation money to be applyed toward defraying the Expence of Raising & Subsisting the Forces for his Majestys service in this Province to be sent to the Assistance of his Majestys Colony of Virginia & for other purposes therein mentioned, Under certain restrictions in the said Act mentioned, and Whereas it is absolutely necessary for his Majestys Service and for the support for the Credit of this Province that the said sum of 2800 pounds should be immediately Issued for the Contingent charges of Government there being at present no money in the publick Treasury for that purpose. Be it therefore enacted by the Authority aforesaid that the said sum of 2800 pounds shall be Immediately Issued by the publick Treasurer for the uses & purposes In this Act mentioned and shall be replaced by the Tax herein before Imposed & Reserved in the hands of the publick Treasurer until His Majestys Royal approbation of the before recited Act be known.

Mr. Vail & Mr. Swann brought up the following message.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have appointed Mr. Jones Mr. Swann Mr. Barker Mr. Sam^l Swann Jun^r and Mr. Herron Members of this House to Compare the Engrossed Bills with those Bills which passed both Houses this session In Conjunction with such Gentlemen of the Council as you shall think fit to Appoint. By order

WILL^m HERITAGE C^{lke}.

JNO CAMPBELL Speaker

This House took the message of to day relative to the appointing Members to Compare the Engrossed Bills under their Consideration and have appointed the Hon^{ble} James Murray and Francis Corbin Esq^r to see the same done

Then adjourned to 3 o'Clock P. M.

Mr. Ormond and Mr. Herron brought up the following message in Answer to ours of to day Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House taking into Consideration your Message of to day with the Amendments therein Proposed to the Bill for raising a Fund for paying the salaries of the Chief Justice and Attorney Gen^l &c Do Consent that you make the said Amendments thereto and sent Mr. Ormond & Mr. Herron to see the same done By Order

JOⁿ CAMPBELL Speaker

WILL^m HERITAGE C^{like}

Mr. Ormond and Mr. Herron came up and saw the same Inserted accordingly

The Bill for raising a Fund for paying the salaries of the Chief Justice & Att^y General & for other purposes. In the Upper House read the third time & passed Nem Con: Ordered to be Engrossed.

Then adjourned to 10 O'clock Tomorrow Morning

Saturday 11th January 1755 Met pursuant to adjournment.

Present.

The Hon^{ble} { Matthew Rowan John Rutherford }
 { James Murray Fran^s Corbin } Esq^{rs}
 { James Hasell }

Then adjourned to Monday morning 10 o'clock

Monday 15th Janu^y 1755. Met pursuant to adjournment

Present

The Hon^{ble} { Matthew Rowan Joⁿ Rutherford }
 { Jas Murray Francis Corbin } Esq^{rs}
 { Jas Hasell }

Mr. Herrin and Mr. Houston brought a message from the other House which was as follows

GENTLEMEN OF HIS MAJESTIES HON^{ble} COUNCIL,

This House have resolved that the sum of nine Hundred and fifty eight pounds one skill^s & four pence paid in on the Sinking Fund to the Committee of Publick Acc^{ts} and also the sum of two thousand and

thirty pounds ten shillings & three pence old Bills delivered by several Claimants to the Committee of Claims this session be burnt a Munday morning at a 11 oClock, and have appointed a Committee of this House in Conjunction with such of your Honours as you shall think fit to Appoint to see the same done By order

JN^o CAMPBELL Speaker

W^m HERITAGE C^{lke}

To which this House sent the following Message

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

Your message of the 11th signifying that you had appointed a Committee of your House to see the sums of old and New Bills therein mentioned burnt this morning at 11 o'clock not having been delivered till 4 o'clock this afternoon this House has appointed a Committee to Joyn yours to see the said Bills burnt tomorrow at 9 o'clock.

Then adjourned to 9 o'clock tomorrow morning.

Tuesday 14th Jan^{ry} 1755. Met pursuant to adjournment.

Present

The Hon^{ble} { Matthew Rowan Joⁿ Rutherford }
 { Jas Murray Francis Corbin } Esq^s
 { Jas Hasell }

Mr. Swann and Mr. Vail brought the estimate of wages &c Due to the Members and Officers of Lower House Amounting to one thousand one hundred & Eight Pounds Eighteen Shillings and eleven pence prock money. In the upper House concurred with

Also at the same time rec^d a message which was as follows.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

We herewith send you an estimate of the Allowances due and payable to the several members of this House also of the C^{lke} and other officers thereunto Belonging. And also the resolve of this House regarding the several sums thereby resolved to be paid to the several persons therein mentioned and desire your Concurrence thereto

By order JNO CAMPBELL Speaker

W^m HERITAGE C^{lke}

This House sent to the Lower House their estimate of wages &c amounting [to] one hundred and eighty one Pounds fifteen shillings & two pence prock money, which was accordingly concurr'd with

The report of the Committee of Claims was brought up In the upper House Concurred with.

His Excellency Arthur Dobbs Esq^r came to this House and ordered the immediate attendance of the Lower House Whereupon the Speaker attended by the Lower House waited on his Excellency in the Council Chamber and presented to his Excellency the subsequent Bills Viz^t

- 1 An Act for granting an aid to his Majesty and for other purposes.
- 2 An Act for securing the payments of quitrents
- 3 An Act to grant his Majesty a duty on Tonnage &c
- 4 An Act for Establishing the supreme Courts of Justice
- 5 An Act for Establishing County Courts.
- 6 An Act to facilitate the raising recruits to serve his Majesty
- 7 An Act for appointing parishes and Vestrys
- 8 An Act to provide Indifferent Jurymen
- 9 An Act to restrain the Exportation of bad and unmerchantable Tobacco.

10 An Act for raising a fund for paying the Salaries of the Chief Justice & Att^r General.

11 An Act to repeal an Act for the exportation of Hides.

12 An Act to prevent malicious maiming, &c

13 An Act to amend an Act for Destroying Vermin

14 An Act for Establishing Ferrys on Cape Fear River

15 An Act to Establish a Ferry on Pequimons River

16 An Act to Confirm an Agreement between the Church wardens and Vestry of Christ church and the Rev^d James Reed.

To all which his Excellency was pleased to give his assent After which his Excellency made the following speech.

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

The steady zeal you have shown for his Majestys person and Royal Family and support of this Government and securing the Payment of his Quit rents and the Unanimity with which you have proceeded in doing everything Necessary According to your Present Ability, for the peace security and defence of this and the Adjoyning Colonies and In secnreing your Religion Rights and properties from French encroachments and Papal Tyranny requires my returning you sincere thanks which I shall Faithfully represent to his Majesty

Your Application and the Dispatch you have made in preparing many necessary Laws for the Improvements of the trade easy Distribution of Justice and for the maintenance of an Orthodox Clergy well deserves the thanks of your Constituents and of all [who] wish well to the Province

I am particularly obliged to you for the Favourable sentiments you have expressed of my endeavours to serve his Majesty & to promote the peace security and improvement of this Colony according to the trust his Majesty has reposed in me

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I return you in particular my hearty thanks for the supplies you have granted for the defense of this Colony and Assistance of Virginia and Contingenys of Gov^t with which you have entrusted me which I shall endeavour to apply with the greatest Economy For his Majesty's service and security of this Province.

GENTLEMEN OF HIS MAJESTIES COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As your Close attendance and your private affairs will require your seperating at this Time and Returning to your Several Counties I must earnestly recommend to you the promoting Peace and Harmony in your several Counties & that you will exert yourself in your several Districts in putting in Execution the several Laws formerly and now made for Promoting true Religion and Virtue the due Execution of Justice and promoting the Trade and Improvement of this Province and to take care that the supplies you have granted so chearfully be duly and carefully Levied & paid in to answer the purposes for which they are granted, without which your Laws Religion Libertys & property's cant be secured nor the Government be enabled to defend you as all Laws are a dead Letter if not Duly Inforced and put in Execution.

Then adjourned to 3 o'clock P. M.

Met pursuant to Adjournment present as Before.

His Excellency came to this House and was pleased to send the following message to the Assembly Viz^t

MR. SPEAKER AND GEN^t OF THE ASSEMBLY

As there appears a Surplussage at Present of the £12000 Issued for the assistance of Virginia In case Col Innes upon makeing up his Acc^t has no Demand for that overplus I should be glad to have your sentiments how the remaining overplus shall be laid out & Who you will Impower to Dispose of the same pursuant to the Act appropriating the same.

To which the assembly sent the following message by Mr. Barker & Mr. Ormond.

GENTLEMEN OF HIS MAJESTIES COUNCIL

This House received a message from his Excellency the Gov^r acquainting them that there appears a surplusage of the £12000 Issued for the assistance of Virginia therein desireing the sentiments of this House how the same should be laid out and by whom and having taken the said message Into Consideration have Unanimously resolved In case Colonel Innes on making up his Acc^{ts} shall have no demand for the surplus of the said £12000 that so much thereof as shall remain unapply'd in shall be paid to such person or persons as His Excellency the Gov^r shall direct and be apply'd In assisting the Colony of Virginia in the expedition against the French at Ohio In such manner as his Excellency shall at any time think most proper for his Majesty's service

By order JOⁿ CAMPBELL Speaker.

WILL^m HERRITAGE Cl^{ke}.

In the upper House Concurred with

By order MATTHEW ROWAN P C

HU WADDELL: D: C:

Then adjourned to 9 O'clock Tomorrow morning.

Wednesday 15th Jan^r: 1755. Met pursuant to adjournment.

Present.

The Hon^{ble} { Matthew Rowan Joⁿ Rutherford } Esq^{rs}
 { James Murray Francis Corbin }
 James Hasell

His Excellency was pleased to prorogue the Assembly to the 24th day of March being the fourth Tuesday to be held at Newbern.

[Lower House of Assembly continued from page 262.]

Wednesday the 1st January 1755 The House met according to adjournment.

Mr Jones according to order brought in a Bill to restrain the Exportation of bad and unmerchantable Tobacco and for preventing Frauds in his Majestys Customs which he read in his place and the same was again read by the clerk and ordered the same pass and be sent to the Council

Sent the said Bill to the Council by Mr. Blount and Mr. Vail

Mr. Barker from the Committee for taking into Consideration the Bill for granting an Aid to his Majesty &c. Agreeable to the Order of yesterday. Reported the several amendments proposed by the Committee to the said Bill which he read in his place and was again read by the Clerk to which said amendments the House agreed and that the Bill pass therewith and be sent to the Council.

Sent the said Bill to the Council by Mr. Blount and Mr. Vail.

Mr. Barker according to Order brought in a Bill for securing the payment of Quit rents due to his Majesty and Earl Granville for quieting the Freeholders in the possession of their Lands and for other purposes which he read in his place and was again read by the Clerk and ordered the said Bill pass and be sent to the Council.

Sent the same to the Council by Mr. Blount and Mr. Fonville.

Mr. Hutchins according to Order brought in a Bill to repeal an Act Intituled an Act for destroying Vermin in this province which he read in his place and was again read by the Clerk And ordered the said Bill pass and be sent to the Council

Sent the same to the Council by Mr. Hutchings and Mr. Hamer.

Received from the Council the Bill for appointing Parishes and Vestries &c. Endorsed 1st January 1755. In the upper House read the third time and passed

Ordered to be engrossed.

On motion Ordered that the Bill to repeal an Act Intituled an Act to prevent the Exportation of Raw Hides pieces of Hides &c. be read a third time, the same was accordingly read a third time and passed and ordered to be sent to the Council.

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

On motion ordered that the Bill for establishing the Supreme Courts of Justice &c, be read a third time, the same was accordingly read a third time and Amended and passed and ordered to be sent to the Council with the said Amendments.

Sent the said Bill to the Council with said Amendments by Mr. Brown and Mr. Shergold

On motion ordered that the Bill for Establishing County Courts &c be read a third time

The same was accordingly read the third time amended and passed and Ordered to be sent to the Council with the said Amendments

Sent the said Bill to the Council by Mr. Harvey jun^r and Mr. Swann jun^r.

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

Thursday the 2nd January 1755. The House met according to Adjournment

Received from the Council the Bill to repeal the Vermin Act. Endorsed January 1st 1755. In the Upper House read the first time and passed.

Mr. James Conner one of the Members for Tyrrell County appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his Seat in the House

Received from the Council the Bill for Establishing the Supreme Courts of Justice &c Endorsed the 2^d of January 1755 In the upper House read the third time and passed Ordered to be Engrossed.

And the Bill to restrain the Exportation of bad and unmerchantable Tobacco &c Endorsed the 1st January 1755 In the Upper House read the second time and passed with amendments

The Bill for securing the payment of Quit Rents due to his Majesty and Earl Granville &c Endorsed the 1st January 1755 In the Upper House read the second time and passed with amendments

On motion ordered that the Bill for appointing the several Ferrys therein mentioned &c. be read a third time which was accordingly done and several Amendments added thereto,

Ordered the said Bill pass with the said Amendments and be sent to the Council

Sent the said Bill to the Council with the said Amendments by Mr. Harnett and Mr. Bartram.

On motion ordered that the Bill to repeal the Vermin Act be read a second time.

Read the said Bill a second time and then several amendments were proposed thereto On which the motion was made that the House resolve into a Committee of the whole House to Consider of the said Bill and amendments.

Resolved that the House resolve into a Committee of the whole House agreeable to the above motion.

The House resolved into a Committee of the whole House to Consider of the said Bill and Amendments proposed—After some time spent therein Mr. Speaker resumed the Chair—And Mr. Chairman reported that the Committee had had under their Consideration the Bill to repeal the Vermin Act and also the several Amendments thereto proposed and had resolved that the said Amendments be inserted in the said Bill on which the Motion was made and the Question was put whether the said Amendments proposed in the said Bill be Inserted or not which passed in the Negative—Then the Motion was made and the Question was put whether that the said Bill be rejected or not which passed by a Majority in the Affirmative. And the said Bill was accordingly rejected.

A Memorial of the Merchants and planters of this province to the right Hon^{ble} the Lords Commissioners of Trade and plantations representing a state of the Trade and Commeree of this Country was pre-

sented to this House for Approbation which being read and maturely Considered,

Resolved that a Message be sent to his Excellency the Governor to acquaint him of the same and that this House is unanimously of Opinion that the said Memorial contains a true and Genuine State of the several Matters thereby represented and that Redress in the several particulars prayed thereby will be greatly to the Interest and Advantage of the Crown and the Merchants of Great Britain and be an Effectual means of making this a populous and flourishing Colony and would therefore beg leave to recommend it to his Excellencys Care and entreat that he would be pleased to transmit the same for their Lordships Consideration

On Motion Ordered that Mr. Swann Mr. Jones and Mr. Barker wait on his Excellency the Governor with the said Message and Resolve.

On Motion Ordered that the Bill for securing the payment of Quit Rent due to his Majesty and Earl Granville &c be read the second time the same was accordingly and several Amendments made thereto which with the said Amendments passed and is Ordered to be sent to the Council

Sent the said Bill to the Council with the said Amendments by Mr. Ashe and Mr. Conner

On Motion Ordered that the Bill to restrain the Exportation of bad and unmerchable Tobacco &c be read a second time, the same was read a second time and on Motion ordered that the said Bill be committed to Mr. Jones, Mr. Kinchin, Mr. Wynns, Mr. Sumner, Mr. Washington, Mr. Harvey, Mr. Surry, Mr. Harris, Mr. Barker and Mr. Relf.

Then the House adjourned 'till tomorrow 10 o'Clock.

Friday the 3rd of January 1755 The House mett according to Adjournment.

Mr. Hariss moved for leave to bring in a Bill to prevent Malicious Mayheming and wounding.

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

Mr. Harris brought in the above mentioned Bill which he read [in] his place and was again read by the Clerk and ordered the same to be sent to the Council.

Mr. Ashe moved for leave to bring in a Bill for the better regulating the Militia

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

Mr. Ashe brought in the above mentioned Bill which he read in his place and the same was again read by the Clerk.

Ordered the same pass and be sent to the Council.

Sent the above Two Bills to the Council by Mr. Ashe and Mr. Conner

Mr. Barker moved for leave to bring in a Bill to provide Indifferent Jurymen in all Causes Criminal and Civill and for an Allowance for the Attendance of Jurors attending the Supreme Court of Justice.

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

Mr. Barker brought in the above mentioned Bill which he read in his place and the same was again read by the Clerk And Ordered the said Bill pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Rew and Mr. Hutchins

Received from the Council the Bill for Establishing Connty Courts &c and the Bill to repeal the Act to prevent the Exportation of Raw Hides &c Endorsed the 2nd January 1755 In the upper House read the third time and passed. Ordered to be engrossed.

Received a written Message from the Council as follows

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the Bill for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the several Districts to make Roads to the same We find in your last Amendment you have left the direction of working on the said Roads and the granting of Certificates to the people working thereon to the Commissioners of the District or any two of them. We therefore propose that instead thereof should be Inserted the Commissioners of the District or the Majority of them if you approve thereof please to send two of your Members to see such Alterations made.

To which the House Concurred and Ordered that Mr. Ashe and Mr. Harnett go to the Council and see the said Alteration made.

Mr. Ashe and Mr. Harnett according to Order went to the Council to see the said alteration made.

Mr. Ashe and Mr. Harnett returned and acquainted the House that they had according to the Order of this House been with the Council and saw them Insert the above Alteration in the said Bill.

Received from the Council the Bill for appointing Ferrys &c Endorsed the 3rd January 1755 In the Upper House read a third time and passed.

Ordered to be Engrossed

The House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

Mr. Spier moved for leave to bring in a Bill for ascertaining a proper place for Building a Court House prison and Stocks for the County of Beanfort.

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

Mr. Bell according to Order brought in a Bill to amend an Additional Act Intituled an Act concerning Roads and Ferrys which he read in his place and was again read by the Clerk and passed Ordered the same be sent to the Council

Sent the same to the Council by Mr. Harris and Mr. Hamer.

Mr. Jones reported that the Committee to whom the Bill to restrain the Exportation of bad and unmerchantable Tobacco &c was Committed had made several Amendments thereto which he read in his place and were again read by the Clerk and agreed to by the House. Ordered the said Bill with the said Amendments be sent to the Council.

Sent the same to the Council with the said Amendments by Mr. Harris and Mr. Hamer.

Received from the Council the Bill to prevent Malicious Mayheming and wounding

The Bill for the better regulating the Militia.

And the Bill to provide Indiferent Jurymen in all Causes Criminal and Civil &c

Endorsed January 3rd 1755. In the Upper House read the first time and passed

Mr. Joseph Blount moved for leave to absent himself from the Service of the said House

Ordered he have leave accordingly.

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

Saturday the 4th January 1755. The House met according to adjournment

Received from the Council the Bill for granting an Aid to his Majesty for the Defence of the Frontier of the said Province. Endorsed the 3rd of January 1755 In the Upper House read the second time and passed with amendments

On Motion Ordered that the Bill for granting an Aid to his Majesty &c be read the third time the same was accordingly read a third time with the Amendments made by the Council. The Motion was made and the Question was put whether the House agree to the Amendments Inserted in the said Bill by the Council or not which passed Nem Con in the Negative.

On Motion Ordered Una Voce that the said Bill with the amendments made before and now by this House pass and be sent to the Council with the said Amendments.

Sent the said Bill to the Council with the said Amendments by Mr. Vail and Mr. Ashe

Resolved Nem Con that the Council in taking upon them to make several material Alterations to the said Bill whereby the manner of raising as well as Application of the Aid thereby Granted to his Majesty is directed in a different Manner than by that said Bill proposed have acted contrary to Custom and Usage of Parliament and that the same tends to Infringe the Right and Liberties of the Assembly who have always enjoyed uninterrupted the Priviledge of Framing and modelling all Bills by Virtue of which Money has been Levied on the Subject for an Aid for his Majesty so as to render the same most Effectually Conduive to the Interest of the Crown.

Mr. Jones presented to the House a Bill for Inspecting Beef Pork, Rice, Indigo, Tarr, Pitch, Turpentine and Lumber which he read in his place and was again read by the Clerk and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Carter and Mr. Sumner.

On motion ordered the Bill to prevent Malicious Mayheming and wounding be read the second time. The same was accordingly read a second time passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Cade and Mr. Payne.

Received from the Council the Bill to restrain the Exportation of Bad and unmerchantable Tobacco Endorsed 4th January 1755. In the Upper House read the second time and passed with Amendments.

On motion Ordered that the Bill for the better regulating the Militia be read a second time. The same was accordingly read a second time and passed with Amendments and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Caswell and Mr. Hamer.

On Motion made the Bill to restrain the Exportation of bad and Unmehantable Tobacco &c was read a third time passed and ordered to be sent to the Council.

Sent the above mentioned Bill to the Council by Mr. Caswell and Mr. Hamer.

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

P. M. The House mett according to adjournment.

On Motion made, The Bill to provide Indifferent Jurymen &c was read a second time and ordered to be committed to a Committee of the Whole House.

On Motion made, Resolved that the House Resolve into a Committee of the Whole House on Monday morning to take under Consideration the said Bill

Received from the Council the Bill to prevent malicious mayheming and wounding Endorsed 4th January 1755 In the Upper House read the second time and passed

The Bill for Inspecting Beef, Pork Rice Indigo &c. Endorsed the 4th January 1755 In the Upper House read the first time and passed.

Mr. Spier according to Order brought in a Bill for ascertaining a proper place for building thereat a Court House, prison and Stocks &c. for the County of Beaufort which he read in his place and was again read by the Clerk passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Hardy and Mr. Spier.

Received from the Council a written Message as follows.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for granting an Aid to his Majesty &c we find we cannot agree to pass the Bill in the manner you sent it to us therefore we propose the following Amendments Viz^t That the Eight thousand pounds be made up out of the six thousand pounds for the founding and endowing a publick School And two Thousand pounds out of the moneys appropriated for Building a Fort at or near Oeacock called Fort Granville not hitherto applied—That the Governor may have the Disposal of the said eight thousand pounds as may be most Effectual for his Majestys Service—agreeable to the Intent of the said Bill if you agree to the said Admendments send two of your members to see the Bill altered accordingly

Saturday 4th January 1755.

Then the House adjourned till Monday morning 10 °Clock.

Monday the 6th January 1755 The House met according to adjournment.

Mr. Swann presented to the House a Bill for granting to his Majesty a Duty upon the Tonage of Ships and other Vessells coming into this province and for other purposes therein mentioned which was read and passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Hardy and Mr. Spier.

Mr. Barker presented to the House a Bill for raising a Fund for paying the Salaries of the Chief Justice and Attorney General and for other purposes which was read and passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Isaac Jones and Mr. Shergold.

On reading the Message from the Council of the 4th Instant Resolved the following Message be sent to the Council (Viz^t).

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

By your Message of the 4th Instant we observe that you proposed Amendments to the Bill for granting an Aid to his Majesty &c (Viz^d) that the eight thousand pounds to be made up out of the six thousand pounds for the founding and endowing a public School—and two thousand pounds out of the money appropriated for Building a Fort at or near Oacock called Fort Granville not yet applied, And that the Governor have the Disposal of the Eight Thousand pounds in the most Effectual manner for his Majesty's Service according to the direction of the said Bill upon consideration of which the House have resolv'd that they do consent to the first Amendment by you proposed and disagree to the second That they cannot recede from their Amendment made to the said Bill whereby a Discretionary Power is given to the Governor either to raise Recruits with the five thousand pounds in the Bill mentioned for that purpose to be sent to Ohio or remitt the same in provisions for accomodating his Majestys Troops already Ordered to serve there as shall seem most Convenient for his Majestys Service

By Order JN^o CAMPBELL Speaker

W^m HERITAGE C^{lk}

Sent the above message by Mr. Heron and Mr. Harvey.

On Motion Ordered that the Bill for Inspecting Beef, Pork, Rice, Indigo &c. be read a second time.

Read the said Bill a second time and on Motion Resolved the House resolve into a Committee of the whole House to take into Consideration the said Bill.

The Order of the Day being read the House resolved into a Committee of the whole House to take into Consideration the Bill to provide Indifferent Jurymen in all Causes Criminal and Civil &c. and also to take into Consideration the Bill for Inspecting Beef, pork, &c. and Chose Mr. Barker Chairman who was placed in the Chair accordingly after some time spent therein Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee had taken the said Bills under Consideration and had made several Amendments thereto which he presented to the House and read the same in his place and afterwards delivered the said Bills with the said Amendments in at the Table where they were again read and agreed to by the House.

Ordered the said Amendments be Inserted in the said Bill and therewith sent to the Council.

Received from the Council the Bill for ascertaining a proper Place for Building thereat a Court House &c. for the County of Beaufort, And

the Bill for raising a Fund for paying the Salaries of the Chief Justice and Attorney General and for other purposes. Endorsed the 6th January 1755. In the Upper House read the first time and passed

The Bill for granting to his Majesty a Duty upon the Tonage of Ships and other Vessells coming into this province And also the Bill for securing the payment of Quit Rents due to his Majesty and Earl Granville &c. Endorsed the 6th January 1755. In the Upper House read the second time and passed with amendments.

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

On motion Ordered that the Bill to prevent malicious mayheming and wounding be read a third time. The same was accordingly read a third time and passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Heron and Mr. Harnett.

Received from the Council a Written Message as follows.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We agree to the Amendments proposed by your Message by Mr. Heron and Mr. Harvey and desire you to send two of your Members to see the same Inserted in the Bill for granting an Aid to his Majesty

Dated 6th January 1755.

Ordered that Mr. Heron and Mr. Harvey wait on the Council to see the Amendments Inserted in the Bill for granting an Aid to his Majesty &c who accordingly went and being returned acquainted the House that the Council had Inserted the said Amendment in the said Bill.

According to Order sent the two Bills which were Committed this Day to a Committee of the whole House with the Amendments by Mr. Relf and Mr. Houston

Received from the Council the Bill to prevent Malicious Mayheming and wounding And the Bill for granting an Aid to his Majesty Endorsed 6th January 1755 In the Upper House read the third time and passed

Ordered to be engrossed.

On motion ordered that the Bill for better regulating the Militia of this province be read a third time

Read the said Bill a third time amended and passed.

Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Ashe and Mr. Harnett.

Received from the Council the Bill to restrain the Exportation of bad and unmerchantable Tobacco Endorsed 6th January 1755 In the Upper House read the third time and passed

Ordered to be engrossed.

Then the House adjourned till tomorrow morning 10 °Clock.

Tuesday the 7th of January 1755. The House met according to Adjournment

Mr. Rew presented to the House a Bill to confirm an Agreement made by the present Church Wardens and Vestry of Christ Church parish in Craven County with the Reverend James Read which was read and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Rew and Mr. Fonville

Mr. Sutton moved for leave to bring in a bill to Establish a publick Ferry from Newby's point to Phelp's Point whereon the Court House now stands on Pequimons River.

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

On motion ordered that the Bill for securing the payment of the Quit Rent, due to his Majesty and Earl Granville &c be read a third time

Read the same a third time amended and passed.

Ordered the said Bill be sent to the Council

Sent the same to the Council by Mr. Rew and Mr. Fonville.

Mr. Jones presented to the House a Bill to facilitate the raising Recruits to serve his Majesty on the Intended Expedition against the French on the Ohio and guarding the Frontier of this province which was read and passed and ordered the same be sent to the Council.

Sent the said Bill to the Council by Mr. Vail and Mr. Heron.

Mr. Jones presented to the House a Bill to Appoint Commissioners to revise the Laws which was read and passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Vail and Mr. Heron.

Received from the Council a Written Message as follows

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We find on a third reading of the Militia Bill a Clause Inserted by you for exempting the people called Quakers from appearing at any Muster provided with Arms Ammunition and Accoutrements, That these people may be of some Service and deserve the Indulgence given them We propose that they shall be obliged to appear at every Muster as other persons with a good Ax, Spade, Shovel or Hoe to which Amendment we desire your Concurrence and that you'll be pleased to send two of your Members to see the same Inserted

7th January 1755

Which was read and resolved the following Message be sent to the Council by Mr. Harvey and Mr. Relf, (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

The House taking into Consideration your Message of this Day regarding the Amendment proposed by yours to the Bill for regulating the Militia have Resolved that they cannot agree to the Amendments proposed by your House nor Recede from their own.

Then the House adjourned 'till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

Mr. Harvey acquainted the House that Mr. Sinclaire one of the Members for Hyde County is dead—Therefore moved that the House would Address his Excellency the Governor to direct the Clerk of the Crown to Issue a Writ for Electing a Member for the said County in the Room of the said Samuel Sinclaire to sit and vote in this present Assembly

Resolved his Excellency be addressed Accordingly Mr. Ormond and Mr. Barker by Order waited on his Excellency the Governor and acquainted him Mr. Sinclaire one of the Members for Hyde County is dead and that this House desired his Excellency the Governor would be pleased to direct the Clerk of the Crown to issue a Writ for Electing a Member for the said County in the room of the said Samuel Sinclaire to sit and vote in this present Assembly who returned for Answer that he would Order the Clerk of the Crown so to do.

On motion Ordered that the Bill for ascertaining a proper place for Building thereat a Court House prison, pillory and stocks for the County of Beaufort be read a second time.

The said Bill was accordingly read a second time.

Mr. Spier presented a petition from several of the Inhabitants of Beaufort County Thereby praying a Bill may pass into a Law to ascertain a place proper for Building a Court House &c for the said County was also read and ordered that the aforesaid Bill with the said petition be sent to the Council.

Sent the above said Bill and petition to the Council by Mr. Spier and Mr. Sutton.

Received from the Council the Bill for securing the Payment of Quit Rent due to his Majesty and Earl Granville &c Endorsed 7th January 1755 In the upper House read the third time and passed

Ordered to be engrossed.

The Bill to provide Indifferent Jurymen in all Causes Criminal and Civil &c Endorsed the 7th January 1755 In the Upper House read the second time and passed.

The Bill to Confirm an Agreement made by the present Church wardens and Vestry of Christ Church parish in Craven County with the Reverend James Reed.

The Bill to facilitate the raising Recruits to serve his Majesty in the intended Expedition against &c

And the Bill for appointing Commissioners to revise the Laws &c

Endorsed 7th January 1755 In the Upper House read the first time and passed

Mr. Sutton according to order brought in a Bill to Establish a Publick Ferry from Newby's Point to Phelps point whereon the Court House now stands in Perquimons County which he read in his place and was again read by the Clerk.

Ordered the same pass and be sent to the Council

Sent the said Bill to the Council by Mr. Spier and Mr. Sutton

On motion Ordered that the Bill for raising a Fund for paying the Salaries of the Chief Justice and Attorney General &c be read a second time

The same was accordingly read Amended and passed And ordered the said Bill be sent to the Council.

Sent the same to the Council with the Amendments by Mr. Brice and Mr. Conner.

On motion ordered that the Bill to confirm an Agreement made by the present Church Wardens and Vestry of Christ Church parish & with the reverend James Reed be read a second time.

The same was read a second time accordingly.

Ordered the said Bill pass and be sent to the Council.

On motion Ordered that the Bill for facilitating the raising Recruits to serve his Majesty in the Intended Expedition &c. be read a second time. The same was read a second time amended and passed and ordered to be sent to the Council.

Sent the above Bills to the Council by Mr. Brice and Mr. Conner.

Received from the Council the Bill to Establish a publick Ferry from Newbys point to Phelps point whereon the Court House now stands on Perquimons River. Endorsed 7th January 1755 In the upper House read the first time and passed.

A message from His Excellency the Governor was read acquainting this house that in Order to Encourage the raising Mulberry Trees breeding Silk Worms and winding Silk he had advanced several sums of Money amounting to Four hundred and four pounds four Shillings and four pence Sterling to Mr. Barry and others to defray the Expence of Transporting several Families from Europe in Order that they might

Carry on and Instruct the Inhabitants of this province in the several Branches of the said Business which he is of Opinion may be of great Service to the Colony if properly Conducted, Which together with a petition of Mr. Barry and Martin Stehelin submitted by his Excellency to the Consideration of this House. Whereupon the House took under Consideration the said Message and petition and Resolved that the said Sum of four hundred and four pounds four shillings and four pence sterling be reimbursed to his Excellency out of the Treasury and also that the further sum of Two hundred pounds proclamation Money be advanced by the Treasurer to such person as his Excellency shall Order to receive the same to be applied to the Encouragement and carrying on the said several Branches of Business in such manner as he shall direct.

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

Wednesday the 5th January 1755 The House met according to adjournment.

On motion ordered the Bill to provide indifferent Jurymen in all Causes Criminal and Civil &c. be read a third time. The same was accordingly read a third time amended and passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Hutchings and Mr. Houston.

Mr. Swann presented a Bill to amend an Act for destroying Vermin in this Province which was read and passed and ordered to be sent to the Council

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

On motion ordered that the Bill for granting to his Majesty a Dnty upon the Tonage of Ships and other Vessells coming into this province be read a second time. Read the said Bill a second time amended and passed and ordered the same to be sent to the Council

Sent the said Bill to the Council by Mr. Houston and Mr. Rew.

Received from the Council a Bill to Confirm an agreement made by the present Church wardens and Vestry of Christ Church parish in Craven County with the Reverend James Reed. Endorsed the 8th January 1755 In the Upper House read the second time and passed

The Bill for raising a Fund for paying the Salaries of the Chief Justice and Attorney General &c. Endorsed 8th January 1755. In the upper House read the second time and passed with amendments.

On motion Ordered that the Bill for raising a Fund for paying the Salaries of the Chief Justice and Attorney General be read a third time. Read the said Bill a third time passed and ordered to be sent to the Council

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

On motion ordered that the Bill to Establish a Publick Ferry to Phelps point whereon the Court House now stands on Pequimons River be read a third time the same was accordingly read a third time and passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Fonville and Mr. Harvey.

On motion Ordered the Bill to confirm an Agreement made by the Church Wardens and Vestry of Christ Church parish in Craven County with the Reverend James Reed be read a third time. The same was accordingly read a third time passed and ordered to be sent to the Council.

On Motion Ordered the Bill for appointing Commissioners to revise the Laws &c be read a second time. The same was accordingly read a second time amended and passed and ordered to be sent to the Council.

Sent the said Two Bills to the Council by Mr. Fonville and Mr. Harvey

The Petition of James Davis Printer was presented to this house and read setting forth that the Business of the province increased, and praying that his Salary may be Augmented. On which the House Resolved that the Matters in the said petition set forth and contained are reasonable and ordered therefore that the said petition be referred to the Consideration of the next Session of Assembly

The petition of sundry Inhabitants of the Counties of Northampton, Edgcombe, and Granville was read setting forth that by the Laws now in force free negroes and Mulattoes Intermarrying with white women are obliged to pay Taxes for their Wives and Families Praying Relief &c on which the House Resolved that the Matters in the said petition contained are reasonable and that the Committee appointed to Revise the Laws receive a Clause or Clauses to be inserted in the said Laws for their Relief.

Sent the Resolve of Yesterday regarding the payment of the several sums therein mentioned to the Council for Concurrence

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to adjournment

Received the Message from the Council which this House this Day sent with the Resolve of Yesterday for their Concurrence. Endorsed 8th January 1755 Concurred with

Received from the Council the Bill for Inspecting Beef, Pork &c. The Bill for ascertaining a proper Place for Building thereat a Court House, prison, pillory and stocks in Beaufort County. Endorsed 8th January 1755. In the Upper House read the second time and passed—and

The Bill to amend an Act Intituled an Act for destroying Vermin. Endorsed 8th January 1755. In the upper House read the first time and passed.

On motion Ordered that the Bill to amend an Act Intituled an Act for destroying Vermin be read a second time the same was accordingly read a second time passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Harris.

Received from the Council the Bill for granting to his Majesty a duty upon the Tonage of Ships and other Vessells coming into this province &c.

The Bill to facilitate the raising Recruits to serve his Majesty on the Intended Expedition &c. Endorsed 8th January 1755. In the Upper House read the second time and passed with amendments.

The Bill to Establish a Publick Ferry from Newby's Point to Phelps Point whereon the Court House now stands on Pequimons River. Endorsed 8th January 1755. In the Upper House read the second time and passed

The Bill to provide Indifferent Jurymen in all Causes Criminal and Civil &c. Endorsed the 8th January 1755. In the Upper House read the third time and passed

Ordered to be engrossed

On motion Ordered that the Bill for Inspecting Beef, Pork &c. be read a third time.

The same was accordingly read a third time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Harris.

Mr. Jones presented to the House a Bill to encourage the Importation of Gold, Silver, and Copper Coins into this province which was read passed and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Williams and Mr. Harris

On motion Ordered that the Bill for ascertaining a proper Place for Building thereat a Court House pillory, prison and Stocks in Beaufort County be read a third time.

Read the said Bill a third time Amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Williams and Mr. Harris.

On motion Ordered that the Bill for facilitating the raising Recruits to serve his Majesty in the intended Expedition &c, be read a third time. The same was accordingly read a third time passed and Ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Caswell and Mr. Payne.

On motion Ordered that the Bill for granting to his Majesty a Duty on the Tonage of Ships and other Vessels coming into this Province &c be read a third time.

The same was accordingly read a third time amended passed and ordered to be sent to the Council.

On motion ordered that the Bill to Establish a publick Ferry from Newbys Point to Phelps point where the Court House now stands on Pequimous River be read a third time.

Read the said Bill a third time passed and ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Caswell and Mr. Payne.

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

Thursday the 9th of January 1755. The House met according to adjournment

Mr. Ashe moved for leave to absent himself from the Service of the House

Ordered he have leave accordingly.

The House being Informed that the right Hon^{ble} the Lords Commissioners for Trade and plantations had proposed to his Majesty the repealing the several Acts of Assembly by which the Towns and Counties in this province were Erected and that the Governor should be Instructed to grant Charters to Confirm the Rights and Titles of the said Towns and Counties took the same under Consideration and unanimously—

Resolved, That an humble Address be presented to his Excellency the Governor desiring him to represent the many Inconveniences, disorders and confusion which would Inevitably happen if the said Laws should be repealed And in Case they should be repealed before such Application can be made to request that his Excellency would use his Endeavours to obtain his Majesty's Permission to pass other Laws to confirm the Rights and Titles of the said Towns and Counties—and from time to time to give his Assent to Bills for dividing Altering and Erecting Counties as may be necessary for the convenience of the Inhabitants.

Ordered That Mr. Jones and Mr. Barker prepare an Address to his Excellency the Governor accordingly.

On Motion Ordered, That the Report of the Committee of propositions and Grievances be read, Read the same and is as follows (Viz)

The Committee of propositions and Grievances have had under their Consideration several propositions and Grievances to them referred and are come to Divers Resolutions thereupon 1st Proposed that immediate

provision be made for paying off Quit Rents and Taxes in the produce of the County under proper Regulations that Distresses be not made on Slaves working horses Cattle or utensils of Husbandry where other sufficient Distress can be had And that Goods distrained may remain a reasonable time before sold and then sold at publick Auction.

2 That the peoples properties in their Lands be secured and their possessions quieted And in Case any Surplus Land be found within the Bounds specified in their patents the patentees may have the preference on paying the accustomed Quit Rent.

3^d That the Jurisdiction of County Courts and power of Majestrates be Enlarged saving the Right of Appeal.

4th That people be restrained from bringing Suits in the Supreme Courts for sums of less Value than Ten pounds, And that each Court of Assize be Constituted an Independant Jurisdiction and Invested with all the powers and Jurisdiction of the General Court.

5th That for the Encouragement of Trade and Commerce a Jurisdiction under proper Regulations be Erected in the Nature of a Court Merchant.

6th That Grand Jurys in the County Courts have Power to make Enquiry into the Abuse of Orphans and their Estates and that Relief in such Cases be had in a summary Way.

7th That no Trnstee or Gwardian be permitted to cutt timber box pine Trees or burn Lightwood upon Orphans Lands unless for Payment of Quit Rents or necessary Repairs and Improvements without the approbation of the County Court.

8th That Deceased persons Estates be sold at Vendue on reasonable Credit the Executors or Administrators being obliged to take Bond with sufficient Security.

9th That Care be taken to compell the Payment of all Taxes and Imposts already Imposed and hereafter to be imposed and that Imposts and Duties be laid on none of the Common Necessaries of Life but on such Things as are superfluous and administer to Luxnry, And that rather than Burthen Trade Money for defraying the Contingencies of Government be raised by a Poll Tax.

10th That provision be made by the most expeditious and effectual method to Compell Receivers of Publick Money to Account for the same.

11th That under a Sence of the many Advantages that will arise to the province from giving our Youth a Liberal Education (whether considered in a Moral Religions or political Light) a publick School or Seminary of Learning be erected and properly Endowed—And that for

effecting the same the Sum of six thousand pounds already appropriated for that purpose be properly applied.

12th That suitable and ample provision be made for an Orthodox Clergy and that in passing a Law for that purpose care be taken to preserve the Right of presentation of Ministers to the Vestry and people the Founders and Endowers of the Churches.

13th That Vagrants be restrained from Strolling and wandering about, And that Children whose parents are unable or neglect to Educate and teach them some usefull Business may be bound out to proper Trades.

14th That the searching [or] patrolling for Negroes be made more frequent than heretofore.

15th That the time for proving Book Debts and Limited for bringing of Actions be Enlarged

16th That a general Regulation of the Commodities of this Province be made by Inspecting the same before Exported.

17th That all Wills be proved and Recorded in the Court of the County where the Testator dyed.

Also Resolved—that it is the Opinion of your Committee—that the Hon^{ble} James Murray Esq^r who was Deputed paymaster of the Forces sent to Ohio from this Province by Colonel James Innes their Paymaster his having deducted two and a half  cent out of the pay of the said Forces over and above one  cent by Law allowed the said James Innes for the same is a Grievance and greatly discourages others from Inlisting in his Majestys Service.

2^d That the Secretary's refusing to deliver Wills to the Executors after they are properly Registered in his Office is a Grievance and tends to render the Estates of those Claiming under them precarious.

3^d That the Clerk of the General Court (and Clerks of the County Courts from his Example) surreptitiously issuing Executions for Fees not warranted by Law whereby the Inhabitants have their Slaves and most valuable Effects Attached and sold to Answer their Exorbitant Demands is a Grievance.

4th That Lord Granvilles Agent by himself and his Substitutes inducing several persons to make Entries for thè same piece of Land receiving a Fee from each and refusing to refund the same,

Declaring the Grants made by Edward Mosely and Robert Halton Esq^r his Lordships former Agents void receiving Entries for the same Lands granting them anew and Exacting Fees for so doing remitting the Quit Rents due to his Lordship on those Lands to such as will accept new Grants on them and his Exorbitant exacting Fees on all Grants for his Lordships Lands are great Grievances detrimental to his

Lordships Interest and do greatly retard the Settlement of that part of the Government of which his Lordship is proprietor.

5th That the growing Number of Attornies (Occasioned by want of a proper Method for Enquiring into their Probity good Demeanour and Abilities) And their Mismanagement of Causes either through Ignorance of Neglect whereby their Clients loose their Suits without any Remedy of recovering their Costs of such Attorneys is a Grievance

Received from the Council a Written Message as follows.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for Inspecting Beef, pork &c. We think proper to reinsert in its Place the annexed Clause. We therefore advise you to send two of your Members to [see] the same done otherwise we cannot pass the Bill.

9th January 1755

The Clause.

Provided that every Inspector heretofore appointed who resides at the place of his Inspection and faithfully performs the Office of Inspector according to the Directions of this Act shall not be removed from his Office anything in this Act to the Contrary notwithstanding.

To which this House disagreed and ordered the following Message to be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

By your Message of this Day we find you propose a Clause therein mentioned to be added to the Bill for Inspecting Beef, pork &c which Amendment on the third reading of the Bill this House disagreed to from which disagreement they cannot recede.

By Order J. CAMPBELL Speaker

W^m HERITAGE C^{lk}

Received from the Council the Bill for granting to his Majesty a Duty upon the Tonage of Ships and other Vessells coming into this province.

The Bill to Confirm an Agreement made by the present Church Wardens and Vestry of Christ Church parish of Craven County with the reverend James Reed.

The Bill for ascertaining a proper Place for Building thereat a Court House prison, pillory in Beaufort County.

The Bill to facilitate the raising Recruits to serve his Majesty And the Bill to Establish a public Ferry from Newbys point to Phelps point

whereon the Court House now stands on Pequimons River. Endorsed 9th January 1755 In the Upper House read the third time and passed.

Ordered to be engrossed.

The Bill to Encourage the Importation of Gold Silver and Copper Coins into this province Endorsed 9th January 1755 In the Upper House read the first time and passed

The Bill to amend an Act Intituled an Act for destroying Vermin. Endorsed 9th January 1755 In the Upper House read the second time and passed

On Motion Ordered that the Bill to Encourage the Importation of Gold, Silver and Copper Coins into this province be read a second time.

The same was accordingly read a second time passed and ordered to be sent to the Council.

On Motion ordered that the Bill to amend an Act Intituled an Act for destroying Vermin be read a third time The same was accordingly read a third time passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Shergold and Mr. Bravard

Then the House adjourned 'till 4 °Cloek Afternoon.

P. M. The House met according to adjournment

Mr. Barker according to order presented an Address to his Excellency the Governor which he and Mr. Jones had prepared which was read and is as follows—

To his Excellency Arthur Dobbs Esq Captain General and Commander in Chief of the province of North Carolina

The humble Address of the Assembly of the said Province

We his Majestys most Dutiful and Loyal Subjects the Members of the Assembly of North Carolina in full Assembly beg leave to lay before your Excellency a State of the Towns and Counties heretofore Erected within this province and the great Injury the Inhabitants would sustain by the Repeal of the Laws whereby they are Erected and Established which we have lately heard has been proposed to his Majesty by the Right Hon^{ble} the Lords Commissioners of Trade and plantations and that your Excellency should confirm the Rights of the several Towns and Counties by Charter

As we apprehend the repealing those Laws would in many Instances be attended with great Inconvenience from obvious Reasons not hitherto represented to their Lordships We presume with the greatest Deference to offer our Sentiments on whatsoever Essentially Concerns our Constituents and their Posterity.

In the year 1722 there were nine precincts only out of which as the province Encreased in Numbers and the people extended their settlements other precincts were by Acts of Assembly Erected by Dividing and Subdividing those which had before Existed in the most advantageous manner for the ease of the people

By an Act of Assembly passed in the year 1738 all the precincts in the province were denominated Countys and since that time by subsequent Acts have undergone many Divisions and Alterations and others have been Erected out of them and the Boundaries settled and altered from time to time as were most suitable to the Circumstances of the Inhabitants

By an Act passed in the Year 1722 the Justices of the respective precinct Courts were impowered and Directed to purchase an Acre of Land for the use of their respective Precincts, And in Virtue of that and several later Acts have purchased Lands whereon the Court Houses and prisons are Erected in the several and respective Counties.

In the Year 1705 sixty Acres of Land on Old Town Creek in Bath County was Erected into a Township by the name of Bath Town and by several Subsequent Acts other Quantities of Land in different parts of the province have been Erected into Townships and laid out in Lotts which have by Commissioners therein appointed been sold and Conveyed to purchasers who in Faith of the said Acts have purchased the same and laid out and Expended large Sums of Money in Buildings and other Improvements thereon.

From this State of the Case we humbly apprehend that if the said Laws should be repealed it would be greatly prejudicial and give Universal Dissatisfaction to the Inhabitants of this Province. The settling the Colony by the Accession of people from other places renders it necessary often to divide Countys and Erect a part of one into another and frequently to alter the Boundaries which could not be done were they Established by Charter inasmuch as every County Incorporated must remain intire unless the Charter were forfeited or surrendered by general Consent. Another great inconvenience from the repealing those Laws would be that the Lands whereon the Publick Buildings are Erected altho' Purchased and paid for would revert to the persons or their Heirs who had sold and received the Consideration Money for the same. The Inhabitants of the Towns in Case of a Repeal of the Laws by which they are Established would be wholly divested of their Tenements having no other Title than Deeds Executed by Commissioners Authorized by such Laws passed with the Consent and at the Request of the former Owners of the Land for Considerations long since paid and yet in Case

of such Repeals, as a Charter could not take away the Legal Title the Estates would revert in such former Owners and their Heirs And the fair Purchasers be dispossessed of their Lotts and Improvements

From the many Instances and undoubted proofs that we have had of your Excellency's Benevolence and Endeavours to promote the Welfare of this province, We hope Sir you will permit us to request that you will be pleased to cause these Matters to be properly represented to his Majesty in Order to prevent the Repeal of those Laws which would create the greatest Disorder and Confusion and induce many Troublesome and Litigious Suits in Law to the Impoverishment of many honest purchasers And in Case the said Laws should be Repealed before such Representation can be made That you will endeavour to obtain his Majesty's permission to pass other Acts for the Re-establishing the said Towns and Countys and to confirm the Rights and Titles to the people as they now stand and from time to time pass Laws for Erecting new Countys and Towns and for altering, Dividing and new Modelling Counties in such manner as at any time hereafter from an Increase of Inhabitants and their extending their settlements the same may become necessary in such manner as has been heretofore accustomed which Method from many Years Experience as well in this as the Neighbouring Governments has been found greatly to conduce to the Advantage and Benefit of the Inhabitants And as after passing such Acts the power of Granting Charters Incorporating Towns Establishing Fairs and appointing Places for holding the Courts of Justice will still remain in the Crown

We most humbly hope that this Application will not be construed by his Majesty to proceed from the least desire of Encroaching on his Royal prerogative which we shall always with the greatest Ardour and Zeal endeavour to the utmost of our Abilities to maintain well knowing that he is Invested therewith for the Honour Dignity and Support of the Crown and for the Happiness and Safety of his people

Resolved that the same stand for the Address of this House and be sent to his Excellency the Governor

On motion ordered that Mr. Jones and Mr. Barker wait on his Excellency the Governor and acquaint him that this House had prepared an Address to him and desire to know when they shall attend him with the same.

Then the House adjourned till to morrow morning 10 o'Clock.

Friday the 10th January 1755. The House met according to adjournment

On motion ordered that Mr. Jones, Mr. Swann, Mr. Barker, Mr. Swann jun^r and Mr. Heron do compare the Engrossed Bills with those which passed both Houses this Session in Conjunction with such Members of his Majestys Hon^{ble} Council as shall be appointed for that purpose and that the following Message be sent to the Council to acquaint them therewith

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have appointed Mr. Jones, Mr. Swann, Mr. Barker, Mr. Swann Jr and Mr. Heron to compare the Engrossed Bills with those which passed both Houses this Session in Conjunction with such Gentlemen of the Council as you shall think fit to Appoint

Sent the above Message to the Council by Mr. Vaile and Mr. Swann Jun^r.

Received a Written Message from the Council as follows—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for raising a Fund for paying the Salaries of the Chief Justice and Attorney General and for other purposes We think it necessary that the Tax therein mentioned be continued for four years instead of Two as the Bill now stands and that the annexed Clause be added to the Bill if you approve thereof send two of your Members to see the Amendments made accordingly

10th January 1755

The Clause referred to by the Message—

And whereas—the sum of two thousand eight hundred pounds was appropriated for and towards the Contingent Charges of Government by an Act passed in the year 1754 Intituled an Act for granting unto his Majesty the sum of forty thousand pounds Bills of Credit at the rate of proclamation Money to be applied towards defraying the Expence of raising and subsisting the Forces for his Majestys Service in this province to be sent for the Assistance of his Majestys Colony of Virginia and for other purposes therein mentioned under certain Restrictions in the said Act mentioned And Whereas it is absolutely necessary for his Majestys Service and for the support of the Credit of this Province that the said sum of Two thousand eight hundred pounds should be immediately issued for the Contingent Charges of Government there being at present no Money in the publick Treasury for that purpose—Be it therefore Enacted by the Authority aforesaid that the said sum of Two thousand eight hundred pounds shall be immediately issued by the publick

Treasurers for the uses and purposes in this Act mentioned and shall be replaced by the Tax herein before imposed and reserved in the Hands of the publick Treasurer untill his Majestys Royal Approbation of the before recited Act shall be obtained

Which was read and Resolved that the said Message be taken into Consideration

After several Debates thereon the Motion was made and the Question was put whether the House agree to the Amendments or not and carried in the Affirmative

Ordered the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL—

This House taking into Consideration your Message of this Day with the Amendments therein proposed to the Bill for raising a Fund for paying the Salarys of the Chief Justice and Attorney General do Consent that you make the said Amendments thereto and herewith send Mr. Ormond and Mr. Heron to see the same done.

Mr. Ormond and Mr. Heron acquainted the House that they had waited on the Council and had soon [seen] Inserted the said Clause in the above said Bill

Received from the Council a Written Message as follows—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

This House have appointed the Hon^{ble} James Murray and Francis Corbin Esq^{rs} to compare the Engrossed Bills of this Session in Conjunction with the Members of your House appointed on that Service

Then the House adjourned 'till 4 o'Clock Afternoon

P. M. The House met according to adjournment

Received from the Council the Bill to amend an Act Intituled an Act for destroying Vermin &c. Endorsed 10th January 1755. In the Upper House read the third time and passed

Ordered to be engrossed.

According to Order Mr. Barker acquainted this House that himself with the other Gentlemen had waited on his Excellency the Governor and let him know that the House had prepared an Address to him and desired his Excellency to let them know when the House should wait on him with the said Address and that his Excellency was pleased to say he would receive them immediately.

Mr. Speaker with the House waited on his Excellency the Governor with the said Address and being returned Reported that he had presented the said Address to his Excellency And that his Excellency for Answer said that he would by the first Opportunity transmit the same and make true Representation thereof.

Received from the Council the Bill for raising a Fund for paying the Salarys of the Chief Justice and Attorney General Endorsed 10th January 1755. In the Upper House read the third time and passed

Ordered to be engrossed

Then the House adjourned till tomorrow morning 9 °Clock.

Saturday 11th January 1755 The House met according to adjournment.

The House according to order taking under Consideration an Extract of a Letter to his Excellency from George Vaughan Esq^r which his Excellency caused to be laid before them wherein he proposed a scheme for a Charitable Donation for the propogation of the Gospell and Establishing an Academy or Seminary of Learning in the said province,

Resolved that a Message be sent to his Excellency to desire that he would be pleased to acquaint Mr. Vaughan that they have a due sense of his Goodness in the Intended Donation and return him their Thanks for the same and shall at any time when necessary give all the Assistance in their power to Confirm and secure in the most Effectual manner the Fund he proposes to fix that the Charitable purposes he intends thereby may fully take Effect.

His Excellency the Governor caused to be laid before this House a Letter to him from Mr. M^cCulloch the Deputy Auditor in Relation to an Instruction from his Majesty directing that all publick Accounts should be Audited by the Auditor General or his Deputy in which the said Mr. M^cCulloch informs his Excellency that no Accounts of Publick Moneys have ever been produced to be audited by him except what has been produced by the Receiver of the Quit Rents all other Accompts having been passed in the Assembly—Whereupon the House Resolved that a Message be sent to his Excellency the Governor to acquaint him that all public Money raised by Tax on the people have ever heretofore been Accounted for by the persons appointed by Act of Assembly for receiving the same to a Committee nominated and appointed by the Council and Assembly for such purposes and on their Report such Accompts have been Examined in open Assembly and concurred with by the Council then entered in Books and lodged with the Clerk of the Assembly who never has refused Copys to any Person who applied for the same to their knowledge.

Mr. Munden and Mr. Williams waited on his Excellency the Governor with the foregoing Resolves—

Mr. Chairman of the Committee of publick Claims acquainted this House that the Committee had settled and allowed several Claims which he reported to the House the same were read and agreed to by the House—and were sent to the Council by Mr. Herron and Mr. Houston for Concurrence

Resolved that the several Sums following be paid to the several Officers of the Assembly and other persons respectively—

	£	s	d
To William Herriage C ^{ik} of the Assembly	30	0	0
John Nichols C ^{ik} . Committee of Claims &c	20	0	0
William Foster for	3	0	0
William Herriage $\frac{p}{p}$ Transcript of Journal of } last Sessions to the printer	5	0	0
To Ford for Services	15	0	0
To Lawrence Donaldson for House room $\frac{p}{p}$ Committee	3	10	0
To Jasper Chareton for Services	12	0	0
To W ^m Mouat for Services	7	10	0
To Mr. Powell for D ^o	15	0	0
To the Reverend James Reed Chaplain	10	0	0
To W ^m Herriage for Stationary Ware	2	0	0
To the Reverend John Lappier	20	0	0

Mr. Swann Chairman of the publick Accompts acquainted the House that the Committee had Examined stated and settled the said Accompts which he reported to the House which were read On which the House Resolved That the several Accompts in the Report mentioned of the Southern Treasurer appear to be just and are approved of by the House and that the several Accompts produced by Mr. Thomas Barker mentioned in the said Report appear likewise to be just and are also approved of by the House and that the rest of the said Report Except what relates to the Sum of £958.1.4 delivered in by the said Committee to the House to be burnt be referred to the next Session of Assembly for Consideration

Resolved that the sum of £958.1.4 on the sinking Fund paid into the Committee of publick Accompts and the Sum of £2,034.10.3 old Bills produced to the Committee of Claims be Burnt and that the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have resolved that the Sum of nine hundred and fifty Eight pounds one Shilling four pence paid on the Sinking Fund to the

Committee of publick Accompts And also the sum of Two thousand and thirty four pounds ten shillings and three pence old Bills delivered by several Claimants to the Committee of Claims this Sessions be burnt on Monday morning 11 °Clock and have appointed a Committee of this House in Conjunction with such of your Honours as you shall think fit to see the same done.

Sent the above Message to the Council by Mr. Heron and Mr. Houston.

Resolved That the sum of Five pounds proclamation Money be paid the Speaker of this House for the time being and the Sum of Fifty shillings like money be paid the Clerk of this House for the time being on each private Bill the one Moiety or half of which said Sums shall be paid at the bringing in of each Bill to the said Speaker and Clerk respectively the other Moiety or half part at the passing the same by the Council and Assembly

Whereas it appears by Mr. Starkeys Accompt that there is the Sum of Twenty pounds seventeen shillings and Ten pence proclamation money due from the Commissioners for revising the Laws and this House taking into consideration that the said Commissioners will be great losers by the said undertaking Therefore Resolved that the said sum of Twenty Pounds seventeen shillings and Ten pence be remitted them and that they from the payment of the said Sum be Discharged

Mr. Robert Jones and Mr. William Williams moved for leave to absent themselves from the Service of the House as did also Mr. William Kinchin

Ordered they have leave accordingly

Then the House adjourned 'till Monday Morning 9 °Clock

Monday the 13th January 1755 The House met according to adjournment.

Received a written Message from the Council as follows

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Your Message of the 11th signifying that you had appointed a Committee of your House to see the Sums of Old and new Bills burnt this Morning at 11 °Clock not having been delivered 'till 4 °Clock this Afternoon this House have appointed a Committee to join yours to see the said Bills burnt tomorrow morning 9 °Clock.

13th January 1755.

Then the House adjourned 'till tomorrow morning 9 °Clock.

Tuesday the 14th January 1755 The House met according to adjournment.

The Committee appointed to see the sum of £958.1.4 proclamation Bills and the sum of £2,034.10.3 old Bills Burnt Reported that they had burnt the above said two sums.

This House taking into Consideration the Necessity of providing a proper Store House for the secure keeping of the Arms sent by his Majesty for the Use of this Province Resolved that a Message be sent to his Excellency the Governor to desire he would be pleased to appoint some person to provide a sufficient Store House for the safe keeping the Arms sent by his Majesty for the Use of this province and keep the same clean and in good Order untill his Excellency shall cause them to be distributed for his Majesty's Service and that the person so appointed by his Excellency shall have a reasonable Allowance for his Expence and Trouble therein paid out of the Treasury.

Ordered that Mr. Barker and Mr. Ormond wait on his Excellency to acquaint him therewith and that the Clerk Transcribe the said Resolve and deliver it to his Excellency.

His Excellency the Governor sent a Message to the House commanding the Immediate Attendance thereof in the Council Chamber with what Bills were Engrossed

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber with the following Bills (Viz^d)

1. The Act for granting an Aid to his Majesty for the Defence of the Frontier of this province and other purposes.

2^d The Act for securing the payment of Quit Rents due to his Majesty and Earl Granville for quieting the Freeholders in the possession of their Lands and other purposes

3^d The Act for granting to his Majesty a Duty on the Tonage of Ships and other Vessells coming into this province and other purposes.

4th The Act for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery of North Carolina

5th The Act for Establishing County Courts for Enlarging their Jurisdiction and settling the Proceedings therein.

6th The Act to provide Indifferent Jurymen in all Causes Criminal and Civil and for an allowance for the Attendance of Jurors attending at the Supreme Courts.

7th An Act to facilitate the raising Recruits to serve his Majesty in the intended Expedition against the French on the Ohio and guarding the Frontier of this Province.

8th The Act for appointing Parishes and Vestries for the Encouragement of an Orthodox Clergy for the advancement of the protestant Religion and for the Direction of the Settlement of parish Accompts.

9th The Act to restrain the Exportation of bad and unmerchantable Tobacco and for preventing Frands in his Majestys Customs.

10th The Act for raising a Fund for paying the Salarys of the Chief Justice and Attorney General and for other purposes

11th The Act to repeal an Act to prevent the Exportation of Raw Hide pieces of Hides and Calf Skins out of this province.

12th The Act to prevent Malicious Mahming and wounding.

13th The Act to amend an Act Intituled an Act for destroying Vermin in this province.

14th The Act for appointing the several Ferrys therein mentioned and for obliging the Commissioners of the several Districts to make Roads to the same.

15th The Act to Establish a publick Ferry from Newbys point to Phelps point whereon the Court House now stands on Pequimons River.

16th The Act to Confirm an Agreement made by the present Church Wardens and Vestry of Christ Church parish in Craven County with the Reverend James Reed.

To which said sixteen Bills his Excellency was pleased to give his Assent.

Mr. Speaker with the House returned and Mr. Speaker reported that his Excellency the Governor had assented to the foregoing sixteen Bills and then made the following Speech (Viz^t)

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

The steady zeal you have shown for his Majestys person and Royal Family and support of his Government and securing the payment of his Quit Rents and the Unanimity with which you have proceeded in doing everything necessary to your present Ability for the peace security and defence of this and the adjoining Colonies and in securing your Religion Rights and properties from French Eneroachments and papal Tyranny requires my returning you sincere Thanks which I will faithfully represent to his Majesty.

Your Application and the Dispatch you have made in preparing and passing many necessary Laws for the Improvement of Trade easy distribution of Justice and for the maintenance of an Orthodox Clergy well deserve the thanks of your Constituents and of all who wish well to this Province.

I am particularly obliged to you for the favourable Sentiments which you have Expressed of my Endeavours to serve his Majesty and to promote the peace security and Improvement of this Colony according to the Trust his Majesty has reposed in me.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I return you in particular my hearty thanks for the supplies you have granted for the Defence of this Colony and for the Assistance of Virginia and Contingencies of Government with which you have instructed me which I shall Endeavour to apply with the greatest Economy for his Majestys Service and Security of this Province.

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

As your Close Attendance and your Private Affairs will require your separating at this time and returning to your several Counties I most earnestly recommend to you the promoting peace and Harmony in your several Counties and that you will Exert yourselves in your several Districts in putting in Execution the several Laws formerly and now made for promoting true Religion and Virtue and due Execution of Justice and promoting the Trade and Improvement of this Province and to take Care that the Supplies you have so Chearfully granted be duly and carefully levied and paid in to answer the purposes for which they are granted, without which your Lives Religion, Liberties and properties cant be secured nor the Government be enabled to defend you as all Laws are a Dead Letter if not duly Enforced and put in Execution.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment

Received a Written Message from his Excellency the Governor as follows

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

As there appears a Surplussage at present of the £12,000 Issued for the Assistance of the province of Virginia in Case Colonel Innes upon making up his Accompts has no Demand for that Overplus I should be glad to have your Sentiments how the remaining Overplus shall be laid out and who you will empower to dispose of the same pursuant to the Act appropriating the same.

ARTHUR DOBBS.

The House taking the above said Message into Consideration unaniously resolved in Case Colonel Innes on making up his Accompts

shall have no Demands for the Surplus of the said £12,000 that so much thereof as shall remain unapplied shall be paid to such person or persons as his Excellency the Governor shall direct and be applyed in assisting the other Colonys in the Expedition against the French at Ohio in such manner as his Excellency shall at any time think fit for his Majestys Service.

Sent the following Message to his Majestys Hon^{ble} Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House received a Message from his Excellency the Governor acquainting them that there appears a Surplus of the £12,000 Issued for the Assistance of Virginia therein desiring the Sentiments of this House how the same shall be laid out and by whom—And having taken the said Message into Consideration have unanimously Resolved in Case Colonel Innes on making up his Accompts shall have no Demands for the Surplus of the said Twelve thousand pounds that so much thereof as shall remain unapplied shall be paid to such person or persons as his Excellency the Governor shall Direct and be applied in assisting the Colony of Virginia in the Expedition against the French at Ohio in such manner as his Excellency shall at any time think meet for his Majestys Service Which we desire your Honours Concurrence.

JNO CAMPBELL, Speaker.

Sent the above Message by Mr. Barker and Mr. Ormond.

Received the above Message from the Council Endorsed concurred with

Then the House adjourned till tomorrow morning 11 o'clock.

Wednesday 15th January 1755. The House met according to adjournment.

His Excellency the Governor was pleased to prorogue this Assembly untill the Twenty fourth day of September next to be then held at Newbern.

[B. P. R. O. AM: & W. IND: VOL. 68.]

SIR,

I send you with this an Address to His Majesty from the House of Assembly of this province, which I hope will be acceptable, as it goes attended with a Vote of Supply of £8000 this Currency to be employed in the Assistance of Virginia & Defence of this Frontier; I was in hopes

to have got 200 for one year for Virginia alone, but upon a Division it was carried to have but 100 Men for 2 years in one Company commanded by one Captain two Lieutenants and one Ensign, and a Company of 50 men under one Captain one Lieutenant & Ensign for the Defence of this frontier, having had so many lately murder'd by the French Indians, and French in the Indian Dress.

As this Supply comes wth Unanimity from his Majesty's faithful Subjects of this Colony who have already shewn an early Zeal against the French Ineroachments & Invasions, altho the sum granted had not the good Effect expected from it; yet considering the late divided state of this Province, and the ill state of the Revenue here, and great Debt upon Account of the paper Bills formerly and lately issued, which must be discharged, and there being a Necessity for to raise this by a further paper Curreney or issuing the Bills already appropriated to other uses, there being neither Bullion nor Coin in the Country, by which the Troops can be paid when they go out of the province, and the present ill state of the Curreney, which the Northern Counties wou'd not circulate, because they disallowed the Legality of the Assembly, and therefore wou'd not submit to pay any Taxes laid on to discharge the Bills, which prevented their circulating in Virginia, under this Situation & Circumstances, this sum is as much as they can find ways and means to supply, and therefore humbly hope his Majesty will accept of what they have granted with a sincere Zeal for his Service. As his Majesty has happily put an End to those Divisions, I hope we shall soon restore our credit, and as soon as the Law is passed, I shall endeavour with the best Economy to make it effectual, and to have the Company ready if possible at the time appointed to enter upon action.

If His Majesty has sent over Commissions for the Troops raised in Virginia, I hope His Majesty will be graciously pleased to grant Commissions in the same manner to the Companies raised here, that they may all act equally under his Majesty's Commission.

Having wrote fully to the Lords Commissioners of Trade upon other points I therefore shall only beg leave to assure you that no Care and Diligence shall be wanting in me to keep up the Spirit against the French Ineroachments Invasions and Depredations, and to execute the Trust his Majesty has reposed in me

I am with great Respect

New Bern
Jan^y 1st 1755

Sir, your most obedient and
most humble Servant

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 53.]

An Abstract of the Shipping & Tonnage & number of negroes Euter'd
in North Carolina at a medium of 7 years ending y^e 1 Jan^{ry} 1755.

No of Ships		Sums
18	From Currituek for one year ending 1 st Jan ^{ry} 1755	225
98	From Cape Fear at a Medium of 7 years ending 1754 last Quarter not completed Tunnage at a Medium $\frac{2}{3}$ Registry not much above half not $\frac{2}{3}$ ^{ds} of the Tonnage	5507
28	From Bath Town at a Medium of 7 years to Xmas 1754	1163 $\frac{1}{4}$
	Negroes last year 19	
79 $\frac{5}{7}$	At a medium of 7 years from Port Beaufort or Newbern ending 5 th Jan ^{ua} 1755	3136
	Negroes at a Medium 17	
100	Edenton not return'd the Deputy Collector dead above 100 Vessels computed at a Medium	10031
		20,062

Rec^d with Gov^r Dobbs's Lett^r dated y^e 8th Feb^{ry} 1755.

Rec^d March }
Read April 8 } 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 54.]

MY LORDS [OF THE BOARD OF TRADE]

By my 128th Instruction I am commanded to lay before your Lordships the Wants & Defects of the Province, the chief Products, what new Improvements are made or may be made by the Industry of the Planters or what Advantages may be made by trade, and which way his Majesty may contribute thereto.

What I have chiefly observed since I came here as to the wants & Defects of this Province is first the want of a sufficient Number of Clergymen to instil good principals and Morality into the Inhabitants, & proper Schoolmasters to instruct their Youth, the want of which occasions an Indolence & want of Attention to their own good, which with

the warmth of the climate & plenty they have of Cattle & fruit without Labour, prevents their Industry, by which Means the Price of Labour is very high, and the Artificers and Labourers being scarce in comparison to the number of Planters, when they are employed they wout work half, scarce the third part of work in a Day of what they do in Europe, and their wages being from 2 Shillings to 3, 4, & 5 Shillings ꝑ diem this Curreney, the Planters are not able to go on with Improvements in building or clearing their Lands, and unless they are very industrious to lay up as much as can purchase 2 or 3 Negros, they are no ways able to cultivate their Lands as Your Lordships expect and consequently the Clause of Cultivation must be lessened or relaxed, and only be kept as a Rod over them to prompt them to be industrious, and therefore young or new Planters could not venture to take up Lands, and those who are rich can't get hands to assist them to cultivate, until they can buy Slaves and teach them some handicraft Trades. But as all the chief Planters now are sensible of their wants and Difficulties, the Assembly is determined to give a proper Encouragement to learned and pious Clergymen and to encourage Schools; but am of Opinion it wou'd be of great Service to his Majesty & to Britain and great Satisfaction to the Inhabitants, if a Bishop was appointed or a Clergyman with Episcopal power to confirm the Youth, to visit & keep the Clergy to their Duty, and to concur in putting the Laws in Execution by removing them if convicted by a Jury of any gross Immorality, non Residence or Inattention to their Cure, and to put Persons qualified into orders, without the Expense trouble & Delay of going to be ordained and licensed by the Bishop of London, without giving them any other Judicial power spiritual Courts as in Britain, which only occasions Rancour and Divisions between the Bishops & Laity in Britain, and that the Power of Excommunication for enormous Immoralities shou'd only extend to their being only secluded from the Rites of the Christian Church, without any Civil Incapacities Fines & Penalties, have been inflicted by the popish Church to raise the Power of the Clergy. another Defect of the Province is the defenceless State of the sea Coast, and Want of a sufficient Depth of Water for large Ships to carry away Lumber in the Northern Part of this Colony, the River of Cape Fear being the only River capable of receiving Ships of considerable Burthen by having a Tide to carry them up a great way into the Country, the Rivers of Chowan Roannoeks, Pamlico & Neuse being very large and defended from the Violence of the Sea by a Chain of Islands which run almost from the Capes of Virginia to Topsail Inlet, and even as far as new River thro which there are only a few narrow Inlets, Currituck not having above six feet Water,

Roanoke not above 10 or 12 often less by shifting sands Stattera [Hatteras] often closed up, and Oeacock only having a Depth of Water upon the Bar of about 16 Feet at high Water sufficient to bring in Ships to a safe Road, but having no Tides through these narrow Inlets, and great Freshes within from these great Rivers, a Swath or loose Sand is form'd within the Islands upon which there is not above 8 or 9 feet water which often shifts, therefore no Vessel of Burthen can pass it until they discharge Cargo, and can only return again half loaded, & have the Remainder sent down in Lighters, Sloops, or Periaquas and during last War for want of a fort to defend the Entrance, the Privateers seeing the Masts of Ships within over the low sandy Islands went frequently in and out the ships from the Harbours, or rode within and carried them to sea; Topsail Inlet or Core Sound is a very safe Harbour with deep Water and no Bar, but having no navigable River within no considerable Trade can be carried on from thence, and as there is an extream fine but small Harbour with a good large safe Road found lately at Cape Look Out, which the French and Spanish Privateers found out, and frequented last War which lies within a few hours of Sail of Oeacock Northward & Cape Fear to Southward and almost within Sight of Topsail Inlet, there is an absolute Necessity of building a fort there, as well for a Safety for our Merchants & small Cruisers, as to prevent our Enemies from lying there in safety; but as there is a sum of Money in Bank to erect forts there & at Oeacock, and one already built at Cape Fear, and the Colony very poor and in Debt, it is humbly hoped that his Majesty will place an independent Company upon Establishment of 100 Men for this Province, not only to garrison these forts and one on our Frontier but also to assist the Revenue Officers to prevent an illicit Trade and to assist, if necessary, the surveyors to resurvey his Majesty's Lands in order to prevent Frauds in the Receipt of the Quit Rents.

The chief Products at Present in this Colony are Pitch, Tar, Turpentine, and other naval stores, Lumber of all kinds, Rice, Indian Corn, Pork, Beef, Hydes, Deer Skins & furs, Bees and Myrtle wax, Cotton, Indigo, which they are now enter'd upon wth great Spirit, as finding it from what has been tried to be equal to any in America, and all the back Lands, and other rich Lands near the sea Coast it thrives in to Admiration; The Climate is extremely proper for silk, Mulberry Trees from the seed become Trees in 3 or 4 years, Wines may be had higher up in the Country among the Hills near the Mountains, where there is a great Variety of native Grapes, which yield rich wines, which only want proper Vine Dressers to improve them Iron Mines also abound in the upper Countries and some of the upper Planters intend to erect Bloom-

eries or Forges. Hemp & Flax grow surprizingly and flax seed has been exported by the way of Pennsylvania from hence to Ireland, which has been found to exceed the best Pennsylvania & New York Seed, but for want of a direct Trade to Ireland from hence being confined in our Exports, prevents the raising of Flax here, except for the Consumption of the Colony, which for want of having Returns to send to Britain and Ireland, all the back settlers are running into to serve themselves with their own Linnen; Besides these several Artieles Tobacco wou'd thrive here and is of a better kind and yields more than in Virginia, but as that Artiele is rather over stoeked, and wou'd prejudice the Trade of that Colony we give no Encouragement here none except the Planters on the Virginia Line and Roannoek and Chowan being embarked in it as far as 2000 Hogsheads.

There are no Manufactures set up here but one or two Families who make a few ill made coarse hats, and some of the Irish back Settlers beginning to the Linnen.

I shall now beg Leave to lay before your Lordships the Difficulties we ly under in this Province in Relation to our Trade, which is a great Drawbaek upon our Improvements, and hope to make it appear to be equally so to Britain.

The Prohibition of the Trade of Salt from all Parts of Europe except Britain, to this & the southern Provinces on the Continent South of Cape Henlopen or Delaware is a considerable Drawback upon our Trade the English Salt is not found so good, as the French, Spanish or Portuguese in curing our Pork & Beef being too mild and the Isle of May Salt Tatuga & Turks Island Salt are too corrosive, eating away the Juices but the Bay and Portugal Salt is a Medium between them and found here the only proper Salt to enre Pork and Beef for the sugar Islands And therefore the Enumeration and Limitation of this Trade obliges us to take that Salt at great Disadvantage from New York and Pennsylvania at double freight and a further advanced Price to the Northern Importers, so that no more salt is taken from England by the Restriction; But if the Trade was open'd from hence to Portugal and Spain directly for salt & Wine which we can have only from Madeira or the Azores Islands upon which Aecount the Wines are risen to a great Price in England as well as here, we shou'd open an immediate Trade with Portugal and Spain for their Wine and Salt and shou'd carry to them all kinds of Lumber, Indian Corn, Bees wax Ships, and Naval Stores, which they now take from foreigners and have some Return in Bullion for to make Returns directly to Britain for the choice Manufacture we must have from thence, when at present they cost the planters here near

100 Ɔ cent advance, having no Returns for Britain, but at a Loss of above 30 Ɔ cent Discount, giving often 60 Ɔ cent to procure Bills; this must necessarily oblige the Planters & back settlers to go into Manufactures to the great Loss of Britain

We are also greatly cramp'd in our trade to Ireland, having little or nothing we can send from hence there except a little flax seed, for Lumber will not answer without an Assortment of other Produce from hence so that Ships coming from Ireland must return empty; upon this Account we are prevented from raising of flax, and what flax seed has been sent as a Specimen to Ireland we have been obliged to ship from Pennsylvania or New York, to be carried from thence, which upon Tryal has been found to answer better in Ireland than any Seed from the Baltick, or Northern Colonies the Trade from Ireland being also limited to Linnens and Provisions, which we don't want, and to Servants and Irish Protestants who choose to come to reside in this Climate, the Ships for want of Returns carry them all generally to Pensylvania from whence at a great Expence they come by Land in Waggon to the Province, but their Wealth being expended they are incapable of improving or cultivating the Lands they take up for sometime which is a great Loss to this Colony. The depriving therefore these Southern Colonies of sending most of the innumeraed Commodities directly to Ireland being obliged to enter every Ship first in England and to land & reshipe their Goods, inhances the Price so much without Benefit to England that very little of the Produce from hence can be sold in Ireland and they are obliged to take all they want with ready Money from Norway to the Baltick; Thus it stands as to naval Stores, Masts, Yards, Bowsprits, Tar, Pitch, Turpentine Rice, Indigo, &c As to Rice it seems very surprising that it shou'd be allowed to go to all Countries South of Cape Finisterre and not allowed to be carried to Ireland at least for their own Consumption; by which Means I don't believe 5 Tons is carried in a year from Britain to Ireland; If it was only intended to prevent its being exported again from Ireland to Hambro' or the Baltick that might be easily prevented by not allowing it to be re-exported from Ireland, only by its not having a Drawback; nor can I find any Benefit to Britain that Pitch, Tar, Turpentine, Masts, Yards, & Bowsprits, shou'd not be exported from hence directly to Ireland without a Premium, since it occasions all those Articles as also Timbers and Deals to be imported into Ireland from Norway and the Baltick with ready Money from Ireland, whereas if sent from these Colonies the Cash wou'd be saved at home by our remitting by Irish Bills to England or Cash from thence to answer the Payment of the rich Manufacturers we have from England, not one of these

Articles can now be carried from hence to Ireland, for if a Tun of these enumerated Commodities shou'd be taken on board and landed there without carrying and entring the ship in Britain, the Ship & Cargo wou'd be forfeited, & therefore no Ship can go from hence to Ireland with Staves or Lumber because they can't carry a small Assortment of these inumerated Goods.

If these Difficulties were removed, then we shou'd have an immediate Trade with Ireland for our Produce, and take Linnens in Return and be able to make Remittances to England for their Manufactures, which would entirely prevent these Colonies from manufacturing Linnens, or entring into other Manufactures; It is also the same with Indigo, Ireland is now obliged to take these commodities from foreigners wth ready Money which then they wou'd get, for their Linnens. These are things so obvious when thought of, that I am surprised these confining Laws shou'd not be repealed, or allowed of under proper Restrictions;—As we have no Cacao Nuts of our own growth in the Islands, I think the Prohibition of importing these Nuts from the Spanish or Dutch Settlements can be of no Advantage to Britain or our Colonies, since if allowed at a moderate Duty might open some Trade on the Spanish Coast, or with the Dutch, which might bring us some Return in Bullion, and at present it is run, and brought chiefly from the French by the Neutral Islands, Eustatia, St Thomas, or S^{ta} Cruz; w^{ch} wou'd be a further Vent to our Lumber & provisions These several Article I lay before Your Lordships for your consideration but think until these points can be properly considered, that the Limitation of Portuguese and Spanish Salt & Wines as also from the Streights shou'd be immediately laid before the Parliament, as also the taking off the Exportation of naval Stores Rice & Indigo to Ireland, for England can gain nothing at present by the Restriction, as no Rice is imported into Ireland, and what Indigo goes from England to Ireland after receiving the precouciem in England is a Loss to England and an unnecessary Expencc to Ireland, by obliging them to buy French Indigo at a higher Price than from our own Colonies; If your Lordships approve of these Observations the Agents for these Southern Provinces will chearfully prepare Petitions on behalf of these Colonies to be laid before the Parliament *a Memorial to the Purpose* I inclose with this to your Lordships, and *a very short Bill* wou'd repeal these restraining Laws, as far as may be found proper, with proper Restrictions, and they wou'd not only enable the Colonies to be at a further Expense in securing their frontiers, but add to their zeal in supporting the Rights & Commerce of Britain.

These Observations I beg leave to lay before Your Lordships, as I think they are of great Consequence to the Trade of Britain, and the Colonies and submit them to your Lordships superior Judgement I am with the greatest Respect My Lords, &c.,

Newbern 4th Jan^{ry} 1755.

ARTHUR DOBBS.

A General List of Taxables as ret^d into the Secretary's Office for the year 1754.

COUNTIES	CLERKS	WHITE.		BLACK.		TOTAL	
		MEN.	MALES.	FEMS.			
Anson K.	Henry Hendry	810	40	20	870	computed	
Beaufort K G	Walley Chaina	637	267	218	1306	}	1306
	184 not distinguished	120	40	24			
Bertie G.	Saml. Ormes	1220	289	200	1709		not dist. in return
Bladen K.	Thos. Robison	338	226	120	684		
Carteret K.	Geo. Reed				400		computed
Chowan G.	Wm. Halsey				1481		not distingh'd
Craven K.	Sol. Rew	870	468	308	1646		
Cumberland K	Tos. Jones				850		computed
Currinck K. G.	Shergold	470	80	70	629		computed
Duplin K	Dickson	560	105	63	628		
Edgecomb G	Benj. Wynns	1611	508	416	2535		
Granville G.	Danl. Weldon	779	261	165	1205		
Hyde K. G.	Saml. Sinclair	237	100	83	420		
Johnston K. G.	Chas. Young				1425		
New Han'r K	Isaac Faries	362	799	575	1736		
Northampton G.	John Edwards	902	510	324	1736		
Onslow K	Willm. Crag	448	151	96	695		
Orange G.	R'd Caswell	950	35	15	1000		not ret'd
Pasquotank G.	Thos. Taylor	563	266	100	929		
Perquimons G.	R'd Clayton				1117		
Rowan G.	John Dunn	1116	30	24	1170		
Tyrrel G.	Evan Jones	500	100	90	690		not distingh'd
		<u>12393.</u>	<u>4275.</u>	<u>2911.</u>	<u>24861.</u>		
				<u>4275.</u>			
				<u>7186.</u>			

Received with Gov^r Dobbs's Letter dated 4th Jan^{ry} 1755.

INDIANS IN NORTH CAROLINA

Anson County

The Catawba Nation under King Hagler are of Warriors 240
 The Warriors of the Cherokee Nation are 2390 divided into
 different Settlements viz^t The Savana River under the Good
 Warrior Headman 275
 On the waters of the Mississippi under the Raven of Cowee 715

The upper Settlem ^t of Mississippi under the Round O. Head	
Man	415
In the Valley under the Raven of Highwasa	545
The lower Settlem ^t of Mississippi under the Emperor of Til-	
law & Old Hop of Chote the two head men of the Chero-	
kee Nation	640—2590
Bertie County	
Of the Warriors of the Tuskerora Nations are	100
The Women & Children	201—301
Chowan County	
Of the Chowan 2 Men & 3 Women and Children	7
Granville County	
The Saponas about 14 Men & 14 Women	28
Children	
Northampton County	
The Mecharens about 7 or 8 fighting men	8
These are all the Indians except about 8 or 10 Maramnsket	
Indians and as many on the Islands or Banks	20

[B. P. R. O. NORTH CAROLINA. VOL. 12. C. 86.]

To the Right Honourable the Lords Commissioners for Trade & Plantations

The Memorial and Representation of the Merchants, Traders and Planters in North Carolina Humbly sheweth,

That the Trade of this Province is under great inconveniences from the restrictions they lye under in several Articles of their Trade, which prevents their exporting their produce to advantage and from their being prohibited from importing several Commodities in the Cheapest and most expeditious manner, which is without any benefit to Britain, but rather to its prejudices, for by the dearness of the imports and low price of the Exports by the increase price of freight and loss of time, they have not returns to make to Britain for all the Manufactures and other necessaries they have from thence, which necessarily lessens the Trade to Britain and must as y^e province increases in numbers, force the planters to set up manufactures or to be without necessary Clothing, since they can't have returns to pay for the British Manufactures.

That there are several enumerated Commodities which they might export to Ireland, & other parts of Europe to advantage, which now lye upon hands, the price for which they are sold in Britain viz^t pitch, Tar, Turpentine, masts, yards and Bowsprits, which might be exported to Ireland, Spain & Portugal or to the Streights to great advantage, who now take these Articles from Norway & the Baltic with ready money.

That the prohibition of taking salt from any part of Europe, except from Britain, to any of the Provinces South of Delawar in Pensilvania and of wine from any part of Europe, except by way of Britain, or from the Azores or Madeira, is also an inconceivable prejudice to the Trade of this Province.

That the great increase of settlements in this Province of late in the Countries at a distance from the sea, has increased the Breeding of Cattle and Hogs, by which means a great Trade might be carried on to the West Indies by Beef and Pork, if they had proper salt for curing and packing the same at the cheapest Hand.

That it is found by experience in this warm climate, that English salt is too mild to preserve beef and pork for any length of time and the salt from the isle of Man, Tortuga or Turks Island, is too strong, which corrodes and destroys the jucies, so that they are obliged to get the salt from Spain and Portugal by the way of New York and Pensylvania, at a double Freight and much greater expence to cure their beef and Pork to the amount of above 20000 bushels yearly, and are obliged to drive the greatest part to Virginia & Pensilvania at great expence and loss of time, and take goods from thence in return at a great price and disadvantage, by which means all British goods come to this Province at a high advanced price, having no other way of making returns to Britain.

Your Memorialists apprehend that if this restriction were taken off, and they should be allowed to import Portuguese & Spanish wines from thence, they could send Corn, rice, Naval stores, lumber and hides thither and in return bring wines, salt, and gold and silver Bullion or procure bills for Britain for the Ballance in return for their Manufactures, and by their better curing of Beef and Pork, they should have from the West Indies sugar, melasses, rum, cocoa, coffee and some Bullion in return for those and lumber to pay for the manufactures of Britain by taking off also the enumeratiõn of Rice and Indigo, and to allow it to be exported from hence to Ireland, as also pitch, tar, turpentine, masts, yards and Bowsprits they should be able to carry on a Beneficial Trade by having an assortment of goods, to carry with the timber, deals, staves, and other lumber directly to Ireland, and have linens at the best hands, servants and Protestant Planters, which would

prevent their going into manufactures in this Province, & have returns of Bills from Ireland to England, instead of sending money from Ireland to the Northward to purchase naval stores, timber etc and as these would be carried to Ireland without paying a Premium, it would be an advantage to Britain, who always are losers by reexporting goods entitled to a Premium or Drawback the officers by gaining more Fees and perquisites lessen the goods, which pay back the Premiums upon reexportation, and increase the Quantity of such as are entitled to Drawbacks, which lessens the Revenue of Britain.

That rice being obliged to be carried to Britain before it can be entered in Ireland, prevents entirely the consumption of rice in Ireland by the enhanced price, for a small Quantity can't be carried into Ireland, without loss of ship and cargo, and Indigo becoming dearer in Ireland, by not allowing it to be imported from these Colonies into Ireland, which obliges them to buy French indigo at a higher price to the Disadvantage of these Colonies, and benefit of the French Islands.

Your Memorialists therefore humbly pray that you would take this into your consideration and if approved of that you will advise his Majesty to recommend their case to the consideration of the Parliament of Great Britain or to approve that the several Colonies by their Agents may petition the Parliament to redress those unprofitable limitations and restrictions upon the Colony trade to Great Britain and Ireland, and also to Spain, Portugal and the Streights by the Act of Navigation, and other Acts relative to Trade as they by experience are found to be equally a prejudice to the Trade of Great Britain and the Colonies, and to grant them such relief as to them in their great wisdom shall seem meet.

And your Memorialists shall ever pray

ROBERT MURDEY	W ^m KINCHEN JUN ^r
J ^o BELL	W ^m WILLIAMS
EDW ^d VAIL	JA ^s CONNER
JA ^s PAINE	W ^m WYATT
DEMSEY SUMNER	JO ⁿ FONVILLE
WILLIAM SHERGOLD	FR. WARD
JOHN HARVEY	SAM SWANN
STEPHEN WILLIAMS	JOHN ASHE
JA ^s CARTER	JN ^o HARVEY
SOL. REW	CORN ^s HARNETT
JOHN SURRY	ROB ^t JONES JUN ^r
GRIFFITH JONES	SAM. SWANN
ROBERT HARRIS	JOSEPH HARROW

THO ^s WHITMELL	ARTHUR HUTCHINS
BENJ. WYNNS	JN ^o ———
W. M. SPEIN	JOHN BRAVARD
W ^m HOUSTON	THO ^s RELFE
JOHN HARDEE	STEPHEN CADE
SAMUEL SPRUILL JUN ^r	RICH ^d CASWELL
THOS WEEKES	TIMOTHY WALTON
EDW ^d GRIFFITH	JO ^h WASHINGTON
JER. VAIL	W ^m BARTRAM
JOHN CLITHERALL	ISAAC JONES
JOHN STEVENSON	SAMUEL CORNELL
JAMES DAVIES	J. BARKER
WILL ^m SITGREAVES	W ^m MACKEY
JOHN STARKEY	FRAN. RICE
J ^{no} CAMPBELL.	

Received with Gov^r Dobbs's Letter to the Board dated the 4th of Jan^{ry} 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 81.]

Gov^r Dobbs' Proposal of a Copper coinage for the Province of North Carolina.

[Rec^d with Gov. Dobbs' letter dated 4 Jan^{ry} 1755.]

In case the Assembly approve of the Bill for erecting a Loan Office to support the credit of a Paper Currency to be lent out at interest upon Land, Mortgages Deposits of plate or valuable commodities Then it will properly come under their consideration whether it would be of benefit to this Colony to apply for a small copper coinage with a proper device on the reverse for the use of this Colony to be coined at the Mint in the Tower of London upon our furnishing the copper & paying for the expense of the coinage in the same manner as His Majesty and the Treasury have granted it to the Kingdom of Ireland viz:—That such a quantity of copper may be coined from time to time as the Gov^r & Council for the time being shall apply for in the whole not exceeding 50 Tons as may be found reasonable for the use of the Colony and that no less a quantity than 5 Tons be coined at one time that the coinage should be made of the same goodness and value of the English Half pence in proportion as Proclamation money bears to English sterling money That the coinage shall be struck into half pence, pence and two-penny pieces the

English coinage being struck at twenty three pence out of the pound of copper the Carolina coin may be proportioned that 32 pence may be struck out of the pound of copper and the small addition of one penny in the pound lighter than the proportion betwixt the English and Carolina copper coin may go towards paying for the commission coinage and freight and the allowance to a person for issuing and receiving the value for the coin delivered in the Province That as soon as the coin is issued as many of the small paper bills of credit under the value of a shilling shall be called in by proclamation and shall be burnt which shall be paid for out of the money raised to sink the paper currency and so from time to time until all the small bills already issued be called in. If this scheme for a copper coinage be found agreeable then the Assembly and Council may address the Governor to write to the Treasury by Memorial to have His Maj. letter for that purpose without loss of time. The charges attending the purchase of a ton of copper cut into proper fillets for coinage delivered into the Mint and for the charges & fees for the coinage as delivered from the copper company and the Warden of the Mint stand thus:

Each pound of copper cut into proper fillets for the Mint about 15 three quarter pence per pound which as only 2000 weight goes to the Ton would amount to in English money	£131.5.0
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The charge of coinage one ton of copper as delivered from the Wardens of the Mint amounts to per ton	£47.13.4
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Total charge	<u>£178.18.4</u>
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The total value in Proclamation money in Carolina of a ton of copper coined of 2000 weight to the ton at 32 pence per pound is £266.13.4 which is in English money	200.-.-
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Profit upon the coinage in English money above 10 per cent.	21.18.4
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But if 112 pounds of copper goes to the 100 weight of copper then the value of 2240 pounds weight of copper at 15 three quarter pence per pound is	147.-.-
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And charge of coinage	47.13.4
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Total charge	<u>£194.13.4</u>
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The total value of a ton of copper of 2240 pound weight coined into pence at 32 pence per pound amounts to in Proclamation money in Carolina £298.13.4 which reduced into English Sterling is	224.-.-
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Profit upon the Coinage in English money	29.6.8
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Which is above 13 per cent profit, the surplus of which after paying commission, freight insurance and expense, in exchanging it here for value to purchase more copper might go towards answering the contingences of Government.

Five tons of copper coined would amount to in Proclamation money here	1331.13.4
The whole fifty tons when coined to	£13,316.13.4

In each coinage two tons to be coined into half pence one and a half ton into pence and one and a half ton into Two pence

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 50.]

MY LORDS, [OF THE BOARD OF TRADE]

Having fully wrote to you by two Ships one of wth sailed from Oeacock Bar and the other from Cape Fear, wherein I have sent you several Papers Addresses and Memorials relative to the proceedings of this Assembly, and the Advantage of this Province, to w^{ch} I beg leave to refer.

I did not intend to trouble your Lordships any further until the Session of Assembly should be over, which is now coming to a happy conclusion, But as I hear a Ship is ready to sail from Virginia immediately, and I have received a pressing *Address from the House of Assembly delivered by the Speaker* at the Head of the House recommended to me to be laid before Your Lordships in order to have Your Approbation to lay it before his Majesty, I cou'd not neglect taking the present Opportunity of laying it before Your Lordships

Upon my coming over as I acquainted Your Lordships that I found it wou'd be prudent to suspend the Repeal of several of the Laws until the Conclusion of the first Session of Assembly, particularly about the Election of Members, the Courts of Justice, and the repealing the Acts for establishing several Counties and Towns as it wou'd delay the calling the first Assembly and put the Electors into Confusion and it wou'd take up a considerable time to prepare Charters, and in the unsettled State of the province & their present Divisions wou'd have had a very bad Effect, and as no Taxes had been levied upon account of the one half of the Province denying the Validity of the late Laws, the other part also refused to pay, so that it was absolutely necessary for His Majesty's Service upon the present Emergency & French Invasion to lose no time in calling the

Assembly and raising Supplies, and keeping the people in good humour to promote their union, which I thank God has produced a surprizing good Effect, which has exceeded my hopes ; Upon their strenuous Application to me therefore by this Address I have assured them that I wou'd delay promulgating the Repeal of the Law, and issueing of Charters until such time as I shou'd lay this address before your Lordships to advise and consult his Majesty upon it, and as I find the Assembly so united in acting for his Majestys Service and desirous to preserve his Majestys good opinion without any Inclination to invade on his Majestys Right or to increase upon his prerogative induces me with more Assiduity to recommend to your Lordshps your taking this Repeal again into Consideration and afterwards let me know his Majesty's orders and Instructions upon it.

In the first place I am informed that all the Members chosen for the Countys & Towns which must be disfranchis'd by this Repeal must lose their Seats and can't be restored until the Charters are granted and they shall again be rechosen which will in fact occasion a Dissolution or vest the whole power of the Assembly in the few remaining Countys which might occasion a flame and again disunite the Province. I shant mention the reasons given in the address relative to the Rights of the Inhabitants of the several Towns to their purchases. I apprehend that if the Reasons they offer relative to the Charters for the Counties be fact, that the Counties can't be altered or subdivided after once the Inhabitants are Incorporated by the Charter without the Consent of all the Inhabitants, that it will be of very ill Consequence for I find by the Inconvenient laying out of Counties some of them being 100 miles in length, and some not above 18 or 20 broad others less, and from the largeness of the back or Western Counties, which towards the West have no determined Boundaries, there must, as the Inhabitants increase be frequent Subdivisions & Alterations as the Colony increases in Numbers, and therefore whatever favour his Majesty can shew consistent with his Prerogative I hope he will graciously grant to his faithful Subjects of this Province which he has allowed to the neighbouring Provinces and since his Majesty may condescend to wave his [his] prerogative at his pleasure I conceive he may comply with the Request of the Assembly for the time past, as they are willing and desirous to acknowledge his undoubted Right to make them by Charter at his pleasure, and he may give His Orders & Instructions to me to confirm the Towns by Charter, and give them further Priviledges of Fairs Markets &c without repealing the Laws which confirm their present possessions and purchases, and all future Countys to be erected subdivided or altered, may be allow'd by his Majesty's giving

the Governor for the time being an Instruction to agree to such Laws relative to the Counties, as shall be for the Good of the province and that all future Towns when erected shall be granted by Charter.

I submit this to your Lordships Consideration and hope you will approve of my delaying to promulge the Repeal of this Law until I have his Majestys further commands upon it, as there will be no occasion for any Alteration until towards next Session, which I expect will not be till November next, before which time I shall have his Majestys and your Instructions upon it. I shall add no more but to let Your Lordships know that the Assembly have acted with great Temper prudence & Unanimity, and have testified a great Zeal for his Majesty's Service and Good of the Colony and therefore merit his Majestys Favour.

When the Assembly breaks up which I apprehend may be this Evening or on Monday at furthest, I shall lose no time in sending Your Lordships Copies of the most material Bills which require Your immediate Considerations and the others as soon as they can possibly be copied; but as it is expected the Ship can't wait or may be sail'd by the time this gets to Virginia, I must send it off this Day. I am with great Respect,

My Lords, &c.,

ARTHUR DOBBS.

New Bern Jan^y 11th 1755.

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

Know all men by these presents that we Thomas Barker John Campbell and Wyriot Ormond Esquires are held and firmly bound to our Sovereign Lord George the Second King of Great Britain and so forth in the sum of five hundred pounds Proclamation Money to be paid to our said sovereign Lord the King his Heirs and Successors for the use of the Province of North Carolina To the true Payment whereof we bind us and each of us our heirs Executors and Administrators jointly and severally firmly by these presents Sealed and dated the fifteenth day of Jan^y in the twenty eighth year of the Reign of our said Sovereign Lord the King and in the Year of our Lord One thousand seven hundred and fifty five.

Whereas the above bounden Thomas Barker by a Commission from His Excellency Arthur Dobbs Esq^r bearing even Date with these presents is appointed Receiver of the Duty upon the Tonage of Ships and other Vessels coming into Port Roanoke within this province Now in Case the said Thomas Barker shall duly and faithfully Discharge his Duty as Receiver of the said Port and shall when required from time to time deliver to the Governor Council and Assembly of this Province a true

List of all Ships and Vessels which shall enter into the said port with their Burthen of Tons with a true account of the Dutys he shall receive in Virtue of an Act of Assembly Intituled an Act for granting to his Majesty a Duty upon the Tonage of Ships and other Vessels coming into this Province then the above Obligation to be void otherwise to be in full power

T BARKER (Seal)

JN° CAMPBELL (Seal)

WY: ORMOND (Seal)

Sealed and delivered in the presence of

HENRY HILL

JOHN NICOLLE

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

Know all men by these presents that we Wyriot Ormond John Campbell and Thomas Barker Esquires are held and firmly bound to our Sovereign Lord George the Second King of Great Britain and so forth in five hundred pounds Proclamation Money to be paid to our said Sovereign Lord the King his Heirs and Successors for the Use of the Province of North Carolina To the true Payment whereof we bind us and each of us our heirs Executors and Administrat^{rs} jointly and severally firmly by these presents Sealed and dated the fifteenth day of January in the twenty eighth year of the Reign of our said Sovereign Lord the King and in the year of our Lord One thousand seven hundred and fifty five.

Whereas the above bounden Wyriot Ormond by a Commission from his Excellency Arthur Dobbs Esq^r bearing even Date with these presents is appointed Receiver of the Duty upon the Tonage of Ships and other Vessels coming into Port Bath within this Province Now in Case the said Wyriot Ormond shall duely and faithfully discharge his Duty as Receiver of the said Port and shall when required from time to time deliver to the Governor Council and Assembly of this Province a true List of all Ships and Vessels which shall enter into the said Port with their Burthen of Tons with a true Account of the Dutys he shall receive in Virtue of an Act of Assembly intituled An Act for granting to his Majesty a Duty upon the Tonage of Ships and other Vessels coming into this Province then the above Obligation to be void otherwise to be in full power

WY: ORMOND (Seal)

JN° CAMPBELL (Seal)

T BARKER (Seal)

Sealed and delivered in the presence of

HENRY HILL

JOHN NICOLLE

[B. P. R. O. AM: & W. IND: VOL. 74.]

Circular to the Governors in North America

WHITEHALL Jan^{ry} 23^d 1755.

SIR,

The King, being determin'd that Nothing shall be wanting, towards the Support of his Colonies & Subjects in N^o America, has commanded me to signify to you His Majesty's Intention to augment the Regiments in British Pay (viz^t not only Sir Peter Halkets, & Col^l Dunbar's, but likewise Those, which are now employed in Nova Scotia,) to the Number of 1.000 Men, each; To which End, you will correspond with Major General Braddock, or the Commander of the King's Forces of the time being, from whom you will receive Directions for the sending such Contributions of Men, as shall be wanting, and to such Places where the same shall be quarter'd or employed, under his command.

As there is, probably a considerable Number of Persons, as well amongst the Natives of America, as among such Foreigners, who may be arrived their from different Parts, particularly from Germany, who will be capable and willing to bear Arms upon this Occasion; The King does not doubt, but that you will be able, by Care and Diligence, to effect this intended Augmentation and to defray the Charge of levying the Same from the Common Fund, To be established for the Benefit of all the Colonies collectively in N^o America, pursuant to His Majesty's Directions, signified to you, by my Letter of the 26th of October last, for that Purpose; and as an Encouragement to all such Persons who shall engage in this Service, it is the King's Intention (which you will assure Them in His Majesty's Name) That They shall receive Arms and Cloathing, at the King's Expence, and That They shall not only be sent back, (if desir'd) to their respective Habitations when the Service in America shall be compleated & ended, but shall be entitled, in every respect to the same Advantages with those Troops which may be already raised in consequence of your former Orders.

I am &^e

T: ROBINSON.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 52.]

MY LORDS. [OF THE BOARD OF TRADE]

Having wrote fully to your Lordships a little before the breaking up of the Session of Assembly what occur'd to that time I refer you to it,

as I expect to get this sent by the Gibraltar Cap^t Sprey via Virginia who returns to England, I herewith send to you *all the Journals I can get ready with the most material Acts pass'd* in the Assembly, and the others shall go by the next opportunity, a list of what I send I shall enumerate below; I sent your Lordships by my last a list of Taxables so far as I could get it fixed by the returns made to me which was not compleat nor cannot be perfected untill I get a new return from the negligence of the County Clerkes. I now send you *an abstract of the Shipping enter'd in this Province at a Medium of last 7 years* so far as it has been returned to me, but it not being compleat by reason of Mr. Renssets absence the Collector of Roanok his Deputy being dead I would not send their returns until I got the whole; I have also sent your Lordships a *Duplicate of my reasons for desiring an alteration to the Boundary Line* formerly agreed to by the Commissioners which had not been executed, and have again wrote to Mr. Glenn to lay before Your Lordships what Boundary Line he thinks proper for South Carolina with his reasons to support that his Majesty may determine it without loss of time as there are perpetual Quarrels among the Settlers near the Line when one takes out a Patent from this Government another goes to South Carolina and takes a Patent for the same there which is never refused and endeavours by force to get possession altho it be Northward of 35° which was intended for the Boundary by the late Commissioners and this Evil is daily increasing and sometimes ends in Death and the Survivour cannot be brought to Justice as he gets into the other Government; so that I hope your Lordships will advise his Majesty to fix a proper Boundary Line without loss of Time in what manner he thinks most equitable for his service and good of the Colonies. I have also sent your Lordships *Duplicates of my Letter in answer to my 128th Instruction* and a *Memorial sent from hence upon it* which I apprehend would greatly improve the Trade of Britain Ireland and these Colonies, which I hope your Lordships will take into your consideration and know the Sentiments of the Merchants and Members of Parliament upon it and if thought proper to have Petitions given in to the Commons to repeal so much of the Acts of navigation or other restraining Acts with proper restrictions so as to enlarge the Trade of the Colonies so far as it shall appear to be beneficial to the Trade of Britain. It is not possible for me to get a return of the number of Births and Burials as there are no Parish Clerks or any Registry of them until I can get a Law pass'd for that purpose I need not make any observation upon the Quit Rent Law except the article of the Tobacco and Indigo which are to be inspected as we are preparing a general inspecting Law against

next Session, and a Law is now passed for inspecting Tobacco, but as these are fixed at a very low price one at 3 farthings English P pound and the other at 2^s 3^d P pound I cannot imagine they will be ever offer'd in payment I advised to have a clause that in case the market price ever fell below that medium that a new one should be struck at a Medium of Seven years and fixed again for a Term of years, but they did not come into it however as I shall be able to fix a good Rent roll by it and have Lands resurvey'd the quantities already granted having been greatly abused very often double the quantity as are mentioned in the Patent and in some instances three or four times as much, the Surveyers having often made out Plots in their Chambers, and only marked one Tree in the Survey and run lines on their chart of suitable bearings and then the possessors have mark'd Trees, and extended their Lines without regard to their length which shows the necessity of resurveying even at his Majestys expence where others are intimidated to apply for new Surveys I in my last gave my reasons for agreeing to the Vestry and Church Bill (altho I could not secure the presentations to the Crown) without a Suspending Clause as I thought it for his Majestys Interest and the Colonies to get so good an Establishment immediately fixed considering the number of Sectaries who are against all Establishments and the danger of their increasing if we dont fix a Parochial Clergy and we may perhaps get it amended, as we have secured the Vestry Men to be for the Common Prayer and Liturgy and the Clergymen to be presented to be regularly ordain'd and certify'd by the Bishop of London and as it has not a Suspending Clause his Majesty may at any time hereafter repeal the Law by which the Bill takes place immediately which is of consequence here to have an immediate establishment so that I hope you wont blame me for so far transgressing my instruction, as the Bishop of London also told me he was for laying hold of any Establishment and was therefore for postponing the repeal of the last Law untill we could get it amended. In the fixing the Courts of Justice and circuit Courts I preserved his Majestys Right in obliging the Assembly to apply to me for his Majestys nomination and approbation of the Places which they recommended so as to confirm his Majesty in his Right and refused passing a Bill upon that account for which I gave them my reasons upon refusal a Copy of which I herewith send your Lordships; So that the Assembly and I have thank God parted in perfect Harmony which I hope will continue and that Peace and unanimity will prevail in the whole Province They have paid me my expences in bringing away the French for improving Silk, and to fix them on a Plantation

The 8000£ granted and 1000 in hands of the former grant not expended is put in my disposition to raise a Company of 100 men for Virginia and another of 50 for the defence of this frontier untill November 1756—I propose going up to the Mountains in Summer and fixing upon a proper Place to build a Fort in for the security of our Frontier and Indian Allies and employ them in erecting it and in the meantime after our General Courts and Sittings of Chancery is over in the beginning of April propose going in a Vessel along all our Islands and Inlets as far as Topsail Inlet at Core Sound and view the harbour at Cape Lookont and fix upon the proper places to erect Two Forts for which the money hath been granted some time and therefore hope your Lordships will approve of my application for an Independent Company to be fixed upon this establishment as soon as this expedition is over. So that the Company raised to assist Virginia upon their return may Garrison the Forts without any charge of transporting them from Europe—There was no other way so proper to raise the supply and to answer contingencies as borrowing part from the Sum raised for the Forts and Emitting the remainder in the Bills which I was instructed not to Emit without an immergency; as they granted 9^d $\frac{1}{2}$ pole to sink the £8000 in Seven years and 18^d $\frac{1}{2}$ pole to pay £2500 in three years which will refund the sum of £2000 borrowed from the Fort money and will raise the credit of our paper currency which is now Current by our union thro' the whole Province and we hope will pass in Virginia as the Ballance of Trade is in our favour from thence so that they will return it to us in our own Bills and as they seem'd determined to prepare a Bill next session upon my Plan for a Loan Office upon Land security I hope we shall with its assistance sink in a little time all our outstanding Bills which now are about £15000 besides what has been struck by the Act passed last Mareh for £40000, of which there remains £11500 as yet not Emitted but appropriated for building Churches and purchasing Glebes attending his Majestys pleasure and the Assembly seem'd inclinable to add to the Pole Tax or Duties already appropriated to sink the Paper Bills next Sessions; It will be also found much for his Majestys Service to have a Revenue Officer fixed at Ocacock Inlet to examine all Ships and take a Manifest of their Cargoes upon Oath that come over that Bar, for the Sound within is so large with many numerous Navigable Creeks on each side in Albemarle Sound Panticoe and Nense Rivers that they may discharge great part of their Cargoes Spirits Wine &c and all prohibited Goods before they come to the discharging Ports and by landing them they Swear only to the remainder of their Cargoe This Officer may be paid out of the duties raised here by the several collectors for the Port Duties now transmitted

to the Comissioners in England with [which] will be doubly repaid by the increase of the Port duties which are now in great measure lost; I have mentioned it to the Lords of the Treasury and Commissioners of the Customs as it will be proper to have a Person of worth and Integrity fixed immediately there at a proper Salary—Having wrote fully to the Lords Commissioners of the Treasury the difficulties I ly under in answering the 30th 76th and 77th articles of my instructions in relation to the Books of accounts I was order'd to transmit to them by the Auditor and which I am ordered to transmit also to your Lordships and also the accounts of the Receiver General upon his Receipts destinguishing which are audited and which not and the extracts of all Receipts and accounts from the year 1716 requiring him to exhibite to me all Books and vouchers Kept by former Receivors and to make strict enquiry into the methods used in collecting and accounting for the Quit Rents, and acquaint the Lords Comissioners of the Treasury and your Lordships my proceedings thereupon, I must beg leave to refer your Lordships to that Letter having proposed what I thought would be of Servie in ease their Lordships liked the method, and your Lordships approved of it or any other instruction you should think necessary for his Majestys Service that his Majesty shall order I should do my utmost to put in execution; In which I have also made great complaints against the Surveyor General of these Colonies who has never been here since the time of his first appointment so that I cannot obey my instructions relative to him. These are the most material things I have to mention at present your Lordships may depend upon my utmost endeavours to keep up the spirit against the French, to expedite the march of the Company and to promote his Majestys Interest and improvement of the Colony to the utmost of my power, in which neither care nor application shall be wanting.

I am with the utmost Regard &c

ARTHUR DOBBS.

Newbern y^e 8 February 1755

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 64.]

To His Excellency Arthur Dobbs, Esq^r Captain General Governour and
Commander in Chief in and Over His Majesty's Province of North
Carolina &c.

MAY IT PLEASE YOUR EXCELLENCY,

It is with the greatest chearfulness that we the Grand Inquest for the
Counties of New Hanover Onslow Bladen Anson Duplin Rowan and

Cumberland Congratulate Your Excellency on your safe arrival in this His Majestys Province of N^o Carolina.

As our Royal Sovereign has made choice of you Sr our Governour and Commander in Chief we Esteem it an Instance of his Paternal care that he has appointed one so well Versed in the Brittish Constitution and who has so much at heart the enlarging the Commeree of it, by every Improvement of the Collonies to the advantage of our Mother Country.

We shall gladly contribute all in our Power to make your Government amongst us Safe, easy and Prosperous, by enforcing the Laws so as to Protect the Inocent and Present the Guilty

It is with great concern Sir that we are under a Necessity, in this our first Oppörtunity of waiting upon your Excellency to Represent the case of Murder committed by Persons unknown on Seventeen of His Majestys Subjects within our Inquest, where all our Inquiry is baffled, and about Ten persons more missing supposed to be carried off by our Public Enemies or Indians under their Influence The Late unjust Ineroachments made by our aspiring neighbours and-Infored by method of a piece with those barbarous Cruelties give us the strongest reason to snspect they have promoted this Inhuman carnage—We doubt not Your Excellency will take all the proper measures to prevent such Massacre for the future.

In order to which we hope your Excellency will be Enabled by the ensuing General Assembly to take Effectual measures for the Defence of this Province against every attack of our restless Enemy who daily Imploy every Engine however barbarous or Inhuman to obtain an universal Monarchy in spite of the most Solemn treaties and Engagements

That your Excellency may live to have a hand in defeating their Ambitious Views and to see this a flourishing and well Improved part of His Majestys Dominions (which we are convinced you have very much at heart) is the most sincere desire & prayer of

Your Excellencys Most Dutiful

and Obedient Hum^l Servants

WILLIAM FARIS Foreman	GEO MOORE
J ^{no} D'BOIS	FRED GREGG
CORN ^s HARNETT	JOHN DAVIS
THO ^s JENKINS	JOHN STARKEY
R ^d FARR	JOSEPH MUMFORD
THOS FINNEY	JOHN GRANGE
GEORGE BROWN	ISAAC JONES
CHA ^s ROBINSON JUN ^r	EDW ^d BROWN
RICHARD JAMES	ROB ^t KNOWLS
JOHN BROWN	DANIEL M ^o DUFFEY.

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

SIR, [THOMAS LOVICK ESQ.]

As there are many Irregularities throughout the Province with Regard to the obtaining and granting Licenses, I must request your Assistance towards putting a stop thereto, and to that End do hereby appoint you to sign all Marriage Licenses within your County. I must earnestly recommend it to you to direct the several Constables frequently to inspect the Licenses of ordinary keepers and Traders, and if any are found retailing Liquors or trading without Licenses, or after the Term of their License is lapsed, to report the same to you, in order to force them directly to comply with the Acts of Assembly, or if they neglect to put the said Acts in force against them. I am informed that it is too frequent a practice with several Ordinary keepers to content themselves with petitioning for Licenses, without paying any fees, whereby the Laws are brought to contempt, I must therefore recommend it to you and the other Justices of your County That it be made a Rule of Court that no petition for Licenses be heard, 'till all fees are first deposited with the Clerk, to be retain'd if the License is granted, or refunded when denied. The same I must recommend with Regard to Letters Testamentary and of Administration, and I must beg leave to commission you to inspect the Clerk's Minutes, and keep an Account of what Licenses and Letters he shall issue, that you may know what fees he shall receive for me, and to sign his Account of such fees, and to acquaint the Clerk that I shall admit of no account of fees receiv'd by him for me, but such as shall be countersign'd by you. I must again desire you to do your utmost that the Act for licensing Traders be duely complied with, and the Duty paid, or if any Difficulty or Neglect happen therein, to acquaint me with it, as it is my Resolution that all the Laws of this province be punctually observed. I must also desire you to acquaint the County Clerk that he must account with me twice a year for my fees, and transmit the same with the Acco^t countersign'd by you immediately after the first of May and first of November yearly.

I am Sir Your most h^{ble} Serv^t

Newbern 24th March 1755

ARTHUR DOBBS

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

NORTH CAROLINA

Know all men by these Presents that we John Starkey Samuel Swann and Thomas Lovick Esq^r are held and firmly bound unto Our Sovereign Lord the King that now is his heirs and Successors in the Sum of Two Thousand pounds To the which Payment well and Truly to be made we bind our Selves, and each of our heirs Executors & Administrators firmly by these presents Sealed with our Seals and Dated this Twenty fifth Day of March in the year of Our Lord 1755

Whereas the above bounden John Starkey is in and by a certain Act of Assembly Pass'd in the year of our Lord one thousand seven hundred and fifty four Intituled An Act for granting an Aid to his Majesty for the Defenee of the Frontier of this Province and other purposes, Appointed Publick Treasurer of the Counties of Beaufort Hyde, Craven Onslow Carteret New Hanover Bladen Anson, Duplin, Cumberland, Rowan, & Johnston

Now the Condition of the above Obligation is Such that if the above bounden John Starkey do and Shall well and faithfully Account and pay to the Assembly when required the Moneys he shall Receive from time to time by Virtue of the above Mentioned Act as therein Directed and all Such other Sums as he Shall at any time hereafter receive on account of Taxes laid for sinking the Now Current Bills of Credit then this Obligation to be Void or else for any Default to be and remain in full force and Virtue

JOHN STARKEY (Seal)

SAM SWANN (Seal)

THO^s LOVICK (Seal)

Sealed and delivered in presence of

JE^r VAIL

[B. P. R. O. AM: & W. IND: VOL. 74.]

Circular to the Governors in North America.

WHITEHALL 16th April 1755.

SIR,

The King having thought it necessary for His Service to order a Squadron of Ships of War to sail forthwith to America, under the command of Vice Admiral Boscawen; I am directed to signify to You His

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Majesty's Pleasure, that, in case any Naval Assistance shall be wanted for the Protection of your Government, that You should apply for the same to the said Vice Admiral, or to Commodore Keppell, who is already stationed in America, or any other Commander in Chief, for the Time being, of His Majesty's Ships in those Seas, who will send You such assistance as he may be able to do consistently with the General Service; And You will regularly communicate to them all such Intelligence, as shall come to your knowledge, concerning the Arrival of any Ships of War, or Vessels having Warlike Stores on Board; And likewise all such Advices, as may concern their Motions & Destination, or may in any manner relate to that part of His Majesty's Service, with which the Commanders of the King's Ships should be acquainted, who are properly instructed by the King's Order, to observe an exact Correspondence with You, during their Continuance in America And for the better Execution of the Orders sent You in this Letter, You will be diligent in employing proper Persons, & Vessels, not only to procure You the earliest Intelligence, but likewise to be dispatch'd from Time to Time, to the said Commanders of His Majesty's Ships, with such Accounts as you shall have Occasion to communicate to Them.

I am &c

T. ROBINSON.

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

Know all men by these presents that We Miles Harvey and John Campbell County in the Province of North Carolina are held and firmly bound unto Henry M'Collock Esq^r Secretary and Clerk of the Crown in the full and just Sum of Four hundred Pounds procklemation money to be paid unto the Saide Henry M'Cullock his Heirs Exr^s Administrators and Assigns To the which Payment well and truly to be made We bind our Selves our Heirs Exe^{rs} and Administrators Jointly and Severally firmly by these Preasents Seal'd with Our Seales Dated this Twelfth day of April Anno Domni: 1755.

The Condition of this Obligation is Such that whereas the above Bounden Miles Harvey haveing Received from me a Commission for Clerk of the Court of Perquimans County in the Saide Province and Clerk of the Peace within the Same Now if the above Bound Miles Harvey Shall well and truly preform the Duty of his Saide Ofice and pay the governor his Secretary and the Said Secretary of the Province their

Respective fees as they Become Due every Six Months then this Obligation to be Void Otherwise to remaine in full force and Virtue.

MILES HARVEY (Seal)

JN^o CAMPBELL (Seal)

Sign'd Seal'd and Deliver'd in the presence of

JASPER CHARLTON

Then Rec^d of Henry M^cCullock Sec^{ry} three Blank letters of Adminⁿ and testamentry and three Blank Bonds which I am to be Accountable for

MILES HARVEY

April the 24th 1755

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 67]

STAFFORD ROW WESTM^r 26th April 1755

SIR [JOHN POWNALL Esq^{re} Sec^{ry} &c]

My Lord Granville has received your Letter of the 9th instant written to him by order of the Lords Commissioners for Trade and Plantations inclosing therein an Extract of a Letter to their Lordships of the 9th November 1754 from Mr. Dobbs, Governor of His Majestys Province of North Carolina, in which he represents the Expediency of surveying the severall Counties in that Province as a Means of discovering the true Qualities of Land granted in each County & thereby improving His Majestys Revenue; & submits whether It woud not be proper that Application shou'd be made to My Lord Granville to send Orders to His Agents to join in the Expence of surveying such Counties as are divided between the Crown & His Lordship, in Proportion to the Number of Acres belonging to His Lordship in such Counties And you acquaint My Lord, that you are directed by the Lords Commissioners to desire His Lordship wou'd favour the Board with his opinion thereon, To the End their Lordships may send proper Directions to Mr. Dobbs upon the Point. In Answer to which I am directed by My Lord Granville to desire you will acquaint the Lords, that His Lordship having at present no Manner of Occasion for resurveying those Lands Which are situate within his own District And as such Resurveys as are proposed to be made within the same can no ways tend to improve the Revenue of the Crown which is the object of Mr. Dobbs' Proposal to His Lordship does not see there can be any Necessity for transmitting to His Agents such Orders as are mentioned by the Governor.

I am Sir, &c.,

THO CHILD.

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

Know all men by these presents, That, We George Read & Thomas Lovick of Carteret County Esq^{rs} are held and firmly bound unto the honourable Henry M^cCollock, Esq^r in the sum of five Hundred pro^o money To be paid unto the s^d Henry M^cCollock his Heirs Exec^{tes} Admin^{trss} or Assigns, To the which payment well & truely to be made, We do bind ourselves our Heirs Exec^{tes} Admin^{trss} & Assigns, and every of us Joyntly & Severally, & firmly by these presents. Sealed with our Seals, & Dated this 28th day of Aprill Ann^o Domⁱ 1755.

The Condition of the Above Obligation is Such, That, Whereas, the above Named Henry M^cCollock, hath Granted unto the above bounden, George Read, a Commission Therein & Thereby Appointing the s^d George, Clerk off Carteret County Court, & Clerk off the peace.

Now if the said George, Shall well and Truely, perform the Duty of a Clerk, According to the Acts of the Gen^l Assembly, of this province, of North Carolina, & also Render and pay unto the said Henry M^cCollock his Heirs or Order the sum of Three pounds, Six Shillings and eight pence, pro^o money, at or upon the 25th day of March, yearly and every year after the Date hereof, During the time the s^d Read shall Continue in the said office by virtue of the Aforesaid Commission Then this Obligation to be Void and off none effect, Otherways To stand & Remain in full force and Virtue.

GEO. READ (Seal)

THO^s LOVICK (Seal)

Sealed and Delivered in presence off

JACOB SHEPARD

JN^s LOVICK

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 66.]

At the Council Chamber Whitehall the 7th day of May 1755.

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

Whereas His Majesty was pleased to referr unto this Committee a Representation from the Lords Commissioners for Trade and Plantations, setting forth, that they have lately received a Letter from Arthur Dobbs Esq^r Governor of His Majestys Province of North Carolina inclosing the Copy of an Address presented to him by the Assembly of that Province relateing to the great Inconveniences which the Inhabitants

would sustain by the Repeal of several Acts, whereby certain Towns and Countys have heretofore been erected and established within the said Province, and by confirming the respective Rights of such Towns and Countys by Charter. And it appearing by the said Representation that the several Acts referred to in the said Address are repealed by His Majesty's Order in Council dated the 8th of April 1754, and that by the Sixteenth Article of His Majestys Instructions to Gov^r Dobbs, He is directed to Grant charters of Incorporation to the several Towns and Countys Erected by the said Laws. The said Lords Commissioners have therefore proposed, that an Instruction may be given to the Governor of North Carolina authorizing him to give his Assent to any Act or Acts for reestablishing the several Towns and Countys heretofore erected by the Laws which have been so repealed by His Majestys Order in Council of the 8th of April 1754 provided such new Acts do not give power to such Towns or Countys to send Representatives to the Assembly nor ascertain the number of Representatives to be sent and provided also, that any other Laws which may have been passed in the said Order in Council which might not at that time be laid before His Majesty, by which any Countys or Townships may have been erected and Impowered to send Representatives to the Assembly be Repealed and other laws passed for the said purposes, not liable to that Objection The Lords of the Committee this day took the said Representation into Consideration and are hereby pleased to Order that the said Lords Commissioners for Trade and Plantation do prepare and lay before this Committee the Draught of an Additional Instruction, agreeable to what is above proposed to be sent by the Lords Justices to the Governor His Majestys Province of North Carolina.

W SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 69.]

MY LORDS [OF THE BOARD OF TRADE]

I am come so far in my progress viewing the Country to fix the Seat of Government and the sea coast to fix upon proper places to erect Forts or Batteries to protect our Harbours and Ships and finding a Ship ready to sail for Liverpool wou'd not delay writing to your Lordships what I had viewed and fixed upon as I cant tell when I may have another opportunity.

I set out from Newbern the 9th of April to view the River Neuse and proceeded up it near 100 miles to the Falls to see what proper situations

were upon that River for the seat of Government as being the most Central and Convenient for the whole Province most places upon the River are low and swampy but there are several Dry Grounds and a few high Bluffs upon the River from 16 or 18 to 40 feet higher than the River But the most convenient place is a Stringers Ferry on the North side of the River, Where is a fine rising ground from the Ferry dry, Healthy, and good Springs; and extends a considerable way pritty level baek from the River, where the lands are very good altho they are Piney at some distance from the river this is the only place so high and extensive on the River below the Falls and overlooks the River at about 3 or 400 yards from it upon a gentle rising ground near 40 feet higher than the river it is about 50 miles by water above Newbern and is Navigable for Canoes and small Periaguas in the Dryest summer and for large flats the stream very Gentle and with little expence upon one or two Fords may afford above 3 or 4 feet navigation in the dryest summer it is about 42 miles by land from New Bern to it; and it is navigable downward from the Falls on the River for above 60 or 80 miles Except in the height of summer which will be a great conveniency for the baek settlers to bring down heavy goods and the River in great freshes does not overflow the Contry as the Rivers Roanock and Northward of Cape Fear, do, rising in some places above 40 feet: the Gentlemen both to the Northward and Southward also approve of fixing it up the Neuse as it will be much more convenient for them and a better and Shorter Road than to go to New Bern; as they to the Northward will avoid 2 or 3 large Ferries, 2 of which are of 6 and 4 miles at Edenton and Bath, and that at New Bern near 2 miles, when they will have only a Ferry over Chowan, and Roanoak, which are narrow in respect to the others and may be passed at any time and a ferry at Tar River and Canterbury [Contentnea] Creek which are only 100 to 200 yards over, and the Southern Gentlemen from Cape Fear will have a better and shorter road and avoid New River ferry having only the ferry near Wilmington to cross which they must do, to either place which is not above 4 or 500 yards over: so that they as well as the northern settlers will be all pleased in ease his Majesty approves of fixing it there and then I Believe the Assembly will Proceed Briskly in erecting publick Buildings and offices which have been so long unsettled that almost all the old Records are lost and I hope that you will give an instruction that all publick officers who ought to keep their Offices in the Capital shoud also reside in or near it and the members of the Council should all have houses there and half of them in Rotation shou'd reside half yearly at the Capital and not always be obliged upon emergencies to send expresses

above 100 miles each way to Summon a Council this I expect they will object to unless they have an allowance for their attendance as has been given in Virginia, I believe £50 ^{per} an to each wou'd satisfy them for half a years attendance which if we can Increase the Quit Rents as I expect we shall may be granted by his Majesty and all the Debts be soon paid and then there will be a considerable Quit Rent remaining at his Majestys disposal if the Quit Rent Law be approved of—I hope therefore that your Lordships will lose no time in advising his Majesty to fix the seat of Governm^t that we may immediately prepare materials and apply to the Assembly for a fund to proceed upon the Buildings the conveniences for holding the Assembly being extrémely bad and inconvenient and it will require some time to have houses built at the Capital to lodge and accommodate the Members and other Officers.

I arrived here last night from Edenton by water in a Sloop we passed thro' Albemarle Sound Roanoak or Croatan and Pamlico Sounds and so over the swash to Ococock Island and from thence to this road near Core Banks where I summoned the Commissioners to meet me to fix upon a place to erect a fort or Battery and Barrack to protect the Ships in the Harbour out of which they were taken by Privateers last war; the Storms they tell me for some years past has made vast havock among these sandy Islands the opening of Ococock Inlet betwixt this and that Inlet is enlarged from 2 miles to 4 miles wide Beacon Island which lay betwixt them within the Entrance is one half washed away and become only a dry Sand at low water and a Considerable part of this Island near the Bar expected to be carryed away in a few years two or three great storms will make a Passage thro' it the Islands being mostly sand hills and low marshes are often overflowed so that the Commiss^{rs} think it will be better to erect a fascine Battery secured by Piles with 2 faces one to Secure the passage in coming down a Narrow Channel to this Harbour and the other to play Cross the Channel where it is not above 300 yards wide and to build a Barrack behind the Battery to secure it, which will require at least 40 men which with the Assistance of the men on board the ships in the Harbour will prevent any Privateer from attempting the Ships and a Town is laid out called Portsmouth where the merchants propose to erect ware houses to lodge their goods in and load all their goods in the large ships here by lighters from the several Towns of Edenton, Bath Town and New Bern and the Several other creeks on their several Sounds I shall endeavour to get a chart of this Inlet and Sands to send to your Lordships. The Company sailed from hence to Virginia about 3 weeks ago we hope they are now near their Rendezvous I proceed from this to view the Harbour at Cape Lookout and topsail Inlet to fix

upon a place to erect a Fort there I have had no letter yet from your Lordships in answer to any of my letters from this Province which I impatiently expect and refer you to all my former letters having Time to say no more at present from hence.

I am, &c.,

ARTHUR DOBBS.

Portsmouth Core banks. near Oeacock Inlet May the 10th 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 83.]

Letter from Arthur Dobbs Esq^r Gov^r of N. Carolina to the Board, dated at Newbern y^e 19th of May 1755, relating to the Expediency of building a Fort on Cape Lookout.

MY LORDS

I wrote to your Lordships ten days ago from Portsmouth Harbour, Core Banks near Oeacock Inlet, in which I acquainted you that I had viewed and fixed upon a situation for the seat of Government near Stringers Ferry on the North side of Neuse, healthy high and well watered, about 50 miles by water and 40 by land above Newbern, to which small craft Periaguas and Canoes or flats may come in the dryest summer which may easily be made fit for larger Vessels, which is agreeable to the whole Province, north, south and west, provided His Majesty approves of it and had also fixed with the Commissioners a proper place for a Battery to Command and secure the Ships in the Harbour, and have given directions to begin the work, to which letter I refer your Lordships.

On Wednesday I left that place, and passed the Southern Channel from that Harbour to Neuse river, and took the Soundings, and believe for a moderate Expence that passage might be made 2 or 3 feet deeper than the swash, which all Vessells going up the three rivers must pass, which has only 8 or 8½ feet water, when this Channel has 12 feet everywhere but in 3 narrow reefs, 2 of which are 9 feet deep and only forty yards over, and the other gradually shoals to 5½ feet deep, and in 300 yards again deepens to 12 feet, which by piling that length about 150 feet wide for 300 yards and gradually widening it at each end, to increase the current of the tide betwixt the double row of piles, and breaking up the shelly surface of the hard sand with large Iron Harrows, and scooping up part of it into Lighters, and carrying it away to a distant shoal,

the current of the tide would increase thro' it and force the loosened sand away to the depth of the Channel which would improve the Navigation greatly by the addition of 3 feet water, by which means ships drawing near 12 feet water, could proceed with safety up to Newbern, Bath Town, and Edenton, without unloading or loading by lighters as all Vessels drawing above $8\frac{1}{2}$ feet water must now do at great expense and delay.

I proceeded from thence up Neuse to Clubfoot Creek and went 10 miles by Land to Newport river, which falls down to Beaufort, and old Topsail Inlet, to view the situation they had chosen to erect a Battery there, which I disapproved of, it was fixed about 2 or 300 yards from the Town, and could only secure such Vessels as lay near the Town, but any Vessels might come over the Bar, and lye in a safe Harbour, where most Vessels lye for a wind without being hurt, it being two miles at least from the Battery; a shoal at a miles distance lying over against the Town, and a large Deep Channel about a mile over beyond the shoal. I went therefore to the S. W. point of the Inlet where I found the Channel coming in from the Bar, was within $\frac{1}{2}$ a mile from the point, and a fine sandy Point well fixed, above high water 5 or 6 feet, where the Roots of the Trees in the sand made a sure foundation for a Battery, where they would have good water, and wood for firing, and fixed with the Commissioners to raise a fascine Battery with 2 faces, containing 6 gnns each one of 9 pounders to command the passage at the Bar and the other of 6 pounders to command and secure the shipping in the Channel within the point, where the Channel to the Shoal is not a mile over, and the deepest of the Channel near the Battery—From Beaufort I went to View the fine Harbour of Cape Lookout of which I sent your Lordships a plan, & found it very exactly drawn except in the narrow place for the hawl over which is only 230 yards over, which is about $\frac{1}{2}$ a mile further to the westward without the harbour. I went round the harbour and also round the Peninsula which forms the Cape and makes the harbour and went thro' the Cape Lands, which are all low and covered with grass, hard & strong and much liked by the Cattle, I had several people with me who were many years acquainted with this Harbour and confirmed the depths set down in the Chart. I having gone up in a Canoe within Core sound, and no Vessel being in the Harbour, I had no boat to sound it, but all agreed to the depth laid down and that the French and the Spanish Privateers had known it of late years, brought in their prizes there, wooded, watered and heaved down their Vessels, and sent ashore and killed the Cattle, and furnished themselves with fresh provisions and excellent fish, I found neither wood nor water on the Cape

side of the harbour and no foundation but a low sandy Beach not above one or two sand hills on the point, but the Peninsula rather rising than lowering, by a long shoal on the S. E. side and a shelving bank of sand higher than the Cape, which if overflowed in any great storm lodged more sand on the Cape and raised the soil, they also informed me that the sand point which formed the S. W. of the harbour was encreasing and straightening the entrance, but at the same time it extended further S. W. into the Bay and lengthened the Harbour, having an account that ships wooded and watered on the Core Bank side there being no proper place for a Fort on the Cape side, I went and Viewed the other side and found that good water might be had everywhere, by sinking in the Bottoms betwixt the sand hills, that the lands on that side were above a mile all over covered with cedar live oak, and shrubs even to the tops of the sand hills which sand hills were about 20 feet high where the Fort could be supplied with fire wood and water, and a level bank above 5 or 6 feet high above the highest tide, where it commanded the entrance over against the sandy point of the harbour and the greatest part of the Bay; This I fixed upon as the only proper place to build a Fort upon, but as this harbour is the best altho' small, of any harbour from Boston to Georgia and may be of the utmost Consequence to the Trade and navigation of England where all our cruizers can ride in safety, as in a mill pond and warp out at any time in an hour, where they can wood, water and clean, and be at sea in a few hours, where the whale fishers from the Northward have a considerable fishery from Christmas to April, when the whales return to the northw^d and where our trading ships may have always a safe harbour upon easterly storms, and the whole Bay without a safe road against all but south westerly winds, when they can run into the Harbour, and since in time of war it has been and will be a place of safety for French and Spanish Privateers, to infest the whole Coast, where they can at pleasure have a safe port under their Lee, a place to wood and water, to clean in, and get fresh provisions, by shooting the Cattle on the Banks, I think it of the utmost consequence to the protection of the Trade of all the Southern Colonies on the Continent to have a proper Fort and Garrison there to defend it, and think it should be made a station for our Guardships or Cruizers, instead of Cape Fear, Charles Town or even the Rivers in Virginia where they are confined or can't get to sea when they would which they may do from hence in 3 or 4 hours and get round the shoals, and in 48 hours be either at the Capes of Virginia or at Charles Town Bar, or Port Royal with a favourable gale, and may from their mast head in harbour see all ships within view of the coast as they pass along. Taking this harbour in this view, I

can't in Duty to his Majesty and to the Public but lay this before your Lordships to be laid before his Majesty and his Cabinet Council for their Consideration, and if it should strike them the same way it does me, I must beg leave further to observe it will be of consequence to have it a fort with a sufficient Garrison and an experienced Governor, not to be taken by a small force without a siege for if it should be a fort which might be taken by a few Privateers, it would be of greater damage to our Trade than to have none, for it would then be a Gibraltar in their hands against the greatest part of this Continent and would be soon made of much greater strength against our Colonies.

This is therefore of too great Consequence to be attempted by any sum that can be raised in this Province, and if done must not only be built but maintained for some time at the expense of Britain until the Provinces on the main unite in their general Defence, for this harbour is of general use to all the Provinces, and to all the Trading Ships from Britain passing this Coast.

I can't neglect an hour giving your Lordships my observations upon it, as I can't probably get a Council these 3 months without sending Expresses thro' the whole Province, but if your Lordships think my report is not sufficient to lay it before his Majesty at the first notice you may have not only a Representation to the same purpose from the Council and Assembly of this Province, but also from Virginia and South Carolina, to add weight to it, it being the general sense of all the Traders in these Provinces, to have it secured for our safety, and the prejudice of our enemies, who will not then have one place of safety to enter on the American Coast.

I submit this to your Lordships & am with the greatest respect my Lords, Your Lordships most obedient and most humble servant

ARTHUR DOBBS.

Newbern 19th May 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 96 AND C. 97.]

BRUNSWICK May 20th 1755.

SIR [GOV. DOBBS]

The last time I had the pleasure of seeing you at Newbern I had your Excellencies leave and directions to lay before you a State of my Office as Attorney General of this Province.

The Salary upon the Establishment is £80 Sterling p ann: payable out of the Quit Rents and by the Establishment there is an Allowance

for holding Courts of Oyer and Terminer of £100 sterling ꝥ ann: which upon a division between the Chief Justice Attorney General and Sheriff the Attorney General was allowed £30 sterl: more, the amount of the whole Salary upon the Establishment being £110 sterling ꝥ ann: and of which tis now 4 years since my appointment I never received one shilling besides Mr. Alex: M^cCulloh the Deputy Auditor informs me he has orders from his Principal not to give any Debentures for the £100 for holding Courts of Oyer and Terminer so that my whole Expectation from the Establishment is only £80 ster^l ꝥ ann^m

By an act of Assembly since repealed I had an allowance of £20 pro^d money for my attendance at each Court of Assize amounting in the year to £120 pro^d nor could I by that Law receive that unless I attended in person that Salary was always greatly in arrear and has not been paid 'till very lately. The circuit of Edenton Edgcomb and Wilmington obliged me to ride 600 miles twice a year before I could receive that Salary and which is payable out of a fund for that purpose.

By the Act of Assembly lately passed for holding Supreme Courts of Justice &c: I am allowed the same Salary of £120 pro^d money payable annually but with the addition of Salisbury Court at Rowan I am obliged to ride 500 more, The Chief Justices Salary is enlarged upon this account but mine is left as it was thro' what motive I am not able to learn I am obliged to be at the same expence and trouble as the Chief Justice besides there are but very few Fees arising on Indictments now as the Country since my appointment is much more civilized and where there were formerly brought 24 Indictments to a Court not above 6 are brought and frequently under that number. The Fee allowed for that Service is £1.6.8 Pro^d if the Bill is found by the Grand Jury and if returned Ignoramus then but 13^s 4^d to be paid by the Prosecutor nor have I any Fee for taking any Examinations or for any other Services which I am obliged to do as the Magistrates frequently return Recognizances without any Examinations or Depositions so that before I can prepare a Bill for Indictment I am frequently obliged to examine half a dozen Witnesses for which no Fee at all is allowed and very frequently after Conviction of many Offenders the Indigency of their circumstances oblige me to go without my Fees for which they must be liable to continual Imprisonments were I to insist on it, altho' in other Provinces in such cases the Fees are paid by the Publick.

I must beg leave to observe to your Excellency that there is no allowance for anything done in my Office but on Indictments and in the County Courts I am allowed half the Sum as in the Supreme Courts but as tis impossible for me to attend all the Courts the last Act of As-

sembly impowers me to appoint a Deputy in each County and it is with difficulty I can get an Attorney to accept of the Office altho they receive all the Fees incident to the Office.

Formerly there was a Fee allowed the Attorney General for his Fiat to every Warrant and Patent for Lands granted, the Assembly have now left out those Fees in the Fee Bill and by a Clause in the Law no Officer can take any other or greater Fee than there is therein set forth and allowed under the Penalty of Five Pounds Procl money for each offence and I have known the Members of Assembly subscribe each a small sum to make up a Fee to give a Gentleman of the Law to sue the late Secretary Rice for taking an accustomed Fee not mentioned in that act.

Upon my mentioning the foregoing hardships to his late Excellency Gov: Johnston there was an Order of Council that no Patent should issue without first being examined by the Attorney General and by him certified and that the usual and accustomed Fee should be paid for that service this gave an Alarm to the Members of Assembly and I was threatened if ever I took the Fee formerly allowed the Attorney General I should be sued. This is the unhappy Situation I am in with my Office.

I must beg leave further to observe to your Excellency that the Attorney General's Fees are not so low in any of his Majesties Dominions as in this Province nor does that Officer in any of the Colonies go through half the fatigue and Expence in travelling as I do. Why the Attorney General of this Province should be treated with less Dignity and receive less Fees than in any other of his Majesties Dominions I am at a loss to know.

The Fee that used to be allowed on patents would be the best Branch of my Office and I leave it to your Excellencies better Judgement whether his Majesty can't grant his Lands upon what Terms and for what Fees he thinks proper, besides as I should keep a Record of the Fiats with the Buttings and Boundings Dates of Patents Names Counties and quantities of Land I apprehend it would be of great use as the more cheques there are the securer the Titles would be and in South Carolina the Attorney General is allowed ten Shillings Procl on each Fiat, nor have I any Fee allowed for my Attendance upon your Excellency and the Council in case I should be called upon, in all the other Provinces there is a Fee allowed for this Service altho the Officer has a Salary from the Crown which is regularly paid him quarterly.

I shall send for a Table of the Fees allowed the Attorney General in the Neighbouring Province and shall beg leave to lay the same before your Excellency not at all doubting your Excellencies recommendation

to the Assembly that such steps may be taken therein as shall be agreeable to justice and the hardships of my case shall require. I must ask your pardon for thus intruding on your Patience and am with due Respect, &c.,

GEO: NICHOLAS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 107.]

Estimate of the expense of Ordnance & Stores requested by Arthur Dobbs Esq^r Governor of North Carolina for the defense of Fort Johnson on Cape Fear river.

Iron Ordnance	{ 18 Pounds 14 9 ——— 16 $\frac{1}{2}$ with Swivels comp ^t 30 }	£. s. d. 1065. 9. —
Standing Carriages comp ^t w th one bed & Coin & 2 pair of Iron truck to each.	{ 18 Pounds 14 9 ——— 16 }	359. — —
Ladles with Staves	{ 18 Pounds 3 9 ——— 3 $\frac{1}{2}$ ——— 6 }	6. 7. —
Spunges w th Staves & Ram- mers	{ 18 Pounds 7 9 ——— 8 $\frac{1}{2}$ ——— 15 }	
Wadhooks w th Rammers	{ 18 Pounds 3 9 ——— 3 $\frac{1}{2}$ ——— 6 }	2. 18. 6
Sponge Heads and Ram- mers	{ 18 Pounds 7 9 ——— 8 }	
Paper Cartridges for a 100 Rounds.	{ 18 Pounds 1400 9 ——— 1600 $\frac{1}{2}$ ——— 3000 }	23. 4. 4
Copper Powder Measures	{ 18 Pounds 2 9 ——— — $\frac{1}{2}$ ——— 4 }	
Round shot for 100 Rounds	{ 18 Pounds 1400 9 ——— 1600 $\frac{1}{2}$ ——— 3000 }	219. 9. 3
Corn'd Powder. D ^o Copper Hoop'd Barrels. Match ———	{ 4 20 30 30 }	210,903. — —
Spare Ladle Staves	{ Large Small }	10. 3. —
Aprons of Lead	{ Large Small }	
Powder Horns	45	
Priming Irons	90	
Lindstocks without cocks.	20	17. 14. 3
Budge Barrells Copper Hoop'd Handspikes	8 120	

Crows of Iron	6	}	25. — —
Handscrews	2		
Hair Cloths	4		
Hides Tanned	4		
Sheepskins — Dozens	4	}	4. 2. 9
Spunge tacks	4000		
Copper nails for Ladles	100		
Small Hammers	2		
Sling Cart Compleat	1	}	
Triangle Gyn	1		
Iron Gun Block with	{ Double	}	33. — —
Brass Shivers				{ Treble
White Rope of	{ 5 Inches	Fathoms {	
Tarr'd Marlin — Skains	10	}	
	3		
Lanterns	{ Muscovy	}	3. 7. —
	4	}	
	2		
Funnel of Plate	6	}	
Pickaxes helved	12		
Shovels shod	6	}	16. 2. —
Spades steel	12		
Hand Bills	12	}	
Hand Hatchets	12		
Wheel Barrows	12	}	
Hand Barrows	4		
Package, Freight & Incidents	—		546. 10. —
			<u>£3235. 7. 1</u>

Office of Ordnance
31st May 1755.

[B. P. R. O. AM: & W. IND: VOL. 74.]

Circular to the Gov^{rs} of North America.

WHITEHALL 19th June 1755.

SIR,

I am to acquaint you, that it is the express Command of the Lords Justices, that you should not draw Bills upon the Paymaster General, or his Deputy, or upon any other Person, & that you should not issue any Warrants for Money for the Discharge of such Expences, as have been, or may be incurred, on Account of the Services, or Operations, to be performed by you, or in any Respect, under your Direction, in North America; But the Lords Justices are pleased to direct, that, upon all such Occasions, You shall apply for all such sums of Money, as shall

so become necessary, & are not properly chargeable to the Account of your Government, to Major General Braddock, or to the Commander in Chief of His Majesty's Forces, for the Time being, in North America.

I am, &c.,

T. ROBINSON

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 85.]

At the Council Chamber Whitehall the 24th day of June 1755.

Present

The Lords Justices in Council.

Upon reading at the Board a report from the Right Honourable the Lords of the Com^{tes} of Council for Plantation Affairs, dated the 12th of this Instant, humbly offering to the Lords Justices for their Approbation, a Draught of an Additional Instruction, prepared by the Lords Commissioners for Trade and Plantations, for Arthur Dobbs Esq^{re} Governor of His Majesty's Province of North Carolina, empowering him to give his assent to any Act or Acts for reestablishing the several Towns and Counties heretofore erected by the Laws which have been repeal^d by His Majesty's order in Council of the 8th of April 1754; provided such new Acts do not give power to such Towns or Countys to send Representatives to the Assembly nor ascertain the number of Representatives to be so sent; & provided also that any other Laws which may have been passed in the said Province since the date of His Majesty's aforesaid Order in Council which might not at that time be laid before his Majesty by which any Townships or Countys may have been erected and empowered to send Representatives to the Assembly, be repealed, and other Laws passed for the said purposes not liable to that objection. The Lords Justices this day took the said Report, and Draught of Additional Instruction, into their Consideration, and were pleased with the advice of His Majesty's privy Council, to approve of the said Draught of Additional Instruction (which is hereunto annexed) and to order, as it is hereby ordered that Claudins Amyand and James Rivers Esq^{rs} Secretaries to the Lords Justices do lay the same before them for their signature.

A true Copy.

W. SHARPE.

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

Know all men by these presents That we William Shergold & John Campbell in the province of North Carolina are held and firmly bound

unto Henry M^cCullough Esq^r Secretary of this province, in the full and just Sum of Four Hundred pounds proclamation Money, to be paid to the said Henry M^cCullock, his Heirs, Executors Administrators and Assigns, To the Which payment well and truly to be made, We Bind ourselves, our Heirs Executors and Administrators jointly and severally by these presents Sealed with our Seals, dated this fourth day of July Anno Dom̄ 1755.

The Condition of this Obligation is such, That Whereas the above bounden Will^m Shergold having received from me a Commission for Clerk of the Court of Currituck County in the said province, and Clerk of the peace within the same. Now if the above bound, shall and well and truly perform the Duty of his said Offices, and pay the Governor his Secretary and the said Secretary of this province thier respective Fees as they become due every Six Months, then this Obligation to be Void otherwise to remain in full force and Virtue.

WILLIAM SHERGOLD (Seal)

JN^o CAMPBELL (Seal)

Signed Sealed & Delivered in the presenee of

THOMAS JONES

GEO: DISBROWE

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 87.]

Letter from Governor Dobbs to the Board.

MY LORDS,

I sett out the 17th of June to view my Lands, and at the same time the Western Frontier and fix a place to station our Frontier Company and proposed viewing the South Carolina Line, as formerly proposed by the Commissioners, at 35° and also the situation of the Catawba's Nation having taken with me a very good Quadrant of 18 inches radius, by which I could take the latitude accurately to a minute of a degree, I took my roote by the Heads of New River in Onslow County, called the rich Lands, which I found to answer the same all along the Banks of the several branches, I passed thence to the North East Branch of Cape Fear river, I found the Lands there tolerable, but upon the rising betwixt the rivers generally piny, after crossing it I proceeded to Duplin Court House, the lands there are generally pretty good; I hence went to the branch and the six runs, which falls into Black river to view some lands I had there the Bottoms I found

very good, the rising grounds generally all piny, and then proceeded to the North west Branch of Cape Fear, at Gibson's store a Virginian store House, within two miles of which I took the latitude, and found it to be $34^{\circ} 24'$ about four miles above it I rode to a high steep Bluff called sandy Bluff above 50 feet high, and apprehending it must have been above a rock, I went down the Banks, and found the bottom of the river all a flat rock, and some stones washed from the bank I had broke, and found it a fine file stone, out of which I made a scythe stone, and heard that higher up the river it grows coarser, and has a right millstone grit from whence they got Millstones.

This convinces me that the whole flat Country along the Coast, has a free stone Bottom, near the highest rise of the tides or a little higher, along the rivers a shelley lime stone rock appears which makes a cement, above which lies the free stone, this free stone Bottom and the sands time out of mind washed by the freshes from the Banks, is the cause of all the low sandy grounds at the mouths of these great rivers, and the Banks in the great sound, and also all the small Islands which keep off the sea, and the perpetual burning of the underwoods, and all the shallow rooted kindly grass, has burnt all the top rich soil, and left nothing but the sand which can't be burnt, and is the cause of all the pine barren sandy land, so that nothing rises in the woods but deep rooted weeds and herbs, and some strong deep rooted grass, and this makes the great difference betwixt these Lands and the low wet Savannas and swamps, which are very rich, because so wet that the soil is not burnt, this Practice I think ought to be restrained at least the only pretence they have for it, is to destroy the Ticks which abound in the woods, and sometimes destroy their young Cattle, & that it is done by Indian and other straggling Hunters, and often by smoking Tobacco, in kindled fires in the woods, their fences are split rails and they choose to do it themselves, to preserve their fences, and burn the woods and leaves to get young grass for their Cattle; I thence proceeded some distance from the No. West Branch near 60 miles on the top of Sand hills, on which grew nothing but scrubby red and black oak scarce six inches diameter, and pine not exceeding 12 inches and mostly under 6 or 8, these hills divide the streams that fall into Pedee, and the north west of Cape Fear, and seem to be incapable of improvement, the farther I advanced north-westward, the rock grew coarser & harder on some of the Heights where it showed itself at 60 miles distance the lands lowered, and the rock changed into a hard firestone intermixed with white Marcasite or Spar, upon the Branch running into deep river, which enters into Cape Fear river, where the Saxapahaua and it join above which it is called the Sax-

apahaw, from this to Lord Granville's line about 15 miles further W. N. W. where the four Counties of Anson Rowan, Orange, and Cumberland meet in a point, the Land rises to be mountaineous or very high steep Hills and continues so to Uwarry which falls into the Yadkin, the rocks are mostly Marchasite or white Spar, but the soil intermixed with the rock and gravel a rich loamy red earth, an indication of a mineral soil, the oak and pine to the top of the Hills being of a tolerable size, I rode off the road to the highest hill which I ascended at least $\frac{3}{4}$ of a mile to see the Country which I could not see, on my whole road anywhere above a mile, unless on the Banks of a river, and found the very top well wooded, I here saw as far as my eye could reach from the westward by the North, to the South East, over the tops of all the Trees, these rich dry rocky Hills I think must be very good for Vineyards, for they can choose any aspect, and any height to plant them on, so as to prevent their ripening too early, or bursting with the August or summer rains, which has hitherto prevented our having good Wines, and here the Vines grow naturally. The Lands upon the Banks of Uwarry are very good, but the hills soon rise beyond it of the same kind of gravel, for 20 miles till I came near Abbott's Creek, which falls into the Yadkin, here the Lands begin to improve, and beyond it, to the Yadkin above 7 miles, and all along the Yadkin, is very rich level ground, free from rocks or gravel, but all a rich dark red, and some inclining to yellow of the richest Loams, here they sow barley, wheat rye and oats, and have yards to stack it in. The Yadkin here is a large beautiful river where is a ferry, It is near 300 yards over, it was at this time fordable scarce coming to the horses bellies. At 6 miles distance I arrived at Salisbury the County town of Rowan the Town is but just laid out, the Court House built and 7 or 8 log Houses erected, from this unto the end of Lord Granville's Line which is as yet run no farther, upon cold water Creek on the Catawba's path, is 14 miles, the Lands still very good, here I was within 3 miles of the North west corner of my Lands, which lye upon Rocky river, and its several Branches, it being very rocky, being very rapid with many falls until it joins the Yadkin, which has also many falls, where they join the river takes the name of Pedee, and falls into the sea near George's Town or Winyaw, all the lands here are very hilly and gravelly, with rocky bottoms, intersperced with Veins of marchasite or spar, on all the runs, branches or Creeks which run into it are good rich Lands.

There are at present 75 families on my Lands I viewed betwixt 30 and 40 of them, and except two there was not less than from 5 or 6 to 10 children in each family, each going barefooted in their shifts in the

warm weather, no woman wearing more than a shift and one thin petticoat; They are a Colony from Ireland removed from Pennsylvania, of what we call Scotch Irish Presbyterians who with others in the neighbouring Tracts had settled together in order to have a teacher of their own opinion and choice; Besides these there are 22 families of Germans or Swiss, who are all an industrious people, they raise horses cows and hogs with a few sheep, they raise Indian Corn, wheat, barley, rye and oats make good butter and tolerable cheese, and they have gone into indigo with good success, which they sell at Charles Town, having a waggon road to it, tho' 200 miles distant, because our roads are not yet shortened, and properly laid out, and from the many merchants there, they afford them English goods cheaper, than at present in this Province, the trade being in few hands they take a much higher price, This year they have suffered much by the dry season, having not had as much rain from the middle of March to July, as to enter the Earth 2 inches, and since only chance thunder showers, so that great part of their indigo is so short as not to yield a Crop, and their corn hurt, the air is fine, water good, running springs from each Hill and the Country so healthy that few or none have died since their settlement 7 or 8 years ago, they sow flax for their own use and cotton, and what Hemp they have sown is tall and good, All these high hills which they call barren, and won't take are excellent for vines, with which they are overspread but burnt down yearly, that few are left to bear grapes, the whole soil a rich red loaming soil intermixed with marchasites and spar, and after every thunder shower the earth washed away leaves, a black shining sand like pounded lead ore, or iron with particles of Spar and here are symptoms of rich mines, in many places iron ore has been found, none yet has been found in quantity to encourage the setting up of forgeries or Bloomeries, the greatest inconveniency they labour under is the want of lime stone, which they have not found nearer than the Mountains or Congeries. A german miner has just now brought down his family to my lands upon the symptoms of its being a mineral Country, and an ingenious german smelter from Pennsylvania has encouraged him, and if he finds any rich and large, that he will remove, he had but just got his Tools when I was obliged to come away, but showed me some samples of Ore struck off the spary rock, one of copper which looked very rich, and others like lead or tin, iron ore he found but as he had not his Tools, he could not search into the Veins. There are very rich lead mines discovered on New river in Virginia near our Line, and I am told also within our Line, they won't at present buy lead at our stores when they buy gunpowder having enough of their own.

There was also produced to me near the Yadkin a mineral which is either antimony or tin, of which they have discovered veins along the Country near 25 miles, but they have not been able to extract any metal from it. The river from Winyaw is navigable to the Fork of Yadkin, & Rocky river, from whence they have all their salt and heavy goods, which makes it more reasonable than the north east of that river should be our Boundary with South Carolina. I had ordered Cap^t Waddell with our Frontier Company to scout upon the edges of the mountain, and upon their return I set out to fix upon a proper and most central place for them to winter at, and erect a Barrack, and afterwards if found proper there to build a Fort; I went N. W. to the Catawba's river, which runs by the Catawba's Town into the Santee, and proceeded Northward to the Latitude $35^{\circ}, 40'$ to third Creek which falls into the South Yadkin, where I found an Eminence and good Springs, and fixed upon that as most central to assist the back settlers and be a retreat to them as it was beyond the well settled Country, only straggling settlements behind them, and if I had placed them beyond the Settlements without a fortification they might be exposed, and be no retreat for the Settlers, and the Indians might pass them and murder the Inhabitants, and retire before they durst go to give them notice. As I was returning I was alarmed with a report of our Troops being defeated and Gener^l Braddock being killed, but that night having Letters by a Messenger acquainting me with an incursion of Indians near Potomack, who had murdered some families, and another incursion on New river near the Frontiers. I was in hopes it was false, and raised upon account of these murders, and I proceeded to Rocky river with design to take the Latitude of the lowest corner of my Land, and to take the Latitude of the Catawba's Town to ascertain the situation when the Boundary Line would be taken into consideration, but that night received a letter express from the North West store with Extracts of Letters from Virginia which confirmed the news of our Defeat, upon which I set out next morning, but having taken the latitude where I was about $35^{\circ}, 13'$, at a medium of 3 observations, the South West corner of my Tract must be in $35^{\circ}, 1'$, and not more, and from the best Accounts I had of the northerly Catawba Town, it lay very near West of it, at the Distanee of about 24 miles. As I came away I sent Expresses for the field officers of the Militia of Anson and Rowan to meet me at the Yadkin, and there ordered out a piquet to be chosen out of the most active men of the Militia of each County with a chosen officer at their head of fifty men each and a central place of rendezvous to be fixed for each to the northward and Southward of our Frontier Company, to be under Captain Waddell's com-

mand, to join him when necessary or for him to march to assist them in case of any incursion, and ordered down two waggons to Charles Town for ammunition and two waggons here for arms, to be replaced again by the money in their hands, which they had kept in their hands, in breach of the trust reposed in them, having not so much as contracted for the same, I therefore ordered them directly to send down the money by the waggons after paying for the ammunition sent for on pain of their being immediately sued for the money, and being prosecuted for breach of Trust, and then returned express here where I arrived the 9th Instant.

I must beg leave to mention, to what I had wrote formerly in relation to the Boundary's being fixed by the river Pedee from the sea, until it reaches the latitude his Majesty may be pleased to fix it, as it seems still to appear more reasonable, since otherwise they may lay a tax upon all the necessary heavy goods which are wanted in the back Country, who have no other navigation but the Pedee, and to allow an equivalent to S^o Carolina beyond the Savanna towards the mountains. It will be also prudent in my judgment to fix the Catawbas in one or the other Colony being at present in the Verge of the proposed Line in 35°. And it is also I think necessary to have this decided soon for Mr. Glen to ingratiate himself with that Nation by Virtue of his old instruction, fixing the Line 30 miles west of the Springs of Cape Fear River, thinks he may dispose of these Lands as he pleases, and from a wrong Judgment has declared that he can grant Warrants within Lord Granville's Line, and has wrote to the Catawba King Haglar not to let any Englishman or European settle within 30 miles of his nation, and in his letter tells them that he has wrote to his Majesty upon it, who he is sure will make good his grant to them. This letter Haglar has produced to several of our Militia Officers of which I desired a Copy, but my unexpected sudden return prevented my getting it, this I can't conceive to be with any other View but to irritate them with the Planters of this Province, who have taken many hundred patents within that Bounds, because they won't admit the right of South Carolina, and taken out their Warrants from him, but these settlers had rather take out their rights from this Province if they could be supported, even South of 35°, because they don't like the Constitution of that Colony, for no person can commence or prosecute a suit, or defend a suit, altho' at 200 miles Distance from Charlestown, without prosecuting being heard in that Town, so that they rather choose to loose their debt, whereas we have County Courts four times a year to determine all Debts under £40 " " and all trespasses and small felonies, and supreme Courts by our last Law in 5 distant parts of the Province, yet Mr. Glenn would extend his power

beyond 350 miles from the Capital, which would be a great grievance to the settlers, your Lordships may then Judge what benefit it would accrew to the Settlers if they were under the South Government, besides if I may speak as a private person, he has spirited up some of the Settlers on my Lands, which were patented in 1746, (who had not got Titles before I came over and were catching at the Lands of each other) to take out Warrants of survey from him, and he would support them, and 8 or 10 of them upon it had actually paid him for their Warrants, & the lands were surveyed for them soon after my arrival; This might have occasioned the loss of some lives, for the people near the proposed Line of 35° were not willing to yield any part of this Province to South Carolina, expecting next day it might be their own case, but as they were told the Warrant and Survey gave no Title, and I was just come over and would see it rectified they prudently declined opposing them, When Mr. Glenn would begin with me, it may be presumed no private person would escape him, if any wanted, from him.

I am persuaded your Lordships can never approve giving away 1,800,000 Acres, a circle of 60 miles diameter to a nation that does not exceed 300 Warriors, in the whole 1500 men, women and children, when before they were very easy, tho' some Planters took out Patents within 6 or 7 miles of them, and there are now many hundred families settled within that Bounds. But since I am now mentioning the Indians, I must relate what has happened last month betwixt him and these Indians and the Cherokees, and have Mr. Glen to justify what he has done at this critical Juncture, which he might have done four months sooner, and then probably our unfortunate defeat could not have happened. The Treaty he has made would have been of Vast benefit four months ago, for then he could have obtained a Vast body of Cherokee and Catawbas Indians, the want of whom was the loss of the Action, and Mr. Dinwiddie informs me that he promised to send a body of these Indians to Virginia, yet he choose the very time they were wanted to appoint a meeting for this Treaty, which most people imagine was to prevent their going and in case he could not make a merit of it when he arrived in England, he might probably choose to remove to a more southerly Country where he might make it a merit. The Treaty was carried on whilst I was in Anson, and Lieut^{nt} Col^o Clarke of the Anson Militia attended the meeting, and therefore did not come back, until I was upon my road hither, but followed & overtook me at the north west store on Cape Fear. He is esteemed to be a person of capacity and character, and he gave me the following Information of what passed and what he had heard, who is answerable for the truth of it.

He says the Catawbas were dismissed with the Letter I have already mentioned before he arrived there, but no solicitation for aid to Virginia; but as he was informed he had moved his Council to make a great present to the Cherokees, in order to procure what is granted by the Treaty; but they answered that what he intended was to be a benefit to himself, and to make a merit of it upon his return to Britain, in order to make his peace there, and as he had obtained great riches by the Indians, and in his Government, they thought he might well afford it out of his own wealth, upon this he prepared large presents summoned near 700 people to attend him at their own Expence, to make a shew, & thus went with a great parade to the place of meeting, where he was met by about 1100 Indians, these he treated with meat and liquour for several days, whilst the Carolinians maintained themselves. One of the Chiefs of the Cherokees as [at] a meeting gave him very gross words (which he bore with patience) and said he would not return to the Conference. He then gave the Interpreter presents to the value of £100 sterl: to gain him, and bring him back to the Conference who at last prevailed with him, he eat & drank with them, took off his laced cloths and changed them with the Chief, and put on his Indian dress, and gave a fine ring which he called a diamond, and said it was worth £60 to carry to his Queen, so that by repeated presents and liquour, he prevailed with them to sign a Treaty by which they gave up all Title to the Lands they claimed towards the Mississippi to the Crown of Britain, that he saw all the Indians sign their mark, and about 700 English, with which he returned in triumph, but did not hear that they mentioned going to assist our Troops in Virginia. How far this will be meritorious time must shew, but it seems he only regarded himself and not the Public Service in choosing the only time they could have been of service to us to be the time of meeting to keep them away.

I hope upon his extraordinary Letter to the Catawbas that I shall be empowered to have a Meeting to purchase the adjoining Lands to the Catawba's Town to quiet the Indians, and leave them such a reasonable District as may be agreed upon, and whether or not His Majesty will not allow a proper sum out of his Quit rents your Lordships will advise as it is in effect securing the Settlements, and payment of the Quit Rents around them. There is an Indian begotten by an Englishman, a brave man, well beloved by the Indians, who they want to make their King, as they despise Haglar he calls himself Prince of Wales, and is a great friend to the Colony, he had been in the service against S^t Augustine, and behaved well and killed Spaniards. Coll. Clarke recommended him to me to be made a Captain in his Nation so I sent him a Commission

by the Coll. as that gives him a distinction in his Nation without which they dont readily elect their King.

As I have had an opportunity of seeing a great deal of the Country and Settlements, I can the more fully mention to your Lordships how far it may be necessary to enforce the Instructions of the Grants, as to the Quantity and Cultivation and insisting upon Rights. It is not now as it has been, when many valuable Tracts were lavished away in great numbers of Acres in a grant, not with an immediate view of settling or cultivating but to raise it upon the next Planter who should want valuable Lands, which were scarce near navigable rivers, where the Lands were generally swampy or sandy, one not valuable the other not to be reclaimed without considerable expence, and were therefore thrown generally into the Patent without survey, as the surveyors to save trouble would never enter into miry marshes and Thickets, nor indeed, as I have observed, have they ever closed their figure, but beginning at the March near the river, went round the 3 or more sides, until they approached the river again and then conclude, and so on to the first station only entering what the course ought to be to close the figure, without ever knowing what curves were on that Line, or proving whether their survey was right, which if wrong as too often it was, would have obliged them by their Oaths if they valued them to go over it again to find the mistake, frequently they have only marked a corner tree, then formed a square which would take in the number of acres in their Warrant, laid down the courses and lines according to that plan and that was their survey, leaving it to the Planter to mark his Trees as he pleased, and take in what more land he pleased within his marks, which were never after enquired into, some indeed exceeded this, & enquired what sort of timber was upon it and at the fire side laid down their plan, if not joined to any neighbouring Plantation then named an imaginery Tree, a pine red white or black oak or hiccory etc and so enter beginning at a hiccory and so name imaginery Trees at any angle and conclude as usual so on to the first station, leaving the people when the patent was obtained to choose on the Creek proposed what Lands they pleased and to mark it for themselves according to the plan, if they knew it if not at random. You may judge what confusion that has & does create where several Patents interlock each other, and when these were not taken up other Warrants issued and patents granted upon the same Tracts, and how any Draughts can be made, had the surveys been preserved & patents regularly entered or audited, so that no Draught of the Kings part of the Province can be had without surveying the several Counties, and afterwards running the particular Plantations, and as many of them are not contiguous,

running a line along the vacant land to know the distance and bearing from each other. As to the granting the Lands by the Rights, I have already mentioned in my former letter of November last that I thought it would be prudent to relax me so far as to grant 640 Acres to any who demanded it, and would settle upon it. The poor won't take so much, because they won't engage for too much Quit rents, which they find now they must pay, and can't cultivate so much as to save their Lands; the rich think it not worth their while to settle, without a range for their Cattle, as most of the lands along the navigable rivers have been taken up for some time, there is little left, but large ranges of pine barren & Savanna Lands with small marshes, or laurel thickets intermixed and these lands which are all that are left (except large dismal Swamps, Thickets near the Sea) to be settled, I think no limitation ought now to be made to those who would take them up by patent, and pay his Majesties Quit rents, for they are now a common, not likely to be taken up by the poor upon rights, who would rather wander farther to get better Lands. As to the back Country it is much better settled than the Sea Coast, and near Navigation, as the climate and Land is so good, and well watered, but no poor man dare venture to take up lands upon an exposed Frontier to the merciless Indians, and none but rich Planters and German Families will remove from the Northern Colonies with a View of enlarging their Properties, and having a large scope of land to divide among their children, so that 640 Acres will not be sufficient for these Migrants, and they have no way to obtain larger Grants, than to take 2 or 3 such patents either in their own or a Trustee's name for which they are obliged to pay more Fees, so that upon the whole your Lordships will judge how far to enlarge my Instructions on this Article, and not insist regularly on rights. If I was to speak on my own account it would be better for me to limit them as low as possible as more warrants and Patents would be issued for the same Land, and consequently a multiplication of Fees to me and the offices.

The instruction relative to cultivation I think cannot be put in execution with any prudence, and it is extremely difficult to know what true Cultivation is, for different parts of the Province require different kinds if it be chiefly intended to clear the Land of Wood this they already do as far as it is advantageous for them, to have land to plant and sow for their consumption when they are at a distance from the Market; their method upon entering their Lands is to cut down, where they build their Loghouses, all the Trees fit for logs near their Houses, lest they fall upon them, as many are blown up by the rocks every season, and as many as will make rails to fence their corn field, the others within the

Bounds of the field they bark for about 2 or 3 feet round the Tree, so that they die next year, and the Bark rots and falls off, and there is a forest of white dead Trees in the field, the annual burning of the woods has cleared all the dry grounds of underwood, so with one horse plow they pare of the upper swad of grass, and sow their Indian corn etc. among these dead Trees, and use hoes to earth and weed them, when plows can't do it sufficiently, in a few years these Trees rot, whilst they are taking in another field, and they proceed in the same manner. They then fell these dead Trees, and they break to pieces with the fall, and then they burn them, and all the black stumps of the Trees that are left 3 feet high remain in the field for many years before they decay, as many of these are red and black oaks and Hicory, which won't split into rails, and are chiefly used as firewood, the bark being extremely good for tanning, tho' of little use here, but all extremely good for pot ash, the Hicory I believe the best in the world, for its common ashes will blister like Spanish flies, and when put to it they use it as salt. It is rather a waste than improvement to loose all these Trees by being obliged to cut away more than is necessary to clear annually so many Acres, and when they have cut down more than they can sow, and lay it down in grass, in 3 or 4 years it would be a young forest, and three times more expence to clear than old woods, for the small roots shoot up every year among their Corn, and if they are not howed away grow faster than the Corn, so that without keeping them down several years, they would grow up as close as in a nursery, besides on cutting away all the old Timber, they would soon want rails for their fences, and be at considerable Expence in drawing rails for to repair them, as they soon rot, and often are burnt down, as they burn their woods notwithstanding their care to prevent it. These things considered and that the people are industrious and are desirous to cultivate as much as they can accomplish to turn to account, I think your Lordships will think it prudent to relax that Instruction, since no jury here would vacate the Lands that are occupied, the word cultivation being of so large a signification, as not often to determine what is or what is not cultivation, so that if the Patentee seats and occupies the Land, and pays his Majesty's Quit rents, I hope you will think that sufficient. I have nothing further to remark upon at this time, but hope your Lordships will consider whether upon Mr. Glen's letter to the Catawba's, you won't think it proper to limit what land that nation should have, and advise his Majesty to allow a sum out of his Quit Rents sufficient to induce them to quit with their surplus Lands, and not think of giving up 180000 acres of land, the Quit rents of which would amount to £2700 per annum to comply with Mr. Glen's ill judged proposal or make these

Indians ill neighbours, who at present upon it go and shoot the Planters Cattle and Hogs, and go into their Houses and take what they please, having been supported by him, and I hope you will not delay fixing the Boundary Line, otherwise great confusions will ensue on raising Taxes, which some who have paid now refuse, expecting to be supported by the South Government.

I hope your Lordships have got my Letter about fixing the seat of Government about 40 miles higher up this river, to which I refer as it will be highly necessary to do it soon, as all our offices are in great confusion, & don't know where to fix them.

We are going on with the Battery at Core Banks to secure Ocacock Harbour, and if the War continue there will be an absolute necessity of Artillery and Stores for that Battery, and Fort Johnston at Cape Fear, for which I apply'd last winter. As I had applied to your Lordships, I thought it also proper at this Critical juncture to apply to Sir Thomas Robinson for artillery and stores both for the Fort and for the Battery at Ocacock, and also for 20 barrels of Gunpowder, as we have none in the Colony, and our powder Dnty can't be yet received in kind only in money until the masters of Vessels frequenting this Trade come to know it. I am with the greatest respect

My Lords, yours, &c.,

ARTHUR DOBBS.

Newbern 24th Aug^t 1755.

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

N^o CAROLINA

To his Excellency Arthur Dobs Esq^r Captain General Governor and Commander in Chief in and over the Said province.

The Humble petetion of that part of N^o Carolina called Orange County, Humbly Sheweth, that whereas by some misfortune the Inhabittance thereof hath not hitherto had the priviledge to Chose for that County Representatives and the Said County now but in its Infancy and the Publick building not yet done we humbly pray your Excellency will be pleased to grant us a Writ for Electing Burgeses for Said County and your Petetioners as in duty bound shall ever pray &c.

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

To His Excell^y Arthur Dobbs Captain General and Commander in Chief of the Province of North Carolina.

The Humble Pett^a of Alex. Mebin Major of the Militia in the County of Orange

Humbly Sheweth, That in the absence of the Collⁿ of s^d County, your Pett^r Thinks it his Duty to lay before your Excell^y In this Time of Danger the defenceless state s^d County is in, by the want of Officers to Command, The greater part of those formerly in Com^{iss} Being Removed, & left the Country, or Refuse to Act, A List of the Captains formerly in Com. is as follows viz

John Gray	}	Captains Liveing in y ^e Country & Acting
James Wattson		
Jo ^s Boggs		
Rob ^t Lytle		
James Dickey	}	Captains gon out of the Country
John Gordon		
Rob ^t Harper		
Michael Dixson	}	Captains who Refuse to Act
Mark Morgau		

Your Pett^r Most Humbly Beggs lave to Reco^mend to your Excell^y as proper persons to fill the vacant Com^s Viz

Will^m Armstrong in place of James Dickey

Lawrence Rambo in place of John Gordon

David Hart in place of Rob^t Harper

Tho^s Williams in place of Mich^l Dixson

Tho^s Loyd in place of Mark Morgan

Your Pett^r Further sheweth to y^r Excell^y That by the Inceas of People Lately Setled in the County it is necessary to Inceas the number of companys, and your Pett^r is of opinion that there is a Suficient Number of Men to make Two Companys The under [named] persons are proper to Command

John McGee	}	To Command Two New Companys.
Ritch ^d Parker		

Your Pett^r further sheweth to y^r Excell^y That there are wanting Seven Lievtanants, and Seven Ensigns, Beside those in Com^s, But your Pett^r can't take on himself to Judge who is most Proper until he Consult y^e Severall Captains, and therefore Prays that if your Excell^y thinks proper that youl Order Blank Com^s for them, as y^e Excell^y did formerly,

And your Excell^{ys} Pett^r as in Duty Bound will Pray

ALEX^r MEBANE

[REPRINTED FROM DINWIDDIE PAPERS. VOL. I. P. 483.]

Governor Dinwiddie to Governor Dobbs.

Feb'y 1st, 1755.

SIR:

Y^r agreeable L^r of the 9th I did not receive till the 27th. The 5,000^l Y^r Assembly has given for Aid to the Expeditⁿ I find is left to You either to Supply in Men or Provis^s. In my last, I wrote You if You sent a Compa. in, 400 bls. good Pork will be very acceptable, as also a Quantity of Bacon, as y^t is easy Carriage on Horses; and in the Mo's of May or June some Beeves to be drove from Y^r Colony to the Camp will be very agreeable, as by y^t Time Salt Provis^s will be mostly exhausted. The two regim^{ts} y^t are expected are to be augment^d from 500 to 700 Men each. I have accordingly ordered the Officers to recruit for them agreeable to Instruct^s. I have in our News Paper offered the Encouragem^t y^t is proposed for the people y^t enlist in these Regim^{ts}, but I fear I shall not be able to get the wanted. If deficient, they must be supplied from our other Men raised for the Colony. I think for the pres^t, 50 Men from You, with Provis^s, is as much as can be expected from Y^r Fund, and if You please, to send them by Water to Alexa^a on Poto. River. I sent You a Packet from Londo. to the Care of Mr. Watson at Suffolk. Since y^t, we have no News from Londo. or any from the Ohio than w^t I formerly Wrote You. I have ordered all our Forces to W. C., for fear this fine Open Winter the Fr. on the Ohio may have Intelligence of the Supplies We expect, and endeavour to make an Attempt on our Camp, Where there is only the three Ind^t Companies. Y^r President cannot expect more yⁿ half the Salary and Perquisities from the Time of Y^r being appointed. I think His M^y's Instruct^s on y^t Head are very explicit, and indeed the Salary of Y^r Predecessor on the former Establishm^t was so ill p^d y^t the Presid^t account^g for half the Perquisities may be a proper Settlem^t. When S^r Wm. Gooch left this [Colony] he made a particular Agreem^t with the then President, and as I was only four Mos. from my Appointm^t till my Arrival, I did not insist on any part of the Perquisities, as S^r W^m's Agent had settled With the President a Mo. before my Arrival. I think You have a right from the Date of Y^r Cem^o. L^d Albemarle and myself are on an Agreem^t to pay him so much Yearly. We all join in kind respects to You, son and nephew, and be assur^d I remⁿ in great Truth,

Y^r Ex's most ob^dt humble Serv^t.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 487.]

Governor Dinwiddie to Governor Dobbs.

Feb'y 8th, 1755.

DEAR SIR:

Y'r two Let's of the 15th and 25th Ult'o I duly rece'd, and it gives me great Pleasure y't Y'r Assembly broke up in so good Humour, and y't dur'g their Siting they very properly enter'd on the Business direct'd by You with so much Spirit, and I acknowledge y't I think they did more y'n I c'd have expected, consider'g how long they have been in a very loose, lawless Condit'n. I am glad y't You intend the Com'd of the Co'y y't You raise for the Expedit'n to Y'r Son, w'ch I wish You c'd afford to make 80. I am of Opin'n y't the Com'n for Capt. Waddal may be establish'd at 40 Men, under the Denominat'n of Rangers, on Y'r frontier Settlem'ts. The Sooner You can send the Co'y in here the better, and the Sloop y't brings them may, if You think fit, bring 4 or 500 b'ls of Pork and Beef, a Qu'ty of Bacon, and, if to be had with You, 4 or 5 b'ls of Rice, and to direct them for Alexa'a, on Potomack River, where I shall be glad to hear of their safe arrival. I have forwarded Y'r Let's to Colo. Innes, and presume he will very soon settle the Affairs of the Car. Regim't. No News since my last, either from B. or the Ohio. Gov'r Sharpe and S'r J. St. Clair are now both with me from W. Creek, and they bring no News of any Consequence. The Men [are] in good Spirits, and wish for the Reinforcem't from B. Y'rs by Capt. Waddle I rec'd two Days ago. He is gone for Hampton to Co. Hunter to execute Y'r Orders. He had my Offer of any Service in my Power. I sh'd think our People y't are Debtors to Y'r Province cannot refuse Y'r Paper Curr'cy, as it will answer the Discharge of their Debts. Blue, turned up with red, I think will make very proper Uniforms.

Pork here is 40s. to 43s. p bl., as in Goodness. Beef 27s. This comes by an Express from Mr. Glen. He had a Packet for You, but says the Waters were so high he c'd not go to Newburn, but have now ordered him to wait on You for an Answer to the Packet he brings You. Mr. Glen was so modest as to desire me to remit him in B. of Excha. 7,000£ St'g, out of the 10,000£ I have Credit to draw for, in order to build a Fort in the Upper Cherokee Co'try. I was ordered to advise, persuade and assist him in build'g the Fort, and I tho't $\frac{1}{3}$ of that Mo'y w'd have done, and y't Car. sh'd be at the Expence; however, I have sent him Bills for 1,000£ to shew at Home my readiness to obey Com'ds,

and to forw'd y't Fort, w'ch I believe at this Time very necessary. He gave me room to expatiate with him on the reasonableness of his Dem'd, w'n he must know the great Charge y't attends this necessary Expedit'n, and to offer to have $\frac{2}{3}$ ds of the whole of my Cr. was not kind, or did it look like a well Wisher to w't we have on the Anvil. I think he has no room to expect leave to raise recruits with You, till You have compleated Your own Compa's. I look daily for the Fleet from Irel'd, and hope to be pretty well provided to receive them. From the best Intelligence, the Fr. have not above 1,200 Men on the Ohio. The Message from Mr. Morris to his Assembly, of the Number of the Fr., was from Deserters, who's Reports are not to be depended on, his Assembly have broke up with't grant'g any aid; they are a very turbulent, refractory People. M'y'l'd Assembly meets the 20th; Mr. Sharpe has Hopes y't they will do something. When any Acc'ts of Conseq'ce, I shall give You early Notice thereof. I hope the Packet from Eng., y't I forward'd You lately, came safely to Y'r Hands. I pray God grant us Success in our just Designs in the Defence of our Religion, Liberties and Properties. My Wife and Girls join in Kind Respects to You, Son and Nephew, and I am, with Sincerity and great Truth,

Y'r Ex's most obed't humble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 497.]

Governor Dinwiddie to Lord Albemarle.

Feb'y 12th, 1755.

R'T HON.:

I have the Hon'r of Y'r Let'r from Paris of the 16th Sept'r. The Skermish between the English Forces and those of Fr. is very unjustly reported with You. The State of y't Affair is this: Our Second Detachment, y't went over the Allegany Mounts to support those y't were ordered by me to build a Fort by H. M'y's Com'ds on the River Ohio, had notice on y'r March y't a No. of the Fr. came down the River Ohio, surpriz'd our People y't were building y't Fort, and from the Superiority of their Numb's, they oblig'd them to give up the Fort, and March off. This may justly be deem'd the first Breach. Colo. Washington, on hear'g this, encamp'd his Men in the Meadows, about fifty Miles distant from the above Fort. One of our f'dly Ind's sent him Notice y't a No. of F——h had been seen two or three Days reconoit'g their Camp, and if he, with a Detachm't, w'd come to him, he w'd let them know where the Party of Fr. were encamp'd. He accordingly march'd with 35 Men,

march'g all Night, and about 9 o'Clock in the Morn'g they came within 200 y'ds of the Fr, w'n the Fr., on Sight of our Men, imediately flew to their Arms. The Ind's y't were with us began the Act'n, and after two or 3 Fires the Fr. were worsted, ab't 12 killed, and the others taken Prisoners. Among the killed was Mons'r Jumonville. It's true the Prisoners s'd they were come on an Embassy from their Fort, but Y'r L'ds. knows y't Ambassadors do not come with such an arm'd Force, with't a Trumpet or any other Sign of Friendship, or can it be tho't they were on an Embassy, by stay'g so long reconoitreing our Small Camp, but more probable y't they expected a Reinforcem't from the Fort to cut them all off. It's true in the Capitulat'n, after they make use of the Assassinat'n, but Washington not know'g [the] Fr. was deceived by the Interpreter. If he had not, he declares y't he w'd not have agreed to it, tho' then in great Straits. The Interpreter was a Poltroon, and tho' an Officer with us, they say he has joined with the Fr. This is the Truth, reported by two of our Officers, and declared on their Hon'r. We are in daily Expectat'n of a Reinforcem't from B., w'n I hope our Affairs will be conducted with more Military Knowledge than hitherto. We have S'r Jno. St. Clair now here, who is an indefatigable good Officer. Y'r L'ds. interceed'g in behalf of Mr. Randolph's being reinstated in his former Office, has had a proper influence on me, and according to Y'r Desire, w'ch I can by no means withstand, I have replaced him in his Office. I presume S'r Jno. St. Clair writes You, to whom I desire You to be referred, and beg to assure You, I am, with great Deference and due Respects,

Y'r L'd's most ob'd't humble Servant.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 504.]

Governor Dinwiddie to Colonel Innes.

Feb'y 18th, 1755.

SIR:

To Qualify You to state Your Acc't with No. Car., I herewith send You Colo. Hunter's Acc'ts, Sales, and Do. Current, and Y'r Acc't with me in w'ch I give You Cr. for the Balla. of Hunter's Acc't amo'g to [£]456 9s. 2d., w'ch, w'n the Things charged on the Debit side is accounted for, I will pay. S'r Jno. St. Clair comes up to review the Recruits and to discharge such [as] he may think not fit for Service. As he is a Gent. greatly known in military Affairs, I desire You will do w't he may direct. He was sorry for the Step You took in send'g for

the Men from Winchester. He will give You his Reasons for it. In stating Y'r Acc't with Y'r Province, I think You may justly charge 10s. ^{per} Day for the Time You have been in Service, and I have good Reason to believe it will be allowed, and y't will not hinder me from paying You properly from this Dom'n. The Forces are daily expected, and S'r Jno. is very earnest in hav'g Provis's lodged at Winchester, w'ch I have ordered accordingly. What You proposed relat'g to Y'rself is tho't not eligible, but You will be properly taken Care of, and You may speak freely to S'r Jno. on y't or any Thing else, and on the Gent's Arrival be assured I shall do any Thing in my Power for Y'r Service, and am, with great Regard,

Sir, Y'r affect'e Friend, &c.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 508.]

Governor Dinwiddie to Governor Dobbs.

Feb'y 18th, 1755.

SIR:

Y'rs of the 11th Cnrr't I rec'd last Night. Y'r Serv't, by Advice of Mr. Watson, carried Y'r Dispatches-on b'd the Gibraltar. I much approve of Y'r Son's com'g with a Compa. of 100 Men, and the sooner the better, as the Transports from Irel'd are daily expected. I am convinced the pernicious Scheme of last Year will make Y'r Son's Recruit'g very troublesome, but hope y't will be surmounted, as Y'r People will have the same Pay with ours. I cannot tell whether the Traders in Suffolk will take Y'r Paper Bills, as they are in Debt to Y'r Province, w'ch can be no Inconvenience to them; but they will not pass Curr't thorow the Province, as they are so adverse of issuing Paper for their own Service and on proper Security. I wrote You in my last the Price of Pork and Beef here. S'r J. St. Clair answers Y'r Let'r by Y'r Serv't; he sets out this Day for the Camp; he is a very capable and diligent Officer. When the Forces arrive, I shall take Care to give Notice to the different Tribes of Ind's, but the Twightwees being at a Distance, and the Fr. between us and them, y't it will be difficult, but a Message is sent to them some Time since, but as yet no return. I expect some Catawbas and Cherokees at Winchester the End of next Mo., to make Peace between the former and the No'ern Ind's. The Fr. are collecting all the Ind's they can, even to West of the Mississippi, but if our Forces get over the Mount's and shew them some of our Coehorns, I doubt not but many of them will desert. I shall send You Copy of

the Operat's concluded on after the Gen'l arrives. I have sanguine Hopes of Success after our Forces are marched, but Pensylva'a has behaved monstrously bad; the Assembly broke up with't grant'g us any aid. I shall, at all Times, take Pleasure in correspond'g with You; at pres't much hurried, must, therefore, take leave with all our kind respects and Wishes. I rem'n, in great Sincerety,

Y'r Ex's most ob'd't humble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 515.]

Governor Dinwiddie to Governor Dobbs.

Feb'y 27th, 1755.

SIR:

I have the Pleasure to acquaint You y't Gen'l Braddock came to my Ho. last Sunday Night, and he expects the forces from Irel'd in a Fort-night. He has formed the Virg'a Forces as follows: Two Compa's of Carpenters, chose from the whole; four Compa's of Rangers, and one Compa. of light Horse, and w't may rem'n and are suitable, are to Augm't the two Regim'ts from Irel'd. He has been so busy since he came here that he has not fully fix'd the Gen'l Plan of Operat's, but in Discourse with him I find it will be very proper, and pretty much on the Scheme we talk'd of when [you were] here. He is (I think) a very fine Officer, and a sencible, considerate Gent. I wish Y'r Son with his Co'y was arrived. I send You a Paeket from Mr. Abercrombie, to w'ch please be referred for News. Pray send the Express immediately forward for So. Carolina, and he may call on You in his Return. Being very much hurried, I cannot enlarge, but y't I rem'n, with very great Respect,

Y'r Ex's most obed't h'ble Serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 1. P. 519.]

Governor Dinwiddie to Colonel Innes.

Mar. 7th, [1755].

SIR:

I rec'd Y'rs of the 21st Ult'o, and as S'r Jno. St. Clair will probably be With You before y's, I must refer You to him. I sent Y'r former Let's to Carolina forw'd some Time since, and shall soon write the Gov'r the Reasons for Y'r Remaining at the Camp. My Money is exhausted,

hav'g p'd to Mr. Dick 2,000.£ last Week. Calender was to deliver the Horses at the Camp, and on produc'g a Receipt he has my Obligat'n to pay him, and if he does not Comply I must order a Prosecut'n, and the same for Perkins. The Flour from Phila'a will come dear; but as there is a Waggon Road from thence to Winchester, it's tho't Proper to make y't Place the Magazine, and I have wrote Mr. Allen accordingly, but have not re'd his Answer. I am much hurried, and must therefore leave off, assur'g You I am with Respect,

Y'r affect. Friend, &c.

P. S.—Gen'l Braddock I expect this Night from Hampton, two of the Transports being arrived.

SOUTH CAROLINA BOUNDARY DISPUTE.

[REPRINTED FROM S. C. STATUTES AT LARGE. VOL. I. P. 406.]

“Timothy's Southern Gazette, Oct. 21, 1732.

“Notification of George Burrington, Governor of North Carolina.

“I am informed that several persons in South Carolina, have taken out warrants there, to survey lands on the North side of Wackamaw river, and on the lands formerly possessed by the Congerree Indiaus, which are within *this* government. Therefore to prevent unadvised people from parting with their money to no purpose, and to give satisfaction to all persons whom it may concern, I have transcribed his Majesty's instruction for ascertaining the bounds of the two governments of North and South Carolina.

“The King's instructions, 104.

“And in order to prevent any disputes that may arise about the Southern boundaries of our Province under your government, we are graciously pleased to signify our pleasure that a line shall be run by Commissioners appointed by each Province, beginning at the Sea, thirty miles distant from the mouth of Cape Fear River, on the South-west thereof, keeping at the same distance from the said river, as the course thereof runs to the main source or head thereof, and from thence the said boundary line shall be continued due West as far as the South Seas.

“But if Wackamaw lies within thirty miles of Cape Fear River, then that river to be the boundary from the Sea to the head thereof, and from thence a due West course to the South Seas.

“For the satisfaction of all men that bought land of the late Proprietors (before the King’s purchase was completed) situated on the *North* side of Wackamaw River in any other part between Cape Fear River and the line given by his majesty to this government, I give notice their rights and titles to all lands so purchased as aforesaid, are deemed and allowed to be good and lawful by this government.

“N. B. The above recited instruction, is the same in his Excellency Governor Johnson’s and mine, except the word “Southern” before boundaries, which is altered to Northern in his. The *head* of Wackamaw river is within *ten* miles of Cape Fear River, and is not distant so much as thirty miles in *any* place, but a few miles before it runs into Winyaw Bay.

GEORGE BURRINGTON.”

“North Carolina, Sept. 11, 1732.

“The above is transcribed verbatim from the Gazette of the day.

“To this, Robert Johnson, Governor of South Carolina, issued a counter-proclamation, which follows, copied from Timothy’s Southern Gazette, Nov. 4, 1732.

“Governor Johnson of South Carolina. I being very much surprized at his Excellency Governor Burrington’s advertisement in this paper of the 21st instant, relating to the boundaries of the two Colonies of North and South Carolina, and his manner of interpreting his Majesty’s instructions relating thereunto, think proper for the better information of those concerned, to publish what I know concerning the intention of his Majesty’s said instruction, which is as follows:

“Governor Burrington and myself, were summoned to attend the board of Trade, in order to settle the boundary of the two Provinces. Governor Burrington laid before their Lordships Col. Moseley’s Map, describing the Rivers Cape Fear and Wackamaw, and insisted upon Wackamaw river being the boundary from the mouth to the head thereof, &c.

“We of South Carolina, desired their Lordships would not alter their first resolution, which was thirty miles distant from the mouth of Cape Fear River on the South-west side thereof, &c. as the first instruction published by Governor Burrington sets forth; and their Lordships concluded that that should be the boundary, unless the *Mouth* of Wackamaw River was within thirty miles of Cape Fear River; in which case, both Governor Burrington and myself agreed Wackamaw River should be the boundary. And I do apprehend the word *Mouth* being left out of the last part of the instruction, was only a mistake in the wording of it.

“And I think proper farther to inform those it may concern, that I have acquainted the Right Honorable the Lords of Trade, of the different interpretations Governour Burrington and myself, have put on his Majesty’s aforesaid instruction, and have desired his Majesty’s further order.

R. JOHNSON.”

“November 1, 1732.

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

At a meeting of the commissioners appointed by His Excellency Robert Johnston Esq^r Governor of South Carolina on behalf of that province, with Comm^{rs} appointed by his Excellency Gabriel Johnston Esq^r Governor of North Carolina on the part of the said province to settle and adjust the boundary line between the two provinces this 23^d of April 1735—Present the hon^{ble} Alexander Skine, James Abercrombie, William Walters Esq^{rs} on the part and behalf of the province of South Carolina—The hon^{ble} Robert Halton, Eleazer Allen, Matthew Rowan, Edward Mosely, and Roger Moore Esq^{rs} members of his Majesty’s council on behalf of the province of North Carolina. In order to preserve and maintain a good correspondenee between the inhabitants of both the said provinces and to prevent any future contests relating to the boundarys between the same, the following articles were this day agreed and concluded by and between the aforesaid commissioners, being as near as may be agreeable to the sense of his Majestys royal instructions for settling the said boundary.

1st That the line to be run shall begin at the sea, thirty miles distance from the West side of the mouth of Cape Fear river.

2^d That from thence a line be run on a Northwest course to the Latitude of 35 degrees North, and from thence due west to the South Seas.

3^d That if the said Northwest course before it reaches to the Latitude 35 degrees, shall fall within five miles of pee dee river, then a course shall be run paralel to that river at five miles distance to the Latitude 35 degrees north, and from thence a due west course as before; provided that such paralel line do not approach nearer to Cape Fear river than thirty miles and in such case a Northwest course shall be continued from that place where it shall be found to approach within the said thirty miles of Cape Fear river

4th That if the said West line shall take in any part of the Nations of Indians called the Cherokees or Catabas then such line shall be set off so as to include the said indians within the Government of South Carolina

until such line shall again come to the latitude of 35 degrees and from thence on a due west line as before.

5th That the above articles be jointly and interchangably executed to each other by the respective Commissioners of both provinces under their several hands and seals.

ALEXANDER SKINE	+++++ +SEAL+ +++++	ROB ^t HALTON	+++++ +SEAL+ +++++
JAMES ABECROMBIE	+++++ +SEAL+ +++++	ELEAZ ^r ALLEN	+++++ +SEAL+ +++++
W ^m WALTERS	+++++ +SEAL+ +++++	MATTHEW ROWAN	+++++ +SEAL+ +++++
		EDW ^d MOSELY	+++++ +SEAL+ +++++
		R. MOORE	+++++ +SEAL+ +++++

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 70, 73, 74 AND 75.]

MY LORDS, [OF THE BOARD OF TRADE]

Having made all the Enquiry I could about the former proceedings of the Boundary line between this Province and South Carolina and having laid before the Council what I thought would be a reasonable Boundary with my reason to support it, which they have unanimously approved of, I prepared a letter to send to Governor Glen upon it; but the day I had prepared it I received by a Messenger from him a Letter shewing the necessity there was of fixing immediately a Boundary between the Provinces upon account of the Squabbles near the Line with a Copy of the first Instructions sent to his Province of running it at 30 miles Distance to the head Springs of Cape Fear River, and to desire me to send him an Account of what Instructions I had received about it, upon which I sent him an Answer the Copy of which I transmit with this to your Lordships, and along with it the Papers relative to former Proceedings in running it with the opinion of the Council here about a proper Boundary with reasons to support it, and when Mr. Glen sends the like Paper from the Southern Colony your Lordships will have a full state of the Case, and the opinion of both Colonies with your observations upon them, to lay before his Majesty, for his Decision & Commands upon it, which shall be immediately complied with and obeyed by this Province, and then the Line may be laid out without Delay. This is submitted to your Lordships by,

Your Lordships most obedient & most humble Servant

Newbern, Jan^{ry} 4th 1755.

ARTHUR DOBBS.

His Majesty's Instruction to Governor Glen.

36. And in order to prevent any Disputes that may arise about the Northern Boundaries of our province under your Government, we are graciously pleased to signify our pleasure that a Line shall be run (by Commissioners appointed by each Province) beginning at the sea 30 miles distant from the mouth of Cape Fear River on the South West thereof keeping the same distance from the said River as the Coast thereof runs to the main Source or head thereof, and from thence the said Boundary line shall be continued West as far as the South Seas, but if Waggamaw River lies within thirty miles of Cape Fear River then that river to be the Boundary from the Sea to the head thereof & from thence to keep the distance of thirty miles Parallel from Cape Fear River to the head thereof, & from thence a due West course to the South Sea.

Copy of the 36th article of his Majesties Instructions to James Glen Esq^r Gov^r of South Carolina A^o 1739.

Letter from Governor Glen to Governor Dobbs.

S^o CAROLINA. Feb^r 20th 1755.

SIR

Some months ago I wrote to you concerning the Boundary Line between this & your Government a subject of great consequence to the welfare and even to the peace of this Province I acquainted you of several outrages that had been committed by some of the Inhabitants of North Carolina upon His Majesties Subjects of this Province which having been committed under the colour of authority by persons pretending to be officers of your Government the offence was the more intolerable but that tho' I had written to Mr. President Roan to complain of those injuries, yet I had taken no other stop, being in daily expectation of your arrival. That I had embraced the earliest opportunity after the first certain Accòunts of your being in North Carolina, of proposing to have the Boundary Line settled, and for that one I enclose a Copy of his Majesties Instructions under his sign Manuel to me upon that head dated in 1739.

I was not favoured with any answer till the 10th of this Instant, you acquaint me that the very morning you received my Letter, you had prepared one to me upon the same point, & to let me know what your Instructions were upon fixing the Boundary and you say that your instruction with regard to the Boundary is, "To inquire into the state of the proceedings with respect to the Boundary Line between North and South Carolina, and to consult with the Governor of South Carolina upon what

will be a proper line and to report your opinion fully to the Board of Trade."

Had any other Person sent me this Paragraph, and said it was one of your Instructions, I should not have given credit to it, I should have thought it some Memorandum or minute copied from your Copy book, for it has more the air of the advice of a friend, or of a verbal direction from some private Person than of a written Instruction from his Majesty to one of his Governors, however as you acquaint me that this is your Instruction I can entertain no doubt of it, but I can have as little doubt that this cannot be the whole of the Instruction, I think this clear from the first words of it "To inquire into," and I am the more confirmed in this opinion by your not paying that Deference and regard to it that is due to all his Majesties Instructions from his Governors, and that I am persuaded will be always paid to them by Mr. Dobbs, for in the next line you tell me that being sensible that nothing could be settled between the Governors in any reasonable time (for what reason I know not you never made the least attempt towards it) to proposed to prevent all delay, to send over to the Lords of Trade, to be laid before his Majesty, what you think would be a reasonable and proper Boundary, and you are pleased to add, that you send me that timely notice, and hope I will loose no time in doing the same, telling me also that your Province will cheerfully submit to his Majesties Determination and Comands upon it without further delay.

I hope you do not think that I am capable of harbouring an opinion so injurious of the People of North Carolina, as that they will not comply with the Kings Comands, but at the same time I confess that I cannot think that his Majesties pleasure can be expressed in plainer or more positive words than those of the Instruction that I sent you, & therefore it would be unpardonable in me to contradict them, and follow the advice that you have been pleased to give me, such conduct would not only be a deviation but departure from my Instructions in that particular, indeed it would be worse, it would be setting up my own sentiments against the Kings positive Comands. And therefore in obedience to that Command, I acquaint you, that I am ready to appoint Commissioners for this Province to join such Gentleman as may be appointed Commissioners by you to carry the same into execution, and I hope you will appoint them without loss of time, I also renew my request to you to send me the entire Instruction or instructions that you have relating to the Boundary Line, it would also be kind in you to send me a Copy of your letter to the Lords of Trade upon the subject.

You acquaint me that the Assembly of your Province have granted a supply of £8000 to raise and send two Companys to the assistance of Virginia, I beg you may favour me with a Copy of the Act, for I am extremely desirous to know what Funds have been established for that supply, or in other words what are the ways and means of supplying his Majesty with that money, what are the Taxes, & how are they laid on, and in what manner to be levied, that are to raise this sum, is it by a Pole Tax or a land tax, or tax upon personal Estates, is it by Duties in the Nature of Excises, or is it by Customs, are the Taxes to be levied within the year, or do you Mortgage and anticipate your Funds, and so prolong, perhaps perpetuate the Taxes, for this short and temporary Service?

I hope you will forgive this Minute inquiry for it is surmised here that it has been done by an Emission of Paper Curreney, which I cannot give credit to.

I send for your perusal a Bill entituled an Act for granting to his Majesty the sum of £40,000 towards defraying the Expence of defending his Majesties Dominions in North America, and appointing Commissioners for stamping and signing Public orders etc, and providing a Fund for sinking the said public orders, to which I refused my Assent for many reasons, some few of which I shall now touch upon.

Because I am restrained from giving my assent to any Bill for creating or issuing any Paper Currency by a strong and positive Instruction from his Majesty.

Because tho' Sr Thomas Robinson's letter be pressing, yet he is perfectly silent with regard to that Instruction, there is not the least hint that the King is willing to dispense with his orders, and therefore the letter can never be deemed a Provocation of the Instruction, but must be understood consistently with it and a Governor could with a very bad grace say, That to show his zeal for the King's service he had complied with the letter, but had violated his express Command under his sign Manuel.

Because the Lords of Trade, who may be allowed to be the best Interpreters of Instructions, have lately explained that Instruction in so clear a manner that no Governor can pretend ignorance, and they say that the intention of the Instruction is, to restrain Governors from giving their Assent to any Act for emitting any Additional Bills of Credit.

Because the Lords of Trade declare it is their opinion that paper curreney naturally has the Effect, wherever it prevails, to drive away the Currency of Gold and silver, and by my own observation and experience I can confirm the truth and justness of their opinion, for since this Prov-

ince has sunk so many of their paper Bills or Public Orders (near £150,000 having been called in and sunk since my arrival) gold and silver begin to take up their abode with us, two thirds of all Payments being now made in those Metals.

Because it would be particularly inexcusable in me to transgress the King's Orders, for when I refused my assent to a Bill for emitting £40,000 in public Orders, upon a former occasion, his Majesty approved of my behaviour, & I received a letter from the Lords of Trade telling me that while I continued stedfastly to adhere to my Instructions I might assure myself of the support of the Government in England.

I may in some subsequent letter give you the reasons more at large why I refused my assent to this Bill, at present I must decline it. I am really afraid of hurting a Province of which I have been so long Governor, I rather chose to suffer myself in the Opinion of some who may think I have done wrong upon this Occasion, tho' no Governor can think so, and I have not the least apprehension of incurring his Majesties displeasure for refusing to disobey his Commands.

But were I really of the Opinion with some Gentlemen of this Province, that the money could not be raised in any other manner than by stamping Public orders, and did I look upon the present situation of affairs to be such a sudden and extraordinary emergency of Government, as would justify a Governor of one of the Northern Provinces to assent to an Act for emitting paper Bills of Credit, and did I also think it safe for me to put myself in the place of one of those Governors yet I could not have possibly given my Assent to this Bill for they are restrained from assenting to such Acts, even in case of a war or actual invasion, unless due care be taken to ascertain the real value of the Principal Sum for which the paper Bills were issued, and also the interest to be paid thereon, but in this Bill there is not the least care taken nor any clause ascertaining the value of the money there is indeed an assertion that £40,000 is equal in value to £5714 5^s 8½^d sterling, how long it would have continued so nobody can tell, it is certain that any considerable issue of Paper Bills will alter the value. But there is also another thing wanting, notwithstanding the specious title of the Bill, which the Act of Parliament, to regulate and restrain paper Bills of Credit, makes an essential requisite, that is there is no fund whatever provided in the Bill for sinking the said Public orders in five years, or in any other period of time, it is indeed said that those Orders shall be called in and sunk by the Tax Laws *to be passed* for 1754, 1755, 1756, 1757 & 1758, and tho' I as a private person would trust to the promise of an Assembly, especially of the present, yet as Governor it is out of my power, I must also acknowl-

edge that several Instauces can be given that no Tax Bill has passed tho' I must observe to you that the Taxes in this Province are not laid on for the current service of the year but for paying the salaries & just Accounts of such persons as have trusted to the Public Faith for the past year.

In a word a Governor is a Trustee for the Crown if he breaks through his Instructions he betrays the Trust reposed in him by the Crown and deserves what is denounced against him in that Act of Parliament immediately to be dismissed from his Government and for ever after rendered incapable of any Public Office or place of Trust.

I am with much truth, sir, &c.,

JAMES GLEN.

The State of the former Proceedings relative to the Boundary Line between the Northern and Southern Colonies together with the Opinion of the Governor & Council of North Carolina what they think would be a proper Boundary, with the reasons to support the limit and wearing they propose to determine the Line, to be laid before His Majesty for his approbation & final Commands to determine it.

The Line or Boundary which was necessary to be determined betwixt the Colonies of North and South Carolina having not been fixed by the Lords Proprietors of Carolina before they sold their Rights to the Crown, it was thought proper to give Instruction to the first Governors appointed by his Majesty to fix upon a proper line or boundary to divide and distinguish the limits and extent of each Colony, accordingly the Lords Commissioners of Trade sent over Instructions for that purpose, but being at that time entire strangers to the Geography of Carolina, by having only erroneous Charts of y^e Country, and there being few or no settlers in the Southern parts of North Carolina, and the proprietors Governors of North Carolina knowing very little of y^e maritime part of the Province to Southward of New River, & nothing at all of the Courses of the Rivers, or of the Country to the westward at any distance from the Sea coast the Lords Commissioners of Trade were then obliged to have their Information chiefly from Mr. Johnston then Governor of South Carolina, and so give Instructions according to the Account he thought proper to give them which was calculated to extend the limits of the Province of South Carolina, in pursuance to his Information they were pleased to give Instructions, that the Line should be carried from the entrance of Waggamaw river into the Winyaw up that River until it came within miles of the North west Branch of Cape Fear River, and in case the head of Waggamaw River came within eight miles from

Cape Fear River, then to proceed at the distance of 8 miles up the North West Branch of the Cape Fear River, and so to the Fountain head of said River.

This Instruction after it came to be known to the Governor and Council of North Carolina they represented against so unequitable and improper a limit, which would have cut the Province off from all the Lands to the Westward of that River, which according to charter was to go in a west line to the South Sea, but this went so close to the Virginia Boundary, that this Northern Province would have been entirely hem'd in by Virginia and South Carolina; upon this true Representation of the Case the Lords of Trade withdrew their Instructions, & ordered that each of the Provinces should appoint Commissioners to run out a proper Line and when that was fixed to send it over to them to have his Majesty's Approbation.

This was the Instruction given to Mr. Johnston the late Governor of North Carolina when he was appointed in 1734, accordingly in April 1735 the Governor of South Carolina appointed 3 Commissioners under the Great Seal to agree with the Governor & Council of North Carolina or such Commissioners as they should appoint under their Great Seal in Case they should agree about the Line, accordingly 3 Commissioners were appointed to agree with them about the proper Boundary betwixt the two Colonies.

They met pursuant to their Commission, and according to the situation of the Colonies at that time they agreed that a due west Line should be carried from Cape Fear along the Sea Coast for 30 miles and from thence proceed North West to 35° N. L. and if the Line touched Pedee River before they arrived at 35° then they were to make a sett off at 5 miles distance from Pedee and proceed up the river till they arrived at that Latitude, and from thence they were to proceed due west until they came to the Catawba town, but if the Town should be to the Northward of the Line they were to make a sett off around the Town so as to leave it in the South Government. This agreement under hand and seal was lodged in the Secretaries office of each Province.

The Commissioners began to run the Line the first day of May 1735 and proceeded 30 miles west from Cape Fear which fell within 10 poles of little River where it enters the Sea, & then went North West to the place where it crossed the Country road, and set up Poles there for the Meeting of the two Provinces, and then separated agreeing under hand and seal to meet again on the 18th of September, and if either party failed in coming the other was to continue the Line, which was to be binding upon both.

The Northern Commissioners attended accordingly but the Southern Commissioners not coming until October, they proceeded north west for about 70 miles, and when the Southern Com^{rs} arrived they followed upon the Line 40 miles and finding the work right so far they sent a Draught for what they had done to the Lords Commissioners of Trade, and nothing more has since been done, nor any approbation of it from his Majesty, for as the Commissioners had been paid nothing for their trouble or expence they would proceed no further, however a Deputy Surveyor took the lat. of Pedee at 35° and set up a mark which since the time has been deemed to be the Limit at that place.

Since that time there have been frequent quarrels to the westward of Pedee, and several have been killed or wounded upon executing Warrants, Grants for Land have been made out by the Governor of South Carolina north of 35° without survey, which being opposed by the Northern Government, squabbles have ensued, they have also sent over summons to oblige the Settlers on the North side of the Line to serve in their Militia, and to appear at Musters, and a kind of sanctuary allowed to Criminals and Vagabonds, by their pretending as it serves their purpose that they belong to either Province, so that there is a necessity to fix a Line or Boundary immediately to determine a proper and equitable Boundary without regard to what has been hitherto done, as nothing has been finished here or approved of by his Majesty in Council.

I must therefore beg leave to observe the great inconviency and expence attending the laying out Boundaries in a right Line, where natural Boundaries by rivers can conveniently be had. The Commissioners in one case being obliged often to cut through almost impenetrable thickets or Swamps at great Expence as well of time as labour, and since y^r situation of Affairs in the 2 provinces has been greatly altered after the former Instructions were given, the present Line should be altered for his Majesty's Service, and the greater Conveniencies of both Colonies.

Since the time of the first Instructions Georgia has been separated from Carolina and given to private proprietors, and has lately again been by them restored to the Crown whilst it was in the Proprietors hands the Boundary betwixt that Colony and South Carolina was fixed by a natural Boundary the river Savana from the sea to its source in the Mountains which being in 35° latitude the limit since fixed for North Carolina, South Carolina would have then been quite cut off from the Country to the westward of that river, & occasioned their pushing to have their Northern Line extended further North into North Carolina along the North West Branch of Cape Fear river, but as at present his Majesty has recovered the Province of Georgia, his Majesty has the

power and right to alter the Line betwixt South Carolina and Georgia, by making an equitable mearing and extending the Province of South Carolina westward beyond the Savana from a determined latitude to be fixed at some distance from the sea betwixt the 2 Colonies, as there are no Settlers yet fixed in that part of the Country.

I must also beg leave furthur to observe that since the mearing line has been run from little River towards Pedee, there has been a great alteration in the Province of North Carolina which will make it more equitable to enlarge the limits of this Province more to the Southward occasioned by his Majesty's having agreed to give Lord Granville's undivided eighth of Carolina and Georgia entirely out of the Province of North Carolina, along the Virginia Line, by which means the Quit rents of North Carolina for the length of 56° of latitude, are vested in Lord Granville, and only 34° of Lat: left in the Crown, in case North Carolina extends no furthur south than 35° , for the little Skirt thrown into North Carolina near Cape Fear to the Southward of 35° is barren sand near the sea coast of very little value & consequently not likely to be settled or to pay Quit rents & since Lord Granville had an equal right to have chosen part of his lands out of South Carolina and Georgia, it makes it therefore reasonable to alter the Boundary and increase his Majesty's Quit rents in North Carolina.

By the last Charter of Carolina its Bounds were fixed betwixt 29° & 36° , 30 N. L. & betwixt these parallels to the South Sea.

The Carolina's after Georgia was seperated from them, extending from the mouth of the Savana River in 32° to the Virginia Line in $36^{\circ} 30'$, being $40^{\circ} 30'$ from North to South, which at 69 miles to a degree is above 310 English miles, if the Division Line had then been fixed at 35° betwixt the Carolina's then South Carolina would have had 3 Degrees of latitude from 32° to 35° about 207 miles, and North Carolina only one Degree and half about 103 miles, of which Lord Granville having got about $56'$ that is 64 miles, there remains no more than $34'$ or 39 miles which pay Quit rent to the Crown in North Carolina except the small slip along the sea coast above mentioned.

Since then his Majesty might have taken a proportional share from South Carolina & Georgia of the Quit rents to be given to Lord Granville which would have been about 40 to a Degree it would seem equitable to take so much from South Carolina to add to North Carolina, and fix the Line at $34^{\circ} 20'$ betwixt the 2 Provinces in a west line from Pedee to the Mountains, and a proportional Quantity may be taken from Georgia West of Savana, which is not yet settled, and be given to South Carolina at a certain Distance from the sea, and there would still above 2

Degrees of Lat: belong to Georgia from the Latitude 30° at Allalamaha to the Northward of 32° higher up the Savana.

But since the natural Boundary of a River is much more convenient where it can be had at least some distance from the sea, and is fixed without any expence so far, I therefore think it would be of singular Benefit to North Carolina, and of no real disadvantage to South Carolina upon their having an equivalent beyond the Savana, that y^e Winyaw and Pedee should be the Boundary from the sea to $34^{\circ}, 20'$ for at present they have no advantage from the sandy Beach along the sea coast from Winyaw to little river, in which is no creek or safety, but the inconviency of not having the east side of the Winyaw & Pedee within the Northern Province is very great to North Carolina for as there is a very large and fruitful Country upon the several branches of Pedee within the Northern Province, who have no conveniency of carrying their heavy goods but in floats down to Winyaw, if part of the East side of that river be left in the Southern Province, they may at pleasure prohibit or tax any goods coming into their Province, but if the river to the sea is made the Boundary, then they can build Towns and wharfes, on the East side in the Northern Province, so that it would be more advantageous to this Province to give up part of the latitude, and fix it at $34^{\circ} 30'$ than not have the free navigation of the Pedee. This I take to be a fair state of the Case of the Boundary betwixt these two Provinces at present and the Line need be carried no further than to the Cherokee mountains, the Catawba Indians would be then entirely within the Northern Province, and we could then by an agreement with them lay out for their conveniency a sufficient Tract of Land about their Town, at present their Town lies upon the Line, and Governor Glen has taken upon him as I am well informed to give the Catawba's 130 miles extent around their Town, half out of the Northern Province, in order to create an Enmity betwixt the Catawba's & this Colony alledging that the Catawba's and Cherokees are subject to his and no other Province, and that no other Province has a right to Trade or any way interfere with them.

After the Boundary Line shall be fixed by his Majesty at a determined latitude, I am of opinion that it may be ascertained at a very inconsiderable expence, which has hitherto been done in other places at a very extraordinary expence by cutting their way through almost impenetrable Thickets and Swamps for as there are many Branches of rivers which cross the parallel at small Distances from each other not above 10 or 15 miles, the latitude may be fixed at each Branch which cross the Mearing, and sufficient marks set up, and the Distance betwixt each Branch may be ascertained whenever any surveys are made, or

patents granted for the Lands upon the Line, at the expence of the person who gets the patent, as in other Cases and thus as the lands are granted the Line will be ascertained without further expence. After the several limits are fixed between the Colonies as far as the Mountains, I humbly submit it to his Majesty's consideration, if approved of by your Lordships, whether it would not be of service to his Majesty, and a benefit to the several Colonies to alter the Direction of the Line thro' y^e passes of the Mountains, and from thence to run northwestward to the Ohio, according to the current of some proper brook or river running nearest that course, so as to have a natural Boundary without Expence to the Ohio, for whenever those Countries beyond the Mountains are settled with a sufficient number of Planters to make or constitute an Assembly and to defend themselves, His Majesty may probably think it prudent as well as political to have new distinct Governments formed beyond the Mountains for it will be too far to oblige the Inhabitants to attend the Assemblies near the Sea Coast, and it may be found necessary to have more distinct Governments independant of each other, as soon as they have Members sufficient to defend themselves, and make their own Laws, and they would become Barriers to the present Colonies; These may all be made by natural Boundaries, as the rivers run North West from the Mountains to the Ohio, & therefore the Boundaries of Virginia, North & South Carolina beyond the mountains may run the same way, until they are peopled so as to become distinct Colonies; for if the Lines should be continued due west beyond the mountains to the Mississippi, Virginia would have a Boundary of Vast Extent beyond both the Carolinas as it would extend from the falls of Niagara where it would join New York beyond the proprietary Colonies to Mississippi which would be too much for them to protect, or to join their Assemblies, and when the new Colonies should be seperated the mearings would be to settle again, which may be done now at once by directing the Line beyond the mountains betwixt Virginia and North Carolina, and betwixt North Carolina and the Southern Province to run Northwestward according to any Branch that may be chosen, then the Bounds betwixt Virginia and Carolina might fall into the Ohio above the Falls near the Chowan's Town, and the Line betwixt the Carolina's about the Entrance of the Occabach or river of S^t Jerome into the Ohio, and the Country to Westward of that river to the Southward of the Chickesaws might belong to South Carolina, and from thence to Mobile or Alibama fort, and the Spanish Line might be annexed to Geõrgia, and these several Countries be protected by the adjoining Colonies, until it would be proper to erect them into seperate Governments, and in the meantime they should be annexed to the neighbouring Colonies.

The most material objection that the Government to South Carolina can make against the Winyaw's and Pedee's being made the natural Boundary betwixt the 2 Provinces, is that there are a considerable number of Taxables seated betwixt Winyaw and Pedee and the Waggamaw, which pay their Taxes at present to South Carolina, which would lessen their Revenue and increase the tax upon the remaining Inhabitants. To this may be answered that at present that may be true, but as South Carolina would have a much greater extent of better land annexed to their Province out of Georgia beyond Savana River at a distance from the sea, where the lands are rich, & at present the Settlers who remove from the Northward are now extended as far south as the Savana, and are taking up Lands to the Westward of it near the Mountains, rather than settle the hot sands near the Sea Coast, they would very soon have many more taxables there in the Country to be ceded to them than they have at present East of Winyaw & Pedee, and as a perpetual Boundary will be fixed to them westerly, it will soon turn out to their advantage, but as long as it should appear to be a disadvantage, the present inhabitants East of Winyaw may continue to be taxed by South Carolina, and pay their Taxes there, and when it appears that there are as many Taxables settled beyond Savana, that then His Majesty may direct the future Taxes to be paid to North Carolina together with the Quit rents, and in the mean time the Jurisdiction in all other things may be under the Government of North Carolina, and the goods coming down Pedee could not be taxed by the South Government and Towns would be Erected on the East side of Winyaw.

They may perhaps form another objection upon account of their having given £5 ^{per} head to every white person who came by sea to settle in that Province, but this can be only a trifling objection for they have paid a very small sum to those who have settled East of Winyaw, very few of them having come by Sea, but chiefly by land from the Northward who are not entitled to the premium, and the Lands west of Pedee have not been settled until within these few years, and all have come from the Northward by Land, so that it can have no weight. But when the Southern Government have sent over their Plan, how they would have the Mearing Line determined with their reasons to support it, then the two plans with the reasons given by each Province to support their Claim or to shew which will be most for his Majesty's service, and for the benefit of both Provinces, will come properly before his Majesty in Council with your Lords^{ps} observations and opinion upon them, and whatever his Majesty will think proper & most for his service, and for the benefit of the two Provinces will be decisive and will determine the Boundary,

which shall be run out without loss of time, and each Province will acquiesce in the Determination by which means all future Quarrels betwixt North Carolina & the Catawba Indians, who have of late been spirited up by the Governor of South Carolina to oppose the Planters of North Carolina in their possessions in the Neighbourhood will be prevented, as well as betwixt the Settlers on each side the Line and then no protection will be given to Criminals or Vagrants, nor will they have any opportunity to evade the Laws, when the Line is determined, but if the determining the Boundary be left to Commissioners to be appointed by each Colony, they could not be brought to agree upon the Line for some years, perhaps as long as the English and French Commissioners have and may take to fix the Boundaries of their Colonies at Paris, which the French will never agree to in time of peace, and at last if we desire it to preserve our Rights, the longest sword must carry it.

I humbly submit the Boundary proposed with the reasons to support it to your Lordships consideration, and this Province will cheerfully submit to whatever His Majesty shall determine But whatever is done I hope will be fixed without delay, that all the Inconveniencies may be avoided, and the Lands near the Line may be settled.

Letter from Governor Dobbs to Governor Glen, dated 12th March 1755.

SIR,

Your letter of the 4th Dec^r I answered the moment I received it from your Messenger in which was the Copy of your Instruction about the boundary Line, and the Copy of your letter to President Rowan in March last, upon the same subject, which Answer you say you did not receive until the 10th of last month. I also received the duplicate of the same letter from you dated the 10th of January last, upon the return of the Express you sent to Virginia, & returned you immediately a duplicate of my former letter, presuming that your Messenger had not delivered my former Letter so that the unaccountable delay in your not getting my Answer in 2 months was owing to the dilatoriness or neglect of your own Messenger.

This is to acknowledge the receipt of your Answer to my letter dated the 20th of February, which I must beg leave to say is wrote in a very extraordinary style, I may say dictatorial, not as one Governor to another having equal powers from his Majesty, and independant of each other, but as if I was dependant upon you, and obliged to give you an account of my behaviour in the transacting Affairs of this Government, taxing me with sending you scraps of my instruction about the Boundary line

and concealing the remainder of it, alledging that my instruction was the advice of a friend, or some verbal direction from some private person, which you are the rather inclined to believe, as I have not followed it, by consulting with you upon it, but proposing to send over to the Lords of Trade what I thought would be a reasonable line, when you were ready, and now give me notice that you are ready to appoint Commissioners to fix the line pursuant to your Instructions, and expect that I will do the same from this Province, and modestly request of me to send you the whole instruction relative to it, and that it would be kind in me to send you a Copy of my letter to the Lords of Trade upon that Subject.

I shall postpone taking Notice of the remainder of your letter, which seems calculated to exculpate yourself for not passing the Act of your Assembly, until I reply to the first part about the Boundary Line, as being the chief transaction betwixt the two Provinces, nor does it require an Answer, if you had not insinuated thro' the whole that I had not obeyed my instructions in emitting a Currency for the like service, but deserved pursuant to the Act of Parliament, to be dismissed from my Government, and to be rendered incapable of any Public Office or place of Trust for so doing, and therefore since the whole deserves to be answered paragraph by paragraph I shall begin with the first.

As to what is relative to the outrages you mention committed on the Frontiers in your Letter to the President of last March, I have inquired into it, and think your Government has been much more to blame than the Government here, for they only repelled an invasive force when you in your Government took upon you to grant patents to levy taxes and impose Fines upon the Inhabitants of this Province for not attending your musters, altho' they lived beyond the limits which had been so far agreed upon betwixt the Commissioners appointed under the great seal of each Province which they had all signed as to fix the latitude of the line to 35 degrees so long ago as 1735 which line had been laid out in part, and tho' that Division was not confirmed in England by his Majesty, yet it ought to have stood good until his Majesty should think proper to determine the Line more equitably betwixt the two Provinces.

I must therefore inform you that if you had taken full notice of my Letter to you dated last Christmas, that when I had acquainted you with the only instruction I had relative to the Boundary, which I again affirm to be the only instruction I received, and the whole of that instruction, tho' you are pleased not to believe it, that I acquainted you that his Majesty had withdrawn the former instruction given to my predecessor Governor Johnston which I apprehend was in the same or in the like

forms of that you sent to me, but of a prior date to yours of 1739, and had also withdrawn farther instruction given in 1735, when the Commissioners had in part fixed it, so that when his Majesty had disapproved of and released me from those instructions, which were judged to have been very unequitable, and had been prepared injudiciously by the Gentlemen who were then of the Board of Trade, who had not then proper maps of the interior parts of these Provinces, which if the Instruction had been put in execution it must have prevented this Province from being extended westward, since the Spring head of the Northwest branch of Cape Fear approaches very near, if it does not enter the Virginia line and that upon that Articles being struck out of my Instruction, the Lords Commissioners of Trade gave me that Instruction for my Direction Line.

Therefore upon the receipt of your Letter with the Copy of the Article of your Instruction which you would not be willing to depart from and which by the whole tenor of your last letter you are determined to adhere to, I had nothing furthur to consult you upon, unless I had desired to protract the fixing Line, but only to acquaint you with my Instruction, and that his Majesty had withdrawn all his former Instructions relative to it in this Province, and therefore it would have been nugatory in me to treat with you upon other Terms, which you would not submit to, and I was released from agreeing to, and therefore I thought nothing could expedite the Determination of the Line better than that each Government should propose a Line which it thought most reasonable, and lay them at once before the Lords of Trade with reasons from each to support the Line proposed, and then their Lordships would be properly prepared how to advise his Majesty to fix the Boundary, nor do I think you had any Foundation to expatiate so eloquently upon my saying this Province would cheerfully submit to whatever his Majesty should determine in it.

You may therefore see that by your own letter and Instruction sent to me confirmed by your last letter and Declaration that you would steadily stand to your Instructions, that I judged right in what I have done, and therefore am more surprised at your modest request that it would be kind in me to acquaint you with my reasons sent over to support the line which this Province judges reasonable to fix an equitable Boundary.

Considering also that your Instruction was obtained by the friends of your Province, who then had access and right with the Lords of Trade, when this Province was unsettled and thought of little consequence to Britain, and that the situation of Affairs is much changed since, as our number of whites are near double the number of what are in your

Province, and many valuable Commodities are now raised in this Province of great importance to Britain and that the export of British goods and manufactures imported here are greatly increased, it may be presumed that this Province should be equally favoured as the Southern Province, & not be coup'd up and prevented from extending their Settlements Westward to & beyond the Mountains, when our zeal to support his Majesty's Right to those Countries is at least equal to that of your Government.

Might we not then with as much equity propose that the Boundary Line should run 30 miles north of Santee from the sea coast to its Spring heads, which as Savanna River to its source is at present the Boundary Line betwixt it and Georgia, and would consequently by its rising so far to the Northward equally prevent their extending their Settlements beyond the Mountains, would it not be as equitable for this Province to expect the one, as for your Province to expect the other upon Cape Fear River.

Tho' this be not the plan we propose, yet we should have as much equity to the one, as you would have if the plan of your Instructions was follow'd. In the Letter I have wrote and proposed the Boundary Line to the Lords of Trade with my reasons to support it, I have left it open for you to do the same, if you think proper, and don't desire to know your reasons or your plan to fix the Boundary to animadvert upon it, and therefore you ought not to expect to see mine to animadvert upon, but let each stand or fall upon its own merit, so that you are at liberty to proceed in what manner you think best for the good of your Province, and if you don't choose to write upon it to the Lords of Trade, you may depend upon my not sending Commissioners to fix the Boundary pursuant to your Instruction until I have a further Instruction upon it from His Majesty or the Board of Trade, but this I may Venture to say that if you don't write soon to the Lords of Trade about it, since there is a necessity of having it speedily determined, that their Lordships may advise his Majesty to determine it without further delay, without giving you farther notice, as I shall send them a Copy of this Letter to you along with your Letter to me, which I think proper and very prudent in me to lay before them.

As to your next paragraph in relation to this Assemblie's having granted a supply of £8000 Currency for to aid Virginia by giving 200 men for one year in two Companies for that purpose desiring the Copy of the Act to know how it was raised, so reasonable a request I shall willingly grant, whether you only desire to know how it is raised, or whether it be to find fault with me in passing it, I shall not enquire into,

and refer you to the particulars in the Act, by which you may see that the plan I mentioned to you was altered in the House by giving only one Company of 100 men for one year and 10 months, if so long necessary and another Company of 50 men to defend our Frontiers from the Depredations & Massacres committed there by the French Indians, and to protect our back Settlers & Indian Allies.

But in this Paragraph by your not giving Credit to a surmise that it was given by an Emission of a Paper Currency, you insinuate that if I did it I was to blame, because by your adhering at this critical time to the letter of your Instructions, you have not thought proper to pass a Bill for stamping and signing Public Orders.

All the subsequent Paragraphs being to excuse yourself and to lay the blame upon other Governors who should pass such a Bill, had this and the reasons given been only sent to me with a view to justify your proceedings in rejecting the Bill I should have no reason to mention or reply to it, but as there is a sting goes along with it condemning all other Northern Governors who should emit any paper Currency upon the present occasion, which you think is of no moment, or any Emergency, accusing those who do it of disobeying as well an Act of Parliament, as his Majesties Instructions and as betrayers of their trust to the Crown, that they deserve immediately to be dismissed, and for ever to be rendered incapable of any public Office or place of Trust, you must give me leave to animadvert upon these Articles, and to leave it to his Majesty and his Ministry which of us has obeyed and adhered to the Spirit of the Instructions given to us, which is to defend and preserve his just right in and to his Colonies in America, and in promoting & increasing their wealth, Trade and Possessions, and then leave it to his Majesty who is to be approved or censured.

Your first reason is because you are restrained from passing any Bill for creating or issuing any paper Currency, by a strong & positive instruction from his Majesty, and that tho' Sir Tho^s Robinson's Letter be pressing, yet he is silent with regard to that Instruction, & therefore the letter can't be deemed a revocation of it, and that a Governor could with a very bad grace pretend to shew his zeal for the King's service by complying with that letter and violating his express Commands under his sign Manual.

I am not a little surprised that M^r Glen should not know better the nature of a Secretary of State's letter and Office, it is as expressly His Majesty's Command, as if given under his sign Manual, and the Secretary knows nothing of your Instructions, nor can you imagine that his Majesty tho' he signs the Instructions prepared for him thro' the proper

Offices, and approved of by his Council, has time to read them, & consequently neither his Majesty nor the Secretary could take notice of your Instruction, at the same time you allow that Sir Tho^s Robinson's pressing Letter is for the King's service. You must therefore give me leave to say that what he writes to you by order of his Majesty, you are as much obliged to obey as what is under his sign Manual, and more as it is of subsequent Date, and he is the best judge of the Emergency and necessity of the service.

Your next reason is because the Board of Trade is so explicitly of that Opinion that no additional Bills of Credit should be emitted, that no Governor can pretend ignorance of it, and that they have declared it as their Opinion that it naturally drives away gold and silver, which you confirm by your own Experience and observation, and that you have sunk £150,000 Currency above £21000 Sterling since the year 1739 in 16 years, and now $\frac{2}{3}$ rds of all payments made in Gold and Silver.

If you had any adequate knowledge of the nature of Trade, you must demonstrably know, that no Gold or Silver in any Country where it is not a Commodity and the produce of the Country, can be confined to a trading nation unless the Balance of Trade be in favour of such Country for if you have not goods or returns to answer your imports, the Colony must run in Debt, which must be discharged by Gold and Silver or Credit be ruined and therefore the sinking your paper Currency will not retain it, but so far as you lessen your Importations. But the true reason of your having so much Bullion passing in your Markets is occasioned by the increase of the price or quantity of your Rice, Indigo etc exported, and that you have few Bills left to go to Market with them, if it should only be occasioned by the lessening of your imports and Trade with Britain and its Colonies, you can never persuade me that the Lords of Trade would approve of your lessening the Exports of Britain, but the true cause of complaint was Governors passing such Acts wantonly, & for no emergent service, in order to carry on private jobs in the Colony by emitting & creating a paper Currency and that in such large sums as was beyond what the Trade of the Colony could circulate, which consequently depreciated them in value as they could not answer in paying their Debts abroad, and generally gave insufficient Taxes to reduce the Bills within reasonable Bounds.

You further say that you were approved in rejecting a former Bill for emitting £40,000 in Bills or public orders, with a promise of being supported by the Lords of Trade if you steadily adhered to your Instructions, but you don't mention for what purpose that sum was to be emitted, nor what value in Bills were then standing out or unpaid, I

dare say it was not for such an emergency as at present, and thus you rest satisfied that no Governor can blame you for adhering to your Instructions, & don't apprehend that his Majesty will blame you for not taking a sum immediately necessary for his Majesty's service, because you don't think it so sudden and extraordinary an emergency of Government as to justify a Governor of a Northern Colony to assent to such an Act.

Here I must differ from you *toto cælo*, & think you argue quite contrary to what you vanced in the beginning of your Letter, that you would not set up your own sentiments against his Majesties absolute Commands.

Do you not own that Sir Thomas Robinson writes to you pressingly by his Majesties order for to raise money for the immediate service and aid of Virginia. Does not his Majesty his Ministry, his Parliament, and the Voice of all the People of Britain, who have a regard to his Majesty, and the prosperity of the British Empire, declare it to be a pressing Emergency, and to be nip'd in the Bud, before the French have finished their Chain of forts & confined all our Colonies to the Eastward of the Mountains. Does not the Gallick Monarch threaten Britain with an immediate War, if they don't recall the Order for the Troops embarking from Ireland for our Protection, saying that we must depend upon their honour & faith, that they will send Orders to recall their Troops who have invaded our Colonies, a faith and honour so often broken, witness Chignato and S^t Johns in Novia Scotia, and the Neutral Islands in America; ought you then to sett up yourself as a better Judge of the imediate Emergency than the Secretary of State by his Majesty's Order and postpone or slight the aid immediately necessary to be sent to Virginia.

* * * * *

I am, sir, &c.,

ARTHUR DOBBS.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 4.]

Governor Dinwiddie to Governor Dobbs.

Mar. 17th, [1755.]

SIR:

I have the pleasure to acqu't You of the Transports from Irel'd are all arrived, and the Forces in perfect good Health, not one sick. They are ordered for Alexa'a, for w'ch Place I proceed To-morrow with Gen'l Braddock. He has sent for Gov'r Shirley to meet him at Annapolis,

when, I believe, the Plan of Operat's will be concert'd, and on my return, shall write You, and hope Y'r Son, with his Co'y, will soon be at Alexa'a. The Bearer, Capt. Dalrymple, is appointed Commander of Johnson's Fort, in Y'r Province, by Gen'l Braddock, he w'd have been appointed at Home, but a Delicacy in regard to Mr. Braddock prevailed. He is recommended by L'd Halifax, Anson and several others to me and the Gen'l. I recommend him to Y'r F'dship, and hope Y'r Assembly will allow him so much f^{d} An. Your Message to Your Assembly is very proper and well wrote, but too long for our News Paper. I, therefore, took the Liberty of incert'g Paragraphs, as in y't Channel it will be more universally seen. I must refer You to Colo. Hunter's Let. enclosed, in reg'd to y'r Pork and Beef. I think You have provided sufficient Provis's for the Troops for Six Mo's. I have presented Y'r Complim'ts to Gen'l Braddock, and [he] desires his to you. My Wife and Girls join me in Kind Respects to you, Son and Nephew, and I am, with Sincerity and in great Truth,

Y'r Ex's most obed't h'ble Serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 2.]

Governor Dinwiddie to James Abercromby.

Mar. 17th, 1755.

SIR:

Y'r several Let's I rec'd, the last by C't Dalrymple, of 30th Jan'y. I am so hurried y't I cannot particularly answer 'em all. C't Dalrymple was not sent Home by me, but Capt. Whitwell, of His M'y's Ship, Triton, being ordered to N. Engl., by whom I intended my Lets; I found Mr. Dalrymple at Hampton, and as he was going home, I gave him my Let's to [be] d'd on his Arrival, but did not esteem him a proper person to apply or to speak to any Thing here; w't he did y't way was entirely voluntary. However, poor Man, I have obtained him a Com'o. from Gen'l Braddock to comm'd Johnson's Fort in No. Car., w'ch is all he desired. The Death of L'd Albemarle gave me very great Concern, and if H. M'y sh'd think proper to keep it open a few years, the Salary w'd reimburse a very great Expencc I have been at in the Publick Service these last two Years, and if properly considered, will be no very great Favo. But I must submit to my Fate on y't Head. The money sent me, &c., is near exhausted, y't I am obliged to call the Assembly the 1st Day of May next, to endeavor to get further Supplies. But I dread Success, as our neighbouring Colonies have been so indol't, refrac-

tory and inconsist't with their own Int't and H. M'y's Com'd's as not to grant us any Assist'ce, either in Money, Men or Provis's, except N. York, ab't 3,000£ St'g; No. Car., 6,000£, their Money; M'yl'd the same sum; So. Car. and Pensylv'a, not one Farthing. These Neglects and Disobedience to the Royal Mandat. is inexcusable.

Sir, y'r Friend and h'ble Serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 161.]

Secretary to Lords of Trade to Earl Granville 9 April 1755.

To the Right Hon^{ble} Earl Granville.

MY LORD,

My Lords Comm^{rs} for Trade and Plantations have received a letter from Mr. Dobbs Governor of His Maj. Province of North Carolina in which amongst other things he represents the expediency of surveying the severall counties in that Province as a means of discovering the true quantities of land granted in each County and thereby improving His Maj. revenue and submits whether it would not be proper that application should be made to your Lordship to send orders to your Agents to join in the expense of surveying such Counties as are divided between Your Lordship and the Crown in proportion to the number of acres belonging to Your Lordship in such Counties and I am directed by their Lordships to send you the inclosed extract of said letter for Your Lordship's consideration and to desire Your Lordship will favor the Board with your opinion thereupon and what Your Lordship thinks advisable to be done to the end their Lordships may give proper directions to Mr. Dobbs upon this point.

I am, with the greatest respect, &c.,

J. POWNALL, Secretary.

Whitehall April 9th 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 163.]

Report of Lords of Trade to the King 10 April 1755.

To the King's most excellent Majesty

MAY IT PLEASE YOUR MAJESTY

Arthur Dobbs Esq. Governor of Your Maj. Province of North Carolina having in a letter dated the 9th Nov. last requested us to represent

to Your Majesty the weak and defenceless state of the said Province for the want of ammunition & stores of which it is quite destitute and the necessity of having an independant Company of one hundred men established there not only to protect the back settlements but support the Surveyors and Custom House Officers in their respective duties and to prevent illicit Trade We think it our duty to lay before Your Majesty the annexed extract of the said letter for Your Majesty's directions thereupon. Which is most humbly submitted

DUNK HALIFAX
J. PITT
J. GRENVILLE
JAMES OSWALD

Whitehall April 10. 1755.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 12.]

Governor Dinwiddie to Colonel Innes.

April 12th, 1755.

SIR:

Y'r Let'r of the 5th I rec'd last Night. [I] am sorry Mr. Walker has not p'd the £100. I have wrote him to send it to You, either from himself or Mr. Dick. Y'r Reasons for resigning Y'r Com'd are just, and [I] do think the Gen'l will take proper Notice of You. W't You wrote of the Militia agrees with my Opinion, and as the Assembly meets the 1st of May, I shall endeavour to enforce it. I shall leave y's in a few days for W'msb'g. Y'r Caution in Case of Surprize is very comendable. I wish you Health, and am Sincerely,
Sir, Y'r humble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 166.]

Report of Lords of Trade to the King 16 April 1755.

To the King's most excellent Majesty

MAY IT PLEASE YOUR MAJESTY

Arthur Dobbs Esq^{re} Governor of Your Majesty's Province of North Carolina has in several letters represented to us that great numbers of rich and substantial persons desirous of becoming Settlers in the Western parts of Your Maj. said Province daily resort thither from the neighbouring Colonies to the Northward but that they are unwilling to

take up the small quantity of land which by the 88th Article of his Instructions he is empowered to grant being one hundred acres to every Master or Mistress and fifty acres for every man woman or child of which his or her family shall consist and that it would tend greatly to the benefit and improvement of Your Majesty's said Province if he were empowered to grant to persons of substance and quality a larger quantity of land than the number of their respective families would entitle them to according to the proportion above mentioned obliging them only to the clearing and cultivating of three Acres per year for every hundred acres it being found impracticable for a settler to clear more than three Acres in one year and go on with his other improvements.

Whereupon We beg leave humbly to propose to Your Majesty that you would be graciously pleased to give an Instruction to your said Governor authorising to make Grants of any quantity of land on the Western Frontier near the Mountains not exceeding six hundred and forty acres to any one person of whose wealth and ability to cultivate the same he shall be sufficiently assured, Provided the Grantee be obliged by the terms of his Grant to clear and cultivate three Acres in every year for every hundred acres contained in his Grant and that Your Maj. said Governor do in all other respects strictly observe the rules and regulations prescribed in Your Majesty's Instructions to him with regard to the form and method of passing Grants of Land and ascertaining the payment of Your Majesty's Quit Rents

Which is most humbly submitted.

J. GRENVILLE	F. FANE
J. PELHAM	R. EDGCUMBE
JAMES OSWALD	

Whitehall April 16. 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 167.]

Report of Lords of Trade to the King 16 April 1755.

To the King's most excellent Majesty

MAY IT PLEASE YOUR MAJESTY

We have lately received a letter from Arthur Dobbs Esq. Governor of Your Majesty's Province of North Carolina inclosing the copy of an Address presented by the Assembly of that Province to him setting forth the great inconveniences which the inhabitants would sustain by the repeal of several Acts whereby certain Towns and Counties have heretofore been erected and established within the said Province and by con-

firming the respective rights of such Towns and Counties by Charter as proposed to Your Majesty in our humble Representation of 14 March 1754 and praying Your Maj. said Governor to cause these matters to be represented to Your Majesty in order to prevent the repeal of the said Laws or in case they should be already repealed to endeavour to obtain Your Maj. permission to pass other Acts for establishing the said Towns and Counties and confirming the rights and titles of the people as they now stand. We therefore beg leave humbly to lay before Your Majesty the annexed copy of the said Address and humbly to represent to Your Maj. thereupon.

That the several Laws referred to in the said Address are repealed by Your Maj. Order in Council dated 8 April 1754 and by the 16th Article of Your Maj. Instructions to M^r Dobbs he is directed to grant Charters of Incorporation to the several Towns and Counties erected by those Laws. He informs us however that for the sake of promoting union and harmony in the present unsettled state of the Province he did not think it advisable to carry that Instruction into immediate execution and shall now defer it till Your Maj. pleasure may be known upon this request of the Assembly and he expresses his hopes that Your Maj. may be graciously pleased to indulge them in it because he finds that from the inconvenient laying out of many Counties and the largeness of others in the Western parts of the Province many subdivisions and alterations will be necessary as the inhabitants shall increase and therefore he apprehends the granting of charters may be productive of many inconveniences if it be true, as he is informed it is, that whence once a County is incorporated by charter it cannot afterwards be altered or subdivided without the consent of all the Inhabitants.

Your Maj. said Governor has further represented to us that the Assembly having acted with great temper prudence and unanimity and having testified a great zeal for Your Maj. service and the good of the Province appear to him deserving of your Royal favour and upon that account also he earnestly recommends their request.

For these reasons We would humbly propose that Your Majesty may be graciously pleased to give an Instruction to your said Governor authorizing and directing him to give his Assent to any Act or Acts for re-establishing the several Towns and Counties heretofore erected by the Laws which have been repealed as aforesaid, provided such new Acts be not liable to the objection on account of which we principally recommended the repeal of those formerly passed for those purpose namely the encroachment on Your Maj. prerogative in giving power to such Town or County to send Representatives to the Assembly and in ascer-

taining the number of Representatives to be so sent and provided also that any other Laws which may have been passed in the said Province since the date of Your Maj. aforementioned Order of the 8th April 1754 or which might not at that time have been laid before Your Majesty by which any Counties or Townships may have been erected and empowered to send Representatives to the Assembly be repealed and other Laws passed for the same purposes not liable to that objection.

Which is most humbly submitted

J. GRENVILLE	FRAN. FANE
J. PELHAM	R. EDGCUMBE
JAMES OSWALD	

Whitehall April 16. 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 176.]

Lords of Trade to Lds. Com^{tee} of Council 24 April 1755.

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon^{ble} Privy Council for Plantation affairs.

MY LORDS,

Your Lordships having been pleased by your Order dated the 3rd April 1753 to refer to us the Memorial of Arthur Dobbs Esq. Governor of His Maj. Province of North Carolina humbly praying for the reasons therein contained that His Majesty will be graciously pleased to grant such ordnance and stores as the Fort and Battery lately erected by the legislature of that Province on Cape Fear River may necessarily require We did immediately take the said Memorial into our consideration and were attended by Mr. Dobbs thereupon But he being at that time unable to give us sufficient information with respect to the state and condition of the said Fort We directed him upon his arrival in his Government to prepare and transmit to us a particular account thereof and the said Governor having in pursuance of our directions viewed the said Fort and transmitted to us a plan of it together with an exact account of its state and condition We beg leave to lay the same before Your Majesty and to report thereupon

That although we are sensible that the frequent applications of this nature which have of late been made by the Colonies in America bring a very heavy expense on this Country nevertheless as the ordnance and stores prayed for in the said Memorial are represented to us to be absolutely necessary for the security and defence of the Province of North

Carolina and as His Majesty has been graciously pleased to indulge other of his Colonies in the like request We are humbly of opinion that His Maj. may be graciously pleased that such ordnance and stores as from the plan of the said Fort and Mr. Dobbs' account of it shall appear to be absolutely necessary may be sent thither

We are, My Lords, &c.,

DUNK HALIFAX

J. PITT.

FRAN. FANE

Whitehall April 24. 1755

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 18.]

Governor Dinwiddie to Governor Dobbs.

Apr. 30th, 1755.

SIR:

I have been y's Mo. at Alexa'a with Gen'l Braddock, where he, Com'o. Keppel, the Gov'rs of N. Engl., N. York, Pensylva'a, M'yl'd and myself met in Council to consult a Plan of Operat's for the Forces y's Summer, w'n it was unanimously agreed y't the Gen'l with upwards of 3,000 Forces sh'd attack the Forts on Ohio, River de Buef and Lake Erie. Gov'r Shirley's and S'r Wm. Pepperell's Regim'ts to attack Niagara; Colo. Johnston with 5,000 Militia raised in the No'ern Provinces is to besiege Crown Point; that the two Ind't Companies at N. York and two Companies of S'r Wm. Pepperell's proceed directly to Fort Oswego to raise Breast Works and make it defencible. Two Sloops to be built on Lake Champlain, w'ch Gov'r Shirley has undertaken to provide Workmen, &c. These are the Dispositions made, and I hope will meet with Your Approbation. The want of Money is a very great Loss. I call our Assembly To-morrow, but I much dread of Success, as the neighbouring Colonies of Pennsylvania and M'yl'd continue refractory and obstinate, but shall do all in my Power. Y'r son, now here, has bro't a Compa. of 84 Men. They are gone for Alexa'a and he proceeds by Land To-morrow. If You can agree for 600 good fat cattle to be drove to W. Creek it will be very acceptable, and may be of Use in raising Money to pay Y'r Company. Inclosed You have a Letter, I think from Gov'r Shirley, and one from Mr. Glen, w'ch please forw'd by first convenient Opp'ty, as also three Packets from England for You and the two Gov'rs to the So'w'd. I shall supply Y'r Son with w't he may want. I am much hurried y't I cannot enlarge, but y't I am in great Truth,

Y'r Ex's most obed't humble serv't.

P. S.—I think C't Dalrymple is not very modest in his repeated Dem'ds. You must keep him at proper Distance, otherways he will be two assuming, and I fear he is not liked in Y'r Province. I forgot to acqu't You y't Colo. Johnston is gone to the Six Nat's with a Pres't for the So'ern Ind's to be d'd by Gen'l Braddock. I much want to hear of Y'r Serv't's return from Mr. Glen, tho' I presume Gov'r Littleton may be there by y's Time.

Y'rs Sincerely,

R. D.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 19.]

Governor Dinwiddie to Colonel Innes

May 1st, 1755.

SIR:

The season of the year is far advanc'd. I wish the Forces were on their March over the Mount's, and sincerely wish success to the Expedit'n. Capt. Dobbs, the Gov'r's Son, comes at the Head of the No. Car. Company. He is a well behaved young Gent'n. I recomend him to Your F'dship. I rem'n with very great Respect and Esteem,

Dear James, Y'r affect. humble servant.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 24.]

Governor Dinwiddie to Governor Dobbs.

May 5th, 1755.

SIR:

Your Let'r of the 11th Curr't I received. I shall be glad if you can find out a good Channell to help Y'r Navigat'n, w'ch will be of great Service to Y'r Colony. I wrote You the 30th Apr. w'ch [I] hope you rec'd and refer You to it. The Messenger br't me a Letter from Mr. Glen, after detain'g him three Weeks as usual, and truly he might have wrote his Letter the day the Man arrived, for there is nothing essential in it but y't his Assembly was to meet the end of last Mo., when he thinks they will grant 70,000 [£] their Curr'cy for H. M'y's Service, and on such Principles y't he can give his Consent to it. But in the mean Time desires me to send him 3,000 [£] St'g to build a Fort among the Cherokees. I formerly sent him 1,000.£, and by a Calculat'n he sent to the B'd of Trade, he says the Charge w'd amo. to 2,500.£ St'g; is not their own Colony qualified by their great Riches to answer that

Sum? however, if I had ten Times the Money sent me from Home, I sh'd have great Occasion for it on the Expedit'n, so y't I think it not very modest in him to desire such a Sum, but surely he is wrong in his Head. I pay Your Messenger 10 Pistoles, w'ch, with w't he had of Glen, I conceive he is well satisfied, if not, write me. I have no News from Engl. since my last, or from the Camp, so y't I cannot write You any Thing material. Y'r Son left y's last Friday; his Compa. went from Hampton to Alexa'a the Tuesday before. I supplied them with Powder and Shott, and w't Cloth'g he may want he will be supplied at Alexa'a, from the Cloth'g I had from Engl. I shall be much obliged if you can send 5 or 600 Beeves to W. Creek the Begin'g or Middle of next Mo., pray send them with careful People, y't they may not be over drove. I depend upon them, and the Forces will want them; the Price I cannot ascertain, but You no doubt will make the best Bargain You can, I had 400 last Year under 3£ 7^s Ps's our Curr'cy, and y's Fall they were delivered at the Camp at 2d. 7^s lb. Y'r Ex's

Most ob'd't humble servant.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 35.]

Governor Dinwiddie to Colonel Innes.

May 10th, 1755.

SIR:

Y'rs of the 3d Curr't by Jenkins I rec'd. I am sorry You have always been kept so scarce of money, w'ch I c'd not help. I have applied to the Committee for Your Pay, and shall be glad if I can succeed, and think You ought to charge No. Car. for Pay, and I shall endeavour to make it up to You. I p'd Maj'r Carlyle for y't Draught on Colo. Huuter, [£] 71, 17. 7. My Affairs have been so perplex'd y't it has not been in my Power to supply You with the small Necessaries You write for, and You know the Difficulty of forwarding them from y's [place]. To hire a Vessel, You know, will be monstrously expensive. I never have gone throw so much Fatigue in my Life. Our Assembly [is] now siting and seem very backward in giving any further Supplies, w'ch vexes me. My Service to all Friends. My Wife and Girls join me in kind Regards, and I am,

Sir, Y'r very humble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 174.]

Report of Lords of Trade to Lds. Justices 13 May 1755

To their Excellencies the Lords Justices

MAY IT PLEASE YOUR EXCELLENCIES

In obedience to Your Excellencies Order in Council this day We have prepared a Warrant appointing Peter Henley Esq. to be Chief Justice of His Maj. Province of North Carolina in America in the room of Enoch Hall Esq. deceased and We humbly beg leave herewith to lay the said Warrant before Your Excellencies

Which is most humbly submitted

DUNK HALIFAX FRAN. FANE
J. PITT J. PELHAM

Whitehall May 13. 1755

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

By the Lords Justices.

Dorset, Argyle, Anson, Rochford

These are in His Majesties name to authorize and require you forthwith to cause Letters Patents to pass under the Seal of His Majestys Province of North Carolina for constituting and Appointing Peter Henley Esq^r His Majestys Chief Justice of and in His Majesty said province in the room of Enoch Hall Esquire deceased; To have, hold, Exercise and Enjoy the said office unto him the said Peter Henley during His Majestys Pleasure and during his Residence within his Majestys said Province, together with all and singular the Rights Profits, Privileges and Emoluments to the said Place belonging in as full and ample manner as the said Enoch Hall or any other Person hath held or of right ought to have held and enjoyed the same with full power and Authority to hold the Supreme Courts of Judicature at such places and times as the same may and ought to be held within His Majestys said Province, And for só doing this shall be your Warrant. And so we bid you farewell.

Given at Whitehall the Twentieth day of May 1755 in the Twenty Eighth year of His Majestys Reign.

By Command of the Lords Justices

C: AMYAND

To Arthur Dobbs Esq^r Captain Gen^l and Gov^r in Chief of His Majesties province of N^o Carolina in America, Or in his absence to the Commander in Chief, or to the President of the Council of the said Province for the time being.

Recorded 15th Nov^r 1755

By G^o ARTHAND D Sec^{ry}

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 42.]

Governor Dinwiddie to Colonel Innes.

May 23d, 1755.

SIR:

I rec'd Y^r Let^r of the 25th. You are strongly recomended to the Committee, and I hope they will allow you something handsome. I have no Money, hav'g advanc'd a great deal of my own for the Country, w^{ch} as yet I cannot receive. I sent You [£]120 by Jenkins, w^{ch} I hope will be sufficient for the pres't. I thank You for the Copy of the Speech, &c. Mr. Montour's Salary from y^s Colony will rem'n for some Time longer. What You mean, y^t a few Days will give You rest from Y^r Fatigue, I know not, unless You intend to leave the Army. Whatever you determine, be assured my good Wishes always attend You, and I am, Dear James,

Y^r affect. h'ble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 175.]

Lords of Trade to the Lds Com^{tes} of Council 3 June 1755

To the Right Hon^{ble} the Lords of the Committee of His Maj. most Hon^{ble} Privy Council

MY LORDS,

Pursuant to Your Lordships Order dated 7 May last We have prepared the Draught of an additional Instruction to Arthur Dobbs Esq. His Maj. Governor of the Province of North Carolina authorizing him to give his assent to any Act or Acts for re-establishing the several Towns Precincts & Counties heretofore erected by Acts which have been

repealed by his Maj. Order in Council of 8 April 1754 upon the terms and conditions which Your Lordships have been pleased to approve And We beg leave herewith to lay the said Draught before Your Lordships

We are, My Lords, &c.,

DUNK HALIFX JAMES OSWALD
FRAN. FANE J. PELHAM

Whitehall June 3. 1755.

Additional Instruction to Arthur Dobbs Esq. Captain General and Governor in Chief of His Majesty's Province of North Carolina in America or to the Commander in Chief of the said Province for the time being. Given at Whitehall the day of 1755 in the twenty eighth year of His Majesty's reign.

Whereas His Majesty by his Orders in His Privy Council dated the 8th day of April 1754 did repeal, declare void and of none effect twelve Acts (amongst others) passed at sundry times in his Majesty's Province of North Carolina which Acts are intituled as follows, viz

An Act appointing that part of Albemarle County lying on the west side of Chowan River to be a Precinct by the name of Bertie Precinct. passed in the year 1722.

An Act for incorporating the Sea-Port of Beaufort in Carteret Precinct into a Township by the name of Beaufort. passed in the year 1723.

An Act to appoint that part of Albemarle County lying on the South side of Albemarle Sound and Morattuck River as high as the Rainbow Banks to be a Precinct by the name of Tyrrell Precinct. passed in the year 1729.

An Act to confirm and establish the Precincts of Onslow and Bladen and for appointing them distinct Precincts. passed in the year 1734.

An Act for erecting the Villages called Newton in New Hanover County into a Town and Township by the name of Wilmington and regulating and ascertaining the Bounds thereof. passed in the year 1739.

An Act for confirming Tittles to the Town Lands of Edenton for securing the Privileges heretofore granted to the said Town and for the further encouragement and better regulation thereof. passed in the year 1740.

An Act to confirm and erect that part of the Province called Edgecumbe County into a County by the Name of Edgecumbe County and for establishing the said County a Parish, etc passed in the year 1741.

An Act for erecting the upper part of Bertie County into a County by the name of Northampton County and for regulating the Limits between Society Parish and the North West Parish of Bertie, etc. passed in the year 1741.

An Act for erecting the upper part of Crown County into a County and Precinct, etc. passed in the year 1746

An Act for dividing Edgecumbe County and Precinct and for erecting the upper part thereof into a County and Parish by the name of Granville County etc. passed in the year 1746

An Act for erecting the upper part of New Hanover County into a County and Parish by the Name of Dupplin County, etc. passed in the year 1749.

An Act for erecting the upper part of Bladen County into a County and Parish by the name of Anson County etc. passed in the year 1749.

And whereas his Majesty by the sixteenth Article of his Royal Instructions to you was graciously pleased to command and direct you to grant charters of Incorporation under the Seal of the said Province, to the several Towns, Precincts and Counties by the said Acts erected, confirming to each and every of the said Towns, Precincts and Counties the Rights and Privileges heretofore derived to them respectively by the said repealed Acts, And whereas the Assembly of the said Province of North Carolina have humbly represented that great detriment to private Rights and Properties and many Inconveniencies with respect to the future Settlement of the said Province will arise from the Repeal of the said twelve Acts and by the granting of Charters of incorporation as aforesaid and have therefore humbly besought his Majesty's Permission to pass other Acts for re-establishing the said Towns Precincts and Counties and for confirming the Rights and Titles of the People as by the said repealed Acts they were heretofore established We do therefore in his Majesty's Name hereby authorize and direct you to give your Assent to any Acts which shall be passed by the Council and Assembly of the said Province for re-establishing the several Towns, Precincts and Counties heretofore erected by the twelve Acts which have been repealed as aforesaid and for confirming the Rights of the People as by the said Acts they were established. Provided that no Clause be inserted in any such Acts, whereby Power may be given to any of the said Towns, Precincts or Counties to elect and send Representatives to the Assembly of the said Province or whereby the number of Representatives to be elected by the said Towns, Precincts or Counties or by any or either of them, may be fixed or ascertained, And Provided also,

that you take especial care that all other Acts which may have been passed in the said Province since the date of His Majesty's said Orders in Council of the 8th of April 1754 or which had not at that time been laid before His Majesty for erecting any Counties, Precincts or Townships by which such Counties, Precincts or Townships may have been impowered to send Representatives to the Assembly be repealed and that other Acts be passed for the same purposes not liable to that Objection.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 60.]

Governor Dinwiddie to Governor Dobbs.

June 13th, 1755.

SIR:

Y^r favo. of 27th May I rec'd a few Days ago. It gave me much Pleasure to hear of Y^r Health after Y^r continued Fatigues for Y^r People and Gov't. I do not hear of any Squadron arrived at Lewisburg. 2,000 People from N. Eng'd embark'd for Nova Scotia in Aprill, y^t I believe after they had join'd the Regulars they w'd attack Chegnuto and St. John's, and I am in hopes soon to hear of their Success. The first Division of Gen'l Braddock's Army began their March over the Allegany Mout's the 28th ult'o, and am in hopes all his Forces before y's are on their March. The Ceremony and Formality of march'g regular Forces has retarded their March long, and the large train of Artillery, requiring great numbers of Waggons and Horses, has also been a great Hindrance to their March. However, I soon expect to hear of the Gen'l's being in Possession of the Fort on the Ohio. Pennsylvania and M'y'd still continues obstinate, tho' the Gen'l writes me the former have supplied 150 Waggons. I have great Dependence on Y^r purchas'g Steers, and hope before y's a number are on their way to Willis's Creek, where Colo. Innes is left to com'd. The Colony of So. Car. have at last granted 6,000£ St'r. Mr. Glen has sent the Gen'l 4,000£ in Bills Paya. to himself, w'ch I have forwarded to the Army, where they cannot be negotiated or turn'd into Money. Y^s is of a piece with y^t Gent's Conduct, for every he c'd contrive to retard the Expedit'n he has gone into; but I am very glad I have nothing to do with their Supply. No doubt the Gen'l will make proper use of y^t Money. It will stop his draw'g to me for the equal Sum; but it will not appear as a provincial Supply, as it will be included in his Acc't of Disbursem'ts; whereas I expected they w'd order'd a Co'y of 100 Men to be rais'd, p'd, Cloth'd, &c., out of their Supply. He still keeps 2,000 in his own hands. His

Conduct appears to me in every shape unaccountable, and not done with Spirit and Zeal. It will be proper to keep Y'r Co'y to the Westw'd, close on their watch, the Gen'l being inform'd y't if he succeeds in tak'g the Fort, y't the Fr. and their Ind's will march into our Frontiers to oppress and robb our settlers, w'ch you'll please give Directions accordingly. From Engl'd I am inform'd the Fr. propos'd demolish'g Crown Point and all the Forts the back of our Setlem'ts; abandon the Neutre Isl'ds, and leave the Determinat'n of the Boundaries of our Lands on y's Cont't to Comisioners to be hereafter appointed. Our Ministry insisted on two of the Princes of the Blood in France as Hostages for their Performance of every Thing agreeable to the Treaty of Utrich, w'ch they refused, and I yerily believe War will be the Consequence. We have seven officers arrived from Engl'd; they are not yet come here; they say they are come to recruit. Pray, can Men be rais'd in Y'r Province? I dread raising them here. They proceed with universal good Spirit in Engl'd in rais'g Seamen, each Seaport giv'g Encouragem't to them, besides y't given by the Crown, and 10,000 Marines are ordered. It gives me Pleasure to hear of the Spirit y't is in general among the People in Britain; wish I c'd say it was the same in these Colonies. Our Assembly adjourned by my Order for three Weeks. They meet in 10 Days: they proposed a farther Vote of £6,000, but am in hopes they will make it £10,000.

I am, with very sincere Respects and in great Truth,
Y'r Ex's most ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 75.]

Governor Dinwiddie to Colonel Innes.

June 24th, [1755.]

SIR:

I now congratulate You on being appointed G'r of F't Cumb'l'd. I wish You had told me the No. of Men the Gen'l left with You and if I sh'd send You some more Men. Y'r Acc'ts shall be sent to No. Car. as soon as I have a little Time. You may be assur'd of my Int't in backing the Gen'l's Applicat'n Home in Y'r Favo. I think You can have no Money to pay the Gen'l out of the [£] 12,000 of No. Car. w't may rem'n of y't I conceive must be in the President's or Pay M'r's Hands, and I think You sh'd have wrote pointedly on y't Subject, as the G'r is an entire Stranger to these Transact's. I shall write them properly

to allow You 10s. $\frac{3}{4}$ Day, w'ch, I hope, they will not object to, and I am endeavour'g with our Committee to get You a proper Allowance for Y'r great Tronble. That Health and Happiness may attend You is the sincere wish of

Y'r affec. Fr'd and humble serv't

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 80.]

Governor Dinwiddie to Colonel Innes.

July 4th, 1755.

SIR:

I wrote You so lately y't I desire to be refer'd to my former [letter]. Y'rs of 18th June I received only two Days ago. Y'r Situat'n, with so many Women and sick People, is not very agreeable. I shall endeavour very soon to send You forty or fifty Men, as we are inform'd some Parties of Ind's appear'd on our Frontiers and y't of M'y'd and committed some Murders. I have laid the Intelligence before the Ho. of Burgesses, and am in hopes they will qualifie me to repell their Designs. I hope the Gen'l is in Possess'n of the Fort by y's Time. I am concern'd the Ind's by direct'n of the Fr. sh'd insult us so near Y'r Fort, and y't You have not Men to chastize them. Pray God protect You and grant us a happy Issue of y's just Expedit'n. I sincerely am,

S'r, Y'r aff. Friend, &c.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 111.]

Governor Dinwiddie to Governor Dobbs.

July 23d, 1755.

SIR:

My last to You was the 8th of this Mo. to w'ch please be refer'd. On the 14th I rec'd a Lett'r from Colo. Innes with the bad News y't our Forces on the Ohio were defeated and the Train of Artillery taken by the Enemy. Y's Let'r was wrote in a great Hurry. I am, therefore, in hopes to have y't News contradicted, at least not so bad as he then writes me. I daily expect another Ex's w'ch I hope will bring more agreeable News.

Several flying Parties of Ind's and French have come into our Frontiers, committed barbarous Murders and Robberies. I have rais'd three Compa's of Rangers, now on our frontiers, to destroy these Banditti, and

to protect the Settlers who are seized with a Pannick or they might have suppress'd them and protected themselves. I have order'd all the Militia of y's Colony to be drawn out. Muster'd their Numb's, Guns and Amunit'n to be ret'd to me directly, and if the News should be so bad as Innes writes I shall make a large Draught from each Co'ty to go ag'st the Enemy to protect our Co'try, and I presume You will think it necessary to do the same with Y'r People. Our News from Nova Scotia is very good and great Success has attended our Forces by Sea and Land, w'ch You may observe by the enclosed Paper w'ch You may depend on is true. Mr. Glen appears to do every Thing in his Power to obstruct the Expedit'n. I had reason to expect a Numb'r of Catawbias and Chickasaws to join our Forces, but he desir'd a Meet'g with these People in June, w'ch prevented their com'g to our Aid. I cannot conceive his Conduct, as it appears quite contrary to the Int't of the Nation. Mr. Hunter has fifty Suits of Cloths for Y'r Rangers. I am extremely hurried, and must finish. With Kind Respects,

I am, Y'r Ex's, Most ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 118.]

Governor Dinwiddie to Colonel Dunbar.

July 26th, 1755.

SIR:

The melancholy Acc't of the Defeat of our Forces under the Com'd of Gen'l Braddock gave me a sensible and real Concern, and I was the more astonish'd w'n I am inform'd y't 300 Fr'h and Ind's have defeated 1,300 British Forces. The officers behav'd like Britons, with Valour and Spirit, and sorry I am for the death of the Gen'l and the other brave Officers y't were left to be sacrific'd by the dastardly Timidity of the Private Men. The Panick they were seiz'd with made them forget their Duty and the Com'd of their Officers. The consequ'ce was the loss of the Battle, the Lives of many brave Men, and the Loss of the Train of Artillery. Such advantages by so few Men is not to be met with in History, and surely must raise a just resentm't in the Heart of every British Subject. Dear Colo., is there no Method left to retrieve the Dishon'r done to the British Arms? As You now Com'd all the Forces y't rem'n, are You not able, after a proper Refreshm't of Y'r Men, to make a second Attempt to recover the Loss we have Sustain'd? You must still have remain'g upwards of 1,600 Men, and I have call'd the Assembly of this Dom'n to meet next Tuesday next come Week, w'n I think

I can promise You a Reinforcement of at least 400 Men. Provis's You cannot want, as Colo. Innes has a large qu'ty of Flour. There is 8 or 9,000 b'ls Pork and Beef at Alexa'a, and Beeves can be procur'd and sent You. You may probably say y't You want Artillery; there are at Winchester four 12-Pounders w'th all the necessary Appurtenances, and the Guns on F't Cumb'l'd may be made Field Pieces; but why cannot we recover the Train in the same Manner as the Enemy took them? You have four Mo's now to come of the best Weather in the Year for such an Expedit'n. As our Forces under Gen'l Shirley are march'd and before y's I suppose attack'd Niagara, and Colo. Johnston, I believe, has prevail'd with the Six Nat's to take up the Hatchet ag'st the Fr., and I suppose y't Gent. is gone ag'st Crown Point, w'ch no doubt the Forces at F't Duquesne are apprisd of and naturally will go up the River Ohio to the Assist'ce of these Places, and will rem'n satisfied and secure y't no Attempt y's Year will be made on the Ohio, under y's, y'r Security, w't may You not do if You march over the Mount's the Beginnin'g of Sept'r? Y'r People by y't Time will be well refresh'd, and I hope in high Spirits if You can dispell the Panick they were at first seiz'd with. W't a fine Field for Hon'r will Colo. Dunbar have to confirm and establish his Character as a brave Officer, and w't will he have in View to retrieve the Loss we sustained the 9th of y's Mo.! Recover the Train of Artillery and the Hon'r of the British Forces. If You cannot attack their Fort in form You may be able to besiege them, and by prevent'g any Supplies of Provis's starve them out; for I cannot see where they can be supplied. They have none in Canada, and the Embargo laid on the British Colonies will effectually prevent their Supplies. Add to y's the Ships taken by Adm'l Boscawen y't were loaded w'th all sorts of Necessaries, must, in my Opinion, reduce all the Fr. on y's Cont't to great Wants. It's my duty to H. M'y, as G'r of y's Dom'n, to make the above Proposal to You, w'ch, if it meets w'th Y'r Approbat'n or y't of a Council of War, will give me much pleasure. I must entreat You to give me imediate Notice of Y'r Inclinat's, and if You think it elligible to put the above in Execut'n, y't I may accordingly apply strongly to our Assembly for their Concurrence and Assist'ce. No doubt You will see the Necessity of Keep'g Y'r Resolut'ns entirely secret, and I shall wait with great Impatience for Y'r Answer. I rec'd Y'r Let'r of the 1st. Y'r Deserters and one of S'r Peter Halket's are in proper Confinem't, but cannot be maintain'd at the Price You propose, but they are allow'd the same as the lowest Prisoners, and I wait Y'r further Orders w't to do w'th them. It gives me great Pleasure y't under our great Loss and Misfortunes y't the Com'd devolves on an Officer of so great

Military Judgem't and establish'd Character. Pray, good S'r, consider seriously the above Plan of Operat's, or any other, to protect H. M'y's Colonies, defeat the View of the Fr. and to retrieve the Hon'r of the British Arms. I rem'n w'th very sincere Respect and hearty Wishes for Success to all Y'r Proceedings, and am,

Worthy S'r, Y'r most ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 123.]

Governor Dinwiddie to Governor Dobbs.

July 28th, 1755.

DEAR SIR:

I am sorry I have the Occasion to write You of the Defeat of our Forces on the Monongahela under the Com'd of Gen'l B—k. Copy of the two enclos'd Let's will give You the Particulars thereof. Y'r Son was not in the Engagem't, but was with Colo. Dunbar by some stink'g Weeds in the Woods. Y'r Son's Sight is hurt, but he will soon recover it. If Mr. Glen, agreeable to promise, had prevail'd over a Number of the Cherokee and Catawba Warriors to join our Forces we should not in all probability been defeat'd, as they w'd have attack'd the Ind's in their Bush way of fight'g, w'ch the Regulars are Strangers to; but by Y'r Let'r of the 7th of y's Mo. y't Gent. had a meet'g with those two Nat's of Ind's at the very time they sh'd have join'd our Forces. He has all along, I think, done every Thing contrary to his Duty and the Serv'ce of the Expedit'n. The Forces y't rem'n are all ret'd to F't Cumb'l'd, and as there are three Mo's wherein they may do Business, I have wrote Colo. Dunbar, who now Com'ds them under Gen'l Shirley, y't I have call'd our Assembly to meet Tuesday come Week, y't if he will make another Attempt over the Mount's I can promise him a Reinforem't of four or 500 Men in less than a Mo., but I fear that there is such a Panick among the People y't they will not venture again.

The Loss of our Artillery is monstrous, as they undoubtedly will turn them ag'st us, tho' they destroy'd a great many y't were with Co. Dunbar.

Y'r Ex's most ob'd't h'ble serv't.

P. S.—It's natural to believe these Banditti will endeav'r to Rob and murder our frontier Settlem'ts. I therefore have three Compa's of Rangers to oppose their Wicked Designs.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 184.]

Lords of Trade to Governor Dobbs. Aug 6th 1755.

SIR,

We have received your several letters to Us dated the 9th of November and 19th of December 1754, the 4th and 11th of January, 8th of February and 10th and 19th of May 1755 with the several Papers transmitted with them and having taken such Measures thereon as appeared to us to be proper, We think it our Duty to acquaint you therewith and to give you Our sentiments upon the several points contained in these Letters as shortly as the importance of them and the great variety of Matter will admit.

The measures you took upon your Arrival in your Government to obtain an exact and precise Knowledge of the true state of it were very prudent and you was no doubt the better enabled from the result of your enquiries to form a judgment what steps were proper to be taken for putting it into a necessary posture of Defence Nothing can more strongly mark out the little Attention, which was given to the Affairs of this Province during the Administration of the late Governor and of his Successor M^r Rowan, than the weak and defenceless State in which you found the Publick Stores, wherein you tell us there was neither Powder, shot or Arms, This appeared to us to be of so great importance in the present situation of Affairs, that we thought it Our Duty to lay such parts of your letters as relate to this point before His Majesty and to propose that the Powder and small Arms requested in your letter of the 9th of November and also the Cannon and Stores represented in your letter to the Earl of Halifax to be necessary for the Fort at Cape Fear should be forthwith sent out to you, and We doubt not but Orders have been given accordingly.

We did likewise lay before His Majesty those parts of your letters which relate to the expediency of having an Independent Company stationed in the Province but We are not acquainted whether any or what Orders have been given thereupon.

The Method you pursued to come at a true Knowledge of the State of the Quit-Rents and Grants of Land and the Directions you gave to the Receiver General and other Officers for that purpose are very much to be commended and that nothing might be wanting on our part to assist you in your endeavours and to promote the Plan you have laid down for putting His Majesty's Revenue upon a more certain and regular establishment for the future We thought it necessary to communicate

such parts of your letters as relate to these points to the Lords Commissioners of the Treasury and as this Matter is certainly within their Department to desire they would give such directions therein as should appear to them to be proper We agree with you in opinion that an exact survey of the several Counties will be the best means of ascertaining the true quantity of Lands granted and consequently improving the Quit-Rents and therefore we hope you will speedily receive Orders from the Treasury upon this point, We must however acquaint you that the Earl Granville to whom we communicated that part of your letter of the 9th November, which proposes his being at a certain share of the expence, declines concurring in this Measure for Reasons which you will find in the Copy of a letter from his Agent, M^r Child, to our secretary herewith inclosed

Upon a more minute consideration of the Instructions to you relating to the Terms upon which you are to make Grants of Land it appeared to us that those Terms might be considered as too severe, especially by those who were desirous of taking up Lands upon the Frontiers near the Mountains. We have therefore laid that part of your letter, which contains a Proposal, that you may be allowed to grant six hundred and forty Acres to any one Person (which we find to be the Quantity ascertained, by an old Law of the Province) before his Majesty with Our Opinion that such an Alteration will be expedient and for His Majesty's Service but We apprehend the Lords of the Council have not yet determined upon it. The same observation occurred to us with respect to the Terms of cultivation and if they shall upon trial be found to be impracticable or so difficult to be complied with as to operate as an Obstruction to the settlement of the Colony, We see no objection to the regulating this Matter by a provincial Law as has been done in Virginia provided the operation of such a law be suspended till His Majesty's Pleasure be known.

The favourable Reception you met with upon your Arrival in your Government from all ranks of the People gave us great pleasure, we look upon it as a happy Presage of future Peace and Tranquillity in your Administration which cannot fail of having the effect to render North Carolina an happy and flourishing Province. The Attention which the Assembly shewed to the several Matters which you recommended to them at their first Meeting, the Zeal and Spirit which they exerted in providing for the Assistance of the Virginians and for their own Defence and the decent and proper Manner in which they express their sense of his Majesty's paternal regard to them in revising the State of the Province cannot fail of recommending them to His Majesty's Favour and

Protection, and we hope that when the Acts passed by them in their first session which are now with Our Counsel for his Opinion in point of Law, come to be considered they will be such as we can lay before His Majesty for his Approbation, That which relates to the Quit-Rents and registering of Grants is opposed by Lord Granville's Agent and we have at the request of M^r Abercrombie declined entering into a consideration of it, till he has had an Opportunity of giving in his Answer to the Objections brought against it, it would give us great satisfaction if these Objections could be cleared up or removed, because We should be very sorry to have the Zeal of the Assembly damped by the Repeal of a Law which though it may be liable to Objections in the manner of framing it appears to us in the general view and intent of it to be calculated for His Majesty's Interest and Service.

The postponing the Publication of the Repeal of the Laws concerning the Counties and Courts of Justice, until after the Meeting of the Assembly appears to us to have been a prudent Measure, the address they presented to you upon this subject and which you transmitted to us with your letter of the 11th January was immediately laid by us before his Majesty with our opinion thereupon which you will find contained in the inclosed copy of our Representation. This Representation has been agreed to and we have prepared the draught from an additional Instruction to you conformable thereto, which has been agreed to and signed by the Lords Justices and We hope will have the effect to answer the Intentions of the Assembly and to obviate all your difficulties upon this point as it not only provides against the inconveniency which is represented to attend the establishing Counties and districts by Charters of Incorporation by allowing you to give your assent to new Laws for that purpose but also as it provides for the Repeal of those Laws, which were not transmitted at the time the Order was made for the Repeal of the others or which have been passed since.

It gave us concern to find that the communication to M^r Glen of your Orders concerning the Boundary Line gave rise to so disagreeable an Altercation between you. As that gentleman's administration is now however at an end, we shall decline any animadversions upon his conduct. We hope you will find a different Temper and disposition in the present Governor and that you will amicably cooperate in whatever Measures may be necessary to be taken for the general Good of both Provinces. We are thoroughly convinced of the expediency of some speedy determination upon the Boundary-Line but it will be impossible for us to lay before His Majesty our sentiments upon this Matter, until we shall be furnished with the Sense of the Province of South Carolina

upon it, which M^r Lyttelton is directed to obtain and transmit to us as soon as possible.

Your letter of the 4th January in which you state the Wants and Defects of the Province contains a Variety of very extensive and important Propositions, which require a very serious consideration. The Alterations, which you propose should be made in the Acts of Navigation would certainly in the general light in which you state it be productive of great Advantages to Our Colonies, but there is such a variety of circumstances necessary to be attended to in the consideration of a Question of this kind that we dare not venture to give an Opinion upon it without a very precise and thorough examination of the effect and Operation of the Laws of Trade in every light and view of them. We are sensible of a great many Errors and defects both in the policy and frame of those Laws and that they do not properly consist and correspond with each other, but we cannot but think that it would be dangerous to enter into an Examination of them with a View to one inconveniency only and therefore whenever the circumstances of the Times will admit of a consideration of this Matter, the whole must be entered into together and whenever that takes place, your observations will certainly have their due weight.

As we shall always think it Our duty to give countenance and support to whatever may be proposed for the Advantage and benefit of the Colonies in general or of any particular Province, We shall not fail to give due attention to your Proposals of a copper coinage and Paper-credit whenever they come properly before us, but as the first of them is as we apprehend at present under the consideration of the Lords of the Treasury and as the Assembly have not entered into a consideration of the other, We are neither authorized nor enabled to give an Opinion upon them. We are however sensible that these are Measures which if properly executed may be attended with great Advantages to the Province but the merit or demerit of them will depend upon the Manner in which the Acts for carrying them into execution are framed.

The Zeal and regard which you have shewn for his Majesty's service and the Welfare of the Province, in personally taking a general survey of it with a view of fixing upon a proper Place for the Seat of Government and providing for the Defence of the Sea Coast, are very much to be commended and you may be assured that the two important Propositions, which have been the Result of your labour and Search will be properly attended to. We have no doubt from the Account and description you give us of Stringer's Ferry upon Neuse River, that it is a proper place for the Seat of Government but we are inclined to believe that His

Majesty will not think it advisable to give any positive directions, without having the sense of the People taken upon it in the next Session of the General Assembly. And we are the rather of this Opinion as it appears to us that such directions would be ineffectual, unless there are Assurances from the People that they will make a proper Provision for erecting publick Offices and for such other Services as will necessarily require expence We therefore think it adviseable that you should lay this matter before the Council and Assembly and propose a joint address to His Majesty upon it. The fortifying and securing the Harbour at Cape Look-out appears to us in every light to be a very necessary and proper Measure and we have accordingly laid your Proposition before the Lords Justices for their Directions upon it and when they have been signified to us, we shall not fail to acquaint you with them. So we bid you heartily farewell and are

Your very loving friends, &c.,

DUNK HALIFAX
J. PITT
J. GRENVILLE.

Whitehall Augst 6th 1755.

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

NORTH CAROLINA—SS.

To all to whom these Presents shall come Elizabeth Gould of Bertie County in the Provinces of North Carolina Widow Executrix of the late Will & Testament of George Gould Esq her late Husband Deceas'd sendeth Greeting. Whereas there was due to the said George Gould at the time of his Decease a Considerable Arrear of the Salary allowed him as Surveyor General of his Majesties Lands within the said Province by virtue of his Majesty's Appointments & Instructions which said Arrear of Salary was given & Bequeathed to me the said Elizabeth Gould by my said Deceased Husband as part of the Residuum of his Personal Estate & is still Due owing and unpaid Now Know Ye That I the said Elizabeth Gould for the Special Trust & Confidence which I have & repose in John Campbell Esq^r of Bertie County afs^d And for divers other good & Valuable Causes & Considerations me thereto moving have made ordained Authorized Constituted and Appointed, And do by these Presents make Ordain, Authorize Constitute & Appoint the said John Campbell my true & Lawfull Attorney irrevocable in my name but for his own proper use & Benefit to ask Demand & receive of & from his Majesty's Receiver-General of the Quit Rents of the Province of North

Carolina afs^d And of & from all other Person and Persons whatsoever concerned in the Payment of Salaries of the Public Officers, all such Sum & Sums of Money, Arrears of Salary Dues & Demands whatsoever as are now Due & owing to me as Executrix of the last Will & Testament of my s^d late Husband George Gould deceased on account of his Services in the office of Surveyor General of his Majesties Lands as above mention'd And Acquittances or other Sufficient Discharges for me & in my Name. On receipt of the same to make Execute and Deliver. And to do all other Lawfull Acts & things whatsoever concerning the Premises as fully in every respect as I myself do if Personally Present. And whereas the Particular Sum now due and owing to the Estate of my said Deceas'd Husband on account of the Salary as above mentioned is not at present Exactly known, I do hereby Authorize and impower my said Attorney for me and in my Name finally to adjust and settle with his Majesties Receiver General Auditor General or other Persons concerned in Payment of the Salaries of Public Officers the amount of all such Sum & Sums of Money so due as afs^d & to agree upon & accept in my name in full Satisfaction & Payment of the above mentioned Demand such Sum of Money as upon a settlement of the Account shall appear to my s^d Attorney to be justly due. And I do hereby Ratify Confirm and allow whatsoever my said Attorney shall Lawfully do or Cause to be done in & about the Premises as fully and Effectually as if I myself were Personally Present & the Actor or Doer thereof.

In Witness whereof I have hereunto set my hand and Seal the Twelfth Day of August in the year of our Lord one Thousand Seven Hundred & fifty Five.

ELIZ^a GOULD +++++
SEAL
+++++

Signed sealed & delivered in Presence of

CHAS ELLIOTT

BLAKE BAKER

Ex^d Recorded 13th Octob^r 1755

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 146.]

Governor Dinwiddie to Colonel Innes.

Aug. 11th, 1755.

SIR:

I rec'd Y^{rs} of the 11th Cur't. The sudden March of Colo. Dunbar surprizes every Body here. I expected if he had not tho't proper to make a second Attempt over the Mount's y^t he w'd have canton'd his Forces

at proper Distances along the Frontiers of H. M^y's Colonies to guard them ag[']st the Invasions of the Enemy, but to march off all the Regulars and leave the Fort and Frontiers to be defended by 400 Sick and wounded and the poor Remains of our Provincial Forces, appears to me absurd and very ill-judged. I am much fatigu'd with the Misfortunes attend'g our Affairs, writ'g to all the G[']rs and in acting with our Assembly, y[']t I say no more at pres[']t, but y[']t my Wife and Girls join me in sincere Respects, and I am,

S[']r, y[']r aff. F[']d and h[']ble serv[']t.

[B. P. R. O. AM: & W. IND: VOL. 69.]

Letter from Governor Dobbs.

SIR

I rec^d your several Letters of the 25th & 26th Octob^r and 4th Nov^r by S^r John S^r Clair, and also 2 Letters of the 23^d January about the Increase of the Troops and Copies of the Mutiny Bill, as also your favour of the 26 Apr^r by Admiral Boscawen, all which Orders I shall cheerfully obey. I delay'd acknowledg[']ing the former Letters having nothing material to write, and have been above 4 months in different parts of the Province to observe our sea coasts and western Frontier in order to put them in a State of Defense, as far as this poor province can contribute at this Critical Juncture, until I was obliged to return Express upon account of our unfortunate Defeat and Death of General Braddock. I gave directions to erect a Battery and Barrack for the Defence of the Harbour at Oacock, which is now going on, as We have reason to expect an Immediate War, and as we have no Artillery or Military Stores, we shall have an immediate occasion for Artillery and Bullets and Stores in proportion for this, and Johnston Fort at Cape Fear River below Brunswick, there will be twelve 12 pounders and 8 eighteen pounders wanted for the Battery at Oacock; and 14 eighteen pounders, and 16 nine pounders, with 30 Swivel and as many Musquetoons for Fort Johnston; with Bullets and stores in Proportion; As we have now laid on a powder Duty we hope in some time to have powder brought in, or bought with it, the vessels having not been 'till lately apprized of the Duty, have not yet brought any in kind; and therefore if his Majesty wou^d give 20 Barrils of Gun powder for present use, it may be of great service, as there is none at present in the Colony. I shall when proper apply to Admiral Boscawen in case any privateers or ships of force appear or shelter near Cape Lookout Harbour on this Coast, which if his Majesty wou^d now be at

the Expence is absolutely necessary to be fortified for the safety of all the Northern Colonies, and of the British and Colony Trade, of which I wrote fully to the Lords Commissioners of Trade: before I returned from the Frontier I gave Directions to put the frontier in the best State of Defence against the Indian Incursions, by having 100 select men in Readiness to joyn our Frontier Company, and have summoned a Council to meet to consider further of our present Danger, and shall use my best Endeavours to get the Assembly, who meet the twenty fourth September, to exert themselves to the utmost to put a speedy End to the French Schemes, by confining them to their own Limits, and if there shou'd be a War, to expel them from this Continent, without which we can never be safe and easy, if it be agreable at present to His Majestie's views.

I am with great Respect Sir, &c.,

ARTHUR DOBBS.

Newbern 25th Aug^t 1755.

[B. P. R. O. AM: & W. IND: VOL. 74.]

Circular to the Governors in N^o America.

WHITEHALL Aug^t 28th 1755.

SIR,

The Lords Justices having thought it necessary to appoint, without Loss of Time, a Commander in Chief of His Majesty's Forces in North America, in the Room of the late Major General Braddock, who was killed in the unfortunate Affair of the 9th of last Month on the Mononghela; I am to acquaint you, that Major General Shirley is ordered to take upon Him, till His Majesty's further Pleasure shall be signified, that command, with like Powers, with which Major General Braddock held the same, and as M^r Shirley is furnished with Copies of every order, Letter, and Instruction, that has been sent from hence, at any Time, to, or received from His Predecessor, you may correspond with Him, and apply to Him upon Every Occasion, and upon all Points, in such Manner, as You was empowered to do, to Major General Braddock, and you will not only regularly observe such Directions, as you shall receive from Him thereupon; But will also transmit to Him forthwith Copies of your whole Correspondence with the late Major General Braddock, since His first Arrival in North America.

I am &c.

T. ROBINSON.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 176.]

Governor Dinwiddie to Colonel Innes.

Aug. 25th, 1755.

SIR:

Y^rs of the 17th Aug. I rec'd by Jenkins and Copy of both Y^rs to Colo. Dunbar. His Answ^r to Y^r first is very evasive. Your last to him was extremely proper and pertinent; but I fear he is not to be advis'd, but will follow his own Inclinations. I cannot forgive him for taking the three Independ't Compa's with him, who were order'd immediately under my Com'd; and to w^t Service were the Light Horse w^{ch} were order'd to march with him, unless to leave You as defenceless as possible? I shall very soon augment our Forces to 1,200 Men, and then order as many as You think proper for Y^r Assistance. You w'd pity me if You knew the Fatigue I am under in writing. I therefore desire Excuse for any Thing further at y^s Time, but y^t I am, Dear James,
Y^rs affect.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 181.]

Governor Dinwiddie to Governor Dobbs.

Aug. 29th, 1755.

SIR:

I wrote You the 28th Ult^o., to w^{ch} please be refer'd. There appears to me an Infatuat'n attend'g the Proceedings of our Army. The Gen'l did not keep Scouts out to discover the Enemy, who were lurking in the Woods, surpriz'd them on their March, and made great Destruct'n. After y^t fatal Day, if Colo. Dunbar had entrench'd himself at the Meadows and sent in to the different Gov'rs for Reinforcements, I sh'd have sent him out 1,000 Men; but he destroy'd every Th'g at his Camp, march'd in to F^t Cumberl'd, and in a great hurry in the middle of Summer march'd for Winter q^{rs}, leav'g our Country open (by the new Road to the Ohio) to the Insults of a barbarous Enemy. He left at F^t Cumb'l'd ab't 300 Sick and Wounded and the Remains of the Provincial Troops, y^t were not above 70 fit for Duty. That now being depriv'd of the Assistance expected from our neighbour'g Colonies to execute the above Design, I am oblig'd to augm't our Forces to 1,000 Men to defend our Frontiers, and to be entirely on the Defensive. I hear Y^r Son has well recover'd his Sight. His Co'y and the other Provincials, after the

March of the Regulars, deserted daily, y't I fear there are but few at the Fort. Excuse the length of this L'r, and believe me to be with great Regard and very much hurried,

Y'r Ex's most ob'd't h'ble serv't.

P. S.—Since writing the above, S'r Jno. St. Clair came here from F't Cumb'l'd, says Y'r Son is well, and enclos'd You have a Let'r from him. I do not yet hear any Th'g of the Steers You were to send to the Army; as the regular Forces are gone there will be no more wanted. Many of Y'r Son's Co'y have deserted, and ab't a Fortnight ago some of them went thro' this Co'ty with Horses, &c., w'ch they stole from the Fort. I wish You may find them out to punish them and to recover the Horses. S'r Jno. is not yet recover'd of his Wound; he tells me Colo. Dunbar is gone for Albany.

Y'rs, &c.

Inclos'd is a List of Deserters from Y'r Son's Company.

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

NORTH CAROLINA, Carteret County—ss.

Know-all Men by these Presents, that We Daniel Rees, Thomas Lovick Esq^r David Shepherd Esq^{re} Cornelius Canady, all of the Province & County afores^d are held & firmly bound unto our Sovereign Lord King George the Second, in the Sum of One Thousand Pounds Proclamation Money, to be paid to our said Sovereign Lord the King his Heirs & Successors, which payment well & truly to be made we do Bind ourselves our Heirs Execut^{rs} & Admin^{rs} & every of them jointly & severally, firmly by these Presents, Sealed with our Seals & the 4 Day of September Anno Domini 1755

The Condition of the above Obligation is such, that if the above-Bounden Daniel Rees shall well & truly Execute & Perform the Office of Deputy Receiver of his Majesties Rents, Arrears of rents, Fines & Forfeitures, for the s^d County, & that he shall deliver, on or before the Twenty fifth Day of March, yearly, to his Majesty's Reciever General, for the Time being, a just & true Accompt of his Proceedings, & of the Sums of Money he shall recieve, by Virtue of his Executing that Office, upon Oath, agreeable to the form to be given him, by his Majesties Reciever-General; & that he shall well & truly Pay all Sums of Money as he shall receive, by Virtue of his being appointed Deputy-Receiver for the said County deducting 5 Per Cent. for his Trouble, & that he shall

make a Diligent Enquiry, & faithful return, of what Lands are held by Patents, either from the late Proprietors, or from his Majesty, to the Southward of Earl Granville's Line which he finds is not return'd to him in the Rent Roll, deliv'd to him by the Receiver-General; & what Quit-Rents they pay Per Hundred Aeres, & the Quantity granted in each patent, together with the Names of the Patentee, or Occupant, holding the same: And in Case, any Patentee or Occupant shall refuse to shew his Patent or Title, or hath no Patent or Title, to Produce, that he shall make a return of the same to the Receiver-General that he may oblige the Attorney-General to eject the Occupant, by due Course of Law, or to oblige him to take out a Patent for the same, & that he shall acquaint the Occupant, that if he delays to take out a Patent for the Lands, that they shall be granted to the first Claimant, without allowing the Occupant any Preferrance for the same; that upon the said Daniel Rees following the aforesaid Directions, then the above Obligation shall be void: Otherwise remain in full force & Virtue in Law.

DANIEL REES

++++++
 †SEAL†
 ++++++

CORNELIUS CANADY

++++++
 †SEAL†
 ++++++

THO^s LOVICK

++++++
 †SEAL†
 ++++++

DAVID SHEPARD

++++++
 †SEAL†
 ++++++

Scaled & Deliv'd in Presence of
 JOHN SMITH

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

Know all men by these Presents that we Thomas Barrow Henry Gibbs & George Mixon all of the County Hyde in the province of North Carolina Planters Are held and firmly bound unto our Sovereign Lord the now King his heirs and Successors in the sum of One thousand Pounds Proclamation Money To which payment well and Truly to be made, We Bind ourselves and Each of ourselves ours Heirs Ex^{tes} & Adm^{tes} Jointly and Severally firmly by these presents Sealed with our Seals and dated the fifth day of September in the twenty Ninth Year of the Reign of our said Soveign lord George the Second, And in the Year of our Lord 1755.

The Condition of the Above Obligation is such, that whereas the, aboye Bound Thomas Barrow Deputy Receiver of his Majestys Rents

Arrears of Rents fines and forfeitures for Hyde County afs'd Shall well and truly deliver on or before the twenty fifth day of March Yearly to his Majestys Receiver General for the time being, a Just and true Account of his Proceedings, and of the sums of money he shall receive, by Virtue of his Executing of that Office upon Oath agreeable to the form to be given him by his Majestys Receiver General, and that he shall well and truly pay all sums of money as he shall receive by Virtue of his being Appointed Deputy receiver for the said County, and that he Shall make a Diligent Enquiry, and faithful return of what Lands are held by Patents Either by the late proprietors, or from his Majesty to the Southward of Earl Granville's Line, and what Quit rents they pay ̄ Hundred Acres, and the Quantity granted in Each Patent, together with the Names of Patentee, or Occupant, holding the same, and in Case any Patentee or Occupant, shall Refuse to Shew his Patent or title or hath no Patent or title, to produce, that he Shall make a Return of the same to the Receiver General, and that he shall Acquaint the Occupant that if he delays to take out a Patent for his lands, that they Shall be granted to the first Claimant, without allowing the Occupant any Preference for the Same, upon his following these Directions, That then the above Obligation to be Void, Otherwise to Stand and Remain in full force and Virtue

THO^s BARROW ++++++
 +SEAL+
 ++++++
 HENRY GIBBS ++++++
 +SEAL+
 ++++++
 GEORGE MIXON ++++++
 +SEAL+
 ++++++

Scaled and Delivered in presents of

STEPH^a DENNING

ROBERT GIBBS

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

GRANVILLE Sept 6th 1755

MAY IT PLEASE YOUR EXCELLENCY

With Submission, I must once more make bold to trouble Your Excellency, and after Asking Pardon for the same, beg leave to Acquaint Your Excellency, of the true State of the Company of Foot Under my Command, I knowing Some Seditious Persons in my s^d Company have got a Petition to be Exhibited to your Excellency, thō for no other Reason, but my Strictness in learning them the Discipline, and Mustering

Oftner then the Law Directs, for which they have been so free, as to threaten to Sue me, not regarding the words in Your Excellency's Commission, which I took, and always Shall, to be Authority sufficient for me, I am Sure if ever the Service required the Training the Militia, it Greatly does now, when the Enemy is at our Neighbours door, and know not how Soon they may be at ours.

May it Please Your Excellency, on my first having the Honour of the Care of the Company, Confer'd [upon] me, I caused a Muster to be call'd when [many] of the Company Appear'd without any Arms, I would Cut them Clubs to Perform the Exercise, which was before there Usal Custom, and is this day, of Chief Part of Regiment, which is wink'd at, by the Officer Commanding them, in Order to Curry favour (to get there Votes at Elections) with the People.

May it Please Your Excellency, I knowing it was my Duty to Discharge the Trust reposed in me, then by his Honour the President, & since by Your Excellency, strove to do it by fair means, but finding that would not do, was forced to proceed to threats and frequent Musters, which at last made them Appear, as well Arm'd as the Poverty of the Country will Admit off, and has likewise caused the Seditious Part, to raise great Disturbance in the Company Perswading the People, to Sign a Petetion, to Your Excellency, for a New Cap^t, as Such they Promise there Selves one Jonathan White, who they say, will not call upon them so Often, which I nearly beleive for may it Please Your Excellency, he is (thō a Very Honest) a very Indolent Man, and no way Quallified, he is in the Commission of the Peace and has refused to Quallifie These two Years, thō, may it Please Your Excellency, there mentioning that Man I beleive to be but a blind, for there is Some of the Petetioners has the Aspiring thoughts themselves the Chief of which, is Robert Hicks, William Hicks Benjⁿ Ryan, And Anthony Garnet, who all wants to be Cap^{ts} and Lieu^{ts}, that being the chief affront because I would not recommend those men for Officers, thō, may it Please Your Excellency, I hear Since that, the Above Robert Hicks is, or will be, Recommended to Your Excellency, for Cap^t of a Troop, thō I can't see with what face any Gentleman can Recommend Such a Man. I Assure Your Excellency he is a Most Tyrannical Neighbour, in his Private Station, and it is for Nothing but to Clear him from bearing Arms for I am well assured, there is not ten Men in the County would list in his Troop,

May it Please Your Excellency, Your Excellency very well knows that when any one falls into Disgrace theres few, bnt whats for bringing him quite down thats my case at Present, for had I not been left out the Commission of the Peace, they'd Aim'd at no Petetion, nor now,

was they not Incourag'd by Lieut. Col: Paine who has lately taken a Disgust against me thō for no reason may it Please Your Excellency, but Speaking my mind freely, which if Commissions is to hinder, I am at a loss to know how to keep them, & hope I ever shall, As to my conduct, I am Confident, on a fair hearing before Your Excellency, or any Impartial Judge I should rather gain Applause in both Stations, then be left out of Either,

May it Please Your Excellency I return you my hearty and Sincere thanks, for doing me the Justice in laying my Case before his Majesties Hou^{ble} Council.

May it Please Your Excellency, I humbly Ask Your Excellencys Pardon, & would not have been so tronblesome but will never suffer my Self to be abused, for [mutilated] no one dare blemish my Conduct, where I [mutilated] them.

May it Please Your Excellency with the Greatest Submission to Your Excellency as his Majesties Cap^t General, & Representative of his *Majesties* Royal Person, in this Province & the Greatest Respect to Your Excellencys Person I humbly beg leave to snbscribe my Self

May it Please Your Excellency Your Excellen^{cy's} Dutifull Most Obed^t and Most H^{ble} Serv^t

JOHN SALLIS

P S May it Please Your Excell^{cy} to Ask M^r Rob^t Jones, as to Caracter, as a Majistrate, that is my behaviour on the bench, and the bearer hereof, M^r Robert Harris, as a Cap^t, thō he is so Unhappy as to have Incur'd Your Excellencys Displeasure, I beleive all Men that knows him, will say he is to be rely'd on, & being frequently in my Musters, & Acquainted with the people and there behaviour, can better Acquaint Your Excellency. I am with Greatest Respect as before

J. SALLIS

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 202.]

Governor Dinwiddie to Governor Dobbs.

Sept'r 18th, 1755.

SIR:

Y'r L'r of the 9th I duly rec'd with Mr. Glen's long Epistle. What Interest or Knowledge he may have of Ind'n Affairs (w'ch he so much vaunts of), I know not, but it's plain the Fr. have outwitted all his Cunning, for the Ind's sent to the Cherokees last March was a Policy of the Fr. to prevent their join'g our Forces on the Ohio, w'ch is plain, for on their leav'g Chote—by Mr. Glen's L'r—they murder'd some of the Cher-

okees, and no doubt they, in their Councils, prevail'd with them to meet G'r Glen, w'ch was the only Step they wanted to prevent their going to the Ohio; and they succeeded, much to the Loss of the Expedit'n and Shame to the Gov'r. He says he has added 1,800 People to H. M'y's Subjects, and above 40,000,000 of acres of Land. The cultivat'g a F'dship with the Ind's is comendable, and the Duty of every G'r, bnt the Purchase of their Land appears to me wrong, only some at a Time, as we settle to the Westw'd; and I much fear the Fr. will make a proper use of it, by observ'g we make Purchases of their Lands to enslave their whole People; or further, if those Lands were to be taken from them as by Mr. Glen's famous Contract, w'd not the Fr. take them by the Hand, cajole and perswade them to their Interest under Pretence of giv'g them much better Lands to the Westw'd? At present, Purchase of Lands from any Ind'n Nat'n, sh'd not be tho't of, but to cherish them with Pres'ts and regulate the Price of Goods sold to them. We do not want Lands, but sh'd take Care to protect w't is the jst and undoubted Territory of the Crown. I lately had five of the Cherokees with me; the Head Man was the son of Old Hop. I rec'd them properly entertain'd them well, and gave them Presents; they promis'd to be on our Frontiers with 150 Warriors all this Winter, and went away well satisfied. I send You Copy of their speech and my Answer. What a piece of Work has Mr. Glen made with the Creeks, leav'g to his Successor a very difficult Task to bring y't Nation over to our F'dship, and all owing, as I think, to protecting the Traders in their exorbitant Charge in sell'g their Goods to those poor People. The Fr. if they sell their Goods for less than they cost, as a Piece of good Policy to engage them to their Interest, I wish none of the King's Gov'rs may be concern'd in their Trade and out of a lucrative View betray their trust for their own Int't. And I have reason to think the Ind's have great Reason to complain of the Traders from So. Caro. Their Emperor and some of their Head Men complain'd greatly to me on y's Head. I dare say G'r Littleton must be arriv'd before y's at So. Caro.; however, I sh'd be glad if You w'd write to Mr. Glen or the Com'd'g Officer for the Time pres't, with Y'r Observat's on his unaccountable Conduct with the Ind's, and his great Purchase from them, w'ch at y's Time I think is a very preposterous, irregular, and inconsistent Step. I think all our Operat's hitherto have been conducted with Blunders. I will not undertake to ment'n the Disposition of G'l Braddock's march, his leav'g half of his Army forty Miles behind, the want of Scouts to clear the Woods, their being attack'd on their long March, &c., &c. I must refer You to Y'r Son and Co. Innes, after their Defeat and ret'n to Co. Dunbar's Camp. The Destruct'n of all our Stores

and Provis's is a most unprecedented Step. They say it was the Gen'l's Orders. W'n he came there he was not in proper Senses to give Orders. If the Aid-de-Camp gave these Orders, I think the next Com'd'g Officer might have prolonged the Time in put'g them in Execut'n and have entrenched themselves, (being assur'd the Fr. did not pursue them,) and then sent into the different Gov'ts for Reinforcem'ts; instead thereof, after every Thing was destroy'd, and all their Provis's, they began their March to F't Cumb'l'd, and sent to y't Place for 30 Horse Loads of Provis's for the Men on the March. W'n Co. Dunbar, on whom the Com'd devolved, arriv'd at F't Cumb'l'd, I wrote him we had four Mo's good Weather; if he w'd make another Attempt over the Mount's I w'd reinforce him with 500 Men. He answer'd my Let'r in the Negative, and wrote me the 1st of Aug'st y't next Morn'g he would begin his march for Phila'a for Winter Qr's. It surpriz'd me to find his Inten'n to go to Winter Qr's the middle of Sumer; and to compleat the Blunders, he carried with him the three Ind't Compa's y't were ordered by H. M'y under my Com'd. Y's Step was the reason of the great Desert'n from the Provincial Troops. Colo. Dunbar knew the Road to the Ohio was open'd and our Co'try expos'd to the Incursions of a barbarous Enemy. He to leave us so expos'd, with't Orders from G'l Shirley, is a Step, I think, not consistent with military Discipline. I have fairly represented it Home, with my Let'r to Co. Dunbar and his answer to me, and I doubt not some Enquiry will be made on these Affairs. The Loss of the Train of Artillery was great, but G'l Braddock's tak'g all his Papers with him, w'ch fell into the Hands of the Enemy, by w'ch they knew the whole Plan of our Operat's, and in Course be a great Loss to G'l Shirley and Johnson, as they undoubtedly will send all the Forces they possibly can collect to Niagara and Crown Point. W't was the mean'g of carry'g these Papers with him I cannot conceive, as he c'd always have comanded them from F't Cumb'l'd in a few Days. When I observ'd our Co'try so much expos'd I sent out four Compa's of Rangers, and as our Assembly have voted £40,000 more, I have issu'd Com's and Orders for rais'g 1,000 Men to defend our Frontiers and y's Winter to teach our People the Exercise of their Arms, &c., and to rem'n untill I have H. M'y's Com'ds, w'ch I hope will be with more Forces from Britain in order to accomplish w't is already begun. I hope Y'r Assembly will now exert themselves and Strengthen Y'r Hands for the Public Cause, y't if any Th'g is directed to be done next Year y't You may be prepar'd to assist. M'y'l'd and Pensylva'a continue, obstinate and as yet have done Nothing. The latter Assembly sent a very warm and unmannerly Message to their Gov'r. Y'r Son has y't Paper, and I congratulate You on

his recovery of the Distemper in his Eyes. Excuse the Length of y's
L'r. I wish You Health, and am, with great Respect,
Y'r Ex's most ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 205.]

Governor Dinwiddie to John Campbell Esq., North Carolina.

Sept'r 18th, 1755.

SIR:

I rec'd Y'r several L't's in reg'd to the Beeves. I order'd Y'r Driver to proceed with them to F't Cumb'l'd, w'ch is the only Place I can receive them; and desir'd him to take a Receipt from the Comd'g Officer or the Comissary. W'n y't is procur'd I shall take the proper Care for Paym't. I hope You enjoy a good State of Health, and sincerely wish You all Felicity, and am,

S'r, Y'r ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 208.]

Governor Dinwiddie to General Shirley.

Sept'r 20th, 1755.

SIR:

I had the Favo. of Y'rs of the 13th Ult., with Copy of Y'r Orders to Co. D——r. He chose rather to go to the No'w'd y'n execute Y'r Orders in mak'g a see'd Attack on the Fr. F't on the Ohio. There seems to be an Infatuat'n attend'g our Operat's as to the March, Attack and Defeat of G'l Braddock, w'ch no doubt You have particular Acc'ts of; but I shall follow him on his Retreat. At Co. D——r's Camp, w'ch was upwards of 40 miles from the place of Act'n, there they destroy'd all the Amunit'n and Provis's, by whose Orders I know not, for surely Gen'l Braddock was not in a Condition to give Orders, being ill of his Wounds, w'ch no doubt affected his Senses; however y's was done. If Co. D——r, who succeeded in Com'd, had entrench'd himself and built a F't, the Fr. w'd never have disturb'd him. He then had upw'ds of 2,000 Men fit for Dnty, and if he had sent out to me and the other Gov'ts he w'd have been reinforced with Men and supplies, with Provis's from F't Cumb'l'd, where there was plenty of all kinds. Y's Step w'd have kept the Fr. in awe, prevented their sending the Men from the F't

to the Aid of Niagara, and if he had built a F't and left 500 Men in it w'd have been of great Use on any Operat'ns y't may be next Year. But he began his March over the Mount's and had destroy'd the Prov's so near y't he was oblig'd to send in for 30 Horse Loads for the Use of his Men on their March. When I heard he was at the F't I wrote him the L'r, Copy of w'ch I sent You, and he wrote me an Answer the 1st of Aug., (Copy thereof You have enclos'd), and began his March next Day for Winter Q'rs at Philad'a. He march'd all the regular Forces to the Amo. of upwards of 1,600, among whom were the three Independ't Compa's order'd here by H. M'y to be under my Com'd. He carried with him four six-Pounders and four Coehorns. The last were absolutely necessary at the Fort. His march'g from the F't with't Y'r Orders is w't lies with You to enquire ab't; but I have a right to complain of his carry'g the three Independ't Compa's with him y't were order'd here for Protect'n of our frontiers. He also order'd the Light Horse rais'd here, to march with him to Winchester. By his L'r You may observe he propos'd leaving the So. Ca. Comp'y at Winchester, but afterwards carried them also with him. By his Conduct it w'd appear he intended to leave our Frontiers in as much Distress as possible. G'r Innes, who Com'd the F't, wrote him, before he march'd to Shippensburg, y't he had sent out a party to see w't the Enemy was do'g, and they reported y't a great No. of Fr. and Ind's were at the Meadows, and was afraid they intended to attack the F't, and desired him to lend some Assistance. He advised him to send to me for some Men, and so continued his March for Philad'a. As You have order'd him to Albany, I wish he may be in Time to join You. Some of his F'ds have put in the Pennsylv'a *Gazette* y't his men were almost naked, wanted Stock'gs Shoes, &c. If so, c'd he not [have] supplied them at the F't by writ'g to Philad'a, at w'ch place he c'd have had all Necessaries y't were want'g? The Consequ'ce of his sudden March was y't the Provincial Troops deserted daily in great Numb'rs, w'ch, before his March very few had deserted; and many flying Parties of the Enemy have come in among our Inhabitants, robbed and murder'd many of our Peple, w'ch, I think, w'd, in some measure, have been prevented, if he had rem'd till he had rec'd Y'r Com'ds. On y's dismal Situat'n of our affairs I immediately order'd out four Compa's of Rangers to our Frontiers; and the Assembly hav'g voted £40,000, by the Strength thereof I am rais'g 1,000 Men to guard and defend the Co'try from the Insults and Invasions of the Enemy, and to have them in readiness, if any further Operat's may be propos'd next Year. I tho't it necessary to acqu't You of Co. D——r's Managem't and the Situat'n of our affairs at pres't. I

pray God grant You and G'l Johnson success in Y'r Attempts ag'st Crown Point and Niagara, and I rem'n, with very great Respect and Esteem,

Y'r Ex's most obed't humble serv't.

P. S.—We have two Hostages in Canada, and I have one, La Force, in Gaol here. He wants to be enlarg'd, and think the G'r of Canada will send those Hostages if I will relieve him from Gaol, and according writes the enclos'd Let'r, w'ch You may forw'd, or not, as you see proper.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 220.]

Governor Dinwiddie to the Earl of Halifax.

Oct'r 1st, 1755.

R'T HON.:

My last to You was the 7th Ult'o, to w'ch please be ref'd. I suppose You will expect some particular Acc't of the Unhappy Act'n and Defeat of our Forces on the Banks of Monongahela. My Duty to You and the Liberty You have given me to write freely to You determin'd me to give You the best Acc't I c'd collect from the Officers y't have been here since y't fatal Defeat. G'l Braddock pick'd out of the Regulars and y's Provincial Troops ab't 1,300 Men, with the best of the Officers, and march'd with't any Accident to a Place call'd Rock Creek, where he encamp'd the 8th of July, w'ch is ab't — miles from the Fort. Co. Dunbar, with half the Forces, being upw'ds of forty miles behind him. If the Gen'l had tho't proper to rem'n there till the other Forces had come up, I am of Opinion our Affairs w'd have succeeded much better, but he was pleas'd to order the forces with him to march, w'ch was the 9th of July. They cross'd the Monongahela twice, and got up in pretty good Order ab't 11 o'Clock. The Van of our Army continued march'g till ab't One, w'n they were told the Enemy was near them; the Ind's in the Woods behind Trees fired very briskly, w'n S'r P. Halket was killed, S'r Jno. St. Clair greatly wounded y't he was oblig'd to leave the Field. The Com'd of the advanc'd Party devolved on Colo. Gage, a brave, gallant Officer, who endeavour'd to draw his Men up in Order. The Gen'l came up to the Front, and, with his known Courage, gave Orders to the advanc'd Party, but the fire from the woods and behind Trees was so very violent y't they killed many of our Officers and Men, y't the advanc'd Party fell back with great Confusion y't all the Officers c'd do c'd not bring them to proper Order.

The Gen'l mortally wounded, they made their retreat in very great Confusion, leav'g many brave Officers and Men in the field of Battle. The Gen'l did not allow our Men to go to Trees to attack the Indians in their own way, by w'ch our Forces were greatly expos'd, w'n the Enemy were protected by the Trees and long Grass. That Day the Gen'l and the Rem's of his Army got over to Monongahela River, w'n the Gen'l immediately dispatch'd Co. Washington, one of his Aids-de-Camp, to Co. Dunbar to send a Detachment to him immediately, with Provis's and necessary Refreshm'ts for the Gen'l and his much distress'd Party; 10th of July the Men were got into some better Order, and continued their Retreat till Noon, w'n most of them gave up w'th Hunger and Fatigue, y't with great Difficulty any of the Men c'd be prevail'd on to carry the Gen'l and at three O'Clock they got him on horseback, w'ch gave him great Pain, and ab't Sun sett they got to Yaughyangbany River, where they expected the Convoy with Provis's, &c, from Co. D——r, but were greatly disappointed; they crossed y't River and got to Gist's House by Dark, and were in very great Distress for want of Sustenance and Fear of the enemy's Pursuit. The 11th they were inform'd of some Waggons with Provis's were com'g from Co. D——r's Camp; they were then within six miles of his Camp; they had no Tents for the Officers y't were wounded or the other Private Men y't were wounded or sick. About 11 O'Clock the Waggons appear'd, to their great joy; took some Refreshm't and y'n decamp'd: march'd in pretty good Order and join'd Co. D——r, who was encamp'd in a most dismal lone Bottom. On their arrival they were told on the first Acc't of their Defeat Co. D——r resolv'd to set Fire to the heavy Baggage and make the best of his way for F't Cumb'l'd, and nothing c'd have prevented it but the Gen'l's Orders sent by Colo. Washington. Orders were given y't Night for the Forces to march next Morning to a more convenient Place. The 12th it was found impracticable to march for want of Horses, hav'g scarcely enough to draw the Waggons with the Sick and Wounded. Halted at y's Day, w'ch was employ'd in destroying and burn'g all our Artillery Stores. By whose Orders y's imprudent Affair, is not certainly known. The Gen'l was alive, but so very faint y't he was not in a Condition to give proper Orders. On the 13th all the Waggons y't Horses could be got for were fill'd with the Sick and Wounded, and the whole Army, except a few left with the Comissary and Provis's, march'd, and ab't 5 o'Clock in the Even'g encamp'd on an advantageous Ground. Orders were y'n given y't the Rem'd'r of the Light Horse and 200 from the Army sh'd march next Morn'g to escort the Sick and Wounded to F't Cumb'l'; the Gen'l died y's Night. Notwithstand'g the above Order,

Co. D——r, on whom the Com'd devolved, order'd all the Troops to march next Morn'g, nor e'd the Sick and Wounded Officers, &c., procure Liberty to go on till the 15th in the Afternoon, w'n C't Dobson, with 100 Men, was order'd with them, and they got to the F't on the 17th in the Even'g; and a few Days after Co. D——r arrived at the Fort escorted by the Light Horse, and not a Man ordered out to reconnoiter till he tho't proper to march to his Winter q'rs. Give me leave, my Lord, to make a few Observat's on the above. G'l Braddoek's Designat'n of his Forces and March I am not a Judge of, but he certainly was surpriz'd and attac'd on his long March, and I fear he was too sure of Victory—had not Scouts out before the Army to discover the Enemy in their lurking Places. On their seeing our Forces march in a Body they spread themselves in a Crescent or half Moon, by w'ch they had the Advantage of us on every side. Our People saw none of them but from their fire; they ret'd it to the same Places, and so y't fatal Defeat happen'd with the Loss of the Gen'l, many brave Officers, and abt 600 Men killed and wounded. When the Gen'l came to D——r's Camp he was so emaciated with the Loss of Blood and Fatigue it c'd not be expected he c'd give so regular Orders as w'n in Health. But w'n the Com'd devolv'd on Co. D——r he yet had 2,000 Men fit for any action. How comendable w'd it have been in him to have entrench'd himself and built a Fort. I am convinc'd the Fr. and Ind's w'd not have disturb'd him, as I am inform'd his Numb's were much more y'n y't of the Enemy. Y's Fort w'd have kept the Fr. in awe on the Ohio, and they w'd not have sent their Men from thence to Niagara, as they were Masters of our whole Plan of Operat's by the Gen'l Papers fall'g into their Hands. If Co. D——r had build the Fort and Garrison'd it with five or 600 Men all the Winter, w't great Service w'd y't have been for any Operat's the succeeding Year; and they w'd have been properly supplied with Provis's from F't Cumb'l'd where there was great Plenty. However, he march'd into Fort Cumb'l'd. W'n I heard of his Arrival I offer'd to reinforce him with 500 Men if he w'd make a second attempt over the Mount's to do any Thing to retrieve the Dishon'r done to the British Arms. He answered my L'r the 1st of Aug. in the Negative, and told me he was to march next Day for Philad'a for Winter q'rs. He march'd with him all the Regulars, even the three Independ't Compa's order'd here to my Com'd. He carried four Six-Pounders and four Coehorns, (the last were necessary to be left in the Fort in Case of an Attack), and order'd the Light-Horse to escort him to Winchester, abt — Miles from F't Cumb'l'd. In his L'r to me, Copy of w'ch I sent You, he propos'd leav'g the So. Caro. Independ't Co'y at Winchester,

but he has carried them all with him to Philad'a. I wrote Gen'l Shirley my Proposal to Co[l]. D[unbar] to make another attempt over the Allegany Mount's, w'ch he approv'd of, and gave Orders to him accordingly, but unluckily left it to him if he sh'd think it impracticable, y't y'n he sh'd march to Albany. Y's last he has comply'd with His Ace't is the most Genuine I c'd collect. On Co. D's leav'g our Frontiers so greatly expos'd, and the Provincials desert'g daily in great No's after the march of the Regulars, put our People of all conditions, under great Apprehensions of Danger; Frontier Settlers leav'g their Crops, &c., and com'g down to the more inhabited Parts of the Dom'n, full of Clamours, Heats and Compl'ts, w'ch I had great Difficulty to moderate, telling them it was not Time to complain, but to do some Th'g for our Protect'n and Safety, and y't if Co. D'r has acted improperly, no doubt but an Enquiry will be made into his Conduct. Several Flying Parties of Fr. and Ind's came over the Mount's and committed many robberies and Murders, w'ch probably might [have], in some Measure, been prevented, if the Regulars had rem'd on our Frontiers at F't Cumb'd, and Co. D'r had no Orders from Gen'l Shirley to quit y't Post. I sent up four Comp's of Rangers to our Front's, and the Assembly hav'g voted 40,000£ more to enable me to raise 1,000 Men for our Protect'n, and to be ready for any Operat's y't may be concerted from B't'n for the next Year's Campaign. My Endeav's with our Assembly were very troublesome and difficult, as the two Proprietary Gov'ts of Pensylva'a and M'y'l'd contin'd refractory, quarreling with their G'rs, and, in Course, grant'g no Assist'ce to the necessary Expedit'n, and, indeed, as I understand there are many Rom'n Catholicks in Pennsylv'a, it may be doubted y't the Fr. will send their emissaries to withdraw them from their Allegiance to the Crown of Britain by Promise of great Tracts of Land on the Ohio River. I hope the Parliam't will take these Proprietary Gov'ts into their serious Considerat'n, and make some Alterat's in their Constitut'n, to compell them to a due Obediencce to H. M'y's Com'ds. If the Officers of our Forces were hon'd with H. M'y's Com's, it w'd raise their Spirits, as our Field Officers have no Rank w'n they join the Regulars. I have given the Com'd to Co. George Washington, one of the late Gen'ls Aid-de-Camps, a Man of good Conduct and Resolut'n. I sh'd be glad if H. M'y w'd Hon'r him with His Com's'n. I forgot in the preceding Detail of the unfortunate and unexpected Defeate on the Monongahela, y't a quest'n natrally arises: Where was our Fr'dly Ind'ns? This I must answer as follows: The Six Nat's, so many as are in the British Int't, were engag'd with Gen'l Shirley and Johnson on the Expedit's to Niagara and Crown Point. The Twilight-

wees, who I verily think are in our interest, are on the other Side the Ohio, and I believe [were] prevented from serving us by the Fr. being between them and us. Those Indians on the Ohio who, I had reason to think were in our Int't, were overaw'd by the Fr. and their Ind's, only Moncattoochoa, their Chief, and a few of their People [who] rem'd at F't Cumb'l'd, march'd with the Gen'l and shew'd their attachm't to us by doing every Th'g in their Power for our Service. The So'ern Ind's, vizt: the Cherokees and Catawbas, I have been these 18 mo's endeavour'g to get a No. of them to join our Forces, w'ch they seriously promis'd. The Fr., who are always on the watch, knowing their Intent's, in March last sent 14 of their Ind's to perswade to lie Nenter, or declare War ag'st So. Caro., and they would assist them, or get a Meet'g with the G'r of y't Province to have some Prest's for their Interest. The last Proposal prevail'd, w'ch answer'd the Ends of the Fr. They kept them at a distance from the Scene of Action. The G'r of So. Caro. desired a Meet'g of their Chiefs, w'ch they staved off[f] till late—y't's to say, in June—w'n they met him, and the G'r then desir'd to purchase their whole Lands, w'ch he effected by a formal Surrender to H. M'y. The Fr. obtain'd their Ends by prevent'g their join'g our Forces. The Cherokees sent in to me five of their Warriors, and enclos'd You have their Speech and Excuse for not coming in and join'g our Forces, agreeable to my earnest Entreaty and their Promise. What view the G'r of So. Caro. e'd propose by y's Purchase I know not, w'n we were engag'd in a War to protect the Lands. The undoubted right of the Crown, and the assistance of those Ind's w'd have been of more Service y'n all their Lands. We sh'd never endeav'r to purchase the Lands of any Ind'n Nat'n, but as we settle backw'd agree for such Part as may y'n be tho't necessary. Suppose we were to insist on the Agreem't of the Gov'r's—those poor People must go further West, and the Fr. w'd receive them with open Arms and give them d'ble the Qu'ty of Land, they acknowledg'g themselves Friends to the Grand Monarch. Our Business at y's Time is to court y'r F'dship and Int't, with Promises to protect them in all their Possessions and Hunt'g Grounds. The use the Fr. will make of y's odd Agreem't of the Gov'r of So. Caro. will be: Do You observe Y'r Bro's, the Eng., want nothing more y'n y'r Lands and Possessions; and the next Step will be to make Y'r whole Nat'n their Slaves? I say y's is a natural Conclusion from y't perfidious Enemy, the Fr., and truly I cannot help observ'g y't y's Contract made with the Cherokees by the G'r of So. Caro. is the only Step he e'd take to hurt our Expedit'n, and I am convinc'd, w'n seriously considered, it will not meet with the Approbat'n of the Ministry, tho' the G'r thinks

he has done great Things by add'g 40,000,000 of Acres to H. M'y's Territo's, and so many thous'd People. The get'g the F'dship of y't Nat'n was very meritorious, but leave them Y'r Lands and purchase as we want. Y's was entirely a P[iece] of Policy of the Fr. to keep them at a Distance from our Forces and the Ohio, and y't Policy succeeded to Y'r Wish and to the Loss of our Engagem't on the Monongahela—being convinced if these People had joined us, as they promis'd, they wou'd have attack'd the Ind's in their own Method of fight'g, and clear'd the way before our Forces; but the G'r of So. Caro. calls them his Ind's, and is offended if any other Gov'r gives them the least Countenance—an ill-judg'd way of thinking; for as allies to Gr. Britain, every Gov'r sh'd show them Countenance and Favo's. Those five Cherokees y't came to me have promis'd in the name of their Nat'n to come in with 150 Warriors to protect our Frontiers, and if a No. are wanted next Sum'r, I may Com'd them. I sent them away with Prest's, and very well pleas'd; but still no real Depend'ce can be put in y'r Promises. But w'n one G'r wants to counter act with another G'r, w'ch I fear has been too often the Case, y's must in course be a destruction to all Schemes for His M'y's Service, if otherways, they act in concert, much may be expected from their unanimity and real inclinat's for the Public Service. I dare say by y's Time I have wearied Y'r L'ds., if so, You must place it to the Indulgence and Liberty You have given me, at [the] same Time, I cannot but acknowledge the Pleasure I have in writ'g my Tho'ts freely, and to assure You y't I rem'n, with great deference and due Respects,

R't Hon. Y'r Ld's most ob'd't humble Serv't.

P. S.—Since writ'g the above L'r, we have rec'd an Acc't from N. York y't Gen'l Johnson had an Engagem't with the Fr.; y't he had defeated them, taken y'r Gen'l Prisoner, killed the second in Com'd and upwards of 600 of their Forces, on w'ch I congratulate You. I have not the Particulars, or [has] any Ex[press] come to me, y't the above is only from the N. York Prints. At Nova Scotia the Squadron had taken several Ships with Provis's, and y't they were in a very starv'g Condit'n at Lewisburg; y't I hope the Sword of Famine will do as much Service as the Sword of Steel.

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

Know all Men by these presents That We Isaac Faris of Wilmington in New Hanover County Gentleman and David Brown of the same place are jointly and separately held and firmly bound unto Richard Spaight Esq^r Secretary and Clerk of the Crown of the province of North Carolina in two hundred pounds proclamation Money To be paid to the s^d Rieh^d Spaight his certain Attorney Ex^{ors} Adm^{ors} or assigns To which Payment well and truly to be made we jointly and severally bind ourselves our heirs Ex^{ors} Adm^{ors} firmly by these presents Sealed and dated the twenty seventh Day of October in the 29 Year of the Reign of our Sovereign Lord George the Second by the Grace of God King of Great Britain &c and in the Year of our Lord one thousand seven hundred and fifty five

Whereas the above bounden Isaac Faris is appointed Clerk of the Court of the said County of New Hanover and Clerk of the Peace within the said County by a Commission under the hand and Seal of the said Richard Spaight bearing even Date herewith. Now the Condition of this Obligation is such that if the above bounden Isaac Faris do and shall well and truly pay [half yearly] unto the Governor or Commander in Chief for the time being, his Secretary, and to the said Richard Spaight all such Fees as he shall receive for them and every of them and do and shall faithfully and diligently execute the Duties of Clerk of the Court and Clerk of the peace for the said County during the time he the said Isaac Faris shall act under and by Virtue of the said Commission without fraud Delay or Deceit Then this Obligation to be void otherwise to remain in full force and Virtue.

ISAAC FARIES ++++++
 †SEAL†
 ++++++

DAVID BROWN ++++++
 †SEAL†
 ++++++

Sealed and delivered in the presence
of (the words half yearly first interlined)

RICHARD FOLLIOR

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 235.]

Governor Dinwiddie to Governor Dobbs.

Oct'r 10th, 1755.

SIR:

The inclos'd L'r came to my Hands a few Days ago. Be so good [as to] forw'd those for So. Caro. and Georgia by first Opp'ty. An Ex's last Night from F't Cumb'l'd gives Acc't of 150 Fr. and Ind's surround'g y't F't. [They] have killed and scalp'd near 100 of our People, and cut off the Communicat'u between the F't and the Inhabit'rs. Reinforcem'ts are sent to the F't. These Things w'd probably not have happen'd if the three Independ't Compa's had rem'd there, as the military Law cannot be put in force on our People but conjoin'd with Regulars. I wish for Col. Innes's return. I have no Acc't of Y'r Steers being deliver'd, but Y'r son's Co'y shall be p'd. I am much hurried, [it] being the first day of our G[enera]l Court. We all join in kind Complim'ts to you, Son and Nephew. I am

Y'r Ex's most ob'd't h'ble serv't.

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

NORTH CAROLINA, Anson County—ss.

Know all men by these presents, that We, John Hamar of the said County, gentlemen, James Carter and John Bravard Esq^{rs} both of Rowan County in the said Province, are held & firmly bound unto John Rutherford His Majesty's Receiver General for the said Province in the sum of one thousand pounds proclamation Money to be well and truly paid to the said John Rutherford and his successors in office by us, and each of us, our heirs executors and adm^{rs} to which Payment well & truly to be made We bind ourselves and each of us Our heirs Ex^{rs} & Adm^{rs} firmly by these presents sealed with our seals and Dated this thirteenth day of October Anno Domini 1755.

The Condition of the above obligation is such that Whereas the above bounden John Hamar is appointed Deputy Receiver for the County of Anson Now if the Said John Hamar Shall well & faithfully execute the Office of his Majestys Deputy Receiver of His Majestys Rents, Arrears of Rents fine & forfeitures for the said County of Anson and that he shall Deliver on or before the 25th day of March Yearly to his Majestys Rec^r Gen^l for the time being a Just & true acc^t of his Proceed-

ings & of the Sums of Money he shall Receive by Vertue of his Executing of the said Office upon Oath agreeable to the form herewith given him ; And that He shall well & truly pay unto the said John Rutherford and his Successors in Office all Such Sums of money as he shall Receive by Vertue of his being Appointed Deputy Rec^r as aforesaid Deducting five ₤ C^t for His trouble Then the above Obligation to be Void otherwise to Remain in full force & Vertue.

JN ^o HAMER	++++++ [SEAL] ++++++
JA ^s CARTER	++++++ [SEAL] ++++++
JOHN BRAVARD	++++++ [SEAL] ++++++

Sign'd seal & Deliver'd in presence of us the word "Said" being first interlined betwixt the Words "the" & "office" in the twenty third line.

JAMES DAVIS
GEORGE JOHNSTON

[B. P., R. O. NORTH CAROLINA. B. T. VOL. 12. C. 91.]

Letter from Governor Dobbs.

MY LORDS [OF THE BOARD OF TRADE]

I called the Assembly of this Province the 25th of September last according to Prerogation But the season having been very sickly with Agues and Intermitting Fevers by a long hot dry season wherein the Beginning of this Month & all August and September have been without Rain and the latter part as Warm as the hottest in Summer and one third of the Members of the Council and Assembly laid up from time to time I closed it as soon as I could and they made great dispatch to get away I herewith enclose the *Speech* and *Address's* and shall prepare the Acts as soon as possible to be sent over the Titles of which I send to your Lordships but hope you will soon fix the Seat of Government higher up Neuse of which I wrote fully to your Lordships last May as it will take some years to make it capable of accommodating the Members and building publick Offices and the Water here is very bad the land low and sandy with some Marshes near it which adds to the Moisture and heat in the summer and autumn. The Assembly have granted a supply of £10000 £9200 of which is borrowed out of the Bills struck and not issued till

his Majesty's pleasure is known 7500 for the purchasing of Glebes and erecting of Churches and 2000 of what was appropriated for the publick Buildings and 800 to be raised by the 2 shillings 7^d pound upon Taxables to be paid off in five years £9000 of this is to be for the service of the Colonies Where most for his Majesty's service to raise 3 Companies of 50 Men each to be continued to the first of November 1756 If the War should continue longer I dont know how a further aid can be procured as our Curreney must depreciate if any more is issued and I dont find at present that they are inclinable to keep it up £1000 is granted to build a Barrack and Fort for the Company on the Western Frontier. During this Session we have lost M^r Craven one of our Council who never attended a Council since he was first sworn except last May at Edenton his place of Residence where I held a Council and another at Bertie about 7 miles from him as parties are only smothered yet not quite laid aside I expected recommending one either from the Norward or Southward might raise the Flame so that to prevent Solicitations I was advised to recommend my son Edward Brice Dobbs The first on the Return the other two which I should recommend, are M^r Alexander M^cCulloh Deputy Auditor who lives in Edgcomb County near Roanoak and M^r George Moore at Cape Fear who has a great fortune and good allowances there: I was told M^r Samuel Swann late Speaker would sollicite for it but as we have but two Lawyers in the Province to attend Chancery he would be much wanted and is also a leading man and servicable at present in the House. These are the reasons for recommending my son in case his Majesty's service should call him out of the Province I should procure his resignation in case of another vacancy and this might prevent the breaking out a Flame again and in case his Majesty should incline to fix him in this Province [it] might be of service in preventing a Breach I have struggled all the Session to support myself under the fever and ague in order to dispatch Business But my disorder increased on me so much the 16th of this Instant the day the Session broke up I was forced to keep my Chamber being Seized with a Lax and Dyarrhea which weakened me very much so that I could not untill this day attend to publick business But am now thank God thō weak recovering very fast. Yesterday Henry M^cCulloh Esq^r Secretary of this Province dyed by which there is another vacancy in the Council for the Recommendation of which place I refer you to the Enclosed.

I hope your Lordships have also got my letter of August last with my Observations on the back Country and the great difficulty we ly under in not settling the Boundary line which M^r Glen did all he could to raise disputes betwixt the Provinces and setting the Catabow Indians against

this Province alledging they are his Indians. We are at a great loss in getting any to prosecute for the crown the *Deputy Attorney* is ill and does not attend the Council nor prosecute when sent to Inclosed I send your Lordships a Letter of his grievances The Treasurers complain he wont prosecute the Sheriffs and others who retain money in their hands so that there is a great loss in the getting in the Taxes or finding out the arrears as the Sherrives neglect to acc^t what they give in Being no account Having no arrears charged to them I shall trouble your Lordships no longer in my present state of health not being able to enlarge further at this time But to assure your Lordships that I am with the greatest respect my Lords

Your Lordships most, &c.,

ARTHUR DOBBS.

Newbern Oct^r 28th 1755.

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

Know all men by these presents that we Miles Harvey John Harvey & Benjamin Harvey all of the County of Perquimans & Province of N^o Carolina are held and firmly Bonnd unto Richard Spaight Esq^r secretary of the province affors^d in the full & just sum of Five hundred pounds Lawfull money of Great Britain, The which payment well & truly to be made & done unto the s^d Rich^d Spaight Esq^r his Successors or assigns we bind ourselves Joyntly & severally our heirs Ex^{ors} & adm^{rs} firmly by these Presents sealed wth our seals & dated this 27th day of October Anno Dom̄i 1755.

The Condition of the above Obligation is such that whereas the above bounden Miles Harvey has Obtained a Commission from the above named Richard Spaight Esq^r appointing him Clerk of the Court of Perquimans County in the s^d Province & Clerk of the peace wthin the same, bearing dath the 27th day of October 1755. Now if the above bounden Miles Harvey shall well truly and faithfully Execute the s^d Offices According to Law then the above Obligation to be Void & of none Effect Otherwise for any Default to be & Remain in full force & Virtue

MILES HARVEY	+++++
	↓SEAL↓
	+++++
JN ^o HARVEY	+++++
	↓SEAL↓
	+++++
BEN HARVEY	+++++
	↓SEAL↓
	+++++

Seal'd & Delivered in the Presence of us.

ROB^t WILLIAMS

MOSES BARBER

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

NORTH CAROLINA.

His Excellency Arthur Dobbs Esq^r Captain General and Governor in Chief in and over his Majesty's said Province

To Richard Spaight Esq^r Greeting

By Virtue of his Majesty's Royal Commission under the great seal of Great Brittain Constitnting me Captain General and Governor in Chief in and over this Province with full Power and Authority to Appoint all Officers both Civil and Military within the same I being well assured of the Loyalty Integrity and Ability of yon the said Richard Spaight Do by these presents Constitute and Appoint you Secretary and Clerk of the Crown for the aforesaid Province To have hold Execute and Enjoy the said Offices according to the Laws, Statutes and Acts of Assembly In the said Province Together with all and Singular the powers, Authorities, Salaries, Rights, Profits, Priviledges, Fees, Perquisites and Emoluments Whatsoever which to the said offices doth belong or in anywise appertain.

In witness whereof I have hereunto set my Hand and Caused the great Seal of the Province to be hereunto affixed at Newbern in the XXVIII year of his Majesty's Reign.

ARTHUR DOBBS.

October 2^d Anno Dom 1755.

NORTH CAROLINA.

His Excell'y Arthur Dobbs Esq^r Captain General, Governor and Commander In Chief in and over said Province

I do hereby certify that Richard Spaight Esq^r Qualify'd before me by taking the Oaths by Law appointed and making and subscribing the Declaration this 30th day of Octob^r 1755

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 200.]

Letter from M^r Pownall to Arthur Dobbs Esq^{re} Governor of North Carolina Nov. 7th 1755.

SIR:

The Lords of the Committee of Council for Plantation-Affairs having referred to the Lords Commissioners for Trade and Plantations an Extract of a letter from you to their Lordships dated the 19th of May

last, representing the expediency of erecting a strong Fort at Cape Look-Out upon the Coast of North Carolina, I am directed by their Lordships to desire you will as soon as possible employ some able and skilful engineer to survey the said Harbour and ground adjacent and to prepare an exact Plan and estimate of the expence of erecting such a Fort as shall be necessary for its security and defence and that you will transmit the same to their Lordships by the first opportunity to the end that their Lordships may be enabled fully to report their Opinion upon this matter to the Lords of the Committee of Council

I am, Sir your most obedient and most humble servant

JOHN POWNALL.

Whitehall Nov^r 7th 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 198.]

Lords of Trade to the King with Extract of letter from Governour Dobbs, Nov 6th 1755.

To the King's most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY,

In our representation to your Majesty dated the 16th of April last, we did in consequence of several letters from Arthur Dobbs Esq^{re} Governour of Your Majesty's Province of North Carolina humbly propose certain Alterations in your Majesty's Instructions to your said Governour with respect to the quantity of Land to be granted to any Person desirous of settling towards the Western Frontiers of the said Province and the terms of Cultivation on which such plant might be made. And having lately received a letter from your Majesty's said Governour in which he more fully sets forth the expediency of empowering him to grant Lands in larger quantities and on more easy terms of cultivation than those prescribed by his present Instructions. We think it Our Duty humbly to lay before Your Majesty the annexed extract of the said letter.

Which is most humbly submitted

DUNK. HALIFAX.

J. PITT

J. PELHAM

Whitehall Nov^r 6th 1755.

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 2. P. 265.]

Governor Dinwiddie to Governor Dobbs.

Nov'r 13th, 1755.

SIR:

I rec'd Y'rs of the 28th Oct'r Yesterday, and am heartily sorry for Y'r Indisposit'n and shall be under Concern till I hear of Y'r Recovery, which I pray God may be soon. The News from the No'w'd is y't G'l Shirley had laid aside any Tho'ts of further Act'n ag'st the Enemy y's Winter. I have not heard from G'l Johnson. A Ship from Londo. [arrived] last Week with Ordnance Stores, a few for y's Place, but the chief for Providence. He brings no News hav'g had a long Passage. Our Assembly met the 29th Ult'o, and I obtained a Military Bill pretty similar to y't for the Brit. Forces. They wanted to set up a Loan Office and to emitt 200,000£ Paper Money. I did not like the Plan. The Council rejected it and it appear'g to me they neglected their Duty, not half the Members appear'g, and they falling into factious and ill tim'd Disputes. I tho't it for His M'y's Service and the Peace of this Colony to dissolve them and take the Chance of a new Elect'n, w'ch I hope will be better than the last. With kind Respects to Y'r Son and Nephew. I am with great Esteem,

Y'r Ex's most ob'd't h'ble serv't.

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

NORTH CAROLINA—SS.

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the faith &c

To Peter Henley Esq^r Greeting

We reposing Special Trust and Confidence in the Loyalty Integrity Skill and Ability of you the said Peter Henley Do hereby constitute and appoint you the said Peter Henley Chief Justice of and in our said Province of North Carolina hereby Giving and Granting unto you the said Peter Henley full power and Authority to hold the Supreme Courts of Judicature at such times and places as the same may and ought to be held within our said Province To have hold Execute and Enjoy the said office of Chief Justice during our Pleasure and your Residence within our said Province together with all and singular the Powers Salaries Rights Profits Privileges and Emoluments to the said Place belonging in

as full and ample manner as any other Person has formerly held or of right ought have held and enjoyed the same. In Testimony whereof we have caused these Our Letters to be made Patent Witness Arthur Dobbs Esq^r Our Governor and Commander in Chief in and over Our said Province at Newbern under his hand and the Seal of Our said Province the 15th day of November in the Twenty ninth year of Our Reign and in the year of Our Lord 1755

ARTHUR DOBBS +++++
|SEAL|
+++++

By His Ex^{cys} Command
RICHARD SPAIGHT Sec^{ry}
EX^d

NORTH CAROLINA—SS.

These are to Certify that Peter Henley Esq^r Chief Justice of s^d Province Qualify'd this fifth day of Dec^r 1755 by taking the Oaths appointed by Act of Assembly for that purpose.

RICH^d SPAIGHT Sec^{ry}

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 2. P. 274.]

Governor Dinwiddie to the Earl of Granville.

Nov'r 15th, [1755.]

R^T HON.:

I beg Y^r L^d's pardon for being so long silent in not writ'g, but really, the unexpected defeat of G^l Braddock gave me such a Shock y^t I c^d not with any Spirit write on the Subject. I had L^{rs} last Week from Gov^r Dobbs who yⁿ was in a very bad State of Health, and confined to his Bed, and the Sec^{ry}, Mr. McCulloch, was dead. Many others complaining of the Flux. Y^r Com^{'ds} will always be most agreeable to me, and I desire to assure You y^t I remⁿ with great Deference and due Respect, R^t Hon.,

Y^r L^d's most ob^{'d}t h^{'ble} serv^{'t}.

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 2. P. 280.]

Governor Dinwiddie to Governor Dobbs.

Nov'r 22nd, 1755.

SIR:

The enclos'd Packets came by H. M^y's Ship Seaford, who touch'd at Boston before he came here. He brings no particular News. Those L^{rs}

for the So'ern Gov'rs I must entreat You to forw'd. Last Week we had above 1,000 Neutrals from N. Scotia, w'ch is a disagreeable Importat'n to the People here. I have not yet determin'd how to dispose of them. As the Fr. have been very busy with the So'ern Ind's, I am determ'd to send two Com'rs to the Catawbias and Cherokees with Presents, &c., to strengthen our Int't with them and to endeavour to get a No. of their Warriors to join our Forces next Spring, if Operat's are concert'd at Home, with some Regim'ts w'ch I have solicited. At present, our Forces are entirely on the Defensive, for the Fr. and Ind's, in flying Parties, continue robb'g and murder'g our back Inhabit'rs. It will give me much Pleasure to hear of your recovery, and I sincerely wish You a Confirmat'n of Y'r Health, and I remain, with kind Respects,

Y'r Ex's most ob'd't h'ble serv't,

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 289.]

Governor Dinwiddie to Governor Dobbs.

Dec'r 13th, 1755.

SIR:

I hope y's will find You perfectly recover'd of Y'r late Indisposition, w'ch [I] shall be glad to have confirm'd by a Line from You. The enclos'd Packets came to my Hands Yesterday, and as I conceiv'd they cont'n Affairs of Consequence, I tho't it proper to send them by this Express. I am now prepar'g a Pres't for the Catawbias and Cherokees. Two of the Council go Commissioners to deliver it, and to solicit their Fr'dship to the British Subjects, and to endeavour to prevail with them to supply us with a number of their Warriors in the Spring. As the Fr., by their Priests and other Emissaries, are extremely busy with all our Friendly Ind's, to with'dw them from their F'dship with us, I think it is absolutely necessary, at this Time, to do our utmost to establish them in our interest. Our Com'rs will sett out from y's about the sixth of next Mo., and I am of Opinion if You w'd send two Com'rs from Y'r Province it w'd give a good Grace to the Negotiat's. I wrote You the 22d of y's Mo. my Intent'n, and, as I doubt not, You will see the Importance and Necessity of y's Affair, You will think it proper some sh'd be sent from You, and they may meet Our Com'rs among the Catawbias. The Cherokees have sent into our County of Augusta 130 of their Warriors. I join them with 200 of our Rangers, and they propose attacking the Shawnees in their Towns, and to cut them off. They are the People who have done most of the Mischief among our Back Settlers. To Y'r

Town, where the Cherokees now are, is but seven Day's march. They are fond of the Expedition, and I am greatly hurried in sending them Arms [and] Amunit'n. If we sh'd succeed, it will be doing an essential good Service, and probably may have the effect of reclaim'g some of the Other Nat's of Ind's y't have joined the Fr., or, at least, keep them in some awe. No doubt Gov'r Morris writes You y't Pensylvania at last have voted £60,000 for the Expedition, and he says he will consult a Plan of Operats, w'ch he will send me for my Approbat'n. You will therefore see the necessity of send'g the three Companies You intend for Assistance, to join our Forces near F't Cumb'l'd as soon as possible, y't they may be ready on the Spot to go on any Service y't may be concerted. Gen'l Shirley's Forces remain at Oswego y's Winter. Whether Gen'l Johnson, with his men, attempts any Thing ag'st Crown Point y's Winter is very uncertain, or have I any particular Acc't of him, but Gen'l Shirley was expected at N. York the end of last Mo. From England we hear Mr. Fox is made Sec'ry of State in room of S'r T. Robinson, Lord Barrington, Sec'ry at War, and [it is] s'd y't Mr. Neugent is Pay M'r-Gen'l, but I have not a Confirmat'n of these Changes, and y't the Duke of New Castle is to retire with a Pension of 7,000£ p' Ann. Pray give the Express all possible Dispatch, and I rem'n, with kind Respects to Y'r Son and Nephew, in w'ch my Wife and Children join, and I always am

Y'r Ex's most ob'd't, h'ble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 68, 89 AND 90.]

THE QUIT RENT LAW.

Letter from M^r Pownall to James West Esq^r Secretary to the Lords Commissioners of the Treasury.

SIR,

I am directed by the Lords Commissioners for Trade and Plantations to send you the inclosed Copy of an Act passed in the Province of North Carolina in January last, intituled, *An Act for ascertaining and securing the payment of Quit-Rents due to His Majesty, etc* and to desire you will lay it before the Lords Commissioners of his Majesty's Treasury for their consideration together with the inclosed Copies of Sir Matthew Lamb's Report upon it and of two Papers presented to the Lords Commissioners for Trade and Plantations by M^r Abercrombie, Agent for the Province

and by M^r Child, Agent for Earl Granville, containing Reasons in support of and Objections to this Act.

I am, Sir, &c,

JOHN POWNALL

Whitehall Nov. 27th 1755.

MY LORDS [OF THE BOARD OF TRADE]

In Pursuance of your Lordships Commands signified to me by M^r Pownalls Letter wherein you are pleased to desire my Opinion in Point of Law upon the following Act passed in North Carolina in January 1755 I have perused and considered the same viz^t

An Act for Securing the Payment of Quitt Rents due to his Majesty and Earl Granville, for Quietting the Freeholders in the Possession of their Lands and for other Purposes.

An Act for this Purpose passed in the year 1748 which was sent over here and was disallowed by his Majesty and fresh Instructions were given to M^r Dobbs when he went Governour of this Province to Endeavour the obtaining an Act to answer the Ends proposed. How far this Act is agreeable to the Instructions given to M^r Dobbs I must submit to your Lordships. Since this Act has been referred to me I have been attended by M^r Child an Agent on Behalf of the Earl of Granville with several Objections on his Lordships Behalf to this Act, which regards his Property and Interest in his Part of this Province, And it appears to me that the same Objections are to be made on Behalf of his Majesty to this Act which lessens and restrains the Rights and Powers he now has, in Regard to the Lands and Quitt Rents in this Province, And that the End proposed will not be obtained by this Act for

1st The Penalty for not Registering any Patent Grant or Mesne Conveyance is only Ten Pounds Proclamation Money which will not be sufficient to enforce the same for Persons willing to conceal their Grants and Deeds will probably subject themselves to so small a Penalty as the Proofs of their Grants and Deeds must lie upon the Prosecutor which will be very difficult to be made out (By the Act in 1748 I apprehend the Lands were to be forfeited if not duely Registered.)

2^d That by the Clause relating to the Survey of Lands, the Grantee has a Power if there appears to be any Surplus Lands in his Possession not contained in his Grant, to take them to himself, or if he shall be willing to give them up, he may set them of [f] in any Part of the Land *he shall direct* This Disposition of the Surplus Lands so much in favour of the Grantees, which are the Property of his Majesty and the Earl

Granville in their respective Districts, the Legislature of this Province have no Right to direct but the Power over them should remain as it did before this Act passed.

3^d The Quitt Rents are by the Grants reserved and made payable in Sterling or Proclamation Money only and at certain times mentioned in the Grants which Reservations should not be varied by any Act of the Legislature there, which this Act does by giving Liberty to pay the same in Inspectors Notes for Tobacco, or in Indigo at certain Prices, and at different Times which are Commodities which fluctuate in Value, and may alter the amount of the Quitt Rents.

4th As the Law is in this Province Slaves are Distrainable for Quitt Rents. By this Act they are made so, which is unnecessary, and it is also Improper, as there is a Restraint that they are not to be taken if any other sufficient Distress can be found under the Penalty of an Action of the Party with full Costs, which will make Sheriffs and other Persons concerned in getting in the Quitt Rents, liable to Suits and charges they are not now liable to

There are other Parts of this Act relating to the Twenty years Possession which shall be held good against his Majesty his Heirs and Successors and the Seven years Possession under Purchases and the making Copies of all Patents Deeds and Wills Evidence, which are liable to objections But I have before mentioned the Principal Objections to which this Act is most liable on Behalf of his Majesty and also on the Behalf of The Earl Granville And this Act which has in it a Suspending Clause I am of Opinion for those Reasons should not be Confirmed And am

My Lords, yours, &c.,

Lincoln Inn 17th June 1755.

MAT LAMB.

Reasons humbly offered to the Consideration of the Lords Commissioners for Trade and Plantations, in support of the Quit Rent Bill of North Carolina, in answer to the Objections taken to the said Bill by Sir Mathew Lambs Report to their Lordships, on the said Bill.

The first Objection taken by Sir Mathew Lamb is, that the penalty of £10 Proclamation money is not by any means sufficient to enforce the Act it being apprehended that persons may rather pay such penalty, than discover their Grants, as the proofs of their Grants, must lie upon the prosecutor, for which reason he recommends the provision, made by the Law in 1748, whereby the lands are to be forfeited, preferable to that of this Bill.

To this Objection it may be answered.

That a pecuniary Penalty, is so far preferable to that of the Lands

in as much that it is more easily recovered, and carried into Execution.

2^{dly} It has this further advantage, that it enforces the intention of the Act, which is a registration of Title Deeds, in order to ascertain the Rents, without reducing the Rents, which that, of the Forfeiture of the Lands does, for, by reducing and vacating the Grants, the issuing Rents cease, till such time as the Land is taken up de novo, and in some Cases, the Rents will thereby become totally extinguished, for instance where Lands have been long made use of, by planting, or by pitch, Tar, or Turpentine being made thereon, or where the Lands from the beginning were little worth, in all which Cases, the Lands being resumed by the King upon the Forfeiture, the Rents from thence become forever lost, for it cannot be supposed that Lands so circumstanced, will be again taken up. In such Cases then, the Forfeiture of the Lands, instead of a penalty to the Defaulter, would prove a very great favour done to him, by ridding him of his Lands, after the substance thereof is gone, and it is to be presumed that the Legislature foresaw this by Enacting a Pecuniary Penalty in place of that of Lands. And with regard to the Proof of the offence, it is alike in both penalties, and from the nature of the Case, must lie on the prosecution, the objection then will rest solely, as to the Quantum of the pecuniary Penalty, and in this Respect, the Bill may be amended, according to your Lordships Judgment (if the present penalty is deemed too small) not only as to the Enlargement of the sum, but likewise as to the Repetition of such penalty for every subsequent offence, in not registering their Title Deeds.

The Second Objection is. That the Grantee has it in his power, to set off the surplus Land, in any part of the Lands he shall direct, which the legislature of the Province have no right to direct, and therefore he Concludes that, the power over such surplus Lands, should remain as it did before.

To this it is replied, that had this Bill been absolute and without a suspending Clause, the objection of its having encroached on the Kings and the Earl Granville's right & property, had held good, as to the surplus Lands, but as it now stands, it is no more than a proposition, made to the King and Earl Granville, subject to his Majesty's approbation or Disallowance thereof. And with regard to the Proposition itself, the Bill in this respect is much better calculated, to enforce the Payment of Quit rents for overplus Lands, than any former Law, & had Sir Mathew Lamb attended, how the Case of overplus Lands stood by the Laws now in force more particularly that of 1715, Intituled an Act for preventing Disputes concerning Lands already surveyed, it is conceived he must

have preferred the provision made by this Bill, to that of the Law 1715, in so far as that by this Bill, all arrears of Quit rents are to be paid for such surplus Land, as if the same had been so specified in the Original Grants, by the Act of 1715, no provision at all is made, for payment of arrears of Quit rents. By this Bill twelve months are limited, for the possessor of such overplus Land, to ascertain his right to such Land by that of 1715, §5. he is left at his discretion, in point of time by this Bill, the informer of such overplus Land, who desires to have the same, may at the Expiration of the Twelve months, resurvey the same, and take out a Patent for the Land in his own name, in any part of the Land, he thinks proper, but by that of 1715. §4. and 5. no manner of encouragement is given, for the Discovery of overplus Land on the contrary it is at the option and the Discretion of the persons holding overplus Lands, when and in what part of his Land, he shall think fit to take up such overplus, and no penalty if he never shall take it up, from the state of the case then as it stood before the passing of this Bill, it is conceived that the second objection on the part of Sir Mathew Lamb is ill grounded, so far as that the present Bill in this respect is much more favourable to the King and the Earl Granville than any former Law.

The 3rd Objection Viz^t That the Bill makes a Variation from the Express Terms of the Grant, both as to the manner and to the time of payment of Quit rents. To the manner of payment by Commodities in place of money, no better answer can be offered than this, viz^t the necessity of the Case arising from the Circumstances of the Province, for want of Proclamation money, Gold or silver and from the Depreciation of their Paper Currency, substituted in the room of gold and silver and till such times as your Lordships shall become more particularly informed, I shall lay before your Lordships how the Case of money comes represented to me from that Province Viz^t That having little or no money more especially in the Southward parts of the Province their Paper Currency as it now stands, will neither purchase indigo, cash, (if such can occasionally be had) nor Bills of exchange, Indigo is the best money to be had, though but little of it, to the Northward parts of the Province, Forty Currency is given, for what cost no more originally than sixteen, so that the Paper Currency is depreciated from Proclamation money, ninety per. cent. below Proclamation money, at which it was originally issued and Established in Payments, admitting this to be the true state of the case, and the circumstances of the Province, such, at the time of passing the Bill, the Legislature of the Province, not without good reason, have proposed, the only expedient left, for payment of Quit rent, viz^t that, of such Commodities as are most valuable, and the least liable

to Fluctuation, and if the necessity of the Case prevails, so as to admit of a variation from the Grants in this Respect, the other objection with regard to the time of payment, will not avail much, since the time prescribed by this Bill is adapted to the nature of the Payments of such Commodity, for the public Taxes of Government, and also adapted to the Sheriffs Duty, in recovering such Dutys for the use of the Government.

The 4th Objection is. That as by the Laws of the Province, Slaves are Distrainable, it is therefore unnecessary, and improper to make them so, by this Bill, since thereby they are not to be distrained, if any other sufficient distress can be found, under the penalty of an Action against the Sheriff. To this it is answered, that as the Case now stands, there is no express provision, made by any Law, whereby Slaves may be distrained by the additional Quit rent Act of 1749. §6. according to the rule of Law, excepted probat Regulam, slaves might have been distrained but that Law being repealed there does not exist, any Law, declaratory of this matter, by what other Law of the Province then Slaves are distrainable for Quit rents becomes doubtful, for admitting that negros being Slaves are by the Law of the Province deemed Goods and Chattels and personal Estates, & as such, are lyable to Execution upon an Action of Debt, it does not from thence follow conclusively, that as such, they are lyable to distress for rents, upon the principle of the Common or statute Law of this Kingdom, or of the Laws or Customs of the Province, which do in so far agree together in principles as to make a Difference and Distinction, between the payment of Debt, and that of rents, not only as to the manner of recovering Debts but likewise in what is to be recovered, in so far as that, the remedy in the Case of Debt, is by Action in that of rent by Distress, and accordingly many Things are subject to Execution for Debt, that are Exempted expressly by Common and Statute Law, and by the Laws & Customs of the Plantations on the principles of the Law of this Kingdom, from being Distrained Whether or no Slaves are or are not of such a nature, as to admit of a direct Property, therein upon the Principles of the Laws of this Kingdom they are in fact so by the Laws of our Plantations, and are there employed as Tools & Utensils in the Gain and Manure of Lands it is therefore no strained inference, that as such they come within the rules of the Common and Statute Law of this Kingdom so as to be Exempted from being Distrained for rent, even in the Case of the Kings Rent which all Tools, and Utensils, & Implements of Husbandry are expressly so, by the statute of 51. Hen. 3rd de Districione Seacarry, which confirms the rules of the Common Law in such Case, but how far the principles of Plantation Law, and of this Bill in particular are consonant with, and

applicable to the Laws of this Kingdom, in this Case will admit of a great deal of Argumentation, the point then admitting of controversy, this Bill becomes necessary, to remove all doubt by expressly declaring that Slaves are lyable to be distrained, nor is the Bill as alledged improper, from the proviso added thereto, that Slaves are not to be distrained, if any other Distress can be found because this Proviso does not defeat the Intention of the Act, since Slaves distrained, according to this Act may be kept in distress, until other sufficient distress is produced upon the principles of the Act of 51. Hen. 3rd. It therefore lies upon the Party distrained to produce other sufficient distress within the time prescribed by this Bill, which if he does not the Slaves distrained may be sold with impunity, upon the whole it is apprehended that in this Respect the Bill is neither improper nor unnecessary as alledged by Sir Mathew Lambs report, to the objection that 20 Years possession is held good against the King, It is answered that however true it is, that this Bill in so far seems repugnant to the rule of the Kings Prorogative, that no prescription restrains the King for nullum Tempus Ocurrit Regi, in point of his Right, Two Distinctions however as to the Kings right and as to the possession of the Party, are to be taken before this Rule can be applied to this Case, First, Quoad the possession, claimed under the Lords Proprietors grants the Kings right is but a secondary or Derivative Right, from the late Lords Proprietors, the possessors under Grants from the late Proprietors, retain the same legal right of Possession as they had or could have had, as if the Lords Proprietors had not sold their Interest to the King. In such Case then, by the Act of 1715. cap. 27. fo. 7. Intituled an Act for Limitation of Actions, and for avoiding suits at Law Seven Years Possession was a Bar against all manner of Persons whatever, any former Title or Claim to the contrary notwithstanding; by another Act passed under the Lords Proprietors Government Anno 1723. Cap. 4. fo. 54 for setting the Titles, and Bounds of Lands, persons whose lands have been processioned that is, whose Bounds had been twice run round, and the Lines thereof renewed, which was to be done every three Years, such persons were held to be the sole & rightful owners, and the party so in possession may plead the general issue, and give the Law in evidence, with regard then to persons holding under the late Proprietors as the Proprietors were barred by seven years quiet possession, so is the King, in so far as that his right depends on the right Transferred to him, and derived from the late proprietors, with regard to such Possessions. As to the second Distinction, with regard to possessions, since the property became vested in the Crown in Answer to the Objection of 20 Years quiet possession being a barr to the Crow,

It may be argued that it never was intended by the Crown to molest or disturb bona fide possessors, in either of these Provinces, for from the Tenor and Scope of the Kings Instructions to Governors of the Carolinas, in regard to possessions, it would appear clear that the Intention of Government, was the due payment of Quit rents, and as the Quit rents could not possibly be properly ascertained, without a rent roll, to bring this about, the due Registration of Deeds, became the Capital object of the Crown, more than the nicety of Titles, either as to form or time of possession, nor will the nature of Colony possession, admit of the full extension of the rules of possession to the same degree of longevity, as in the mother Country, neither will it agree with the policy of State, to restrain the Settlement of our Plantations, to the nice Rules and forms, necessary in the mother Country by the strict rules of Law, and accordingly the principles of limitation by this Bill, are by no means new nor unprecedented in other Colonys, besides it is to be observed, and attended to that the provision made by this Bill is in favour of bona fide possessors, who come within the rules of Equity and relief, in so far as that they are ab initio, bona fide possessors but their Title Deeds by accident, incident to New Settlements lost, the proof whereof is left to the Governor & Council, who constitute the Court of Chancery, and as such are proper Judges, in such Cases, in so far then the principles of the Bill for 20 years possession stands forfeited by the rules of Common Justice and Equity.

With regard to 7 years quiet possession in Cases where the Crown is not Concerned, it is no more than a repetition of the Acts of 1715, and agrees therewith, and with the like Laws, in other Colonys, and so does the Clause for making recorded Copys of Deeds, or Copys duely Testified, where Originals are lost, good evidence, agree with the Laws of this Kingdom, in the like Cases, & no part of the King's Dominions, does require such Provision, more than North Carolina from the irregularity of Public Offices heretofore.

The objections to the Bill being thus answered the particular advantages thereof, come now to be pointed out to your Lordships.

First then, this Bill provides for the Registration of all Title Deeds whatsoever, as well original Deeds, as all Mesne Conveyances of whatever Nature, whether derived from the late Lords Proprietors, or from the King. Whereas former Quit rent Acts went no farther than Deeds, under the Lords Proprietors, without the aid of this or of such like Bill from the notorious neglect in the Public Offices of Government the Kings Grants, have not been recorded, so as to bring them into the Rent Roll, without the interposition then of the legislature the Kings rents cannot

be duely ascertained nor former, nor future neglects, amended or prevented.

2^{ndly} This Bill provides that all Persons who are thereby confirmed in their Lands, by Virtue of 20 years quiet possession shall pay at the rate of four shillings proclamation money being the Kings Quit rents. Whereas by Act of 1748 they were only to pay, the Lords proprietors Quit Rents at most two shillings & in some Cases none at all.

3^{rdly} This Bill with regard to the Provision for taking up the overplus Land & paying Quit rent for the same, as has already been observed, in the reply to Sir Mathew Lamb's report, in this Respect, is by far more advantageous to the Crown than any former Law relative to Lands or otherwise.

4^{thly} The Commodity of Indigo, rated at a much lower value by this Bill than by former Quit rent Acts, viz^t from 4 shillings, it is now rated at 3 shillings proclamation money, far under the real merchantile value thereof.

5^{thly} This Bill has not only made better provision for Forming a Rent roll, but has moreover provided for advancing the Quit Rents by preventing a practise very detrimental to the Kings and Earl Granville's Revenue, that of peoples selling their Land, and other Effects, and so removing from the Province, without payment of their arrears of Quit rents due upon the Lands sold, in such cases this Bill provides that the person who shall purchase such Lands, that are subject to arrears of rents, shall become lyable to the payment of all arrears of Quit rent due thereon.

6^{thly} It makes Negro Slaves distrainable, as has been before observed altho' such slaves, are under mortgage for other and prior Debts, & in so far, this Bill is extremely advantageous to the Earl Granville, giving to him the like benefit, as the King by his prerogative has, in respect of priority of payment, & furthur that he may distrain for his Rent in or out of the premises, charged with such arrears of Rent.

7^{thly} By this Bill is provided that Sheriffs who collect or recover Quit rents, shall pay the same over to the Receiver, within a month, no such provision by any former Law. Upon the whole as this Bill is in many Respects more advantageous to the King, and to Earl Granville, than any former Law heretofore passed relative to the Quit Rents. As the inconveniency and mischiefs that have arisen from the want of such a Law, are daily becoming greater, & greater, and in so far as that thereon depend not only the advancement of the Kings Revenue, but also in great measure the peace & tranquility of the Province, long agitated and distracted by discord and dissention, in their Publick Measures, from these

reasons, and weighty consideration, it is humbly hoped, that your Lordships will not reject the Bill, in Terminis, but in so far as that, the same may appear in your Lordships Judgment, defective in some particular points, as to the good purposes thereby intended, by the Legislature, that if it shall so appear to your Lordships that your Lord^{sh} will in such case be pleased to remit the same for Amendment.

All which is most humbly submitted to your Lordships consideration by,
JA. ABERCROMBY.

To the Right Honourable the Lords Commiss^{rs} for Trade and Plantations.

Objections to the late North Carolina Quit rent Bill, passed in January 1755. by Mr Child Secretary to Earl Granville

The particular parts of the Bill objected to relate 1st to the subject matters of Distresses. 2^{ndly} To such Commodities as are substituted for payment of Quit rents in the room of sterling or Proclamation money, which are the only alternatives reserved payable in the Grants of the Crown and of the Earl Granville. 3^{rdly} to the means devised for procuring a general Registry. 4^{thly} To the Disposition of Surplus Lands Upon particular Resurveys, and 5^{thly} To the making 20 years possession an absolute Title and final Bar against the Crown and the Earl Granville.

As to the First Head, or that part of the Bill which makes Negro slaves distrainable only where no other sufficient distress can be had upon penalty of the officer's being liable to an Action and full Costs, etc.

It is necessary to premise, that one of the principal difficulties which formerly obstructed the collecting of Quit rents in this Province, was that of finding upon the premises any valuable goods or Chattels, that would answer the end and expence of making a Distress, such as could be found were base necessaries of the Tenant's own Fabrick, for which there were no Markets to carry them, nor Buyers since everyone made for himself or shifted from hand to mouth, and for that special reason it was, that the Act of 1715 (since repealed) was made, which vested the property of such goods taken by distress for Quit rents, or for Taxes, or in Execution for other Debts, in the Party for whom they were so taken, at their full appraised value, which soon put a stop to the Execution of distress Warrants, & of other like processes for common Debts, as they might thus have been discharged, under favour of the Act, with worthless Furniture or the Trumpery of a Plantation.

Afterwards as the people began to make up a purse (which was then not so difficult for them to do, since they were thus enabled by this Act

to bid defiance to all their Creditors) they grew lazy and for the sake of indulging themselves thought of purchasing Negro slaves to do the work of their Plantations. But Negroes were a valuable property; and would fetch ready money in any part of America, and being Chattels or personal Estate, would become liable to be distrained for Quit rents. Therefore to prevent such an inconvenience, they made an Act in 1749 (since repealed) which exempted Slaves or Negroes, from being distrained, in case other sufficient distress was produced (the other sufficient distress here meant, was such useles and worthless goods or plantation furniture, as were specifically made legal payments of Quit rents, and of other Debts by the aforementioned Act of 1715) but this Act by reason of its qualifying and direction Clauses, which were productive of great Frauds and obstructions was repealed by His Majesty in April 1754, in virtue of which repeal Negro slaves are at this day become (and will continue to unless this last Bill should be confirmed) equally distrainable for Quit rents in this Province, as any other species of personal Estate whatsoever.

But by the Bill passed by Governor Dobbs, and now expecting his Majesty's confirmation, negro's are a second time exempted from distresses; (but note, from distresses for Quit rents only; and not for Taxes, nor are they protected against Debts due to one another; which proves the unjust partiality of the Bill,) or which would amount to the same thing, made distrainable only in Cases where other sufficient distress is not to be found upon the premises, upon penalty of the officer's being liable to an Action and full Costs. So that this Bill is not only an express Qualification of the Law, as it now stands with respect to Negros being the subject matter of distresses for Quit rents, but by reason of such negative clause, would be virtually a Rescission of it, since no officer could venture to make a distress under it, because of the formidable penalty he would be subject to, in case proof should be made that other sufficient distress was to be found upon some part of the Premises. the contrary of which such officer could not, in the nature of things, upon such extensive Tracts of many Thousand Acres that have no visible Boundary Lines from other Tracts, be actually sure of, and without such certainty, the risk & penalty are so great as would effectually deter any officer or other person from making a distress on Negro Slaves. Moreover in Case this Bill should be confirmed, the former Difficulty arising from the operation of the said Act of 1749, which had obstructed the collecting of Quit rents, would be now received, and as this Bill is not framed as a temporary one, that difficulty and Exemption might thereby be rendered perpetual.

As to the 2nd Head, or that part of the Bill which makes Quit rents payable in Inspector's notes for Tobacco at a 1^d ₤ lb: or in indigo at 3^d ₤ lb. at certain times therein mentioned, there are 4 obvious & material objections to be made to it.

1st It controls that power which the Crown and His Lordships have Legally over their respective proprieties, by substituting those specifick payments of Quit rents in lieu of sterling, or (if the Tenants should please) of Proclamation Bills, which are the only two species of money that they have covenanted to pay their Quit rents in (one of which will always be in their purses, tho' the other should not) And also by the Bills appointing particular Days for those Payments being made, without any reference or regard to such as are stipulated in the Grants of the Crown and of his Lordship for that purpose.

2^{ndly} It obliges the Crown and his Lordship to accept that species of payment which the Tenants shall elect to give them, so that in case it should happen, that the current or market price of Tobacco or Indigo should be under or lower than the price at which they are rated and invariably fixed by the Bill the Tenant having the entire Election, will for this reason be sure to fix upon that particular Commodity, whose market price shall so happen to be lower than its rated value, for payment of his Quit rents in, and the Crown and his Lordship would be nevertheless obliged by the Bill to receive it, at such full rated value, tho' to their manifest loss of 10 or more ₤ cent.

3^{dly} It will depend as well on the Honesty as skill of such Inspectors, whether the Tobacco so to be paid for Quit rents, shall be really merchantable or not, and should they certify it as merchantable, the Crown and his Lordship would be bound to accept it at the full rated price, whether it was so or not, but indigo is not subjected to Inspection, & therefore they might be obliged to receive that Comodity in payment, without any Kind of ascertainment as to its quality or goodness, and should it be necessary to try an issue upon the point of such goodness, the question must be determined by a Jury composed of like Tenants who, not improbably might be in Confederaey with such Defanlters.

4^{thly} These specifick payments, as directed by the Bill, will render the Estate of the Crown and of his Lordship a very precarious Kind of property, liable to all the fluetuations of merchandise, and to the trouble and risk which attend Traffick and in case the Crown or his Lordship should not choose to export such commodities or specifick payments as merch^{ts} upon their own Accounts, it would be impossible to dispose of 'em in the Country for the value at which they were rated and paid them, in pursuance of the Bill, because it must be supposed that if the market price

should not be lower than such rated value the Tenant will not elect them to discharge his Quit rent with.

But note if there is such necessity, as would seem to be pretended by the Bill for paying Quit rents in Commodities, how comes it then that such Commodity's are not also made good payments for debts due to one another, which as the Law now is, are to be discharged with Gold, Silver or Proclamation Bills?

As to the 3rd Head; or that part of the Bill, which in order to procure a Complete rent roll, obliges the Crown's and his Lordship's Grantees to register their Title Deeds, upon penalty of forfeiting £10 proclamation (£7 10^s Sterl.) to the Informer, in case of neglect or refusal, etc. As one of the Consequences, attending a general Registry of Title Deeds, would be the gaining a knowledge of the great Arrears of Quit rents due from particular persons, and by that means such persons might be compelled to discharge them; The alternative they have by this Bill "of subjecting themselves to an inconsiderable penalty only, for neglecting or refusing to register such Deeds" would be infinitely preferable, besides by once submitting to such penalty or forfeiture (which is not made toties quoties) the Act would be ultimately satisfied, and consequently no subsequent neglect or refusal to register could be afterwards imputed to them. And without a registry of such Title deeds no prosecution could be supported for the Arrears of Quit rents.

But this is not all, Their Case has been extended so far, as to prevent the Bills being ever put in Execution, for the onus probandi is laid upon the Informer, that is to say, it is incumbent on him to prove in order to support an Action for the Penalty, that "such a person has such a Title Deed to such particular Lands, which he neglects or refuses to register," now to suppose an informer capable of proving this in cases of secret Frauds and neglects, as those are which should be the objects of the Bill, is supposing a Manifest absurdity.

By the Act of 1748 (since repealed) the Lands themselves were forfeited (in which Case it was only necessary to prove the Tenant's possession or Claim to such Lands and it was his Business to produce a Title Deed in order to save a forfeiture of 'em) And indeed it is only such a penalty that can enforce a general registry, and without a general registry, it will be impossible ever to procure a complete rent roll or make a fair Collection.

As to the 4th Head, or that part of the Bill which directs particular resurveys, and how, and to whom, surplus Land shall be granted out, etc. This is a very moderate attempt to disseize in Effect, the Crown and his Lordship of a considerable part of their properties, and to vest

it in the legislature of the Province, or which is Tantamount, make the Alienation of it subject to the Rules and Direction of their own Assembly. For certainly the original Property of all Lands in North Carolina must be either in the Crown or in his Lordship, which as sole Fee-proprietors in their respective Divisions, they have an absolute independant right of granting out, to whom, upon what Terms, and in what manner they please, now surplus Lands are such extraordinary portions of Land as appears upon a resurvey, to be in the possession of their Tenants exceeding the just Quota's or Complements of their Grants, and are ever obtained either by original fraudulent Surveys, or by direct Disseizin. Consequently such ungranted surplusses, or exceedings can belong to no one, but either to the Crown or to his Lordship, and belonging solely to them, must be subject to their own rules and disposition only. Besides should this Clause be ever enacted into a Law, it will follow, that the best way to intitle themselves to Estates in North Carolina will be to take possession of more lands than shall be included within their Grants, because these Exceedings that shall appear upon a resurvey, coming under the notion of Surplins Lands, are adjudged by the Bill to the party, who had before so wrongfully possessed them, in case he shall choose to retain them, and that without taking out a new Grant, or paying anything by way of purchase money, for the property of such Exceedings.

As to the 5th Head, on that part of the Bill which makes 20 years possession of Lands upon proof thereof to be made before the Governor or Council etc etc, a sufficient Title and final Bar against the Crown and his Lordship etc.

This Clause which concerns one of the vital parts of our Constitution, namely the acquisition of property, is totally repugnant to the Laws and policy of the mother Country, and therefore not fit to be Enacted by any American Legislature.

By the Law of England 20 Years possession creates no Title to the property of Land, but forms a right to the bare possession only, the Dispossessed party having, notwithstanding such 20 years possession against him, real Actions to resort to, under which he may recover, and be restored to such dispossessed Estate.

Besides such 20 Years possession must be proved here to the satisfaction of a Jury, and be found by them in an Action depending between the proper parties, wherein the whole merits of the Case may be canvassed & exposed to the Court. But this Bill would make such length of possession an absolute Title to the Property, and a final Bar against the Crown and his Lordship without any further resort, and such possession may be proved in consequence of the Bill in a private, extrajudi-

cial and partial way, without notice to them as Parties interested, and without being so found by a Jury, impanelled to try that particular issue between the parties (possessors) and his Majesty, or the said Earl, as the Case should be.

Nor can fairer proof be given, that this Clause was even considered as a particular Hardship that would be put upon the Crown and His Lordship than that its operation is confined to them only & not extended to any Cases of the same nature that might happen between themselves.

To conclude, should this Bill be passed into a Law, it is conceived, that its operation would prove greatly detrimental to the rights & Interests of the Crown, & to the Earl Granville's Property in North Carolina.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 100.]

Letter from Governor Dobbs to the Board of Trade, dated Newbern the 15th of December 1755.

MY LORDS

I have herewith sent to your Lordships the Acts of the last Assembly under the Province Seal and the Duplicates of the Journals of the two Houses of the first Session. I had not your Lordships Letter of the 16th of June until last night when I got a duplicate of it from Governour Morris the original never having come to my hand and along with it he Sent me your Lordships Letter of the 19th of September of which I got the Duplicate last Saturday and on Monday Morning issued a Proclamation for the Colonels and commanding Officers who had not lately made me returns of their several Regements or Troops or who had not returned an Account of what arms each Troop or Company had forthwith to mend their returns and transmit them to me, and also that all the County Clerks should send me a List of their Taxables in each County distinguishing the Whites from the Blacks wherever they could and what Number they imagined might have secreted their Taxables as I find many do for by getting information lodged in this County of Craven last year we have increased the number of Taxables about 300 the Laws have been so negligently looked into I shall when these come in, fully answer the first of the Letters about the Forts Ammunition and arms the 1000 arms I got when I came over will be distributed to the five companies raised and to be raised and to the Militia of the exposed Counties and near the sea coast for our Defense ammunition or lead we have none but from hand to mouth and very little in the Merchants.

hands But I shall refer it till I answer the Letter fully to each Particular. The Former Letter about the state of the Colonies in general and the management of the Indian Trade I shall collect my thoughts upon it and freely send my opinion to your Lordships that you may compare it with the thoughts of Gentlemen in the other Provinces and form your Judgment when you shall have the several Opinions before you and shall loose no time in preparing answers to both your Letters.

Governor Dinwiddie is sending two Commissioners and Presents to the Cherokees and Catawbas for to confirm their Friendship and to procure their assistance and has wrote to me to send two from this Province to joyn them which I shall do thō I have no presents to send them. We long much for M^r Littleton's arrival otherwise M^r Glenn will counteract us and keep them away as he did before.

I sent your Lordships a List of 3 persons for to be of the Council there being two vacancies here and sent duplicates at the end of 8thber which I hope you have received.

I have nothing further to add but that I am with due respect,

My Lords, &c.,

ARTHUR DOBBS.

New Bern December 15th 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 101.]

Letter from Governor Dobbs to the Board of Trade, dated at Newbern the 26th of December 1755.

MY LORDS,

Pursuant to your Orders of the 16th of July of which I received a Duplicate only the 17th instant the Original having never come to hand I underneath give your Lordships my humble Opinion in the best manner I can digest my thoughts in so short a time that as little time might be lost as possible since your Orders were so late in coming in answering the several Articles you have ordered me to send to you, that your Lordships might not be delayed by me and that you may compare the plan I send with those of the other Governors of the several Colonies to whom undoubtedly you have sent that you may be enabled by knowing the Sentiments of the several Governors of the Colonies to digest and form a general scheme to be laid before his Majesty, althō I could wish for the good of Britain that the French were totally expelled from Canada and Luisiana.

In order to answer your Lordships Expectations and Orders in the best manner I can to every Article I must beg leave to observe that the sums to be levied upon the several Colonies can't be fixed until the Number of Forts to be erected and the largeness of each is determined and known which are necessary to defend the frontier and to protect our Indian Allies and secure the Trade and until the Number of Soldiers necessary to be maintained to defend them can be determined and the number of cannon swivels or musquetoons and other Military Stores necessary for the several Forts and what may be necessary to keep the Forts and Barracks afterwards in repair by which the Expence may be calculated and the sum known which is necessary to be raised by the several Colonies Nor can the number of Forts and their largeness be determined until the Bounds of our claim is fixed and the French are forced to give us our Right But since the Treaty of Utrecht confirmed by the Treaty of Aix hath confirmed to us a Boundary thō it be not the foundation of our Right and claim I shall therefore fix the British Right and Boundaries of the Colonies upon the Right we have by the Faith and Sanction of these Treaties without insisting upon our prior Right.

The Treaty of Utrecht has yielded up and restored to Britain Arcadia or Nova Scotia according to its most antient Limits which were originally fixed by King James the firsts grant from the Entrance of S^t Croix on S^t Johns River to its fountain and so the shortest way to S^t Lawrence River over against Tadousac and down that River to Gaspee Bay the French claiming then no part of the Countries South of that River having Settled their Colony at Canada to Northward of it and from Gaspee along the Coast to Cape Breton which was included in it but given up to the French by that Treaty and from thence along the Sea Coast to Cape Mary over against S^t Johns River.

I can't tell whether his Majesty will insist upon his whole Right and have a Fort erected on S^t Lawrence River over against Tadusac nearest the Springs of S^t Johns River since the South Bank of that River to the Lakes ought to be our Boundary as it is our undoubted Right and would effectually secure the friendship of these Indians and to have another built at Gaspee at the entrance of the River which would add greatly to the Expence and would be strongly litigated by France as it would give us the command of that River and therefore for the sake of peace his Majesty may probably abate of his Right in this instance but it should be upon such Terms that the French should acknowledge the British Right to all the Lands South of the River and withdraw their Missionaries from the Indians and let the Lands remain unsettled in the hands of the Indians. In that case we may only keep Fort Cumberland at

Chignecto and that at Bay verte and one upon S^t John's River which should be built as high upon that River as would answer to protect our Settlers and keep the Indians our Friends.

The Limits of New Hampshire Massachusets and Main ought also to extend to the Banks of St. Lawrence River from S^t Johns to the River Iroquois and Lake S^t Pierre but probably for the sake of Peace they may not insist to settle the whole upon the acknowledgment of our Claim but they ought to make good their Claim as high as the Springs of Kennebec River and have a Fort as high upon it as may protect their Planters which I believe they have already done last Summer our Claim from New England on the River Iroquois is fixed by the Treaty of Utrecht to all the Lands possessed or conquered by the five Nations now called the six Nations upon their conjunction with the Tuskeroras to which they always claimed a Right which extends from the River Iroquois to Niagara along the South side of S^t Lawrence River and Lake Ontario so that Crown Point fort is undoubtedly our Right as well as all South of S^t Lawrence in Right of our Allies, who put themselves under our Protection whether his Majesty will support his claim to the south side of that River so as to settle it is a matter of Prudence but the French ought to give all the Indians South of that River to be under our Protection and also any Claim or Right to settle those Lands.

The six Nations also claim a Right to all the Countries North of Ontario and S^t Lawrence from the River Ontaonas near Monreal to the Huron Lake which they had conquered and was always their hunting ground so that we have a just Claim to Caterakin Fort on the North side of Lake Outareo where it enters S^t Lawrence River However for the sake of Peace his Majesty may probably give up his Right and wont Claim anything North of Ontario Lake but it ought to be stipulated in that case that Catanakin fort should be demolished or any other built upon Ontario Lake, the whole Lake belonging to the six Nations.

The Lands South of Ontareo and Niagara Fort and River are undoubtedly our Right, as are all the Lands South of Lake Erie the six Nations having conquered all these Lands Southward and Westward of it as far as Michigan Lake and the River Illinois and so down to the Ohio and Mississippi and Northward beyond the Miamis River which falls into Lake Erie and S^t Joseph River which falls into Michigan Lake and the Twightwees and Thawans as well as the Delawars possess these Lands by the Express leave of the six Nations from the falls on the Ohio to the Mississippi on the South side of the Ohio our allies the Cherokees claim a Right and dispute it much higher of the South side with the six Nations so that in their Right we have a claim to these

Countries and the Chickesaws our faithful allies claim a Right from thence down the east side of the Mississippi to the River Mobile and to Southward of them we claim a Right by our allies the Lower Creeks to Albama Fort, and might claim a right to Mississippi by Caas discovery of it before the French.

Upon this Presumption that we shall exert our undoubted Right to these Lands founded upon the Right of our Indian allies and the Treaties of Utrecht and Aix la Chapelle from the River Iroquois including Crown Point by the South side of Ontario and Erie Lakes and so by the West End of Erie to Michigan Lake and down the Occaback to the Ohio and thence to the Mississippi and down that River of Mobile to include the Chickesaws and so to Albama a Fort and River to secure our Creek allies I shall humbly propose what number of Forts and what size and strength they ought to be to secure our Colonies and Indian Allies.

Since Nova Scotia has got Possession of Fort Cumberland at Chignecto and a small Fort at Bay verte which secures the Isthmus and upon retaking the Fort at St Johns (which when taken ought not to have been neglected) and since that Colony is now under the Direction and care of the Government in England I do not bring that Colony into the Estimate, and there being a small Fort already built by the Massachuset Colony upon Kennebec River I shall pass that over altho I bring the Pay of the Garrison into the charge I therefore shall proceed to crown Point Fort which when retaken we must garrison strongly to secure the Massachuset and Connecticut Colonies as well as New York from the French and their Indians as also our claim to the Country west of Iroquois to the Lake Ontario a small Fort at Oswego to secure our Trade as it may not be prudent to insist upon Catanakin fort and the Lands North of Outario—A strong Fort [at] Niagara to secure the six Nations from the French Power and Intrignes—a Redoubt at the Head of French Creek above Verango where the French have a small Fort to communicate with Ohio—Another Redout upon Caya-hoya a River running into Lake Erie where there is a carrying place to Mushingum or White Woman's River which falls into the Ohio above the upper Thawans Town near little Kanhawa River—A strong Fort upon Sanduski River at or near Yumimdat, where the French have lately built a small Fort, where vessels may be built to command the Trade upon Lake Erie and so through the streights to Hurou Lake, from this River is a carrying Place to Siotu River which falls into the Ohio near the lower Thawan's Town—A Fort on or near the River Miamis to secure and protect the Twightwees our allies—A strong Fort at the Conflux of the Occaback with the

Ohio—A strong Fort near the Chickesaws, at the head of the Mobile to secure and protect that Warlike Nation our faithful Allies the Envy of the French and their inveterate Enemies—And a Fort either on Flint River which falls into the Bay of Mexico or upon the Head of Albama River to preserve a communication between the Chickesaws and Creeks and to protect the Creeks from Albama Fort. If this plan be followed there will be no occasion for a Fort to protect the Cherokees as they will be at a great distance within the Line These are the number of the Forts and Places which I think the best to secure our Frontier and Indian Allies and to protect the Trade being 9 in number including the Fort on Kennebec River and 2 Redouts which wont be more expensive than one small Fort, so these included they make 11 Garrisons which in my Judgment are as many as may be necessary to be garrisoned to secure our Colonies and the Countries belonging to our Indian Allies and to make them our perpetual friends and to carry on our Trade as far as the Mississippi and through the Lakes by which many more nations would be induced to come and trade with us when it should be put under proper regulations when we should be able to undersell the French upon account of their Monopoly, Distance and difficulty of Navigation as well up on the Rivers as the Seas leading to the Rivers of S^t Lawrence and Mississippi. This would secure to us the best part of the Indian Trade and their Friendship effectually and would soon oblige the French to give up or desert Fort Pontchartrain as not worth the Expence since by the Treaty of Utrecht we have a Right to Trade with all Indian Nations even with the French allies as they have with ours and then the Lakes would be open to us for large vessels to Trade in them.

However this ought not to be our full Scheme, for I foresee that whenever we shall be able to accomplish this Plan and the French find themselves confined to the North of S^t Lawrence River and the Lakes and we shall have gained the Bulk of the Indian Trade that the French will endeavour to make Reprisals upon our Trade in Hudsons Bay which the Hudson Bay company and Monopoly will encourage them to do since they now undersell the company after so long a Land carriage and difficult River Navigation as far as from Moureal to the West of the Bay for they will then push on their Trade Northwestward and secure all the richest furs. I therefore think it of great consequence that no time should be lost in declaring the Hudson's Bay exclusive Trade by charter (without an act of Parliament to confirm it) an illegal Monopoly and to allow all the British Merchants to Trade, and British and Foreign Protestants to settle on all or any of the Lands within their Grant and that the Legislature should determine their Property and where they

were Proprietors in case they should not give up their charter if the Monopoly be declared illegal for if those Lands were settled as in other Colonies they would push them and the Trade on to the Southern milder Latitudes and secure all the Trade North of the Huron and Superior Lakes as they could undersell the French and so cut them out of the Trade West of the Bay and joyn our Colony Trade thro' the Lakes this would reduce the power and wealth of Canada so much as to make them quit their Schemes and Canada would become of little value to the French.

Having premised these things I shall now humbly give my Opinion of the seize and Strength of the several proposed forts and Redouts which are proposed to be eleven in number as already mentioned having left out Nova Scotia as being entirely under the Direction of the Government in Britain and then the Forts to be erected where not already built will appear thus

The first at Kennebec River if not already built, to be a triang- ular Fort with 3 Bastions 12 Cannon 4 pounders 30 Swivels or	Number of Men.
Musquetoons	100
2 ^d Crown Point Fort already built with cannon &c	500
3 ^d Oswego Fort a Triangular with 4 Bastions 12 Cannon 6 pound- ers and 18 Swivels	200
4 th Niagara a Square with 4 Bastions 16 Cannon 6 pounders and 48 Swivels	400
5 th A Redoubt at French Creek triangular with 3½ Bastions 18 th Swivels	50
6 th Ditto at Caya-hoga	50
7 th A Fort at Sunduski or Yuncundat a Square with 4 Bastions 16 Cannon 4 pounders 48 Swivels	400
8 th A small Fort at Miamis triangular with 3 Bastions 12 Can- non 4 pounders and 30 Swivels	100
9 th A Fort on the Occaback and Ohio a square with 4 Bastions 16 cannon 6 pounders 48 Swivels	300
10 th A Fort at the Mobile near the Chickesaws the same in all respects	300
11 th A Fort at Albama near the Creek Indians the like	400
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Total exclusive of Commission and non-Commission Offi- cers	2800

The Fort at Kennebec River will soon have Planters settled near it under its Protection and may be soon reduced in time of Peace to 50 men

since the Planters upon any attack would shelter there and add to the Garrison—Crown Point Fort being an exposed Frontier near Canada must be always kept compleat—Oswego if the Town and Trade increases may be reduced to a 100 Men as they may have assistance from the Traders and Inhabitants in case of an Attack—Niagara Fort must be always kept compleat as also the Redoubts on Lake Erie and the Fort at Yunicundat to prevent any Communication from the lake to Ohio by the short Land carriages and to secure the navigation of Lake Erie. The Fort also at the Twightwees must be kept compleat to protect that Nation who upon any attack would assist the Garrison and those on the Occabaek Mobile and Alibamas must be always compleat. However in my computation I will suppose them all compleat—There are to be in the whole 28 Companies at 100 Men ᵓ Company one of which is to be divided between the 2 Redouts near Lake Erie, they must all be allowed British pay and the Non-Commission Officers and private Men Provisions until they are well settled and when they have cleared the Lands near their Forts they should be allowed Mares Cows Sheep and Swine for Breed and afterwards be Only allowed salt and Bread, as they may soon have Malt fruits and vines to make good Beverage since they wont be more northerly than 41° and may have everything Gardens can afford Sallads Roots &c: at the same time Lands should be laid out in Lots for them 500 Acres to a Captain 300 to Subaltern 100 to a Sergeant or Corporal and 50 to a private Soldier, so that when they are off guard in time of peace they may improve their plantations. These Garrisons which are placed near the Twightwees Chickesaws and Creeks should endeavour to have some usefull Tradesmen in Garrison to instruct the Indians and be usefull to them, as Smiths Carpenters Masons &c: and also Gardeners and Farmers to encourage our Allies to become industrious and only go to hunt for their Diversion and when furs are in season to exchange to more advantage to buy Apparel and Household furniture and their youth might be instructed and civilized and enured to moderate Labour which would prepare them to be converted and to incorporate with us. And the Soldiers should be encouraged to take Indian Wives whose daughters would again intermarry with the Indian Youth.

The Expence of the several Garrisons and the whole sum necessary to be raised in the Colonies Thus—The Expence of the pay of one Company.

To one Captains Pay ᵓ day	.	.	.	£	“	10	“	—	“
To 2 Lieutenants @ 4 ^s 8 ^d ᵓ Diem	.	.	.		“	9	“	4	“
To one Ensign	.	.	.		“	3	“	8	“

To three Serjeants @ 4 ^s 6 ^s	. . . . .	“ 4 “ 6 “
To three Corporals @ 1 ^s	. . . . .	“ 3 “ — “
To 2 Drummers	. . . . .	“ 2 “ — “
To 100 private Men @ 8 ^d $\frac{1}{2}$ day	. . . . .	3 6 “ 8 “
		<hr/>
		4 “ 19 “ 2 “

Total Pay of one Company $\frac{1}{2}$ ann £1818 “ 6 “ 5

Total charge of the Pay of 28 Companies £ 50708 “ 12 “ 4 “

To each Fort one Captain $\frac{1}{2}$ diem	£ “ 6 “ 8
To one Surgeon	“ 4 “
To Surgeon's Mate	“ 2 “ 6
	<hr/>
	“ 13 “ 2

Total $\frac{1}{2}$ year £ 237 “ 7 “ 2.

Which for 8 Forts amounts to 1897 “ 17 “ 4.

Total pay 52602 “ 3 “ 8

Provisions for 2800 Soldiers at 2^d $\frac{1}{2}$ day £ 23 “ 68

Total $\frac{1}{2}$ ann 8522 “ 14 “ —

Non Commission Officers 214 at 4^s $\frac{1}{2}$ diem £ 3 “ 14 “ 8

Which amounts to $\frac{1}{2}$ ann 1374 “ 17 “ 6

Total with Provisions 62503 “ 17 “ 2

Which with allowance to Gunners and Mattresses

will amount to at least £ 63000 “ — “ — “

In order to raise this Sum from the United Colonies they ought to be had proportionally to their Wealth and Numbers. The Numbers are generally computed from the Taxables White Males from 16 and upwards and the Number of Souls computed from those as the Number of females are computed equal to the males and the Number under 16 equal to those above 16. So that the Taxable whites should be about $\frac{1}{4}$ of the whole. The Wealth is not so easily computed but where there are Negroes the Taxable Negroes should be always added to the Number of Taxable Whites.

Having seen a late computation of the number of Souls in our Colonies on the Continent of America communicated by a Gentleman who has considered American Affairs to the Author of a late well wrote Pamphlet entitled a State of the English and French Colonies, altho it be not exact as I shall shew I shall make that at present the foundation of the Proportion of the Taxes each Colony should pay and after shewing

where several of the Computations are incorrect shall form another calculation from a more correct computation although I can't affirm its being correct—

The Number of Souls of the Whites in the several British Colonies of North America as computed by him stands thus—

In Nova Scotia	. . . . .	5000	—
New Hampshire	. . . . .	30000	—
Massachuset and Province of Main	. . . . .	220000	—
Rhode Island and Providence	. . . . .	35000	—
Connecticut	. . . . .	100000	—
New York	. . . . .	100000	—
New Jerseys	. . . . .	60000	—
Pensylvania	. . . . .	250000	—
Maryland	. . . . .	85000	—
Virginia	. . . . .	85000	—
North Carolina	. . . . .	45000	—
South Carolina	. . . . .	30000	—
Georgia	. . . . .	6000	—
		Total	1051000 —

Altho these numbers are not exact as I shall shew and the Negroes are not brought into the Number nor the Wealth I shall at present form a Calculation of the Proportional charge from these numbers of each Colony and shew how it appears upon this calculation and then I shall shew where these numbers are deficient where exact numbers have been taken and give reasons where I apprehend they are deficient from the numbers in the adjacent Colonies where numbers have been taken and shall take in the Taxable Blacks into the calculation and so form an estimate what each Colony should be charged.

But first I must deduct the number in Nova Scotia since that Colony is not included in this calculation the Crown at present being at the whole expence of the Garrisons and Government in that Province. This reduction will reduce the number of Souls of the Whites to 1046000 and as the charge of the Troops to be raised to garrison the Forts is computed to be about £63000—then the proportional share that would fall upon each according to this computation would stand thus—

New Hampshire to pay	. . . . .	£ 1728	—
Massachuset and Main	. . . . .	13250	—
Rhode Island and Providence	. . . . .	2203	—
Comneticut	. . . . .	6023	—

New York	6023 —
New Jerseys	3616 —
Pensylvania	15057 —
Maryland	5081 —
Virginia	5081 —
North Carolina	2766 —
South Carolina	1778 —
Georgia	361 —
Total	£62964 —

In this Proportion according to the above calculation of the Numbers. would the sums be levy'd from the several Colonies in Case the numbers returned had been exact and the Wealth of the several Colonies had been also calculated But as the computation is very deficient in several of the Colonies and the Wealth not considered at all, this calculation can never be thought a proper plan to go upon and as I shall shew that the computation is vastly too low in several of the Colonies to Southward I have reason also to believe that they may be short in the number of several of the Northern Colonies; However as the Lands are less valuable to the Northward and labour more severe, and consequently the Colonies not so rich in proportion to their number I shall not add to the number of any of the Northern Colonies as above returned but shall shew how far short the numbers are given in the Southern Colonies.

An exact account was taken in Virginia last year of all the taxable white males in each County from 16 years and upwards and they amounted to 44214 And the Taxable Negroes Male and female above 12 years old were 58292 so that if the taxable Whites are about $\frac{1}{4}$ th of the number of souls in Virginia the Whites would amount to 176856 which are above computed at 85000 not half the number and if we add to these the Taxable Negroes 58292 the number to pay the Tax would be 235148 so that Virginia as it is an increasing Colony the number may be fixed at 230000. North Carolina is above computed at 45000 souls whites; but as the taxable Whites males from 16 upwards were returned last year at about 20000 and 5000 negroes and I am sensible the returns are less than the Truth as all the Laws had been neglected and not put in execution, for this year in Craven County where I reside having got a good County Clerk and some persons to inform against Defalters the Taxables this year are 300 more than last year so that the number may be computed at 80000 instead of 45000.

In South Carolina the Computation made was only 30000 Whites but since for some years several thousands have taken up Lands there from

the Northward and the back Lands on Santee Savanna and Congeree Rivers are well settled the number of Whites in that Colony if rightly taken can't be less than 60000 besides 50000 taxable Negroes so that by their late Improvement of Indigo their Wealth is increased and they are daily importing Numbers of Negroes, so that including Negroes they may be computed at 110000—By the numbers in Virginia we may be convinced that the Whites in Maryland are short computed at 85000, and may be augmented to 107000, since all their Lands are taken up and from their proportional quantity of Tobacco to Virginia exported their Negroes can't be less than 10000 when Virginia has 58000 so that the numbers to pay the Pole tax in Maryland may be computed at 140000 at least—Pennsylvania is as much under computed at 250000 when Virginia has 176000 and as they have always concealed their numbers carefully by allowing no Pole Tax nor list of Taxables to be taken, as they carry on so great a Trade and are crowded with Planters by the Numbers which land there from Holland Britain and Ireland of which I have seen returns of about 10000 landed in one season that they are obliged to remove to the Southward for want of Lands to take up and as that Colony has of late extended far to the Westward of Susquehana I have reason to believe that what Governor Thomas informed me as to their numbers was not above the Truth that they had in that Colony including the lower Counties 100000 fighting Men capable of bearing arms—Therefore their number of Souls can't be less than 400000 and they will have no injustice done them if they are stated here at 360000 besides there are several negroes who are not computed. I have also reason to believe that the Jerseys are short computed as they have got many of the Germans among them but shall make no further observations Northward as the Colonies there are not so wealthy as to the Southward.

I therefore shall add these Numbers so adjusted to the Computation and whatever Sum is raised over and above £63000 to pay the Troops may answer the payment of the Officers and other Gentlemen who shall be employed by his Majesty in managing the Military Affairs of the Colonies and the Trustees for the Management of Indian Affairs and Regulation of their Trade; and if there is any overplus it may go toward the building of the Forts and Barracks and afterwards in Keeping them in repair and in purchasing arms and Ammunition for I suppose his Majesty will give the Cannon necessary for the Forts.

The number of Whites and taxable Negroes in the Colonies according to this alteration of the numbers in the 5 Southern Provinces will appear thus.

In New Hampshire	30000
Massachuset and Main	220000
Rhode Island and Providence	35000
Connecticut	100000
New York	100000
New Jersys	60000
Pensylvania and lower Counties	360000
Maryland with Negros 40000	140000
Virginia with Negros 58000	230000
North Carolina with Negros 5000	80000
South Carolina with Negros 50000	110000
Georgia	6000
Carried over	Total . 1471000
Brought over	Total . 1471000
Negros deducted	153000
Total of Whites	1318000

I shall now upon these Numbers of Whites and taxable Negros amounting in the whole to 1471000 form a calculation of what proportional sum each Colony ought to pay upon a Pole Tax of 12^d 13^d 13½^d and 14^d ³/₄ Poll in order to shew the amount of the Poll Tax upon each of these sums charged ³/₄ Poll from 12^d to 14^d ³/₄ head that upon finding the exceeding upon each above the £63000 the charge of the Garrisons we may consider what surplus may be necessary to add until the Forts are compleated and what may be proper afterwards to keep the Buildings in repair and for the charge of Management and securing and regulating the Indian Trade so as to preserve their friendship—

	at 12 ^d	at 13 ^d	at 13½ ^d	at 14 ^d
New Hampshire to Pay	1500	1625	1687	1750
Massachuset with Main	11000	11916	12374	12832
Rhode Island with Providence	1750	1895	1967	2040
Connecticut	5000	5416	5624	5832
New York	5000	5416	5624	5832
New Jersys	3000	3250	3375	3500
Pensylvania	18000	19500	20250	21000
Maryland	7000	7583	7874	8166
Virginia	11500	12458	12937	32416
North Carolina	4000	4333	4499	4666
South Carolina	5500	5958	6187	6416
Georgia	300	325	337	350
	<u>73550</u>	<u>79675</u>	<u>82735</u>	<u>85800</u>

By this Computation it will appear that 12^d Ⓐ Poll would only raise a surplus of £10500 that at 13^d Ⓐ head it would raise a surplus of about £16600 by 13½^d about £19700 and 14^d Ⓐ head until the Forts were erected and the Barracks for the Troops and then when the charge of Management and transacting Indian Affairs were known if there was any surplus it should go towards repairs and Contingencies and if there should be any saving and an overplus remain it should be kept in Bank to answer any Emergencies if the Poll Tax should not make up the Sum each Colony to make up their Quota by other Taxes and if they should not approve of continuing a Poll Tax then the several assemblies may raise the Sum upon Taxables by Excise or Duties upon Imports from all places but Great Britain or upon any foreign Luxuries and as this plan would effectually secure their place by Land and increase and improve the several Colonies it would become more easy so that upon due consideration if the proportional sums be found right as might be known by the Poll Tax if there was no fraud in the Collection but each Colony took Care to have all their Numbers pay by laying a heavy fine upon all families who gave a false Return of their Numbers or upon single persons who did not pay then a just proportion might be struck the following year and raised in a manner the most agreeable to each Colony so as to have the Sum ascertained to be remitted by each Colony to the Managers; and I can't but think each Colony would be pleased for so small a sum upon each to pay it cheerfully to secure their religion liberty and property with a happy peace that they might improve their Colonies and enjoy the Indian Trade and their perpetual friendship.

It would be impertinent in me to propose anything relative to the Rank number or appointments of those his Majesty sends to preside over and conduct the whole Military affairs of the Colonies, for the Military affairs must always be under the power and conduct of his Majesty and his successors; so that his Majesty must determine the appointments but it will be prudent out of the surplus to have a considerable sum to go towards Repairs Buildings and to Managers of Indian Affairs and to answer contingencies; and the Colonies will expect some of their number to be joined in the Commission or Trust for Indian affairs, and to enquire into the Repairs necessary for the Barracks and Forts and to see that the Garrisons are kept compleat and in case the fund should increase by the Improvement of the Colonies or by forming new Provinces beyond the mountains as the Colonies extend their settlements then a Barrack Board or Office should be erected to take care of the Forts Barracks and Bedding of the Soldiers for they may have fire and candles at their own Expence when the Forts are finished and they have got into their farms.

If care be not taken there will be a great Expence attending the building of the Forts and Barracks labour being at so excessive a price in the Colonies and therefore all prudent steps should be taken to get proper Artificers necessary in carrying on Buildings to enlist in the Troops from England, or if no Troops come from thence then draughts should be made of such and so many Artificers as may be judged necessary out of those already enlisted in the marching Regiments in England who should be allowed British Wages while employed, besides their pay, and such Soldiers of the several Garrisons who would be Labourers should be allowed Frocks Shoes and double pay. But in order further to lessen the Expence I should think it a Right Measure to send all the convicted Felons and Vagabonds transported to the Colonies (where they are now become a nuisance) to these Garrisons to work at the Fortifications for their Meat and Cloathing and the women may become servants to the Garrison in their several Farms or Barracks and the Men could be confined at Night until the Forts were finished there being Guards and Sentinels over them so they could not make their escape and they would become thus enured to labour and when their time of punishment expired if they became tractable and industrious they might become servants at Wages until they had something saved to take up Lands and turn Planters.

I think it would be advisable to pass a Law in England and Ireland that all persons guilty of Larceny or small Thefts & Pickpockets should all be transported instead of being burnt in the hand or being allowed the benefit of the Clergy or being publicly whipped which hardens them and makes them greater Rogues and that all Idle Vagrants and Boys in Towns who have no Parents or masters nor apply themselves to labour for their Maintenance should also be transported as none will trust them to be servants These might be usefully employed in the Colonies in the Fortifications and Repairs and making Publick Roads Bridges &c: and those who are flagrant Offenders upon settling the Countries about Hudson's Bay should be transported thither to be servants to the Planters from whence they could not easily return and if they misbehaved send them to the most Northerly parts or give them as servants to the northern Indians, who then must work or starve.

If this scheme [be] found reasonable and £10,000 were allowed annually out of the surplus Fund to pay the Labourers &c: and surplus Pay and to provide Materials with such further sums as I shall here mention, the Forts might be erected in a short time. The small Fort at Kennebec I suppose is already built, Crown Point Fort when taken will require little addition or repair Oswego Fort now building will be finished before this plan can take place.—It is not necessary that all the others

should be undertaken at once but only 3 of those which are immediately necessary viz^t Niagara and the Fort near the Chickesaws to prevent their being cut off by the French and the Fort among the Creek Indians lest they should be forced into alliance with the French for want of being protected—I would not then advise the raising the 28 companies at once but only those Garrisons where the Forts are already built and those here proposed to be immediately built and the 3 companies for Occabach one at the Twightwees 4 at Yuncundat and 2 Redouts in all 9 companies may not be raised which being 900 Men would be a saving of about £19000—and that sum with the saving on the Surplus of £10000 would soon finish these 3 forts after which the 4 companies for Sanduski or Yuncundat and the Company for the Twightwees may be raised and these 2 forts be erected and the 4 Companies for the Occabach and the 2 Redouts not being raised there would still be a saving of about £8000 which added to the Surplus £10000 would soon finish these 2 forts after which the other 4 companies should be raised and the surplus fund £10000 would soon finish the Fort at Occabach and the 2 Redouts near Erie; so that with the Labour of the Convicts and Vagabonds transported and the Labour of the Soldiers in Garrison they might soon be completed and at a moderate Expence.

I shall a little explain the kind of Forts which I think would be proper to be erected The 2 small Redouts for 50 Men each may be Triangular with half Bastions a Fosse and pallsades on the Counterscarp with a Glacis with only 12 Swivel Guns on the Parapet or Musketoons with a strong Barrack and Magazine in the fort. The small forts to be garrisoned by a 100 or 200 Soldiers to be large Triangles with full Bastions with a large Fosse and Counterscarp pallsaded and large Glacis, and ought to have 12 cannon 4 pounders 2 in each flank of the 3 Bastions and 30 Swivels at the Curtains—The Forts whose Garrisons consist of 3. 4. or 500 Men ought to be large square Forts with 4 Bastions 16 cannon 6 pounders 2 on each Flank 48 Swivel Guns with a large Fosse and covered way upon the Counterscarp with places of Arms and a Glacis well pallsaded—These I think will be strong enough to resist any force can be brought against them—The first thing to be done is to make Log Houses for the Soldiers and to trase out and clear the Ground about the fort, and then to throw up some of the Fosse to form the Glacis and to fix the Pallsades; and then after making a proper Barrack for the Officers to fall about raising the Body of the Fort.

I must beg leave to observe that if this expence be taken off the Government it will still be the Interest of Britain to keep several Independant companies in America and to erect Forts at the Entrance of all the

Great Rivers as well to defend the Harbours and shipping from hostile attacks or Invasions by sea as to be a check upon the illicite Trade of the Colonies and to assist and countenance the Revenue Officers and also to be a check upon the Colonies whilst Britain has the Harbours and Rivers to prevent their Trade: if they hereafter should attempt an Independency or openly carry on a Trade with Foreigners as Rhode Island and Connecticut do, I should think if some Soldiers were sent to these Colonies to prevent an open illicite Trade it would be of benefit to the British Trade as they are almost all supplied with Goods and Manufactures from Holland which are dispersed among the neighbouring Colonies But exclusive of these 2 Provinces it would take 14 companies the Expence of which would be about £25000 at 100 private men each 2 companies in a fort to command the Entrance of Hudsons River below New York 2 in Delawar River whereso they can command the Channel in a Fort there 2 to command the entrance into Chesapeak Bay by a Fort at Cape Henry where large cannon could command the channel one at Core Banks to command Ocacock Bar and the shipping to Neuse, Pampticoe and Roanoak Rivers one at Cape Fear in the new Fort 2 at Charles Town or Portroyal in South Carolina and 2 in Georgia at Savanna and Frederica, and above all 2 at Cape Look out Harbour the best and most convenient from Boston to Cape Florida with a strong Fort under the Protection of which in time of War our Navigation would be safe and our Ships from Privateers who would water and clean there where the station ships to Southward of new York would be of more service in time of war than in any River on the continent as they could be at sea in 2 hours and could from thence sail to the Capes of Virginia or to Charles Town or Georgia in 48 hours, when they may be some weeks in getting out of the Rivers where they have all the convenience to wood, water or clean and careen and be as safe as in a Mill pond or dock and the Bay without the Harbour all clean ground which could contain the whole British Navy.

As to our Treatment of the Indians so as to secure their friendship and Trade it must take up some time and consultation with Merchants and Traders of Character to fix proper regulations for the Trade in the mean time I shall give your Lordships some hints and sketches of the out lines of what ought to be settled and prosecuted with care, and then be punctually observed.

The friendship of the Indians can never be effectually secured without protecting them and preventing their being imposed upon by frauds of the Traders doing them exact Justice and shewing them by actions of Benevolence that we desire to have them for our friends and to settle an

equitable Standard of Trade with them according to the distance Hazard and Expence of carriage that they may have a reasonable price for their Furs Skins and other goods they have to dispose of fit for our Market and that they may have at a reasonable value good and well made Manufactures or other goods that they shall choose to take in Exchange without being cheated or overreached I should therefore think it advisable that his Majesty should appoint a Number of Commissioners or Trustees to look into Indian affairs in order to regulate the Indian Trade and to gain and secure their Friendship, that they should be chosen out of Gentlemen who understand Trade or Merchants who have left off Business or who by Misfortune have been prevented from following Trade some to be sent from England to be joined to others here who are well recommended and understand the Colonies and Indian Trade.

That there should be at least six or eight appointed with proper Salaries to be paid out of the Surplus raised by the Colonies for the pay of the Garrasons Building of Forts &c: who should reside and hold their Office in one of the most central Provinces nearest to the principal Indian Trading Nations--That the Trade should be put under proper Regulations but be made as general as possible from every province according as they ly convenient to the Trade and should be clog'd with no charges except the taking out Licenses for which they should pay a small Fee to the Board and to give Security to follow the Instructions and Regulations given to them by the Trustees of the Board: That there should be a fine or penalty laid upon every other person, by a Law passed in England, or in each of the Colonies who should go beyond the Settlements of his Province to Trade with any Indian Nation without such License and giving Bond as already mentioned but should not be prevented from trading with any Indian within the Province or who should come into the Province to Trade.

That those licensed should be laid under strict Regulations and should be obliged to use the Indians well and with particular friendship and to shew them a proper regard. That no Rum or other Spirits should be sold to any particular Indian but if any were allowed to be carry'd in easks it should be brought into the Indian Town and be lodged in a store not to be sold but by permission or token from the Headman King or the Council of the Nation at the regulated price It would be also proper for the Board to fix a Gentleman who had been conversant in Trade in every trading Indian Nation, in friendship with us at a reasonable Salary; who should be obliged not to Trade and should swear to observe the Regulations given to him by the Board to the best of his power and knowledge and to do their utmost to secure such persons who Trade with-

out License which the Traders should be allowed to shew to him; and to oblige those who have Licenses to follow the Regulations and keep to the Standard of Trade and to give marketable Goods in Exchange for the furs, skins &c: got from the Indians; in case any Indian Trader had no License, or refused to produce it, he should have a power given to him to seize the Goods, and dispose of them to the Indians and the value should be given to some licensed Trader to carry to the Trustees who were to pay him for the carriage and his Trouble and to be sold by the Trustees to be added to their Contingencies.

That no Guns should be sold to our Indian Friends or other Indians that were not proved it being a great loss to the Indians in their hunting and maiming many of them, and alienates their affections from the English—If the Traders do not follow the Regulations these Inspectors are to acquaint the Board in order to have them prosecuted upon their Return upon their Bonds and Securities. These Inspectors fixed in the Indian Towns should be chosen for their humanity and Integrity as well as capacity in Trade that they may by good Offices gain the Indians friendship and promote their being industrious by their good advice and Example, in gardening, husbandry and rearing of Cattle Keeping Dairies &c; These are some hints out of many more which may be thought of to oblige our Traders to be just in their dealings and to sell at a reasonable profit to the Indians, for unless we deal without fraud and can undersell the French the cheating and monopolising Indian Traders will ruin our Credit with the Natives and they never will be sincerely our friends.

These my Lords are my present thoughts which I have long wished to see put in practice for the good of Britain and the Colonies. It is a Justice due to the Natives whose Lands we possess, and those Regulations with prudence and proper Management would spread our Interest and Trade over the greatest part of this Continent, and we at the same time should add to the Happiness of the Indians by civilizing and giving them a Constitution founded on Liberty and Truth which would still more endear us to them.

I hope you will pardon my laying my Thoughts so incorrectly before your Lordships, But as it is Obedience to your orders of so old a Date as 16th which never came to my hands but the Duplicate which I got the 17th instant I thought any delay might be construed a Neglect and therefore better to send them in a rude Dress and not loose this opportunity than to delay to revise them

I am with the greatest regard, &c.

Newbern 26th Dec^{br} 1755.

[B. P. R. O. B. T. JOURNALS. VOL. 63.]

BOARD OF TRADE JOURNALS.

Tuesday, January 7th 1755.

present

Earl of Halifax

M^r Pitt M^r Fane.M^r Oswald M^r Edgenmbe

The following copies of Orders in Council were laid before the Board by the Secretary and read, Viz:—

* * * * * * *

Order of Council dated 21st June 1754 approving a Warrant prepared by this Board to require the Governor of North Carolina to cause Letters Patent to be prepared under the seal of the said Province constituting and appointing Henry M^cCulloh Esq. Secretary and Clerk of the Crown in that Province.

Wednesday January 22^d 1754

Read the following letter and papers received from M^r Rowan President and Commander in chief of North Carolina, Viz:—

Letter from M^r Rowan to the Board dated 22^d Oct. 1754 giving an account of the present state of that Province and inclosing

Copy of a letter from Col. John Clarke of Anson County dated at Pacalet 25th Sept. 1754 to President Rowan informing him of the murder of sixteen white persons and ten carried away.

Journal of the House of Burgesses from 28th March to 12th April 1753.

Tuesday April 8th 1755.

Read the following letters & papers received from M^r Dobbs Governor of North Carolina, Viz:—

Letter from M^r Dobbs to the Board dated 9th Nov. 1754 acquainting the Board with his arrival there 31st Oct^r.

Letter from M^r Dobbs to the Board dated 19th Dec. 1754 transmitting the following public papers, Viz:—

M^r Dobbs' Speech to the Council & Assembly of North Carolina at his first Meeting them.

M^r Dobbs second Speech to the Council & Assembly of North Carolina .

Address of the Council of North Carolina to Gov. Dobbs.

Address of the General Assembly of North Carolina to Gov^r Dobbs.

Letter from M^r Dobbs to the Board dated 11th Jan^{ry} 1755 inclosing

Address from the House of Assembly to Gov. Dobbs of 9th Jan^{ry} 1755.

Journal of the House of Burgesses of Feb^{ry} & March 1754

Journal of the House of Burgesses of Dec^r 1754 and Jan^{ry} 1755.

Letter from M^r Dobbs to the Board dated 8th February 1755 transmitting

An Abstract of the shipping & tonnage and number of Negroes entered in North Carolina at a medium of 7 years ending 1st Jan^{ry} 1755.

Letter from M^r Dobbs to the Board without date transmitting

Copy of a Memorial of the Merchants Traders and Planters of North Carolina to the Board

Copy or Duplicate of a Proposal made for altering and fixing a Boundary Line betwixt North and South Carolina with reasons to support the same.

Copy of the Resolution of the Assembly upon the Deputy Auditor's letter.

Copy of the Governor's Speech at the end of the Sessions.

Reasons given by the Governor for not passing a Bill

A return of the number of Indian Nations within and adjoining to North Carolina

Ordered that the Secretary do transmit to the Earl Granville an extract of so much of M^r Dobb's letter of the 9th Nov. as relates to the expediency of a survey of the several Counties in North Carolina and contains a proposal that his Lordship should join in the expense of surveying such of them as are divided betwixt his Lordship and the Crown.

Ordered that the Secretary do transmit to the Secretary to the Lords Commiss^{rs} of the Treasury an extract of so much of the said letter as relates to the surveying the Counties and to the expediency of the Governor having the power to suspend the Receiver Gen^l of the Quit rents for neglect of duty.

Ordered that an Extract be made of so much of M^r Dobbs' letter of the 9th Nov. as relates to the expediency of sending from hence a quantity of powder and ball for the use of the Province and of having an independant Company stationed there to be laid before his Maj. in Council and that the Draught of a Representation to His Majesty thereupon be prepared.

Wednesday April 9th 1755.

The Secretary laid before the Board the following papers received with M^r Dobbs' letters mentioned in yesterday's minutes Viz :

Minutes of Council of North Carolina from 1st Feb^{ry} 1753 to 28th Sept. 1754.

Journal of the Upper House of Assembly beginning 14 Dec. 1754 and ending 15th Jan^{ry} 1755.

Twelve Acts passed in North Carolina in January 1755.

Ordered that the said Acts be sent to Sir Matthew Lambe for his opinion thereupon in point of law as soon as conveniently may be.

The Secretary having acquainted the Board that he was desired by M^r Abercromby Agent of the Province of North Carolina to move their Lordships that he may have a copy of the Quit rent law passed in that Province it was ordered that a copy of it should be made and delivered to him.

Thursday, April 10th 1755.

The draught of a Representation to His Majesty with an extract of M^r Dobbs' letter of the 9th Nov^r relating to the Defenceless state of the Province and the want of an Independant Company being stationed there having been prepared pursuant to the Minutes of the 8th inst. was agreed to transcribed & signed.

Friday April 11th 1755.

Their Lordships took into consideration the letters from M^r Dobbs Governor of North Carolina mentioned in the Minutes of the 8th inst.

Ordered that the draught of a Representation to His Majesty be prepared proposing that an additional Instruction may be given to M^r Dobbs empowering him to grant any quantity of land to new Settlers in the frontiers near the Mountains not exceeding six hundred and forty aeres to any one person provided that they be obliged to cultivate three acres per year for every hundred acres contained in the Grant.

Ordered that the draught of a Representation to His Majesty be prepared proposing that an additional Instruction be given to M^r Dobbs empowering him to give his assent to any Laws which shall be passed by the Council & Assembly of North Carolina for erecting or dividing Counties or Townships within the said Province provided that such Counties and Townships be not impowered by such Laws to send Representatives to the Assembly & directing him when any new Township shall be so erected to incorporate the same by charter in case he shall think it for His Majesty's service to do so.

Ordered that the Draught of a Representation to His Majesty be prepared proposing the repeal of an Act passed in North Carolina in 1749 entitled An Act to confirm the several Acts of Assembly of this Province therein mentioned as revised by the Comm^{rs} appointed by an Act of the General Assembly of this Province intituled An Act for appointing Commiss^{rs} to revise and print the Laws of this Province & for granting to His Maj. for defraying the charges thereof a duty on rum wines and

distilled liquors and rices imported into this Province and such other laws of this Province as have been passed since the said Revisal and to direct the printing of the said Laws.

Tuesday, April 15th 1755

Their Lordships made a further progress in the consideration of the letters from M^r Dobbs Governor of North Carolina mentioned in the Minutes of the 8th inst.

The draught of a Representation to His Majesty proposing that an additional instruction may be given to the Governor of North Carolina empowering him to assent to new Laws for erecting Counties and Townships in that Province under certain limitations having been prepared pursuant to the Minutes of the 11th inst. was agreed to and ordered to be transcribed.

The draught of a Representation to His Majesty proposing that an additional Instruction may be given to the Governor of North Carolina empowering him to grant lands on the frontiers of that Colony near the Mountains under certain limitations and restrictions having been prepared pursuant to the Minutes of the 11th inst. was agreed to and ordered to be transcribed.

The above Draughts were signed on the 16th April.

Read a letter from Chas. Pinckney Esq one of the Council of South Carolina to the Board (Mr Pownall) dated 5 July 1754 inclosing a Memorial to the Board relating to the Boundary Line between South and North Carolina and quieting the Cataba Indians in their settlements dated June 29. 1754

Tuesday April 22^d 1755

Representation proposing that Peter Henley Esq. may be appointed Chief Justice of North Carolina was agreed to and signed.

Wednesday, April 23^d 1755

Read a letter from M^r Dobbs Gov^r of North Carolina to Lord Halifax dated Nov^r 26th 1754 with an account of the state of the Fort built at Cape Fear and inclosing

Address of the Grand Inquest for several Counties to Gov^r Dobbs upon his arrival in North Carolina.

Plan of Fort Johnston with some alterations.

Their Lordships took into consideration an Order of the Lords of the Committee of Council dated 3rd April 1753 referring a Memorial of M^r Dobbs praying for Ordnance Stores for the Fort built at Cape Fear mentioned in the Minutes of 27th Feb. 1754 and ordered the draught of a Report to the Lords of the Committee of Council to be prepared, which was agreed to transcribed and signed on 24th April.

Tuesday, May 13th 1755.

Read Order of the Lords Justices in Council dated 13th inst. recommending Peter Henley Esq. to be Chief Justice of North Carolina and directing a proper warrant to be accordingly prepared.

Tuesday, May 27th 1755.

Read an Order of the Lords of the Committee of Council for Plantation Affairs dated 7th May 1755 approving a Representation of this Board proposing that an additional Instruction should be given to the Governor of North Carolina empowering him to give his assent under certain limitations to any laws for re-establishing the Towns & Counties heretofore erected by virtue of laws repealed by His Maj. and directing the Board to prepare the Draught of an additional instruction agreeable to the said Report

Ordered that the draught of an additional instruction be prepared conformable to the said Order.

This draught was agreed to and ordered to be transcribed May 30th and was signed June 3rd

Wednesday, May 28th 1755.

Read a letter from M^r Child by order of Lord Granville to M^r Pownall dated 29 April 1755 in answer to one from him to his Lordship inclosing by order of the Board an extract of a letter to their Lordships from M^r Dobbs Gov^r of North Carolina relating to the expediency of resurveying the several Counties in that Province.

Ordered that a copy of the said letter be transmitted to M^r Dobbs Gov^r of North Carolina

Tuesday, June 24th 1755.

Read Sir Matthew Lamb's Report upon an Act passed in North Carolina in January 1755 entitled

An Act for securing the payment of Quit Rents due to His Majesty & Earl Granville for quieting freeholders in the possession of their lands & for other purposes.

Resolved that the said Act be taken into consideration on Tuesday next and the Secretary was ordered to give notice thereof to M^r Abercromby Agent for the Province and to M^r Child Agent for Earl Granville.

Tuesday, July 1st 1755.

Ordered that the consideration of the Quit Rent Act passed in North Carolina in January 1755 be postponed till to-morrow and that the Secretary do give notice thereof to M^r Abercromby Agent for the Province and to M^r Child Agent for Earl Granville.

Read a letter from M^r Dobbs Gov^r of North Carolina to the Board dated the 10th May 1755 relating to the place fixed upon by him for the seat of Government.

Wednesday, July 2nd 1755.

Their Lordships took into consideration the Quit rent Act passed in North Carolina in January 1755 and M^r Abereromby Agent for the Province and M^r Child Agent for Earl Granville attending as desired they were called in and M^r Abereromby moved their Lordships for a copy of Sir Matthew Lamb's Report upon the Act and that he might be at liberty to give in his Answer to the objections in writing which not being objected to by M^r Child who likewise moved for a copy of the Report they were ordered to withdraw and their Lordships agreed to give them a copy of Sir Matthew Lamb's Report and to suspend their determination upon the Act until the Agents had an opportunity of laying their thoughts upon it before the Board in writing.

Thursday, July 3rd 1755.

Read a letter from M^r Dobbs Govern^r of North Carolina to the Board dated at Newburn 4th Jan^{ry} 1755 transmitting the following papers viz:—

Copy of a letter from M^r Dobbs to Jas. Glen Gov^{nr} of South Carolina
Letter from Jas Glen Esq. to M^r Dobbs dated 20th Feb^{ry} 1755

Copy of the 36th Article of His Majesty's Instructions to Jas. Glen Esq. Gov^r of South Carolina Anno 1739.

Copy of a letter from M^r Dobbs to M^r Glen dated 12th March 1755

State of the former proceedings relative to the Boundary Line between the Northern and Southern Colonies together with the opinion of the Gov^r & Council of North Carolina what they think would be a proper Boundary with the reasons to support the limits & mearing they propose to determine the line

General List of Taxables as returned into the Secretary's office for the Year 1754.

A draught of an Act proposed to the Assembly of North Carolina for establishing a paper credit for 80,000 pounds currency upon a new plan.

Copy of an humble Address of the Assembly of North Carolina to His Maj. dated 12th Dec. 1754.

Copy of the Address of the Council of North Carolina to Gov^r Dobbs upon his Message to them.

Resolution of the Assembly of North Carolina the 2^d Jan^{ry} 1755.

Gov^r Dobbs Proposal of a copper coinage for the Province of North Carolina.

Journal of the House of Burgesses from the 13th of December 1754 to the 23rd of the same month

Tuesday, July 15th 1755.

Ordered that the Secretary do write a Circular letter to the Governors of the Massachusetts Bay Virginia New York and North Carolina relating to the expediency of providing for the future defence of the frontiers of those Colonies and for the management of Indian affairs under some general direction & desiring them to consider and report their opinion thereupon.

Wednesday, July 16th 1755

Read a letter from M^r Dobbs Governor of North Carolina to the Board dated the 19th May 1755 relating to the expediency of building a fort on Cape Look Out in that Province.

Ordered that an extract of so much of M^r Dobbs letter as relates to the importance of building a strong fort on Cape Look Out be made to be laid before the Lords Justices and that the draught of a Representation to their Excellencies be prepared inclosing the same—which was agreed to transcribed & signed July 29th.

Read the following Copies of Orders in Council Viz:—

Order in Council dated 13 May 1755 approving a Warrant prepared by this Board to authorize the Gov^r of North Carolina to cause Letters Patent to be passed under the Great Seal of that Province constituting Peter Henley Esq Chief Justice of the said Province

Order in Council dated 24 June 1755 approving the draught of an Additional Instruction prepared by this Board for the Gov^r of North Carolina impowering him to give his Assent to any Act or Acts for re-establishing the several Counties heretofore erected by the laws which have been repealed by His Maj. Order in Council of 8th April 1754.

Wednesday, August 6th 1755.

The draughts of Letters to the Governors and Commanders in Chief of New Hampshire New Jersey Massachusetts Bay Virginia North Carolina Georgia and the Leeward Islands in answer to several received from them having been prepared were agreed to transcribed and signed.

Friday, October 31st 1755

Read a letter from M^r Dobbs Gov^r of North Carolina to the Board dated at Newburn the 24th Aug. 1755 containing a particular account of the nature of the soil and proposing an alteration in his Instructions relating to Grants of land.

Ordered that an extract be made of that part of M^r Dobbs letter which relates to the expediency of altering his Instructions concerning Grants

of Land to be laid before His Majesty and that the draught of a Representation to His Maj. thereupon be prepared—which was agreed to, transcribed and signed November 6th

Tuesday, November 4th 1755.

Read an Order of the Lords of the Committee of Council for Plantation Affairs dated 2^d Sept. 1755 referring to the consideration of this Board an extract of a letter to them from Arthur Dobbs Esq. Gov^r of North Carolina wherein he gives a particular account of a fine Harbour which he has lately surveyed at Cape Look Out within the said Province and proposes the building a strong fort there as a matter of the greatest consequence to the trade and navigation of Great Britain as well as of the Southern Colonies on that Continent.

Ordered that the Secretary do transmit a copy of the extract of M^r Dobbs letter referred to the Board by the above-mentioned Order to the Secretary of the Lords Comm^{rs} of the Admiralty to be laid before them for their sentiments and opinion thereupon.

Ordered that the Secretary do write to M^r Dobbs to desire he would direct some skilful Engineer to take a view and survey of the Ground at Cape Look Out and prepare a plan and estimate of such a fort as shall be necessary for the defence of the Harbour and to transmit it to their Lordships as soon as possible.

Friday, November 7th 1755

Their Lordships took into consideration an Act passed in North Carolina in January last entitled an Act for ascertaining and securing the payment of Quit rents due to His Majesty and Earl Granville for quieting the freeholders in the possession of their lands and for other purposes and made some progress therein

Tuesday, November 11th 1775.

Their Lordships took into consideration the Quit rent law of North Carolina mentioned in the Minutes of the 7th inst. and made a further progress therein.

Wednesday, November 12th 1755.

Their Lordships took into further consideration the Quit Rent Act of North Carolina mentioned in the preceding Minutes and the two following papers were read, Viz:—

Reasons in support of the Quit Rent Bill of North Carolina by M^r Abercromby Agent for the Province

Objections to the late North Carolina Quit Rent Bill passed in January 1755 by M^r Child Secretary to the Earl Granville

Ordered that the Secretary do transmit a copy of the Act and also copies of the foregoing papers and of Sir Matthew Lamb's Report upon it to the Secretary to the Lords Commiss^{rs} of the Treasury and desire him to lay them before that Board for their sentiments thereon.

[FROM THE MSS. RECORDS OF NORTH CAROLINA COUNCIL JOURNALS.]

COUNCIL JOURNALS.

At a Council held at Newbern the 25th day of March 1755.

Present His Excellency Arthur Dobbs Esq^r Governour,

The Hon^{ble} { James Murray Francis Corbin }
 { James Hasell Lewis De Rosset } Esquires
 Henry M^cCulloch Esq^r }

Henry M^cCulloch Esq^r appointed by His Majesties Royal Instructions a Member of Council for this province appeared, and took and subscribed the several Oaths by Law appointed for Qualification of Publick Officers, as also the Oath of a Councillor, and then took his seat at the Board accordingly.

At the same time Mr Isaac Arthand was Qualified as Deputy Clerk of the Council and Deputy Register of the Court of Chancery, by taking and subscribing the several Oaths by Law appointed for the Qualification of Publick Officers.

At a Council held at Newbern the 26th day of March 1755

Present His Excellency the Governour

The Hon^{ble} { James Murray Lewis De Rosset }
 { Francis Corbin Henry M^cCulloch } Esquires

Read and Granted several Warrants for Land as $\frac{3}{4}$ Entry Book.

At a Council held at Newbern the 27th day of March 1755.

Present His Excellency the Governour

The Hon^{ble} { James Murray Lewis De Rosset }
 { Francis Corbin Henry M^cCulloch } Esq^{rs}

Read and Granted several Warrants and Patents for Land as $\frac{3}{4}$ Entry and Patent Books.

His Excellency was pleased by and with the advice and Consent of His Majesty's Council to Order that the whole Fees shall be paid the Governour for all Surplus Land taken up over and above what is mentioned or contained in the Warrant, and that half Fees be paid to and received by the other Officers

At a Council held at Newbern the 31st day of March 1755.

Present His Excellency the Governour

The Hon^{ble} { James Murray Francis Corbin }
 { James Hasell Lewis De Rosset } Esquires
 Henry M^cCulloch }

Read and Granted several Warrants and Patents for Land as ^{per} Entry and Patent Books.

Ordered that the Surveyor General do for the future make his Returns of Warrants, Two days before the sitting of the Court of Claims, and that he be served with a Copy of this Order.

Ordered that Mr John Rice do on or before the first day of May next Return into the Secretary's Office upon Oath, a List of all the Patents and Publick Papers he has in his hands or possession, with a particular description of the names, dates, number of Acres situation and County's contained in each Patent And that he be served with a copy of this Order.

At a Council held in the County of Bertie the 29th day of April 1755.

Present His Excellency the Governour,

The Hon^{ble} { Francis Corbin James Craven }
 { John Dawson Henry M^cCulloch } Esquires

His Excellency the Governour having acquainted this Board, that he has received information, that several of the Magistrates appointed by His Excellency in the Commissions of the Peace for the several Counties, within this Province, have refused or neglected to qualify, upon which this Board is unanimously of opinion that the following Proclamation be issued by His Excellency, Viz^t

Whereas from the undue Execution of the Laws of this Province, and by the neglect of the Civil Magistrates great Inconveniences have arisen; the Inhabitants having refused to be Obedient to and disputed the Laws made in the Province, so that it is now become absolutely necessary, to have active, resolute, Magistrates, of Integrity and Capacity, and of the best property appointed to Execute the Laws And Whereas it appears that many of the Justices of the Peace in Several of the Counties in this Province, who have lately been put into the Commission, have refused or neglected to Qualify themselves to act pursuant to the Laws appointed for that purpose, by which means there are not a sufficient number of Acting Magistrates in the several Counties. And Whereas such Justices who refuse or neglect to Act ought to be Censured and superseded, and others properly Qualified, appointed in their room and place. So as to have Justice properly distributed, and the Laws Executed I do hereby by and with the advice of His Majesties Council

publish this Proclamation to be sent to the Justices Assembled the next County Court, Ordering and requiring the several acting Magistrates then and there Assembled to publish this Proclamation, and to make a due and faithfull return of all such Justices, who have neglected or refused to Qualify as the Laws direct (by their County Clerks) in order to have such Justices struck out of the Commission of the Peace, who shall not Qualify at the next County Court after the publishing this Proclamation ; and to make a return of a sufficient Number of Gentlemen, in their several Counties who are Capable and willing to Act ; of good Characters and property, in proportion to the Extent of the several Counties in Order to Choose out proper persons to be put in Commission, and to give notice to such Persons who refuse or neglect to Qualify ; that they shall not hereafter be restored to Commission, but shall be obliged to Act in Subordinate Offices that all may be made sensible, that the Laws are to govern this Province, and no private Persons shall be allowed to be above the Laws.

At a Council held at Edenton 1st day of May 1755

Present His Excellency the Governour

The Hon^{ble} { John Rutherford James Craven } Esq^{rs}
 { Francis Corbin Henry M^cCulloch }

His Excellency produced several Letters (relating to the Boundary Line between this Province and South Carolina) from Governour Glenn, with a Copy of a Commission granted to George Hunter Esq^r and Mr John Pearson, together with a Copy of the Report of the Committee of the Assembly of South Carolina, which Report is as follows.

That in Obedience to the Instructions given to your Committee, they met several times during the recess of the House, and took into their consideration the Letters from His Excellency Governour Glenn to Mr Rowan President, and to His Excellency Arthur Dobbs Esq^r Governour of North Carolina, and Mr Dobbs answer to our Governour relating to the Boundary Line between this Province and North Carolina.

That your Committee conceiving that the fixing and ascertaining the Line properly, is a matter of the highest importance to this Province, are of Opinion and do recommend to the House, that a Survey be made of Pedee Waccamaw and Cape Fear Rivers as soon as possible, and which the Committee think the most necessary, as they have been informed and have good reason to believe that Gov^r Dobbs has already transmitted to the Lords Commissioners for Trade and Plantations his reasons for fixing the Line as mentioned in his said Letter, and for the making of such Survey, your Committee take the liberty to recommend George Hunter Esq^r Surveyor General and Mr John Pearson.

That as the Survey mentioned, is only meant and intended to investigate the Truth of Facts, without Partiality to either Province your Committee recommend that our Governour be addressed to use his best endeavours with Governour Dobbs to appoint Surveyors to join our Surveyors, for the purposes aforesaid, and which said survey when perfected and compleated if approved and admitted by both Provinces as just and true may be transmitted to the Lords Commissioners for Trade and Plantations, or laid before His Majesty in Council if necessary this your Committee are humbly of Opinion would serve to illustrate the Case, and would have a tendency to accelerate and hasten the deliberation of His Majesty, or of the Lords of Trade on a matter so very interesting to both Provinces. But if Gov. Dobbs should decline such appointment, then that he would be pleased to favour our Governour with a Copy of the Instruction which revoked the former Instruction mentioned in his Letter, and to give Orders that our Surveyors may meet with no Obstruction or Interruption from the people in his Government in making such Surveys, and who by the help of such new Instruction would be greatly assisted in the making thereof. This last request your Committee think very necessary to make, as they are well informed that many of our Deputy Surveyors are often ill treated, abused, and threatened to be carried into North Carolina whilst in the Execution of their Offices, and surveying Lands actually in this Province.

Your Committee in obedience to the Commands of the House prepared and transmitted a Letter to James Crockatt Esq^r desiring him to use his best endeavours to prevent any determination being had at the Board of Trade, or by His Majesty in Council upon that Subject, untill a true State of the Case can be sent from this Province. In which Letter your Committee enclosed Copys of the aforesaid Letters.

This Board is of Opinion, that as His Excellency has already wrote to the Board of Trade on that Subject, it will not be so proper to joyn any Surveyors from this Province, but can see no Inconveniency can arise from the South Carolina Surveyors being permitted to make true Draughts of the Rivers mentioned in their Report, Provided the same is done at the Expencc of the Government of South Carolina, and that the Inhabitants of this Province shall not be encouraged to give any Interruption.

At a Council held at Newbern the 28th day of August 1755

Present His Excellency the Governour

The Hon^{ble} { Mathew Rowan John Swann } Esquires
 { Francis Corbin Lewis De Rosset }

His Excellency was pleased to lay before the Board His Majesties Elev-

enth Instruction which was Read and Ordered to be Entered in the Council Journal—Viz^t

And Whereas we are sensible that effectual care ought to be taken to oblige the Members of our said Council to a due attendance therein, in order to prevent the many inconveniencies that may happen for want of a Quorum of the Council to transact business as Occasion may require, it is Our Will and Pleasure that if any of the Members of Our said Council residing in the Province shall hereafter absent themselves from our Province and continue absent above the space of Twelve Months together, without leave from you or from our Governour or Commander in Chief of Our said Province for the time being, first obtained under your, or his hand and Seal, or shall remain absent for the space of Two years successively without our leave given them under our Royal Sign Manuel, their Place or Places in Our said Council shall immediately thereupon become Void, And that if any of the Members of Our said Council residing in our said Province shall wilfully absent themselves hereafter from the Council Board, when duly summoned without a just and lawfull cause and shall persist therein after admonition, you suspend the said Councilors so absenting themselves till our further pleasure be known, giving timely notice thereof to Our Commissioners for Trade and Plantation, in Order to be laid before us, And We do hereby will and require you, that this our Royal Pleasure be signified to the several Members of our said Council, And that it be Entered in the Council Books of our said Province as a standing Rule.

His Excellency was pleased by and with the Advice and assent of the Council to issue a Proclamation for a General Fast to be held on Wednesday the Eighth day of October next.

Ordered that Mr Starkey the publick Treasurer do cause the Commissioners appointed for Purchasing Arms &c for the use of Anson and Rowan, to Accompt with him for the money by them received on or before the 24th day of September next on failure whereof their Bond to be put in suit, and that Mr Starkey be served with a Copy of this Order.

At a Council held at Newbern the 29th day of August 1755

Present His Excellency the Governor

The Hon^{ble} { Matthew Rowan John Swann } Esquires.
 { Francis Corbin Lewis De Rosset }

Ordered that a Proclamation issue, for a General Muster throughout the Province, and that the several Officers do make a return to His Excellency, on or before the last day of October next, of the Number of the Men in each Company, with the condition of their Arms and Ammunition

At a Council held at Newbern the 27th September 1755.

Present His Excellency the Governour

The Hon^{ble} { Matthew Rowan James Innes
James Murray John Dawson } Esquires.
James Hasell

The Hon^{ble} James Innes took and subscribed several Oaths appointed to be taken and also the Oath of a Councillor

Read and Granted several Warrants for Land as per Warrant Book

At a Council held at Newbern the 9th October 1755

Present His Excellency the Governour

The Hon^{ble} { Matthew Rowan Francis Corbin
James Murray John Dawson } Esq^{rs}
James Hasell Lewis De Rosset
James Innes Henry M^cCulloch

It being represented to his Excellency and Council that Robert Harris One of the Justices of Granville County had spoke very contemptuously of His Excellency thereupon he being called in Appeared and confessed the same

Ordered that the said Robert Harris be struck out of the Commission of the Peace for the said County.

At a Council held at Newbern the 13th October 1755

Present His Excellency the Governour

The Hon^{ble} { Matthew Rowan Francis Corbin
James Murray John Dawson } Esquires
John Rutherford Lewis De Rosset
Henry M^cCulloch

Read the Petition of John Campbell and Alexander M^cCulloch

The humble petition of John Campbell and Alexander M^cCulloch—
Sheweth

That your Petitioners by Letters of Attorney from Henry M^cCulloch and Joshua Willcocks of Great Britain Patentees of Sundry Lands in this Province are substituted and Impowered by the said Henry M^cCulloch and Joshua Willcocks to Act for them and in their stead.

And your petitioners having Orders from the said Patentees to Resurvey sundry Tracts of Lands for which they have Patents in Order to renew the former Lines and Mark Trees, Did for that Service Employ James Mackilwean who with Persons for Chain Carriers did proceed to Resurvey a Tract of One hundred Thousand Acres on the Yarkin river known and Distinguished by number nine formerly surveyed by the Hon^{ble} Matthew Rowan Esq^r then Surveyor General and the said Mackil-

wean found divers false Lines marked in the said Tract which such sundry Persons seated on the said land did show to the said Mackilwean in Order to Deceive and misguide him but being well acquainted with the true Lines made by the said Mathew Rowan found and renewed all sides of the said Tract N^o 9 that on the Twenty third Day of June while on the last line the said James Mackilwean was overtaken by Col George Smith and fourteen other Men armed with Guns, Swords, Clubs and Staves and Ordered to Desist from Running the said line or any other on the said Land for if he the said Mackilwean did Presume so to Do, they would carry him and his Company to Goal to Break their Bones the Fear of which caused his Assistants to refuse him any service until they could be secured from Restraint and Violence As then Threatened to be done them and the said Mackilwean was obliged to Depart without Doing any further Service for your Petitioners whereby they have been put to Great Expence and the Directions of their Principals entirely frustrated.

Wherefore Your Petitioner most Humbly craves Justice against the said George Smith, Capt Jonathan Hunt, John Hunt, Benjamin Merritt, Benjamin Drake, John Drake, Samuel Drake, Sen^r, John South, Benjamin Roundsopher, Josiah Roundsopher, Zebulon Stout, Josiah Barton, John McGivul, David Harry and one Vanclift for the Assault and Riot Committed by them which your Petitioners are Ready to prove when thereto called and such further relief as your Excellency may Consider of from the Premises and as in Duty Bound shall ever Pray.

JNO CAMPBELL

ALEXANDER McCULLOCH

North Carolina October 10th 1755

Read the several Depositions of William Mannering and Elliot Buchanan against Joshua Houghton a Justice of the Peace for taking fees on an attachment and Warrant

Ordered that a Summon issue to the said J. H. to appear before the Council to answer the Premises and that he be served with a Copy of the Deposition.

Ordered that a Summon Issue to Thomas Armstrong to appear before the Council to Answer to what shall be there alledged against Him.

Read the Petition of the Uper Inhabitants of Cumberland County beyond the North West of Cape Fear River

[B. P. R. O. NORTH CAROLINA. B. T. No. 26.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA—SS.

At an Assembly held at Newbern and begun the twelfth day of December in the year of Our Lord One Thousand seven hundred and fifty four and in the Twenty eighth year of the reign of Our Sovereign Lord George the second by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith and continued from thence by several Prorogations and Adjournm^t to the Twenty fifth day of September in the Twenty ninth year of His said Majesty's Reign.

Thursday Sept^r 25th 1755. In the Upper House
Present.

The Hon ^{ble}	{	Mathew Rowan	Franc ^s Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Hen ^{ry} McCulloch		

Then His Excellency Arthur Dobbs Esq^r Captain General and Gov^r and Commander in Chief of this Province came to this House and sent a message to the Lower House commanding their immediate attendance.

Whereupon the Speaker attended with the Lower House waited on His Excellency in this House where he was pleased to make to both Houses the following Speech.

GENTLEMEN OF HIS MAJESTY'S COUNCIL, M^r SPEAKER & GENT^l
OF THE ASSEMBLY.

The situation of Affairs being much changed since your former meeting and the danger encreased from the French scheme being put into execution not only of confining these Colonies by a Chain of Forts, but of gaining all the Indians into their Alliance and intimidating those who were in Alliance with us from appearing in our Defence and by giving Premiums to their Indians and to the French in Indian dress to murder, massacre, scalp and carry away Captives all our settlers wherever they can surprize them who under the sanction of a peace with the French live in security apprehending no danger and the number of soldiers sent privately from France from time to time and lately avoided to make good and extend their County, demonstrates their design of conquering this whole northern Continent and depriving us of our most valuable Religion, Libertys and Possessions. The flame has already reached our borders, and God Almighty has extended His correcting arm and made

a Breach upon us, upon account of our wantonness, luxury and neglect of the practice of our religious duties and moral Virtue, we are now to fight pro aris et focis and it requires the united force of all the Colonies notwithstanding our great superiority to withstand their arms supported by the whole power of France.

His Majesty with the united voice of Britain has most graciously exerted their whole power to protect us and repel these Invaders, notwithstanding the heavy taxes and debt of Britain, but without our joyn- ing our united force to theirs we shall be reduced by a lingering warr. This confirms what I mentioned to your last Session that a proper sum cheerfully granted at once will accomplish what a very great sum may not do hereafter.

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY.

I therefore earnestly recommend it to you to grant as large a supply as this Province can bear not only to defend your own Frontier and Sea Coast, but also to Act in Conjunction with our neighbouring Colonies, the zeal you have hitherto shewn leaves me no room to doubt of your ready & hearty currence, it being for your all your Religion, Liberty and Possessions.

I am sensible of the difficulty this Province lies under from the scarcity of coin or bullion and our paper currency not having credit to pass in our neighbouring Colonies, I must therefore earnestly request you to support the credit of your Bills by giving what may be hereafter issued a security on your lands and laying a sufficient penalty upon those who reside in this Province who shall give any preference to Gold or Silver at a discount upon our Bills or who shall for the future contract for gold or silver and refuse to take our paper currency in payment for goods sold in our neighbouring Colonies. This will effectually support our credit when our neighbours can pay the ballance due to this Province in our own Bills. I must also at the same time recommend to you to apply for a proper Copper coinage for this Province to be coined in the Mint in England, it being of great consequence in all your markets.

GENT[™] OF THE COUNCIL MR. SPEAKER AND GENT: OF THE ASSEMBLY.

There was so much business before your last Sessions which you could not finish that I must earnestly desire your application in finishing it. The revisal of your Laws is absolutely necessary to be brought soon to a conclusion a General Inspection Law upon your exports, The giving encouragement for erecting County or Parish schools for the education of your youth in the knowledge of religion and moral duties is become absolutely necessary to promote industry and to preserve the appearance

of religion amongst Us. The desertion from you Companys is become so excessive from the base Principals in the lowest class of men for want of education that they carry off their arms and livery and steal horses to carry them away, and appear publickly in this Province without being secured by any Magistrate, and the Jayls are so weak without any Jaylor or person to guard them that no criminal can be secured, I must therefore most earnestly recommend it to you in this time of danger to make the mutiny Bill in full force in this Province and to make your Jayls an effectual confinement without which all the taxes you raise will be thrown away and answer no good End.

A Law is also necessary to oblige Planters who have small Properties to bring up their children to industry, or to bind out their children to necessary trades many of whom breed up their children to sloth and idleness, to the Publick loss of the society by which means Artificers wages might be regulated by affording the necessaries of life cheaper the excessive price of which at present is a great discouragement to the Improvement of the Province.

I must also recommend to you the consideration of a proper Law to encourage the Indians within this Province by making it equally Penal to kill, maim or wound an Indian or negro servant, as any other of his Majesty's subjects, and to encourage the education of the Indian youth in the knowledge of the English language & Customs by giving them schoolmasters in their Towns, who may assist in civilizing them and inducing them to live industriously by the Produce of their own Lands which Law should also extend to our neighbouring Indian Allies.

I find it is become too much a Practice in this Province that those who are intrusted with the collecting or laying out of Publick Money keep it in their hands and lay it out for their benefit and can't be brought to account without being sued at Law and many die or leave the Province without being brought to Account for the same by which the Publick is defrauded and the remaining Inhabitants must make good the debt, I must therefore recommend it to you to oblige all who have collected or who are to lay out money for the use of the Publick to account for the same in a determinate time and if they shall put the Publick to the expence of a Suit, that besides the Penalty of the Bond they shall be obliged to pay Triple Costs.

I last summer viewed part of the Sea Coast, and with the approbation of the Commissioners fixed upon proper places at Core banks and new Topsail Inlet to erect Batterys to protect these Harbours. And in a progress I made towards the Western frontier fixed upon a proper situation upon third Creek on South Yadkin near the Catawba's River to station

the frontier Company being most central, from North to South to protect the Inhabitants and must therefore recommend it to you to have a small fort or strong barrack built there for the lodging of the Company and security of the frontier, they at present have nothing to shelter them.

Since it is become more dangerous to settle our Western Frontier I must recommend it to you that those who shall settle upon that Frontier may be indulged not to pay Publick Taxes for some years after their first settlement.

As I have not yet received the letters which I daily expect from England to know what laws are confirmed or what repealed, I must defer mentioning anything further until I here from thence only to mention as the seat of Government is still in suspence until I receive Letters from England, and the manner of making our Grants for Counties in which I expect new Instructions. I must desire that you will not receive any private Petitions this Session which may interfere with the necessary Publick business. I therefore only recommend unanimity and dispatch, and that you will promote a general harmony that without any partial views all may Act for the General good of the Province.

Then His Excellency withdrew from this House.

Then this House took into consideration His Excellency's Speech, & ordered the same to be read which was done accordingly.

Then the Hon^{ble} James Murray and Francis Corbin Esq^{rs} were appointed a Committee to Answer the same.

Then the House adjourned till 4 o'clock this afternoon.

The House met according to adjournment. Present as before the Hon^{ble} James Hasell Esq^r excepted.

The House appointed Evan Davis Door Keeper in the room of M^r Middleton left this Province.

Then this House adjourned to 9 o'clock to morrow morning.

Fryday, September 26th 1755. The House met according to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Henry McCulloch		

The Hon^{ble} Henry McCulloch Esq moved for [leave] to go to Bath Town as his affairs required his attendance there, which was accordingly granted. The Committee appointed by this House to draw up an Address to His Excellency Arthur Dobbs Esq^{re} reported the same which was ordered to be read, and being approved of was ordered to be engrossed. Then this

House appointed the Hon^{ble} James Murray & Francis Corbin Esq^{res} to wait on his Excellency Arthur Dobbs Esq^{re} to know when he would be pleased to receive the address of this House. They went accordingly and reported that his Excellency appointed 4 o'clock this afternoon.

Then this House adjourned to 3 o'clock this afternoon.

Met pursuant to adjournment, the Hon^{ble} Henry M^cCulloch excepted.

The House waited on his Excellency at the Councill room, and by the Hon^{ble} Matthew Rowan Esq^{re} presented him with the following Address.

MAY IT PLEASE YOUR EXCELLENCY,

Wee his Majesty's most dutifull and loyal subjects the Members of Council of North Carolina, return your Excellency our hearty thanks for your speech to both Houses at the opening of this Session.

His Majestys Paternal goodness ever intent on promoting the happiness of all his Subjects has at this time of our Imminent danger, been conspicuously and tenderly exerted for the Preservation and Defence of his American Colonies against the unjust encroachments & cruel outrages of a perfidious and barbarous enemy. While our hearts are inspired with the warmest sentiments of gratitude to the best of Princes we behold with horror and becoming indignation the designs and attempts of the French unprovoked, to deprive us of the most invaluable priviledges of Britains our religion, liberty, and property. A just sense of our duty and danger will rouse us cheerfully to concur with the other House in granting such furthur supply for the support of the common cause as the circumstances of the Province will permit.

Amidst all the calamities that threaten us we think this Province singularly happy in being under the conduct of your Excellency's prudent, mild and equitable Administration, your zeal Sir for His Majesty's service so long approved hath since your arrival here prompted you to such application and fatigue in the affairs of Government as few could be able for, and fewer willing to undergo.

We shall take the several matters so affectionately recommended by your Excellency unto our serious consideration being truly desirous as far as in us lies to cultivate peace and harmony, to preserve the Publick Faith, to establish religion good order and discipline throughout the Province, and to improve and extend our comēce on which our wealth and ease at home, and our credit and usefulness abroad in great measure depend.

To which his Excellency was pleased to return the following answer.

GENTLEMEN,

The zeal you express for his Majesties and the grateful sense you have of his Majesty's vigilance and goodness in preserving and defending his American Colonies from a cruel and perfidious enemy, shall be faithfully represented to His Majesty.

I am extremely obliged to you for your approbation of my conduct in my endeavours to serve his Majesty and this Province which will if possible add to my zeal for his Majesty's service, and to my endeavours to promote the welfare & happiness of this Province.

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

Saturday, September 27th 1755. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	James Innes	}	Esq ^{rs}
		James Murray	James Corbin		
		James Hasell	John Dawson		

M^r Mackay & M^r Harvey, brought up the following Message.

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCILL.

This House have appointed M^r Herren, M^r Harvey, M^r Wynns, M^r Swaun and M^r Sumner a Committee of this House to examine state & settle the Publick Accounts of this Province and also M^r Starkey, M^r Mackey, M^r Ashe, M^r Brown and M^r Whitmill a Committee of this House to settle and allow Publick Claims in conjunction with such Members of your House as your Honours shall think fitt to appoint.

By order. JOHN CAMPELL, Spcaker.

WILLIAM HERRITAGE Clk.

Adjourned to Monday morning nine o'clock.

Monday, September 29th 1755. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	James Innes	}	Esq ^{rs}
		James Murray	Francis Corbin		
		James Hasell	John Dawson		
		Henry McCullock			

The House met according to Adjournment. September 27th 1755.

Present

The Hon ^{ble}	{	Mathew Rowan	James Innes	}	Esq ^{rs}
		James Murray	Francis Corbin		
		James Hasell	John Dawson		
		Henry M ^c Cullock			

The House adjourned to 9 o'clock tomorrow morning.

The House met according to Adjournment.

Present.

The Hon^{ble} { Mathew Rowan John Dawson
 { James Hasell Lewis De Rossett } Esq^{rs}
 { James Innes Henry M^cCullock }

This House proceeded to choose Committees to join the Committees of the other House on the Publick Accounts & Claims and the Hon^{ble} James Hasell and Lewis De Rossett Esq^{rs} were appointed on the Acc^{ts} and the Hon^{ble} John Dawson and Henry M^cCullock Esq^{rs} were appointed on the Claims and a Message was sent to the other House acquainting them therewith, In the following words. Viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

This House taking under their Consideration your message of the 27th inst, relative to the appointment of the Committees of Publick Accts: and Claims have thought fitt to appoint the following gentlemen, in conjunction with those of yours. Viz^t

The Hon^{ble} James Hasell and Lewis De Rossett Esq^{rs} on the Publick Acc^{ts} and the Hon^{ble} John Dawson & Henry M^cCullock Esq^{rs} on the Claims.

Then the House adjourned to 3 o'clock this afternoon.

Met pursuant to adjournment. Present as above.

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

Wednesday, October 1st 1755. The House met according to Adjournment.

Present.

The Hon^{ble} { Mathew Rowan James Innes
 { James Murray Francis Corbin } Esq^{rs}
 { James Hasell John Dawson
 Henry M^cCullock }

M^r Herren and M^r Relf brought up a bill for the better payment of Bills of Exchange and Promisory notes of hand, Indorst in the Assembly, read the first time and passed.

M^r Ashe and M^r Harvey brought up a bill for the better regulation of the Militia, Indorst in the Assembly and read the first time and passed. In the Upper House read the first time and passed.

Adjourned to 3 o'clock in the afternoon.

Wednesday, October 1st 1755. The House met according to adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	James Innes	} Esq ^{rs}
		James Murray	Francis Corbin	
		James Hasell	John Dawson	
		Henry M ^c Cullock		

M^r Starkey and M^r Barker brought up a bill for granting a further aid to his Majesty to repell the French Indians in their Alliance from their Encroachments on his Majestys Frontiers in America and other purposes Indorst in the Assembly read the first time and passed. In the Upper House read the first time and passed.

Adjourned to 9 o'clock to-morrow morning.

Thursday, October 2nd 1755. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	Francis Corbin	
		James Hasell	John Dawson	
		James Innes	Lewis De Rossett	
		Henry M ^c Cullock		

Mr. Starkey and Mr. Barker brought up a bill for appointing Sheriffs and directing their duty in Office, and for compelling Collectors of Publick Taxes and persons entrusted with laying out Publick money to apply and account for the same. Indorst in the Assembly, Read the first time and passed. In the Upper House read the first time and passed.

M^r Harvey and M^r Kinchin brought up a bill for the restraint of Vagrants and for making Provision for the Poor and other purposes indorst in the Assembly, and read the first time and passed. In the Upper House read the first time and passed.

Adjourned to 3 o'clock in the afternoon.

Thursday, October 2^d 1755. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	Francis Corbin	
		James Hasell	John Dawson	
		James Innes	Lewis De Rossett	
		Henry M ^c Cullock		

Adjourned to 9 o'clock to-morrow morning.

Fryday, October 3^d 1755. Met according to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	Francis Corbin	
		James Hasell	John Dawson	
		James Innes	Henry M ^c Cullock	

Mr. Relf and Mr. Spier brought up the bill for granting a further aid to his Majesty to repel the French and Indians in their Alliance from their Ineroachments on his Majestys Frontiers in America and other Purposes. In the Assembly read the second time & passed with Amendments.

The Bill for granting a further aid to his Majesty and other purposes was read & ordered to lye on the table to 9 o'clock to morrow morning.

Then the House adjourned to 3 o'clock this afternoon.

Met pursuant to adjournment. Present as above.

Mr. Williams and Mr. Kinchen brought up the following Bills, viz^t

The Bill for appointing Sherriffs and directing their duty in Office and for compelling Collectors of Publick Taxes and Persons entrusted with laying out Publick money to Apply & Account for the same. In the Assembly read the second time and amended.

The Bill for the restraint of Vagrants and for making Provisions for the Poor, and other purposes. In the Assembly read the second time and amended the same.

Mr. Harvy Jun^r & Mr. Vail brought up the Bill for the better Regulation of the Militia. In the Assembly read the second time and amended and passed.

Then the House adjourned to 9 o'clock to morrow morning.

Saturday, October 4th 1755. Met pursuant to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	} Esq ^{rs}
		James Hasell	John Dawson	
		James Innes	Lewis De Rossett	
		Henry M ^c Cullock		

The Bill for granting a further aid to his Majesty to repel the French Indians in their Alliance from their Eneroachments on His Majestys Frontiers in America, and other Purposes. In the Upper House read the second time & passed with Amendm^{ts}

Mr. Starkey and Mr. Bell brought up the Bill for regulating Orphans their Guardians and Estates. In the Assembly read the first time & passed.

The Bill for the better regulation of the Militia. In the Upper House read the second time & passed with Amendm^{ts}

The Bill for regulating Orphans, their Guardians & Estates. In the Upper House read the first time with Amendments.

The Bill to prevent the multiplicity of Law suits in this Province. In the Upper House read the first time and passed.

Then the House adjourned to 3 o'clock this afternoon.

Met pursuant to Adjournment Present as before, and likewise the Hon^{ble} James Murray Esq^r

The Bill for appointing Sherriffs and directing their Duty in Office and for compelling Collectors of Publick Taxes and persons entrusted with laying out Publick money to apply and Account for the same was read and ordered to lye on the Table to Monday morning 9 o'clock.

Mr. Carter and Mr. Harnet brought up the bill for directing the method of choosing Vestrys in several Parishes which have not at present any legal Vestrys to transact the business of the said Parish and for other purposes. In the Assembly read the first time and passed.

The Bill for to direct the method of choosing Vestrys in several Parishes which have not at present any legal Vestrys to Transact the business of the said Parishes and for other purposes. In the Upper House read the first time and passed.

Then the House adjourned to 9 o'clock Monday morning.

Monday, October 6th 1755 Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	John Rutherford	}	Esq ^r
		James Murray	John Dawson		
		James Hasell	Lewis De Rossett		
		James Innes	Henry McCulloch		

Brought up by M^r Vail and M^r Ashe,

The Bill for granting a further aid to his Majesty to repell the French Indians in their Alliance from their Encroachments on His Majestys Frontiers in America and other purposes. In the Assembly read the third time & amended the same.

Brought up by M^r Moore and M^r Ashe the Bill for laying out a road from Orange County Court House to a landing on the North West side of Cape Fear River. In the Upper House read the first time and passed.

The Bill for the restraint of Vagrants and for making provision for the poor and other Purposes. In the Upper House read the second time & passed with Amendm^{ts}.

A Bill for granting a further aid to his Majesty to repell the French Indians in their Alliance from their Encroachments on His Majestys Frontiers in America and other purposes. In the Upper House read the third time and passed.

Ordered to be Engrossed.

Brought up by Mr. Starkey and Mr. Brice the Bill to appoint a Prison in the County of Onslow & other purposes therein mentioned. In the Upper House read the first time and passed.

The Bill to appoint a prison in the County of Onslow and other purposes therein mentioned. In the Upper House read the first time and passed.

A Bill for laying out a road from Orange County Court House to a landing on the North West side of Cape Fear River. In the Upper House read the first time and passed.

Then the House adjourned to 3 o'clock this afternoon.

The House met according to adjournment. Present as above.

Mr. Brice and Mr. Fonville brought up the Bill for regulating Orphans, their Guardians and Estates. In the Assembly read the second time and amended.

Mr. Vail and Mr. Ashe brought up the Bill for the better regulation of the Militia. In the Assembly read the third time and amended.

Brought up by Mr. Hamer and Mr. Brown the Bill for inspecting of Pork, Beef, Rice, Indigo, Tarr, Pitch, Turpentine, Staves, Heading, Shingles and lumber. In the Assembly read the first time and passed.

The Bill for the Inspection of Pork, Beef, Rice, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles and lumber. In the Upper House read the first time and passed.

Brought up by Mr. Davis and Mr. Bell a Bill to appoint a place for erecting a Court House Prison in the County of Onslow, and other purposes therein mentioned. In the Assembly read the second time and passed.

Brought up by Mr. Cade and Mr. Kinchin a bill for laying out a road from Orange County Court House to a landing on the North West side of Cape Fear River. In the Assembly read the second time and passed.

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

Tuesday, October 7th 1755. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	John Dawson	
		James Hasell	Lewis De Rossett	
		James Innes	Henry McCulloch	

A Bill for laying out a road from Orange County Court House to a landing on the North West of Cape Fear River. In the Upper House read the second time and passed with Amendm^{ts}

The Bill to appoint a place for erecting a Court House Prison and other purposes. In the Upper House read the second time and passed.

Brought up by Mr. Hardy and Mr. Spier a Bill for ascertaining a proper place for building thereat a Court House, Prison, Pillory and Stocks, for the County of Beaufort. In the Upper House read the first time and passed.

The Bill for appointing Sheriffs and directing their duty in Office and for compelling Collectors of Publick Taxes and Persons intrusted with laying out Publick money to apply and act for the same. In the Upper House read the second time and passed with Amendm^{ts}

Then the House adjourned to 3 o'clock this afternoon.

The House met according to adjournment, present as before.

The Bill for ascertaining a proper place for building thereat a Court House, Prison, Pillory and Stocks for the County of Beaufort. In the Upper House read the first time and passed.

In reading a third time the Bill for the better regulation of the Militia and reducing them under a proper discipline the following message was sent to the Assembly.

MR SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On reading the Bill for the better Regulation of the Militia and reducing them under a proper discipline in our House the third time, we find you have exempted the Quakers from enlisting or mustering as Militia, and as we think such exemption must be attended with bad consequences we cannot pass the Bill therewith, therefore if you choose to have the Bill pass please to send two of the Members of your House to see the clause relating thereto struck out of the Bill.

The Bill for regulating Orphans their Guardians and Estates was read and ordered to lye on the Table to 9 o'clock Thursday morning.

Brought up by Mr. Swann and Mr. Relf the Bill to quiet the Freeholders in the Possession of their Lands and for other purposes. In the Assembly read the first time and passed.

The Bill to quiet the Freeholders in the Possession of their Lands and for other purposes. In the Upper House read the first time and passed.

Mr. Mackay and Mr. Harvy brought up the following message.

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL.

As the People called Quakers refuse to appear with Arms and Accountments at Musters and perform Military Duty from a conscientious Principle and by the said Amendments they are made serviceable to the Publick in any other manner and lyable to be fined and not exempt

from appearing in Defence of their County on an Invasion or Insurrection this House cannot recede from their Amendments therefore desire your Honours will please to pass the said Bill with the said Amendments.

By order

JN^o CAMPBELL Speaker

WILL^m HERRITAGE C^{lk}

Upon which the Question was put and the Bill was Ejected.
Then the House adjourned till 9 o'clock Thursday morning.

The House met pursuant to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	} Esq ^{rs}
		James Murray	John Dawson	
		James Innes	Lewis De Rossett	
		John Rutherford	Henry McCulloch	

Brought up by Mr. Brice and Mr. Fonville the Bill for the restraint of vagrants and for making provision for the poor & other purposes. In the Assembly read the third time and amended.

Mr. Swann Jun^r and Mr Relf brought up the Bill to direct the method of choosing Vestries in several Parishes which have not at present any legal Vestries to transact the business of the said Parish and for other purposes. In the Assembly read the second time and amended.

Brought up by Mr. Wyatt and Mr. Wynns a Bill to prevent the Exportation of Provisions and live stock from this Province to the French or Neutral Ports. In the Assembly read the first time and passed.

Brought up by Mr. Bell and Mr. Walton a bill to direct the Method of appraising Lands whereon Forts or Batteries are or are to be erected on the Sea Coast.

The Bill to prevent the Exportation of Provisions and live stock from this Province to the French or Neutral Ports. In the Upper House read the first time and passed.

The Bill to direct the method of appraising Land whereon Forts or Batteries are or are to be erected on the sea Coast. In the Upper House read the first time and passed.

The Bill for regulating orphans their Guardians and Estates was pursuant to order of the 7th Instant taken into Consideration & after several amendments. In the Upper House read the second time & passed with Amendm^{ts}

The Bill for the restraint of Vagrants and for making Provision for the Poor and other purposes, was read the third time in this House upon which the following Message was sent.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for the restraint of Vagrants, we think it necessary to expunge the whole Clause which lays a Penalty on Masters of Vessels bringing into this Province persons who have not wherewithal to support themselves and likewise to reinert the Clause which continues the Act for five years only. To these Amendments we desire your Concurrence and that you'll be pleased to send two of your Members to see the same made in order that we may pass the Bill.

Brought up by Mr. Benj^a Harvy and Mr. Herron, the Bill for appointing Sherriffs and directing their Duty in office, and for compelling Collectors of Publick Taxes and Persons entrusted with laying out Publick Money to apply and Act for the same. In the Assembly read the third time and Amended.

The Bill for appointing Sherriffs and directing their Duty in Office, and for compelling Collectors of Publick Taxes and Persons entrusted with laying out Publick money to apply and Act for the same. In the Upper House read the third time and passed. Ordered to be Engrossed.

Then the House adjourned to 3 o'clock this Afternoon.

Met pursuant to adjournment. Present as above.

Brought up by Mr. Hardy and Mr. Spier the Bill for ascertaining a Proper Place for building thereat a Court Prison Pillory and Stock for the County of Beaufort. In the Assembly read the second time and passed.

Brought up by Mr. Hardy and Mr. Spier The Bill for inspection of Pork Rice, Indigo, Tar, Pitch, Turpentine, Staves, Heading and Shingles & Lumber. In the Assembly read the second time and amended.

Brought up by Mr. Harvey and Mr. Relf The Bill for laying out a road from Orange County Court House to a landing on the North West of Cape Fear. In the Assembly read the third time and passed.

Brought up by Mr. Griffith Jones and Mr. Bravard The Bill to appoint a place for erecting a Court House Prison in the County of Onslow and other Purposes therein mentioned. In the Assembly read the third time and amended.

The Bill for ascertaining a Proper Place for building thereat a Court House Prison, Pillory and Stocks for the County of Beaufort. In the Upper House read the second time and passed.

Brought up by Mr. Harvey and Mr. Relf the following Message,

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

We perceive by your Message of this day that on your reading a third time the Bill for the restraint of Vagrants that you think it necessary

to expunge the Clause which obliges masters of Vessels to indemnify the Parishes from the expense which may be occasioned to them by such masters of Vessels bringing into this Province persons who have not wherewithal to maintain themselves and are incapable of getting a livelihood, and that you propose to reinsert the Clause which continues the Act for five years only to the last Amendment You propose we Concur but as we have known several Parishes put to great Expense in supporting Poor and helpless People brought into this Colony from other places we apprehend the Clause you object to well calculated to redress the Inconveniences, Wherefore we cannot agree to expunge it and desire you will please to pass the Bill with that Clause.

By Order JN^o CAMPBELL Speaker

WILL^m HERITAGE C^{lk}

Brought up by Mr. Bell and Mr. Harvey The Bill to direct the Method of appraising Lands whereon Forts or Batteries are now or hereafter shall be erected on the sea Coast. In the Assembly read the second time and amended.

Mr. Bell and Mr. Harvey brought up the Bill for erecting that part of Rowan County called Wackovia into a Distinet Parish. In the Assembly read the first time and passed.

Mr. Bell and Mr. Harvy brought up the Bill to prevent the Exportation of Provisions and live stock from this Province to the French and Neutral Ports. In the Assembly read the second time and amended.

Mr. Harnet and Mr. Browne brought up the Bill to prevent malignant and Infectious distempers being spread by shipping importing distempered Persons into this Province and other purposes. In the Assembly read the first time and passed.

The Bill to appoint a place for Erecting a Court House Prison and other purposes therein mentioned. In the Upper House read the third time & passed. Ordered to be Engrossed.

The Bill for laying out a road from Orange County Court House to a landing on the North West River of Cape Fear River. In the Upper House read the third time & passed. Ordered to be Engrossed

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

Fryday October 10th 1755. Met pursuant to Adjournment.

Present.

The Hon ^{ble}	$\left\{ \begin{array}{l} \text{Mathew Rowan} \\ \text{James Murray} \\ \text{James Innes} \\ \text{Francis Corbin} \end{array} \right.$	John Rutherford	$\left. \begin{array}{l} \\ \\ \\ \end{array} \right\} \text{Esqrs}$
		John Dawson	
		Lewis De Rossett	
		Henry M ^c Collock	

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempred Persons into this Province and other Purposes. In the Assembly read the first time and passed.

The Bill for erecting that part of Rowan County ealled Wacovia into a Distinct Parish. In the Upper House read the first time and passed.

The Bill to direct the method of appraising Lands whereon Forts or Batteries now are or shall be Erected. In the Upper House read the second time and passed.

The Bill to prevent the Exportation of Provisions and live stock from this Province to the French and Neutral Ports. In the Upper House read the second time and amended.

The Bill for the inspection of Pork, Beef, Rice, Indigo, Tarr, Pitch, Turpentine, Staves, Heading, Shingles and Lumber. In the Upper House read the second time and amended.

The House resumed the consideration of the Bill for the restraint of Vagrants, and for making provision for the Poor, & other Purposes. In the Upper House read the third time and passed. Ordered to be Engrossed.

Brought up by Mr. Fonvile and Mr. Hamer The Bill to quiet the Freeholders in the Possession of their Land & for other purposes. In the Assembly read the second time and passed.

The Bill to quiet the Freeholders in the Possession of their Lands, and for other Purposes. In the Upper House read the second time, Ordered to lye on the Table to-morrow morning.

Mr. Spier and Mr. Hardy brought up the Bill for ascertaining a Proper Place for building thereat a Court House, Prison, & Stocks for the County of Beaufort. In the Assembly read the third time and amended.

The Bill for ascertaining a Proper Place for building thereat a Court House Prison and Stocks for the County of Beaufort. In the Upper House read the third time & passed. Ordered to be Engrossed.

Then the House adjourned to 3 o'clock this afternoon.

Met pursuant to Adjournment. Present as above.

Mr. Mackey and Mr. Wynn brought up the Bill for regulating Orphans their Guardians and Estates. In the Assembly read the third time and amended.

The Bill for regulating Orphans, their Guardians and Estates. In the Upper House read the third time & passed. Ordered to be Engrossed.

Mr. Smith and Mr. Swann brought up the Bill to prevent malignant and infectious distempers being spread by shipping importing distempred Persons into this Province and for other Purposes. In the Assembly read the second time and amended.

Mr. Vail and Mr. Mackey brought up the Bill for facilitating the Navigation of Port Bath Port Roanoak and Port Beaufort. In the Assembly read the first time and passed.

The Bill for facilitating the Navigation of Port Bath, Port Roanoak, and Port Beaufort. In the Upper House read the first time and passed.

Mr. Connor and Mr. Bravard brought up the following Message

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

This House have appointed Mr. Swann Jun^r Mr. Barker and Mr. Davis to compare the Bills already engrossed with those which have passed both Houses this Session in conjunction with such Gentlemen of the Council as you shall think fit to appoint for that Purpose.

By Order JOHN CAMPBELL Speaker

WILL^m HERITAGE, C^k.

To which the following Message was returned.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House taking into consideration your Message relative to the appointing of a Committee to compare the Bills already Engrossed with those which have passed both Houses this Session, hath appointed the Hon^{ble} Francis Corbin & John Dawson Esq^r to join the Gentlemen appointed by your House for that purpose.

The Bill to direct the method of choosing Vestrys in several Parishes which have not at present any legal Vestrys to transact the business of the said and for other Purposes, was read and Ordered to lye on the Table to the 27th Instant.

Brought up by Mr. Smith and Mr. Woodhouse the Bill for erecting that part of Rowan County called Wackovia into a Distinct Parish. In the Assembly read the second time and amended.

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

Saturday, October 11th 1755. Met pursuant to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Innes	Lewis De Rossett		
		John Rutherford	Henry M ^c Cullock		

Brought up by Mr. Swann and Mr. Smyth The Bill to prevent Malignant and infectious distempers being spread by shipping importing distempered Persons into this Province and other purposes. In the Assembly read the second time and passed.

The Bill for erecting that part of Rowan County called Wacovia into a distinct Parish, was read in this House. In the Upper House read the second time and passed.

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempored Persons into this Province and other purposes was read. In the Upper House read the second time and passed.

This House resumed the consideration of the Bill to quiet the Freeholders in the Possession of their Land, & other purposes, when the same passed In the Upper House read the second time & passed with Amendments.

Mr. Brown and Mr. Pain brought up the following Bills.

The Bill to direct the method of appraising Lands whereon Forts or Batteries now are or shall be erected for the defence of this Province In the Assembly read the third time and passed.

Mr. Benjamin Harvey and Mr. Relf brought up the Bill for Inspection of Pork, Beef, Rice, Indigo, Tarr, Pitch, Turpentine, Staves, Heading, Shingles and Lumber. In the Assembly read the third time and amended.

Mr. Brown and Mr. Pain brought up the Bill to prevent the Exportation of Provisions and live stock from this Province to the French or Neutral Ports. In the Assembly read the third time and passed.

The Bill to direct the method of appraising Lands whereon Forts or Batteries now are or shall be erected for the defence of this Province was read in this House. In the Upper House read the third time & Passed. Ordered to be Engrossed.

The Bill to prevent the Exportation of Provisions and live stock from this Province to the French or Neutral Ports, was read in this House the third time and passed. In the Upper House read the third time & Passed. Ordered to be Engrossed.

The Bill for inspection of Pork, Beef, Rice, Indigo, Tarr, Pitch, Turpentine, Staves, Heading, Shingles and Lumber, was read the third time in this House, and the following Message sent to the Assembly. viz.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Inspection Bill this House finds the following Amendment requisite and desires that you will please to send two of your Members to see the same made viz^t

That Staves, heading and shingles be subject to inspection only in Cases where any dispute shall arise between the buyer and seller concerning the quality or quantity of the same.

Brought up by Mr. Fontville and Mr. Mackay the following Bills,
The Bill to prevent malignant and infectious distempers being spread by shipping, importing distempered Persons into this Province and other Purposes. In the Assembly read the third time and amended.

The Bill to Amend an Act for facilitating the Navigation of Port Bath Port Roanoak and Port Beaufort. In the Assembly read the second time and passed.

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

Met pursuant to Adjournment. Present as before.

The Bill to Amend an Act for Facilitating the Navigation of Port Bath, Port Roanoak and Port Beaufort. In the Upper House read the second time and amended.

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempered Persons into this Province and other purposes, was read upon which the following Message was sent.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Fee of five shillings given to the Commander of Fort Granville for his trouble in swearing Masters of Vessels coming into Coracock and giving a certificate which was allowed by both Houses on the second reading of the bill to prevent the spreading of infectious distempers being the ordinary Fee in such Cases we desire your concurrence in inserting five shillings instead of Two shillings and eightpence as the bill now stands in order that we may pass the bill.

Received by Mr. Jones Jun^r and Mr. Barker the following Message from the Assembly Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

In Answer to the message of this day relating to the Amendment you Propose to the Inspection Bill this House agree to the same and send Mr. Jones Jun^r and Mr. Barker two of the Members of this House to see the same done.

Upon which the Alterations being made in the Bill the same passed. In the Upper House read the third time & passed. Ordered to be Engrossed.

Mr. Smith and Mr. Woodhouse brought up the Bill for erecting that part of Rowan County called Wackovia into a distinct Parish. In the Assembly read the second time and amended.

The Bill for erecting that part of Rowan County, called Wackovia into a distinct Parish. In the Upper House read the second time and passed.

Mr. Kinchen and Mr. Williams brought up the Bill to quiet the Freeholders in the Possession of their Lands and other purposes. In the Assembly read the third time and amended.

The Bill to quiet the Freeholders in the Possession of their Lands and other purposes. In the Upper House read the third time and passed. Ordered to be Engrossed.

Mr. Brown and Mr. Mackay brought up the following message.

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

This House do agree to the amendment proposed by you of five shillings being incerted in the Bill to prevent the spreading infection distempers etc to be given to the Commander of Fort Granville for his trouble in swearing the Masters of Vessels coming into Occacock and giving certificate instead of Two shillings & eightpence for that service as it now stands in the said Bill, and have sent Mr. Brown and Mr. Mackay to see the said Amendment made.

By order J^{no} CAMPBELL Speaker.
W^m HERITAGE C^{lk}

Upon which the Alteration being made in the Bill, the same passed. In the Upper House read the third time & passed. Ordered to be Engrossed.

Brought up by Mr. Brown and Mr. Mackay the Bill for facilitating the Navigation of Port Bath, Port Roanoak and Port Beaufort. In the Assembly read the third time and passed.

The Bill to facilitate the Navigation of Port Bath, Port Roanoak, & Port Beaufort. In the Upper House read the third time. Ordered to be engrossed.

Then the House adjourned to 9 o'clock Monday morning.

Monday, October 13th 1755. Met pursuant to Adjournment.

Present.

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	} Esq ^{rs}
		James Murray	John Dawson	
		John Rutherford	Lewis De Rossett	
		Henry McCulloch		

Adjourned to 3 o'clock P. M.

Met pursuant to Adjournment. Present as above.

His Excellency came to this House and sent a at Arms to the Assembly and commanding their Imediate attendance.

The Assembly accordingly waited on His Excellency and by their Speaker presented him with the following Bills viz^t

An Act for granting an Aid to His Majesty to repell the French & Indians and their alliance from their Encroachments on His Majestys Terratories in America and other purposes.

An Act for appointing Sherriffs and directing their Duty in office, and for compelling Collectors of Taxes (Publick) and Persons entrusted with laying out Publick money to apply and aēt for the same.

An Act to prevent the Exportation of Provisions and live stock from this Province to the French or Neutral Ports.

An Act to prevent malignant and infectious distempers being spread by shipping importing distempered Persons into this Province and other Purposes.

An Act to direct the method of appraising Lands whereon Forts or batteries now are or shall be hereafter erected for the Defence of this Province.

An Act to amend an Act for facilitating the Navigation of Port Bath, Port Roanoak and Port Beaufort; which were all ratified in open Assembly.

Then adjourned to 9 o'clock to morrow morning.

Tuesday, October 14th 1755. Met pursuant to Adjournment.

Present.

The Hon^{ble} { Mathew Rowan Francis Corbin }
 { James Murray John Dawson } Esq^{rs}
 { John Rutherford Lewis De Rossett }

Mr. Davis and Mr. Shergold brought up the following message.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House resolved that the sum of Twenty Pounds Proclamation money be allowed James Davis Printer for his extraordinary service in his office to this Session inclusive.

By order J^{no} CAMPBELL Speaker
 W^m HERITAGE C^{lk}

Which was concurred with in the following words and sent down October 14th 1755. In the Upper House concurred with.

By order MATHEW ROWAN P. C.
 RICHARD SPAIGHT C^{lk}

Brought up by Mr. Ashe and Mr. Vaile the following Message,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House being informed that Mr. George Nicholas His Majestys Attorney Gen^l is at present in a very ill state of health and thereby rendered incapable to attend the Western and Northern Supreme Courts of

this Province to prosecute such Persons who have any of the Publick money in their hands have resolved

That Mr. Robert Jones Jun^r Attorney at Law do prosecute all such Persons who have any Publick money in their hands and have not Accounted for the same according to Law and that the Publick Treasurers deliver the said Robert Jones all Bonds and Securities given by such Persons to Act as aforesaid with the Publick when he shall apply for the same.

By order J^{no} CAMPBELL Speaker.

W^m HERITAGE C^{lk}

Brought up by Mr. Ashe and Mr. Vaile the Report of the Committee of Claims which was concurred with, in the following words

In the Upper House read and concurred with

By Order MATHEW ROWAN P. C.

RICHARD SPAIGHT C^{lk}.

October 14th 1755.

Upon which the following Message was sent,

Concurred with except only as to the Debt said to be due to the Publick from the estate of the late Governor Johnson which is delayed till the next Session of Assembly for further Enquiry.

Then the House adjourned to 3 o'clock this afternoon.

Met pursuant to adjournment.

Then adjourned to 9 o'clock to-morrow morning.

Wednesday, October 14th 1755. Met pursuant to adjournment.

Present

The Hon^{ble} { Mathew Rowan John Rutherford }
 { James Murray Francis Corbin } Esq^r
 Lewis De Rosett

Mr. Herron and Mr. Harvey brought up the following Message, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

This House having received a Message from the Governor intimating that there is no Established Post thro' this Province and the necessity of having correspondence with the neighbouring Colonies did recommend some method might be provided for conveying all Publick Letters without any other reward than a salary—James Davis Printer has offered his service to undertake to convey all Publick Letters Expresses and Dispatches relating to this Province to any part thereof and every fifteen days send a Messenger to Suffolk in Virginia and to Wilmington for the term of One Year,

Have resolved that James Davis be employed for the same service and that he be paid the sum of One Hundred Pounds, Six shillings and eight pence Proclamation money out of the surplus of the Jointing Tax at the Payments half yearly by a warrant from the Governor or Commander in Chief as the salary becomes due.

To which desire your Concurrence

By order J^{no} CAMPBELL, Speaker.

For W^m HERITAGE, C^{lk}, WILLIAM WILLIAMS.

October 14th 1755

Which was concurred with by this House in the following words, Viz^t In the Upper House read and concurred with.

By order MATHEW ROWAN.

RICHARD SPAIGHT, C^{lk}.

October 14th 1755

Wednesday P. M. Met pursuant to adjournment.

Present

The Hon^{ble} { Mathew Rowan John Rutherford }
 { James Murray Francis Corbin } Esq^{rs}
 Lewis De Rossett }

Brought up by Mr. Vail and Mr. Harvey the following Message, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

This House have resolved that the sum of Nine Hundred Thirty Eight Pounds fifteen shillings and Ten pence Proclamation Money paid in for the sinking fund, also the sum of Three Hundred and Twenty four Pounds seven shillings and sixpence old Bill money paid in toward sinking fund also the sum of Three Hundred and Forty seven Pounds old Bill money allowed by the Committee of Claims and exchanged, are ordered to be burned this evening at five o'clock. This House has appointed a Committee in conjunction with such of the Hon^{rs} as you shall think fitt to see the same done.

By order of the Assembly

J^{no} CAMPBELL Speaker.

By order for W^m HERITAGE C^{lk} W^m WILLIAMS.

October 14th 1755.

Upon which this House appointed the Hon^{ble} Francis Corbin and Lewis De Rossett Esq^{rs} as Committees to join the Committee of the Assembly to see the several sums of money mentioned in their message burnt, and sent them the following Message.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In compliance with your Message acquainting this House with your having appointed a Committee to see the burning the Bill of Credit which have been paid on Account of the sinking Fund and the old Bills at this Session of Assembly. This House have appointed the Hon^{ble} Francis Corbin and Lewis De Rossett Esq^{rs} a Committee to join yours on that service. By Order. October 15th 1755.

Mr. Harvey and Mr. Herren brought up the Exports of the Committees of both Houses appointed to state and examine the Publick Accounts with the following Message.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have examined the Report of the Committee of both Houses appointed to state and examine the Publick Accounts and disallow of an Article of Nineteen Pounds five shillings charged by Col. James Innes paid to Mr. W^m Arburthus. The other matters in said report are as[sented] to and desire your Honours Concurrence thereto. In the Assembly

By order

J^{no} CAMPBELL Speaker.

For W^m HERITAGE C^{lk} W^m WILLIAMS.

October 15th 1755.

Which this House did not think proper to concur with and sent down their resolution in the following words

Not concurred with, in the Upper House, October 15th 1755. By Order.

Mr. Starkey brought up the following Resolve. Viz^t

Resolved that the sum of Three Hundred and Twenty Nine Pounds five shillings and five pence received for contingencies by Mr. Tho^s Barker and by him paid to the Committee of Account, and also the sum of one Hundred and sixty seven Pounds three shillings and one Penny half penny in the hands of Mr. Starkey surplus of the Printing Tax be applied towards paying the Expences and Claims allowed at this Session of Assembly.

By order

J^{no} CAMPBELL Speaker.

For W^m HERITAGE C^{lk} W^m WILLIAMS.

October 15th 1755.

To which this House sent the following Concurrence. Viz^t

Concurred with only so far as to pay the Clerk of the Houses and Committees and the Officers and servants and House Rent. In the Upper House October 15th 1755. By Order.

Mr. Harvey brought up the Estimate of the Allowances due and payable to the Members of the Assembly, Clerk and Officers thereof the second Session held at Newburn in September & October 1755. & allowance of in the Assembly in the following words. Viz^t

Allowed in the Assembly October 15th 1755.

By order of the House J^{no} CAMPBELL Speaker.

By order for W^m HERITAGE C^{lk} W^m WILLIAMS.

Which was concurred with by this House in the following words Viz^t
 Concurred with In the Upper House October 15th 1755. By Order.
 The Estimate of this House was sent down to the Assembly for concurrence which was sent up concurred with in these words

In the Assembly, October 15th 1755.

By order J^{no} CAMPBELL Speaker

W^m WILLIAMS for W^m HERITAGE.

His Excellency came to this House and Commanded the attendance of the Assembly who accordingly came up and by their Speaker presented the following Acts to be passed. Viz^t

An Act to quiet the Freeholders in the possession of their Lands and other Purposes.

An Act for Inspection of Pork, Beef, Rice, Indigo, Tarr, Pitch, Turpentine, Staves, heading, Shingles and Lumber.

An Act for regulating Orphans their Guardians and Estates.

An Act for the Restraint of Vagrants and for making Provision for the poor and other purposes.

An Act for appointing the place for Erecting a Court House and Prison in the County of Onslow & other purposes therein mentioned.

An Act for ascertaining a proper place for building thereat a Court House, Prison, Pillory and Stocks for the County of Beaufort.

An Act for erecting that part of Rowan County called Wackovia into a distinct Parish.

An Act for laying out a road from Orange County Court house to a landing on the N. W. of Cape Fear River. All which were pass'd.

Then His Excellency made the following Speech.

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

The steady zeal you have shown for the support of His Majestys Rights I shall faithfully represent to His Majesty, and particularly at this time of imminent danger when his Colonies have been invaded by a bar-

barous Enemy who massacre and scalp innocent Families in cold blood under the Sanction of a Peace sworn to by the Gallick Monarch yet in breach of the Articles sworn to gives rewards to those who scalp or carry away the Inhabitants into Slavery.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

You have granted as great a supply as the circumstances of this Province can bear for the aid of the common cause of the Colonies must be most agreeable to His Majesty when other Great and Rich Colonies keep up a bitter spirit of Party regardless of their Religion and Libertys and your giving me the power of laying it out for the General good of the Colonies as His Majestys service may require, it requires my due return of Thanks to you and will double engage me to exert myself in making it most usefull for the purposes for which it is granted.

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

Since this unseasonable hot season hath made this neighbourhood sickly, I shall no longer detain you, and must thank you for the several good Laws you have passed, and shall only recommend to you the putting the several Laws already made in Execution in your several districts and to take care that the Militia be in readiness in case of any invasion and to raise & keep up a spirit against a perfidious Enemy who are determined to deprive you of your Religiou, Liberties and Possessions.

Then His Excellency withdrew from this House, and was pleased to prorogue this Assembly to the second Tuesday in May next then to be held at Newbern.

A True Copy examined by

RICH^d SPAIGHT. C^{lk}

At a General Assembly begun and held at Newbern the Twelfth Day of December in the Twenty Eighth year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain, France and Ireland King &c. and in the year of our Lord one thousand seven hundred and fifty four and from thence continued by several Prorogations to the Twenty fifth Day of September in the Twenty ninth year of the Reign of our said Sovereign Lord the King and in the year of our Lord one thousand seven hundred and fifty five at Newbern being the second Session of the present Assembly.

Thursday September 25th 1755.

Members Present

Craven County Mr. John Fonville	Currituck County Mr. Francis Brown	Carteret County
Bladen County Mr. Isaac Jones	Anson County Mr. John Hamer	Beaufort County
Pasquotank County Mr. John Brothers Mr. Griffith Jones	Bertie County Thomas Whitmill Benjamin Wymis	Pequimins County Mr. John Harvey Jun ^r Mr. Benjamin Harvey Mr. William Wyatt
Hyde County. Mr. Thomas Smith	Johnson County Mr. Richard Caswell	Chowan County Mr. Joseph Herron Mr. Edward Vail Mr. Dempsey Sumner
Orange County	Onslow County Mr. Samuel Swann Mr. John Starkey	Edenton Mr. Thomas Barker
New Hanover County Mr. George Moore Mr. John Ashe	Tyrell County Mr. William Maekay Mr. James Conner Mr. Francis Ward Mr. Jacob Blunt Mr. Samuel Spruell	Duplin County Mr. Francis Brice Mr. William Houston
Northampton County Mr. Robert Jones Mr. James Washington	Rowan County Mr. James Carter Mr. John Bravard	Edgecomb County Mr. William Williams
	Granville County Mr. James Pain	

Thursday September 25th 1755.

A Certificate of a return of a Writ for Electing a Member to serve in this present Assembly for the County of Hyde in the room of Mr. Samuel Sinclaire deceased was returned to the House by the Clerk of the Crown whereby it appears that Mr. Thomas Smith, was elected a Member for the said County to serve in this present Assembly in the room of the said Mr. Sinclaire deceased.

Mr. Herron and Mr. Ashe according to Order waited on his Excellency the Governor and acquainted him that the House have met according to his Prorogation who returned for Answer that his Excellency the Governor desired the immediate Attendance of the whole House in the Council Chamber.

Mr. Speaker with the whole House waited on his Excellency the Governor in the Council Chamber when his Excellency was pleased to make a Speech to the Council and this House.

The House returned and Mr. Speaker reported that the House had attended his Excellency the Governor in the Council Chamber and that he was pleased to make a speech to the Council and this House of which he had to prevent Mistakes obtained a copy which he delivered in at the Table where it was read by the Clerk and is as follows—

[For the speech of the Governor see Journal of Upper House.—
EDITOR.]

Mr. Swann moved that a Committee be appointed to prepare an Address in answer to his Excellency the Governors Speech and Mr. Robert Jones, Mr. Thomas Barker, Mr. Samuel Swann, Mr. John Starkey, and Mr. John Harvey were appointed accordingly.

Mr. Samuel Swann acquainted this House that Mr. Solomon Rew late Member for the Town of Newbern is dead therefore moved that his Excellency be addressed to direct the Clerk of the Crown to Issue a Writt for Electing a Member for the said Town in the Room of the said Solomon Rew deceased.

Ordered that his Excellency be addressed accordingly.

Mr. Thomas Smith the Member returned for the County of Hyde in the room of Samnel Sinclaire deceased appeared took the Oaths appointed for his Qualification Subscribed the Test and took his Seat in the House accordingly.

The House adjourned till 3 o'clock afternoon.

P. M. The House met according to Adjournment.

The House adjourned till to-morrow morning 9 o'clock.

Friday September 26th 1755. The House met according to adjournment.

Mr. William Spier, Mr. William Kinchin, Mr. Robert Harris, Mr. Timothy Walton, Mr. Dempsey Sumner, Mr. Joseph Bryan and Mr. Thomas Relf appeared and took their seats in the House.

Mr. Francis Brice informed this House that there were several Indians in Town who wanted some subsistance from the publick; the House

taking the same into consideration, Ordered that they be supplied with necessary Provisions &c during their stay in Town and that Mr. Brice and Mr. Whitmill do supply them to the amount of Five pounds, and that the same be placed on the Estimate of the publick Claims.

On motion ordered that Mr. Heron, Mr. John Harvey, Mr. Samuel Swann, Mr. Benjamin Wynus and Mr. Dempsey Sumner be a Committee to examine state and settle the publick Accompts of this Province, and that Mr. Starkey, Mr. William Mackay, Mr. John Ashe, Mr. Francis Brown and Mr. Thomas Whitmill be a Committee to settle and allow the Publick Claims.

On motion Ordered that the following Persons be appointed a Committee of Propositions and Grievances, to wit, Mr. Starkey Mr. Heron, Mr. Bryan, Mr. Smith Mr. Caswell Mr. Spier, Mr. Brown, Mr. Griffith Jones, Mr. Benjamin Harvey, Mr. Ward and Mr. Whitmell, Mr. Washington, Mr. William Williams Mr. Harris, Mr. Brice, Mr. Ashe, Mr. Isaac Jones, Mr. Hamer, Mr. Carter and Mr. George Moor—And they are appointed accordingly.

The House adjourned 'till half an hour past 3 o'clock Afternoon.

P. M. The House met according to adjournment.

Mr. Vail presented a Certificate from the County Court of Beaufort therein recommending John Squires as a Person incapable of paying Publick Taxes and doing Publick Duties.

Ordered that he be exempt from doing publick Duties and paying publick Taxes for two years.

Mr. Harris presented a Certificate from the County Court of Granville therein recommending Griffin Humphries as a person incapable of doing Publick Services and paying Taxes.

Ordered that he be exempt accordingly.

The House adjourned till to-morrow morning 9 o'clock.

Saturday September 27th 1755. The House met according to adjournment.

Ordered that the following Message be sent to the Council (Viz^t)

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

This House have appointed Mr. Heron Mr. John Harvey, Mr. Samuel Swann, Mr. Benjamin Wynns and Mr. Dempsey Sumner, a Committee of this House to examine state and settle the publick Accompts of this province and also Mr. Starkey, Mr. Mackey, Mr. Ashe, Mr. Brown and Mr. Withmell a Committee of this House to settle and allow Publick Claims, in conjunction with such members of your [House as your Honours] shall think fit to appoint.

Mr. Ashe moved that a Committee be appointed to prepare and bring in a Bill for regulating the Militia of this Province.

Ordered that Mr. Ashe Mr. Sumner Mr. Moore, Mr. Wynns, Mr. Whitmell, Mr. Vail, and Mr. Barker to prepare and bring in the same.

Mr. Heron moved for leave to bring in a Bill for regulating the payment on protested Bills of Exchange and promisory Notes and other purposes therein mentioned.

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

Mr. Jones from the Committee appointed to prepare an Address to his Excellency the Governor's Speech reported that the Committee had prepared the same, which he read in his Place and afterwards delivered the same in at the Table where the same was read by the Clerk and is as follows—

To his Excellency Arthur Dobbs Esq^r Captain General and Governor in Chief in and over his Majesty's Province of North Carolina.

The Humble Address of the House of Burgesses.

SIR,

We his Majestys most dutiful and loyal Subjects the Members of the Assembly of North Carolina now met in Assembly beg leave to return your Excellency our hearty Thanks for your Speech at the opening of this Session.

The unexpected Defeat of General Braddock at the Battle of Monongahela has given an unfortunate turn to Affairs in the Neighbouring Provinces and effectually put it in the power of the French and Indians in their Alliance to repeat their cruelties and Depredations on the Inhabitants and the Remembrance of their Barbarities in murdering and massacring the people of Virginia since that fatal Disaster raises so horrid an Idea of the bloody Designs of those treacherous people, that it were as impossible, while we retain a due sense of Gratitude for the invaluable Blessings we enjoy under the mild and beneficent Administration of the best of Kings not to be animated with a proper Resentment at their unparalleled Outrages, as inexcusable to omit granting such further Aid as the indigent Circumstances of our Constituents will admit in Defence of his Majestys incontestible property and to secure his Subjects from future Hostilities from those merciless Intruders. We shall therefore cheerfully endeavour to enable your Excellency not only to protect our own Frontier but also to continue your Assistance to the other Governments against the common Enemy.

We are truly sensible of the great injury the publick has frequently sustained from a Defect in our Laws as well to compell those concerned in the collection of publick Taxes to a speedy payment as those intrusted with the laying out of the publick Monies regularly to apply and account for the same and shall do everything in our power to redress the Evil by passing such Bills as may for the future inforce the Observation of those important Duties.

We beg leave to return your Excellency our gratefull acknowledgement for the great care you have been pleased to take in viewing the sea coasts in order to discover the most proper places for erecting Batteries; and for the progress to the Westward which your Regard for our Safety induced you to make.

Give us leave Sir at the same time to assure you that your constant attention to every matter wherein his Majesty's Interest in the prosperity of this Province is concerned has been so remarkably conspicuous that you have our most ardent wishes for a long and happy administration in your Government.

The several matters which thrō Hurry and the Inelegency of the Season were left unfinished at the last Session we shall resume the Consideration of and pay a due regard to everything that you have been pleased to recommend to us. And in all proceedings act with Unanimity and Dispatch, and zealously pursue such measures as may indicate our Duty and Loyalty to his Majesty, and an unalterable purpose of securing to the Inhabitants of this Province their most valuable Religion Liberties and possessions.

Ordered that the same stand the address of this House.

Ordered that the said address be fairly transcribed and presented to his Excellency the Governor by the whole House.

The House adjourned till 3 o'clock afternoon.

P. M. The House met according to Adjournment.

Mr. Weeks and Mr. Cade appeared and took their seats in the House.

Ordered that Mr. Jones and Mr. Sumner wait on his Excellency the Governor to know when the House shall attend him with their address.

Mr. Jones and Mr. Sumner reported that according to Order they had waited on his Excellency the Governor to know when the House should attend him with their Address; and that he was pleased to appoint this Evening at five o'clock in the Council Chamber.

Mr. Speaker with the Members went to the Council Chamber and being returned, reported that he with the House had attended the Governor in the Council Chamber and presented the Address of this House to him, to which he was pleased to answer—

GENTLEMEN,

The Zeal you express to support his Majesty in his just Rights and possessions against a Merciless Enemy in the Defence of his American Colonies, I shall faithfully represent to his Majesty.

Your Approbation of the steps I have taken to secure and to endeavour to promote the Prosperity of this Province gives me the most sensible pleasure; and whatever Powers you intrust me with to assist in the common Cause of the Colonies I shall endeavour to exert to the utmost of my Capacity for his Majestys Service and Safety of this and our neighbouring Colonies.

The House adjourned till 9 o'clock Monday morning.

Monday, September 29th 1755. The House met according to Adjournment.

Mr. Cornelius Harnet, Mr. John Hardy and Mr. Stephen Williams appeared and took their Seats in the House.

Mr. John Woodhouse one of the Members for Currituck County appeared took the Oaths for his Qualification subscribed the Test and took his Seat in the House.

Mr. Starkey moved that the House would consider what further supply they will grant towards the Defence of the Frontier of this province and to assist the Neighbouring Colonies in the common Cause against the French and Indians in their Alliance.

After several Debates thereon the House resolved *Una Voce* to grant unto his Majesty the sum of Ten thousand pounds proclamation money as a further Supply towards the Defence of the Frontier of this Province and assisting the Neighbouring Colonies in the Common cause against the French and Indians in their Alliance.

Mr. Jones moved that the House resolve into a Committee of the whole House to consider of Ways and means for raising ten thousand pounds proclamation money for the purposes in the above resolve mentioned.

Resolved, That the House resolve into a Committee of the whole House to consider of Ways and Means for raising the said sum of ten thousand pounds for the Defence of the Frontier of this Province &c.

The House resolved into a Committee of the whole House to consider of Ways and Means &c and chose Mr. John Harvey Junior Chairman who was placed in the chair accordingly.

After some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had considered of Ways and Means to raise the said sum of ten thousand pounds &c and had come to the following Resolutions which he read in his Place and deliv-

ered in at the Table where they were again read by the Clerk and are as follows Viz^t

That immediately issuing seven thousand two hundred appropriated towards purchasing Glebes and the sum of Two thousand pounds towards erecting Publick Buildings by an Act intituled An Act for granting to his Majesty the sum of Forty thousand pounds in publick Bills of Credit at the rate of proclamation money to be applied towards defraying the Expence of raising and subsisting the Forces for his Majestys service in this Province to be sent to the assistance of his Majestys Colony of Virginia and for other Purposes therein mentioned; under certain Restrictions therein and to be replaced by a Poll Tax and to be made up the sum of Ten thousand pounds out of the Publick Treasury; will be the best Expedient for raising the said sum and least burthensome to the people of the Government.

Resolved the House agree to the foregoing Report.

Mr. Jones moved that a Committee be appointed to prepare a Bill for granting a further aid to his Majesty to repel the French and Indians in their Alliance from their Encroachments on his Majestys Territories in America.

And the following Persons accordingly appointed Viz: Mr. Jones, Mr. Sumner, Mr. Barker, Mr. Starkey and Mr. Harvey Jun^r

Resolved that Mr. Harnett be added to the Committee appointed to examine state and settle the publick Accompts of this Province.

Mr. Hardy produced a Certificate from the County Court of Beaufort therein recommending Nevil Trip to this House as an Object worthy to be exempt from paying Parish County and publick Taxes.

Ordered That he be exempt accordingly.

Mr. Hardy produced a Certificate from the County Court of Beaufort certifying that Robert Harfoot is a poor man and incapable of getting a Livelihood; and recommended him to this House to be exempt from paying publick Taxes.

Ordered that he be exempt accordingly.

The House adjourned till to-morrow morning 10 o'clock.

Tuesday September 30th 1755. The House met according to adjournment.

Mr. Thomas Lovick one of the Members for Carteret County appeared and took his seat in the House.

Mr. Thomas Lovick produced a Certificate from the County Court of Carteret certifying that Henry Smith of Carteret County is poor and aged and hath not wherewithal to support himself; and recommending him to be exempt from paying Taxes and doing Publick Duties.

Ordered That he be exempt accordingly.

Mr. Moore moved for leave to bring in a Bill to prevent the Exportation of Provisions and live stock from this Province to the French or any Neutral Port.

Ordered that he have leave and that Mr. Moore Mr. Harnett and Mr. Jones Junior do prepare the same.

Mr. Bell one of the Members for Carteret County appeared and took his seat in the House.

On motion ordered that the Indians now in Town be allowed Thirty Shillings proclamation money for necessary Provisions during their stay in Town and the same be placed on the Estimate of the publick Claims.

Mr. Hamer moved for leave to bring a Bill to prevent the Multiplicity of Law Suits in this Province.

Ordered that he have leave and that Mr. Hamer, Mr. Carter and Mr. Harnett do prepare and bring in the same.

Mr. Harvey moved for leave to bring in a Bill for the Restraint of Vagrants and for making Provision for the Poor.

Ordered that he have leave and that Mr. Harvey, Mr. Harnett and Mr. Weeks do prepare the same.

Mr. Carter moved for leave to bring in a Bill to appoint Vestry men and Church wardens in such Parishes that have not elected Vestry men and Church wardens therein pursuant to Law.

Ordered that he have leave and that Mr. Carter Mr. Barker Mr. Hamer, Mr. Caswell and Mr. Williams be appointed a Committee to prepare and bring in the same.

Mr. Williams presented to the House a petition from sundry Inhabitants of Edgcombe Parish Complaining of an illegal and undue Election of Vestrymen for the said parish praying Relief therein.

Resolved that the Committee appointed to prepare and bring in a Bill to appoint Vestry men and Church-wardens in such parishes that have not elected Vestrymen and Church wardens therein pursuant to Law do receive a Clause or Clauses to the said Bill for the Relief of the Parishioners of Edgcombe parish pursuant to the Prayer of the Petition for the said Parish.

The House adjourned till four o'clock afternoon.

P. M. The House met according to adjournment.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House taking into Consideration your Message of the 29th Instant relative to the appointment of the Committee of Publick Accompts and Claims have thought fit to appoint the following in conjunction with

those of yours Viz—The Hon^{ble} James Hasell and Lewis De Rosset Esq^r on the Publick Accompts; and the Hon^{ble} John Dawson and Henry McCulloch Esq^r on the Claims.

Mr. Harris moved for leave to bring in a Bill to regulate the Election of Burgesses and directing the method of taking the Poll at such Elections.

Ordered that he have leave and that Mr. Harris, Mr. Samuel Swann Mr. Jones Jun^r Mr. Starkey and Mr. Barker do prepare the same.

A Certificate from the Clerk of the Crown was delivered to this House for the Town of Newbern to sit and vote in this present Assembly in the Room of Mr. Solomon Rew deceased.

Mr. Hamer moved for leave to bring in a Bill for an Inspection of the several Commodities of this Province and to enable the Inhabitants to pay their Taxes in Inspected Commodities and for other purposes.

Ordered that he have leave and that Mr. Hamer, Mr. Barker, Mr. Jones Jun^r Mr. Starkey, Mr. Wynns, Mr. William Williams, Mr. Moore, Mr. Lovick, Mr. Harnett, Mr. Brown and Mr. Bell do preparè the same.

Mr. James Davis the Member Elected for Newbern to sit and vote in this present Assembly appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his seat in the House.

Mr. Carter moved for leave to bring in a Bill to restrain the keeping too great a Number of Horses and for amending the Breed.

Ordered that he have leave and that Mr. Carter, Mr. Cade and Mr. Brown do prepare the same.

Mr. Brown moved for leave to bring in a Bill to prevent excessive Gaming.

Ordered that he have leave and that he prepare and bring in the same. The House adjourned till to-morrow morning Ten o'clock.

Wednesday October 1st 1755 The House met according to adjournment.

Mr. Samuel Swann Jun^r one of the Members for Pasquotank appeared and took his seat in the House.

Mr. Ashe produced a Certificate from the County Court of Craven therein recommending Dorothy Stringer a free Negroe Woman to this House as an Object proper to be exempted from paying Levies and Taxes.

Ordered that she be exempt accordingly.

Mr. Barker reported from the Committee appointed to prepare and bring in a Bill for granting a further Aid to His Majesty to repel the

French and Indians in their Alliance from their Encroachments on his Majestys Frontiers in America and other Purposes that the Committee had prepared the same which he read in his Place and delivered in at the Table where the same was again read by the Clerk and ordered to be sent to the Council.

Mr. Heron pursuant to Order brought in a Bill for the better payment of Bills of Exchange and promisory Notes of Hand which he read in his place and delivered in at the Table where it was again read by the Clerk and ordered to be sent to the Council.

Sent the said two Bills to the Council by Mr. Heron and Mr. Relf.

Mr. Ashe pursuant to Order brought in a Bill for the better regulating the Militia which he read in his place and delivered the same in at the Table where it was again read by the Clerk and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Ashe and Mr. Harvey Jun^r.

Mr. Jones moved for leave to bring in a Bill for appointing Sheriffs and directing their Duty in Office; And for compelling Collectors of Publick Taxes and Persons intrusted with laying out publick Money to apply and accompt for the same. Ordered that he have leave and that he prepare and bring in the same.

Mr. Jones pursuant to Order brought in a Bill for appointing Sheriffs and directing their duty in Office and for compelling Collectors of Publick Taxes and persons intrusted with laying out publick money to apply and Accompt for the same which he read in his Place and afterwards delivered in at the Table where it was again read by the Clerk and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Starkey and Mr. Barker.

The House adjourned till to-morrow morning 10 o'clock.

Thursday October 2nd 1755. The House met according to adjournment.

Mr. Harvey Jun^r pursuant to order brought in a Bill for the Restraint of Vagrants and for making Provisions for the Poor and other purposes which he read at his Place and afterwards delivered in at the Table where it was again read by the Clerk and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harvey and Mr. Kinchin.

Received the following Bills from the Council (Viz^t)

The Bill for granting a further Aid to his Majesty to repell the French and Indians in their Alliance from their Encroachments on his Majestys Frontiers in America.

The Bill for the better regulating the Militia

And the Bill for the better Payment of Bills of Exchange and promisory Notes of Hand.

Endorsed October 1st 1755 In the Upper House read the first time and passed.

The House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

On motion ordered That the Bill for granting a further Aid to his Majesty &c be read a second time read the said Bill a second time and amended the same and ordered to be sent to the Council with the said Amendments.

Sent the same to the Council by Mr. Relf and Mr. Spier.

Received from the Council the following Bills.

The Bill for appointing Sheriffs and directing their Duty in Office and for compelling Collectors of Publick Taxes and Persons intrusted with laying out Publick Money to apply and account for the same.

And the Bill for the Restraint of Vagrants and for making Provision for the Poor and other purposes.

Endorsed October 2nd 1755 In the Upper House read the first time and passed.

The House adjourned till tomorrow morning Ten o'clock.

Friday October 3rd 1755. The House met according to Adjournment.

Mr. Starkey produced a Certificate from the Court of Beaufort County therein recommending David Turner to be exempt from doing publick Duties.

Ordered that he be exempt accordingly.

Mr. Starkey produced a Certificate from the County Court of Onslow therein recommending John Porkinpine to be exempt from paying Levies and Taxes.

Ordered he be exempt accordingly.

On motion ordered that the Bill for the better Payment of Bills of Exchange and promisory Notes of Hand be read the second time. Read the said Bill a second time and after several Debates thereon for and against the said Bill the Motion was made and the Question was put whether the said Bill pass; it was carried in the Negative.

Resolved that the said Bill do not pass.

On motion ordered. That the Bill for the better regulating the Militia of this province be read a second time.

The same was read accordingly and several Amendments made therein; and ordered to be sent to the Council.

Sent the same to the Council with the said Amendments by Mr. Harvey Jun^r and Mr. Vail.

On motion ordered That the Bill for appointing Sheriffs and directing their Duty in Office and for compelling Collectors of publick Taxes and persons intrusted with laying out publick Money to apply and Account for the same be read a second time.

The same was read accordingly and several Amendments made therein.

Ordered, That it be sent to the Council with the said Amendments.

Sent the same to the Council with the said Amendments by Mr. Williams and Mr. Kinchen.

Ordered, That the Bill for the Restraint of Vagrants and for making provision for the Poor and other purposes be read a second time.

The same was read accordingly and several Amendments made therein; and ordered it be sent to the Council with the said amendments.

Sent the same to the Council with the said Amendments by Mr. Williams and Mr. Kinehin.

The House adjourned till tomorrow morning ten o'clock.

Saturday October 4th 1755. The House mett according to adjournment.

Mr. Jones Jun^r moved for leave to bring in a Bill for regulating Orphans their Guardians and Estates.

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

Mr. Jones Jun^r brought in the above said Bill which he read in his place and delivered the same in at the Table where it was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the same to the Council by Mr. Starkey and Mr. Bell.

Mr. Hamer according to Order brought in a Bill to prevent the Multiplicity of Law Suits in this province which he read in his Place and afterwards delivered the same in at the Table where it was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the same to the Council by Mr. Hamer and Mr. Brown.

Mr. Moore presented to the House a petition of several of the Inhabitants of Orange County setting forth the great Hardships they labour under for want of a convenient Road to some Place on Cape Fear River, Praying Relief &c.

Ordered that Mr. Moore do prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr. Weeks presented to the House a Certificate from the County Court of Perquimans certifying that Thomas Bateman is very poor and aged and recommending him to the Assembly to be exempt from paying Taxes and doing publick Services.

Ordered that he be exempt accordingly.

The House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

Mr. Washington moved for leave to absent himself from the Services of the House on Account of his Illness.

Ordered that he have leave to be absent accordingly.

Mr. Whitmill moved for leave to absent himself from the Service of the House on Account of his Illness.

Ordered that he have leave to be absent accordingly.

Mr. Jones Jun^r one of the Committee appointed to bring in a Bill for an Inspection of the several Commodities of this Province and to enable the Inhabitants to pay their Taxes in inspecting Commodities and for other Purposes moved the House that the said Committee may be discharged from bringing in the said Bill.

Resolved that the said Committee be discharged accordingly.

Mr. Barker moved for leave to bring in a Bill to direct the Method of choosing Vestries in several Parishes which have not at present any Legal Vestries to transact the Business of the said parish and for other purposes.

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

Mr. Barker brought in the above said Bill which he read in his Plaece and delivered in at the Table; where it was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Carter and Mr. Hamer.

Received from the Council the Bill for granting a further Aid to his Majesty. Endorsed October 4th 1755 In the Upper House read the second time and passed with amendments.

And the Bill for the better Regulation of the Militia &c. Endorsed October 4th 1755. In the Upper House read the second time and passed with amendments.

And the Bill for regulating Orphans their Guardians and Estates. Endorsed October 4th 1755 In the Upper House read the first time and passed with Amendments.

And the Bill to prevent the Multiplicity of Law Suits. Endorsed October 4th 1755 In the Upper House read the first time and passed.

On motion ordered that the Bill for granting a further Aid to his Majesty &c be read a third time.

Read the said Bill a third time and amended the same which was agreed to by the House and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Ashe and Mr. Vail.

Then the House adjourned till to-morrow morning 10 o'clock.

Monday October 6th 1755. The House met according to adjournment.

Mr. Moore according to Order brought in a Bill for laying out a Road from Orange County Court House to a Landing on the North West of Cape Fear River which he read in his Place delivered it in at the Table; where it was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Moore and Mr. Ashe.

Mr. Starkey presented the petition of several of the Inhabitants of Onslow County setting forth that the County Court House formerly built in and for Onslow County about three years since was blown down and destroyed and the place where the same stood is very inconvenient to build a Court House. Praying that a Court House may be built about ten miles higher up the River at or near Watlands Ferry on the East side of the North West River &c.

The House taking the same into consideration Ordered That Mr. Starkey do prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr. Starkey brought in a Bill to appoint a place for erecting a Court House and prison in the County of Onslow and other purposes therein mentioned which he read in his Place and delivered in at the Table where the same was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Starkey and Mr. Brice.

Mr. Jones Jun^r presented the petition of several of the Inhabitants of Beaufort County setting forth that the place where the Court of the said County is held is very inconvenient to the Inhabitants of the said County and that the Court House of the said County is become very ruinous. Praying a Bill may be brought in for appointing a convenient Place for building a Court House prison and Stocks for the said County.

Ordered that Mr. Jones Jun^r do prepare and bring in the same.

On motion ordered that the Bill for the better regulating of the Militia &c be read a third time. Read the said Bill a third time and amended the same; which were agreed to and ordered to be sent to the Council with the said amendments.

Sent the said Bill with the amendments to the Council by Mr. Vaile and Mr. Ashe.

Received from the Council the Bill for granting a further Aid to his Majesty &c. Endorsed October 6th 1755 In the Upper House read the third time and passed.

Ordered to be Engrossed.

And the Bill for the Restraint of Vagrants and for making Provisions for the Poor and other Purposes. Endorsed October 6th 1755 In the Upper House read the second time and passed with Amendments.

And the Bill to direct the Method of choosing Vestries in several Parishes which have not at present any legal Vestries to transact the Business of the said Parish and for other Purposes. Endorsed October 4th 1755 In the Upper House read the first time and passed.

And the Bill for laying out a road from Orange Court House to a Landing on the North West of Cape Fear River. Endorsed October 6th 1755 In the Upper House read the first time and passed.

And a Bill to appoint a place for erecting a Court House Prison and Stocks in the County of Onslow and other purposes therein mentioned. Endorsed October 6th 1755 In the Upper House read the first time and passed.

Mr. Jones Jun^r moved for leave to bring in a Bill for inspecting Pork Beef and Indigo Tar, Pitch, Turpentine Staves Heading Shingles and Lumber.

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

Mr. Jones Jun^r according to Order brought in a Bill for inspecting Pork Beef and Indigo Tar Pitch Turpentine Staves Heading Shingles and Lumber which he read in his Place and was agreed to by the House and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Hamer and Mr. Brown.

Mr. Barker moved for leave to bring in a Bill for quieting the Freeholders in the possession of their Lands and for other purposes.

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

Mr. Harris one of the Committee appointed to bring in a Bill to regulate the Election of Burgesses and directing the Method of taking the pole at such Elections moved that the Committee be discharged from bringing in the said Bill.

Ordered that they be discharged from the same accordingly.

On motion ordered that the Bill to prevent the Multiplicity of Law Suits in this Province be read a second time.

The same was read a second time and on motion that the said Bill pass the Question was put and carried in the Negative.

On motion ordered that the Bill regulating Orphans their Guardians and Estates be read the second time.

The same was read a second time and amended agreed to and ordered to be sent to the Council with the said Amendments.

Sent the said Bill to the Council by Mr. Brice and Mr. Fouveale.

The House adjourned till 4 o'clock Afternoon.

P. M. The House met according to adjournment.

On motion ordered that the Bill to direct the Method of choosing Vestries in several parishes which have not at present any Legal Vestries to transact the Business of the said Parish and for other purposes be read a second time which was read accordingly. And on motion ordered that the said Bill be committed to the Members of Edgcomb, Anson, Rowan, Pasquotank, Johnston, Granville and Beaufort Counties; and that the said Committee have Power to call for and examine persons papers and Records touching the Allegations in the said Bill; and that they make Report thereof to the House.

On motion ordered That the Bill to appoint a place for erecting a Court House &c in Onslow County &c be read a second time.

The same was read accordingly agreed to and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Davis and Mr. Bell.

On motion Ordered That the Bill for laying out a Road from Orange County Court House to a Landing on the North West of Cape Fear be read a second time.

Read the said Bill a second time agreed to and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Kinchen and Mr. Cade.

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

Tuesday October 7th 1755. The House met according to adjournment.

Mr. Conner presented to the House the petition of Henry McCulloch Secretary and Clerk of the Crown of the said province setting forth that by an Act of Assembly passed last Session of Assembly intituled An Act for Establishing the Supreme Courts of Justice, Oyer and Terminer and General Goal Delivery of North Carolina; it was amongst other things Enacted That the Chief Justice for the time being shall nominate and appoint a skillfull and knowing Clerk to each of the said Supreme Courts &c. And further setting forth that the Clerkships of the General and County Courts of the said province were always held and esteemed to be vested in and belonging unto the Office of Secretary who heretofore named and appointed the several Clerks thereof as by a Copy of a Record of the General Court held at Little River in July 1711 more plainly appears praying that the Clause in the above recited Act may be repealed and made void to all intent and purposes as if the same had never been made.

Ordered that the said Petition lie for Consideration.

Mr. Jones according to Order brought in a Bill for ascertaining a proper place for building thereat a Court House prison Pillory and Stocks for the County of Beaufort; which he read in his place and then delivered it in at the Table where it was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Hardy and Mr. Spier.

The House adjourned till three o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for laying out a Road from Orange County Court House to a Landing on the North West of Cape Fear. Endorsed October 7th 1755 In the Upper House^s read the second time and passed with Amendments.

And the Bill to appoint a place for erecting a Court House and prison in the County of Onslow and other purposes therein mentioned. Endorsed October 6th 1755 In the Upper House read the second time and passed.

And the Bill for Inspection of Pork, Beef, Rice, Indigo, &c. Endorsed October 6th 1755 In the Upper House read the first time and passed.

Mr. Fonville presented a Certificate from the County Court of Craven therein recommending Absolom Taylor to this House as an object to be exempt from paying Levies and working on the Roads &c which was read

And Ordered that the said Absolom Taylor be exempt accordingly.

Mr. Swann Jun^r one of the Committee to whom the Bill to direct the Method of choosing Vestries in several Parishes which have not at present any Legal Vestries to transact the Business of the said parishes and for other purposes reported that the Committee had had under their Consideration the said Bill and agreed to several Amendments; which he read in his place and then delivered them in at the Table where the same were read to which the House agreed and ordered to be sent to the Council with the said Amendments.

Sent said Bill to the Council by Mr. Swann and Mr. Relf.

Mr. Barker according to Order brought in a Bill to quiet the Freeholders in the possession of their Lands and other purposes which he read in his place and delivered in at the Table where it was again read by the Clerk agreed to and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Swann Jun^r and Mr. Relf.

Received a written message from the Council as follows.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the Bill for the better Regulation of the Militia and reducing them under proper Discipline in our House the third time we find

you have Exempted the Quakers from inlisting or mustering as Militia and as we think such Exemption must be attended with bad Consequences we cannot pass the Bill therewith Wherefore if you choose to have the Bill passed please to send two of the Members of your House to see the Clause relating thereto struck out of the Bill.

Resolved that the House will take the said Message under Consideration.

Received from the Council the Bill for appointing Sheriffs and directing their Duty in Office and for Compelling Collectors of Publick Taxes and persons intrusted with laying out publick Money to apply and account for the same. Endorsed October 7th 1755 In the Upper House read the second time and passed with Amendments.

And the Bill for ascertaining a proper place for building thereat a Court House prison and Stocks for the County of Beaufort. Endorsed October 7th 1755 In the Upper House read the first time and passed.

The House having taken into Consideration the Message from the Council relating to the Striking out the Clause in the Militia Bill regarding the Exemption of the Quakers from inlisting or mustering as Militia have

Resolved that the following message be sent to the Council Viz:

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

As the people called Quakers refuse to appear with Arms and Accoutrements at Muster and perform Military Duty from a conscientious Principle and by the said Amendment they are made servicable to the publick in another manner and liable to be fined and not exempted from appearing in Defence of their Country on an Invasion or Insurrection this House cannot recede from their Amendment; therefore desire your Honours will be pleased to pass the said Bill with the said Amendments.

Sent the above message to the Council by Mr. Harvey and Mr. Mackey.

On motion ordered That the Bill for the Restraint of Vagrants and for making provision for the poor and other Purposes be read a third time.

The same was read accordingly and amended and Ordered to be sent to the Council with the said Amendments.

Sent the said Bill to the Council by Mr. Brice and Mr. Fonville.

On motion ordered That the Bill to appoint a place for erecting a Court House and prison in the County of Onslow &c be read the third time. Read the said Bill a third time, and

Resolved that Mr. Swann Jun^r and Mr. Starkey wait on the Governor and let him know that this House having under consideration the Bill to appoint a place for erecting a Court House and prison in Onslow County &c desire his Excellency to appoint and ascertain a proper place for erecting the said Court House and prison.

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

Wednesday October 8th 1755. The House met according to adjournment, and Ordered to go to Church.

The House adjourned till to-morrow morning Ten o'clock.

Thursday October 9th 1755. The House met according to adjournment.

Mr. Jones Jun^r according to Order brought in a Bill to prevent the Exportation of provisions and live stock to the French or neutral Ports which he read in his Place and then delivered in at the Table where it was again read by the Clerk agreed to by the House and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Wyat and Mr. Wynns.

Mr. Ashe moved for leave to bring in a Bill to prevent the depreciating of the currency.

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

Mr. Ashe according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk.

On motion ordered that the said Bill be rejected.

Mr. Lovick moved for leave to bring in a Bill to direct the method of appraising Lands whereon Forts or Batteries are to be erected on the Sea Coast.

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

Mr. Lovick according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk agreed to by the House and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Bell and Mr. Walton.

Mr. Jones moved for leave to bring in a Bill for erecting that part of the County of Rowan called Wachovia into a distinct Parish.

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

The petition of Robert Palmer was presented to this House and read.

Ordered That the same lie on the Table for Consideration.

On motion ordered That Mr. Relf be added to the Committee of Claims in the room of Thomas Whitmell who hath obtained leave to absent from the Service of the House.

Mr. Barker moved for leave to bring in a Bill to amend an Act entitled an Act for facilitating the Navigation of Port Bath Port Roanoke and Port Beaufort.

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

The petition of James Davis Printer was presented to the House and read.

Ordered That the same lye for Consideration.

On Motion ordered that the Bill for appointing Sheriffs and directing their Duty in Office and for compelling Collectors of Publick Taxes and Persons intrusted with laying out Publick Money to apply and account for the same be read a third time.

The same was read a third time accordingly and amended and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Benjamin Harvey and Mr. Heron.

Received from the Council the following Bills.

The Bill to prevent the Exportation of provisions and live Stock from this Province &c.

The Bill to direct the Method of appraising Lands whereon Forts or Batteries now are or hereafter shall be erected on the Sea Coast.

Endorsed October 9th 1755 In the Upper House read the first time and passed.

And the Bill to quiet the Freeholders in the possession of their Lands and for other Purposes. Endorsed October 9th 1755 In the Upper House read the first time and passed.

And the Bill for regulating Orphans their Guardians and Estates Endorsed October 9th 1755 In the Upper House read the second time and passed with amendments

Received from the Council a written Message (Viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for the Restraint of Vagrants we think it necessary to expunge the whole Clause, which lays a Penalty on Masters of Vessells bringing into this Province Persons who have not wherewithal to support themselves; and likewise to re-insert the Clause which continues the Act for five years only To these Amendments we desire your Concurrence and that you'll be pleased to send two of your Members to see the same made in order that we may pass the Bill.

On reading of which Message this House

Resolved That the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

We perceive by your Message of this Day that on your Reading a third time the Bill for the Restraint of Vagrants you think it necessary to expunge the Clause which obliges Masters of Vessells to indemnify the Parishes from the Expences which may be occasioned to them by such Masters of Vessells bringing into this Province persons who have not wherewithal to maintain themselves and are incapable of getting a Livelihood and that you propose to re-insert the Clause which continues the Act for five years only. To the last Amendment you propose we concur but as we have known several Parishes put to great Expence in supporting poor and helpless people brought into this Colony from other Places we apprehend the Clause you object to well calculated to redress the Inconvenience wherefore we cannot agree to expunge it and desire you will please to pass the Bill with that Clause.

Sent the above Message to the Council by Colonel Harvey and Mr. Relfe.

On motion ordered that the Bill for the Inspection of Pork Beef, Rice Indigo Tar Pitch &c, be read a second time.

The same was read a second time accordingly and amended and ordered to be sent to the Council.

Sent the same to the Council by [Mr.] Hardy and Mr. Spier.

Received from the Council the Bill for appointing Sheriffs and directing their Duty in Office and for compelling Collectors of Publick Taxes and persons intrusted with laying Publick Money to apply and account for the same. Endorsed October 9th 1755 In the Upper House read the third time and passed.

Ordered to be engrossed.

On motion ordered that the Bill for ascertaining a proper place for building thereat a Court House Prison Pillory and Stocks for the County of Beaufort be read a second time.

Read the said Bill a second time agreed to by the House and ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Hardy and Mr. Spier.

On motion ordered that the Bill for laying out a road from Orange County Court House to a Landing on the North West of Cape Fear River be read the third time.

Read the said Bill a third time agreed to by the House and ordered to be sent to the Council.

Sent the same to the Council by Colonel Harvey and Mr. Relf.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. Carter one of the Committee appointed to prepare and bring in a Bill to restrain the keeping too great a Number of Horses and Mares and for amending the Breed, moved that the said Committee be discharged from bringing in the said Bill.

Resolved that the said Committee be discharged pursuant to the said Motion.

Mr. Brown one of the Committee appointed to prepare and bring in a Bill to prevent excessive and deceitful Gaming brought in the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, and

On motion Resolved that the same be rejected.

And the same is rejected accordingly.

Mr. Starkey and Mr. Swann Jun^r acquainted this House that they had according to the Resolve of Tuesday last waited on his Excellency the Governor and let him know that this House had under Consideration the Bill to appoint a Place for erecting a Court House and prison in the County of Onslow and other purposes and desired he would appoint a Place for erecting the said Court House and prison in the said County who acquainted them that he thought proper to appoint the said Court House to be built at Watlands Ferry.

Then Mr. Starkey moved that the Place his Excellency had appointed might be inserted in the said Bill.

The same was accordingly inserted and ordered to pass and be sent to the Council.

Sent the same to the Council by Mr. Griffith Jones and Mr. Bravard.

Mr. Spaight brought a Message from his Excellency the Governor requesting that this House would be pleased to permit Mr. Robert Harris one of the Members thereof to attend him in the Council Chamber

Resolved that the said Mr. Harris have leave to attend his Excellency accordingly.

On motion Ordered That the Bill to direct the Method of Appraising Lands whereon Forts or Batteries now are or hereafter shall be erected on the Sea Coast be read a second time.

The same was accordingly read a second time and amended and

Ordered that the same be sent to the Council

Sent the same to the Council by Mr. Bell and Mr. Harvey Jun^r

Mr. Jones Jun^r according to Order brought in a Bill for erecting that part of Rowan County called Waehovia into a Distinct parish which he read in his place and delivered in at the Table where it was again read by the Clerk and ordered to be sent to the Council.

Sent the same to the Council by Mr. Bell and Mr. Harvey Jun^r

Mr. Harnett moved for leave to bring in a Bill to prevent malignant and infectious Distempers being spread by Shipping importing Distempored persons into this province; and other purposes.

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

Mr. Harnett brought in the said Bill which he read in his place and delivered in at the Table where it was again read by the Clerk agreed to and ordered to be sent to the Council

Sent the same to the Council by Mr. Harnett and Mr. Brown.

Received from the Council the Bill for ascertaining a proper Place for building thereat a Court House prison pillory and Stocks for the County of Beaufort Eudorsed October 9th 1755 In the Upper House read the second time & passed

Mr. Barker according to order brought in a Bill to amend an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort which he read in his place and delivered in at the Table; where it was again read by the Clerk agreed to and ordered to be sent to the Council.

Sent the same to the Council by Mr. Vail and Mr. Mackey.

Mr. Jones Jun^r moved that the Bill for ascertaining a proper Place for building thereat a Court House Prison &c for the County of Beaufort be read a third time.

Resolved That the said Bill be read a third time to-morrow and that Mr. Jones and Mr. Hardy do wait on his Excellency the Governor to desire him to appoint a place for building the said Court House prison &c at and in the said County.

The House adjourned till to-morrow morning 10 o'clock.

Friday October 10th 1755. The House met according to adjournment.

The House according to the Order of Yesterday took under consideration the Petition of Henry McCulloch Esq^r Secretary of this Province &c and after several Arguments pro et con on the Petition

Resolved That the same lie for Consideration until the next Session of Assembly.

On motion ordered the Bill to quiet the Freeholders in the Possession of their Lands be read a second time.

The same was read a second time accordingly agreed to and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Fonville and Mr. Hamer.

Mr. Jones Jun^r and Mr. Hardy acquainted the House that they had according to the order of Yesterday waited on his Excellency the Gov-

ernor and let him know that this House had under Consideration the Bill for ascertaining a proper Place for building thereat a Court House prison pillory and Stoeks for the County of Beaufort and desired he would appoint a proper Place for erecting thereat a Court House prison pillory and Stoeks for the said County who acquainted them that he thought proper to appoint the said Court House prison pillory and stocks to be built on the Land of Thomas Bonner on the North side of Pamlico River.

Then Mr. Jones moved the place his Exceelleny hath appointed for building thereat the said Court House Prison &c be inserted in the said Bill. The same is accordingly inserted.

The Order of the Day being read; Read the Bill for ascertaining a proper place for Building thereat a Court House prison pillory and stocks for the County of Beaufort a third time amended and ordered to be sent to the Council so amended.

Sent the same to the Council by Mr. Spier and Mr. Hardy.

Received from the Council the Bill for laying out a Road for Orange County Court House to a Landing on the North West of Cape Fear River. And the Bill to appoint a Place for Erecting a Court House and Prison in the County of Onslow &c. Endorsed October 10th 1755 In the Upper House read the third time and passed. Ordered to be engrossed.

And also the Bill for the Restraint of Vagrants &c. Endorsed October 10th 1755 In the Upper House read the third time and passed. Ordered to be engrossed.

And the Bill for Inspecting of Pork, Beef, Rice, Indigo &c.

And the Bill to prevent the Exportation of Provisions and live Stock &c. Endorsed October 10th 1755 In the Upper House read the second time and amended.

And the Bill for erecting that part of Rowan County called Wachovia into a Distinct Parish.

And the Bill to prevent Malignant and infectious Distempers being spread by Shipping. Endorsed October 10th 1755 In the Upper House read the first time and passed.

And the Bill to direct the Method of appraising Lands wheron Forts or Batteries now are or hereafter shall be erected on the Sea Coast. Endorsed October 10th 1755 In the Upper House read the second time and passed.

On motion ordered, That it be an Instruction to the Committee of Claims that they do not allow any Sheriff his Claim of Eight pounds per annum for Publick Services until such Sheriff shall have fully accounted

and paid all Sums due to the publick which he hath received or ought to receive in Virtue of his said Office.

Received from the Council the Bill for ascertaining a proper place for building thereat a Court House prison, pillory and Stocks for the County of Beaufort. Endorsed in the Upper House read the third time and passed.

Ordered to be engrossed.

On motion ordered that the Bill for regulating Orphans their Guardians and Estates be read a third time.

The same was read a third time accordingly amended and ordered to be sent to the Council.

Sent the said Bill so amended to the Council by Mr. Mackey and Mr. Wynns.

A Message from His Excellency the Governor by Mr. Herron acquainting the House that His Excellency had received a Letter from the Attorney General which he presented to the House.

Ordered that the same be read.

Read the same, and

Resolved that the Consideration thereof be referred until next Session of Assembly.

On motion ordered that the Bill to prevent malignant and infectious Distempers &c be read a second time.

Read the said Bill a second time amended and ordered to be sent to the Council.

Sent the same so amended to the Council by Mr. Swann Junior and Mr. Smith.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

On Motion Ordered that Mr. Swann Jun^r, Mr. Barker and Mr. Davis do compare the Bills already Engrossed with those which have passed both Houses this Session in Conjunction with such Members of his Majestys Hon^{ble} Council as shall be appointed for that purpose and that the following Message be sent to the Council to acquaint them therewith.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have appointed Mr. Swann Jun^r, Mr. Barker and Mr. Davis to compare the Bills already Engrossed with those which have passed both Houses this Session in Conjunction with such Gentlemen of the Council as you shall think fit to appoint for that purpose.

Sent the above Message to the Council by Mr. Conner and Mr. Bravard.

Mr. Lovick presented the petition of Daniel Dupee setting forth that he hath been at great Expence and Fatigue in watching and looking after the Arms &c belonging to this Province; praying an allowance for the same.

Resolved That the said Petition be referred to the Committee of Claims.

On Motion ordered that a Message be sent to his Excellency the Governor that he would be pleased to Order that the Arms sent by his Majesty for the use of this Province be distributed in such Proportions and in such manner in the several Counties as he shall think proper for the Defence of the said Counties respectively.

On motion ordered That the Bill to erect that part of Rowan County called Wachovia into a Distinct Parish be read a second time. The same was read a second time accordingly amended and ordered to be sent to the Council with the said Amendments.

Sent the same to the Council so amended by Mr. Smith and Mr. Woodhouse.

On motion ordered That the Bill for the Inspection of pork Beef Rice Indigo &c. be read a third time. Read the said Bill a third time and amended the same. Ordered That the said Bill be sent to the Council.

Sent the said Bill so amended to the Council by Mr. Benjamin Harvey and Mr. Relfe.

Received from the Council the Bill for regulating Orphans their Guardians and Estates. Endorsed October 11th 1755 In the Upper House read the third time and passed

Ordered to be engrossed.

And a Bill to amend an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort. Endorsed October 10th 1755 In the Upper House read the third time and passed

And also the following Message in Writing (Viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House taking into Consideration your Message relative to the appointing a Committee to compare the Bills already Engrossed with those which have passed both Houses this Session hath appointed the Hon^{ble} John Dawson and Francis Corbin Esq^r to join the Gentlemen appointed by your House for that purpose.

Then the House adjourned till tomorrow Morning Ten o'Clock.

Saturday October 11th 1755. The House met according to adjournment

On Motion ordered That the Bill to prevent the Exportation of Provisions and live Stock &c be read a third time.

Read the said Bill a third time agreed to and ordered to be sent to the Council

Sent the same to the Council by Mr. Brown and Mr. Payne.

On motion ordered that the Bill to direct the Method of appraising Lands whereon Forts or Batteries now are or hereafter shall be Erected on the Sea Coast be read a third time. Read the said Bill a third time amended and ordered to be sent to the Council.

Sent the same so amended to the Council by Mr. Brown and Mr. Payne

Received from the Council the following Bills Viz^t

The Bill for Erecting that part of Rowan County called Wachovia into a Distinet Parish

And the Bill to prevent malignant and infectious Distempers being spread by shipping &c. Endorsed, October 11th 1755 In the Upper House read the second time and passed

On motion ordered that the Bill to amend an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort be read a second time.

Read the said Bill a second time agreed to and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Fonville and Mr. Mackey.

On motion Ordered That the Bill to prevent malignant and infectious Distempers being spread by Shipping &c. be read a third time. Read the said Bill a third time

Ordered That the same be sent to the Council

Sent the said Bill to the Council by Mr. Fonville and Mr. Mackey.

Mr. Starkey from the Committee of Propositions and Grievances

Reported that the Committee had received several propositions and Grievances which he reported to this House.

Ordered that the same be read. Read the same And Ordered to be entered on the Journals of the House as follows Viz^t

The Committee taking into Consideration the several Propositions and Grievances reported last Sessions and what yet remain unremedied are come to the following Resolutions thereon,

What was then proposed relating to the Care of Orphans and their Estates should be provided

That the advantages arising from proper Education of Youth as by that Committee was proposed should be attended to.

The Propositions relating to Vagrants and Patrolling for Negroes and prolonging the time of proving Book Debts are Things worthy of Consideration.

What was then proposed, a General Inspection of our Exports being greatly for the Benefit of Trade and the Credit of the province may be established.

That the propositions relating to Wills being recorded in the County Courts and the Originals be returned to the Exeeutors may be procured.

That what was then Reported as a Grievance relating to the paymaster deducting Two and a half [per cent] from the pay of the Forces sent to Ohio still subsists and should be removed.

That what was then reported relating to the several Clerks of the Courts taking illegal Fees is still complained of and should be prevented.

That what relates to Lord Granville's Agent as then reported is said still to subsist and is a very great Grievance.

That the former Complaint relating to Attornies still continues and needs reformation.

As to the above we refer to a more particular Inquiry of them to the Report of last Session

Further it is resolved by your Committee as followeth. That holding Courts longer than Five Days at one time as is practised by the Justices in some of the Counties whereby persons who are obliged to attend such are put to needless Expence as well as loss of time is a great Grievance.

That the overgrowing number of Justices commissioned in some of the Counties as they are Exempt by Law from many Duties and Services leaves the Burthen the heavier upon their neighbours and thereby becomes a Grievances.

That we are of Opinion Twelve Justices is enough for any County.

That the Inhabitants of one and the same District to sue each other in any other Supreme Court than that in their own District where perhaps neither the Cause nor the Witness is scarce known tends very much to the oppression of the Subject and to deprive him of his Birth Right of having his Cause tried by a Jury of his Neighbours and is a very great Grievance.

That the selling of Orphans Estates at publick Vendue may be only done by the Sheriffs of the Counties and they keep a regular Account in a Book for that purpose and return to the Court a true Copy of such Sale on Oath and that the premium for such Service be limited never to exceed two and a half $\frac{1}{2}$ Cent.

That some method be fallen upon to Support the Credit of our Currency and to prevent Exchanging it for Gold and Silver so much above the Legal Parr.

That the Sense of the Legislature may be obtained whether Vessells but part owned in the Country should for Entering and Clearing be liable to pay the same Fees as Foreign Vessells or whether the Fees should not be reduced in Proportion to such part as is owned in the Country.

That the holding of large Tracts of Land by particular [persons] and they retailing it out at high prizes discourages new comers and very much retards the settling of the back Counties.

Agreed to by the Committee and ordered to be Reported to the House.

Received from the Council the Bill to direct the Method of appraising Lands whereon Forts or Batteries now are or hereafter shall be Erected for the Defence of this Province.

And the Bill to prevent the Exportation of provisions and live stock from this Province. Endorsed October 11th 1755 In the Upper House read the third time and passed.

Ordered to be engrossed.

And the Bill to quiet the Freeholders in the Possession of their Lands. Endorsed October 11th 1755 In the Upper House read the second time and passed with amendments.

Received from the Council a Written Message as follows Viz:

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Inspection Bill this House finds the following Amendments requisite and desires that you will be pleased to send two of your Members to see the same made.

That Staves Heading and Shingles be subject to Inspection only in cases where any Dispute shall arise between the Buyer and seller concerning the Quantity and Quality of the same.

On motion ordered that part of Rowan County called Wachovia into a Distinct parish be read a third time.

Read the said Bill a third time and amended the same and ordered the same to be sent to the Council.

Sent the said Bill so amended to the Council by Mr. Barker and Mr. Jones.

Sent the following message to the Council Viz:

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message of this Day relating to the Amendment you propose to the Inspection Bill this House agree to the same and send

Mr. Jones and Mr. Barker two of the Members of this House to see the same done.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

On Motion ordered that the Bill to quiet the Freeholders in the Possession of their Lands be read a third time. Read the said Bill a third time and amended the same and ordered to be sent to the Council.

Sent the said Bill so amended to the Council by Mr. Williams and Mr. Kinchen.

Mr. Wynns moved for leave to absent himself from the Service of the House on account of his Illness.

Ordered that he have leave accordingly.

Mr. Jones moved for leave to absent himself from the Service of the House on Account of his Illness.

Ordered that he have leave accordingly.

On motion ordered that Mr. Starkey and Mr. Carter return the Thanks of this House to the Reverend James Reed for his Sermon preached before this House on Wednesday last.

Mr. Jones Jun^r acquainted this House that he with Mr. Barker had according to Order waited on the Council and had seen the Amendment proposed by the Council inserted in the Inspection Bill.

Mr. Jones, Mr. Barker and Mr. Swann Jun^r moved for leave to absent themselves from the Service of the House.

Ordered that they have leave accordingly.

On Motion Resolved That for the future no Claim against the publick be allowed by this House where two Sessions of Assembly shall intervene between the Commencement of such Claim and Application for allowance thereof.

Received from the Council a Written Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Fee of Five Shillings given to the Commander of Fort Granville for his trouble in swearing Masters of Vessells coming into Occacock and giving a Certificate which was allowed by both Houses on the second Reading of the Bill to prevent the spreading infectious Distempers being the ordinary Fee in such Cases; we desire your Concurrence in inserting Five Shillings instead of Two Shillings and Eight pence as the Bill now stands in Order that we may pass the Bill.

Received from the Council the bill to amend an Act Intituled an Act for facilitating the Navigation of Port Bath Port Roanoke and Port

Beaufort. Endorsed October 11th 1755 In the Upper House read the second time and passed.

And the Bill for erecting that part of Rowan County called Wachovia into a Distinct parish Endorsed October 11th 1755 In the Upper House read the third time and passed

Ordered to be Engrossed.

On motion ordered That the Bill to amend an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort be read a third time. Read the same a third time agreed to and ordered to be sent to the Council.

Sent the same to the Council.

On motion resolved that the Petition of James Davis Printer be taken under Consideration. After several Debates thereon,

Resolved that the sum of Twenty pounds be allowed to the said James Davis for his Extraordinary Service in his Office of Printer to this Session Inclusive.

Received from the Council the Bill to quiet the Freeholders in the possession of their Lands and for other purposes.

And the Bill for Inspection of Pork, Beef Rice Indigo &c. Endorsed October 11th 1755 In the Upper House read the third time and passed.

Ordered to be engrossed.

Resolved that the following Message be sent to the Council (Viz^t)

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

This House do agree to the Amendment proposed by you of five shillings being inserted in the Bill to prevent the spreading infectious Distempers &c to be given to the Commander of Fort Granville for his Trouble in swearing Masters of Vessells coming into Oceacock and giving Certificate instead of two shillings and eight pence for that Service as it now stands in the said Bill and have sent Mr. Brown and Mr. Mackey to see the Amendments made.

Mr. Kinchin presented a petition from the Inhabitants of Edgcombe County & others.

Resolved that the Matters of Fact contained in the said petition are reasonable.

Received from the Council the Bill to prevent the Exportation of Provisions &c to the French or neutral ports. Endorsed October 11th 1755 In the Upper House read the third time and passed.

Ordered to be engrossed.

The House adjourned till Monday 10 o'clock.

Monday October 13th 1755. The House met according to adjournment.

Mr. Shergold one of the Members for Currituck County appeared and took his Seat in the House.

Received from the Council the Bill to prevent malignant and infectious Distempers being Spread &c

And the Bill to amend an Act entituled an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort. Endorsed October 11th 1755 In the Upper House read the third time and passed.

Ordered to be engrossed.

The House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

On motion Ordered that Mr. John Brothers, Mr. William Wyat, and Mr. Joseph Bryan be not put on the Estimate of Allowances to the Members of this Session; nor be allowed anything for their Attendance thereat by Reason of their absenting the Service of the House without leave first had and obtained so to do and signified to them by Mr. Speaker and that they receive the Censure of the House at the next Session for such Contempt

Resolved that the following Message be sent to the Council

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

This House have resolved that the sum of Twenty pounds proclamation money be allowed James Davis Printer for his extraordinary Service in his Office this Session Inclusive

Sent the above Message by Mr. Davis and Mr. Shergold.

Mr. Harnet moved for leave to absent himself from the Service of the House on account of his Illness.

Ordered that he have leave accordingly

Mr. Chairman of the Committee of Publick Claims acquainted the House that the Committee had settled and allowed several Claims which were read and after several Alterations made therein the said Report was agreed to and ordered the same be sent to the Council for Concurrence.

Mr. Starkey presented to the House a Certificate from the County Court of Onslow therein recommending Thomas Jinkin to be exempt from paying Levies and Taxes.

Ordered That he be exempt accordingly.

His Excellency the Governor sent a Message to the House commanding the immediate attendance thereof in the Council Chamber with what Bills were Ingrossed.

Mr. Speaker with the House went up and presented to his Excellency the following Six Bills (to wit)

The Act for granting a furthur Aid to his Majesty to repel the French and Indians in their Alliance from their Ineroachments on his Majesty's Territories in America; and other purposes

The Act for appointing Sherifs and directing their Duty in Office and for compelling Collectors of Publick Taxes and persons intrusted with laying out Publick Monies to apply and account for the same.

The Act to prevent the Exportation of Provisions and live Stock from this Province to the French or Neutral Ports.

The Act to prevent malignant and infectious Distempers being spread by shipping importing distemppered Persons into this Province and other Purposes.

The Act to direct the Method of appraising Lands whereon Forts or Batteries now are [or] hereafter shall be erected for the Defence of this Province.

The Act to amend an Act Intituled an Act for facilitating the Navigation of Port Bath Port Roanoke and Port Beaufort

To all which said Bills his Excellency was pleased to assent.

Then directed the House to return and proceed to Business. Mr. Speaker with the House returned.

Mr. Speaker reported that his Excellency the Governor had assented to the foregoing Six Bills.

Mr. Heron presented to the House a Certificate from the County Court of Chowan therein recommending John Parish Senior and John Parish his Son to be exempt from all Publick Duties. On Consideration the House

Resolved that John Parish the younger only be exempt from doing publick Duties and paying Taxes.

Mr. Starkey acquainted the House that the times for holding the Western and Northern Supreme Courts of this Province were near approaching and Mr. George Nicholas his Majesty's Attorney General is at present in an ill State of health and thereby rendered unable to attend the said Courts—therefore moved that some person be appointed to prosecute all Persons who have any Publick Money in their Hands and have not accounted for the same pursuant to Law.

Resolved That Mr. Robert Jones Junior Attorney at Law be and he is hereby appointed to prosecute all such persons who have any Publick Money in their Hands and have not accounted for the same according to Law; and that the Publick Treasurers deliver the said Robert Jones all

Bonds and Securities given by such persons to account as aforesaid with the publick when he shall apply for the same.

Resolved That a Message be sent to the Council for Concurrence to the above Resolve.

Received from his Excellency the Governor a Message recommending it to this House to agree with a proper Person to ride with Expresses thro' the Country the present troublesome times requiring a Correspondence with the neighbouring Governments, which is referred for Consideration till tomorrow.

Then the House adjourned till tomorrow Morning 10 o'Clock

Tuesday October 14th 1755. The House met according to adjournment

Pursuant to the Order of Yesterday sent the following Message to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House being informed that Mr. George Nicholas his Majestys Attorney General is at present in a very ill state of Health and thereby rendered incapable to attend the Western and Northern Supreme Courts of this Province to prosecute such persons who have any of the Publick Money in their Hands, have

Resolved, That Mr. Robert Jones Jr Attorney at Law do prosecute all such persons who have any Publick Money in their Hands and have not accounted for the same according to Law; and that the Publick Treasurers deliver the said Robert Jones all Bonds and Securities given by such Persons to account as aforesaid with the public when he shall apply for the same; To which we desire your Honours Concurrence.

Mr. William Bartram one of the Members for Bladen County appeared and took his Seat in the House.

Mr. Swann presented a Certificate from the County Court of Duplin therein recommending John Young to be exempt from working on the Roads in the said County.

Ordered That he be exempt accordingly

The House adjourned till 3 o'Clock Afternoon

P. M. The House mett according to Adjournment

Received from the Council the report of the Committee of Claims. Endorsed In the Upper House Read and Concurred with.

Received from the Council the Resolve of this House of this Day concerning the persons to account with the publick Endorsed concurred with except only as to the Debt said to be due to the publick from the

Executors of the late Governor Johnston which is delayed till the next Sessions of Assembly for further Enquiry.

Received from the Council a Message in Answer to the Resolve of this House sent them yesterday regarding the Allowance of £20 to James Davis Printer. Endorsed October 14th 1755 In the Upper House Concurred with.

Mr. Swann moved the Governor's Message of yesterday be taken into Consideration for establishing a post for one year from this to the Neighbouring Colonies.

Resolved the same be taken under Consideration immediately on which Mr. James Davis Printer proposed to undertake the said Service for one year at the Rate of one hundred and six pound six shillings and eight pence proclamation money and to oblige himself to send all publick letters, Expresses and Dispatches relating to this Province to any Part thereof for the service of the same and once every Fifteen Days send to Suffolk in Virginia and Wilmington on Cape Fear River for the publick a proper Messenger to receive Letters and Dispatches at these places; to be conveyed where directed for the full Term of one year.

Resolved that the said James Davis be employed for the said Service and that he be paid the sum of One hundred and six pounds six shillings and Eight Pence proclamation Money out of the Surplus of the Printing Tax Fund at two Payments half yearly by a Warrant from the Governor or Commander in Chief as the said Salary becomes due.

Ordered That the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have received a Message from the Governor intimating that there is no established Post through this Province and the Necessity of having Correspondence with the Neighbouring Colonies did recommend some Method might be provided for conveying all Publick Letters without any other Reward than a Salary: James Davis Printer has offered his Service to undertake to convey all Publick Letters Expresses and Dispatches relating to this Province to any Part thereof and every Fifteen Days send a Messenger to Suffolk in Virginia and to Wilmington on Cape Fear River for the Term of one year—have

Resolved That James Davis be employed for the said Service and that he be paid the Sum of one hundred and six pounds six shillings and eight pence proclamation money out of the Surplus of the Printing Tax Fund at two payments half yearly by a Warrant from the Governor or Commander in Chief as the said Salary becomes due To which desire your Honours Concurrence

Sent the same to the Council by Mr. Heron and Mr. Harvey.

Received the above Message from the Council Endorsed concurred with.

The House adjourned till to morrow Morning 10 o'Clock.

Wednesday October 15th 1755 The House met according to adjournment.

Mr. Swann Chairman of the Committee of stating and settling the publick Accompts of this province reported that the said Committee had stated and examined sundry Accounts which he was ready to report to the House when the House would be pleased to receive the same.

Ordered That the Report of the said Committee be now received

Mr. Chairman read the same and delivered it in at the Table where the same was again read by the Clerk; and to one Article of Nineteen pounds five shillings charged by Colonel James Innes by him paid to William Arthbutnot for piloting the Forces in Virginia &c the House disagreed the other matters therein reported the House agreed to.

And Ordered that the said Report be sent to the Council for their Concurrence.

Resolved That the following Sums of Money paid into the Committee of Claims and Accounts as follows,

The Sum of Three hundred and twenty four pounds seven shillings and six pence old Bills paid in as sinking Tax and the Sum of three hundred and forty seven pounds old Bill Money allowed by the Committee of Claims making in all Six hundred and seventy one pounds seven shillings and six pence old and nine hundred and thirty eight pounds fifteen Shillings and Ten pence proclamation Bills paid in for sinking Fund be burnt at 5 o'Clock this Evening.

Resolved That the other Sums to-wit, Three hundred and twenty nine pounds five shillings and five pence paid in by Mr. Barker for contingencies and the sum of one hundred and sixty seven pounds three shillings and a penny half penny be and remain in the hands of Mr. Starkey Treasurer of the Southern District.

Mr. Starkey moved that the sum of three hundred and twenty nine pounds five shillings and five pence proclamation money paid in by Mr. Barker to the Committee of Publick Accompts for Contingencies as also the sum of one hundred and sixty seven pounds three shillings and a penny half a penny in his own Hands the Surplus of the printers Tax as appears by the Report of the Committee of Publick Accompts be applied by him towards paying the Claimants of this Session of Assembly and other Expences.

Resolved that the said Sums be so applied and that Mr. Starkey pay the same accordingly.

Resolved that the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved that the Sum of nine hundred and thirty eight pounds Fifteen shillings and ten pence proclamation paid in for the sinking Fund also the Sum of Three hundred and twenty four pounds seven shillings and six pence old Bill money paid in towards sinking Fund also the Sum of Three hundred and forty seven pounds old bill money allowed by the Committee of Claims and exchanged are ordered to be burnt this Evening at 5 o'clock; and have appointed a Committee in Conjunction with such of your Honours as you shall think fit to see the same done.

Received the above Resolve from the Council Endorsed concurred with.

Resolved That the several Sums following be paid to the several officers of the Assembly and other persons respectively.

	£	s	d
To William Heritage Clerk of the Assembly	24.	6.	0
To Mr. W ^m Powell for Services done this Session	7.	10.	0
To Mr. William Mowatt for Do	7.	10.	0
To Faulconer for engrossing Bills	5.	0.	0
To Mr. Robert Snead for Services	25.	0.	0
To Mr Henry Delon for Do	25.	0.	0
To Mr. Simcock for Committee Room and } Expences and an Assembly Room	5.	0.	0
To Mr. Charles Adams for Committee Room	3.	0.	0
To presents made the Indians	4.	10.	0
To Mr. Young for Engrossing Bills	3.	0.	0

Resolved that the following Message be sent to his Majestys Hon^{ble} Council,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved that the Sum of Three hundred pounds five shillings and five pence received for Contingencies by Mr. Thomas Barker and by him paid into the Committee of Accounts and also the sum of one hundred and sixty seven pounds three Shillings and one penny half penny in the Hands of Mr. Starkey Surplus of the printing Tax be applied towards paying the Expences and Claims allowed at this Session of Assembly.

Sent the same to the Council by Mr. Starkey

Received the above Resolve from the Council Endorsed concurred with only so far as to pay the Clerks of the Houses and Committees and the Officers and Servants and House rent.

Ordered that a Message be sent to his Excellency to acquaint him that the Bills passed this Session are engrossed and desire to know when he will be pleased to direct the Attendance of the House

Sent the above by Mr. Harvey and Mr. Shergold.

Received a Message from the Governor requiring the Attendance of the House immediately in the Council Chamber.

Mr. Speaker with the Members waited on the Governor in the Council Chamber and presented the following Bills

An Act for Inspection of Pork, Beef Rice Indigo, Tar, pitch, Turpentine, Staves Heading, Shingles and Lumber.

An Act for regulating Orphans their Guardians and Estates.

An Act for quieting the Freeholders in the possession of their Lands and for other purposes.

An Act for the restraint of Vagrants and for making Provision for the poor and other purposes.

An Act to appoint the place for erecting the Court House and Prison in the County of Onslow and other purposes therein mentioned.

An Act for ascertaining a proper place to build thereat a Court House prison pillory and Stocks for the County of Beaufort.

An Act for erecting that part of Rowan County called Wachovia into a distinct parish.

An Act for laying out a Road from Orange County Court House to a Landing on the North West of Cape Fear River to all which his Excellency was pleased to give his assent

Then Mr. Speaker reported to the House that the Governor was pleased to assent to the foregoing Acts and make a Speech to both Houses and to prevent mistakes had obtained a Copy of the said Speech

Ordered That the same be read and entered on the Journals of this House

Read the same as follows,

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

The steady zeal you have shewn for the support of his Majestys Rights I shall faithfully represent to his Majesty and particularly at this imminent Danger when his Colonies have been Invaded by a barbarous Enemy who massaere and scalp innocent Families in cold Blood under

the Sanction of a peace sworn to by the Gallie Monach yet in Breach of the Articles sworn to gives Rewards to those who scalp or carry away the Inhabitants into Slavery.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Your having granted as great a Supply as the Circumstances of this province can bear for the Aid of the Common Cause of the Colonies must be agreeable to his Majesty; when other great and rich Colonies keep up a bitter Spirit of Party regardless of their Religion and Liberties and your giving me the power of laying it out for the general good of the Colonies as his Majesty's Service may require it requires my due Return of Thanks to you and will doubly Engage me to exert myself in making it most useful for the purposes for which it is granted.

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

Since this unseasonable hot Season has made this Neighbourhood sickly I shall no longer detain you and must thank you for the several good Laws you have passed and shall only recommend to you the putting the several Laws already made in Execution in your several Districts and take care that the Militia be in readiness in case of an Invasion and to raise and keep up a Spirit against a perfidious Enemy who are determined to deprive you of your Religion Liberties and possessions.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In Compliance with your Message acquainting this House with your having appointed a Committee to see the burning the Bills of Credit which have been paid on Account of the Sinking Fund at this Session of Assembly this House has appointed the Honorable Francis Corbin and Lewis De Rosset Esq^r a Committee to join yours on that Occasion.

Colonel Harvey reported that the Committee of both Houses had pursuant to order burnt the several Sums following to wit nine hundred and thirty-eight pounds fifteen shillings and ten pence proclamation money for the sinking Fund and also Three hundred and twenty four pounds seven shillings and six pence old Bill money paid into the Committee of publick Accounts for the sinking Fund and likewise Three hundred and forty seven pounds old Bills exchanged for those of the last Emission.

His Excellency by proclamation was pleased to prorogue the Assembly till the third Tuesday in May next to be then held at Newbern. Mr. Speaker pronounced the prorogation accordingly.

1756.

[B. P. R. O. AM: & W. IND: VOL. 70.]

Letter from Governor Dobbs.

NEWBERN 5th Jan^y 1756.

SIR [SECRETARY PITT]

I have rec^d the favour of Your several Letters of the 19th of June, 26th of July, and 28th of August, since my last to you; the first relating to the Paymaster of the Troops in Virginia, the 2^d relative to putting the Province in a proper state of Defence in Case of a War, and the 3^d acquainting me with General Shirley's being appointed in the Room of General Braddock Commander in Chief of the forces on the Continent of America. The several Orders therein I have and shall follow, as often as they are necessary for the Safety of this Province, or to correspond with the General, and to dispose of the Companies that have been raised and are raising here, according as he shall acquaint me with his Plan of Operations, and where he would have them sent, in Case we can get Remittances, as our paper Bills won't pass in other Colonies, and we have no Cash; so must send Provisions to be sold abroad to procure Bills, which occasions Delays, and is a great Inconveniency. We are erecting Batteries, and finishing our fort at Cape Fear, where Cannon and stores will be wanted immediately in Case of a War. We are also erecting a small fort on our western Frontier, against the Indians, but Labour is so dear here, and Labourers scarce to be had at any Price, that all our Affairs here are retarded. We have had no Attacks or Insults yet upon our Frontier, owing principally to our frontier Company, and Neighbourhood of the Catanbas Indians our friends. I have appointed two Commissioners to join two sent by Governor Dinwiddie to the Cherokees and Catanbas with a present to confirm them in their friendship, and to endeavour to procure some hundreds of their Warriors next Summer to joyn our Virginia Troops; and long for Mr. Littleton's Arrival in South Carolina, to have his weight added to our Application, as Mr. Glenn acted a contrary part, and will still do so until he is removed. I shall endeavour to execute the trust his Majesty reposed in me and am with great Respect

Sir Your most obedient, &c.,

ARTHUR DOBBS.

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 2. P. 333.]

Governor Dinwiddie to Governor Dobbs.

Feb'y 5th, 1756.

SIR :

Y'r two L'rs of the 13th and 18th of Dec'r I have rec'd. I have accepted Y'r Bill on me to Co. Hunter for the Beeves. They came much dearer than those purchas'd at Winchester at the same time; but as those You sent were by Gen'l Braddock's Order, I shall pay for them, and charge it to the English Acc't of the Money sent me. Our People complain y't Y'r Co'y is maintain'd from y'r Provis's. Please give some Orders on y's Affair. The Cloath'g for Y'r Men Amo'ts to £156 y's Mo.; w'ch I shall discount with Colo. Hunter. I have no Acc't of the 200 Steers. I advanc'd the driver some Mo'y on y't Acc't, and hear he sold some of them. The driness of the Weather hurt them in driv'g. Many of them died, and many [were] not fit to be Slaughter'd. I forwarded Lient. McManis's L'r, but I think it did not reach him; however, he is with You long before y's. The Commissioners for the Catawbas and Cherokees left last week. The Weather and an accident attend'g the Boat y't carried the Pres't up Ja's river, detained them a long Time, but I hope they will meet Y'r Com'rs on the Road. I am glad the Step I took in send'g the Com'rs meets with Y'r approbation, and I hope it will effectually engage those People in our Int't. I shall be very glad to hear of Mr. Littleton's arrival at his Gov't. The Forces appointed on the Expedit'n against the Shawnesse are all ready, and under Orders to march. I wish them the desired Success. The Duke of New Castle remains at the head of the Treasury. The Ministry have a very great superiority in the Ho. of Commons, so y't the foreign Subsidies, I believe, will be granted. You complain of my advising you to send Pork to raise Mo. for payment of Your People. I did not then, nor do I now, know w't else You cou'd send here to raise the Mo. I am sorry for any Loss attending, but You are now sufficiently acquainted what you may think most suitable for y't purpose. It was not my request, but Advice, y't Pork was sent here. Gen'l Shirley has sent me the Minutes of the Congress at N. York, and writes me he has wrote You and no doubt sent You a Copy of Y'r Proceedings. He says they expect 1,750 Men from y's Colony to join the Forces destin'd ag'st Crown Point, besides those to be rais'd for the Ohio Expedit'n; w'ch is impracticable to be done here, for the officers I appointed to raise 1,000 Men have been four Mo's recruit'g, and have not rais'd above $\frac{1}{2}$ of y't No. I sent him my Opinion y't if

Pensylva'a, My'l'd, Virg'a and No. Carolina rais'd sufficient for the Expedit'n to the Ohio, with a No. of the So'ern Ind's, was as much as I conceiv'd they really c'd do, and in y't case a good Officer to com'd the whole, with some Ingiueers, was absolutely necessary and much wanted. I sent Y'r L'r by Port to Gov'r Morris. Inclos'd I trouble You with an Affair of one Mr. Fisher's of y's Place, a poor, but very honest Man. He was robb'd in My'l'd, and he says the Robber has taken sanctuary in y't Colony. His Watch is found, and he believes the Robber sold it to one Geraldus O'Brien. This I take to be only a Surmise; however, Sir, the poor Man says he is acquainted with several of Y'r Friends, and doubts not You will be so kind as to cause some Enquiry to be made about it, and beg'd me to write You on the Head. I refer You to the enclos'd Papers, and if any Thing can be recover'd, it will be a charitable Act. You will excuse my giving You y's trouble. An unhappy Dispute subsists in Fort Cumb'l'd between C't Dagworthy, who com'ds a small Co'y from My'l'd and Colo. Washington. The former claims the Com'd in Chief by Yirtue of a Com'o. he formerly had from the King on the Canada Expedit'n. He is not on the half-Pay List, but rec'd a Pss. of Mo. in lieu thereof. Washington refuses to act, and Dagworthy keeps possession of the Fort and will allow no Provis's or any Th'g else to be taken thence but by his Orders, tho' the Provis's are actually purchas'd by this Co'try. To prevent higher Animosity, I have sent Colo. Washington to the Gen'l, y't by his Autho'y he may regulate y's ill-tim'd Dispute ab't Rank. Y's w'd have been partly prevented if Colo. Innes had been at the Fort. I wish you to write him on the Subject. We have had 1150 neutral French imported here from N. Scotia, w'ch gives great Uneasiness to our People. We maintain them till the 1st Mar. but w't to do with them at y't time I cannot say, as they are very sickly and Lazy; cannot be prevail'd on to work. Inclos'd I send You the King's Speech, Addresses of both the Houses, which gives me Pleasure to think they will agree in supporting H. Majesty's Measures and defeat the Expecta's of the Fr. Court, who hop'd the Contrary. I shall be glad to hear You are in an establish'd State of Health, for w'ch we all sincerely join in our good Wishes.

I am in great Truth,
Y'r Ex's most b'ble serv't.

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

The King to Governor Dobbs.

Trusty and Welbeloved We greet you well We being well satisfied of the Loyalty Integrity and Ability of our trusty and Welbeloved Edward Brice Dobbs Esquire have thought fit hereby to signify to you Our Will and Pleasure that forthwith upon the Receipt of these Presents you swear and Admit him the said Edward Brice Dobbs to be of Our Council in Our Proviuce of North Caroliua in America in the room of James Craven Esq^r deceased And for so doing this shall be your Warrant And so we bid you farewell. Given at Our Court of St. James's the Sixteenth Day February 1756 in the Twenty Ninth Year of Our Reign.

By His Majesty's Command

H. FOX

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 206.]

Lords of Trade to Governor Dobbs

WHITEHALL FEB^{ry} 17th 1756.

SIR,

It gave us great concern to find by your letter of the 28th of last October, that the Province of North Carolina had been so sickly and that you in particular had so large a share in the publick Calamity, it is however a great satisfaction to us to find, that the Zeal which his Majesty's subjects in North Carolina have shewn in so cheerfully and so liberally granting money to assist their neighbours in Virginia, has not been damped by their distresses and that they still continue to act with so becoming a regard for the common Concern. The Zeal and Regard which you have shewn for his Majesty's Service upon this great occasion and the fatigue you have undergone cannot fail of meeting with His Majesty's Approbation and his Majesty has been pleased upon our recommendation to appoint your Son to be of the Council of North Carolina in room of Mr. Craven.

The Present situation of Affairs in America demands a more than common attention in all His Majesty's subjects and servants in that part of the World, to aid and assist the vigorous Measure His Majesty is taking for their Defence and Protection. His Majesty has been pleased to appoint the Earl of Loudoun to be commander in chief of all his forces in America and Governor of Virginia and has ordered two Battalions of his Troops to be forthwith sent over and four others raised

there and we hope that the sense which his Majesty has manifested for the Interest and Safety of his Colonies in taking these vigorous Measures for their Defence and Protection will animate them to exert themselves to the utmost in aid of these measures and in their own Defence and that the Assemblies of the several Colonies will raise such supplies of Men and Money as shall be necessary for carrying on such Operation as shall be thought most proper for the general Interest and security of the whole.

We are, Sir, &c.,

DUNK. HALIFAX JAMES OSWALD
FRAN. FANE J. TALBOT

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 352.]

A List of Tithables [in Virginia] Sent the Lords of Trade, February 23rd, 1756—(Per Capt. Teage.)

COUNTIES.	WHITES.	BLACKS.
Accomaek,	1,506	1,135
Amelia,	1,251	1,652
Albemarle,	1,344	1,747
Augusta,	2,273	40
Brunswick,	1,299	976
Bedford,	357	143
Chas. City,	537	1,058
Caroline,	1,208	2,671
Chesterfield,	841	1,198
Culpeper,	1,221	1,217
Cumberland,	704	1,394
Dinwiddie,	784	1,175
Eliz'h City,	316	812
Essex,	889	1,711
Fairfax,	1,372	921
Frederick,	2,173	340
Gloster,	1,137	3,284
Goochland,	569	935
Henrico,	529	898
Hanover,	1,169	2,621
Hampshire,	558	12
Halifax,	629	141
James City,	394	1,254

Isle of Wight,	810	966
King & Queen,	944	2,103
King W'm,	702	1,834
King Geo.,	720	1,068
Lancaster,	426	1,124
Lonisa,	655	1,452
Lunenburg,	1,209	983
Middlesex,	371	1,056
Norfolk,	1,132	1,408
Nansemond,	989	1,264
No'ampton,	609	902
New Kent,	465	1,209
No'umberland,	980	1,434
Orange,	627	1,016
Princess Ann,	840	880
Prince Geo.,	650	1,138
Prince Edw'd,	416	410
Richmond,	761	1,235
Surry,	587	1,006
Stafford,	889	1,126
Spotsylvania,	655	1,468
So'hampton,	973	1,036
Sussex,	778	1,388
Westmoreland,	944	1,588
Warwick,	181	665
York,	562	1,567
Total,	43,317	60,078

Observations on the Tithables.—The White Tithables are only the Males from 18 years and upw'ds. Women and those under the Age of 18, both Males and Females are not tithed, and from best Informt'n they may be computed at four Times the No. of Tithables, that is, 43,329 multiplied by four, makes 173,316, the whole No. of Whites in y's Dom'n. The Negroes or Blacks are Tithables from the Years of 16 and upwards, both Males and Females, and under y't Age they are not subject to be tith'd, therefore I think the No. of Black Tithables may be doubl'd, y't is to say, 60,078, with the young Negroes at the above Calculat'n will amo. to 120,156, the full No. of Slaves in y's Colony added to the Whites makes the 295,672 the complete No. of Inhabitants.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 354.]

Governor Dinwiddie to the Lords of Trade.

Feb'y 24th, 1756.

R'T HON:

By y's Ship I send a small Box directed to Y'r L'd'ps. It cont's the Acts of Assembly for the two last Sessions. I c'd not possibly send them sooner, as they were not fairly ingrossed. You will please observe there are two Acts for issu'g Paper Curr'cy—one for £20,000, the other for £40,000—w'ch the great Scarcity of Silver and Gold and the pres't Emergency of our Aff'rs made it absolutely necessary, and I took Care y't the time for call'g them in and pay'g them off sh'd be short. Therefore hope, for the above Reasons, my Conduct will meet with Y'r Approbat'n for giv'g my Consent to these Bills, and I assure You with't the above Curr'cy we c'd do noth'g in support of the Exped't'n. In y't Box is the List of Shipp'g enter'd inwards and outwards for the last six Months end'g last X'mas. I beg [you] to be refer'd to my other L'r w^{ch} y's Opp'ty, and I rem'n with dutiful Respects,

R't Hon., Y'r L'd'ps' most ob'd't h'ble serv't.

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

MAY IT PLEASE YOUR EXCELLENCY

Since it's my hard fate to be placed over a Seditious Company and cannot meet with assistance from my superiour officers to submit them to a due obedience, but rather encourage them in there Seditious practices, that it may Please Your Excell^{cy} in Countermanding my warrants of Distress, Issued against those that absolutely refused to appear at Muster, as well of those that appeared no ways accountred according to Law, (thō its a scandalous thing in time of war) must beg leave to lay down my Commission at Your Excellencys feet with that submission as becomes a true and Loyal Subject, which I hope your Excellency will Grant unless your Excellency will be pleased to reprimand them for there unlawfull practices;

May it please your Excellency, there's Major Hurst (a good officer) well knows my Endeavours to bring my Company in good order; but its Intirely out of my power they depending intirely on the Col's and if men is not to be Trained and kept in subjection these times I am at a

loss to know when they should My Serg'ts laughs at my warrants & me too, I have fined one according to Law, I have sent my warr't Inclosed to your Excellency for your approbation and humbly beg you'd be so good (if your Excellency approves of it,) as to order your Secretary to send it back to me together with what Commands you shall think fit to lay on me & my company which I shall with great pleasure obey, and as I think myself in Duty bound to obey my Superiors, so I think those under me are in the same duty bound to obey me & would where they not Incouraged to the contrary.

May it Please your Excellency, if you think proper to let me lay down I make bold to recommend Phillip Pryor Esq^r to succeed me he being a Gentleman [of] Strict Honour good Estate and true courage, Submitting these lines to your Excellencys wise Consideration, and begging pardon for so often troubling your Excellency beg leave to subscribe my self with the Greatest Respect

May it please your Excellency

Your Excellencys Dutifull

Most Obedient and Most H^{ble} Serv't

JNO SALLIS.

P. S.—May it Please your Excellency to excuse the many blots, & badness of writing I being at Court and paper scarce.

I am as before Y^r Excellencys H^{ble} Serv't

Granville March 3rd 1756

J SALLIS.

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

NORTH CAROLINA—SS.

Know all Men by these ¶sents that we John Fonville William Her-ritage & Wyrriott Ormond of the Province afd^d Gentlemen are held and firmly bound unto our Sovereign Lord George the Second of Great Britain France & Ireland King Defender of the Faith & his heirs & Successors in the penal Sum of five hundred pounds proclamation money to w^{ch} payment well & truly to be made we bind our Selves our Exo^{rs} or Adm^{ors} firmly by these ¶sents. dated the tenth day of March Anno Domini 1756.

The Condition of the above Obligation is such that if the above-bounden John Fonville William Herriage & Wyrriott Ormond appointed Trustees by an Act of Assembly of the said Province intituled an Act for the establishing the Supreme Courts of Justice Oyer and Terminer & general goal delivery to receive the Tax laid [mutilated] during two years

& to apply the said Tax in Erecting an Office for the preservation of the Records of the Supreme Court of the Counties of Craven Johnston Carteret Beaufort & Hyde & building a Prison at the Town of New Bern they the said Trustees or the Majority of them or the Survivors or survivor of them shall well & faithfully perform & execute the Trust by the aforesaid Act reposed in them & also Account for & pay the money they shall receive by virtue of the said Trust as in & by the said Act they are required: then the above Obligation is to be void & of none effect otherwise to be & remain in full force & virtue.

JOHN FONVIELLE †++++†
 †SEAL‡
 †++++†
 WILL^m HERRITAGE †++++†
 †SEAL‡
 †++++†
 WY: ORMOND †++++†
 †SEAL‡
 †++++†

Sealed and Delivered in the presence of

RICH^d MEGRATT

W^m POWELL

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 2. P. 370.]

Governor Dinwiddie to Governor Dobbs.

Mar. 13th, 1756.

SIR:

I hope y's will meet You safe arriv'd to Newbern and in good Health. Yesterday I rec'd the enclos'd L'rs from G'l Shirley, with a desire to send them imediately to You. I therefore send y's Express with them, as I think they reg'd the Expedit'n. The Gen'l depends on the So'ern Colonies for a No. of Men for the Crown Point Expedit'n. I am sorry to say y't I greatly fear our Assem'y will not grant such Supplies as I c'd wish. They meet the 25th, w'n I shall do all in my Power to convince them of y'r Aid y's Campaign, w'ch probably may determine our fate with the implacable and inhuman Enemy, the French. He has appointed Gov. Sharpe to Com'd the Forces rais'd in these So'ern Colonies, and Mr. Sharpe desires me to write You to Order Y'r Men imediately to F't Cumb'l'd, and I sincerely wish we may have Men sufficient to make a Push ag'st F't Duquesne. If we do not succeed it may be a proper Diversion to prevent the Fr. on the Ohio march'g to the assistance of Niagara. The enclos'd L'r from Mr. Turnbull is, at his request, forwarded to You. He supplied the Forces y't came in here (before Y'r arrival) with Necessaries on y'r March, w'ch I p'd, but some of the Offi-

cers had some extraordinary Supplies, w^{ch} remⁿ due to him. He greatly depends on Y^r favo. to put him in a Method of being reimburs'd his Advance.

No Ships from England, w^{ch} keeps us barren of News. C^t. Arbuthnott arrived here last Tuesday and bro't in three Prizes he took off Hispaniola. He was inform'd there was a Fr. Frigate of 26 Guns and 220 Men bound to Mississippi touch'd there with a great many Land Off^{rs} on board. Can they think of reinforce'g Canida with forces from N. Orleans? or do they think we sh^d attack them so far to the So^wd? or will they make some fresh embroils am^g the Creeks to distress So. Carolina? The L^r to Gov^r Littleton please forward in the most certⁿ manner. If you hear of his arrival, I suppose You will write him. I shall be glad to hear if any further assistance may be expected from y^t Colony. Ab't three weeks ago I had a L^r from Mr. Watson, of Suffolk, covering an Acc^t from one Jno. Giles, am^tg to £24. 7., for earrying a Packet for You that came from Eng. last Jan^{ry} twelve Mos. I remember I sent a Packet for You and the Gov^{rs} of the So^wd. I desir'd Mr. Watson to convey it to You. He sent the above Messenger with the Paekets, and he says You order'd him to So. Caro. This Co^{try} will not pay it. It's hard I sh^d pay it, and still worse y^t Mr. Watson sh^d suffer for his good Offices. If You remember any Thing about it, pray clear it up. This pres^t Messenger I told I w^d pay him for go^g to You and return^g hither. I therefore desire You will give him proper Dispatch, and inform me the Course of Y^r Post, y^t these heavy Cha's may be redne'd. We all join in kind Respects to You, Son and Nephew, and be assur'd I remⁿ, with great Reg^d and Esteem,

Y^r Ex's most ob^dt, h^{ble} serv^t.

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

NORTH CAROLINA—SS.

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith, &c.

To the Hon^{ble} Jas Hasell, Jn^o Dawson and Robert Palmer Esqrs.

We reposing special Trust and Confidence in the Loyalty Integrity skill and ability of you the said James Hasell John Dawson and Robert Palmer Do constitute and appoint you Justices of the Supreme Court of Justice Oyer and Terminer and general Goal Delivery for the Counties of Craven, Carteret, Johnston, Beaufort, and Hyde to be Held at Newbern on the third Tuesdays in Mareh and September yearly Hereby

giving and Granting to you and each of you full power and Authority with the Chief Justice of our said Province to hold the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery at the Place and times aforesaid and in Case of His Disability or absence or where he shall be a party to any Suit that you the said James Hasell, John Dawson and Robert Palmer or any two of you may hold the said Court at Newbern aforesaid at the times wherein by Law the same ought to be Held in like manner as if the said Chief Justice were present in Court and Generally to act and do in your and Each of your said Offices as to the duty thereof doth Legally appertain. To have Hold Execute and enjoy the said Office During our Pleasure and your residence in our said Province.

Witness our trusty and well beloved Arthur Dobbs Esq^r our Captain General Governor and Commander in Chief of our said Province at Newbern the fifteenth day of March in the twenty ninth year of Our Reign and in the year of our Lord 1756

ARTHUR DOBBS

by His Excelleney's Command
RICH^d SPAIGHT Sec^y.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 102 AND 103.]

Letter from Governor Dobbs to the Board of Trade.

NEWBERN 15th March 1756.

MY LORDS

Your orders of July last I fully answered last December but could not hear of any vessel bound to England sooner than one bound from Cape Fear to Liverpool and therefore sent it by that ship Coll: Sampson Commander inclosed to Captain Campbell in Liverpool to be forwarded safely to you your orders of the 19th of September I received at the same time and immediately issued a Proclamation to all the County Clerks of the several Counties to send me a List of the Taxables distinguishing Whites from Blacks in order to form a Judgment of the whole number of Souls their returns being of Males whites from 16 upwards and of Negroes of both sexes from 12 years and upwards with a computation of what number there might be in each County who evade the Tax by false returns or concealing themselves; I at the same time gave orders in the proclamation to all commanding officers of the Militia to muster and send me a true return of the numbers mustered and how armed and trained neither of which orders in above two months have

been fully complied with, and I have no power over the County Clerks but by suspension as they are not appointed by me but by the Secretary nor can I fine the Militia Officers and if I suspend or dismiss them I must disoblige and get no others in their room, some of them as well as the County Clerks have made their returns but the Militia Officers are so defective that I can give you no satisfactory account but from the former years return for as I obtained a Law to draught men out of the unmarried men in the Militia to make up our Companies they did not attend the Musters when summoned so that of the Regiments returned they are far short of the former years, this was to avoid being draughted; they are all so indolent and relaxed by not having the Laws executed that they wont submit to Government; but fly to the swamps and are concealed by their friends and Neighbours so that 'till I get proper return you must be content with the former years return: as to their arms they are not near half armed and I shall be obliged to give them what arms I can spare out of the Thousand I brought over, after arming our raised companies, to the Militia on the sea coast, if there be a war as I have already done to the exposed Western Counties on the Frontier There is some Gunpowder received by the powder Duty, of which, thō applied for I have not yet got a return from the Collectors, but not yet sufficient to supply the Militia, far less to allow any to the Forts; the Forts or Batteries necessary to defend our sea coasts are one at Cape Fear which is at present tenable and the Commissioners have now employed Workmen to face the front next the Sea with a good cement wall to support the rampart and parapet of the curtain and two front Bastions which are immediately necessary and the pallsadoes without the Fosse and Buildings necessary for the Garrison within, but there is at present neither ammunition, arms nor cannon except a few ship guns unfit for service nor Garrison and a commander who was appointed by General Braddock to get rid of him who by a Letter from him to me got £100 to raise recruits which he sunk in his pocket only raising three Sergeants to keep in his Fort. By a letter wrote to me by General Braddock's order he said he would not trust him with a Hogsty and the best thing I could do would be to hang him up on the first tree I could meet with, that he gave it him as a feather to get rid of him.

Upon my excursion last Summer to fix upon two places to erect Forts or Batteries to secure our Northern Rivers and new Topsail Inlet I fixed upon one Battery at Core Banks near Oeacock Barr to make a Battery where they are now at Work, the Assembly having given £4000 this currency for that purpose, and I fixed upon a place for a Battery at new topsail Inlet, who are now at work upon it £1500 having been granted

by the Assembly for that purpose, for each of these cannon and proper Stores will be wanted as also Gunpowder, as our powder Duty at present will only answer our Militia and perhaps a little more, for the immediate use of the Forts and Batteries But I think a Fort is absolutely necessary to be erected at Cape Look out Harbour as I fully before have wrote to your Lordships to which I refer, as it is by much the safest harbour from the Cape of Florida to Boston in New England with this advantage that they can be at Sea from it in two hours where they are land locked from all winds and can run ashore without Danger where ships may wood, water and clean it being in some places steep too within 20 yards of the shore 18 feet water. This is now known to the French and Spaniards from the last War where the Spaniards wooded watered careened and got fresh provisions and could see every ship that passed the coast or sailed into Oacock or Topsail Inlet and could be at Sea and chase them in 2 hours from the Harbour this would be of the greatest Benefit in the time of War to erect a sufficient Fort and Garrison there proof against Privateers or small Frigates who may cruise upon these Coasts and would be by much the best place for our Cruizers in time of War as they could be from it 48 hours as far North as Cape Henloper or Delaware or to Georgia to the Southward, and at Sea in 2 hours when they may be kept, when in any of our rivers or in Chisapeak Bay for some days. This is of such vast consequence to destroy our Enemies in time of War and to protect our Trade from Britain that no time should be lost in fixing and erecting a sufficient Fort there and establishing a proper Garrison which in time of War might contain 300 men and stand any attack from shipping without a formal Siege in time of peace at least 100 is requisite to be kept in it—And there ought not to be less than 200 in the Forts and Batteries at Cape Fear Core bank and Topsail Inlet £1000 is granted for a Fort on our Western Frontier where a place is fixed upon near Catawba's River where a stockadoed fort is ordered to be erected for our frontier Company but as we expect our frontier will extend Westward, we shall not be at any great Expence as it may afterwards be proper to extend it further to the Westward where only Swivel Gns will be necessary or Musquetoons This is all the account I can give at present the *Lists* of the Militia and *taxables* are herewith enclosed as also the number of the cannon wanted (never received) for the *Forts and Batteries* the Board of Ordnance will send other proper stores with them according to the size and number wanted and I think 20 Barrils of Gunpowder may be sufficient until we can procure a quantity by our Powder Duty, we can get no supply of Arms for our Militia who would pay for them if they could be procured. I

have but just received the Instructions from the Lords of the Regency of July last to enable me to agree with the Assembly in reenacting the County Laws which had been repealed and to repeal and reenact such Laws for Counties as have been since passed before my arrival here which I shall take care to do at next Assembly.

I wrote several times to your Lordships about fixing the Seat of Government about 50 miles by water higher up Neuse where I found good high land upon the River; we have no convenient houses here but most indifferent houses not 30 feet long and 20 wide exposed to the Weather and none can be undertaken until the place is determined besides this place is very aguish and the other place is very healthy that the Council and Assembly are afraid of meeting here unless in Winter or Spring and they have very broad Ferries which is very inconvenient and expensive all which would be avoided and be more central if placed higher up the River, I therefore hope you will take it into consideration and fix the place soon that we may begin to build.

We have applied the paper Bills of Credit which were set apart for the Publick Buildings and building of Churches and Schools subject to his Majesty's approbation and not to be issued till his Majesty's pleasure was known, by Act of Assembly for the raising the several companies for the protection of the Colonies and have granted a Tax to pay off the Bills, which they as the Taxes come in either ought to be repaid for the same purposes if it be agreeable to his Majesty that the Money should be so applied or they must be taken in and cancelled, I find notwithstanding the number of Bills struck amounting to £40000 Currency that since the Northern Counties have taken them and circulate them there that there will be no more than what will be necessary to pay the publick Taxes and Quit Rents when duly collected and to circulate in Trade as in many Counties they now complain of the scarcity of Notes so that it will rather be a conveniency than any Detriment to continue the circulation of all the new notes and only to cancel all the old ones which were current before as they are almost worn out I therefore want his Majesties Instructions about it against next Session, and hope his Majesty will approve of the Bills being replaced again for the publick Buildings and building of Churches and Schools which are very much wanted, instead of cancelling them, as long as they shall appear necessary in trade until Commodities are raised or our Trade is enlarged to pay our Demands to the British Merchants of which I hope we shall have soon a considerable quantity by our Indigo and probably Silk as we find the Mulberry Trees grow as fast as Willows and we can have two crops of silk in the Summer of which we have had a full proof and the last crop

better than the first and afterwards eggs enough for the next year, which I dont find that they have yet had in Spain France and Italy it would also now be of great advantage if we were allowed to import Wine and Salt from Portugal and to allow us to supply them with Naval Stores which would enable us also to supply them with scantling Timber from our saw Mills for their Buildings cheaper than they can be supplied from the Baltick, which would all be returned to Great Britain in Bills, for it is in vain to expect Bullion here, whilst we contract large Debts in England and all we can spare must be laid out in paying Slaves which altho it increases our Stock must keep us bare of Coin as all must be paid in Bullion, where other Returns can't be had.

I am pleased to hear that Instructions have been given to the Governour of South Carolina to withdraw the former Instructions about the Frontier Line betwixt these two Provinces for nothing can be done with Mr. Glenn who I think is never to be superseded; and he is now countenancing and protecting our Settlers North of 35° from paying their Taxes to this Colony which they have done for these 8 years without grumbling when we can't find funds to raise our Taxes, and his Government does not expect any Taxes from them and has again and again wrote to me not to molest them until the line be settled besides his having sent Surveyors to survey Lands within our Limit, and encouraging the Cataubas to disturb our planters who have taken up lands within 30 Miles of their Town no less than 1,800,000 Acres allowed by him to 300 Warriors a Circle 60 miles in Diameter These are points I hope you will soon take into your consideration and advise his Majesty what Instructions to send about these particulars. I have had no letters from your Lordships since the 19th of Sep^r nor any kind of Instruction except those mentioned above I thank God my health seems to be perfectly reestablished and I propose to go soon to the Southern Sea Coast and Frontier and if I can shall return after viewing the Fort and Bar at Cape Fear along the Sea Coast to see what is doing at the several Batteries Our 3 companies are near completed and we are recruiting for the Company at Fort Cumberland who after General Braddocks unhappy defeat deserted in great numbers with their arms and cloaths and tho many are returned to this Province, and have been offered their Pardon to return yet they are skreened by the Inhabitants and if pursued fly to the Swamps, I am at a great loss how to pay the Companies after they leave this province since we have no Cash and our paper is of no use, we last year endeavoured to pay them with buying up Pork to send abroad to Virginia where it was blown upon and obliged to be reshiped again for other Provinces and to the Islands so that one third of the sum

allowed to pay the Company was lost, so that if we can't be paid by England or the Provinces when they quit our Province our Taxes are raised to no purpose, we can pay, cloath and give provisions to them when in the Province and could recruit or raise some men if they would be paid when they quit the Province by the Publick but we can do little more when we lose so much by provisions when we send them to the other Colonies.

There shall be nothing wanting in my care and endeavours for the publick service. I am with the greatest respect

My Lords Your Lordships, &c.,

ARTHUR DOBBS

A List of the Militia and Taxable Persons in the several Counties of the Province of North Carolina for the year 1755.

	Militia	Taxables		Tot
		Whites	Blacks	
Anson . . .	790 "	810 "	60 "	870
Beaufort . . .	680 "	771 "	567 "	1383
Bertie . . .	794 "	— " "	— " "	1876
Bladen . . .	441 "	338 "	346 "	684
Carteret . . .	230 "	— " "	— " "	400
Chowan . . .	830 "	— " "	— " "	1481
Craven . . .	631 "	989 "	934 "	1923
Cumberland . . .	— " "	— " "	— " "	—
Currituck . . .	393 "	474 "	150 "	620
Duplin . . .	340 "	460 "	168 "	628
Edgecomb . . .	1317 "	1611 "	924 "	2538
Granville . . .	734 "	779 "	426 "	1205
Hyde . . .	248 "	237 "	183 "	420
Johnston . . .	894 "	— " "	— " "	1425
New Hanover . . .	508 "	362 "	1374 "	1736
Northampton . . .	676 "	902 "	834 "	1736
Onslow . . .	308 "	448 "	247 "	695
Orange . . .	490 "	950 "	50 "	1000
Pasquotank . . .	581 "	563 "	366 "	929
Pequimons . . .	357 "	— " "	— " "	1176
Rowan . . .	996 "	1116 "	54 "	1160
Tyrrell . . .	438 "	477 "	335 "	722
	<u>12674</u> "			<u>24607</u>

Troops of Horse		
Bertie	. . .	44 "
Bladen	. " .	33 "
Duplin	. . .	39 "
New Hanover	. . .	33 "
		12823

An account of the Quantity of Powder and Lead in the hands of the several Collectors for the several Ports of North Carolina

	Powder	Lead
	lb	lb
Bath . . .	150	600
Edenton p ^t Roanok	556	2075
Newbern p ^t Beaufort	325	750
Cape Fear . . .	560	2100
	1591	5525

[B. P. R. O. AM: & W. IND: VOL. 70.]

Letter from Governor Dobbs.

NEWBERN 26th March 1756

SIR, [SECRETARY FOX]

The Commissioners I sent to joyne the Virginians who carried presents to the Cherokees and Catanbas are not yet returned, but hope they will prevail with them to send a considerable Body to join the Virginian forces, unless they should be still prevented by M^r Glen, in case M^r Littleton don't arrive, as he has hitherto always prevented them. I send by order of General Shirley the 3 new raised companies to New York to serve on Ontario Lake, the most necessary operation to cut off the french from the Ohio; and my Son's Company from Fort Cumberland I have ordered to join them, as the Gen^l desired I shou'd send all I cou'd that way, as I find the Virginians won't raise men enough to attack Fort Du Quesne, besides they want a train for that purpose, so can only confine the Garrison and endeavour to destroy the Indians who have deserted us and distressed our Colonies, which with the assistance of our Southern Indians may I hope be accomplished. The Indians have given our Province no Disturbance, our frontier company and the neighbour-

hood of the Cataubas is our best Defense, for our Planters and the lower class here are indolent and inactive.

I am with great Regard Sir, &c.,

ARTHUR DOBBS.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 382.]

Governor Dinwiddie to Governor Dobbs.

Apr. 13th, 1756.

SIR:

Y'r favo. by Co. Innes and y't by y'r Son I have rec'd. I p'd Co. Innes £200 y's Mo., w'ch he carried with him to Fort Cumb'ld for y'r Son's Co'y, but Y'r Speaker forgot to send the Rec'pt for the Steers, but I think Y'r Son says he has it. The Expedit'n ag'st the Shawnesse prov'd unsuccessful. They were gone upwards of a Mo.; met with very bad Weather; a great part of y'r Provis's lost cross'g a River, the Canoes being over-set. They were oblig'd to eat y'r Horses and are ret'd, having taken the French Men, who I believ'e are of the Neutrals, bound to Fort Du Quesne. The Commiss'rs y't went to the Cherokees, &c., are not ret'd, but write me the Cherokees and Catawbas are in good Hum'r and profess great F'dship. They are ready to assist us with y'r Warriors if they can have a Fort built for y'r Women and Children. Y's Fort I expected had been built before y's, as I sent Gov'r Glen near 18 mo's ago 1,000£ St'r. towards building thereof; but he has not begun it, w'ch makes those People very uneasy, and I fear if not built y's Sum'r they will join the Fr. Our Assembly is now sitting. I have applied to them for Money to assist the building a Fort in the Upper Cherokee Co'try, and I have hopes of succeed'g, and I entreat Y'r assist'ce in y's necessary Affair. If neglected, I fear the Consequence. I just now have a L'r from Co. Washington from Winchester, who says the Fr. and Ind's, upw'ds of 200, are comitt'g the greatest Barbarities ab't Winchester, and by an Order taken on a Fr. Man they have taken and scalp'd, it appears they intend to set fire to our Magazine at Coneehege, on w'ch Washington has reinfore'd the Party y't are Guard there, by w'ch You may observe the Intent's of the Enemy are to perpetrate y'r cruelties on our Front's y's sum'r. Our Assembly cannot be prevailed on to grant any Men for the Northern Expedit'n, but in a Committee of the whole Ho. have resolv'd the contrary; or can I prevail with them to vote a Sum of Mo. for y't Service, but propose augmenting our Forces to 2,000 Men to protect and defend our Front's. I have a difficult Task with

them. They are very obstinate, but I shall continue my strong endeavors in shew'g our great Distress and the necessity of assisting G'l Shirley, but I fear all I can do will prove abortive. Fifteen of the Cherokees who went ag'st the Shawnesse came here yesterday. I shall try if I can prevail with the Party, consist'g of 60, to march to Winchester. The Assembly have passed an Act for send'g the Neutrals to Britan. They cannot be persuaded to let them remain here. I am therefore under a necessity of agreeing to y's. I send you my Speech and the Addresses of Council and Assembly. My'ld has resolved on 40,000[£], but cannot agree on the Method to raise it. Pennsylvania has voted £60,000, half of w'ch is exhausted, and they decline giv'g any Assistance to the No'ern and Western Expedit's, so y't You may judge w't Situation we are in and how disjointed the Colonies are. I am, with great Esteem and Regard,

Y'r Ex's most ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 389.]

Governor Dinwiddie to Colonel Innes.

Apr. 23d, 1756.

SIR:

I rec'd Y'r L'r from the Shannandoa Ferry in Y'r way to Winchester. It gives me much concern y't the Communication from y't Town to the Fort is stop'd, but I hope before y's it is open'd and y't the forces will be able to drive those inhuman Vermin over the Mount's. A Ship from Londo., after a long Passage, leaves us in great Uncertainty as to Peace or War, tho' it's s'd War w'd be very soon declar'd. L'd London and Lieut.-Co. Abercrombie of the Royal Scots are appointed Maj'r-Gen'ls, and are destin'd for America and expected they will bring over with them two Battalions, but to w't part of the Continent is uncertain. We shall augment our Forces to 2,000 and ab't 60 Cherokees have, after long persuasion, consented to march to Fort Cumb'ld, and 600 more are to come from Y'r Nat'n on our building them a Fort, w'ch is agreed on. Maj'r Lewis is appointed to oversee it, and carries with him proper Utensils and 60 Men. I am greatly fatigu'd, and can only add y't I rem'n

Y'r most h'ble serv't.

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

Know all Men by these presents That we Christopher Dawson and John Clitherall (both of Craven County) are held and firmly bound unto his Excellency Arthur Dobbs Esquire Governor of the Province of North Carolina in One thousand pounds pro^d Money to be paid to the s^d Arthur Dobbs his Successors or Assigns To which Payment well and truly to be made We bind our selves our heirs Ex^{ors} and Adm^{ors} firmly by these Presents Sealed and dated the twenty sixth Day of April in the 29th year of King George the Second And in the year of our Lord 1756

Whereas the above bounden Christopher Dawson hath obtained from his Excellency Arthur Dobbs afs^d Letters and power to collect and gather together the personal Estates and Effects of Thomas Fisher late of Craven County dec^d and also of Mary Fisher of the s^d County dec^d, Now the Condition of this obligation is that if the above bounden Christopher Dawson do and shall keep and secure from Waste all such Effects of the said Thomas Fisher and Mary Fisher as he shall receive into his hands by Virtue of the said Letters and do and shall truly and faithfully deliver the same to such person or persons as shall be appointed Administrator or Administrators thereof without fraud or Delay then the above Obligation to be void or else to remain in full force and Virtue.

CHRISTOPHER DAWSON

+++++
SEAL
+++++

JOHN CLITHERALL

+++++
SEAL
+++++

Scaled and Delivered in the
Presence of (the words
both of Craven County
being first interlined)

W^m POWELL

[B. P. R. O. NORTH CAROLINA. E. T. VOL. 12. C. 106.]

Copy of a Conference held with the King and Warriors of the Cataubas by Mr. Chief Justice Henley at Salisbury in North Carolina in May .1756.

SALISBURY Thursday 26 May 1756.

At two o'Clock this afternoon King Hagler of the Catawba Nation of Indians with 15 of his principal Warriors and about 30 of his young

Men painted and armed in the manner that they are when going to War and in great Order and regularity marched through this Town, and encamped a small distance from it, about an hour after he waited upon Peter Henley Esq^r Chief Justice at the House of Edward Cusick, and by an Interpreter expressed himself as follows.

I and my people are Brothers and fast friends to the English and intend always to be so: Having heard of some Injuries lately done to my Brethren it has given me great concern, and being told that you and many more of them were to be here at this time I am come to talk with you about these Matters, and to endeavour to make all things straight.

To which the Chief Justice answered: King Hagler I have a sensible pleasure in seeing you and my other Brothers the Catawbas here. As I dont know the particular Articles upon which you desire this Conference when you please to communicate yourself upon that subject, I will hear you with the greatest attention.

To which the King replied. I thank you, but as it is now late I will defer doing it to 9 o'Clock to-morrow morning if that time be agreeable to you, which being answered by the Chief Justice in the Affirmative on Friday May 27th the Chief Justice and principal Gentlemen in Town with King Hagler 15 of his Warriors and the rest of his people went to the House of Peter Arran and being seated round a Table, the King spoke as follows—

The Cherokees We and the White People have been Brothers, and I desired that the path between us might be kept clear but the Cherokees have been playing the Rogue at which I am extremely concerned.

All the White People from South to North as far as New York nay beyond the great Waters under the great King are our Brothers, should the French come we will stand by our Brethren the English or go down into the Grave with them.

The Cherokees have told me that they would enter into a Friendship with the French but be assured that the White People shall still be my Brothers and I will assist them, these men I have brought here (pointing to his Warriors) are all come freely and voluntarily to acquaint the English that they will stand by them as long as they live, Mine is a small Nation yet they are brave men, and will be fast friends to their Brothers the White people as long as the sun endures.

I always advise my Men to be kind and obliging to the White People, as they are their Brothers and I shall continue to do so and remain their Brother 'till a sharp thing pierces my Breast so that I die, when that happens they must do as they please.

As I suppose there will soon be a War, I desire the Governour of North Carolina as this Land belongs to him to send us some Ammunition as soon as possible, and that he will build us a fort for securing our old men women and children when we turn out to fight the Enemy on their coming and as we love to wear silver plates on our Breasts and Arms I should be glad he would send us some of them with some Wampum.

Col^o Alexander Col^o Harris and Cap^t Berry told me they would make my Warriors a small present for assisting the White People in retaking their Goods Horses &c: from the Cherokees which they had plundered them of.

I go very much among the White people and have often my Belly filled by them and am very sorry they should at any time be distracted.

I return the Governour thanks for his care in purchasing Corn for my people which has saved the lives of many of our old men women and children.

As my people and the White people are Brethren I desire that when they go to their houses they may give them victuals to eat, some of the White People are very bad and quarrelsome and whip my people about the head, beat and abuse them but others are very good.

I desire a stop may be put to the selling strong Liquors by the White people to my people especially near the Indian Natiou. If the White people make strong drink let them sell it to one another or drink it in their own Families. This will avoid a great deal of mischief which otherwise will happen from my people getting drunk and quarrelling with the White people. Should any of my people do any mischief to the White people I have no strong prisons like you to confine them for it, Our only way is to put them under ground and all these men (pointing to his Warriors again) will be ready to do that to those who shall deserve it.

I desire to know what is to be done with the White Woman I took from the Cherokees: I hope she will not be put to death, she is but a Woman and can do no great harm and I think she was compelled by the Cherokees to do what she did.

To which the Chief Justice answered, Nothing has hitherto appeared against her that will affect her life. I am informed she is an indented servant to a man in Virginia, if that be the case and she should not be charged with any offence I shall direct her to be conveyed to her proper owner.

To which King Hagler replied, I am glad of it. I am always sorry to lose a Woman. The loss of one Woman may be the loss of many lives because one Woman may be the mother of many children. At

which the audience smiling, he added I believe I have spoke nothing but Truth.

I look upon the English and ourselves as many good things put into one pockett as Brothers that have issued from one Womb.

When the Gentlemen from Virginia were in this Nation they told me to get a house built for myself and they would repay me the expence when they saw me in Virginia but having lately acquainted Col^o Alexander and Col^o Harris with this they said No they would as I lived in Carolina get it done at their own Expence by workmen that resided near us.

After this the King informed the Chief Justice he had nothing more to say to him but had something to observe to his Warriors and thereupon addressed himself to them and then to his young men and desired them to declare whether in what he had said to his Brethern the English he had expressed their Sentiments as well as his own to which they unanimously answered that he had. Then he added, That should his Brethern of Carolina be engaged in a War as he feared they soon would he would have his Men all ready on the first notiee to march to their assistance. He desired them to fight on such an occasion as became Catawbias and do nothing that might lessen the great Character they had obtained by their Military atchievements He added they were under the greatest Obligations to do this for two reasons. First because the English had cloathed them naked and fed them when hungry Secondly because the White people were now seated all round them and by that means had them entirely in their power.

To which the Warriors and young men all answered they would remember what he had given them in charge.

On this the King presented the pipe of Peace to the Chief Justice who as well as the rest of the company accepted it in the usual manner. The King was then informed that the Chief Justice would Answer his Speech the next morning and they met accordingly, as before, when he spoke as follows.

KING HAGLER, BRETHEREN AND FRIENDS SACHEMS AND WARRIORS OF THE BRAVE CATAWBA NATION.

It can't help giving me vast satisfaction to see here so many great Indian Warriors who are as remarkable for their conduct and Intrepidity in Battle as their brotherly affection for the English I look upon your coming here upon this occasion as a fresh instance of the inviolable friendship you have for our common Father and Benefactor the King of Great Britain as well as for us his children and your brothers.

Your expressions of concern in regard to the Behaviour of the Cherokees your determined resolution to stand by and assist us against the French or go down into the Grave with us and the Willingness with which your Warriors have embraced the same resolution require the particular acknowledgement of us all.

Let the Cherokees behave as they will I hope We and our Bretheren the brave Catawbas shall stand firm together like a large mountain which cannot be moved.

The Station our Great King has been pleased to place me in will in many Instances enable me to be assisting in the Preservation of that Peace and Harmony which subsists between us and if any Injuries or offences should again be committed against you by the White People I will take care upon a proper Application to me that they shall not go unpunished.

You have our Thanks for the resolution you have taken of punishing such of your young people as shall commit any Injuries upon us your Bretheren, but we hope you will not have occasion to make any Examples of that kind.

Your Observation in respect to the White peoples selling Liquor to the Indians is very just as there is no Law at present to prevent it I will mention to the Governour the necessity of making one to restrain these pernicious practices for the future.

I will also take the first opportunity of representing to him in the strongest manner I can the singular services you have done us in compelling the Cherokees to deliver up the White Woman and in obtaining restitution of the Goods they had unjustly taken from us.

The application of the publick money, belongs to the Governor and Assembly with the advice of the Council, over that I have no power but I will use all the Interest I have to obtain a present from them as a small acknowledgement of the Obligations we think ourselves under to you upon that account.

I shall also faithfully represent the request you have made by me to your Brother the Governor to have a speedy supply of Ammunition to have a fort built as soon as possible for the protection of your old men your wives and children and some silver plates for your Breasts and arms with some Wampum.

In the mean time as a Testimony of the great regard we have for our brave friends and Bretheren the Catawbas we have procured at our own Expence such a supply of powder and lead as we could get to supply your present necessities which we now present you with.

Col^o Alexander and Col^o Harris assure me they will build the house they promised as soon as conveniently they can.

To which the King answered. I look upon you as my elder Brother and what you told me to day I shall not forget tomorrow but remember as long as I live. If any of the English shall at any time be attacked by the Enemy let me know it as soon as possible by any hand and I and my people will immediately come to your assistance.

The Chief Justice observed to him that their Brethren the White people of Virginia and the Nottoway Indians were now fighting to the Northward against the French and their Indians and had long expected their joining them and were surprised they had not yet done it.

The King replied that when the Gentlemen of Virginia were in their parts, his Warriors were all willing and desirous to go with them, but when they were gone Governor Glenn sent an express to him and forbad him to let them go unless he should order it, and that he had sent the said Gov^r for answer that he would wait till he had further considered of the Matter but that he had taken up the Hatchet against the French and could not lay it down without using it.

N. B. There were two Interpreters sworn Mr. Giles and Mr. Tool.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 442.]

Governor Dinwiddie to Governor Dobbs.

June 11th, 1756.

SIR:

Having the Opp'ty of Colo. Innes, I e'd not shun enquiring after y'r Health. We are very barren of News from Brittain. My last was early in Apr., w'n it was said L'd London, with the Forces, w'd be ready to embark soon for N. York, and I daily expect to hear of his Arrival there. I have no L'rs of late from the No'w'd. I hear Gen'l Shirley is at Albany, but do not know the No. of Forces he has with him, or whether he will go on Action before the Arrival of L'd London. We have been harrass'd this Spring with Flying Parties of the Enemy, w'ch obliged me to raise the Militia of 10 Counties for the Protection of our Frontiers. The Banditti march'd over the Mountains, but still continue to disturb the frontiers with small Parties, watch'g their Opp'ty in surpris'g the unwary Settlers; but I referr You to the Bearer, who can be particular in these Affairs. We are in great want of good Officers, Engineer and Artillery, that I think we are in a bad Situation, and am afraid they will reinforce Fort Duquesne from Mississippi, and from that Fort continue their Depredations against these Colonies, and our People are so dastardly that I cannot raise in them a martial Spirit, or raise Men suffi-

cient to augment our Regim't to 1,500 Men. The Assembly have voted a further Sum of £60,000 for H. M'y's Service, but that will not do without men to protect our frontiers. I am still apprehensive the Cherokees are not sincere and steady to our Interest, tho' they have enter'd into a Treaty with Us. Copy thereof I herein enclose you. I have reason to think the Gov'r of So. Carolina has acted under-hand w'th these People, and, as I am inform'd, prevent'd 40 of the Catawbas coming in to our Assistance, and the Cherokees that were here are return'd to their Nation w'th Promises of Aiding Us w'th 400 of their War'rs; but I suspect their Sincerity, tho' they left this well pleas'd with their Treatm't and Presents; but I hear some of their young Men robb'd some of our back settlers on their journey home. I have sent Maj'r Lewis, a Person well acquaint'd with the Woods, w'th 60 Men, most of them Artificers, w'th Tools and Provisions for assisting to build a Fort in the upper Cherokee County, and I am inform'd Mr. Glen goes with a No. of Men for that Service; however, I shall be glad to hear of Mr. Littleton's Arrival. Mr. Glen sent me a Present of 60 of the Neutrals, w'ch I by no means w'd allow to be lauded. We have sent all those that were import'd here to G. Britain at the expence of £5,000. From Georgia and So. Carolina they had several Vessels given them, and they are coasting along to the No'ward, no Doubt intending for Nova Scotia. 10 Vessells w'th these People were seen off our Capes, but I have given Orders to prevent their Landing here, and must think was not well judg'd to give them the Opp'ty of seeing the Inlets on our Coast, and probably may land at proper Places, rob and murder our People, and if they reach Nova Scotia will, in Course, be more inveterate Enemies; therefore, I think it more eligible to send them home. I shall be glad to hear of Y'r Health, &c. We all join in true Respects to you and nephew. I always am,
Y'r Ex's most h'ble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 105.]

Letter from Governor Dobbs to the Board of Trade.

NEWBERN 14th June 1756

MY LORDS

There having been a conference with the Catawbas held at Salisbury by their King Hagler and some of his Warriors with Chief Justice Henley which has been sent down to me I thought proper to send you a Copy of it, it was occasioned by some of the Cherokees who were returning

from Virginia after their disappointment of attacking the Shawanese who carried off a White woman from Virginia and 'tis supposed at her Instigation they carried off some horses saddles and Plunder from the Back Settlers as they passed thro' the Province, who I suppose would not supply them with provisions, and our mad Settlers want to repel force with force but I have sent up strict orders at their peril to make any opposition but to save their lives, and if any further inroads are made to bear with them, and given Examinations and leave it to the Government to demand satisfaction in form from the nation and to give up the Offenders and if they refuse reasonable satisfaction, then we shall consider how to act and if any should take private Vengeance that I will give orders to have them prosecuted as Conspirators to begin an Indian War and to lose our Allies. I shall order 100 weight of Gunpowder and 400 weight of Lead to the Catabas our friends altho' we have not 1000 Weight in the Province and none can be got unless the Government supplies us from England in case of a War; We are going on briskly with our Fort at Cape Fear, and shall want the Guns &c: I formerly applied for. I am now going down to Cape Lookout to prepare a plan and Estimate of that Fort and to see how the Batteries go on at Topsail Inlet and Oeacock but would not delay writing as a ship is just ready to sail from hence to Bristol. We are still here in peace with the Indians; and I am just informed that Governour Littleton arrived at Charles Town the first Instant and was received with the greatest Joy imaginable, as Glenn had thrown all into confusion to give him trouble.

I am with the greatest respect, &c.,

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 114.]

Letter from John Rutherford Receiver General to the Board of Trade.

NORTH CAROLINA 19th June 1756.

MAY IT PLEASE YOUR LORDSHIPS,

Tho' I have had the honor to be of His Majesty's Council & Receiver General for this Province for some time, I did not know till very lately and that by accident, that it was my duty to lay before your Lordships a state of Affairs which His Majesty has been pleased to entrust me with. The state of all my accounts audited by the Deputy Auditor for this Province shall be forwarded to your Lordships by the first opportunity from Virginia as soon as I have seen Mr. McCulloh who lives nigh to

Virginia about 200 miles from hence, which I shall do soon. The great Disproportion betwixt the sums received and which ought to be received will no doubt surprise your Lordships but cannot be wondered at seeing that I have never as yet had any Rent roll delivered me. It is true I have a Copy of the quantity of Lands granted from the Secretary's Office which I paid for & charged in my accounts but these accounts are so imperfect that they are of very little service, add to this the obstinacy of the people, the divisions amongst them especially of late in these distracted times and the great pains taken by them in general to have an Act passed confirming them in their Titules to their Lands without any proper regard to His Majesty's rents being paid. Such an Act was passed last Assembly entituled an Act for confirming the People in the possession of their Lands, notwithstanding that the very clauses in this Act for that of the last mentioned purpose were then lying before your Lordships for His Majesty's approbation which imperfect Act does as little answer the purpose specified in the Preamble as any ever passed in this Province. All which on perusal must be so evident to your Lordships that I have no occasion to say further on this subject. I am in hopes I shall be able to do without any Quit Rent Law at all with the Assistance of the Officers of the Crown. I humbly submit it to your Lordships consideration whether or not it is not necessary that as speedily as possible some Gentleman learned in the Law should be appointed Chief Baron of Exchequer to this Province who may be directed to hold Courts of Exchequer at least three times yearly (at such times and place as his Excellency the Governor in Council shall direct) with proper Instructions how he is to proceed particularly in the following causes that may come before him. In the Case where the subjects destroy the timber and lightwood &c. without any right or warrant for their so doing. In the Case where Lands have been taken up and no Quit Rents paid nor any distress to be found on the Lands. In this latter Case it is submitted whether the Lands might not be sold for the benefit of the Crown by order of the Court of Exchequer, which would be more for the benefit of the Crown than declaring the Lands vacant & allowing others to take up these lands. It is humbly submitted to your Lordships whether or not on condition the People record de novo their Patents & Deeds in the Clerk of the Crown or Register's Office by a certain time, a Copy of the Records being transmitted to the Deputy Auditor & by him to the Receiver General, their titules shou'd not be confirmed to them, and as the principal objection to passing an Act for this purpose is the hardship in the people being obliged to record their Patents & grants where they have already been at all the necessary expence. It is submitted in this

Case whether the same might not be done at the expence of the Crown payable out of the Quit Rents. If some such method is not taken to procure a Rent Roll It will be impossible to procure a Rent Roll for the Deputy Auditor whose duty it is to procure it for the Receiver General & without which your Lordships will easily judge it is not practicable for the Receiver General to do his duty. It is submitted to your Lordships whether or not the division lines betwixt South & North Carolina & Earl Granville's division line ought not to be settled as soon as possible the which having hitherto not been done, has been, & at present is, the occasion of numberless disputes amongst ourselves & has very near thrown us into troubles with the Catabau Indians. All which his Excellency Mr. Dobbs has represented to your Lordships. I have only further to take notice of the miserable consequences of the Inhabitants of this place being allowed to make paper Currency in the manner they have hitherto done and are but still too inclineable to do, which can answer no purposes but to cheat men of Property by having half the value of what is owing to them paid in imaginary money. It is of great prejudice to the Officers of the Crown to the Inhabitants themselves if they cou'd or wou'd be made sensible of the ill effects of this bad policy, which must ent them off from all commerce with the neighboring Provinces & ruins their credit in Great Britain. Proclamation money tho it is not very plenty & a great demand for it for cheating of Creditors paying of Taxes & Quit Rents yet a Pistole in gold 16^s 6^d which ought to be equal to 22^s cannot be purchased for 30^s a Dollar worth 4^s 6^d cannot be purchased for 8^s & if for the future they are allowed to make a currency otherwise to be called in, in a short time, & made payable by the Treasury in sterling money only or in rated Commodities by Inspectors Notes this Province will be a prey to the neighbouring Provinces & not only be of no service but a burden & disgrace to the Mother Country This will be evident to your Ld^{sh} & no doubt will be properly provided against. I have with the greatest pains & difficulty got a statement of what is due from this present Establishment but have in vain attempted to get a tolerable state of the credits due for this Province, neither is it indeed possible in the present confusion of affairs in this Government I have been lately with all the Sheriffs but one, who collect the Quit Rents, & am hopeful these now employed who are very diligent will do as well as can be expected without a Rent Roll which at present is in no man's Power to give till there are other regulations. I must entreat your Ld^{sh} permission to go from hence to England for a few months as both on account of my health & private Affairs is absolutely necessary. I shall then do myself the honor to receive your Commands

& strictly to follow what instructions y^r Ld^{ns} may be pleased to give me in charge. Mr. Starkey a man of fortune who has for many years past with unspotted integrity and honor acted as one of the Treasurers for this Province and who can give good security has offered to act in my place 'till my return. I am with the greatest respect &c.,

JN^o RUTHERFORD.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 448.]

Governor Dinwiddie to Governor Dobbs.

June 28th, 1756.

SIR:

Last Night I rec'd some L^{rs} from Engl^d by the Packet y^t arriv'd at N. York the 6th Curr^t. I have a L^r from Co. Webb, who arriv'd there in the Packet, desiring me to forw'd the enclos'd to you by Exp^s, w^{ch} I now accordingly do, and am to pay him £8. By a Vessell seven Weeks from Londo. says y^t 10 Days before he sail'd 2,000 Regular Troops were embark'd and sail'd for New York; y^t L^d Loudon, with 1,000 more, were to sail a Week after him. We have reason to believe the first Embarkation may be arriv'd at N. York by y^s time, and L^d Loudon, with the rest, very soon. I am sorry they are so late. I fear they will be much hurried in conduct'g any Th'g of Consequence this Sumer. I wrote you by Colo. Innes, and sent you Copy of the Treaty with the Catawbis and Cherokees. I wish the Cherokees may remain stedy to our Int^t, but I fear they are under some strong Influence and Attachm^{ts} to the Fr., but as Gov. Glen, who always declar'd his great Int^t with 'em is in y^r country, I hope he will engage 'em to comply with y^r Engagem^{ts}. I have sent an Express on y^t head, and wrote strongly to Mr. Glen to make Int^t with 'em. As there are many Foreign Off^s come and coming over here to com'd the Royal American Regim^t, I wish it may not discourage reeruit'g of Men, as the People in gen^l are averse to be under Com'd of Strangers, but I suspend my Opinⁿ till the arrival of the Com^dr-in-Chief, and know the Steps he proposes to take in rais'g of Men, w^{ch} to me at pres^t, many obstacles are in the way.

We all join in best Respects, and I am, in truth,

Sir, Y^r ob'd^t h^{ble} serv^t.

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

NORTHAMPTON C^o July 6th 1756.

SIR

When I consider that you have a particular pleasure resulting from promoting the Happiness of the people over whom you presided; as well as from correcting abuses committed by those who are invested with the executive power of the Laws, I flatter myself you'll excuse my troubling you with the following Relation concerning the Gent. lately commissioned Justices of Granville County. Be pleased to know then that in June last, when there ought to have been a Court held for that County, several of the Justices having assembled themselves on the Bench, the C^{lk} produced a new Commission of the Peace out of which Robert Harris's Name was left, upon which they unanimously refused to qualify; notwithstanding all the Remonstrances that the C^{lk} and many others could make. In the afternoon I arrived, & endeavored to reason them into a better mind, but without Success. And at last the whole Secret was divulged i. e. Mr. Prior, with some warmth declared that they looked upon Harris's being turned out of the Com^m as an Insult to every Man in it: And that no man of spirit ought or would qualify under it 'till it was regulated to the liking of the Court.

Mr. Hurst also inform'd me that they had entered into a Combination not to act under the said Commission 'till it was purged, as he called it, to their satisfaction. Upon hearing these Declarations I desired the C^{lk} to go personally to every Gent present and take his Answer, which he did and which you will find noted on the inclosed List with some other Remarks.

I remember to have heard you say that your Instructions enjoined you to take the Advice of three of your Council at least in appointing or removing Justices of the Peace; but when I consider that the Consequences of this Contemptuous Behaviour of the Granville Justices, is a protecting of, and encouragement to, Offenders: as well as an entire interruption of public Justice. And that it is absolutely necessary for you to resent this Conduct. You will excuse me Sir when I say that it can never be thought a stretch of prerogative if you should Commissionate more worthy persons to execute the office of Justices of the Peace in the s^d County of Granville, without such formality; provided that such advice can't be readily had on the Occasion. Under this Opinion I take the Freedom of recommending to your Consideration the issuing a new Commission of the Peace for the s^d County appointing

proper persons to distribute Justice therein. Those who have not refused to act nor otherwise rendered themselves unworthy to be continued in the said Office have no Observations made against their names in the aforementioned List. You have also on it some of my own recommending, which you'll observe are distinguished accordingly. In favor of the latter I can say that they are Men of as good Morals and better Capacities than any others in that County that have not yet been appointed Justices. The only Inducement which I have to this application is a desire that Justice should be duly administred. And the Satisfaction of seeing a set of refractory Men actuated by the vigilaney of a malicious Temper treated with a Suitable Resentment If you incline to grant a new Commission the Bearer will convey it safely.

I suppose you have not forgot the Sollicitation I formerly made in favor of my kinsman John Jones for the Office of Sher. of Northampton. Herewith you have a Copy of the last Recommendation of persons fitly qualified to execute the s^d Office, in which you'll find him included. If you'll be so kind as to grant him a Commission for that purpose you'll do me an additional Favor in sending it by the Bearer.

We have no News in this part of the World worth communicating except what is contained in the inclosed Gazzet.

Wishing you Health & Happyuess I ever am

Sir, &c.,

ROB^t JONES JUN^r

His Excellency Arthur Dobbs Esq

A List of Gentlemen in the Commission of the Peace for Granville County July 6th 1756.

William Eaton

William Parsons

James Paine

John Martin

Gideon Macon

William Chambose—lives in Orange

Samnel Henderson

West Harris

Jonathan White } have long refused to Qualify

John Brantly—lives in S^c Carolina

Osburn Jeffereys—refused to act

Samuel Benton—in Prison & refuses

Philip Pryor—refuses

Rich^d Harris junior
 Philip Alston—always refused to act
 John Sallis—turned out by order of Council
 William Hurst—refused to act
 Daniel Harris
 James Yancey
 Nath^l Harris—Common Drunkard
 Edward Moore—refused to act
 Ledwick Alford—refused to act
 Daniel Underwood—refused to act

The following persons are recommended by Robert Jones junior as fitly Qualified to act as magistrates

W ^m Johnson	Henry Howard
Thomas Parsons	George Lampkin
Phil ^a Hawkins	W ^m Burford

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 109.]

At the Court at Kensington the 7th day of July 1756.

Present the Kings most Excellent Majesty in Council.

His Majesty having been this day pleased by His Order in Council to direct that the supply of Ordnance and Stores for the defence of Fort Johnson on Cape Fear river, and also the supply of ammunition for the defence of the Province of North Carolina contained in the annexed estimates amounting to the sum of three thousand four hundred and forty eight pounds seven shillings and ten pence should be forthwith sent to the Province of North Carolina for the better defence and security of the said Province.

His Majesty doth therefore hereby order that for the better preventing any loss or embezzlement of the said Stores the Governor or Commander in Chief of the Province of North Carolina for the time being to appoint some proper person residing in the said Province to be Storekeeper with a proper salary annexed to that Office and do recommend it to the Assembly to provide for the Payment thereof; that as soon as such Officer shall be appointed the said Governor or Commander in Chief do put all the Stores which are now there as well as those ordered to be sent thither under his care and take security from him to be accountable for the same to the Master General & Principal Officers of His Majesty's Ordnance That the said Storekeeper do keep a Journal of the Stores issued and

expended and that he do enter therein the names of the persons to whom they are issued and also for what services; and that he do not issue any stores but by an order in writing signed by the Governor or Commander in Chief for the time being; That every six months the said Storekeeper to transmit a Copy of the said Journal together with an account of what stores are remaining and in what condition they are to the Master General & Principal Officers of His Majesty's Ordnance in order to their being audited and examined and that such Journal and account be signed by the Governor or Commander in Chief for the time being and also by the Storekeeper.

A true Copy.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 107.]

At the Court at Kensington the 7th day of July 1756.

Present The King's Most excellent Majesty in Council.

Whereas there was this day read at the Board a report from the right Honorable the Lords of the Committee of Council for Plantation Affairs dated the 24th of last month upon an application made by the Governor of North Carolina for a supply of Cannon & Ordnance Stores to be sent for the service of Fort Johnson lately erected there—His Majesty taking the said report into consideration was pleased with the advice of His Privy Council to approve of what is therein proposed and accordingly to order as it is hereby ordered that the proportion of Cannon and Ordnance Stores contained in the paper hereunto annexed the expence whereof as estimated by the Board of Ordnance amounts to £3235 7^s 1^d be forthwith sent to the said Province of North Carolina & that the same be made an article in the next estimate that shall be prepared by the said Board of Ordnance to be laid before the Parliament and his Grace the Duke of Marlborough Master General of the Ordnance is to cause the necessary directions to be given herein accordingly.

A true Copy

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 108.]

At the Court at Kensington the 7th day of July 1756.

Present the Kings Most Excellent Majesty in Council.

Whereas there was this day read at the Board a report from the right Honorable the Lords of the Committee of Council for Plantation Affairs

dated the 24th of last month upon an Application made by the Governor of North Carolina for a supply of twenty or thirty Barrels of Gunpowder and a proportionable quantity of Ball to be sent thither. His Majesty taking the said report into consideration was pleased with the advice of His Privy Council to approve of what is therein proposed and accordingly to order as it is hereby ordered that the proportion of Gunpowder Ball & Flints contained in the Paper hereunto annexed the expense whereof as estimated by the Board of Ordnance amounts to £213 0^s 9^d be forthwith sent to the said Province of North Carolina and that the same be made an article in the next Estimate that shall be prepared by the said Board of Ordnance to be laid before the Parliament—And his Grace the Duke of Marlborough Master General of the Ordnance is to cause the necessary directions to be given herein accordingly.

A true Copy.

W. SHARPE.

Estimate of the expence of Ammunition requested by Arthur Dobbs Esq^r Gov^r of North Carolina for Defence of the said Province.

	£	s.	d.
Corn'd Powder—Copper hooped Barrels—30.	129.	—	—
Musquet { Shott—Tons bot. 2:19 } { Flints 4000. }	61.	—	9.
Fine Paper for making Cartridges, Rheams. 12½.			
Freight and Incidents	23.	—	—
	<u>£213.</u>	<u>—</u>	<u>9.</u>

Office of Ordnance 31st May 1755.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 111.]

Letter from Governor Dobbs to the Earl of Loudoun.

NEWBERN 10th July 1756

MY LORD,

Having received Orders from His Majesty by Mr. Secretary Fox to correspond with your Excellency frequently and to give you a full state and condition of this Province with respect to its number of inhabitants, and militia, how armed, what quantity of Cannon small arms ammunition Ordnance and other military stores belonging to the Province in public magazines or belonging to the militia or in private hands, with what forts are built or now building, or proper and necessary to be built

for the safety & defence of the Province, with my opinion at large upon the whole; I shall give your Excellency the best information I can as to every point above mentioned.

I therefore beg leave to inform you that upon my entring into this Province, I found it had been divided into Parties, and in a very low state; and one half of the Province not obeying the laws made by the other, nor attending their Assemblies, refusing to pay the Taxes which the Assembly raised, so that the Colony was in debt, and obliged upon the present breaking out of this war to raise £40000 in paper of this Curreney (£30000. sterling) which half of this Province would not receive nor circulate—And found they had only raised one small square fort with 4. little bastions and a Fosse, the ramparts and Parapets of a Sandy earth faced with upright pines which were all rotten, in which they had only 6. or 7. small ship iron gns all honey-combed, 3. or 4. of which were 2. pounders and the rest 4. pounders and no garrison but 2. or 3. men to keep the fort and this was all the safety in the Province to defend the most navigable river in the Province, the river of Cape Fear, and upon enquiry I found there was no publick magazine or store in the Province, and that there was not 8. barrels of Gunpowder and proportional lead in all the merchants hands in the Province to supply the Hunters and Indian Traders all being imported as it were from hand to mouth and nothing in store for the militia, the Gunpowder duty being for some years expired, nor did I find one publick Office erected for records in all the Province, the jayls, only little paltry Houses mostly of wood, and not one jayler in the Province to take care of them—So that all publick papers were removed from place to place as Assemblies were changed and held in four different Vallages at the pleasure of the Governor, as he was obliged or disobliged with the people in the Province, so that almost all the publick records were in a manner lost or destroyed, for each person coming into Office kept his Papers in his house or cabbin, or in any small room he could hire and at his death no enquiry was made and his executors embezzled or destroyed most of the papers, so that very few came into the hands of his successor, nor had the Governor any house and not above one Church roofed and seated in the Province. Thus I found the Province upon my arrival.

The Assembly before I arrived had out of their new Paper Curreney appropriated £2000. Curreney to repair Fort Johnston on Cape Fear river, and had appropriated £2000. to be added to £2000. before granted to erect a Fort at or near Oacock Bar, by which all ships must pass who trade to Neuse, Pamplico & Roanoak rivers, upon which the Towns of Newbern, Bath and Edenton are situated, the Harbour of Ports-

mouth near the Bar being so exposed that every Privateer sailing along the coast could from their mast head see every vessel in the Harbour, and go in and cut them out, or destroy them. They had also appropriated £1500 Curreney to erect a battery at old Topsail Inlet or Port Beaufort, to defend that Harbour, there being deep water on the barr— But no step had been taken to erect any of them when I arrived, the Assembly having only appointed Commissioners to erect the Forts & expend the money.

When I arrived I was elected a Commissioner in the room of the late Governor to finish Fort Johnston at Cape Fear, and in ten days after my arrival went down to view it, and agreed to proceed upon it as soon as the season wou'd permit, as far as the money wou'd answer and to cover the Curtain and two Bastions next the river, which commanded the channel, with a wall upon a stone foundation made of cement, which they call here tabby work, composed of broken oyster shells, lime and sand, which is stronger and more lasting than brick, there being no stone to be had but what comes in ballast in ships—and also to finish the lower Battery on the Counterscarp. I went down to view what had been done last May, & found the wall round the two bastions had been raised about 5 feet high except a place left for a sally Port the bricks for the arch not being then arrived, and in a few weeks it will be as high as the rampart and parapet, and the lower Battery will soon be made, having only the Glacis to make and the platform for the guns. I have ordered the Counterscarp of the other curtains and batteries to be palisaded until we can get money to finish the remainder. As this is our principal and most navigable river for Trade, it will be necessary to have 14 eighteen pounders for the lower Battery, and 16 nine pounders for the Curtain and two Bastions next the river, with a suitable number of men for the artillery and a sufficient quantity of Ordnance Stores and Ammunition, and we can't have less than 50 men to garrison it, who upon an alarm may be joined by the County militia—in case of any foreign attack, and 30 Swivel guns or wall pieces will be wanting for the other Curtains & Bastions next the Country.

Last summer I went down with the Commissioners to fix upon a place to build a Fort near Ocoock Bar, and agreed to erect a Battery with two faces on Core Banks at Portsmouth, where one face wou'd play upon all Vessels coming in from the Bar, and the other scour the channel to the Harbour as I found a violent storm about 5 years ago had carried away Beacon Island, which was near two miles long, and all the Banks here in time may be lyable to the like fate, I thought it more prudent to erect a large battery upon Piles, and to raise it 5 feet above the usual

spring tides, than to risque the building a Fort, and to build a strong House to defend the Battery, I went down about a Fortnight ago to see how far they had proceeded, and I find the whole almost piled and filled, and the house ready to be framed, and as I propose it to be a fascine Battery, it will soon be ready We shall want 8 eighteen pounders for the face next the bar and 12 twelve pounders for to defend the Harbour with suitable Ordnance Stores Gunner &c. and about 40 men to defend the House and Battery, which with the seamen in the ships and people of the Town may be sufficient against any Privateers which may infest the Coast.

I went also to Port Beaufort to fix upon a place for a Battery there upon Boguc Banks, the house is already up and covering, and as it will be a fascine Battery and wants no raising or piling, it will be soon finished, it has also two faces, one which commands the entrance from the Bar and the other defends the Harbour. We purpose only 8 twelve pounders for the face next the Bar, and six six pounders for the other face with a Gunner Ordnance Stores &c. and about 30 men to defend the Battery & House against any small Privateers, these altogether will require an independant Company of 120 men or 2 Companies of 60 each which will be more expensive, this Colony has never yet had an Independent Company nor any assistance from Britain, altho' we have an extensive sea Coast and about 300 vessels great and small which enter here in a year—And these I think may secure our four great rivers and chief Inlets. We are also erecting a small Fort upon our western or Indian Frontier, where we have a Company of 50 men, but as I hope when this war is over our Frontier will be extended beyond the mountains this is only occasional at present. But besides these necessary for this Province there is a large strong Fort absolutely necessary, to be immediately built at the expence of Britain, for the safety of the British Trade & Navigation to all these Northern Colonies, and also to the West Indies, which pass through the Gulphe stream and Windward Passage, which ought to be maintained by Britain or be supported by all the Colonies when the present Affairs are settled and the several Garrisons & Forts to be maintained are fixed, when our frontiers are settled. Which is at Cape Lookout Harbour, which I last year went to view, & this summer have again viewed & surveyed, having last year reecomended the building of it at the expence of Britain to the Board of Trade, with my reasons for it, which His Majesty in Council approved of, and ordered me to get an engineer to draw a plan & make an estimate of the expence, as I have no Engineer here, nor know how to get one, I was obliged to act as Engineer myself & rub up my former knowledge in

fortifications when I was in the Army, and have accordingly drawn a plan for a square Fort to contain 2 or 300 men in time of Peace, and 500 in time of war, which I inclose to your Excellency, which will be sufficient to maintain it against any small squadron, or to be taken without a formal siege. I have therefore sent your Excellency a plan of the Harbour, which is the best and safest from Boston to the Capes of Florida, where a large squadron may lie as safe as in a mill pond, and a safe Bay without it where the whole British navy might ride in safety from all but southerly & south westerly winds, when they might slip and run into the Harbour. This was a receptacle all the last French and Spanish war, where their Privateers resorted, to wood, water and clean there being in part of the Harbour 27 to 3 fathom water steep to the bank, here they lay, got fresh Provisions from the Banks, and great plenty of the best fish and good water with wood for firing, & from their mast head could see every Vessel that passed along the Coast and could in an hour's time be at sea after them. Here wou'd be a proper station for our Cruizers and station'd ships of war, which in twenty four hours might be at the Capes of Virginia or at Charles Town Bar, or at Port Royal and Georgia, as the wind permitted, and wou'd be at sea in an hour, when they may be kept within the Capes of Virginia or at Cape Fear, or in Charles Town some days before the wind might serve to put to sea; By this your Excellency will see how necessary it is to have this sufficiently secured for the benefit of the whole Continent and British Trade and that it must be so strong and well garrisoned as to stand a small siege, for if the French should surprise or take it they would soon make it another Louisburg, or a Gibraltar, to disturb the whole Colony Trade even from Jamaica & the Leeward Islands, as they wou'd soon run to windward of S^t Kits or to the windward passage. This your Excellency may transmit to His Majesty with your Observations upon it, which if it strikes you in the same light it does me, you will think it highly advisable immediately to undertake by an Engineer from Britain and Artificers, labour is here so extravagantly dear that they must send over masons & carpenters from Europe and if any other are sent over to protect them, they may assist by adding to their pay, and negro labourers may be hired here at £10 per annum, they being maintained by the publick. The Place where the Fort will stand to advantage must be where they can have good water among sand hills, several of which must be levelled or lowered, so as not to overlook the Fort, and the whole must be built upon piles which may be had here of right red pine, cedar or eypress which under ground will last for ages, and may be brought in floats or upon flat boats within $\frac{1}{2}$ a mile of the Fort. Bricks may be

had at 20^s Currency per 1000 which is 15 shillings sterling, to face the works or it may be made of Tabby work, oyster shells being to be had in immense quantities, such as the walls were made at Bocca Chica near Carthagena, the bullets making no larger a breach than the diameter of the ball—a wall which once made will never want repair being as firm as a rock.

When I came over His Majesty was pleased to give 1000. stand of arms and accoutrements for the use of the Province you will see by the return of the militia that they are not half armed and those they have very bad. The Companies we raised here together with the arms which were carried off by Deserters have taken of these near 400. and I sent 150 to the western Frontier to arm the militia of two Counties there, and another frontier County will want half as much, and I have sent & ordered to be sent near 100. more to the Batteries and Militia at Cape Fear, and the remainder will be wanted to distribute to the Militia along the Sea Coast, so that there will not then be any spare arms in any publick store, and the militia who won'd purchase arms can get none to purchase, so that it would be necessary to have a supply of 2000. arms at least to supply the militia, many would be willing to pay for them, as they won'd expect to get good arms at a reasonable price from the Crown—and we ought to have an immediate supply of 20. barrils of Gunpowder at least to be able to make a proper defense if attacked, as you will see by the return of the powder duty This my Lord is the state of this Colony, and therefore your Excellency may judge whether we don't want an immediate supply, and until the Artillery & Stores arrive, whether a 20. gun ship stationed at Cape Lookout to cruize along the Coast and to prevent French Privateers from making use of that Harbour and distressing our Trade won'd not be a proper measure to be immediately ordered here whilst the Colony is in so defenceless a state.

Having so far given your Excellency a state of our military Affairs in this Province—it may be proper to inform you the state of our funds by which you will see it is almost impracticable to maintain any troops out of this Province as we have no Cash, and our paper Currency at great Discount, and of no credit out of the Colony, and we have hitherto lost above 40. or 50. per cent upon any goods we send to market before we can get specie or good Bills to pay our troops. The Province three years ago struck notes to £40000. our Currency 22000. of which were then issued and 18000. reserved until His Majesty's pleasure was known, and there was old notes then outstanding for about £20000 more, of this sum £30000 has been expended for the maintenance of the Companies sent out of the Province & one Company sent of 50. men to guard our

Indian Frontier, so that all our taxes raised go to sink these notes in order to keep up their credit, and if any more is wanted next year we shall be at a loss how to raise it unless His Majesty allows us to strike as many notes as the publick service of the Colonies requires, or to suspend the payment of the notes already issued, I shall find great difficulties in procuring Provisions to sell at New York to pay the 4. Companies I have sent there, as there are additional charges not provided for, such as tents, camps, furniture, Batteaus, Provisions and ammunition, & if we cant send over in time what is necessary to pay our Troops I must beg the favour of your Excellency to allow pay to the Troops, if wanted, until we can send returns to New York when you shall be repaid; otherwise we shall be obliged to disband our troops before the Assembly meets which will be before the end of September, and if so, must turn over the private men to other regiments, and bring back the Officers to raise men here, if more are wanted.

This hath made me consider in what way this Province may be of service to the Publick if we can't maintain troops abroad—and that is to make this Province as it were a recruiting Colony, to raise, pay, give cloathes, and Provisions, to the Officers & soldiers as long as they remain in the Province, and to transport when required, and as soon as landed then to be taken off the Colony pay, and be paid by Britain during the Campaign & then let the private men be turned over to recruit the regular troops, & the Officers to return to recruit or new raise their Companies for next Campaign, if this shou'd be approved we might probably get a good recruiting Law, as also to prevent desertion by fining the Harbourers, which might go towards raising the soldiers, by which this Colony might be of service to the other Colonies, I have the more reason to hope that your Excellency will advance money to pay our Provincial Troops as his Majesty has been so kind as to reimburse the Northern Colonies, & in our circumstances we have exerted our force even beyond what we can support out of the Province Your Excellency will observe the return made of the militia, altho' not so compleat as I would wish it, the Officers being so negligent in their returns, that it exceeds 13000. if Cumberland County had been returned, but upon the whole they are not half armed, you will see also the list of Taxables is not compleat, for altho' I gave orders 6 months ago, yet all have not returned & many of these incorrect by the neglect of the Magistrates; if they had been properly returned I believe the whites who are males above 16 would be about 18000 as many are concealed, so that our number of souls, whites, would be at least 72000. When the Assembly meets I shall endeavour to get a good recruiting Bill & to prevent desertion We have

not 100. families of foreigners in this Province, so that the German Officers can expect few or none from home but you may be assured I shall assist the military Officers to the utmost of my power & cooperate with your Excellency in all your operations. I wish you the greatest success in all your undertakings & am with great respect,

My Lords, &c.,

ARTHUR DOBBS.

[B. P. R. O. AM: & W. IND: VOL. 70.]

Letter from Governor Dobbs.

NEWBERN 12th July 1756

SIR, [SECRETARY FOX]

I have the honour of your first and second Letters of the 13th of March by Col^o Webb, and have in pursuance to His Majesties Commands communicated by your Letter sent to the Earl of London a full Account of the State and Wants of this Province, and shall give all the possible Assistance in the power of this Colony to his Majesty's Troops, and shall endeavour to procure at the Meeting of the Assembly a good recruiting Bill to prevent Desertion, we have already passed a Law to prevent provisions going to the French, which I think proves effectual. We have not 100 families of Germans in this Province, so believe the foreign Officers won't, for so few, come here to recruit, If they do I shall give them all the Assistance in my power. As I believe the Earl of Loudoun will send you a Transcript of my Letter to him, I will not trouble you with a Copy of it, having sent a Copy of it to the Lords Commissioners of Trade to be communicated if necessary to his Majesty in Council, in Case Lord London's Letter should miscarry, having had their Lordship's order before to transmit the like Account to them to be laid before his Majesty. I have sent my son at the head of 4 Companies of 200 Men of our provincial Troops to New York to assist in our Operations to the Northwards, as I found if they had remained in Virginia they wou'd only have acted in Defence of their frontier, without making any Attempt against Fort Quesne, as they have no Officers fit to make a plan of Operations, nor any Artillery for the Enterprize, and I have reason to fear that neither Maryland nor Pennsylvania will do more than defend their own frontier, as they don't seem zealous for the common Cause of the Colonies. You may depend Sir, upon my doing all in my power in this poor Province to support such Measures as may drive the French from this Continent, as I have it very much at heart, knowing our Trade and Colonies can never be safe without it, for they

only want time to improve their Marine and Colonies, to dispute our Right, and out number us at Sea, which would prove fatal to Britain, and therefore this is the time to strike,

I am with the greatest Regard, Sir, &c.,

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 110 AND 112.]

Letter from Governor Dobbs to the Board.

NEWBERN 12th July 1756

MY LORDS,

I have the honour of your Lordships of the 17th February and am extremely sensible of your favour in recommending to His Majesty my Son to be of the Council in this Province, having along with it received the Mandamus from his Majesty for swearing him into the Council, and it gives me great pleasure that my endeavours to serve His Majesty are agreeable to you, and the Zeal of this Province to do their utmost for the common cause of the Colonies. Having received His Majesty's commands communicated to me by Mr. Secretary Fox to lay before Lord Loudoun a full state of the Affairs of this Province and our wants to secure the safety of this Colony, as I can't give a more satisfactory account to your Lordships, than a copy of my letter to his Lordship, I herewith inclose it to you, as it answers as fully as I can all your former Orders to me upon these heads, and do herewith also inclose to you a plan for a Fort at Cape Lookout, of which I have also sent a plan to Lord Loudoun, and a draught of the Harbour, as I had it surveyed when I was upon the spot, being just returned from thence, as to the estimate I can't give one that is satisfactory, but if the plan is approved of according to the scale I have drawn, from the price of bricks, and cheapness of piles which may be had for little more than the labour of cutting and carriage, any engineer in England may form an estimate, if workmen come from England, and negroes be employed here.

I have nothing more to add but that we are all in Peace in this Province, I am with all due respects, My Lords, &c.,

ARTHUR DOBBS.

A List of the Militia & Taxable Persons in the several Counties of the Province of North Carolina, sent with Governor Dobbs' Letter of 12th July, 1756.

Counties.	Militia.	Whites.	Blacks.	Total.
Anson . . .	790.	810.	60.	870.
Beaufort . . .	680.	771.	567.	1383.
Bertie . . .	902.	—	—	1876.
Bladen . . .	441.	338.	346.	684.
Carteret . . .	230.	—	—	400.
Chowan . . .	830.	—	—	1481.
Craven . . .	631.	989.	934.	1923.
Cumberland . . .	—	302.	74.	376.
Currituck . . .	390.	470.	150.	620.
Duplin . . .	340.	460.	168.	628.
Edgecomb . . .	1317.	1674.	1091.	2765.
Graunville . . .	734.	835.	470.	1305.
Hyde . . .	249.	276.	148.	424.
Johnson . . .	894.	1242.	397.	1639.
New Hanover . . .	508.	396.	1420.	1816.
Northampton . . .	676.	902.	834.	1736.
Onslow . . .	308.	448.	247.	695.
Orange . . .	490.	—	—	1113.
Pasquotank . . .	581.	563.	366.	929.
Perquimons . . .	357.	—	—	1176.
Rowan . . .	996.	1116.	54.	1176.
Tyrrell . . .	438.	477.	335.	722.
	<u>12782.</u>	<u>12,069.</u>		<u>25737.</u>

	Horse.
Bladen . . .	33.
Bertie . . .	44.
Duplin . . .	39.
New Hanover . . .	33.

12931.

N. B. There is not half of the Militia armed.

Account of the quantity of Powder & Lead in the hands of the several Collectors for the several Ports of North Carolina

	Powder lb	Lead. lb
Bath . . .	150.	600.
Edenton . . .	556.	2075.
Newbern . . .	325.	750.
Cape Fear . . .	560.	2100.
	<u>1591.</u>	<u>5525.</u>

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

NEW BERN July 18th 1756.

MESSRS

I am sorry to find by Collonel Osburns Letter as well as by the Letters of Colonels Alexander and Harris and by the two Petitions Deliver'd to me by Captains Green and Moore from the Settlers on Broad River and South Catauba River that there has been Several abuses and robberies committed by Strolling Parties of Indians who won't Discover to what nation they Belong But from all the Circumstances have reason to beleive that they are Cherokee Indians headed by some Fr. Indians and Perhaps two or three Northern Indians the French have Brought with them who have gained some of the Stroling Cherokee Indians to joyn them in Order to commit some Robberies upon the Settlers in order that they may make a Breach and by Killing some of them may fall upon the Settlers and Murder them and so bring on a national war I am also sorry to find that there hath been one of the Catanbas Killed By Perkins Contrary to the Express orders I had Given to bear with ill usage and make a regular Complaint in Order to have Satisfaction Demanded of the Nation who is the aggressor and therefore if you have not made up that to the Satisfaction of the Cataubas and they won't be Content to have him tryed and Punished by the Colony Laws I would Advise you to give up the delinquent to them as it is better that one should Suffer who has done his utmost to bring on a National war than a whole Community should Suffer by his restiness and disobedience and if he has made his Escape do your utmost to apprehend him, upon the Petitions sent to me and to put an end to the fears of the Inhabitants I have given to Captain Green and Moor Each a Commission to Command a Seout to Patrol whilst necessary but to be under Your Command to be called in as soon as you find it

Safe and Prudent that the Province mayn't be at an Unnecessary Expence in case you can make up matters with the Indians—and I have given Orders to make you or any two of You a Commission as often as Necessary to go and make complaints to the Chief Sachims of the Cherokee and Catauba Nations when any Murders Robberies or Depredations are made by any of their People upon the English and to know whether it is done by their Orders or Allowance and if not to give up the Delinquents if Known or then when not Known that they should give Strict Orders to their Hunters and warriors not to rob Kill or abuse the English Planters their Bretheren and Destroy their Horses cows Swine or Corn and if they should afterwards do it that the English their Bretheren would be Obliged to repell force with force and in Case they dont own to what Nation they belong that they will be treated as other Indian Nations in alliance with our Enemies the French who are now Spiriting them up to make war against us and Push them on to make these depredations and in case the Kings and Sachems should Justify them that then you must Acquaint the Governor and Council with it who will then be obliged to make war with them and treat them as Enemies which we must do in our Own Defence. I herewith send you what wampum I could procure to give to the Cataubas if they Continue our friends and have Sent Orders to Cape Fear to send up One Hundred weight of Gun powder and four Hundred weight of Lead for their use to Gibsons or Lions Store at Rockfish Creek which if they are friends they may have which you may Send for or let them know of it as you find it proper So I shall recommend it to you to use every Prudent Step to Preserve their friendship and Counteract the French.

I have also told Messrs. Green and Moore that if they will make any fort at their Own Expence to Protect themselves I will recommend them to the Assembly to be reimbursd as far as their Expence comes to, and if the Cataubas insist upon having a Fort you may let them know I shall recommend it to the Assembly in Case they Continue Our fast friends.

This is all I can at Present do without calling a Council and Assembly if any thing further happens Extraordinary let me know it by Express that I may Summon a Council upon it.

I am Messrs, &c.,

ARTHUR DOBBS.

To Messrs. Waddell, Osburn & Alexander

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 458.]

Governor Dinwiddie to Governor Dobbs,

July 22nd, 1756.

SIR:

My last to you was the 28th June, by Ex's, with some Packets from Eng'd. Since y't I rec'd Y'rs of the 10th ult'o, and now hav'g the Opp'ty of Y'r Chief Justice I gladly embrace it in pay'g my Respects to You. I observe You propose send'g 100 steers to the Workmen y't are building a Fort in the Cherokee Co'try, w'ch will be a good Supply. I gave Orders to Lewis, who went with our Men, to be submissive to Mr. Glen, rather than hinder the Building of the Fort. We have been inform'd y't the Cherokees have been endeavour'g to take up the Hatchet in favor of the French, but am in hopes after the Treaty with our Com'rs they will not go so contrary to y'r Engagements. I have sent a special Messenger to them to know the Truth thereof, and to call on the Catawbas to know y'r reason for not sending in y'r Warriors agreeable to y'r Promise. I have heard w't You write, y't it was on the instigation and Orders of Mr. Glen, but as Mr. Littleton is now arrived I hope Things will go bett'r from y't q'r. Mr. Glen has always acted contrary to the King's Int't, and has much harrass'd our Affairs with the Cat'a and Chero., and contrary to his promise to our Com'rs at Cha's Town. W't Views he may have by such Conduct is a Secret to every Body but himself. I wish You to build the Catawbas a Fort and supply 'em with w't they want, for I think they are strongly attached to our Int't. I wrote the Chero. about the Robberies comitted by y'r People on y'r return from y's, and desired they w'd enquire into it. In the mean time, it's absolutely necessary to act with great Caution, as You observe it's more than probable they were encouraged by the Fr. to committ those Robberies. I wish you to order Mr. Campbell to send Acc't of the Steers d'd by his Order at Winchester, for a Voucher to me. Last week I had Acc't from N. York y't Gen'l Abercrombie was arrived there with 1,500 Men, and immediately went to Albany, and y't L'd Loudon was daily expected w'th 1,000 more, and it's expected y't he is arriv'd at N. Y., but I have no proper Acc't thereof. War was declar'd in London ag'st Fr. 17th May, but not notified to me in form. The Fr. and y'r Ind's invaded Augusta Co'ty, took a small Stockade F't, and put some People y't were in it to the Sword, and burnt the F't. I have order'd out a No. of the Militia to assist y't Co'ty, but I apprehend we shall always be harrass'd with fly'g Parties of these Banditti unless we form an Expedit'n ag'st

them, to attack 'em in y'r Towns, and to drive 'em from the Ohio, w'ch I have fully wrote to L'd Loudon ab't, desiring his Assistance, with some Engineers and Artillery. I wait patiently for his answer. We all join in kind Respects to you and Nephew, and I sincerely am,
Y'r Ex's most ob'd't h'ble Serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 211.]

Lords of Trade to Governor Dobbs.

WHITEHALL, July 29th 1756.

SIR,

We have received your letters to Us dated the 26th of December and the 25th of March last and have laid before his Majesty in a representation what you say in the last part of these with respect to the defenceless state of the Province and the expediency of erecting a Fort and fortifying the Harbour at Cape Look-out, but we apprehend nothing further can be done in this matter untill we receive from you an answer to our Secretary's Letter of the 7th of November last, directing you to transmit a Plan and Estimate of such a Fort as you shall think necessary.

The other material points in your last letter are the desire you express of having Instructions with respect to the reissuing the Bills of Credit left to the disposal of the Crown and which you say had been applied to the raising the Companys sent to the Northward and with respect to the manner in which those Companys are to be paid and cloathed when out of the Province.

As to the first of these points, We must observe that the reissuing paper Bills of Credit instead of cancelling them according to the tenor of the Law by which they were first emitted has been much complained of and been productive of great abuses insomuch that it was thought proper in the Law passed here to restrain Paper Money in the New England Governments, to have a particular provision with regard to this practice, but if the situation of the Colonys is such, that His Majesty's Service cannot be carried on without either reissuing what Paper Money has been already emitted or creating new We should think the first of these the more eligible method provided the Fund for canceling them is continued and the period is not extended to an unreasonable length.

As to the pay, cloathing and other contingent expences attending the Company's raised in North Carolina, when engaged in Service to the Northward, we are sensible of the difficulty which must attend the

defraying of this by the people of that Province on Account of the Paper Money not being current or of any value in the other Colonies and therefore we can only recommend to you to acquaint the Earl of Loudoun with the true State of the case, who by having the whole direction of these matters, will be thereby enabled to take such measures as shall appear to him to be proper.

We shall impatiently expect your answer to Our letter of the 6th of August last, till when it will be impossible for Us to give any further Instructions with regard to the fixing the seat of Government or any of the other points, upon which our sentiments are so fully explained in that Letter.

We are, Sir, &c.,

DUNK HALIFAX JAMES OSWALD
ANDREW STONE W. G. HAMILTON

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 470.]

Governor Dinwiddie to Governor Dobbs.

August 7th, 1756.

SIR:

Before L'd Loudon arriv'd G'l Abercrombie was at Albany, where there are 7,000 Provincials and six Reg'm'ts of Regulars. The Provincials entreated G'l Abercrombie to allow 'em to make the first Attack on C. Point. You know they have an enthusiastical Cast. The Gen'l, I think, very prudently indulg'd 'em in y'r Request, and I believe they began y'r March for C. Point the 18th Ult'o. Pray God grant 'em success. There were Reinforcements order'd to Oswego, and I believe Y'r Companies were of y't No. L'd Loudon made but a very short stay at N. Y., and went immediately to join the Army. By his L'd'p I rec'd Orders from the Sec'ry of State to declare war ag'st the Fr., I immediately sent for the Council, and y's Day I declare it with proper Formalities, and I presume You have the same Orders, w'ch engaged me to send Y'r Packets by Ex's, and I doubt not You will take the same Care in forward'g the Packets for the So'w'd. We are weekly alarm'd with parties of Fr. and Indians on our Front's comitt'g the most cruel Murders. Tho' we have 1,200 Men in pay, we can't come up with 'em to destroy them, and I fear y's will always be the Case till we drive the Fr. from the Ohio, w'ch I have fully laid before L'd Loudon, but he will have work enough on his hands to the No'w'd y't no Expedit'n of y't sort can be undertaken till next Spring. I expect him here in the Winter.

Pray write me the News with You. Wishing you Health and Happiness, I rem'n, Y'r Ex's most ob'd't h'ble serv't

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 490.]

Governor Dinwiddie to Governor Dobbs.

Aug. 26th, 1756.

SIR:

Enclos'd I send You a L're from London w'ch came under my Cover. I have a L're from Major Lewis, among the Cherokees. He has finish'd the fort I sent him to build for them, and that much to their Satisfaction, and with't the least Assistance from So. Carolina. I daily expect 150 Cherokees to our Assistance, and I am preparing Necessaries for them.

No news from No'w'd. I hope our Forces will have Success ag'st Crown Point. Various News in regard to Minorea and the Engagem't of Adm'l Bying with the french; that nothing of Certainty yet perspires. Y'r Ex's most ob'd't h'ble Serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 494.]

Governor Dinwiddie to Governor Dobbs.

September 2nd, 1756.

SIR:

Last night the enclos'd came under a Packet to me. You'l, in y'r L're from L'd London, have the disagreeable News of Oswego being taken by the Enemy. Our Vessels on Lake Ontario and the Train of Artillery, that was lodged in that Fortress, and there is reason to think that the Enemy'l come down the Ohio and invade the So'thern Colonies, and I think we are in a very poor Condition to repell their Force. I have sent for the Council to consider w't's to be done in this Emergency. L'd Loudoun writes for recruiting Men here for the Royal Americans; I shall do all in my Power, but I dread the Success thereof. 2 Days ago a Vessell from Barbadoes brings the agreeable News that Admiral Boscawen fell in with the Brest fleet, took 4 of their Capital ships, sunk 2, took 16 transports, and was in Ch'ace of the rest. From the several Circumstances attending this report, I am of Opinion it's true, and from the No'w'd generally believ'd that Adm'l Bying defeated the french fleet in the Mediterranean. I have no account of the Provincials and Regulars that were march'd ag'st Crown Point, but the Enemy hav'g the sole Com'd of Lake Ontario is a Circumstance much ag'st us. I must desire

the favo. of Yo. to send the L'rs to the So'ern Gov'rs with all possible Dispatch, as I presume they are to put 'em on y'r Guard on Y'r Western frontiers. I have no Particulars of the Oswego Affair, bnt from L'd Loudoun's L're I apprehend it's very bad. We've built a Fort in the Cherokee Country without any Assist'ce from Mr. Glen. They promis me 150 of their War'rs to our Assist'ce, and I am, accord'gly, provid'g Necessaries for 'em. I shall be glad to send Yo. better News from the No'w'd; and I rem'n, with great Respect,

Y'r Ex'cy's most h'ble serv't.

P. S.—Please write Gov. Littleton to use his Influence w'th the Catawbas and Cherokees to send us a handsome No. of Y'r War'rs to our Assist'ce. If y's Express to So. Carolina sh'd bring any L'rs for me, pray forw'd 'em w'th all possible Expedition.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 511.]

Governor Dinwiddie to Governor Dobbs.

September 18th, 1756.

SIR:

I rec'd Y'rs of the 7th by return of my Express. We had no Vessells from Londo. of a Long Time, w'ch makes us very barren of News. The Men are ret'd y't I sent to build a Fort in the Cherokee Co'try. They have constructed it, much to the satisfaction of the Ind's, and at the Charge of y's Co'try at least £2,000. They desire and request a No. of Men to garrison the Fort, and every Th'g sh'd be done to keep 'em in good Temper. So. Caro. builds 'em another Fort on River Tennessee, where they propose to leave Men to garrison it, and as the Cherokee Co'try is chiefly in Y'r Province, I think it reasonable and just to send a No. of Men to join those from y's Gov't to garrison y't Fort. I shall propose to our Assembly the supply'g an Officer with 25 Men. A supply from You of the like No., I believe, will be sufficient, and I doubt not You will endeavor with Y'r Ass'y to vote agreeably thereto, and I desire You to write me Y'r success therein as soon as possible. Maj'r Lewis rem'd am'g the Ind's to conduct in here w't Men they w'd send in to our Assistance, and I expect 'em in three Weeks. I think now is the only time for the different Ass'ys to exert y'r utmost Efforts for the Protect'n of Y'r Lives, Relig'n, and Liberties, w'ch are all now at stake. I pray God may direct 'em, y't with Spirit they may do every Th'g necessary and incumb't on 'em at y's Time of appar't Danger.

Pray forw'd the enclos'd by the Post. Heartily wish'g for an Opp'ty of send'g You agreeable News—Wife and Child'n send y'r Complim'ts, and I rem'n with great Truth, Y'r Ex's
 Most ob'd't h'ble serv't.

P. S.—Since writing the above, Co. Hunter arriv'd from N. York, confirms the bad News of Oswego's being taken, and tho't to be surrender'd in a shameful Man'r, hav'g 1,650 Men in it, and generally believ'd to the No'w'd y't Minorca is also, taken. Great Compl'ts ag'st Adm'l Bying. Y'r Son was well, and believ'd his men were to be enlisted in the Royal Americans, and he to ret'n for more Recruits.

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

Know all men by these presents that we Thomas Jones Gent John Vann and James Villars Pollexfin of Chowan County in the Province of North Carolina are held and firmly bound unto Richard Spaight Esq. Secretary and Clerk of the Crown of the province aforesaid, in the full and Just Sum of four hundred Pounds proclⁿ Money, To be paid to the Said Richard Spaight Esq. his Heirs Ext^{ors} Adm^{ors} or assigns To the which payment well and truly to be made We bind ourselves our Heirs Executors & administrators Jointly and Severally firmly by these presents Sealed with our Seals and Dated this Twentieth day of September anno Dom 1756.

The Condition of the above obligation is Such, that Whereas the above bound Thomas Jones, having received a Commission for Clerk of the Crown and Clerk of the Court of Chowan County in the Said Province and Clerk of the Peace within the same, Now if the above bound Thomas Jones shall well and truly perform the Duty of His said offices, And pay the Governor his Secretary and the Said Secretary of this province their respective ffes as they become due Every Six Months, then this obligation to be void otherwise to remain in full force and Virtue.

THOMAS JONES

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 †SEAL†
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JOHN VANN

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 †SEAL†
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JA^s VILLARS POLLEXFIN

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 †SEAL†
 ++++++

Sealed and Delivered in the presence of

ROB^t WALLACE

THOMAS ECLESTON

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 116.]

Letter from Major Lewis to Mr. Lytleton, Gov^r of South Carolina.

ROWAN, N^o CAROLINA, Sept^r 30th 1756.

SIR,

By Order of His Hon^r the Governor of Virginia, I was sent last summer with a number of Workmen to construct a Fort amongst the Cherokees Indians, thō unacquainted with your Excellency I thought it might not be amiss to inform your Excellency of the Disposition of the Cherokees as far as I was capable of observing which your Excellency has enclosed a Copy of which I have sent to His Excellency Governor Littleton, I am now on my return to Virginia.

I expect some of the Cherokee Indians to overtake me in a day or two, when I left their Towns they were not quite ready to march, I left an Officer and two men with them, and at their desire I marched here, in order to provide Provisions for them against their arrival how many of them may come is uncertain until the Indians have a more Friendly Disposition they will be of no service to the English Interest, I expect by this time Captain Demerce, who commands the South Carolina Troops is arrived at Chota. I am your Excellenceys most, &c.,

AND^r LEWIS.

On my arrival at Chota, I met with the most kindest Usage from old hop the Little Carpenter, and all the Indians in general, and expressed themselves to be very willing to comply with the late Treaty held by them with Col. Byrd and Col. Randolph, they continued in this friendly Disposition till I had almost finished the Fort, but when I demanded them to fulfill their promise of sending their Warriors with me to the assistance of Virginia, they then made use of all possible Equivocating Arguments to avoid sending any, the French as well as the Savanahs have a constant correspondence with them more especially the great Town of Tellies and I am convinced that there is some scheme on foot between them and the French to distress us, and that they are greater Friends to the French than to the English, during the time of my stay at Chota there was a Message sent from the Nuntewes to the Little Carpenter, and also another from the Savannahs, and also from the French at Alabama Fort, ever since these Messages have arrived, there has been the greatest change imaginable, and the Contents of their Messages have been kept a secret from me notwithstanding their many

promises to acquaint me with everything they heard or knew, a french-man commonly known by the name of french John, who has lived some considerable time amongst the Cherokees together with a Cherokee wench that speaks the Shawance tongue, were sent eight days past from Chota to the Allobama Fort and to the Savannahs residing thereabouts, with a Message from the little Carpenter, and all the principal men of the upper Towns to the French Shawances there, the Indians at great Telliges expect a French Fort in their Towns and the head men in General approves of the same and are well satisfied therewith and I have the greatest reason to believe from many circumstances that French John and the Indian Wench aforesaid are gone on that Errand, the Indians say it would be good to have a French Fort at Great Tellico, the Little Carpenter is the head man in all these schemes, a Nuntewa fellow called the great Elk who has resided amongst the Cherokees a long time is sent off to his Nation with some of the Cherokees, some Northern Indians who have resided in this Nation some time are soon to be sent to the Northward, I believe to Canada, in short Messages sent and are to be sent, to all Nations of Indians in Alliance with the French themselves, on the 2^d Instant the head men of all the Upper Towns were assembled in Council at Chota and by accident I happened there they had agreed to write a letter to Captain Demerce to order him to return immediately with all the Troops under his Command, and the little Carpenter said, that as to the few soldiers of Captain Demerce that was there, he would take their Guns, and give them to his young men to hunt with, and as to their clothes they would soon be worn out and then their skins would be tanned, and be of the same colour as theirs, and that they should live among them as Slaves; Upon being informed of their designs I spoke to them and made use of all the prevailing Arguments to persuade them to the contrary, upon which they agreed to have a meeting in Council the next day, Accordingly they met and sent for me, upon which they agreed to write to Captain Demerce to come as soon as he possibly could, that they louged to shake hands with him etc. Accordingly they wrote a kind letter to him to that Effect, the day I left Chota the heads of the Indians on taking leave of me desired me that I might tell the Governor of Virginia that they had taken up the Hatchet against all Nations that were Enemies to the English, but to speak my own sentiments I am convinced that the compliment from them was only to blind me as much as possible from their Designs, and that the letter wrote to Captain Demerce was to no other purpose, for they were much disconcerted when they found that I had some intelligence of their intent, and the letter wrote to Captain Demerce was only

to put a gloss on their knavery as was also the Compliment passed on the Aforesaid.

I have reason to believe from the Behaviour of the Indians and from the many Reports of the Indians and Linguestors that [they] had a design to kill me and my men or to endeavour to make Prisoners of us, and I must believe that this scheme would be put in Execution had the first Letter been sent off to Captain Demerce undiscovered, to march his men away, and I have the promise of some of their Warriors to go to Virginia but what number will go with me is uncertain, what goes with me are mostly from the lower Towns there not being more than seven or eight from the Upper Towus.

The Indians Report that there is a number of white people coming up amongst them and they don't want too many of them about them; my Opinion is they want only a few men to live in the Forts, that they may Command them and keep them in subjection, if not well used by the English, that is supplied with ammunition and other things at no cost.

It is therefore my Opinion that there ought to be several hundred men up to strike terror to them and force a Compliance & Submission.

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

NORTH CAROLINA

George the Second by the Grace of God King of Great Britain France and Ireland Defender of the Faith &c

To Robert Jones Esq^r Greeting—

Know ye that we being assured of the Loyalty Integrity Skill and Ability of you the said Robert Jones, have Nominated and appointed and do hereby Nominate and Appoint you the said Robert Jones Esq^r to be our Attorney in and for our said Province of North Carolina in the room and stead of Charles Elliott Esq^r Deceased our late attorney of our said Province hereby giving and Granting unto you During our Pleasure full Power and authority to Prosecute all Actions whatsoever as well Civil as Crimminal in the several Courts of Judication of our said Province wherein we are or shall be a Party And we Do hereby authorize and Empower you to take and receive and enjoy all salaries fees Perquisites and Priviledges whatsoever which to the office of Our attorney of our said Province belonging or in any wise appertaining and also one or more Deputy or Deputies in your stead and place to substitute and appoint and Generally to do and act as to the office and Duty of our attorney of our said province Doth Legally appertain.

Witness our Trusty and well Beloved Arthur Dobbs Esq^r our Captain General Governor and Commander in Chief of our said Province under his hand and the seal of the said Province at Newbern the 4th Day of October in the Thirtieth year of our Reign and in the year of our Lord 1756

ARTHUR DOBBS.

McCULLOH AND THE McCULLOH GRANTS.

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

24 March 1752.

(A)

GEORGE R.

Whereas by Warrant under our Royal Sign Manual bearing date on or about the 16th day of May 1739. We did constitute and appoint Henry McCulloh Esq^r to be our Commissioner for Supervising inspecting and Comptrolling our Revenues and Grants of Land in South and North Carolina, and did thereby give and Grant unto him a Salary or Allowance of Six hundred pounds £ Ann for himself and Two hundred pounds £ Ann for Clerks and incidents payable out of our Revenues of Quit Rents that should be recovered and improved in the said provinces or either of them after satisfying all such Salaries and Arrears thereof as were then Established thereupon And Whereas the said Henry McCulloh has humbly represented unto us that he did in October 1740 sail from hence to Carolina, and did continue there until the middle of the year 1747, and that he used his best endeavours in the Execution of his said Employment and transmitted hither Accounts of his proceedings therein and of the difficulties and obstructions he met with whereby he had been able to receive only One Thousand pounds Sterling money in part of his Salary and is reduced to great Straights, and hath thereupon humbly prayed that the arrears remaining due to him to answer Nine Years on the said Salaries or Allowances of Six hundred and Two hundred pounds £ Ann from the 16th day of May 1739 to the 16th day of May 1748 may be paid to him out of our Revenues of South Carolina, in Consideration whereof he hast proposed and consented to release and wave all further pretensions and demands with respect to the said appointment and the said Salaries and Allowances from that time for the future, which Proposal Release and Waver We are Graciously pleased to accept and approve after due Consideration had of a report made by our Attorney General which the Commissioners of our Treasury have laid before us concerning the Premises Our Will and Pleasure therefore is and we do hereby

authorize and Direct you to pay or cause to be paid in manner herein after mentioned unto Henry McCulloh or his order or Assigns the sum of Six Thousand two hundred pounds Sterling money in Satisfaction and discharge of all his pretensions and Demands on account of his said appointment Salaries and allowances so determined (that is to say) That you forthwith pay all such money as shall be remaining unapplied in your hands of our said Revenues at the time this our Warrant or an authentick Copy thereof shall be produced to you, unto the said Henry McCulloh or his Order or Assigns so far as the same will extend towards answering the said sum and that you likewise pay over from time to time Quarterly without delay unto him his Order or Assigns all such sum or sums of money of our said Revenues as shall arise and be remaining in your hands over and above what shall be necessary to be reserved for satisfying what shall be at the End of Each Quarter due on the Salarys Fees and Allowances that were actually established and made payable in South Carolina on or before the 16th day of May 1739 until by such payments the said whole sum of Six Thousand two hundred pounds shall be completely paid and satisfied and this shall be as well to you for Payment as to the Auditor General of our Plantations or his Deputy and all others concerned for passing and allowing such Payments upon your accounts a sufficient Warrant an Entry hereof being first made with the said Auditor

Given at our Court at Saint James's this 24th March 1752 in the 25th Year of our Reign.

By his Majesties Command

H. PELHAM
G. LYTTTELTON
J: CAMPBELL

To our Trusty and well beloved George Saxby Esq^r Receiver General of our Revenues in South Carolina and to the Receiver thereof for the time being.

[Endorsement.]

Enter'd in the office of the Right Hon^{ble} Horatio Walpole Esq^r auditor and Surveyor General of all his Majesties REVENUES in America, the 7th day of April 1752. THO^s SMITH Dep Aud^r

To George Saxby Esq^r Receiver General of his Majesties Quit Rents in the Province of South Carolina 7th December 1754

Pray pay to Henry McCulloch Esq^r Secretary of North Carolina or his order or Assigns Nine hundred and seventy three pound Sterling other part of the above mentioned Six Thousand two hundred pounds next and immediately after 227 pounds Sterling drawn on you payable

to the R^t Hon^{ble} Stephen Theodore Janssen Esq^r for the use of Peter Bennezet of Amsterdam; which said nine hundred and seventy three pounds is for the use of James M^cCulloh Esq^r and in full discharge of all Debts Due to his late Father deceased, and as you by your Accompts dated in March 1753, have acknowledged to have a Ballance of four Thousand pounds and upwards Proclamation money in your hands—due to his Majesty and applicable to me and my order, and I have already drawn on you only for Seventeen hundred and sixty seven pounds Sterling in preference of this order, You are hereby required to make dne payment of this nine hundred and seventy three pounds and this shall be a sufficient discharge for the same

HENRY M^cCULLOH.

Peter Sandiford Clerk to Edward Combs of New Inn in the county of Middlesex Gentleman maketh oath and saith that the paper writing hereunto annexed marked with the Letter (A) is a true Copy of His Majestys Royal Warrant bearing date the Twenty fourth day of March one thousand seven hundred and fifty two directed to George Saxby Esq^r Receiver General of his Majestys Revenues in South Carolina and to the Receiver thereof for the time being, for payment of the sum of six thousand two hundred pounds to Henry McCulloh Esq^r late His Majesties Commissioner for supervising inspecting and controlling His Revenues and Grants of Land in South and North Carolina, this Deponent having carefully examined and compared the same with the said original Warrant entered in the office of the Rt Hon^{ble} Horatio Walpole Esq^r auditor and Surveyor General of all His Majesties Revenues in America And this Deponent further saith that he was present and did see the said Henry McCulloh sign the order thereunder written directed to the said George Saxby Receiver General of His Majesties Quit rents in the Province of South Carolina and that the name Henry McCulloh thereto subscribed is the proper hand writing of the said Henry McCulloh

PET^r SANDIFORD

Sworn in London the 21st day of December
1754 before me

STEPH: THEOD: JANSSEN Mayor

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith.

To our beloved Henry M^cCulloek Esquire Greeting

We do by these presents make ordain, nominate and appoint you the said Henry M^cCulloek Esquire to be our Commissary in North Carolina in America and Territories thereunto belonging in the Room of the

Former deceased hereby granting unto you full power to take cognizance of and proceed in all causes civil and maritime, and in complaints, contracts, Offences, or Suspected Offences, Crimes, pleas, Debts, Exchanges, policies of assurance, accounts, Charter parties, Agreements, Bills of Loading of Ships and all matters and Contracts which in any manner whatsoever relate to freight due for ships hired and Let out, Transport money or maritime usury _____, or which do any ways concern Suits, Trespasses, Injuries, Extortions, Demands and Affairs Civil and Maritime whatsoever between merchants or Between owners and proprietors of Ships or other Vessels and merchants and other persons whomsoever with such owners and proprietors of Ships and all other vessels whatsoever employed or used or between any other persons howsoever had made began or contracted for any matter cause or thing, Business or Injury whatsoever done or to be done as well in, upon or by the Sea or publick streams or fresh waters, ports, Rivers Creeks and places overflowed whatsoever within the Ebbing and flowing of the Sea or high water mark as upon any of the shores or banks adjoining to them or either of them together with all and singular, Emergencies, Dependences annexed and Connexed Causes whatsoever and such Causes, Complaints, Contracts and other the promises above said or any of them howsoever the same may happen to arise be contracted, had or done To hear and determine (according to the civil and maritime Laws and Customs of our high Court of Admiralty of England) in North Carolina abovesaid and the Territories thereof and thereunto belonging whatsoever, and also with power to sit and hold Courts in any Citys Towns and places in North Carolina aforesaid for the hearing and Determining of all such Causes and Businesses, together with all and Singular their Incidents Emergencies Dependences annexed and Connexed Causes whatsoever and to proceed judicially and according to Law in administering Justice therein and moreover to compel witnesses (in case they withdraw themselves for Interest fear favor or ill will or any other cause whatsoever to give evidence to the truth in all and Every y^e Causes above mentioned according to the Exigencies of the Law and further to take all manner of recognizances Cautions obligations and Stipulations as well to our use as at the Instance of any parties for agreements or Debts and other Causes and businesses whatsoever and to put the same in Execution and to cause and command them to be Executed also duely to search and inquire of and concerning all Goods of Traitors pirates manslayers felons fugitives and felons of Themselves and concerning the Bodies of persons drow'd killed or by any other means coming to their Death in the Sea or in any Ports, Rivers, publick Streams or Creeks and

places overflowed & also concerning Mayhem hapning in the aforesaid places & Engins Toils and nets prohibited & unlawful and the occupiers thereof And Moreover concerning Fishes Royal, namely Whales Riggs Grampasses Dolphins Sturgeons and all other Fishes whatsoever which are of a Great or very large Bulk or fatness by right or custom anyways used belonging to us and the office of our high Admiral of England and also of and concerning all casualtyes at Sea, Goods wrecked, Flotzam, Jetsam, Lagon Shaves, Things raft overboard and wreck of the sea and all goods taken or to be taken as Derelict or by chance found or to be found and all other Trespasses misdemeanors offences Enormityes and Maritime crimes whatsoever done and committed or to be done and committed as well in and upon the high sea as all ports Rivers fresh waters and creeks and shores of the Sea to high water mark from all first Bridges towards the Sea in and throughout North Carolina aforesaid and the Maritime Coasts thereof and thereunto adjoining howsoever whomsoever or by what means soever arising or hapning and all such things as are Discovered and found out, as also all fines, mullets, ameracements and compositions due and to be Due in that Behalf To tax moderate, demand collect and levy and to cause the same to be demanded levied & collected and according to Law to compel and command Them to be paid and also to proceed in all and Every the causes and Business above recited and in all other contraets causes contempts and offences whatsoever howsoever contracted or arising (so that the goods or persons of the Debtors may be found within the Jurisdiction of the Vice Admiralty in North Carolina aforesaid) according to the civil and Maritime Laws and customs of our said high Court of Admiralty of England antiently used and by all other Lawfull ways, means and methods according to the best of your skill and Knowledge and all such Causes and contracts to hear Examine, discuss and finally determine (saving nevertheless the Right of appealing to our aforesaid high Court of Admiralty of England and to the Judge or president of the said court for the time being and saving always the Right of our said high Court of Admiralty of England and also of the judge and Register of the same court from whom or either of them it is not our Intention in anything to derogate by these presents) and also to arrest and cause and command to be arrested all ships, persons and Things Goods wares and merchandizes for the premises and every of them and for other causes whatsoever concerning the same wheresoever They shall be met with or found within North Carolina aforesaid and Territories of the same either within Libertys or without and to compel all manner of persons in that behalf as the case shall require to appear and to answer with power of using any temporal Coertion and of Inflict-

ing any other penalty or mulct according to the Laws and Customs aforesaid and to do and Minister Justice according to the Right order and course of the Law, summarily and plainly looking only into the Truth of the fact and we Impower you in this behalf to fine, correct, punish chastise and reform and imprison and cause and command to be imprisoned in any Gaols being within North Carolina aforesaid and Maritime places of the same the partys Guilty and Violators of the Law and Jurisdiction of our Admiralty aforesaid and usurpers Delinquents, contumacious, Absenters, Masters, Masters of Ships, Mariners, Rowers, fishermen, Shipwrights and other workmen and artificers whomsoever Exercising any kind of Maritime affairs, as well according to the aforementioned Civil and Maritime Laws and Ordinances and Customs aforesaid and their Demerits as according to the Statutes and Ordinances aforesaid and those of our Kingdom of Great Britain for the Admiralty of England in that Behalf made and provided and to Deliver & absolutely discharge and Cause and Command to be Discharged whatsoever persons imprisoned in such eases who are to be delivered and to promulge and Interpose all manner of Sentences and Deerees and to put the same in Execution and Cognizance and Jurisdiction of whatsoever other Causes Civil and Maritime which relate to the Sea or which any manner of ways respect or concern the Sea or passage over the same or naval or Maritime voyages performed or to be performed or the Maritime Jurisdiction abovesaid with power also to proceed in the same according to the Civil and Maritime Laws and Customs of the aforesaid Court antiently used as well those of Meer Office met or promoted as at the Instance of any party as the Case shall require and seem Convenient. And we do by these presents which are to continue during our Royal Will and pleasure only further give and Grant unto you Henry M^cCulloch Esquire our said Commissary the power of taking and knowing all and every the wages, fees, profits, advantages and commodities whatsoever in any manner due and antiently belonging to the said office according to the Custom of our high Court of Admiralty of England committing unto you our power and authority concerning all and singular the premises in the several places above expressed (Saving in all things the prerogative of our high Court of Admiralty of England aforesaid) together with power of Deputing and surrogating in your place for and concerning the premises one or more Deputy or Deputies as often as you shall think fitt Further We do in our name command and finally & strictly charge all and singularly our Governors, Commanders Justices of the peace Mayors, Sheriffs Marshalls Keepers of all our Gaols and prisons, Baliffs Constables and all other our officers.

and Ministers and faithful and liege subjects in and throughout North Carolina aforesaid and the Territories thereof and thereunto belonging That in the Execution of this our Commission they be from time to time aiding assisting & yield obedience in all Things as is fitting unto you & your Deputy whomsoever under pain of the Law and the peril which will fall thereon

Given at London in the high Court of our Admiralty of England aforesaid under the Great Seal thereof the Sixth Day of December in the Year of our Lord one Thousand Seven hundred and fifty four and of our Reign the Twenty Eighth

SAM^l HILL Register.

Ex^d

To all to whom these presents shall come I Henry M^cCulloh of Turnham Green in the County of Middlesex Esq^r send greeting.

Whereas I am entitled to a certain district of Land containing seventy one Thousand one Hundred and Sixty Acres between the North East branch of Cape Fear River and Black river in North Carolina in America by virtue of a Grant thereof from his present Majesty bearing date the 3^d day of March 1745-6 subject to certain Conditions in the said Grant mentioned as by the said Grant: relation being thereunto had more fully may Appear Now Know ye that I the said Henry M^cCulloh have made Ordained Constituted and Appointed and by these presents do make Ordain Constitute and Appoint Alexander M^cCulloh Esq^r Deputy Auditor of his Majesties Province of North Carolina my true and Lawfull Attorney for me and in my name and to and for my use to Treat, Agree and Contract with any Person or Persons whomsoever for the Sale and Disposition of any Quantity or Quantitys Number or Numbers of Acres of Land belonging to me and situated between the North East branch of the Cape Fear River and black river in North Carolina aforesaid subject nevertheless to such Provisos and Conditions as are contained in the Grant thereof made to me as aforesaid And I do Hereby further give and grant unto my said Attorney full Power and absolute authority to make constitute and appoint one or more Attorney or Attorneys Substitute or Substitutes in his place and stead to do perform and Execute all acts and Things whatsoever which my said Attorney himself might or could do by virtue of these Presents and at his Pleasure from time to time to revoke the same Hereby giving and granting unto my said Attorney his Substitnte or Substitntes my full and Absolnte Power in the Provinces and I do hereby Promise and agree to ratify and Confirm in the most full and Ample manner all act

and acts thing and Things whatsoever which my said Attorney his Substitute or Substitutes shall lawfully do or cause to be done in Execution of the Premises by these Presents granted In Witness hereof I have Hereunto set my Hand and Seal this 9th day of April One Thousand Seven Hundred and fifty five.

HENRY M^cCULLOH †††††
 †SEAL†
 †††††

Signed Sealed and Delivered in the Presents of

J. RIEUSSET

HENRY OWENS

Know all men by these presents that we Henry M^cCulloh of Turnham Green in the County of Middlesex Esquire, and Joshua Willcox of the City of Bristol Merchant Have and each of us have made Ordained Constituted and appointed and by these presents, Do and each of us do make ordain Constitute and appoint and in our places and steads put and depute Alexander M^cCulloh Esquire, Deputy Auditor of North Carolina in America and John Campbell of Bertie County, in North Carolina aforesaid Merchant, and the Survivor of them our True and Lawful Attornies and Attorney for us and in our Names and on our Behalfe to Demise Let or Set for any Term or Number of Yeares and also to Sell or Dispose of grant or Convey in fee or for such other Estate or Estates as our said Attornies or Attorney shall think proper, All Those Sixteen Several Tracts or parcells of Land each Tract or Parcell of Land containing about Twelve Thousand and five Hundred Acres Eight of which Tracts or Parcels of Land are Situate and lying on great Pedee and Wharee Rivers in North Carolina aforesaid and the other Eight of the said Tracts or Parcels of Land are Situate and Lying near or upon Haw River in North Carolina aforesaid and which Sixteen Several Tracts or parcells of Land N^o 7 and 11 in the Original Survey and were Granted by Sixteen Several Deeds or Instruments in Writing under the Seal of the Province of North Carolina aforesaid (as by the Grants thereof or the Records of Such Grants may Appear) and are Vested in and Belonging to us and that in such Parts or Parcels as to our said Attornies or Attorney shall seem to be for our greatest Advantage Reserving to and to the Use of us our Heirs and Assigns as Tenants in Common the Yearly Rent of four Shillings Proclamation money for every One hundred acres of the said Lands which shall be by them or him Let or Set Sold or Disposed of and we do hereby Authorize and Impower our said Attornies and the Survivor of them for us and in our names and as our Several Acts and Deeds to Sign Seal and Deliver all or any Deeds Writ-

ings and Instruments in the Law Necessary or Requisite for Demising Letting Seting or Selling or Disposing or granting or Conveying of the said Lands or any Part thereof So that in such Deeds Writings and Instruments be contained proper Covenants or Agreements on the Part of the Lessees or Grantees their Heirs Executors Administrators and Assigns for Payment of the said Yearly Rent to us and our respective Heirs or Assigns or to such other person or Persons as we our Heirs or Assigns shall direct the same to be paid and at such Times and in such Manner as usall in like Cases, and that Such Lessees or Grantees their Heirs Executors Administrators or Assigns shall at their own Expence within Six Months after Notice given to them Produce their several and Respective Leases, or Grants in order that the Same or Copies thereof may be entered or Recorded and thereupon shall Attorn and become Tenants for Payment: of such Rent: to the Person or Persons to whom we shall direct the same to be paid and also for us and in our names and for our Respective Uses to Demand and receive of the Several lessees or Grantees their Heirs Executors Administrators or Assigns Such Yearly rent as the same shall from time to time be become due and Payable and in case of refusal to Pay the same to use all Legal ways and means for the Recovery or Obtaining payment thereof and in the mean time and untill such Lands can or shall be so let or Set Sold or Disposed of to take Care of and Manage the Same for our benefit and Advantage and Generally to do Execute and Perform all and whatsoever that shall be needful to be done in and about the said premises and that as fully and Effectually to all Intents and Purposes as we or either of us might or Could do if personally Present to Do or Perform the same in our own Persons And we do hereby promise to Ratify and Confirm all and whatsoever our said Attornies or Attorney shall Lawfully Do or Cause to be Done in or about the said premises by virtue of these Presents

In Witness whereof we have hereunto set our hands and Seals this Twenty Ninth Day of August In the year of our Lord One Thousand Seven Hundred and fifty five.

HENRY M^cCULLOH †++++†
†SEAL†

JOSHUA WILLCOCKS †++++†
†SEAL†

Sealed and Delivered (by the above named
Henry M^cCulloh and Joshua Willcocks)
in the presence of

GEORGE ADDERLY Not^{ry} Pub^{lc}
BENJAMIN KING

Henry M^cCulloh's Proposals To the Right Honourable the Earl of Granville made 27th Sept^r 1755.

1st That His Lordship agree that the said Henry M^cCulloh should enjoy under His Lordship all the Priviledges to Certain Lands lying within His Lordships district of North Carolina which were granted to him the said Henry M^cCulloh in and by Governor Johnstons Grants of said Lands dated Third Day of March One Thousand Seven Hundred and Forty five.

2^d That his Lordship give the said Henry M^cCulloh a Declaration in Writing that his Agents had not Any Authority from His Lordship to Admit of Entries or pass Grants of such Lands to any person whatsoever.

3^d That the said Henry M^cCulloh will register his Grants in his Lordship's Office in North Carolina, and attorn to His Lordship for the Payment of Quit Rents to be Due thereupon to His Lordship His Heirs and Assigns.

4th That His Lordship would be pleased to Accept of the annual Payment of Four Hundred Pounds Proclamation Money of North Carolina in lieu of Quit Rents that would be due for said Lands from Twenty fifth March from One Thousand Seven Hundred and fifty seven unto Twenty fifth March One Thousand Seven Hundred and Sixty.

5th That after the Expiration of said Term the said Henry M^cCulloh will surrender to His Lordship all such parts of said Lands as shall not be on said Twenty Fifth March One Thousand Seven Hundred and Sixty settled in the proportion of One White person for every Two Hundred acres contained in said Grants and also make all Those who shall hold any Parts of said Lands by Mesne Conveyances or Otherwise under him to Attorn Tennants unto his Lordship for the Payment of their Respective Quit Rents.

HENRY M^cCULLOH ++++++
 |SEAL|
 +++++

His Lordships Concessions.

With respect to the first Proposal—

His Lordship agrees that Henry M^cCulloh shall enjoy all those Priviledges under His Lordship which were intended him by the said Grants of Governor Johnston paying to his Lordship His Heirs or Assigns the Quit rents to be due and payable for the Same in manner hereafter mentioned.

To the 2^d—His Lordship Declares that he gave Particular and Express Orders to His Agents not to Take Entries or pass Grants at any time of said Lands to any Person whomsoever.

To the 3^d—That in consequence of the Above the said Henry M^cCulloh shall register the said Grants or Authentic Transcripts thereof together with the annex surveys in His Lordships Land Office in Edenton in North Carolina within Twelve Months from the Date hereof and also Attorn Tennant to His Lordship at His House in Westminster for the payment of Quit rents to be due for said Lands to His Lordship His Heirs and Assigns for Ever.

To the 4th—His Lordship will Accept of the Annual Payment of the said four Hundred Pounds in Lieu of Quit rents for said Lands from Twenty fifth of March One Thousand Seven Hundred and fifty seven unto Twenty fifth of March One Thousand Seven Hundred and Sixty provided the said four Hundred Pounds be regularly paid on said Day in every Year unto the said Twenty fifth March One Thousand Seven Hundred and Sixty inclusive and that the said Henry M^cCulloh shall Register his said Grants or Authentic Transcripts and Surveys as aforesaid either here or in said office within such Limited Time as aforesaid provided that from said Twenty Fifth Day of March One Thousand Seven Hundred and Sixty the whole Annual Quit Rents for all such part of said Lands as shall be held by the said Henry M^cCulloh his Heirs or Assigns at the rate of Four Shillings said Proclamation or Three Shillings Sterling Money 7⁹ Hundred Acres thereof shall be from thenceforth paid by the said Henry M^cCulloh His Heirs and Assigns to His Lordship his Heirs and Assigns for Ever.

To the 5th—His Lordship declares that the above Concessions on his Part are Granted to the said Henry M^cCulloh on Condition that he or his legal Representative shall within Six months after 4^d Twenty fifth March One Thousand Seven Hundred and Sixty surrender to His Lordship His Heirs or Assigns by Sufficient Legal Conveyances all such parts of said Lands as shall not Happen to be Bona fide settled on said Twenty fifth March One Thousand Seven Hundred and Sixty in the Proportion of One White Person for every Two Hundred acres and also that the said Henry M^cCulloh shall from time to time Oblige all such Persons as shall happen to Hold any Part of said Lands by Mesne Conveyances or Otherwise under him to Attorn Tenants within Six months after the Date of such respective Conveyances To His Lordship His heirs and Assigns for the Payment of their respective Quit Rents after the aforementioned rate to His Lordship his Heirs and Assigns in every Year for Ever.

In Testimony of the reciprocal Agreement of the above Parties to this Contract and to every part thereof the said Right Honourable the Earl Granville has for his part Subscribed and hereunto put his Seal of Arms and the said Henry M^cCulloh hath also for his Part signed and Sealed the

Same this Thirteenth Day of December in the Year of our Lord One Thousand Seven Hundred and fifty five.

GRANVILLE 

Sealed and Delivered by the within
Named John Earl Granville and Henry
M^cCulloh in the Presence of

THOMAS CHILD
JOHN PADMORE

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. P. 104, 123, 124. VOL. 22. P. 208, 215.]

WHITEHALL, OCT. 9, 1756.

MY LORDS, [OF THE BOARD OF TRADE]

Pursuant to your Lordship's order dated the 18th of August last, we have taken into our consideration the humble Petition of Henry M^cCulloh Esq^r praying for the reasons therein contained that His Majesty will be graciously pleased to order the Sum, which was formerly deducted from the Arrears of Salary due to him as comptroller of the Quit Rents in South and North Carolina to be now set off against the Quit rents of such lands as the Petitioner and his Associates are entitled to in the Province of North Carolina and that in consideration of his great sufferings and the Obstructions which have been given him by the War in America, he may be at liberty to carry on the Settlement of the said Lands untill the 25th of March 1760. at which time the Petitioner will surrender to his Majesty all the lands which have been granted to him or his Associates within his Majesty's Division in the Province of North Carolina that are not then settled in the Proportion of one white Person for every two hundred acres contained in the said grants. Whereupon we beg leave to report to your Lordships. That the case of the Petitioner as set forth in his Petition appears to us from the many difficulties and hardships with which it has been attended to be worthy of compassion the Lords of his Majesty's Treasury seem to have considered it in the same light and to have granted him Five hundred pounds out of the Duty of 4½ per cent from Motives of commiseration and upon Principles of Equity. And as M^r M^cCulloh has in explanation of the first part of the Prayer of his Petition acquainted us that his meaning, though not so expressed is to deduct the said Five hundred pounds from three thousand eighty four pounds, being the total Sum abated in March 1752 on the Arrears of salary then due to him and to pray that the remainder

being two thousand five hundred Eighty four pounds may be now set off against the Quit rents of such Lands as he and his associates are entitled to in the Province of North Carolina, we see no reason why His Majesty may not in his Royal Bounty and goodness be graciously pleased to grant the Petitioner this his humble request.

With regard to the second Point contained in the Prayer of the said Petition, we beg leave to acquaint your Lordships that the Term of ten years at the end of which the Petitioner is by the conditions of his grants to surrender to his Majesty all such parts of his Lands as shall not then be settled in the proportion of one white Person for every two hundred acres, will expire in March next And his Majesty's Governor of North Carolina is by the 84th Article of his Instructions directed to examine into the State of the said Lands at the expiration of the said Term and to seize and take possession of all such parts of them as shall not at that time be so settled. But as the many difficulties and hardships, which the Petitioner appears to have undergone, the State of Hostility in which America has so long been and the War in which it now is engaged must have greatly obstructed the Petitioner in the Prosecution of his settlements the Indulgence of three years longer appears to us to be a reasonable request and we would humbly propose that his Majesty's Governor of North Carolina may accordingly be directed to defer the Execution of the said Article of his Instructions till after the 25th of March 1760

We are my Lords, &c.,

DUNK. HALIFAX *
ANDREW STONE
JAMES OSWALD.

Lords of Trade to Governor Dobbs.

WHITEHALL March 9th 1756.

SIR, *

We have had under our consideration the 84th Article of your Instructions, whereby you are directed to enquire into the State of the Grants made in the year 1746 to the Associates of Murry Crymble and James Huey and forthwith transmit to us an Account thereof and when the Term of ten years, to be computed from the dates of the said Grants, was expired you was empowered to seize and take possession of, as Escheats, all such parts of the Land as were not settled according to the Terms of the Grants and as the said Instruction appears to us to be doubtful and to admit of different constructions, We think it Our Duty to acquaint

you, that We do not apprehend it was His Majesty's Intention that any step should be taken towards seizing the said Lands, until you had examined into the actual State of them and transmitted an Account thereof to us, which we desire you will do with all convenient speed and likewise that you will give notice of this letter to the Surveyor General or other proper Officers, that they may proceed accordingly

We are, Sir, &c.,

DUNK. HALIFAX.

FRAN. FANE.

J. TALBOT.

Order of His Majesty in Council.

At the Court at Kensington the 13th October 1756.

Present The King's most Excellent Majesty in Council

Whereas Henry M^cCulloh Esq^{re} hath by Petition to his Majesty at this Board humbly prayed, amongst other things, that in Consideration of his great sufferings and the obstructions which have been given him by the war in America, he may be at liberty to carry on the Settlement of such Lands as he and his Associates are entitled to in the Province of North Carolina, until the 25th of March 1760, at which time the Petitioner will surrender to his Majesty all the Lands which have been granted to him or his Associates within his Majesty's Dominion in the Province of North Carolina that are not then settled in the proportion of one white person for every two hundred acres contained in the said Grants, And whereas the Lords of the Committee of His Ma^{ty's} most Hon^{ble} Privy Council to whose Consideration his Ma^{ty} thought proper to refer the said Petition have this day reported to his Majesty at this Board that they have consulted the Lords Commissioners for Trade & Plantations thereupon, & that it appeared the term of ten years, at the end of which the Petitioner is by the Conditions of his Grants to surrender to his Ma^{ty} all such parts of his Lands as shall not then be settled in the proportion of one white person for every two hundred acres will expire in March next, & that the Gov^r of N^o Carolina is by the 84th Article of his Instructions directed to examine into the state of the said Lands at the Expiration of the said Term & to seize and take possession of all such parts of them as shall not at that time be so settled; but as the many difficulties & hardships which the Pet^r hath undergone, the state of hostility in which America hath so long been & the war in which it is now engaged must have greatly obstructed the Pet^r & his associates in

the prosecution of their Settlements, the indulgence of three years longer appeared to be a reasonable request, & therefore proposed that his Ma^{ty} Gov^r of North Carolina might be directed to defer the Execution of the said Article of his Instructions till after the 25th of March 1760—His Majesty taking the said report into consideration is pleased with the advice of his Privy Council to approve thereof, and accordingly to order as it is hereby ordered, that the Gov^r or Commander in Chief of his Ma^{ty} Province of North Carolina do defer carrying it into Execution the said eighty fourth Article of his Instructions relative to the said Land till after the 25th March 1760.

A true Copy.

W. BLAIR.

Order of his Majesty in Council.

At the Court at Kensington the 13th October 1750

Present The King's most Excellent Majesty in Council.

Whereas Henry M^cCulloh Esq^r hath by Petition to his Majesty at this Board humbly prayed amongst other things, that His Majesty would be graciously pleased to order the sum which was formerly deducted from the Arrears of salary due to him as Comptroller of the Quit rents in South and North Carolina to be now sett off against the Quit rents of such Lands as the Petitioner & his Associates are entitled to in the Province of North Carolina. And whereas the Lords of the Committee of his Majesty's most Honourable Privy Council, to whose consideration his Maj^{ty} thought proper to refer the said petition, have this day reported to his Majesty at this Board that they have consulted the Lords Commiss^{rs} for Trade and Plantations thereupon, & that the case of the Petitioner appears from the many difficulties and hardships with which it has been attended, to be worthy of compassion. That the Lords of His Majesty's Treasury seem to have considered it in the same light, and to have granted him five hundred pounds out of the Duty of $4\frac{1}{2}$ per cent from motives of Commiseration, and upon principles of Equity and therefore the Lords of the Committee were of Opinion, that His Majesty might be graciously pleased to grant the Petitioners request as to the remainder of the money abated in March 1752 on the Arrears of Salary then due to him amounting to Two Thousand five hundred and eighty four pounds. His Majesty taking the said report into Consideration is pleased with the advice of His Privy Council to approve thereof, and accordingly to order as it is hereby ordered that the remainder of the money abated in March

1752 on the Arrears of Salary then due to the Petitioner amounting to Two Thousand five hundred and eighty four pounds be sett off against the Quit rents of such Lands as the Petitioner and his Associates are entitled to in the Province of North Carolina. And the Right Honourable the Lords Commissioners of his Majesty's Treasury are to give the necessary Directions herein Accordingly.

A true Copy.

W. BLAIR.

At the Council Chamber Whitehall the 18th day of August 1756.

By the Right Honourable the Lords of the Committee of Council for Plantation affairs.

His Majesty having been pleased by his Order in Council of the 13th of this Instant to refer unto this committee the Humble Petition of Henry M^cCulloh praying for the Reasons therein contained that his Majesty will be graciously pleased to order the Sum which was formerly deducted from the Arrears of Salary due to him as comptroller of the Quit Rents in South and North Carolina to be now set off against the Quit Rents of such Lands as the Petitioner and his Associates are entitled to in the Province of North Carolina and that in consideration of his great sufferings and the Obstructions which has been given him by the War in America that he may be at Liberty to carry on the Settlement of the said Lands untill the 25th of March 1760 at which time the Petitioner will surrender to his Majesty all the Lands which have been granted to him or his Associates within his Majesty's Division in the Province of North Carolina that are not then settled in the Proportion of one White Person for every two hundred acres contained in the said Grants—The Lords of the Committee this day took the same into their consideration and are hereby pleased to refer the said Petition (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and report their Opinion thereupon to this Committee

W. SHARPE.

To his most excellent Majesty in Council

The humble Petition of Henry M^cCulloh Sheweth

That on the 16th May 1739 your Majesty was graciously pleased to order an Inquiry to be made into the Records and also into the Grants and Revenues of the Crown in the Province of S^o and N^o Carolina and to that end appointed your Petitioner Commissioner for supervising

inspecting and controlling your Majesty's Revenues and Grants of Lands with a Salary of £800 ^pann and payable from the Quit Rents in said Provinces but your Majesty's Petitioner met with great opposition in the Execution of his Office which essentially hurt him and defeated the Intention of the said Inquiry.

That on your Petitioner's return to England in 1748 the Right Honourable the Lords of the Treasury were pleased to refer his Case to the late Sir Dudley Ryder who by his Report dated 28th Oct^r 1749 gave it as his Opinion to their Lordships—

“That as Mr. McCulloh appeared by the Papers transmitted to him to have entered upon his Office on the foundation of the Grant and Salary annexed to it and to have executed it as far as the circumstances of the case and the difficulties and Obstructions he had met with would permit and this at a very great Expence of Time Labour and Money he humbly apprehended that the Arrears of his Salary and the growing payments thereon so long as he continued in his Office should be paid out of the arrears and growing payments of the Quit Rents of South Carolina out of the payment thereof of such Salaries as had been established upon the same Quit Rents before the time of his Grant w^{ch} was the 16th May 1739.”

By the above Report the Arrears of Salary due to your Majesty's Petitioner the 24th of March 1752 amounted to £9284 Sterling and yet altho there was so great an arrear due to him and that the Quit Rents if fairly accounted for would have answered the payment thereof he could not receive any part of said sum unless the Right Honourable the Lords of the Treasury had thought fit to remove the Stoppage which had been given to the payment of his Salary but as their Lordships were silent on that Head your Majesty's Petitioner was reduced to the sad alternative of either surrendering his Commission and receiving only part of the arrears of Salary due to him or as he was unable to pay the debts he had contracted in the execution of his Office to surrender himself to his creditors and spend the remainder of his unhappy life in a Goal.

Therefore your Majesty's Petitioner submitted himself to the Right Honourable the Lords of the Treasury on that head and prayed their Lordships to determine his Case as they thought fit.

Whereupon their Lordships were pleased to grant him a Warrant dated 24th March 1752 for the payment of £6200 Sterling next and immediately after the Officers that were upon the Establishment in South Carolina the 16th May 1739 in condition that he surrendered his Commission and received the said Sum of £6200 in full of all demands being an abatement of £3084 on the arrears of Salary then actually due to your

Petitioner over and above which the uncertainty of the said Warrant and the delays it was liable to lowered it so much in point of value that it could not be discounted for more than £3000.

In consequence thereof your Petitioner did obtain some ease from his Creditors and some relief from his distresses yet the Receiver General protesting his Bills under pretence that he had not Money enough in his hands to answer them your Petitioner became liable to a reexchange of 15 $\frac{1}{2}$ cent and 8 $\frac{1}{2}$ cent Int^r so that upon the whole your Petitioner has not only been deprived of his Salary for 8 years he continued in your Majesty's service in America but also for other 8 years since his return to England.

Your Majesty's Petitioner therefore humbly represented the hardships of this his case to the R^t Hon^{ble} the Lords of the Treasury and humbly prayed their Lordships that as his sufferings and distresses arose from causes of a very unusual and extraordinary Nature and also that he was in danger of being sued for the Reexchange of Bills drawn on said Receiver they would be pleased to grant him £500 Sterl: out of the 4 $\frac{1}{2}$ p^r c^t Duty or out of any other fund their Lordships should think fit to direct and as their Memorialists Salary was payable out of the Quit Rents of South and North Carolina or either of them and as in less than a year their Memorialists and his associates in several Grants of Lands he is concerned in in North Carolina would be indebted to the Crown upwards of £300 Sterling p^r ann. he further prayed their Lordships would be pleased to grant him an Exemption of Quit Rents equal to the sum of £2584 sterl: which with the £500 prayed for out of the 4 $\frac{1}{2}$ per: cent Duty would amount to no more than the sum formerly deducted from the arrears of Salary due to him and as the Quit Rents are not duly accounted for the Revenues of the Crown would not be lessened thereby.

The Right Honourable the Lords of the Treasury were pleased by their order dated 17th June 1755 to refer the above Memorialist to his Majesty's attorney General who reported to their Lordships.

That altho their Memorialist had not any legal remedy except the Warrant mentioned in his Memorial yet upon principles of Equity he thought it no bar to their Mem^{ts} applying to his Majesty's generosity and Justice for further relief because without any cause of his he has been disappointed of the benefit which was intended by and expected from the said Warrant.

The Right Hon^{ble} the Lords of the Treasury took the above report into Consideration and agreed to the first part of the prayer of the said Mem^o viz^t To allow your Pet^r a Warrant for £500 payable from the 4 $\frac{1}{2}$ per c^t Duty but with respect to the exemption of Quit Rents as that

matter had been originally under the consideration of the Right Hon^{ble} the Lords of the Committee of Council and the R^t Hon^{ble} the Lords Commissioners for trade and Plantation their Lordships did not think fit to determine any thing thereon.

Your Petitioner therefore most humbly prays your Majesty will be graciously pleased to take this his unhappy case into consideration and that from your Royal Bounty and Goodness you will grant him relief by ordering the sum which was formerly deducted from the arrears of Salary due to him to be now set off against the Quit Rents of such Lands as your Pet^r and his associates are intituled to in the Province of North Carolina and also that in consideration of his great sufferings and the Obstructions which have been given him by the War in America that he may be at Liberty to carry on the Settlement of the said Lands until the 25th of March 1760 at which time your Pet^r will surrender to your Majesty all the Lands which have been granted to him or his associates within your Majesty's Division in the Province of North Carolina that are not then settled in the Proportion of one White person for every 200 acres of [land] contained in the said Grants.

And your Pet^r as in Duty bound shall ever Pray &c :

HENRY M^cCULLOH.

[B. P. R. O. AM: & W. IND: VOL. 70.]

Letter to Governor Dobbs.

SIR,

The House have prepared an Humble Address to his Majesty to thank him for the wise and Prudent care he has shewn in the Measures taken for the Preservation of his American Subjects against the Ineroachments of the French King. To Assure him of their Readiness to Hazard their lives and fortunes in the Defence of his Sacred Person and Illustrious House and Dominions. To Represent the Defenceless Condition of this Province and to request that he will be Graciously pleased to Order Artillery and Ordnance Stores for the Use of His Forts on the Sea Coast and Soldiers to Garison the same, And have resolved to use our best Endeavours to make such Provision for the Soldiers His Majesty shall be pleased to Send as is Usually made by the Neighbouring Provinces for the Independant Companies. And desire that your Excell^y will be pleased to receive the said Address and Cause it to be Transmitted and laid before His Majesty.

14th of October 1756.

SAM SWANN Speak^r.

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

Know all men by these presents that we John Edwards of Northampton County & John Pope of Edgecomb County in the province of N^o Carolina are held & firmly bound unto Richard Spaight Esquire Secretary of the said Province in the full & Just sum of five hundred pounds proclamat^on money; to the which payment well & truly to be made and done we bind ourselves our heirs Executors & Administrators Joyn^{tly} & severally in the whole and for the whole firmly by these presents sealed with our Seals & dated y^e 27th day of October Anno Domini 1756.

The Condition of the above obligation is such that Whereas y^e above bound John Edwards is by virtue of a Commission under the hand & seal of the said Richard Spaight Nominated & appointed Clerk of the County Court of Northampton & Clerk of the Peace within the same; now if the said John Edwards shall faithfully and diligently according to the best of his skill & ability Execute the said office of Clerk of the Court & Clerk of the Peace within the said County; and shall truly and honestly account for all fees and perquisites arising in the s^d office & becoming due to his Excellency y^e Governour & Secretary agreeable to the Laws of this Province, that then this obligation to be void otherwise to be and remain in full force & virtue.

J. EDWARDS ††††††
 †SEAL†
 ††††††
 JOHN POPE ††††††
 †SEAL†
 ††††††

Sealed & Delivered in presence of
 JOS: MONTFORD
 JN^o CAMPBELL

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 532.]

Governor Dinwiddie to Lord Loudoun.

Oct'r 28th, 1756.

RIGHT HON'BLE:

I am hon'd wth y^r L^re from Albany of 22nd Sept'r. I think the Acco'tt I sent Y^r L^d'p of our Inhabitants, Militia and Negroes, is as near to the Truth as may be. I have endeavour'd to have the Military Law in force here, especially now in the Time of War, but the Assembly e'd not be prevail'd on, and the present is so difficient that our Militia are in bad Order and not under Com'd and Restrictions. What wth

Desertion and Sickness, the Regim't in this Country's Pay is greatly reduc'd. Enclos'd You have the last return. The Officers being much separated at different Comands, they sent it me unsign'd, but I believe it is right. Besides the Regim't there are upw'ds of 400 of the Militia ranging the frontiers. Since recp't of y'r L'd'p's L're I wrote Colo. Washington, if possible with Safety, to keep up fort Cumberland and protect it from falling into the Enemy's hands. When I receive his Answer I shall communicate it to Yo. The Forts in this Country are quite ruinous, and I cannot learn that any Cannon, &c., have been sent from home to this Dominion since King James's Time, excepting the four-Pound'rs mention'd in my L're to You. I am convinc'd Y'r L'd'p cannot spare any Men at present for the Southern Provinces, and I wish You may have Success in preventing any further Incursions of the Enemy on the Northern Colonies, but I hope you'll be well reinforce'd for next Campaign. I'm raising what Men I can for the Royal Americans, and I have employ'd People in diferent Parts of this Dominion on that Service. I wish some recruiting Officers were sent here.

Major Lewis is return'd from the Cherokee Country and brought in only 7 Warriors and 3 Women. He is apprehensive that the French from Mississippi have had Influence with the Creeks, Chieasaws and Choptaws Tribes of Indians to take up the Hatchet ag'st the English, and that some Runers from the Creeks were come am'g the Cherokees and made great disturbances. I send You Copy of his L're and Information, but as it's from an Indian, I w'd gladly hope it will be contradicted. We have done all in our Power to retain these People in our Interest. After the Treaty enter'd into with 'em we have constructed a Fort entirely to their Aprobation. They desir'd some Men to Garrison it. On Apliation to the Assembly they voted £2,000 for fifty Men to be sent there. After performing every thing they desir'd, it's surprising they did not send in the 400 War'rs agreed and promis'd by them. On Maj'r Lewis's L're I stop'd send'g the 50 Men out to the Cherokees till I see y'r Behaviour and Intention. Another L'r from Lieut.-Colo. Adam Stephen, Comand'g Officer at Fort Cumberland, w'th an Information swore to by one Wm. Johnstone. I trouble Yo. w'th Copy to w'ch please he refer'd. We've been much harass'd with flying Parties of Indians to the County of Augusta, w'ch oblig'd me to send out a No. of Militia, w'th some Arms and Amunit'n. We have every Week fresh Alarms from our frontiers of the barbarous Murders comitted on our poor settlers, and the frontiers are so very extensive that it's impracticable to cover the whole with't a Numerous Army; that we are only on the Defensive and sometimes come up sculking Parties, killing some

of them and the others make their Escape into inaccessible Places well known to them. If any animosity ever subsisted between So. Carolina and this Dominion, it now subsides. Since Gov'r Littleton's Arrival, who prudently considers the Necessity of strict Union between the whole Colonies, with't any of them considering their particular Interest separte from the general Good of the whole, and I am convinc'd that a good Understanding will continue w'th that Gent. and myself. These different Affairs I thought my Duty to lay before Y'r L'd'p, and what Comands You may have for me shall be comply'd with to the utmost of my Capacity, in the weak state of Health I now labour under, and beg to assure You that with dutifull respects, I remain,

Y'r Ex's most faithful and ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 534.]

[PRIVATE.]

Governor Dinwiddie to the Earl of Loudoun.

Oct'r 28th, [1756.]

RIGHT HON'BLE:

I have the honour of answering Y'r L're of the 22nd Sept'r, and Y'r private one of the same Date I have carefully perus'd; and, agreeable to Y'r Comands, I have had Y'r Commiss'n as Chief Gov'r of this Dominion publish'd, Recorded, and lodg'd in the Council Office, as also Y'r Admiralty Commiss'n. Y'r Instructions and several Acts of Parliament that was in the Box, I shall take particular Care of till I have the Hon'r of seeing You, or receiv'g Y'r Comands thereon.

When I was appointed Lient.-Gov'r of this Colony I agreed with the Earl of Albemarle to pay him, Annually, £1,665 Sterl'g. I then e'd not conceive the great Charge and Expence attending my Appointment, from the troubles that have ensu'd, w'ch makes my Expence at least one-third more than my Predecessor; however, I shall not hesitate one Moment of accounting w'th Y'r Ex'cy in the same Manner as I did with L'd Albemarle, and that also from the Date of Y'r Commiss'n— from the 8th of March last till the 8th of November, is 8 Mo's, at the rate of £1,665 p Annum, amo'ts to £1,110 St'g, w'ch I shall remit to Y'r L'd'p's Order in my Own Bill of Excha. on Messrs. John & Capel Hanbury. I therefore shall wait Y'r Directions to whom I shall remit it, and I doubt not this Settlement will fully meet with your Approbation. I am now to acquaint Y'r Ex'cy that I am in a very bad State

of health, and I've lately been siez'd with a Paralytick Disorder in my head that makes me incapable of discharging the Requisites of my Apoinm't in so regular and exact a Manner as I c'd wish. Therefore, I desire Y'r L'd'p's Permission to write home for Leave of Absence. This my health [has] required for some time, but [I have] suspended [asking for] it, in hopes of seeing Yo. here. As that is very uncertain, I therefore desire Y'r Permission to write home as above. I was very willing to have Y'r Approbation, and probably You may have some Friend to recomend to succeed me. If so, I shall be oblig'd if You think proper to mention him to me, which I shall in my L'rs write in his favo. if my small Interest can be of any Service. I am sorry my Health obliges me to this Step, and really it gives me a Sensible Concern, as it w'd give me great honor and Pleasure to act under Y'r L'd'p's Directions, and I am convinc'd of this Necessity of hav'g a Lieut.-Gov'r here, while You are engag'd in so arduous Affairs in the Service of our King and Country. I hope for the Hon'r of a Answer, w'ch will oblige,

Y'r Ex'cy's most ob'd't h'ble serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 536.]

Governor Dinwiddie to Governor Dobbs.

Oct'r 29th, 1756.

SIR:

I rec'd your L're with't Date, and observe the Objection of furnishing Men for the fort in the Cherokee Country. That of Com'd has been much the Bane of Contention in the diferent Colonies. I sh'd have been glad of Men with't an Officer, but at present that Officer must be dormant, as Maj'r Lewis is return'd, and from his Report I fear the Indians have been tamper'd with by the French, and that they are ready to declare for them. It is a g't Surprise to me when I consider we have oblig'd 'em in every thing they ask'd—built 'em a Fort, and the Assembly voted £2,000 to send men to Garrison it, and otherwise sent them large Presents by the Comiss'rs; they must, therefore, be ungrateful Wretches if they don't continue in our Interest. I had no Orders w'th my Comm'n for granting Letters of Marque, but had Recourse to the Records and follow'd the Rules of fitting out Privateers [in the] last War, and inclos'd I send yo. Copy of the whole. I have been greatly indispos'd and confin'd to my House for sometime, must, therefore, leave of with my kind Respects. I remain,

Y'r Ex'cy's most h'ble serv't.

[B. P. R. O. AM: & W. IND: VOL. 70.]

Letter from Governor Dobbs.

NEW BERN, 30th October, 1756.

SIR, [SECRETARY FOX]

I have the honour of yours of the 18th of June with his Majesty's commands in case any French Prisoners are set on shore from his Majesty's Ships to treat them in the same Manner as was practised last War, or in such Manner as may most conduce to his Majesty's Service which I shall punctually obey.

I herewith transmit to you the Addresses of the Council and Assembly of this province to his Majesty, that he will be graciously pleased to allow some soldiers to garrison the Fort and Batteries that We have erected, and to allow them Artillery and Ordnance Stores proportional, the Number of Cannon I have particularly described to Lord Loudon, and also their Resolutions to provide the Garrisons with Provisions as is done in other Provinces, which be pleased to lay before his Majesty. The Assembly being in great Apprehension for their frontiers upon the Loss of Oswego, and from the French tampering with the Cherokees have raised and applied £4000 to erect a fort to protect and secure the Catawbias, and to maintain two companies to garrison that and another fort built last summer upon the frontier.

I am with great Regard Sir, &c.,

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 115.]

Letter from Governor Dobbs to the Board of Trade.

NEWBERN. 31st October 1756.

MY LORDS,

The Session of Assembly is now over, and all that I have been able to obtain is about £3400. and the appropriation of £1200. more which remained out of the sum of £12000. granted in March 1754 to raise and maintain the men which were first sent to Virginia; this sum is to be raised by 2 shillings upon each taxable for one year which at 27000 Taxables will raise £2350. and by laying 2^d per gallon more upon wine and spirits imported, which if well collected may raise about 7. or £800. more. This is to be advanced by Bills issued by the Treasurer which

bear 6. per cent interest, and are to be repaid & cancelled at the end of the year by the tax. This is to be applied to erect a Fort on our western frontier to protect and secure the Cataubas, and to pay two Companies of 50. men each to garrison this fort and another which is built this year; so that there is no money granted to assist the Northern Colonies, which is occasioned by the alarm upon the loss of Oswego, Lord Loudoun having sent circular letters to the several Southern Governments to prepare for the defense of our Frontiers since the French have now free access by the Lakes to send troops to the Ohio, to attack us by their Indian Allies & we had a further alarm by Major Lewis sent from Virginia to build a Fort upon the Chirokees upon his sending me a Copy of his letter to Governor Lyttleton upon his return, a copy of which I send to your Lordships to which I refer, and as several of our back settlers had been pilfered, and were all preparing to retire from the Frontier into the inner settlements, the Assembly was unwilling to part with any more men out of the Province, when at the same time our sea coast is quite exposed for want of a Company to garrison our Forts and Batteries which are now in a state of defense; & therefore both Council & Assembly have addressed His Majesty for men to garrison them, and for Artillery & Ordnance Stores, and they will provide them with Provisions as the other Colonies do, a copy of which I have sent to your Lordships, having transmitted the Original to Secretary Fox, as I have got the Gunpowder duly continued for 3. years, if Merchant ships are allowed to carry any from England we shall soon have a supply of powder and lead, But as most of them pay money, we shall want some barrills to have *some* stored before hand for we can't get any for our money There are several Privateers on our Coast from the West Indies, they have taken an English ship coming to Cape Fear with dry goods, & another small vessel, and have turned the sailors ashore, and we have no sloop to cruize upon the Coast, the Baltimore Capt: Hood which should be stationed at Cape Fear was called off in spring to go to Nova Scotia, and hitherto when they return in winter, they look into Cape Fear and stay some days, but finding no balls or entertainments there, they sail away & spend the winter in Charles Town, under pretence that they can't clean at Cape Fear altho' they may have all conveniencies for it I therefore write to Lord Loudoun upon this subject to write for some sloops or a twenty gun ship for the security of our Trade, and if what were ordered to Cape Fear or Charles Town were to be stationed at Cape Lookout they could be always in good weather cruising along the Coast and have that Harbour to retire to in bad weather, but when they are in the rivers they scarcely go to sea during the whole winter and so are of no use, but when they

go out as Convoy from Charles Town. I therefore hope you will apply to the Admiralty for proper orders to their cruizers here or stationed ships, that they may be of service in time of war; since they will be in the way of all ships coming through the Gulph Stream and soon get to the course of the S^t Domingo ships. Since our companies at New York will be paid no longer from hence than to the tenth of next month, I have directed them to do what they can to turn over their men to recruit the American regiment, or to have them enlisted among the regulars as they are allowed no money to bring them back. The extraordinary expense in raising and transporting them to New York, their Tents and Camp equipage and loss upon our remittances has occasioned our contracting a considerable debt there, which we must repay, and as your Lordships letter of the 29th July came 2 or 3 days before the Assembly was prorogued, I communicated your letter to the Assembly along with a letter from Lord Loudon, and made a speech to them at passing the Bills, a copy of which I send to your Lordships, by which I prevailed on them to give a vote of credit to enable me to pay the debt due in New York when liquidated, to be made good next Session, which I can receive out of the two shilling tax borrowed from the Notes they had appropriated to the erecting churches and schools if approved of by His Majesty, as you approved rather to apply it to the publick service without cancelling them, than to issue out more notes.

The Taxes now raised upon this Province for the Publick is about 9^s per taxable which amounts to near £12000 per annum, and 6^d per gallon upon wine and spirits imported, which would raise if duly collected about £2000 more, but this can't be executed without fixing a proper Officer at Ocaock Inlet, to whom all ships &c should report their Cargoes, for all ships stop there which pass up the three great rivers of Roanoak, Pamlico and Neuse, and there are so many navigable Creeks & Branches in these rivers before they can get to the several Collectors, that they run almost all their cargoes before they get to their posts, which is a great loss to His Majesty's Customs; I wrote a long letter to the Lords of the Treasury and another to the Commissioners of the Customs about a year and half ago giving my reasons for fixing such an Officer, but never had any answer to my letters, altho' the packet got safe, which makes it necessary for me now to mention it to your Lordships, that you may recommend it to their Lordships. The other County and Parish Taxes amount to near Six Shillings more ^{per} taxable these they think heavy Taxes, having scarce ever paid any before.

Thus your Lordships may see the difficulties I have to struggle with amongst a number of new Planters who are poor through indolence, and

have been under no Government, with a low confined way of thinking for want of education, who can't be brought to know their danger until they are actually attacked.

There is a necessity for immediately settling the Boundary line between the two Provinces, Governor Littleton acquainted me his Council had appointed a Committee to enquire what had been formerly done in it, and I have wrote to him to press him to send over their opinion where to fix it, and to avoid delay informed him of the line I had proposed with the approbation of the Council here, and sent him a Copy of what I sent to your Lordships that he might at once object to it, and not occasion alteration or further delay, when our different opinions are laid before your Lordships. I am convinced you will think it reasonable to fix the line at least to the Southward of 35° , since all the North Carolina surveys and grants are made out to that latitude, upon the faith of the former line agreed upon by the joint Comm^{rs}, altho' they had not continued the line west of the Pedee, yet they agreed upon the paralell, and you will think it more reasonable now, since this Province is at the expence to build a Fort to secure & protect the Catawbas near their Towns, since the South Province will have expence enough to secure the Cherokees Chiekesaws and Creeks, & to reeover the friendship of the Choctaws, which Glenn neglected, since the Catawbas Towns are situated within a few miles north & South of 35° I hope your Lordships will think it proper to make the most southern town the boundary, & fix the paralell there by extending the line east from that Town to the Pedee and west to the mountains, so that they may be all in one Government.

Whether you will please to advise the making the eastern bank of the Pedee from thence to the sea the boundary of this Province upon the reasons I laid before you is in your Lordships breasts, but if you should judge it proper to continue a paralell line between South Carolina and Georgia and add to South Carolina the lands beyond Savannah north of the paralell of Charles Town, the South Province will have a much greater Country than will be granted to North Carolina; and as the sea coast and paralell of Georgia extends from $30^{\circ} 40'$. the paralell of Charles Town and both the Carolinas contain but $2^{\circ} 50'$. to the Virginia paralell of $36^{\circ} 30'$. Georgia will still have more betwixt its paralells than both the Carolinas—But this is in your Lordships judgment. However the necessity of fixing the line immediately appears from the proceedings of the south Government who are daily granting warrants of survey upon the several tracts belonging to the associates of Murray and Crymble held by Patents from this Government since 1746 in which they have lately from Glenn obtained Commissions of the peace; who lately took up the

Sheriff of Anson when levying the taxes, and confined him some hours altho' they had continually paid taxes before for 8 years, since their first settlement, which if they continue to do I shall be obliged to use force also, & consequently throw both provinces into a flame, for by His Majesty's Instructions I am obliged to quiet the Associates of Huey & Crymble in their possessions and Mr. Selwyn has two large Tracts in the same situation with my most Southerly Tract, whose settlers are all in a flame & disown his Title pretending they are encouraged from the South Province, altho' his lands are all to the Northward of 35°, and this is the condition of the Patentees along the line for above 150 miles. When Gov^t Lyttleton sends for the sentiments of his Council, your Lordships will the better know how to advise His Majesty how to fix the line, most for his service and the convenience of the Colonies.

There was an Act passed in 1723, Chap: 4th, entitled an Act for settling the titles and bounds of Lands, commonly called the processioning act, which upon perusal your Lordships may think it proper to advise its being repealed in Council, as it is likely at present to be made an ill use of, by which if any get their lands twice processioned by Comm^{rs} to be chosen annually by their Vestries they are to be quieted in their possessions altho' they hold lands not granted by their Patents or in greater quantity. As the Lands which have long lain as a Common between different Plantations are now thought worth the taking, many resurveys are petitioned for to know the bounds of the adjoining Patentees, and it was formerly the practice of many Surveyors to return Plots upon which Patents have been granted which were never surveyed, having only gone to the Land & marked one Tree, and then have made out courses and distances at home to make up the quantity of Land granted without marking any more Trees, upon which the Patentees have marked Trees as they thought proper without regard to the courses or distances, by which they have enjoyed much more land than granted, and by other courses than are mentioned in the Patent, no enquiry being made into it, for which surplus they have never paid any quit rents, and if this Law stands unrepealed upon getting their Lands twice processioned by their marked Trees, without any regard to the courses and distances in their Patents, their possessions will be confirmed, and other Claimants who make the discovery are prevented of their claim, and the possessor is judged to have the prior right; since therefore great frauds are committed by confirming possessions & Titles by marked Trees, and it is become a practice for several rogues to go about to search for good land, and to mark a number of trees round it, and without applying for a warrant of Survey or Patent, to build a small log house upon it, which may be done

in a few days, and so lay claim to it as if planted and sell their right to new comers from the Northward without producing any Title to it, and then do the same in another place, this is principally done in the Frontier Counties where they have obtained the name of notched entries, by making a notch or mark in the Trees—If therefore your Lordship shall think proper to advise the repeal of this Act, it will also be advisable for His Majesty to give an instruction that upon all hearings in the Court of Claims all rights shall be determined for the future by the courses and distances expressed in the Patents & Plots annexed to them, without having any regard to the marked Trees, which are so frequently abused, and that none of the Council shall decide in favor of marked Trees contrary to the courses & distances mentioned in the Patents, under the penalty of being suspended for the same, or to be displaced from being a Councillor, for sometimes out of affection or partiality it is divided sometimes one way sometimes another, since no rule can be laid down at one Court of Claims but what may be and has been overruled by another, as they don't consist of the same Members, five perhaps meeting at one Court, and five quite different at the rest, and often the majority at different times think differently.

This I think it my duty to represent to your Lordships.

Your Lordships have approved of my getting the Counties on which His Majesty's lands be properly surveyed & that it is for His Majesty's service to pay for them out of the Quit Rents; but this can't be done without an Order from the Treasury to the Receiver General to pay it out of the Quit Rents, nor can I return a survey or chart of the Province without such survey on the King's part, and some return of the Counties from Lord Granvilles office, altho I am commanded by my Instructions to send over such a Chart or Map to your Lordships.

There is another Act passed by the late Governor Johnston in 1748 Chap. 2^d entitled an Act for regulating several Officers fees within this Province, and ascertaining the manner of paying the same, which I think hath greatly incroached upon His Majesty's prerogative, and is inconsistent with the instructions I have from His Majesty Article 65th That I am with the advice of the Council to take especial care to establish & regulate all salaries and fees belonging to places, or paid upon emergencies. This Instruction is nugatory whilst this Act is in force, and your Lordships will observe that all Fees in the Court of Claims which His Majesty ought to have absolutely in his own power to control & regulate is taken from him, and fixed at the pleasure of the Assembly, so that he can neither add to nor diminish them, That also all fees in the Court of Chancery, which is His Majesty's own Court are limited & so much

lessened, that the clerks fees are not worth the labour & attendance, so that no good clerks can be procured to do the business, which is daily increasing, and when it is considered that the fees are one fourth less than English money, and that the produce here in the markets is very high, Beef 2^d per pound, Mutton 4^d, Butter 9^d and other things in proportion, that common labour is 2. shillings per day and artificers from 3. to 4. shillings, and all English goods sold at 150. per cent above the prime cost, you will then see how trifling the fees are by looking into the schedule of fees in the Act—and no other fee whatsoever can be taken without a penalty for services not mentioned in the Act. I shall therefore humbly submit it to your Lordships whether this Act doth not invade His Majesty's Prerogative in limiting the fees for places which the Assembly have not created, or contribute to pay for out of the Treasury of the Province by provincial taxes, but are immediately in His Majesty's appointment, when the voluntary fees given to Lawyers here are excessively great, & whether these places & Commissions immediately in His Majesty's Grant ought not to have their fees limited and adjusted only by His Majesty so as to be paid in English value and proportioned in some manner to answer to the fees in England, since Inhabitants here pay few or no taxes to the Crown.

I must further observe to your Lordships that I can see no prospect of getting that Instruction answered in getting a fixed salary to the Gov^r and his Successors, and for other necessary contingencies repairing of Forts &c. There seems to be an established maxim fixed in the several assemblies of the Colonies to keep the Governors and Government as much in their power as they can in order to wrest some laws from them to gain points against England for their private ends; and therefore leave it to your Lordships to consider whether the Governors should not be as independent upon them as possible; as it is very probable that my time here may be short, and I am very easy by His Majesty's goodness to me I chiefly mention what follows for the good of my successors and for His Majesty's service; This can only be done without expence to His Majesty by his establishing reasonable fees for the Governor, the Secretaries, and other Officers of the Crown, when at present are generally very small—The only beneficial perquisite the Governors have is from the fees in the Land Office, and these are lessening every day, and as few Lands will remain to take up will soon be but a trifle.

You'll please to observe that all the Governor's fees are chiefly for signing his name to Grants &c. & some particular Instruments. There is no fee appointed for fixing the Great Seal of the Province to any private seal, no fee due for signing any Commission but for places of

profit, so that Militia Commissions & Commissions of the peace pay no fees, no fees for signing publick Orders, and many other Instruments which are done gratis. The fees as ordinary for Letters testamentary or administrations or letters of guardianship but Trifles. The Fees in Chancery except for 2 or 3 articles nothing at all—now if this Act be repealed and the fees be regulated by His Majesty in Council, and fixed in whatever proportion may be thought reasonable according to the fees in England, & paid in English value, it wou'd be a handsome addition to the Governor and other Officers and Clerks without any Payment demanded from the Assembly, and there wou'd be a service done for every fee paid and the several Officers wou'd be independent of the Province—I need not mention that the fees paid in Lord Granville's Office are above double almost triple to what are paid in His Majesty's Office, and no payment is admitted there but in gold or silver, when nothing is offered in His Majesty's Office but the Paper Currency which greatly abates the value.

This I thought it my duty to lay before your Lordships that you may have it under your consideration what to advise His Majesty to do in it, but humbly think if you advise the repeal of the Act, that the fees should be regulated and fixed in England and not be left to the Council here who will consider their private interests and attachments with the Assembly more than the independency of the Officers.

I must further inform your Lordships that having passed the 12 laws for Counties and Towns which were repealed, and having repealed and reenacted the other Counties made which were not transmitted to England in April 1754. I have reserved their privilege of sending Members of the Assembly, which I am to grant to them by charter, since no such Charters have been hitherto granted, be pleased to let me know His Majesty's pleasure what fees to take & allow to His Majesty's Officers employed in drawing & making out the Patents, as no fee is due by Law.

I received along with your Lordships letter of July an additional Instruction from His Majesty of the 5th of July which I shall strictly comply with here. Since we passed a Law last year to oblige all Vessels to give bond to land in His Majesty's Colonies all Provisions exported and naval stores are enumerated Commodities & can't be exported but to Britain. But all our endeavours here are to no purpose, as long as such great liberties are taken in the Islands when carried there to reexport them to the Dutch or Danish Islands Eustatia or St Thomas, for I am well assured that when the French were in great distress in Martinico for Provisions last Spring several Vessels from Ireland with many thousand

Barrils of Beef were landed in S^t Kits were rowled ashore & Certificates given upon their bonds, and next day were reshipped and carried to Eustatia, and reshipped thence for Martinico. This I think it my duty to inform you of to see if any stop can be put to these practices, for I find there are so many evasions that Trade will force its own way whenever a great gain is to be had by it, and by this Trade the Dutch reap the greatest benefit.

I am, with the greatest respect, My Lords, &c.,
ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 113.]

Letter from Mr. Cleveland, Secretary to the Lords of the Admiralty.

ADM^{ty} OFFICE 5th Nov^r 1756.

SIR,

I have laid before the Lords Commissioners of the Admiralty, your letter of the 3^d instant, with an extract of one to Lord Loudoun from Governor Dobbs at North Carolina, accompanied with a plan of the Harbour at Cape Lookout, and of the Fort proposed by him to be built there, upon which the Lords of Trade desire the opinion of my Lords of the Admiralty.

In return to which I am commanded by their Lordships to acquaint you, that from the knowledge they have at present of the place, they are of opinion the Fort proposed, and the alterations in the Harbour, will not answer the purposes expected, however for a greater certainty they have transmitted the papers aforementioned, with the plans to Captain Owen, of the Baltimore Sloop, or to whatever Captain of His Majesty's Ships, may happen to be at North Carolina, & have directed him to cause a regular survey to be taken of the Harbour, & to send the same hither, with his opinion upon the same, as soon as possible, which when he does, it shall be transmitted to you, for the information of the Lords of Trade, and the original plans shall be returned to you.

I am, Sir, &c., J. CLEVELAND.
JOHN POWNALL Esq^{re}

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 546.]

Governor Dinwiddie to Governor Dobbs.

Nov. 10th, 1756.

SIR:

Y^r L^r of the 2d I rec'd Yesterday. The Packet for L^d Loudoun goes by a F^d to Phila'a, to be from thence forwarded by Post. Our

Assembly voted £8,000 to raise Recruits for the Royal Am's, and £2,000 for the Cherokees and Catawbas, expected in to our Assist'ce, but we are disapp't'd of the Catawbas by the ill-Timed officious Advice of Mr. Osborne and Mat. Tool, w'ch information I have from Maj'r Lewis, and I send it You enclos'd, and any Person hav'g Y'r Como. endeav'g to interfere with Gov't Aff's, particular'y in so essential an Aff'r as to prev't our f'dly Ind's from com'g to our Assist'ce. You are to judge w't such officious Insolence deserves, and I hope you will make strict enquiry to y's bad Conduct.

There was no Difference between y's Co. and M'yl'd in reg'd to the Com'd of F't Cumb'l'd, but in reg'd to a Person pretend'g under an old Com'o. from H. M'y's to take Place of any Gov'r's Com'o., tho' in fact, his Com'o. was cancel'd by tak'g a Sum of Money in lieu of Half-Pay. I sent a Messenger to the Tuscaroros, who have promis'd to join the Nottoways and come in here, but Y'r good Offices with those People will be of Service. I never rec'd any Ace't or receipt from Mr. Campbell ab't his Beaves, w'ch I desire You may order him to send me. Besides the Mo. p'd Y'r Order, I advanc'd the Driver upw'ds of £10 w'n he came to our Back Parts. I hear nothing from L'd Loudoun, but I hope by y's they are gone to Winter Q'rs, being too late to keep encamp'd. I wish Sec'ry Spaight joy in his marriage. We all join in kind Respects. I am,

Y'r Ex'cy's most h'ble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 225.]

Letter to Nicholas Hardinge Esq^r Secretary to the Lords of the Treasury.

WHITEHALL, Nov. 26, 1756.

SIR,

I am directed by the Lords Commissioners for Trade and Plantations to send you the enclosed Copy of a letter their Lordships have received from Mr. Rutherford, receiver general of the Quit-rents in North Carolina in which he proposes several measures to be pursned for the better regulation and management of that Branch of His Majesty's Revenue and desires their Lordships leave to come to England on account of his health and private affairs. As several of the Observations made by Mr. Rutherford upon the state of the Quit Rents appear to their Lordships to deserve consideration, they have directed me to desire you will communicate his Letter to the Lords Commissioners of his Majesty's Treasury

and at the same time move their Lordships that Mr. Rutherford who appears to be an Officer under their Lordships direction may have leave to come to England when the Lords Commissioners for Trade and Plantations will have an opportunity of discoursing with him upon the several measures he proposes and will be thereby enabled to communicate to the Lords Commissioners of his Majesty's Treasury their sentiments thereon or to take such other Steps as shall appear to be necessary and proper for His Majesty's Service.

I am, Sir, &c.,

JOHN POWNALL

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 228.]

Letter to Nicholas Hardinge Esq^{ro}.

WHITEHALL, Dec^r 28th 1756

SIR,

The Lords Commissioners for Trade and Plantations having lately received a Letter from Arthur Dobbs Esq^{ro} Governor of North Carolina dated the 31 of October last in which he represents the inconveniences arising from the want of a proper Officer of the Customs being established at Ocacock Inlet upon the Coast of that Province I am directed by their Lordships to send you the inclosed extract of so much of Mr. Dobbs' letter as relates to this matter, and to desire you will lay it before the Lords Commissioners of His Majesty's Treasury.

I am, Sir, &c.,

JOHN POWNALL

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 229.]

Letter to John Cleveland Esq^{ro}

WHITEHALL, Dec^r 28th 1756

SIR,

The Lords Commissioners for Trade and Plantations having lately received a letter from Arthur Dobbs Esq^{te} Governor of North Carolina dated the 31st of October last in which he acquaints them that the Coasts of that Province are infested by Privateers from the West Indies for want of cruizing Vessels properly stationed for their Protection, I am directed by their Lordships to send you the inclosed extract of so much of Mr. Dobbs letter as relates to this matter and to desire you will lay it before the Lords Commissioners of the Admiralty.

I am, sir, &c.,

JOHN POWNALL.

[B. P. R. O. B. T. JOURNALS. VOL. 64.]

BOARD OF TRADE JOURNALS.

Tuesday January 27th 1756.

Present Earl of Halifax

Mr. Fane.	Mr. Oswald.	Mr. Pelham.
Mr. Talbot.	Mr. Jenyns.	Mr. Rigby.

Read a letter from Arthur Dobbs Esq. Governor of North Carolina to the Board dated at Newbern 28th Oct. 1755 with an account of the death of some Members of the Council there and recommending others to supply the Vacancies and transmitting the following public papers, Viz^t

Gov. Dobbs speech to the Council and Assembly of North Carolina in October 1755.

Address of the Council of North Carolina to Gov. Dobbs.

Address of the Assembly of North Carolina to Gov. Dobbs.

Titles of Acts passed at North Carolina in the Session begun Oct. 1755.

Copy of a letter from George Nicholas Esq. Attorney General of North Carolina to Gov. Dobbs dated May 20th 1755 with an account of grievances he labours under in his Office.

Names of three gentlemen recommended to be Councillors in the Province of North Carolina in the presence of those deceased.

Ordered that the draught of the Representation to His Majesty be prepared proposing that Edward Brice Dobbs Esq may be appointed of the Council of North Carolina in the room of James Craven Esq. deceased, which having been prepared was agreed to transcribed and signed on 28th Jan^{ry}

Thursday, February 5th 1756.

Read an Order of His Majesty in Council dated 3rd Inst. approving a Representation of this Board praying that Edward Brice Dobbs Esq. may be appointed a Member of the Council of North Carolina in the room of James Craven Esq. deceased and a Warrant for his appointment to be prepared.

A Warrant having been prepared in the usual form was agreed to and a Representation to His Majesty therewith was signed.

Monday, February 16th 1756.

Their Lordships took into consideration the letters which have been received from the Governors of New York New Hampshire New Jersey

North Carolina and from the Lieut. Gov^r of Virginia since the Board's last letter to them and ordered Draughts of letters in answer thereto to be prepared—which were agreed to transcribed and signed on Feb^y 17th

Tuesday, March 9th 1756.

Their Lordships took into consideration the 84th Article of His Maj. Instructions to the Governor of North Carolina relating to the Lands granted in 1746 to the Associates of James Huey and Murray Crymble and a letter to the Governor explaining some doubts which had arisen with respect to the intent and meaning of the said Instruction was agreed to transcribed and signed.

Tuesday April 6th 1756.

Read a letter from Mr. Wood Secretary to the Commiss^{rs} of the Customs dated 3rd Feb^y 1756 inclosing an account of Gunpowder entered in the Port of London for exportation to Carolina from 1st Jan^y 1755 to 1st Jan^y 1756.

Tuesday, May 11th 1756.

Read the following letters and papers received from Mr. Dobbs Governor of North Carolina Viz :

Letter from Arthur Dobbs Esq. Gov^r of North Carolina to the Board dated at Newbern Dec^r 15th 1755 in answer to the Board's letters of the 16th June and 19th Sept 1755.

Minutes of Assembly in the Upper House from Dec. 14th 1754 to Jan^y 15th 1755.

Minutes of Assembly from Dec. 14th 1754 to Jan^y 15th 1755.

Minutes of Assembly in the Upper House from Sept. 25th to Oct. 15th 1755.

Minutes of Assembly from Sept. 25th to Oct. 15th 1755.

Six Acts passed in North Carolina on 13th Oct. and eight on the 15th Oct. 1755.

Letter from Arthur Dobbs Esq. Gov. of North Carolina to the Board dated at Newbern Dec. 16th 1755 containing his opinion with respect to a plan for the defence of the frontiers of the British Colonies in America and for the direction of Indian affairs

Ordered that the Acts be sent to Sir Matthew Lamb for his opinion thereupon in point of law

Tuesday July 13th 1756.

Read a letter from Arthur Dobbs Esq^{re} Gov. of North Carolina to the Board dated March 15th 1756 relating to the present state of defence of that Province and inclosing

List of the Militia and Taxable Persons in the several counties of North Carolina for 1755 together with an account of the quantity of powder and lead in the hands of the collectors for the several ports of North Carolina

Tuesday, July 20th 1756.

Ordered that the Draughts of Letters to the Gov^{rs} of New Hampshire New York North Carolina & Bermuda in answer to those which have been received from them since the Board's last letters be prepared—approved of, transcribed & signed 29th July

Friday, October 8th 1756.

Read an Order of Council dated 18th Aug. 1756 referring to the consideration of this Board the humble petition of Henry McCulloh to His Majesty praying that he would be graciously pleased to order that the sum that was deducted from the arrears of salary due to him may be set off against the Quit Rents of such lands as he & his Associates are entitled to in North Carolina &c.

The Petitioner attending without was called in and after some conversation had with him upon the subject matter of his petition he was ordered to withdraw and the draught of a Report thereupon to the Lords of the Committee of Council was ordered to be prepared—agreed to transcribed and signed Oct^r 9th

Read a letter from Arthur Dobbs Esq Gov. of North Carolina to the Board dated 14th June 1756 inclosing

Copy of a Conference held with the King and Warriors of the Catawbas by Mr. Chief Justice Henley at Salisbury in North Carolina in May 1756.

The Secretary laid before the Board the following copies of Orders of Council received from the Clerk of the Council in waiting Viz:

Order in Council dated 7 July 1756 directing that the supply of Ordnance and Stores for the defence of Fort Johnson in Cape Fear River and also the supply of ammunition for the defence of the Province of North Carolina contained in the annexed estimates should be forthwith sent to the said Province.

Order in Council dated 7 July 1756 upon an application made by the Governor of North Carolina for a supply of Cannon & Stores for Fort Johnson in Cape Fear River and directing such supply to be forthwith sent thither

Order in Council dated 7 July 1756 upon an application made by the Gov^r of North Carolina for a supply of gunpowder and ball and directing such supply to be forthwith sent to the Province.

Tuesday November 2nd 1756.

Read a letter from Mr. Dobbs Gov. of North Carolina dated 12 July 1756 acknowledging the receipt of the Board's letter of the 17th Feb^r and transmitting a Plan for a Fort proposed by him to be erected at Cape Look Out together with a draught of the Harbour there and inclosing

Copy of a letter from him to the Earl of Loudoun containing a full account of the state and condition of that Province dated 10th July 1756.

A List of the Militia & Tythables in the Province of North Carolina

Ordered that the Secretary do transmit to the Secretary to the Lords Comm^{rs} of the Admiralty such parts of Mr. Dobbs letter as relate to the utility of erecting a Fort at Cape Look out and remind him of the [letter] wrote to him on 7th Nov^r 1755 desiring the favor of that Board's sentiments upon his proposal.

Thursday, November 11th 1756.

Read a letter from Mr. Cleveland Sec^y to the Lords of the Admiralty dated 5th inst in answer to one from Mr. Pownall inclosing extract of a letter to Lord Loudoun from Gov^r Dobbs at North Carolina with a Plan of the Harbour at Cape Look Out and of the Fort proposed by him to be built there.

Ordered that a copy of the said letter be made to be transmitted to Mr. Dobbs Gov^r of North Carolina and that the draught of a letter to him inclosing the said Copy be prepared—agreed to, transcribed & signed Nov. 12th

Friday November 19th 1756.

Read a letter from Mr. Rutherford one of the Council and Receiver General for the Province of North Carolina dated 19 June 1756 relating to the state of Revenue of Quit Rents in that Colony and desiring leave to come to England on account of his private affairs

Ordered that the Secretary do transmit a copy of the said letter to Mr. Harding Secretary to the Lords Comm^{rs} of the Treasury desiring him to move their Lordships that Mr. Rutherford may have leave to come home.

Friday, December 24th 1756.

Read a letter from M^r Dobbs Gov^r of North Carolina dated 31 Oct. 1756 containing several particulars relative to the general state of affairs in that Province & inclosing Copy of a letter from Major Lewis to M^r Lyttelton Gov. of South Carolina relating to his proceedings in building a Fort in the Cherokee Country.

Copies of two Addresses from the Council & Assembly of North Carolina to His Majesty dated 14th & 22^d Oct. 1756.

Gov. Dobbs Speech to the Council and Assembly of North Carolina.

Ordered that the Secretary do transmit an extract of so much of M^r Dobbs letter as relates to the want of Cruizers being properly stationed for the protection of the Crafts of that Province to the Secretary of the Lords Com^{rs} of the Admiralty and desire him to lay it before that Board.

Ordered that the Secretary do transmit an extract of so much of the above mention^d letter as relates to an Officer of the Customs at Oeacock Inlet to the Secretary to the Lords Commis^{rs} of the Treasury and desire him to lay it before that Board.

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

COUNCIL JOURNALS.

At a Council held at Newbern the 12th Day of March 1756

Present His Excellency Arthur Dobbs Esq^r Governor.

The Hon^{ble} { James Hasell John Rutherford } Esquires
 { James Innes John Swann }

Ordered that no Patents be Granted on Warrants issued before April Court, 1752, unless the fees for New Warrants be paid and the Quit Rents for such Land be paid from 18 Months after the Date of the Warrant.

At a Council held at Newbern the 15th March 1756

Present His Excellency Arthur Dobbs Esq^r Governor

The Hon^{ble} { James Hasell James Innes } Esquires
 { John Rutherford John Swann }

Read the Petition of Furnifold Green setting forth that the above mentioned Furnifold Green the father of your Petitioner on or about the year 1707 obtained a Grant or Patent from the Lords Proprietors Deputies of this Province for seventeen Hundred Acres of Land lying on the North side of Nence River lying between two Creeks the one called Furnifold Greens Creek and the other then called Broad Creek and is now known by the name of Smith's Creek, which land your Petitioner further settled and cultivated until the year 1714 and was in the year with one of his sons one white servant and two Negroes Murdered on the said Plantation by the Indians The said Indians at that time also shot one other son of your Petitioners Father through the shoulder, (who Escaped) and had his said Plantation House Stock of Cattle and Hogs entirely destroyed and Plundered by the said Indians but before that time having made his will

that Jonathan Evans John Brooks, Geraldus O'Bryan, Cornelius Tyson, John M^cAllister and Gideon Allen be left out

A Commission to Issue to Francis Corbin, John Rieussett and John Campbell Esq^r to be Assistant Judges at Edenton.

A Commission to Issue to John Dawson, Alexander McCnlock and William Cathcart, Esq^{rs} to be Assistant Judges at Edgcombe.

Ordered that John Bravard be added to the Commission for the Peace for Rowan County and that a New Commission and *Dedimus* Issue.

Resolved on his Excellency's Proposal that fifty Pounds Proclamation be applied to buy corn for the use of the Catawba Indians it being represented that the said Indians are in great want of corn at this time and subsist by begging from the neighbouring Planters and thereby obliged to Quit their families and oppress the Planters who are themselves scarce of Corn yet Dare not Deny them and to Immitate the Example of South Carolina which has given them Corn for the Reasons above alleged.

At a Council held at Wilmington the 7th May 1756

Present His Excellency Arthur Dobbs Esq^r Governor.

The Hon^{ble} { Mathew Rowan James Hasell }
 { James Murray John Swann } Esq^{rs}
 { Lewis De Rosset }

Jacques Morris came and appeared in behalf of himself and one hundred French being Part of the French Neutrals sent to Georgia and came Coastways in small Boats having a Pass for himself and Family from Governor Reynolds and Governor Glenn and Put into Cape Fear the Twenty second day of April where they were detained until the Council met this day, Then His Excellency proposed to them that if they would stay in this Province and take the Oath of Alegiance to His Majesty they should have settlements allowed them which they absolutely Refused saying they would not stay in this Colony and that they took the Oath of Alegiance before and would not take it again.

Ordered that Mr. Dry be paid for the provisions he supplied them with and Further that he assist them with one steer and Ten Bushels of Corn and then that they be dismissed, without any further Expence to this Province

Which by an Account given in amounts to Twenty nine Pounds thirteen Shillings and Eight Pence Proclamation Money.

His Excellency having Informed this Board that the Colonys of Virginia and South Carolina were to build a Fort for the Defence of the Cherokee Nation against the French and Allies in order that they may

send a Number of Warriors to the assistance of the Colonies against the French and Indians and that they expected this Governor would assist them therein, Whereupon they took the same into consideration and Ordered that when his Excellency the Governor is fully satisfied that a Fort is Building at the Cherokee Nation that a Hundred Beeves be purchased for their Assistance out of the Surplus money of the 12000 Pounds Granted for the Aid of Virginia.

At a Council held at Newbern the 27th Day of September 1756.

Present His Excellency the Governor.

The Hon^{ble} { Mathew Rowan }
 { James Murray } Esq^{rs}
 { James Hasell }

Members of His Majesties Council.

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

At a Council held at Newbern the 1st Day of October 1756.

Present His Excellency the Governor.

The Hon^{ble} { Mathew Rowan Francis Corbin }
 { James Murray John Dawson } Esq^{rs}
 { James Hasell Lewis De Rosset }
 John Rieussett

Ordered that all persons who have taken out Warrants for Land before December 1754 and have neglected to compleat their Titles Do take out New Warrants for the same at or before the next Court of Claims Otherwise Warrants for such lands will be granted to any Person and Persons applying for the same and that this Order be made Publick.

At a Council held at Newbern the 2nd day of October 1756

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan Francis Corbin }
 { James Murray John Dawson } Esq^{rs} -
 { James Hasell Lewis De Rossett }
 John Rieussett

His Excellency and the Council sat in Chancery and went through part of the Docket

At a Council held at New Bern the 7th Day of October 1756

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan Francis Corbin }
 { James Hasell John Swann } Esq^{rs}
 { James Innes John Dawson }

Read and Granted Warrants for Land as ¶ Warrant Book.

His Excellency and the Council being acquainted that some patents had been delivered into the Secretarys Office to be Recorded which patents had been signed by the late Governor Johnston but had never been entered on Record or Audited And the Governor and Council being Informed that in obedience to their Orders search had been made in the Patent Books of the several Days when the said Patents bear date and that Minutes of the same having been Granted were found in the said Books. It was whereupon Ordered that the said Patents be Audited and Recorded Viz^t To John Creel 300 Acres in Craven, Thomas Graves 100 Craven, the same 200 New Hanover and to William Henderson 150 Craven.

At a Council held at New Bern the 23^d Day of October 1756

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	}	Esquires
		James Murray	John Swann		
		James Hasell	Lewis DeRossett		
		James Innes	John Riensett		

Ordered that a Commission and *Dedimus* issue to appoint James McIlwain, Simon Bright, John Herring, Gilbert Kerr, Thomas Edwards, William Speight, Stephen Cade, Joshua Houghton, Richard Cogdell, Abraham Sheppherd Junior, Martin Caswell, William Wilson, William Williamson, James Oats, John Raiford, William Bryan, Robert Cade and John Giles Thomas Justices of the Peace for Johnston County.

At a Council held at New Bern the 25th Day of October 1756

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Swann		
		James Hasell	and		
		James Innes	John Rieussett		

Ordered that John Lockhart, Henry Gibbs Jun^r and Benjamin Mason be added to the Commission of the Peace for Hyde County, And that a New Commission and *Dedimus* Issue. Ordered that Thomas Robinson, Robert Rowan, Rob^t Howes, William M^cCree, — Turner and Robert Johnston be added to the Commission of the Peace for Bladen County and that New Commission and *Dedimus* issue for the said County

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

LEGISLATIVE JOURNALS.

NORTH CAROLINA.

At an Assembly held at Newbern the Twelfth day of December in the year of our Lord One Thousand Seven Hundred and fifty Four, and in the Twenty Eighth Year of our Sovereign Lord George the Second by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c: and continued by Prorogation and Adjournment until this Thirtieth Day of September 1756.

In the Upper House Present.

The Hon ^{ble}	{	Mathew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Lewis De Rosset		
		and John Rienssett			

His Excellency the Governor came to this House, and sent a Message to the Lower House and commanded immediate attendance.

Whereupon the Speaker attended by the Lower House waited on his Excellency in the Council Chamber, where he was pleased to make to both Houses the following Speech viz^t

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

Since your last Meeting the face of Affairs is much changed and become very critical, at that time the wise and resolute Measures his Majesty had taken to preserve the Rights and Possessions of his Colonies, and to oblige the French to give up and restore the Counties they had taken or withheld from Britain contrary to the Faith of the most solemn Treaties, by making reprisals and repelling them from their unjust Encroachments in Novia Scotia and upon the Ohio gave no hopes that the French King would have listen'd to reason, and would have done Justice to his Majesty and to his British Subjects without engaging in a War.

But instead of doing Justice and relinquishing his ambitious Views of hemming in these Colonies, securing the Indian Trade, and making all the Indian Nations our Enemies and by their assistance to expell all the British Colonies from their Possessions on this Continent he persists in his ambitious Scheme, and has invaded without a Declaration of War, the British Possessions in Europe, and has threatened an Invasion, and the Total Destruction of the British Empire. This has obliged his Majesty to declare War against France, in support of our Religion and

Liberties. The whole British Empire in Europe and America at Stake, our Holy Religion Liberties and Possessions are in the utmost danger unless we exert our whole united Force to repel those Faithless Neighbours in time of Peace, and merciless Enemies in time of War from this Continent or at least confine them to their primitive Colony of Canada.

The great weight of a War against the exorbitant power of France without the assistance of any ally under the great Debt, which affects Britain, undertaken to secure the safety, liberty and Possessions of these Colonies requires that the Colonies should exert their utmost united Force and depend and call upon God our Saviour to defend his Protestant Church, and the cause of Liberty I am therefore fully assured that you will continue to exert the same Zeal and Spirit you have hitherto done in granting supplies to support these Colonies in defence of our Religion Liberty and Possessions.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

It is your immediate concern to see that the Taxes you laid on have been effectually raised, and to view and examine the Accounts, and see that they are regularly kept, in order to grant a sufficient supply when the Colonies are in such imminent Danger, to prevent the seat of War being brought into this Province, which we must soon expect if the French are not soon repelled out of the neighbouring Provinces. At this time a less sum will do more service, than a very large sum hereafter, which if delayed must necessarily be given to procure your future peace and safety.

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

I have received his Majesties Instructions to recommend to you to prepare a Bill for preventing desertion and harbouring and concealing deserters and to encourage the raising Recruits for the public service of the Colonies, and to repay Masters for the remaining time of indented servants who shall enlist in his Majesties Service, and also to recommend that such Sums as you shall raise for the public service of the Colonies may be put under the direction of the Commander in Chief over all the Northern Colonies.

His Majesty has been pleased in compliance with the address of this Assembly to give me Instructions to re-enact the Twelve Laws which had been repealed by his Majesty in Council in 1754 for erecting Counties and Towns reserving his Majesty's Right to serve in the Assembly and also an Instruction to agree to the refusall of such subsequent Laws

as had passed here, but had not been transmitted and laid before his Majesty in Council in April 1754 and an Instruction to re-enact them with the same reservation.

There are several other Laws which I must recommend to your consideration: An effectual Militia Law, to amend and make effectual the Law for fixing and maintaining a learned Clergy, and for building Churches and Glebe Houses, and purchasing Glebes, A Law to favour our Indian Allies and to prevent maiming and killing Negroe Slaves, as also to make more effectual the Inspecting Law, and to appoint a Committee to revise the Law.

I have faithfully represented to his Majesty your Zeal and Spirit in supporting his undoubted Right in America and his Majesty has greatly approved of your Zeal and Cheerfulness in granting the necessary supplies and is fully convinced that you will exert the same Zeal and Spirit in defence of your Religion Liberty and Possessions and you may be assured I shall always faithfully represent your Loyalty to his Majesty and Zeal for his Illustrious House and the public safety of Great Britain and its Colonies, and I shall heartily and sincerely co-operate with you in everything that will promote true Religion and Virtue and the Wealth, Peace, Trade and Happiness of this Province.

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

Friday 1st October 1756. The House met according to adjournment.
Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin	} Esq ^{rs}
		James Murray.	John Dawson	
		James Hasell.	Lewis De Rosset	
		and John Rieussett		

John Smith produced his Commission from the Governor empowering him to act as Clerk of the Council as Upper House of Assembly and took the Oaths by Law directed for Public Officers, subscribed the Declaration and took the Oath of Office.

This House took under their consideration his Excellency's Speech and ordered the same to be read which was accordingly done—Then the Hon^{ble} Francis Corbin Lewis De Rosset and John Rieussett Esq^{rs} were appointed a Committee to prepare an address to his Excellency.

Mr. Shergold and Mr. Jo: Blouf brought up the following Message from the Lower House of Assembly.

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

This House have appointed Mr. John Harvey, Mr. George Moore, Mr. Wyriot Ormond, Mr. James Paine, and Mr. James Davis a Com-

mittee thereof to examine, state and settle the Public Accounts of this Province, and Mr. John Starkey, Mr. William Mackay, Mr. John Ashe, Mr. Thomas Relf and Mr. William Bartram a Committee to settle and allow the Public Claims on this Province in conjunction with such of your Hon^{rs} as you shall think proper to appoint for those services.

By order SAM: SWANN. Speaker.

W^m HERRITAGE. C^{lk}.

1st October 1756.

This House proceeded to chuse, Committees to join Committees of the other House on the public accounts and claims. And the Hon^{ble} James Hasell Lewis De Rosset and John Rieussett Esq^{rs} were appointed on the Accounts and the Hon^{ble} Francis Corbin and John Dawson Esq^{rs} on the Claims, and a message was sent to the other House acquainting them therewith with the following Words viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House taking under consideration your message signifying your appointment of Committees on the Public Accounts and Claims have appointed the following Members of this House Committees to join the Committees of your House on those services viz^t The Hon^{ble} James Hasell Lewis De Rosset and John Rieussett Esq^{rs} on the Public Accounts and the Hon^{ble} Francis Corbin and John Dawson Esq^{rs} on the Claims.

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

Met according to adjournment. Present as above.

The House adjourned till To-morrow morning 10 o'clock.

Saturday. 2nd October 1756. Met according to adjournment
Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Lewis De Rosset		
		and John Rieussett			

The House adjourned to 4 O'clock in the afternoon

Met according to adjournment Present as above.

The Committee appointed by this House to draw up an Address to his Excellency the Governor reported the same which was ordered to be read and being approved of was ordered to be engrossed.

The House waited on his Excellency at the Council Room and by the Hon^{ble} Matthew Rowan Esq^{rs} presented him with the following address.

MAY IT PLEASE YOUR EXCELLENCY

His Majesty's dutifull and loyal subjects the Members of his Council for this Province take leave to return your Excellency their thanks for your Speech at the Meeting of this Session of Assembly.

We have observed with manifest concern the great alteration in the Situation of Public Affairs since our last meeting and which your Excellency has so pathetically and justly remarked to us, and we are highly sensible of the danger that so nearly threatens us and the rest of his Majesties Colonies in America from the attacks of our faithless and merciless enemies, the French and their barbarous and cruel allies, and that without our being unanimous and exerting ourselves at present in the defence of our Religion Laws and Liberties we dont know how far their arbitrary and enslaving schemes may succeed.

We therefore assure your Excellency that for our parts we shall at all times cheerfully and freely contribute to the utmost of our fortunes and abilities and willingly risque our lives in support of his Majesty's just Rights and in Defence of that great blessing of liberty we so happily enjoy in Church and State, under his wise, just and gracious administration.

We shall also readily concur with the other Branch of the Legislature in granting such supplies as the indigent and poor state of this Province will admit and in doing whatever else lies in our Power to contribute to the safety and happiness of it and to render your Excellencies administration easy and prosperous.

We are now to return your Excellency our sincere thanks for your just representation of the affairs of this Province to his Majesty for your assurance of co-operating with us, and for that steadiness and zeal you have shewn for his Majesty and his illustrious House. We assure you Sir, these motives will animate us with diligence and alacrity to enter upon public business and to bring this Session to an end agreeable to your Excellencys generous views and the benefit of our Country.

To which his Excellency was pleased to return the following answer.

The expressions of our Zeal for his Majesty's Rights and safety of these Colonies and your sense of the blessings we enjoy under his Reign and the British Constitution, I shall faithfully represent to his Majesty and return you thanks for your acceptance of my zeal and endeavours to support his Majesty's Rights and the safety of this Province.

The House adjourned till Monday morning 10 o'clock.

Monday 4th October, 1756. The House met according to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Lewis De Rosset		
		and John Rieussett			

Mr. Moore and Mr. Harvey brought up the following message from the Lower House of Assembly.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

On perusing the report of the Committee of Accounts of last Sessions we find they have not yet been concurred to by your Honours. Therefore now send them to you herewith and desire your Honours concurrence to the same.

By order SAM: SWANN, Speaker.

WILL^m HERRITAGE C^{lk}.

2nd Oct: 1756.

The House adjourned till 4 o'clock in the afternoon.

Met pursuant to adjournment. Present as above.

The House adjourned till To-morrow morning 9 o'clock.

Tuesday 5th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Lewis De Rosset		
		and John Rieussett			

The message from the Assembly desiring the concurrence of this House to the report of the Committee of accounts of the last Session was considered and the question was put that the said report as it stands amended by the House of Assembly be concurred with. It passed in the affirmative. Against which the Hon^{ble} James Murray Esq^{re} protested and prayed leave and time to enter his Reasons for such Protest which was granted.

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

Met pursuant to adjournment. Present as above.

The House adjourned till Thursday morning 9 o'clock.

Thursday, 7th October, 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	} Esq ^{rs}
		James Murray	John Swann	
		James Hasell	John Dawson	
		James Innes	Lewis De Rosset	
		& John Rieussett		

Mr. Blount and Mr. Ward brought up the following Bills, To witt
A Bill for altering the Times for holding the Supreme Courts of Justice and for other purposes. And a Bill to limit the Time for holding County Courts and other purposes—which Bills were endorsed in the following manner.

7th Oct^r 1756. In the Assembly read the first time and passed.

By order W^m HERRITAGE C^{lk}

The above Bills were read in this House the first time and passed.

Mr. Spier and Mr. Harvey brought up the following Bills To witt.

A Bill for the better regulation of the Militia and other purposes.

A Bill for adjourning the County Court of Beaufort and other purposes.

Both Bills were endorsed in the following manner.

7th Oct^r 1756. In the Assembly read the first time and passed.

By order W^m HERRITAGE C^{lk}

Which Bills were read in this House the first time and passed with amendments.

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

Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	} Esq ^{rs}
		James Hasell	John Swann	
		James Innes	John Dawson	
		and Lewis De Rossett		

The House adjourned till To-morrow morning 9 o'clock.

Friday 8th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	} Esq ^{rs}
		James Murray	John Swann	
		James Hasell	John Dawson	
		James Innes	Lewis De Rosset	
		and John Rieussett		

Mr. Relph and Mr. Griffith Jones brought up a Bill for altering the Times for holding the supreme courts of Justice and for other purposes.

Indorsed this 7th Oct^r 1756. In the Assembly read the second time and passed with amendments. By order

WILL^m HERRITAGE C^{jk}

Which Bill was read in this House a second time and passed with amendments.

Mr. Kinchin and Mr. Murden brought up a Bill for dividing the Parish of Edgecombe in the County of Edgecombe into two distinct parishes. Indorsed thus viz^t 8th Oct^r 1756. In the Assembly read the first time and passed. By order

WILL^m HERRITAGE C^{jk}

Which Bill was read in this House the first time and passed.

Resolved that the thanks of this House be given to the Revnd Mr. Michael Smith for his sermon preached before his Excellency the Governor and both Houses of the General Assembly at Newbern on the sixth day of October instant being a day appointed for a solemn fast, and that he be desired to publish the same.

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

Met pursuant to adjournment. Present as above.

The House adjourned till Tomorrow morning 10 o'clock.

Saturday 9th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Swann		
		James Hasell	John Dawson		
		James Innes	Lewis De Rosset		
		and John Rieussett			

Mr. Harnett and Mr. Starkey brought up the following Bills viz^t

A Bill for adjourning the County Court of Beaufort and other Purposes.

And a Bill for altering the Times for holding the Supreme Courts of Justice and for other purposes.

Mr. Davis and Mr. Cade brought up a Bill for establishing several Counties and Towns.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading the third time the Bill for altering the Times for holding the Supreme Courts of Justice and for other purposes We observe that you have fixed them at such times as almost renders the Chief Justices attendance at some of them impracticable. We therefore desire your concurrence for holding the said Courts at the times mentioned in the

paper herewith sent to which if you agree we desire you will send some of your members to see the said alterations made.

At Edenton on the first Tuesday in December and June.

At Enfield on the first Tuesday in January and July.

At Salisbury on the third Tuesday in February and August.

At Wilmington on the fourth Tuesday in March and September.

At Newbern on the third Tuesday in April and October.

Mr. Secretary brought from his Excellency the following message viz:

MR. PRESIDENT AND GENT: OF HIS MAJESTIE'S COUNCIL,

As the Forts and Batteries, which are erecting at Cape Fear Core Banks and Topsail Inlet and will soon be in a state of defence and I have an account that Artillery and Ordnance stores will be soon ordered for Fort Johnston and as I have also applied for artillery and stores, for the other Batteries it will be necessary to have at least a company of 120 men to defend them, which I have also applied for to be fixed upon the British Establishment and it is expected that if the company should be established that this Colony should provide them with Provisions as is done in other Colonies. An address from you to his Majesty that you will supply them with Provisions will greatly forward and support my application for the Company, since it can't be expected in time of War this Province can defend its Western Frontier, assist the other colonies and also maintain an independant Company to defend the Forts and protect the navigation of the Colony. This I recommend to your consideration.

9th October 1756.

ARTHUR DOBBS.

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

Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin	} Esq ^{rs}
		James Murray.	John Swann	
		James Hasell	John Dawson	
		James Innes	Lewis De Rosset and	
		John Rutherford	John Rieussctt	

Mr. Davis and Mr. Cade brought up the following Bills. viz'

A Bill to prevent the unlawfull killing and destroying of Slaves.

A Bill to erect a new Court House, Prison, Pillory and Stocks in Pasquotank County and other purposes. And a Bill for constituting a Court Merchant.

Which said three Bills were read in this House the first time and passed.

Mr. Davis and Mr. Cade brought up the following message viz:

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

We cannot concur to your message of this day desiring our concurrence to the alteration you propose to the Bill for altering the Times for holding the supreme Courts of Justice and other purposes as we are of opinion the alteration you mention will render the attendance of the Chief Justice to hold those Courts much more inconvenient than those we incerted in the Bill.

By order. SAM: SWANN Speaker.

W^m HERRITAGE C^{lk}.

9th Oct: 1756.

A Bill for altering the times for holding the supreme Courts of Justice and other purposes was read in this House a third time; and the question being put, shall the Bill pass or not pass, it was rejected.

The House adjourned till Monday Morning 10 o'clock.

Monday, 11th October 1756. Met pursuant to adjournment

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^m
		James Murray.	John Swann		
		James Hasell.	John Dawson		
		James Innes	Lewis De Rosset &		
		John Rutherford	John Rieussett		

Mr. Benj: Harvey and Mr. Relf brought up a Bill to limit the time for holding County Courts and other purposes.

His Excellency the Governor was pleased to lay before this House the following letter and state of the Cherokee's. viz.

[See duplicate "letter and state" to Governor of South Carolina, *ante*, page 612.—EDITOR.]

The House adjourned to 3 o'clock in the afternoon.

Met pursuant to adjournment. Present as above.

A Bill for establishing several Counties and Towns was read in this House the first time and passed.

A Bill for adjourning the County Court of Beaufort, and other purposes was read in this House the second time and passed with amendments.

A Bill to limit the time for holding Courts and other purposes was read in this House a second time and passed.

The House adjourned till Tomorrow morning 9 o'clock.

Friday 12th October 1756. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Swanu		
		James Hasell	John Dawson		
		James Innes	Lewis De Rosset and		
		John Rutherford	John Rieusset		

Mr. Relf and Mr. Murden brought up the Two following Bills. Viz^t A Bill for erecting a new Court House, Prison, Pillory & Stocks in Pasquotank County and other purposes. And a Bill for dividing the Parish of Edgecombe in the County of Edgecombe into Two distinct Parishes.

Mr. Fonville and Mr. Brown brought up a Bill for the better regulation of the Militia and other purposes.

A Bill for erecting a new Court House, Prison, Pillory and Stocks in Pasquotank County and other Purposes was read in this House a second time and passed with amendments.

A Bill for dividing the Parish of Edgecombe in the County of Edgecombe into Two distinct Parishes was read in this House a second time and passed with amendments.

A Bill to limit the Time for holding County Courts and other purposes was read in this House a third time and passed ordered to be engrossed.

A Bill for the better regulation of the Militia and other purposes was read in this House the second time and passed.

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

Met pursuant to adjournment. Present as above (except the Hon^{ble} Lewis De Rosset Esq^{rs})

Mr. Starkey and Mr. Harnett brought up the three following Bills viz^t

A Bill to prevent the unlawfull killing and destroying of Slaves.

A Bill for ascertaining the method of proving Book Debts. And a Bill for constituting a Court Merchant.

Mr. Harris and Mr. Paine brought up a Bill to empower the Sheriff of Granville to collect Public, County and Parish Levies of the taxable Persons within the same. Which Bill was read in this House the first time and passed.

A Bill for ascertaining the method of proving Book Debts was read in this House the first time and passed.

A Bill for constituting a Court Merchant was read in this House the second time ordered to lie on the Table till To-morrow.

A Bill to amend an Act intituled a Act for establishing the supreme Courts of Justice of Oyer and Terminer and General Goal delivery of

N^o Carolina was read in this House the first time and passed with amendments.

Mr. Caswell and Mr. Cade brought up a Bill for dividing the Parish of S^t Patrick in the County of Johnston [into] two Distinct Parishes.

Mr. Blount and Mr. Harvey brought up a Bill for confirming the Town Lands of Edenton &c:

Mr. Harvey and Coll: Mackey brought up a Bill for the better regulation of the Militia and other purposes.

The Bill for confirming the Town Lands of Edenton &c: In the upper House read the first time and passed.

The Bill for dividing the Parish of S^t Patrick in the County of Johnston into two distinct Parishes. In the upper House read the first time and passed.

Mr. Harris and Mr. Fonville brought up the Two following Bills viz^t A Bill for dividing the Parish of Edgecombe in the County of Edgecombe into Two distinct Parishes And a Bill to empower the Sheriff of Granville and the Collector of Taxes of S^t Johns to collect Public County and Parish Levies of the Taxables persons within the same.

The House adjourned till to-morrow morning 9 o'clock.

Wednesday 13th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Swann		
		James Hasell	John Dawson		
		James Innes	Lewis De Rosset and		
		John Rutherford	John Rieussett		

The Bill for dividing the Parishes of Edgecombe in the County of Edgecombe into Two distinct Parishes, was read in this House a third time and passed. Ordered to be engrossed.

The Bill for the better regulation of the Militia and other purposes was read in this House the third time and passed. Ordered to be engrossed.

Mr. Sutton and Mr. Cade brought up a Bill for the relief of such persons as have suffered or may suffer by not having had their Deeds and Mesue conveyances proved and registered within the time heretofore appointed for such purposes and to prevent disputes and Law suits concerning Lands.

Mr. Relf and Mr. Jones brought up a Bill for erecting a new Court House, Prison, Pillory and Stocks in Pasquotank County and other purposes.

The Bill for constituting a Court Merchant was resumed and passed.

The Bill for the relief of such persons as have suffered or may suffer by not having had their Deeds [and] Mesue conveyances proved and regis-

tered within the time heretofore appointed for such purposes and to prevent disputes and Law suits concerning Lands, was read in this House the first time and passed.

The Bill for erecting a new Court House, Prison, Pillory and Stocks in Pasquotank County and other Purposes was read in this House a third time and passed. Ordered to be engrossed.

Mr. Blount and Mr. Walton brought up the three following Bills, viz:

A Bill to amend an act entituled an act for establishing the Supreme Courts of Justice of Oyer & Terminer and General Goal delivery of N^o Carolina.

A Bill for confirming the Town Lands of Edenton &c :

And a Bill for establishing public roads and Ferries and for the better regulation of the same in several Counties.

The Bill to amend an act entituled an act for establishing the Supreme Court of Justice of Oyer and Terminer and General Goal delivery of North Carolina was read in this House a second time and passed.

Mr. Cade and Mr. Caswell brought up a Bill for dividing the Parish of S^t Patrick in the County of Johnston into Two distinct Parishes.

The Bills for establishing public roads and Ferries and for the better regulation of the same in several Counties, was read in this House the first time and passed.

Mr. Sutton and Mr. Bravard brought up a Bill for ascertaining the method of proving Book Debts.

The Bill to prevent the unlawful Killing and destroying of Slaves was read in this House a second time and passed with amendments.

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

Met pursuant to adjournment. Present as above.

The Bill for adjourning the County Court of Beaufort and other purposes, was read in this House a third time and passed. Ordered to be engrossed.

Mr. Relf and Mr. Brothers brought up a Bill for consolidating the Parishes of S^t John and S^t Peter in the County of Pasquotank, which Bill was read in this House the first time and passed.

Mr. Fonville and Mr. Bartram brought up a Bill for the relief of such persons as have suffered or may suffer by not having had their Deeds and Mesne conveyances proved and registered within the time heretofore appointed for such purposes and to present disputes and Law suits concerning Lands.

The Bill to empower the Sheriff of Granville and Collector of S^t Johns to collect Public, County and Parish Levies, was read in the upper House the second time and passed.

Mr. Davis and Mr. Hutchins brought up a Bill for constituting a Court Merchant.

The House adjourned till To-morrow morning 9 o'clock.

Thursday 10th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin	}	Esq ^r
		James Murray.	John Swann		
		James Hasell.	John Dawson.		
		James Innes	Lewis De Rosset and		
		John Rutherford	John Rieussett		

The Bill for dividing the Parish of S^t Patrick in the County of Johnston into Two distinct Parishes was read in this House a second time and passed with Amendments.

Mr. Griffith Jones and Mr. Smith brought up the Three following Bills viz^t

A Bill for the regulation of the Town of Wilmington.

A Bill to impower the Sheriff of Granville and the Collector of the Taxes of S^t John to collect Public County and Parish Levies &c:

And a Bill for consolidating the Parishes of S^t John and S^t Peter in the County of Pasquotank.

Mr. Leary and Mr. Jones brought up a Bill to amend an act intituled an act for establishing the Supreme Courts of Justice of Oyer and Terminer and General Goal Delivery of N^o Carolina.

The Bill for the regulation of the Town of Wilmington was read in this House the first Time and passed with amendments.

The Bill for ascertaining the method of proving Book Debts was read in this House a second time and passed.

The Bill for constituting a Court Merchant was read in this House a third time and rejected.

The Bill to amend an act intituled an act for establishing the Supreme Courts of Justice of Oyer and Terminer and General Goal Delivery of N^o Carolina was read in this House the third time and passed. Ordered to be engrossed.

The Bill for the relief of such persons as have suffered or may suffer by not having had their Deeds and Mesue conveyances proved and registered within the Time heretofore appointed for such purposes and to prevent disputes and Law suits concerning Lands, was read in this House the second time and ordered to lie on the Table 'till To morrow morning.

The Bill to impower the Sheriff of Granville and the Collector of the Taxes of S^t John to collect Public, County, and Parish Levies was read in this House the third time and passed. Ordered to be engrossed.

The Bill for consolidating the Parish of S^t John and S^t Peter in the County of Pasquotank was read in this House a second time and passed. The House adjourned till 3 o'clock in the afternoon.

Met pursuant to adjournment. Present as above.

Mr. Cade and Mr. Caswell brought up a Bill for dividing the Parish of S^t Patrick in the County of Johnston into two distinct Parishes.

Mr. Davis and Mr. Fonville brought up the two following Bills viz^t

A Bill for the better regulation of the Town of Newbern for securing the Titles of Persons who hold lots in the said Town, and for other purposes therein mentioned.

And a Bill for the punishment of Mutiny and Desertion and preventing the harbouring and entertaining of deserted soldiers.

Which Bills were read in this House the first time and passed.

The Bill for confirming the Town Lands of Edenton &c: was read in this House a second time and passed with Amendments.

The House adjourned till To morrow morning 10 o'clock.

Friday 15th October, 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin.	} Esq ^{rs}
		James Murray.	John Swann	
		James Hasell.	John Dawson.	
		James Innes	Lewis De Rosset and	
		John Rutherford.	John Rieussett	

The House adjourned till Three o'clock in the afternoon.

Met pursuant to adjournment. Present as above.

The Bill for dividing the Parish of S^t Patrick in the County of Johnston into Two distinct Parishes was read in this House a third time and passed, ordered to be engrossed

Mr. Brown and Mr. Surry brought up a Bill for laying an Imposition upon the several articles therein mentioned, which Bill was read in this House the first time and passed.

The Bill for the relief of such persons as have suffered or may suffer by not having their Deeds and Mesne Conveyances proved and registered within the time heretofore appointed for such purposes and to prevent disputes and Law Suits concerning Lands was resumed and passed.

Mr. Benj: Harvey and Mr. Mackay brought up a Bill for establishing Public Roads and Ferries and for the better regulation of the same in several Counties which Bill was read in this House the second time amended and passed.

Mr. Harnett and Mr. Ashe brought up a Bill for ascertaining the method of proving Book Debts.

The House adjourned till Tomorrow morning 9 o'clock.

Saturday 16th October 1756. Met pursuant to adjournment

Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin.	} Esq ^{rs}
		James Murray.	John Swann.	
		James Hasell	John Dawson	
		James Innes	Lewis De Rosset and	
		John Rutherford.	John Rienssett	

Mr. Barker and Mr. Blount brought up a Bill for confirming the Town Lands of Edenton &c:

The Bill for ascertaining the method of proving Book Debts, was read in this House the third time and passed. Ordered to be engrossed.

Mr. Harnett and Mr. Davis brought up a Bill to amend and continue an act intituled an act for granting to his Majesty a Duty upon the Tonage of Ships and other vessels coming into this Province for the purpose therein mentioned which Bill was read in this House the first time and passed with amendments.

The Bill for confirming the Town Lands of Edenton &c: was read in this House the third time and rejected.

Mr. Moore and Mr. Relf brought up the Two following Bills viz:

A Bill for the relief of such persons as have suffered or may suffer by not having had their Deeds and Mesne Conveyances proved and registered within the time heretofore appointed for such purposes and to prevent disputes and Law suits concerning Lands.

And a Bill for consolidating the Parishes of S^t John and S^t Peter in the County of Pasquotank. Which Bills were read in this House the third time and passed.

Ordered to be engrossed.

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

Met pursuant to adjournment. *Present as above.

Mr. Benj: Harvey and Mr. Griffith Jones brought up the following Bills viz^t

A Bill for the punishment of mutiny and desertion and preventing the harbouring of and entertaining deserted soldiers And a Bill for establishing Public Roads and Ferries and for the better regulation of the same in several Counties.

The Bill for reestablishing several Counties and Towns and for other purposes: was read in the House a second time, amended and passed.

The following message was brought from his Excellency the Governor by Mr. Secretary.

MR. PRESIDENT AND GEN^t OF HIS MAJESTY'S COUNCIL,

Having received Instructions from his Majesty to fix upon a proper situation for the seat of Government and the Lords Commissioners of Trade having represented to me that it should be laid out in a healthy situation the most central that may be for the benefit of the whole Province and that they think it proper to advise his Majesty that it should be somewhere upon the River Neuse. But as the Province must be at the expence of several public Buildings, his Majesty will not fix the place until the Council and Assembly of the Province view the several Situations on the River and represent by address to him which place they think will be most healthy and convenient for the several Inhabitants of the Province. Therefore desire that you may take it into consideration and after viewing the situations on the River you may choose the most convenient place, that I may lay your address before his Majesty.

ARTHUR DOBBS.

The Bill for establishing public roads and Ferries and for the better regulation of the same in several counties was read in this House the third time, and passed. Ordered to be engrossed.

The Bill for punishing of Mutiny and desertion and preventing the harbouring and entertaining deserted Soldiers was read in this House a second time and passed.

This House appointed the Hon^{ble} Francis Corbin and the Hon^{ble} Lewis De Rosset Esq^{rs} a Committee to prepare an address to his Majesty.

The House adjourned till Monday morning 10 o'clock.

Monday, 18th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	Francis Corbin	
		James Hasell	John Swann.	
		James Innes	Lewis De Rosset	
		and John Rienssett		

Mr. Whitmell and Mr. Walton brought up the two following Bills viz :

A Bill for the better regulation of the Town of Wilmington and a Bill for granting to his Majesty an aid of £3,400 to defray the expence of erecting a Fort, raising and paying two companies for the defence of the Western Frontier of this Province.

The Bill for the better regulation of the Town of Wilmington was read in this House a second time amended and passed.

Mr. Brown and Mr. Mackey brought up a Bill for establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the church begun in the said Town, and for the further improvement and better regulation thereof which Bill was read in this House the first time and passed.

The Bill for granting to his Majesty an aid of £3,400 to defray the expence of erecting a Fort raising and paying two companies for the defence of the Western Frontier of this Province, was read in this House the first time and passed.

Mr. Fonville and Mr. Bartram brought up the two following Bills viz:

A Bill to amend an act intituled an act for impowering the several Commissioners thereafter named to make mend and repair all roads, cuts, bridges and water courses already laid out or hereafter to be laid out in the several counties and Districts thereafter appointed in such manner as they judge most usefull to the Public and other purposes, which Bill was read in this House the first time and passed—And a Bill for re-establishing several Counties and Towns and for other purposes.

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

Met pursuant to adjournment. Present as above.

Mr. Blount and Mr. Ashe brought up the three following Bills viz^t

A Bill to amend an act intituled an act to restrain the exportation of bad and unmerchantable Tobacco and for preventing frauds in his Majesty's customs.

A Bill for the punishment of Mutiny and desertion and preventing the harbouring and entertaining of deserted soldiers, which Bill was read in this House the third time and passed. Ordered to be engrossed

And a Bill to prevent the depreciating of the Public Bills of Credit of this Province, which Bill was read in this House the first time and rejected.

Mr. Barker and Mr. Davis brought up a Bill for laying Tax for repairing the Court House in Edenton, which Bill was read in this House the first time and passed

The Bill to amend an act intituled an act to restrain the exportation of bad and unmerchantable Tobacco and for preventing Frauds in his Majesty's customs was read in this House the first time and passed.

The House adjourned till Tomorrow morning 9 o'clock.

Tuesday, 19th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Swann		
		James Hasell	Lewis De Rosset and		
		James Innes	John Rieussett		

Mr. Cade and Mr. Davis brought up the following Bills viz^t

A Bill to prevent the unlawfull Killing and destroying of Slaves which Bill was read in this House the third time and rejected.

A Bill for an act to empower James Hasell Esq^{re} only acting Exceutor of the last Will and Testament of Nathaniel Riee Esq^{re} deceased to make sale of certain Lands lately belonging to the said Nathaniel Rice, devised to his Grandchildren Nathaniel, John, Sarah and Mary Rice Minors— which Bill was read in this House the first time and ordered to lie on the Table till To-morrow.

Mr. Brown and Mr. Mackey brought up the following Bills viz:

A Bill for the better payment of Bills of Exchange and Promisory notes of Hand, which Bill was read in this House the first time and passed.

A Bill for establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the Church begun in the said Town and for the further improvement and better regulation thereof, which Bill was read in this House the second time amended and passed.

A Bill for an Act to re-establish the Countys of Rowan and Cumberland

Which Bill was read in this House the first time and passed.

Mr. Davis and Mr. Bryan brought up a Bill for the better regulation of the Town of Newbern, for securing the Titles of persons who hold lots in the said Town.

Which Bill was read in this House the second time amended and passed.

The House adjourned till three o'clock in the afternoon.

Met pursuant to adjournment. Present as above.

The House adjourned till Tomorrow morning 9 o'clock.

Wednesday 20th October, 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	John Swann		
		James Hasell	Lewis De Rosset and		
		James Innes	John Rieussett		

Mr. Ashe and Mr. Moore brought up a Bill for re-establishing the Counties of Rowan Cumberland and Orange, which Bill was read in this House the second time and passed.

Mr. Blount and Mr. Mackey brought up a Bill for establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the church begun in the said Town and for the further improvement and better regulation thereof. Which Bill was read in this House the third time and passed.

Ordered to be engrossed.

Mr. Ormond and Mr. Hutchins brought up a Bill for granting to his Majesty an aid of £3,400 to defray the expence of erecting a Fort, raising and paying two companies for the defence of the Western part of this Province. Which Bill was read in this House a second time amended and passed.

Mr. Ward and Mr. Harvey brought up a Bill to amend an Act intituled an act to restrain the exportation of bad and unmerchantable Tobacco and for preventing Frauds in his Majesties Customs. Which Bill was read in this House a second time amended and passed.

Mr. Caswell and Mr. Cade brought up the following Bills viz:

A Bill for the regulation of the Town of Wilmington. Which Bill was read in this House the third time and passed.

Ordered to be engrossed.

A Bill for laying a Tax on the Inhabitants of the Parishes of S^t Patrick and S^t Stephen. Which Bill was read in this House the first time and passed.

This House reassumed the consideration of a Bill for an Act to impower James Hasell Esq^{re} only acting Executor of the last Will and Testament of Nathaniel Rice Esq^{re} deceased to make sale of certain Lands late belonging to the said Nathaniel Rice devised to his Grandchildren Nathaniel, John, Sarah and Mary Rice Minors.

Mr. Davis and [Mr.] Fonville brought up a bill for the better regulation of the Town of Newbern and for securing the Titles of persons who hold Lots in the said Town, which Bill was read in this House the third time and passed.

Ordered to be engrossed.

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

Met pursuant to adjournment. Present as above.

Mr. Moore and Mr. Bartram brought up a Bill to amend an Act intituled an Act for empowering the several Commissioners thereafter named to make, mend repair all roads, bridges, cuts and water courses already laid out or hereafter to be laid out in the several Counties and Districts therein after appointed in such manner as they judge most useful to the public and other purposes. Which Bill was read in this House a second time amended and passed.

Mr. Cade and Mr. Walton brought up the following Bills, viz:

A Bill for laying a Tax on the Inhabitants of the Parish of S^t Patrick and S^t Stephen. Which Bill was read in this House the second time and passed.

A Bill to amend an act intituled an act to restrain the exportation of bad and unmerchautable Tobacco and for preventing Frauds in his Majesty's customs. Which Bill was read in this House the third time and passed. Ordered to be engrossed.

Mr. Bartram and Mr. Isaac Jones brought up the following Bills viz^t

A Bill for re-establishing the Counties of Rowan Cumberland and Orange. Which Bill was read in this House the Third time and passed. Ordered to be engrossed.

A Bill for an act to impower James Hasell Esq^{re} only acting Executor of the last Will and Testament of Nathaniel Rice Esq^{re} deceased, to make sale of certain Lands lately belonging to the said Nathaniel Rice devised to his Grandchildren Nathaniel, John, Sarah and Mary Minors.

Mr. Kinchin and Mr. Smith brought up a Bill for the better payment of Bills of Exchange and Promisory Notes of Hand. In the upper [house] read the second time and rejected.

Mr. Ward and Mr. Surry brought up a Bill for laying a Tax for repairing the Court House in Edenton, which Bill was read in this House the second time and passed.

The Bill for the establishing several Counties and Towns and for other purposes was read in this House the third time and passed. Ordered to be engrossed.

The House adjourned till To-morrow morning 9 o'clock.

Thursday 21st October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin	}	Esq ^{rs}
	{	James Murray.	John Swann.	}	
	{	James Hasell.	Lewis De Rosset and	}	
	{	James Innes.	John Rieussett	}	

Mr. Harnett and Mr. Ashe brought up a Bill to amend and continue an act intituled an act for granting to his Majesty a Duty upon the Tonnage of ships and other vessells coming into this Province for the purpose therein mentioned, which Bill was read in this House a second time amended and passed.

Mr. Vail and Mr. Ashe brought up a Bill for granting to his Majesty an aid of £3,400 to defray the expence of erecting a Fort raising and paying two companies for the defence of the Western Frontier of this

Province Which Bill was read in this House the third time and passed. Ordered to be engrossed.

The Bill to impower the Executors of the last Will and Testament of Nathaniel Rice Esq^{re} deceased and the Executors of the last Will of the late Mary Rice deceased effectually to execute the said Wills, was read in this House the second time amended and passed.

Mr. Vail and Mr. Ashe brought up the following Bills. viz^t

A Bill for laying a Tax for repairing the Court House in Edenton— which Bill was read in this House the third time and passed. Ordered to be engrossed.

A Bill for laying a Tax on the Inhabitants of the Parishes of S^t Patrick and S^t Stephen. Which Bill was read in this House the third time and passed. Ordered to be engrossed.

Mr. Vail and Mr. Ashe brought up the following message. viz:

GEN^t OF HIS MAJESTY'S HON^{ble} COUNCIL,

The Chairman of the Committee of Accounts having reported that the Treasurers have paid into the said Committee One Thousand Eight Hundred and nine Pounds and Five pence Proclamation Money on account of the sinking Fund and the Chairman of the Committee of Claims reported that the said Committee had received Five Hundred Thirty nine pounds, nineteen shillings and six pence late Current Bills which said several sums by Law are to be burnt, This House have therefore appointed a Committee of the whole House in conjunction with such of your Honours as you shall think proper to appoint to see the said sums burnt at Four o'clock this afternoon at the House of Richard Magraw.

By order SAM: SWANN Speaker.

WILL^m HERRITAGE C^{lk}

21st October 1756.

This House proceeded to choose a Committee to join the Committee of the other House to see the Bills paid in on the sinking Fund, and the old Bills burnt and they appointed the Hon^{ble} James Murray James Innes and John Swann Esq^{re} a Committee for that purpose and sent down the following message viz^t

MR. SPEAKER AND GENTLEMEN,

This House have appointed the Hon^{ble} James Murray, James Innes and John Swann Esq^{re} a Committee to join the Committee of your House for burning the Bills paid in on the sinking Fund and the old Bills mentioned in your message of this day.

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

Met pursuant to adjournment Present as above.
The House adjourned till Tomorrow morning nine o'clock.

Friday 22nd October 1756. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray.	John Swann		
		James Hasell	Lewis De Rosset and		
		James Innes	John Rieussett		

Mr. Moore and Mr. Harnett brought up the following Bills.

A Bill to empower James Hasell Esq^{re} only Executor of the last Will and Testament of Nathaniel Rice Esq^{re} deceased to make sale of certain Lands belonging to the said Nathaniel Rice devised to his Grandchildren, Nathaniel John, Sarah and Mary Minors, which Bill was read in this House the third time and rejected.

Mr. Moore and Mr. Harnett brought up A Bill to amend an act intituled an act for empowering the several Commissioners therein after named to make, mend and repair all roads, bridges, cuts and water courses already laid out, or hereafter to be laid out, in the several Counties and Districts therein after appointed in such manner as they judge most usefull to the Public and other purposes. which Bill was read in this House the third time and ordered that the following message be sent to the Lower House

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to amend an act, intituled an act for empowering the several Commissioners therein after named, to make, mend and repair all roads, bridges cuts and water courses already laid out or hereafter to be laid out in the several Counties and Districts therein after appointed in such manner as they shall judge most usefull to the public and other purposes.

This House proposed to leave out the whole clause relating to the Ferry between Bath Town and Core point to which we desire your concurrence and that you would be pleased to send two of your members to see that amendment made.

Mr. Fonville and Mr. Bartram brought up a Bill to amend and continue an act, intituled an act for granting to his Majesty a Duty upon the Tonage of Ships and other vessels coming into this Province for the purpose therein mentioned. Which Bill was read in this House the third time and ordered that the following message be sent to the Lower House viz^t

MR. SPEAKER AND GEN^t OF THE ASSEMBLY

On reading the third time the Bill to amend and continue an act intituled an act for granting to his Majesty a Duty upon the Tonage of ships and other vessels coming into this province for the purpose therein mentioned, We find you have struck out the clause for appropriating the Powder and shot already received or that may hereafter be received at Cape Fear for the use of Fort Johnston. We propose to reinsert the said clause and for that purpose if you concur we desire you would send up Two of your members to see the same done.

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

Met pursuant to adjournment. Present as above.

Mr. Ashe and Mr. Blount brought up the Two following messages,

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

The House can't agree to the inserting the Clause you propose in the Bill to amend and continue an act intituled an act for granting to his Majesty a Duty upon the Tonage of ships and other vessels coming into this Province for the purposes therein mentioned as we are of opinion it ought to be in the power of the Governor or commander in chief of this Province to order from time to time the Powder received in the several Ports to such places within this Government where the same may be most wanted for the protection and defence thereof.

By order SAM: SWANN. Speaker.

WILL^m HERRITAGE C^{lk}

22^d October 1756.

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

In answer to your message of this day relating to the Bill to amend an act intituled an act for empowering the several Commissioners therein after named to make, mend and repair all Roads &c: This House do concur to strike out the clause you mentioned and have sent Mr. Ashe and Mr. Blount to see the same done.

By order SAM: SWANN. Speaker.

WILL^m HERRITAGE C^{lk}

22^d October 1756.

This House reassumed the consideration of the following Bills,

A Bill to amend an act intituled an act for empowering the several Commissioners therein after named to make, mend and repair all roads, bridges &c:

And a Bill to amend and continue an act intituled an act for granting to his Majesty a Duty upon the Tonage of ships &c:

The question being put, the said Bills past Ordered to be engrossed.

This House taking into consideration his Excellency's message of the 9th Instant have come to the following resolves, viz: That they will concur with the other House in making such provision for the soldiers his Majesty shall be graciously pleased to send over for the garrisoning the Forts and Fortifications on the sea coast of this Province, as is made by the neighbouring Provinces. And sent the following address to his Excellency, viz^t

SIR

We his Majesties most dutifull and loyal subjects the Council of this Province having taken into consideration your Excellency's message of the 9th instant relative to the supplying with Provisions a company of men to be sent by his Majesty for the garrisoning the several Forts and Batteries, erecting at Cape Fear, Core Banks and Topsail Inlet, have come to a resolve thereon, a copy of which together with an address to his Majesty, We herewith present to your Excellency, and beg you would be pleased to transmit the said address to his Majesty.

Then the Committee appointed to draw up an Address to his Majesty presented the same which being read was ordered with the above address to be delivered to his Excellency. And is as follows viz:

To the Kings most excellent Majesty

The Humble address of the Council of North Carolina

MOST GRACIOUS SOVEREIGN

We your Majesty's most dutifull and faithfull subjects the Members of your Council for this Province now met in General Assembly beg leave to return your Majesty our unfeigned thanks for your Paternal regard not only for this Province in particular But also for your Royal care and Bounty for the preservation of the other American Colonies.

We therefore humbly presume to represent to your Majesty the defenceless condition of this your Majesty's Province of North Carolina, and the danger to which our Frontiers are exposed which are liable to be attacked by the French and their Indian Allies and as we have been at considerable expences not only in sending assistance to Virginia and erecting Batteries on the sea Coasts which are conveniently situated for the Protection of our Trade yet will be rendered useless to us for want of Garrisons Artillery and proper ordnance Stores.

Your Majesty's Paternal Care and constant attention to the Prosperity and happiness of all your subjects encourage us in time of our real necessity to implore your Majesty's gracious Favour and Protection and that you will be pleased to order for our assistance such artillery, ordnance stores and men as may in your Majesty's great wisdom be thought convenient for us, which we humbly conceive will be a great means of securing not only our Trade and Commerce, but also of preventing a Province, remarkable for naval Stores and Provisions from being attacked by your Majesty's most perfidious Enemies the French, who have long had an Eye on this and the neighbouring Province of Virginia on account of the native produce of each Colony.

With the greatest deference to your Majesty's sacred person we beg leave to express our just abhorrence of the unjustifiable encroachments, made on your Majesty's Territories not only in Europe but also in America, by the common disturbers of mankind and at the same time acknowledge with the warmest sentiments of gratitude your Majesty's wisdom and Fatherly care of these your American Colonies, and the prudent and wise measures entered into by your Majesty for their preservation, by which we have still the happiness of enjoying our civil and religious Liberties.

The sensibility of the many and great blessings we enjoy under the illustrious House of Hanover will animate us to exert our utmost abilities on all occasions at the hazard of our Lives and Fortunes in the defence of your most sacred person and family, your rights and possessions.

By order MATT: ROWAN. P. C.

J^{no} SMITH C^{lk}

Council Chamber Newbern. 22nd October 1756.

The House adjourned till To-morrow morning 9 o'clock.

Saturday 23rd October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan.	Francis Corbin	}	Esq ^{rs}
		James Murray.	John Swann.		
		James Hasell.	Lewis De Rosset and		
		James Innes.	John Rieussett		

This House taking into their consideration his Excellency's Message of the 16th Instant relative to the fixing on a proper Situation for the seat of Government,

Resolved, that the Hon^{ble} Matthew Rowan, James Murray, John Rutherford John Swann and John Dawson Esq^{rs} be a Committee of this House to view the several situations on the River Neuse and such other

places as they think proper for that purpose and to report their proceedings to the next Session of Assembly.

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

Met pursuant to adjournment Present as above.

Received from the Lower House the following Message. viz:

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

The time which Mr. James Davis undertook to convey all Letters, expresses and dispatches relating to this Province to any part thereof and from Newbern every fifteen days to send a Post Boy by way of Edenton to Suffolk in Virginia and from Newbern aforesaid to Wilmington on Cape Fear River for the Term of one year being expired This House is of opinion it will be for the service of the public to employ the said James Davis one other year for the service aforesaid, he being willing to undertake the same for the same Salary paid him for the like service the last year.

This House have resolved that James Davis be employed for the said Service and that he be paid the sum of one Hundred and six Pounds, six Shillings and eight Pence Proclamation Money out of the surplus of the printing Tax Fund, at two payments half yearly, by a warrant from the Governor or Commander in Chief as the said salary becomes due, to which desire your Honours concurrence.

By order SAM: SWANN Speaker.

WILL^m HERRITAGE C^{lk}

23rd October 1756.

To which the House concurred.

Received from the Lower House the Reports of the Committees of Accounts and Claims with the following message, viz:

GENTLⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL

We send you herewith the report of the Committee of Accounts in which we have made some alterations, and the report of the Committee of Claims in which we have made some alterations and allowances, and to the said reports as they now stand desire your Honours concurrence.

By order SAM: SWANN, Speaker.

W^m HERRITAGE, C^{lk}

23rd Oct^r 1756.

Concurred with. The ninety seven pounds Ten shillings borrowed from the money for Fort Johnston to be replaced. In the upper House
23 Oct^r 1756. MATT: ROWAN, P. C.

Received from the Lower House the following message, viz^t

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

We find by the Report of the Committee of Accounts that there is paid into the said Committee the sum of Three Hundred Sixty Two Pounds, Fifteen shillings and Ten Pence the Ballance of the Eleven Thousand Pounds received by Col: Innes out of the Twelve Thousand Pounds granted in the year One Thousand Seven Hundred and Fifty Four, and also one Hundred forty nine Pounds six shillings and nine pence surplus of the Printing Tax paid by Mr. Barker into the said Committee which sums amount to Five Hundred and Twelve Pounds Two shillings and seven Pence Proclamation Money this House have therefore resolved that the said Money be applied towards paying the Members of his Majesty's Council Members of Assembly Clerks and Officers of both Houses this Session to which desire your Hon^{ra} concurrence.

By order SAM: SWANN. Speaker.

W^m HERRITAGE. C^{lk}
23rd Oct^r

Concurred with as far as relates to the £149.6.0. the surplus of the Printers Tax. But this House cannot consent to alter the former appropriation of the £362.15.10, received of Col: Innes.

MATT: ROWAN, P. C.

Resolved that the following Message be sent to his Excellency the Governor.

SIR

In obedience to your Excellency's Message of the 16th Instant this House have appointed the Hon^{ble} Matthew Rowan James Murray, John Rutherford John Swann and John Dawson Esq^{rs} a Committee to view the several places that may be proposed as proper for the seat of Government and to make report to the next Session of Assembly.

The House adjourned till Monday morning 9 o'clock.

Mouday 25th October 1756. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	James Innes	} Esq ^{rs}
		James Murray	Francis Corbin	
		James Hasell	John Swann	
		and John Riensett		

Received from the Lower House the following Resolve by Mr. Mackey and Mr. Harnett.

NORTH CAROLINA—ss.

In the Assembly Resolved That the Treasurer pay unto the order of his Excellency the Governor seventy pounds five shillings and seven pence half penny Proclamation Money being for the like sum paid by his Excellency for the use and subsistance of the French Familys who have to instruct the Inhabitants of this Province in raising and winding silk and raising White Mulberry Trees which sum when paid will release all further or other demands on that account from those Families on the Public, to which desire your Honours concurrence.

By order SAM SWANN Speaker.

W^m HERRITAGE C^{lk}
25th Oct^r 1756.

Mr. Relf and Mr. Vail brought up an estimate of the allowances due and payable to the several Members of the Lower House, also of the Clerk and other Officers thereunto belonging—which estimate was concurred to by this House.

His Excellency the Governor came to this House and ordered the immediate attendance of the Lower House.

Whereupon Mr. Speaker attended by the Lower House waited on his Excellency in the Council Chamber and presented to his Excellency the subsequent acts, viz^t

1. An Act to limit the time for holding County Courts and other purposes.
2. An Act for dividing the Parish of Edgecombe in the parish of Edgecombe into two distinct Parishes.
3. An Act for the better regulation of the Militia and other purposes.
4. An Act for erecting a new Court House, Prison, Pillory and Stocks in Pasquotank County.
5. An Act for adjourning the County Court of Beaufort.
6. An Act to amend an act intituled an act for establishing the Supreme Courts of Justice &c.
7. An Act to impower the Sheriff of Granville and collector of the Levies of the Taxes of S^t John's &c: to collect the Public County and Parish Levies on the Taxable persons within the same.
8. An Act for dividing the Parish of S^t Patrick in Johnston County.
9. An Act for ascertaining the method of proving Book Debts.
10. An Act for consolidating the Parishes of S^t John and S^t Peter in Pasquotank County.
11. An Act for the relief of such Persons as have suffered or may suffer by not having had their Deeds and Mesne conveyances proved and registered within the time heretofore appointed for such purposes &c.

12. An Act for the punishment of Mutiny and Desertion &c.
13. An Act for establishing public roads and Ferries &c.
14. An Act for establishing the Titles of the Freeholders in Edenton &c.
15. An Act for the better regulation of the Town of Newbern &c.
16. An Act for the better regulation of the Town of Wilmington.
17. An Act to amend an act intituled an act to restrain the exportation of bad and unmerchantable Tobacco and for preventing Frauds in his Majesty's customs.
18. An Act for re-establishing several Counties and Towns.
19. An Act for re-establishing the Counties of Rowan, Cumberland and Orange.
20. An Act for granting to his Majesty an aid of Three Thousand Four Hundred Pounds &c.
21. An Act for laying a Tax for repairing the Court House of Edenton.
22. An Act for laying a Tax on the Inhabitants of the Parishes of S^t Patrick and S^t Stephen.
23. An Act to amend an Act intituled an Act for empowering the several Commissioners thereafter named to make, mend and repair all roads, bridges, cuts and water courses already laid out &c.
24. An Act to mend and continue an act intituled an act for granting to his Majesty a Duty upon the Tonage of Ships and other vessels coming into this Province &c.

To all which His Excellency assented.

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

Met pursuant to adjournment. Present as above.

Mr. Moore and Mr. Relf brought up the following message viz^t

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

This House have resolved that his Excellency may and is hereby empowered to apply the surplus of the sum of Twelve Thousand Pounds appropriation by an act of Assembly passed at Wilmington the nineteenth day of February in the year of our Lord One Thousand Seven Hundred and Fifty Four towards defraying the expence of raising and subsisting the Forces for his Majestys Service in the Province to be sent to the assistance of Virginia (not yet apply'd) and the surplus of the sum of Eight Thousand Pounds granted to his Majesty by an act of Assembly passed the Twelfth day of December in the year of our Lord One Thousand Seven Hundred and Fifty Four for the defence of the Frontier of this Province and other Purposes, towards making up any deficiency that may happen to be in the sum of Ten Thousand Pounds

granted as a further aid to his Majesty to repell the French and Indians in their alliance from their encroachments on his Majesty's Territories in America and other purposes by an act of Assembly passed at Newbern the Twenty Fifth day of September in the year of our Lord One Thousand, Seven Hundred and Fifty Five and in case the surplus of the said Twelve Thousand Pounds and Eight Thousand Pounds shall not make good such deficiency this House will further provide for the same next Session. To which desire your Honours concurrence.

By order SAM: SWANN. Speaker.

W^m HERRITAGE C^h

25th Oct^r 1756.

In the Upper House concurred with.

This House sent to the Assembly their estimate of Wages &c. amounting to one Hundred Eighty Five Pounds and four pence which was concurred to with the addition of Ten Pounds to the Rev: Mr. James Reel for his Services this Session.

His Excellency the Governor was pleased to prorogue the Assembly to Friday the 18th day of March 1757.

True Copy. Test:

JN^o SMITH,

Clerk of the Upper House of Assembly.

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

NORTH CAROLINA—SS.

At an Assembly begun and held at Newbern the Twelfth day of December in the year of our Lord One thousand and seven hundred and fifty four and in the Twenty eighth year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King (and so forth) and from thence continued by several Prorogations to the Thirtieth Day of September in the year of our Lord One thousand seven hundred and fifty six And in the Thirtieth year of the Reign of our said Lord the King to be then held at Newbern being the Third Session of this Present Assembly.

Thursday the 30th Day of September 1756.

Members Present.

Mr. Thomas Barker	Mr. Joseph Bell	Mr. James Paine
Mr. John Harvey Jun ^r	Mr. Wyrriott Ormond	Mr. Isaac Jones
Mr. John Brothers	Mr. John Hardy	Mr. William Shergold
Mr. John Harvey	Mr. Thomas Relfe	Mr. Stephen Cade
Mr. John Fonville	Mr. George Moore	Mr. Richard Caswell

Mr. Robert Murden	Mr. Joseph Sutton	Mr. Thomas Smith
Mr. William Bartram	Mr. James Davis	Mr. Joseph Bryan
Mr. William Wyatt	Mr. Robert Harris	Mr. Benjamin Harvey
Mr. William Spier	Mr. Joseph Blount	Mr. Timothy Watson
Mr. William Mackey	Mr. Anthony Hutchins	Mr. Samuel Swann
Mr. John Bravard	Mr. John Starkey	Mr. John Surry
Mr. John Woodhouse	Mr. John Ashe	Mr. Samuel Spruell
Mr. Edward Vaile		Mr. Robert Jones.

John Campbell Esq^r Speaker having acquainted the Members that he was not able to attend the Service of the House by reason of certain Disorders and Sickness which he labours under

Thereupon Mr. Ashe and Mr. Caswell waited on his Excellency the Governor and acquainted him that a Majority of the Members were met And that Mr. Speaker had acquainted them that he Labours under certain Indispositions by reason whereof he Could not Travell and attend the Service of the House.

His Excellency the Governor by the aforesaid two Members returned for Answer That he desired the Members would proceed to the Choice of a Speaker and when they had made Choice of one to acquaint him thereof and he would meet them in the Council Chamber.

The Members proceeded to make Choice of a Speaker and Mr. Robert Jones proposed and set up Samuel Swann Esq^r and Mr. John Surry proposed and set up John Harvey Junior Esq^r on which the Question was put and Samuel Swann Esq^r was chosen Speaker by a Majority and was placed in the Chair Accordingly.

A Message was sent by Mr. Vail and Mr. Cade to the Governor that in Obedience to His Excellencys Direction the House had made Choice of a Speaker and desired to know when they should wait on his Excellency to present him.

Mr. Vaile and Mr. Cade returned and acquainted the House that his Excellency desired the immediate attendance thereof in the Council Chamber

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber upon which Mr. Robert Jones one of the Members of the Assembly addressed his Excellency as follows (Viz^t)

SIR,

The Assembly in obedience to your Message have proceeded to Choose a Speaker instead of John Campbell Esq^r whose indisposition renders him incapable of attending the Service of the House and for that Purpose have elected Samuel Swann Esq^r whom they present to you in hopes their Choice will meet with your Excellencys Approbation.

On which his Excellency was pleased to say.

GENTLEMEN,

I greatly approve of the Choice you have made as I know Mr. Swann to be a Gentleman of Capacity and Integrity and firmly attached to the Interest of his Country.

The House returned and Mr. Speaker reported That the House had waited on his Excellency the Governor and that his Excellency made a Speech to the House and his Majestys Council and that to prevent mistakes he had obtained a Copy thereof which on Motion was ordered to be read. The same was read.

On motion ordered the same be Entered on the Journals of the House as follows.

[For the Governor's address, see Journal of the Upper House.—EDITOR.]

The House adjourned till 8 o'Clock tomorrow morning.

Friday October the 1st 1756. The House met according to Adjournment.

On motion ordered That Mr. John Harvey Jun^r Mr. George Moore, Mr. Ormond Mr. Paine and Mr. Davis be a Committee to Examine State and Settle the Publick Accompts of this province and that Mr. Starkey, Mr. Mackey, Mr. Ashe, Mr. Relfe and Mr. Bartram be a Committee to Settle and allow the Publick Claims thereof.

Mr. Griffith Jones, Mr. Thomas Weeks, and Mr. Stephen Williams appeared and took their Seats in the House.

On motion ordered That the following Members be appointed a Committee to receive Propositions and Grievances (Viz^t) Mr. Starkey, Mr. Bryan, Mr. Smith, Mr. Caswell, Mr. Spier, Mr. Griffith Jones, Mr. Benjamin Harvey, Mr. Harris, Mr. Ashe, Mr. Isaac Jones, Mr. Moore, Mr. Bell, Mr. Hutchins, Mr. Bravard and Mr. Surry and they are accordingly appointed.

On motion ordered a Message be sent to the Council as follows, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House having appointed Mr. John Harvey Jun^r Mr. George Moore Mr. Wyriott Ormond, Mr. James Paine and Mr. James Davis a Committee thereof to examine State and Settle the Publick Accompts of this Province. And Mr. John Starkey Mr. William Mackey Mr. John Ashe Mr. Thomas Relfe and Mr. William Bartram a Committee to settle and allow the Publick Claims on this Province in Conjunction with

such of your Honours as you shall think proper to appoint for those Purposes.

Sent the above Message to the Council by Mr. Shergold and Mr. Blount.

Then the House adjourned till 3 o'Clock tomorrow Afternoon.

Saturday October 2nd 1756. The House met according to adjournment

On motion ordered that Mr. Robert Jones, Mr. John Starkey and Mr. Thomas Barker prepare an address to his Excellency the Governor and lay the same before the House for Approbation.

Mr. Francis Ward one of the Members for Tyrrell County appeared and took his seat in the House.

Mr. Jones from the Committee appointed to prepare an Address to his Excellency the Governor reported That the Committee had prepared the same which he read in his Place and Delivered in at the Table where it was again read by the Clerk.

Resolved the same stand the Address of this House and be entered in the Journal thereof as follows (Viz^t)

To His Excellency Arthur Dobbs Esq^r Captain General and Commander in Chief in and over his Majestys Province of North Carolina

The Humble Address of the House of Assembly

SIR,

We his Majestys most faithfull and Loyal Subjects the Members of the Assembly of North Carolina now met in General Assembly beg leave to return your Excellency our sincere and hearty Thanks for your Speech to both Houses at the opening of this Session.

The disagreeable Accounts we have had of the Progress made by the French in the prosecution of their Iniquitous Schemes must necessarily excite the Indignation of every British Subject who has a due Sense of those Invaluable Privileges which we possess under the best of Kings Our happy Establishment both in Church and State renders us envied by every other Nation Since none can vie with us in the singular Advantages and many Immunities to which by our Constitution we are Intituled And in the Enjoyment of which we have been hitherto successfully secured by his Majestys Justice Wisdom and Prudence. That these should be brought into Danger by the Wicked Attempts of a Perfidious Enemy and rendered Precarious not only by his unjustifiable Encroachments and unwarrantable Acquisitions in America but also by his having made preparations to Invade his

Majestys possessions in Europe and threatened the Destruction of the British Empire without even the Formality of Declaring War, justly raises our Resentment and determines us in this Critical Juncture to proceed with the same Spirit of Duty and Loyalty by which we have been hitherto actuated in giving all the Assistance in our Power to frustrate the Designs of the Repacious Invaders, And as we have heretofore with the greatest Cheerfulness contributed largely we shall on all Occasions our Circumstances considered with equal Alacrity offer our Quota with the other Colonies in Defence of the Common Cause.

We shall strictly Enquire how the Taxes we have laid have been collected, as also whether they have been appropriated to the Purposes for which they were granted and give due attention to all other matters recommended by your Excellency and consider them as their importance requires.

As the Welfare of this Province will be greatly advanced by passing Laws for Erecting Counties and Towns we beg leave to Express the great Sense of Gratitude we have to his Majesty for his having consented to their being re-enacted and to return your Excellency our Thanks for your Candid Representation of our hearty Endeavours for his Service.

We shall at all times Cheerfully and Vigorously exert ourselves in everything that may preserve the Purity of our holy Religion promote Morality and Virtue and Increase the Wealth and Happiness of this province.

Ordered the said Address be fairly Transcribed and presented by the whole House.

Ordered that Mr. Moore and Mr. Benj^a Harvey wait on his Excellency the Governor and desire he will Acquaint the House when they shall wait on him with the address thereof.

Mr. Moore and Mr. Harvey reported that according to Order they had waited on the Governor to know when he would be pleased to receive the Address of the House and that he directed them to meet him in the Council Chamber at 5 o'clock.

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber and being returned Reported that he with the House had waited on the Governor in the Council Chamber and Presented the Address of this House to him to which his Excellency was pleased to answer as follows (Viz:)

GENTLEMEN,

I shall take the first opportunity of representing to his Majesty your zeal for supporting all his Rights and possessions in America and of your

just Sence of the Privileges we enjoy of our Religious and Civil Libertys by the British Constitution and return you Thanks for your approbation of my Endeavours to represent your Zeal for his Majesty's Service and preservation of the British Colonies.

Received a Written Message from the Council as follows (Viz:)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The House having under Consideration your Message signifying your Appointment of Committees on the publick Accompts and Publick Claims have appointed the following Members of this House Committees to join the Committees of your House (Viz^t) The Hon^{ble} James Hazell Lewis De Rosset and John Rieussett Esq^{rs} on the Publick Accompts and the Hon^{ble} Francis Corbin and John Dawson Esq^{rs} on the Claims.

On motion ordered the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTIES MOST HON^{ble} COUNCIL,

On Perusing the Report of the Committee of Accompts of last Session we find they have not been concurred with by your Honours therefore now send to you herewith and desire your Honours concurrence to the same.

Sent the above Message by Mr. Moore and Mr. Harvey Jun^r
Then the House adjourned till Monday Morning 10 o'Clock

Monday October the 4th 1756 The House met according to adjournment

Mr. Cornelius Harnett the member for Wilmington and Mr. William Kinchin one of the members for Edgecombe County Appeared and took their Seats in the House

On motion ordered that a Committee be appointed to prepare and bring in a Bill for Establishing several Counties and Towns and Mr. Barker, Mr. Ormond and Mr. Robert Jones were accordingly appointed.

On motion ordered that a Committee be appointed to prepare and bring in a Bill for the better Regulation of the Militia and other Purposes therein mentioned and the following Members are Appointed accordingly (Viz^t) Mr. Ormond, Mr. Harvey Jun^r Mr. Barker and Mr. Murden Mr. Starkey and Mr. Harnett.

On motion ordered a Committee to prepare and bring a Bill for altering the times for holding the Supreme Courts of Justice and for other Purposes and Mr. Ormond, Mr. Jones, Mr. Barker, Mr. Starkey and Mr. Harnett are accordingly appointed.

On motion ordered that Mr. Harnett be added to the Committee appointed to State and Settle the publick Accompts.

Then the House adjourned till 3 o'Clock tomorrow Afternoon.

Tuesday October the 5th 1756. The House met according to adjournment

Mr. Thomas Whitmell one of the members for Bertie County Appeared and took his Seat in the House.

His Excellency the Governor sent two Petitions to the House one from the Frontier Inhabitants of Broad River the other from the Inhabitants of the South Fork of the Catawba River therein setting forth the great Hardships they endure and the Damages done to them their Hogs Goods and Chattells by several Indians. Praying Relief (and so forth.)

Ordered the same lye for consideration till Thursday next.

Then the House adjourned till half past 10 o'Clock tomorrow morning.

Wednesday October the 6th 1756. The House met according to adjournment.

Mr. Samuel Sprnel moved for leave to absent himself from the Service of the House.

Ordered that he have leave accordingly.

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

Thursday October 7th 1756. The House met according to adjournment.

The Order of the Day being read the House took under Consideration the two Petitions referred to the House by his Excellency the Governor on Tuesday last And resolved that a Committee be Appointed to Examine into the Facts mentioned in each of the said Petitions. And Mr. Starkey, Mr. Harvey Jun^r Mr. Bravard Mr. Harnett and Mr. Harris are accordingly Appointed a Committee to Examine the said Facts and report thereon to the House.

Mr. Barker from the Committee appointed to prepare and bring in a Bill for altering the times for holding the Supreme Courts of Justice and for other purposes Reported that the said Committee had prepared the said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Ward and Mr. Bloupt.

Mr. Harnett moved for leave to bring in a Bill to limit the Time for holding County Courts and other purposes.

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

Mr. Harnett brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Blount and Mr. Ward.

Mr. Ormond Reported That the Committee Appointed to Prepare and bring in a Bill for the better Regulation of the Militia and for other purposes therein mentioned had prepared the said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Spier and Mr. Harvey.

Mr. Hardy moved for leave to bring in a Bill to adjourn the County Court of Beaufort and other Purposes.

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

Mr. Hardy brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Spier and Mr. Harvey

Mr. Harris moved for leave to bring in a Bill to Impower the Sheriff of Granville to collect Publick County and parish Levys of the Taxable persons within the same.

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

Received from the Council the Bill for altering the times for holding the Supreme Courts of Justice and for other purposes. Endorsed the 7th October 1756 In the Upper House read the first time and passed

On motion ordered that the Bill for altering the times for holding the Supreme Courts of Justice and other purposes be read a second time

The same was read accordingly.

On motion Resolved that the House resolve into a Committee of the whole House to consider the subject matter of the said Bill

The House resolved into a Committee of the whole House for the purposes aforesaid and unanimously Chose Mr. John Harvey Jun^r Chairman who was placed in the Chair accordingly.

After some time spent therein and several Amendments proposed to the said Bill Mr. Speaker resumed the Chair

Mr. Chairman Reported that the Committee had proceeded to the Consideration of the said Bill and had proposed an Amendment thereto which he read and the same was approved by the House

Resolved the said Amendment be inserted in the said Bill and the same pass and be sent to the Council.

Sent the said Bill to the Council by Mr. Relf and Mr. Griffith Jones

Received from the Council the Bill for the better Regulation of the Militia and for other purposes and the Bill for adjourning the County Court of Beaufort and other purposes Endorsed the 7th of October 1756 In the Upper House read the second time and passed with amendments. Then the House adjourned till 4 o'Clock Afternoon

P. M. The House met according to adjournment

On motion resolved that Mr. Barker and Mr. Ormond return the Thanks of the House to the Reverend Mr. Smith for his Sermon preached before the House yesterday and to desire a Copy thereof in Order to have the same printed.

Then the House adjourned till tomorrow morning 10 o'Clock

Friday October 8th 1756 The House met according to adjournment

Mr. Kinchin presented to the House a petition from several of the Inhabitants of Edgecomb parish in Edgecomb County therein setting forth the many Inconveniences which they Labour under by reason of the Extensiveness of the said parish, Praying a Bill may be brought in and passed into an Act for dividing the said parish as therein and thereby Prayed

On motion ordered that a Bill be brought in Pursuant to the Prayer of the said Petition and that Mr. Robert Jones do prepare and bring in the same.

Mr. Jones according to Order brought in a Bill for dividing the parish of Edgecomb into two Distinct parishes which he read in his Place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Kinchin and Mr. Murden.

Mr. Ormond acquainted the House that in Obedience to the Commands thereof Mr. Barker and himself had waited on the Reverend Mr. Smith and had returned him the Thanks of the House for the Sermon Preached before the Assembly on Wednesday last and obtained a Copy thereof which he delivered in at the Table.

Ordered the same be Printed.

Mr. Starkey from the Committee appointed to Inquire into the Facts alledged in the Two Petitions referred to this House by his Excellency the Governor from the Inhabitants of Broad River and the South Fork of the Catawba River Reported that the said Committee had Examined persons and papers relating to the said Facts and presented the report of the said Committee to the House.

On motion ordered the same lye for consideration.

Received from the Council the Bill for dividing the parish of Edgcomb in the County of Edgcomb into two distinct Parishes. Endorsed October the 8th 1756 In the Upper House read the second time and passed.

Received from the Council the Bill for altering the times for holding the Supreme Courts of Justice and for other purposes. Endorsed October 8th 1756 In the Upper House read the second time and passed with amendments.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

On motion ordered that the Bill for altering the times for holding the Supreme Courts of Justice and for other purposes be read a third time. The same was read accordingly amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harnett and Mr. Starkey.

On motion ordered that the Bill for adjourning the County Court of Beaufort and other purposes be read a second time.

Read the said Bill a second time Amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harnett and Mr. Starkey.

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

Saturday October 9th 1756. The House met according to adjournment

Mr. Bell moved for leave to absent himself from the Service of the House.

Ordered that he have leave accordingly

Mr. Robert Jones acquainted the House that Mr. James Washington one of the Members for Northampton County hath accepted the Office of Inspector of Beef Pork &c in Northampton County by reason whereof he hath disqualified himself to serve as a Member of Assembly for the said County.

Therefore moved that his Excellency the Governor be Addressed to Direct the Clerk of the Crown to Issue a Writ for Electing a Member Duly Qualified to sit and Vote in this present Assembly in Room of the said Mr. Washington.

Resolved that his Excellency be addressed accordingly

On motion ordered that Mr. Robert Jones wait on his Excellency and acquaint him that the House desire he would be pleased to direct the Clerk of the Crown to Issue a Writ for Electing a Member Pursuant to the above motion.

Mr. Robert Jones moved for leave to bring in a Bill for the Relief of such persons as have suffered or may suffer by not having had their Deeds or Mesne Conveyances proved and Registered within the time heretofore Appointed for such purposes &c.

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

On motion of Mr. Robert Jones the Bill for dividing the parish of Edgcomb in the County of Edgcomb into two distinct Parishes was committed for Amendment to Mr. Jones Mr. Murden and Mr. Kinchin.

Mr. Barker acquainted the House that he had been informed John Sallis of Granville County had wrote a letter to Mr. James Paine one of the members of this House therein charging him with many Crimes and Injuriously reflecting on him as a member of this House.

Resolved, That Mr. Barker, Mr. Jones and Mr. Ormond be and are hereby appointed a Committee to enquire into the Allegations of the said Information and make report thereof to the House, And that they have power to send for Papers persons and Records for their Information.

Mr. Barker from the Committee appointed to prepare and bring in a Bill for Establishing Counties and Towns Reported that the said Committee had according to Order prepared the same which he read in his Place and then Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Cade.

Mr. Starkey moved for leave to bring in a Bill for Constituting a Court Merchant.

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

Mr. Starkey according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Cade.

Mr. Relf moved for leave to bring in a Bill for erecting a new Court House Prison Pillory and Stocks in Pasquotank County and other Purposes.

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

Mr. Relf brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Cade.

Mr. Starkey moved for leave to bring in a Bill to prevent the unlawful killing and destroying Slaves.

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

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

Sent the same to the Council by Mr. Davis and Mr. Cade.

The Order of the Day being read the House resolved into a Committee of the whole House to Consider the Subject Matter of the Bill for the Better regulation of the Militia of this Province and Unanimously chose Mr. George Moore Chairman who was placed in the Chair accordingly. After some time spent therein and several Debates thereon had, and sundry amendments proposed on motion Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had taken the said Bill under Consideration and had agreed to several Amendments which for want of time to reduce into Form moved that the Committee might sit again.

Resolved That the House Resolve into a Committee of the whole House on Monday next to reduce the said Amendments into Form and Report the same.

Received a Written Message from the Council as follows (Viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill for altering the times for holding the Supreme Courts of Justice and for other purposes we observe that you have fixed them at such times as almost renders the Chief Justices Attendance at some of them Impracticable.

We therefore desire your concurrence for holding the said Courts at the times mentioned in the Paper herewith sent; to which if you agree we desire you will send some of your Members to see the said Amendments made.

Resolved that the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

We cannot concur with your Message of this Day desiring our concurrence to the Alteration you proposed in the Bill for Altering the Times for holding the Supreme Courts of Justice and for other purposes; We are of Opinion that the Alteration you mention will make the Attendance of the Chief Justice to hold those Courts much more Inconvenient to him than those we Inserted in the Bill.

Then the House Adjourned till 5 o'Clock Afternoon.

P. M. The House met according to adjournment.

On motion ordered that the Bill to limit the times for holding the County Courts and other purposes be read a second time.

Read the same a second time Amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Harvey and Mr. Relf.

Mr. Robert Jones from the Committee appointed to amend the Bill for Dividing the Parish of Edgcombe into two distinct Parishes Reported that the Committee had proposed several Amendments to the said Bill which he offered to the House for Concurrence.

Resolved that the House Concur thereto and ordered that the said Amendments be inserted in the said Bill.

Received from the Council the Bill for altering the times for holding the Supreme Courts of Justice and for other purposes. Endorsed 9th October 1756 In the Upper House read the third time and rejected.

Received from the Council the following Bills (Viz^t)

The Bill for constituting a Court Merchant.

The Bill for erecting a new Court House Prison, Pillory and Stocks in Pasquotank County and

The Bill to prevent the unlawfull killing of Slaves.

Endorsed the 9th October 1756 In the upper House read the first time and passed.

Received a Written message from the Governor as follows (Viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As the Forts and Batteries which are Erecting at Cape Fear, Core Bank and Topsail Inlett will soon be in a State of Defence I have an Account that Artillery and Ordnance Stores will soon be ordered [for] Fort Johnson And as I have also Applied for Artillery and Stores for the other Batteries It will be necessary to have at least a Company of one hundred and thirty men to Defend them which I have also applied for to be fixed upon the British Establishment and as it is Expected that if the Company should be Established that this Colony should provide them with provisions as is done in other Colonies An Address from you to his Majesty that you will supply them with provisions will greatly forward and support my Application for the Company since it cannot be Expected That in Time of War this Province can defend its Western Frontiers assist the other Colonies and also maintain an Independant Company to defend the Forts and protect the Navigation of this Colony This I recommend to your Consideration

ARTHUR DOBBS.

Then the House adjourned till Monday 12 o'Clock.

Monday October 11th 1756. The House met according to adjournment.

Mr. Francis Brown one of the Members for Currituck County appeared and took his seat in the House.

The Order of the Day being read the House resolved into a Committee of the whole House Pursuant to the Resolve of Saturday last and Mr. Chairman acquainted the Committee that the Amendments proposed to the Bill for the better regulating the Militia of this Province were reduced into a Form which were read and Mr. Chairman was directed to Report the said Amendments to the House. Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had proposed several Amendments to the Militia Bill which he read and delivered in at the Table where the same was again read by the Clerk

Resolved that the said Amendments be inserted in the said Bill and that the same be sent to the Council.

Sent the said bill to the Council with the said Amendments by Mr. Fonville and Mr. Brown.

On motion Resolved That the House take into Consideration the message from his Excellency the Governor of Saturday last.

The House took the said message under Consideration and resolved that the same lye for further Consideration untill Tuesday.

On motion Ordered that the Bill for Dividing the parish of Edgcombe in the County of Edgcombe into two distinct Parishes be read a second time.

The same was read a second time amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Relf and Mr. Murden.

Mr. Harris according to Order brought in a Bill to Empower the Sheriff of Granville County to collect County and parish Levys of the Taxable persons within the same which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Harris and Mr. Paine.

On motion ordered that the Bill for Erecting a new Court House Prison Pillory and Stocks in Pasquotank County and other purposes be read a second time.

The same was read a second time amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Relf.

Received from the Council the Bill to Limit Time for holding the County Courts and other purposes. Endorsed the 11th of October 1756 In the Upper House read the second time & passed.

Received from the Council the Bill for Establishing Several Counties and Towns. Endorsed the 11th of October 1756 In the Upper House read the second time and passed.

Received from the Council the Bill for adjourning the County Court of Beaufort and other purposes. Endorsed 11th October 1756 In the Upper House read the second time and passed with amendments.

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

Tuesday October 12th 1756. The House met according to adjournment.

On motion Ordered that the Bill for adjourning the County Court of Beaufort and other purposes be read a third time.

Read the said Bill a third time passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Walton and Mr. Caswell.

On motion ordered that the Bill to Limit the time for holding the County Courts and other purposes be read a third time

Read the said bill a third time Passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Walton and Mr. Caswell.

On motion Ordered that the Bill for Establishing several Counties and Towns be read the second time.

Read the said Bill a second time Passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Walton and Mr. Caswell

On motion Ordered that the Message from His Excellency the Governor of Saturday last be taken under Consideration.

The House took the same under Consideration.

Resolved that an humble Address to his Majesty be prepared to thank him for the Wise and Prudent Care he has shewn in the Measures taken for the Protection of his American Subjects against the Encroachments of the French King

To assure him of our Readiness to hazard our Lives and Fortunes in Defence of his Majestys sacred Person and Illustrious House and Dominions.

To represent the Defenceless Condition of this Province and request that of his Royal Favour he will be pleased to Order Artillery and Ordnance Stores for the Forts and Batteries built on the Sea Coast for protecting the Trade of this Government and a sufficient Number of Forces to Garrison the same.

On motion Ordered that Mr. Jones Mr. Barker Mr. Ormond and Mr. Starkey be appointed a Committee to prepare the above mentioned Address and are accordingly appointed.

On motion Ordered That the Bill for Constituting a Court Merchant be read a second time.

On motion Resolved The House resolve into a Committee of the whole House to Consider the Subject Matter of the said Bill

The House resolved into a Committee of the whole House Pursuant to the Above Resolve and Unanimously Chose Mr. George Moore Chairman who was placed in the Chair Accordingly.

After some time spent therein and several Amendments Proposed to the said Bill Mr. Chairman was directed to report the same to the House.

Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had proceeded to Consider the said Bill and had proposed several Amendments be Inserted in the said Bill and that the same be sent to the Council.

Sent the said Bill to the Council with the said Amendments by Mr. Starkey and Mr. Harnett.

Mr. Jones moved for leave to bring a Bill for ascertaining the Method of proving Book Debts.

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

Mr. Jones according to Order brought in the above said Bill which he read in his Place and then Delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council

Sent the above said Bill to the Council by Mr. Starkey and Mr. Harnett.

On motion Ordered that the Bill to prevent the unlawfull killing of Slaves be read the second time and on motion Resolved That the House Resolve into a Committee of the whole House to Consider the Subject Matter of the said Bill.

The House Resolved into a Committee of the whole House pursuant to the Above Resolve and Unanimously Chose Mr. George Moore Chairman who was placed in the Chair accordingly.

After some time spent therein and several Amendments proposed to the said Bill which said Amendments Mr. Chairman was directed to Report to the House Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had proposed several Amendments to the said Bill which he read the same were approved of by the House and ordered to be Inserted in the said Bill.

The said Amendments were Inserted accordingly.

Ordered the said Bill be sent to the Council with the said Amendments.

Sent the said Bill to the Council with the Amendments by Mr. Starkey and Mr. Harnett.

Mr. Harvey moved for leave to bring a Bill for Establishing Public Roads and Ferries and for the better Regulation of the same in several Counties.

Ordered that he have leave and that he prepare and bring in the same. Then the House adjourned till 4 o'Clock Afternoon.

P. M. The House met according to Adjournment.

Mr. Starkey moved for leave to bring in a Bill to amend an Act Entituled an Act for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery of North Carolina.

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

Mr. Starkey according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Caswell and Mr. Cade.

Mr. Caswell moved for leave to bring in a Bill for dividing the Parish of St. Patricks in the County of Johnston into two distinct Parishes.

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

Mr. Caswell according to order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk and Ordered to be sent to the Council.

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

Mr. Brown moved for leave to bring in a Bill to Prevent the Exportation of the Produce of North Carolina to Virginia

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

Received from the Council the Bill for the better Regulation of the Militia and other purposes

And the Bill for dividing the parish of Edgcomb in the County of Edgcomb into two distinct Parishes

Endorsed October 1756 In the Upper House Read the second time and Passed with Amendments

And the Bill to Limit the time for holding the County Courts and other Purposes Endorsed October the 12th 1756 In the Upper House read the third time and Passed Ordered to be Engrossed

And the Bill to Impower the Sheriff of Granville County to Collect the Publick County and Parish Levies of the Taxable Persons within the same Endorsed the 12th of October 1756 In the Upper House read the first time and passed

Mr. Barker moved for leave to bring in a Bill for Confirming the Town Lands of Edenton &c.

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

Mr. Barker according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council

Sent the same bill to the Council by Mr. Blount and Mr. Harvey.

Received from the Council the Bill for Erecting a New Court House Prison Pillory and Stocks in Pasquotank County and other Purposes. Endorsed 12th October 1756 In the Upper House read the second time and passed with Amendments

On motion of Mr. Robert Jones Junior Resolved *Nem. Con.* That the Town of Newbern is an Improper Place for the Seat of Government and the Meeting of the General Assembly being found by many years Experience from the Badness of the Air and Water thereof to be exceedingly unhealthy.

On motion ordered That the Bill for the better Regulation of the Militia and other purposes be read a third time

Read the said Bill a third time amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Harvey and Mr. Mackey

On motion Ordered The Bill for dividing the parish of Edcombe in the County of Edcombe into two Distinct Parishes be read a third time

Read the said Bill Amended passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Harris and Mr. Fonville

On motion ordered that the Bill to Impower the Sheriff of Granville County to Collect Publick County and Parish Levies on the Taxable Persons within the same be read a second time

Read the said Bill a second time Amended passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Harris and Mr. Fonville

On motion ordered The Bill for erecting a New Court House Prison Pillory and Stocks in Pasquotank County be read tomorrow, and that Mr. Relf and Mr. Brown wait on his Excellency the Governor to desire him to appoint a place for Building thereat a Court House Prison Pillory and Stocks in Pasquotank County

Then the House Adjourned till tomorrow 12 o'Clock

Wednesday the 13th October 1756 The House met according to adjournment.

Mr. Robert Jones according to order brought in a Bill for the Relief of such Persons as have suffered or may suffer by not having their Deeds or Mesne Conveyances proved and Registered within the time heretofore

appointed for such Purposes and to prevent Law Suits concerning Lands which he read in his place and Delivered in at the Table where the same was again read by the Clerk Passéd and ordered to be sent to the Council

Sent the above Bill to the Council by Mr. Sutton and Mr. Cade.

Mr. Relf and Mr. Brown acquainted the House that they according to Order had waited on his Excellency the Governor and let him know that the House had under Consideration the Bill Erecting a New Court House Prison Pillory and Stocks in Pasquotank County and other purposes and desired he would be pleased to appoint a proper Place for Erecting thereat a Court House Prison Pillory and Stocks in the said County who acquainted them that he thought proper to appoint the said Court House Prison Pillory and Stocks to be built at Relfs Ferry on the Land of Thomas Relf there.

Mr. John Harvey Jun^r moved that the place his Excellency had appointed for Building thereat a Court House Prison Pillory and Stocks in Pasquotank County be inserted in the said Bill.

The same was inserted accordingly.

On motion ordered that the Bill for Erecting a New Court House Prison, Pillory and Stocks in Pasquotank County be read a third Time.

Read the same a third time Amended passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Relf and Mr. Jones.

Received from the Council the Bill for Confirming the Town Lands of Edenton &c. Endorsed the 12th of October 1756 In the Upper House read the first time and passed

The Bill for ascertaining the Method of proving Book Debts.

The Bill for dividing the parish of St Patricks in the County of Johnston into two distinct parishes.

Endorsed the 12th of October 1756 In the Upper House read the first time and passed

And the Bill to Amend an Act Intituled an Act for Establishing the Supreme Courts of Justice Oyer and Terminer &c. Endorsed 12th October 1756 In the Upper House Read the first time and passed with amendments.

On motion ordered the Bill for Confirming the Town Lands of Edenton be read a second time.

Read the same a second time passed and ordered to be sent to the Council.

Sent the above said Bill to the Council by Mr. Blount and Mr. Walton.

Mr. Harvey according to Order brought in a Bill for Establishing Public Roads and Ferries and for the better Regulation of the same in

several Counties which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council

Sent the above said Bill to the Council by Mr. Blount and Mr. Walton.

On motion ordered That the Bill to amend an Act Intituled an Act for Establishing Supreme Courts of Justice Oyer and Terminer &c. be read a second time.

Read the same a second time Amended passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Blount and Mr. Walton.

Received from the Council the Bill for dividing the Parish of Edgcomb in the County of Edgcomb &c Endorsed 13th October 1756 In the Upper House read the third time and passed Ordered to be engrossed.

On motion Ordered the Bill for Dividing the parish of St Patrick in the County of Johnston &c be read a second time.

Read the said Bill a second time amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Sutton and Mr. Bravard

On motion Ordered the Bill for Ascertaining the Method of proving Book Debts be read a second time.

Read the said Bill a second time amended passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Sutton and Mr. Bravard.

Mr. Relf moved for leave to bring in a Bill for Consolidating the Parishes of St. John and of St. Peter in Pasquotank County.

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

Mr. Relf according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Relf and Mr. Brothers.

Received from the Council the Bill for the Relief of such persons as have suffered by not having their Deeds and Mesne Conveyances proved and Registered &c Endorsed 13th of October 1756 In the Upper House read the first time and passed.

And the Bill for erecting a new Court House Prison Pillory and Stocks in Pasquotank County. Endorsed the 13th of October 1756 In the Upper House read the first time and passed. Ordered to be Engrossed.

On motion Ordered The Bill for the Relief of such Persons as have suffered or may suffer by not having had their Deeds and Mesue Conveyances Proved and Registered &c be read a second time.

Read the said Bill a second time amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Fonville and Mr. Bartram.

Then the House adjourned till half an hour past 3 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. James Paine moved for leave to absent himself from the Service of the House.

Ordered he have leave accordingly.

On motion Ordered that the Bill for Constituting a Court Merchant be read a third time.

Read the same a third time amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Davis and Mr. Hutchins.

Received from the Council the Bill for adjourning the County Court of Beaufort &c. Endorsed the 13th of October 1756 In the Upper House read the third time and passed. Ordered to be engrossed.

The Bill for consolidating the Parishes of St. John and St. Peter in Pasquotank County. Endorsed the 13th of October 1756 In the Upper House read the first time and passed.

And the Bill for Impowering the Sheriff of Granville and Collector of the Taxes in St. Johns Parish to Collect Publick County and Parish Levys. Endorsed 13th October 1756 In the Upper House read the second time and passed.

Mr. Barker from the Committee appointed to Inquire into an Information given against John Sallis Reported That it appears the said John Sallis wrote a letter dated the Tenth day of September last Directed to James Paine Esq^r containing divers Gross and Scandalous Reflections against him as a Member of the House which Letter the Committee Refer for Particulars.

The House thereupon took into Consideration the said Report and Letter and resolved that the said John Sallis wrote a Letter Dated the Tenth day of September last Directed to the said James Paine one of the members of this House containing several Gross Reflections on him on Account of his conduct as a member of the same and in so doing has been Guilty of a high Misdemeanour and Breach of the Privileges of this House And that the said John Sallis be sent for in Custody of the Serjeant at Arms to answer at the Barr of this House for the Misdemeanour for which his Purpose it is Ordered that Mr. Speaker Issue his Warrant.

Then the House adjourned till to-morrow morning 10 o'clock.

Thursday 14th of October 1756. The House met according to adjournment.

On motion Ordered the Bill to empower the Sheriff of Granville and the Collector of the Parish of St. John to Collect Publick County and Parish Levies be read a third time.

Read the said Bill a third time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Griffith Jones and Mr. Smith.

On motion Ordered That the Bill for Consolidating the Parishes of St. Johns and St. Peter in the County of Pasquotank be read a second time.

Read the same a second time amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Griffith Jones and Mr. Smith.

Mr. Harnett moved for leave to bring in a Bill for regulating the Town of Wilmington.

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

Mr. Harnett according to order brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Griffith Jones and Mr. Smith.

Received from the Council the Bill for Establishing Publick Roads and Ferries and for the better Regulation of the same in several Counties. Endorsed the 13th of October 1756 In the Upper House read the first time and passed.

The Bill to amend an Act Intituled an Act for Establishing the Supreme Courts of Justice &c Endorsed 13th October 1756 In the Upper House read the second time and passed.

And a Bill to prevent the Unlawfull Killing and destroying of Slaves Endorsed 13th October 1756 In the Upper House read the Second time and passed with amendments.

On motion Ordered That as the Bill for Establishing Publick Roads and Ferries is on the second reading and that it requires several Amendments The same be committed to Mr. Kinchin Mr. John Harvey Jun^r Mr. Benjamin Harvey Mr. Sutton Mr. Wyatt Mr. Weeks, Mr. Fonville and Mr. Bryan and the said Bill was accordingly Committed to the above Members And Ordered that the said Committee report to the House such Amendments as shall by them be proposed.

On motion Ordered the Bill to amend an Act Intituled an Act for Establishing the Supreme Courts &c be read a third time.

Read the said Bill a third time Passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Surry and Mr. Jones.

Received from the Council the Bill for dividing the parish of St. Patrick in the County of Johnston. Endorsed 14th October 1756 in the Upper House read the second time and passed with Amendments.

On motion ordered the Bill for dividing the Parish of St. Patrick in the County of Johnston be read a third time.

Read the same amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Caswell and Mr. Cade.

Then the House adjourned till 3 o'Clock Afternoon.

The House met according to adjournment.

Mr. Davis moved for leave to bring in a Bill for the better Regulation of the Town of Newbern for securing the Titles of Persons who hold Lots in the said Town and for other purposes therein mentioned.

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

Mr. Davis according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

Mr. Barker from the Committee Appointed to prepare an Address to His Majesty Pursuant to the Resolve of the House of Tuesday last Reported That the Committee had Prepared the said Address.

Ordered the same be read.

The same was accordingly read.

Resolved the same stand the Address of this House and be fairly transcribed in the Journal as follows (that is to say)

To His Kings most Excellent Majesty.

The Humble Address of the Assembly of North Carolina.

MOST GRACIOUS SOVEREIGN,

We your Majestys most Dutiful and Loyal Subjects the Members of the Assembly of North Carolina being truly sensible of your Majestys extensive regard for the Welfare of all your Colonies beg leave to represent to your Majesty the Defenceless Condition of this your Majestys Province and the Danger to which its Inhabitants are Exposed our Frontiers being Far Extended to the Westward may easily be attacked as well by the French as their Indian Allies the latter have already committed several Hostilities there and from their Menacing Speeches we may expect they will soon make a farther Progress. The Cherokees a numerous and Warlike Nation of Indians who have formerly given the strongest Assurances of their Attachment to your Majestys Interest Since the Loss of

Oswego seem wavering in their Friendships several parties of them having lately committed divers Outrages on the Inhabitants of the Frontier of this Government which no longer leaves us in doubt of their Friendly Disposition towards the French. When we raised Supplies for paying Forces sent on your Majesty's Service to the Assistance of Virginia a Sum of Money was Appropriated to Building a Fort on our Frontier and paying a Company to Garrison the same. The Money has been duly applied to those purposes But in Case of a Revolt from the Cherokees any Defence that can be made by that Company though assisted by the Militia in their Neighborhood will be very Inconsiderable. We have raised several Sums of Money for erecting Forts and Batteries on the Sea Coast all which though Conveniently Situated for the Protection of our Trade are Incapable of Defence for want of Artillery and Men so that should our Harbours be Infested with Privateers as in the late War our Navigation would be ruined and an Incursion from the French and Indians on our Frontiers would Totally destroy those Settlements.

The many Instances of your Majesty's Paternal and Royal Bounty to your American Colonies, for which we beg leave to return your Majesty our sincere and humble Thanks Encourage us in our present Necessity and Danger to Implore your Majestys Protection and to request that you will be graciously pleased to Order Artillery and Ordnance Stores for the Use of your Forts on the Sea Coast and a Sufficient Number of Soldiers by whom they may be Garrisoned which we may humbly apprehend will be a great Security to our Trade and Commerce. We beg Permission to assure your Majesty that we Consider with the highest Indignation and warmest Resentment the Encroachments made on your Majesty's Territories in America by the Slaves of Tyranny and Acknowledge with the greatest Gratitude the Measures which have been taken by your Majesty to Frustrate the Wicked Designs of your Enemies. That notwithstanding the most Vigorous Efforts to Wrest your Colonies from you they still have the Happiness of Enjoying their Civil and Religious Liberties under your Majestys wise and Prudent Administration.

We shall ever retain a just Sense of those Blessings and on all necessary Occasions exert Ourselves to the utmost of our Abilities at the Hazard of our Lives and Fortunes in the Defence of your Majestys Sacred person and Illustrious House and for securing your Rights and Possessions

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

SIR,

This House have prepared an Humble Address to his Majesty to thank him for the Wise and prudent Care he has shewn in the Measures taken for the Preservation of his American Subjects against the Encroachments of the French King To assure him of their Readiness to Hazard their Lives and Fortunes in Defence of this Sacred person and Illustrious House and Dominions To represent the Defenceless Condition of this Province and to request that he will be graciously pleased to Order Artillery and Ordnance Stores for the Use of his Forts on the Sea Coasts and Soldiers to Garrison the same and have Resolved to use our best Endeavours to make such Provision for the Soldiers His Majesty shall be pleased to send as is usually made by the Neighbouring Provinces for Independant Companies and desire that your Excellency will be pleased to receive the said Address and cause it to be Transmitted and laid before his Majesty

14th October 1756.

SAMUEL SWANN Speaker

Sent the above Message by Mr. Jones and Mr. Barker.

Mr. Jones moved for leave to bring in a Bill for the Punishment of Mutiny and Desertion and preventing the harbouring and Entertaining of Deserted Soldiers.

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

Mr. Jones according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Davis and Mr. Fonville

Received from the Council the Bill to Amend an Act Intituled an Act for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery &c.

And the Bill to Impower the Sheriff of Granville County and the Collector of the Taxes of St. John's parish to Collect Publick County and Parish Levies Endorsed the 14th of October 1756 In the Upper House read the third time and passed. Ordered to be Engrossed.

Mr. Brown moved for leave to bring in a Bill for laying an Imposition upon the several Articles therein mentioned.

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

Mr. Brown according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Brown and Mr. Surry.

Received from the Council the Bill for the Regulation of the Town of Wilmington. Endorsed 14th October 1756 In the Upper House read the first Time and passed with amendments.

The Bill for consolidating the parishes of St. John and St. Peter in the County of Pasquotank. Endorsed 14th October 1756 In the Upper House read the second time and passed.

The Bill for the Punishment of Mutiny and Desertion &c.

The Bill for the better Regulation of the Town of Newbern &c. Endorsed the 14th of October 1756 In the Upper House read the first time and passed.

And the Bill for ascertaining the method of Proving Book Debts. Endorsed 14th October 1756 In the Upper House read the second time and passed with amendments.

Then the House adjourned till to-morrow morning 11 o'clock.

Friday the 15th of October 1756. The House met according to adjournment.

Received from the Council the Bill for confirming the Town Lands of Edenton &c. Endorsed 14th October 1756 In the Upper House read the second time and passed with amendments.

Mr. Jones one of the Committee to whom the Bill for establishing Public Roads &c was Committed, Reported that the Committee had proposed several amendments to the said Bill which he read in his Place and submitted the same to the Consideration of the House.

Resolved that the House agree to the said Amendments

Ordered the same be Incerted in the said Bill

On motion Ordered the said Bill be read a second time with the said Amendments.

Read the said Bill with the said Amendments a second time Passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Harvey and Mr. Mackey

Received from the Council the Bill for dividing the Parish of St Patrick in the County of Johnston into two distinct Parishes Endorsed the 15th of October 1756 In the Upper House read the third time and passed Ordered to be engrossed

On motion Ordered the Bill for ascertaining the Method of proving Book Debts be read the third time.

Read the same a third time Amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Harnett and Mr. Ashe

Mr. Jones acquainted the House that he with Mr. Barker had according to Order waited on his Excellency the Governor with the Message

of this House of Yesterday and that his Excellency returned for Answer that he would receive the House with the Address thereof to his Majesty this Afternoon at his own House

Received from the Council the Bill for laying an Imposition upon the several Articles therein mentioned Endorsed the 15th of October 1756 In the Upper House read the first time and passed

The Bill for the relief of such Persons as have suffered or may suffer by not having had their Deeds and Mesue Conveyances proved and Registered within the time heretofore Appointed &c

And the Bill for Establishing Publick Roads and Ferries &c.

Endorsed 15th October 1756 In the Upper House read the second time and passed with Amendments.

On motion Ordered the Bill for Confirming the Town Lands of Edenton be read a third time.

Read the said Bill a third time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Barker and Mr. Blount.

Mr. Speaker with the whole House waited on his Excellency the Governor and delivered him the Address of this House to his Majesty and desired his Excellency will be pleased to cause the same to be Transmitted and laid before his Majesty which his Excellency was pleased to assure this House he would do.

Mr. Brothers moved for leave to absent himself from the Service of the House.

Ordered he have leave accordingly.

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

Saturday the 16th October 1756. The House met according to adjournment.

Mr. Robert Jones proposed Daniel Dupree to be by the House recommended to his Excellency the Governor [to be] Commissionated Mace Bearer to this House which was agreed to by the House *Nem. Cou.* and Ordered that the following Message be sent to his Excellency (towit)

SIR,

This House taking into Consideration the necessity of a Mace Bearer beg leave to recommend to your Excellency Daniel Dupree for that Office and desire your Excellency will be pleased to Commissionate accordingly.

His Excellency the Governor sent to the House an Account amounting to Seventy Pounds Ten Shillings and Eleven Pence Proc. money paid

to and for the use and subsistence of the French Families who were to Instruct the Inhabitants of this Province in raising and winding Silk and raising White Mulberry Trees and acquainted the House that when the above Sum shall be paid it will release all further and other Demands on that Account from these families.

Resolved that the Treasurer pay the said Sum of Seventy Pounds Ten Shillings and Eleven Pence to the Order of his Excellency the Governor out of the Moneys Appropriated for the Contingencies.

On motion Ordered that the Bill for laying an Imposition upon the several Articles therein mentioned be read a second time.

Read the said Bill a second time and on motion Resolved the same be Rejected.

On motion Ordered that the bill for the Relief of such persons as have suffered or may suffer by not having had their Deeds and Mesne Conveyances Proved and Registered within the Time heretofore appointed for such persons &c be read a third time.

Read the said Bill a third time and Ordered to be sent to the Council. Sent the same to the Council by Mr. Moore and Mr. Relf.

Mr. Spaight brought a Written Message from his Excellency the Governor as follows Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Having received Instructions from his Majesty to fix upon a proper Situation for the Seat of Government and the Lords Commissioners of Trade having represented to me to have it laid out on a Healthy Situation the most Central that may be for the Benefit of the whole Province and that they think proper to advise his Majesty that it should be somewhere on the River Neuse but as this Province must be at the Expence of erecting several Publick Buildings his Majesty will not fix the Place untill the Assembly of the Province view the several Situations on the River and represent by Address to him which Place they think will be most Healthy and convenient for the several Inhabitants of this Province I therefore desire that you may take it into Consideration and after Viewing the Situations on the river you may choose the most convenient Place that I may lay your Address before his Majesty.

ARTHUR DOBBS

On motion Ordered that the Bill for Consolidating the Parishes of St. John and St. Peter in the County of Pasquotank be read a third time.

Read the said Bill a third time passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Moore and Mr. Relf.

The House taking into Consideration the Message from his Excellency the Governor of this day Resolved That Mr. Speaker Mr. Barker Mr. Starkey, Mr. Ormond, Mr. Moore Mr. John Harvey Jun^r Mr. Ashe, Mr. Robert Jones, Mr. Davis, Mr. Campbell and Mr. Bartram be appointed a Committee to View the river Nense and that they or a majority of them report their Opinion to the next Session of Assembly what part of the same is most suitable to fix the Seat of Government and they also report their Opinion of any other Place or places.

Mr. Robert Jones moved for leave to absent himself from the Service of the House.

Ordered he have leave accordingly.

Mr. Harnett moved for leave to bring up a Bill to Amend and Continue an Act Intituled an Act for Granting unto his Majesty a Duty upon Tonnage of Ships and other Vessells coming into the Province and for other purposes therein mentioned.

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

Mr. Harnett according to Order brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harnett and Mr. Davis.

Received from the Council the Bill for ascertaining the Method of proving Book Debts. Endorsed the 16th of October 1756 In the Upper House read the third time and passed Ordered to be engrossed.

On motion Ordered that the Bill for Establishing Publick roads and Ferries &c be read a Third Time.

Read the said Bill a third time Amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Benjamin Harvey and Mr. Griffith Jones.

On motion ordered the Bill for the Punishment of Mutiny and Desertion be read a second time.

Read the same a second time passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Benjamin Harvey and Mr. Griffith Jones.

Received from the Council the Bill for the Relief of such Persons as have suffered or may suffer by not having their Deeds and Mesue Conveyances Proved and registered &c. Endorsed 16th October 1756 In the Upper House read the third time and passed Ordered to be engrossed.

And the Bill to Amend and Continue an Act Intituled an Act for granting unto his Majesty a Duty upon the Tonnage of Ships &c En-

dorsed 16th October 1756 In the Upper House read the first time amended and passed.

Then the House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to adjournment.

Mr. Barker moved for leave to absent himself from the Service of the House till Monday morning next.

Ordered he have leave accordingly.

Mr. Starkey moved that some Provision be made for the defence of the Western Frontier Counties which was agreed to by the House and thereupon Resolved that the House Resolve into a Committee of the whole House to Consider what may be necessary to be done for the defence of the Western Frontier what Sum will be requisite for that Purpose and the Ways and Means most Expedient for raising such Sum and how the same shall be applied.

The House Resolved into a Committee for the purposes aforesaid and made Choice of Mr. George Moore for Chairman who was accordingly placed in the Chair. After some time spent therein and several proposals made and agreed to by the Committee Mr. Chairman was directed to report the same to the House.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had made several Proposals touching the above Resolve which he was Directed to Report to the House and which he read as follows (to wit)

That [it] is necessary for the Western Frontier that one or more Forts be erected on the same

That two Companies be raised and continued in Pay to Garrison the said Forts for one year commencing the Tenth day of November next. That the Sum of Four thousand four hundred Pounds be granted to his Majesty for Defraying the expence thereof. And that the sum of Three thousand and four hundred pounds part thereof be raised by a Poll Tax of Two Shillings Per Taxable for the Eusning year and also an Additional Duty of Two Pence $\frac{1}{2}$ Gallon be laid on Rum Wine and other Spirituous Liquors Imported into this Province to raise that sum and that One Thousand Pounds the Surplus of the Money granted heretofore for raising the Forces to assist Virginia be appropriated to Compeat the said Sum of Four Thousand four hundred Pounds.

Resolved the House Concur with the said report. And on motion ordered That Mr. Barker, Mr. Ormond and Mr. Starkey be Appointed a Committee to Prepare and bring in a Bill for granting unto His Majesty an Aid of Four Thousand four Hundred pounds to defray the

Expence of Erecting a Fort raising and Paying two Companies for the Defence of the Western Frontier of this Province.

Received from the Council the Bill for Establishing several Counties and Towns &c Endorsed 16th October 1756 In the Upper House read the second time amended and passed.

Mr. Hardy moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

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

Monday the 18th of October 1756. The House met according to adjournment.

Received from the Council the Bill for the punishment of Mutiny and Desertion. Endorsed the 16th of October 1756 In the Upper House read the second time and passed.

And the Bill for Establishing Publick Roads and Ferries &c Endorsed the 16th of October 1756 In the Upper House read the third time and passed. Ordered to be engrossed.

Mr. Thomas Lovick one of the Members for Carteret County appeared and took his Seat in the House.

Mr. Barker from the Committee appointed to Prepare a Bill for granting to his Majesty an aid of Four Thousand four Hundred pounds to defray the expence of Erecting a Fort and paying Two Companies for the Defence of the Western Frontier of this Province, Reported that the Committee had prepared the said Bill which he presented to the House read the same in his Place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Whitnell and Mr. Walton.

On motion Ordered the Bill for the Regulation of the Town of Wilmington be read a second time.

Read the said Bill a second time Amended Passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Whitnell and Mr. Walton.

Mr. Barker moved for leave to bring in a Bill for Establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the Church begun in the said Town and for better Improvement and other Regulation thereof.

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

Mr. Barker according to order brought in the said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Brown and Mr. Mackey.

Mr. Ormond moved for leave to bring in a Bill to Amend an Act Intituled an Act for Impowering the several Commissioners thereinafter named to make mend and repair all Roads Bridges Cuts and Water Courses already laid out or hereafter to be laid out in the several Counties and Districts thereinafter appointed in such manner as they shall Judge most Usefull to the Publick and other Purposes.

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

Mr. Ormond according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Fonville and Mr. Bartram.

On motion Ordered the Bill for Establishing Several Counties and Towns be read a third time.

Read the said Bill a third time, Amended passed and Ordered to be sent to the Council.

Sent the said-Bill to the Council by Mr. Fonville and Mr. Bartram.

On motion Ordered the Bill for the Punishment of Mutiny and Desertion be read a third time.

Read the said Bill a Third time Passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Blount and Mr. Ashe.

Mr. Brown moved for leave to bring in a Bill to prevent the Depreciating the Publick Bills of Credit of this Province.

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

Mr. Brown according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Blount and Mr. Ashe.

Mr. Barker moved for leave to bring in a Bill to amend an Act Intituled an Act to prevent the Exportation of bad and Unmerchantable Tobacco and for preventing Frauds &c in his Majestys Customs.

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

Mr. Barker according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Blount and Mr. Ashe

On motion Ordered the Bill to prevent the Unlawful killing and destroying of Slaves be read a third time

Read the said Bill a third time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Cade and Mr. Davis

Mr. Davis moved for leave to bring in a Bill to Impower James Hasell Esq^r only acting Executor of the last Will and Testament of Nathaniel Rice Esq^r Deceased to make sale of Certain Lands late belonging to the said Nathaniel Rice Devised to his Grandchildren, Nathaniel, John Sarah and Mary Rice, Minors.

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

Mr. Davis according to order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Cade and Mr. Davis

Received from the Council the Bill to Amend an Act Intituled an Act for Impowering the several Commissioners therein named to make mend and repair all Roads Bridges Cuts and Water Courses already laid out or hereafter to be laid out &c Endorsed 18th October 1756 In the Upper House read the first time and passed

The Bill for granting to his Majesty an Aid of Four Thousand four hundred Pounds to defray the Expence of Erecting a Fort

And the Bill for Establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the Church begun in the said Town &c

Endorsed 18th of October 1756 In the Upper House read the first time and passed

Received from the Council the Bill for Regulating the Town of Wilmington Endorsed 18th of October 1756 In the Upper House read the second time and passed

Mr. Barker moved for leave to bring in a Bill for laying a Tax for repairing the Court House in Edenton

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

Mr. Barker according to Order brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Davis and Mr. Barker.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. Ormond moved for leave to bring in a Bill for the Better Payment of Bills of Exchange and Promissory Notes of Hand.

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

Mr. Ormond according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Brown and Mr. Mackey.

On motion Resolved the House Resolve into a Committee of the whole House to consider the Subject Matter in the Bill for Granting to his Majesty an Aid of Four Thousand four Hundred pounds to defray the Charges of Erecting a Fort and raising and paying Two Companies &c. tomorrow morning.

On motion Ordered the Bill for Establishing the Titles of Freeholders in Edenton for laying a Tax for finishing the Church already begun in the said Town &c. be read a second time.

Read the said Bill a second time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Brown and Mr. Mackey.

Received from the Council the Bill to Amend an Act Intituled an Act to Restrain the Exportation of bad and Unmerchantable Tobacco &c. Endorsed 18th of October 1756 In the Upper House read the first time and passed.

The Bill for laying a Tax for Repairing the Court House in Edenton. Endorsed 18th October 1756 In the Upper House read the first time and passed.

And the Bill for the Punishment of Mutiny and Desertion. Endorsed the 18th of October 1756 In the Upper House read the third time and passed.

Ordered to be engrossed.

Mr. Ashe moved for leave to bring in a Bill for Establishing the Counties of Rowan Cumberland and Orange.

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

Mr. Ashe according to Order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk passed And Ordered to be sent to the Council.

Sent the same to the Council by Mr. Brown and Mr. Mackey.

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

Tuesday the 19th of October 1756. The House met according to Adjournment.

On motion Ordered the Bill for the Better Regulation of the Town of Newbern be read a second time.

Read the said Bill a second time Amended Passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Davis and Mr. Bryan.

Received a Written Message from the Governor by Mr. Spaight as follows Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Mr. Dinwiddie the Lientenant Governor of Virginia having acquainted me that he had sent Commissioners to Treat with the Cherokees and Catawbias and to Confirm the Alliances with them and that it would be of Service to his Majesty and the Colonies that Commissioners should be sent from this Province to join them and to make and Confirm our Alliance with them I accordingly sent a Commission to Captain Waddle to Joyn with the Virginia Commissioners And Treat with them which he accordingly did and was out upon the Treaty with the Cherokees and Catawbias above a month for which he has had no Allowance and therefore Recommend it to you to Allow him what is proper for his Trouble and Attendance.

ARTHUR DOBBS.

On motion Resolved That the said Message lie for Consideration.

The Order of the day being read the House Resolved into a Committee of the Whole House to Consider the Subject Matter of the Bill for granting to his Majesty an Aid of Four Thousand four hundred pounds to defray the Expence of Erecting a Fort and raising and paying Two Companies &c and chose Mr. George Moore Chairman. After some time spent therein and several Amendments Proposed to the said Bill Mr. Barker moved as the Committee hath not time enough to go through the said Bill the Committee may rise and Mr. Speaker resume the Chair.

The Committee arose and Mr. Speaker resumed the Chair.

The Chairman Reported that the Committee finding they had not time to go through the Bill moved that the House would Resolve into a Committee of the whole House in the Afternoon.

Resolved the House Resolve into a Committee of the Whole House to Consider on further Amendments to the said Bill in the Afternoon.

Received from the Council the Bill for the better Regulating the Town of Newbern.

The Bill for Establishing the Titles of the Freeholders in Edenton, &c. Endorsed 19th of October 1756 In the Upper House read the second time amended and passed.

The Bill for the better Payment of Bills of Exchange and Promissory Notes of Hand.

And the Bill for Establishing the Countys of Rowan Cumberland and Orange. Endorsed 19th October 1756 In the Upper House read the second time amended and passed.

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

P. M. The House met according to adjournment.

The Order of the Day being read the House Resolved into a Committee of the whole House to Consider on further Amendments to the Bill for Granting an Aid to His Majesty of Four thousand four hundred pounds to defray the Expence of Erecting a Fort and raising and paying Two Companies (and so forth) And Mr. George Moore took his Place as Chairman. After some time spent therein and several Amendments proposed which Mr. Chairman was directed to Report to the House Then on motion made Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had Proceeded in Consideration of the Subject Matter of the said Bill and proposed several Amendments thereto which were Read approved of by the House and ordered to be Incered in the said Bill the same were Incered accordingly.

Ordered the said Bill pass with the said Amendments and be sent to the Council.

Sent the said Bill to the Council by Mr. Ormond and Mr. Hutchins.

On motion Ordered the Bill for Establishing the Titles of the Freeholders in Edenton &c be read a third time.

Read the said Bill a third time passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Blount and Mr. Mackey.

On motion ordered the Bill for Establishing the Counties of Rowan Cumberland and Orange be read a second time.

Read the said Bill a second time Amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Ashe and Mr. Moore.

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

Wednesday the 20th of October, 1756. The House met according to adjournment.

On motion ordered the Bill to Amend an Act Intituled an Act to prevent the Exportation of bad and Unmerchutable Tobacco &c be read a second time.

Read the said Bill a second time Amended passed and ordered to be sent to the Council.

Sent the above said Bill to the Council by Mr. Ward and Mr. Benjⁿ Harvey.

On motion ordered the Bill for Regulatg the Town of Wilmington &c be read a third time.

Read the said Bill Amended passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Caswell and Mr. Jones.

Mr. Ormond moved for leave to bring in a Bill for laying a Tax on the Inhabitants of the Parish of St. Patrick and St. Stephen in the County of Johnston.

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

Mr. Ormond according to order brought in the above said Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Caswell and Mr. Jones.

Received from the Council the Bill to Amend an Act Intituled an Act to restrain the Exportation of bad and unmerchutable Tobacco &c. Endorsed 20th October 1756 In the Upper House read the second time amended and passed.

The Bill for Establishing the Counties of Rowan Cumberland and Orange. Endorsed the 20th of October 1756 In the Upper House read the second time and passed.

And the Bill for Establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the Church already begun in the said Town &c. Endorsed 20th of October 1756 In the Upper House read the third time and passed.

Ordered to be Engrossed.

On motion Ordered the Bill for the better Regulation of the Town of Newbern &c be read a third time.

Read the said Bill a third time Amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Davis and Mr. Fonville.

Received from the Council The Bill for Granting to his Majesty an Aid of Four thousand four hundred pounds &c. Endorsed 20th of October 1756 In the Upper House read the second time amended and passed.

Received from the Council the Bill for laying a Tax on the Inhabitants of the Parishes of St. Patrick and St. Stephen in Johnston County. Endorsed the 20th of October 1756 In the Upper House read the first time and passed.

On motion Ordered the Bill to Amend an Act Intituled an Act for Impowering the several Commissioners thereafter named to make mend and repair all Roads Cutts and Water Courses already laid out &c be read a second time.

Read the said Bill a second time Amended Passed and ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Moore and Mr. Bartram.

Received from the Council the Bill for the better Regulation of the Town of Wilmington. Endorsed 20th of October 1756 In the Upper House read the third time and passed.

And the Bill to Impower James Hasell Esq^r only acting Executor of the last Will and Testament of Nathaniel Rice Esq Deceased to make Sale of Certain Lands &c Endorsed the 20th of October 1756 In the Upper House read the first time and passed.

On motion Ordered the Bill to Amend an Act Intituled an Act to restrain the Exportation of bad and Unmerchantable Tobacco &c be read a third time.

Read the said Bill a third time Amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Cade and Mr. Walton.

On motion ordered the Bill for laying Taxes on the Inhabitants of the parishes of Saint Patrick and Saint Patrick in Johnston County be read a second time.

Read the said Bill a second time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Cade and Mr. Walton.

On motion ordered the Bill for Establishing the Counties of Rowan Cumberland and Orange be read a third time.

Read the said Bill a third time passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Bartram and Mr. Isaac Jones.

Received from the Council the Bill for the better Regulation of the Town of Newbern. Endorsed the 20th October 1756 In the Upper House read the third time and passed. Ordered to be engrossed.

On motion Ordered The Bill for the Better Payment of Bills of Exchange and Promissory Notes of Hand be read the second time.

Read the said Bill a second time Amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Kinchin and Mr. Smith.

Then the House adjourned till 4 o'Clock Afternoon.

P. M. The House met according to Adjournment.

On motion Ordered the Bill to Impower James Hasell Esq only acting Executor of the last Will and Testament of Nathaniel Rice Esq deceased to make Sale of certain Lands late belonging to the said Nathaniel Rice &c be read a second time.

Read the said Bill a second time Amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Bartram & Mr. Isaac Jones

On motion Ordered the Bill for repairing the Court House in Edenton &c. be read a second time.

Read the same a second time Amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Ward and Mr. Snrrey.

On motion Ordered the Bill to Amend and Continue an Act Intituled an Act for Granting unto his Majesty a Duty upon the Tonnage of Ships be read a second time.

Read the said Bill a second time, Amended passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Harnett and Mr. Ashe.

Received from the Council the Bill to Amend an Act Intituled an Act to Impower the several Commissioners hereinafter named to make mend and repair all Roads Bridges Cuts and Water Courses already laid out Endorsed 20th October 1756 In the Upper House read the second time Amended and passed

Received from the Council the Bill for laying a Tax on the Parishes of Saint Patrick and Saint Stephens in Johnston County &c.

A Bill for laying a Tax for repairing the Court House in Edenton.

Endorsed the 20th of October 1756 In the Upper House read the second time and passed.

The Bill to Amend an Act Intituled an Act to Restrain the Exportation of bad and unmerchantable Tobacco &c.

The Bill for Establishing several Counties and Towns &c

And the Bill for Re-establishing the Counties of Rowan Cumberland and Orange

Endorsed 20th of October 1756 In the Upper House read the third time and passed Ordered to be engrossed

Then the House adjourned till 9 o'clock tomorrow morning

Thursday October 21st 1756. The House met according to adjournment

Mr. Chairman of the Committee of Publick Claims Reported That the said Committee had received from Sundry persons the Sum of Five hundred and thirty nine Pounds Nineteen Shillings and six pence late Current Bills to be Exchanged for those of the new Emission and Mr. Chairman of the Committee of Publick Accompts Reported that there is paid into the said Committee by the Treasurers on Account of the Sinking Fund One thousand and eight hundred and nine pounds and five pence proclamation Money which said several Sums by Law are to be

Burnt. This House have therefore Appointed a Committee of the Whole House in Conjunction with such of the Council as they shall think proper to Appoint to see the same Burnt at 4 of the Clock in the Afternoon at the House of Richard Magraw

On motion Ordered the Bill for Granting to his Majesty an Aid of Three Thousand four hundred pounds &c be read a third time.

Read the said Bill a third time Amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Vail and Mr. Ashe.

Received from the Council the Bill to amend an Act Intituled an Act for Granting unto his Majesty a Duty upon the Tonnage of Ships &c. Endorsed 21st October 1756 In the Upper House read the second time Amended and passed

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Chairman of the Committee of Aecompts having reported that the Treasurers have paid into the said Committee £1,809.0.5 Proclamation Money on Account of the Sinking Fund, And the Chairman of the Committee of Claims reported that the said Committee had received £539.19.6 late Current Bills which said several sums by Law are to be burnt. This House have therefore appointed a Committee of the whole House in Conjunction with such of your Honours as you shall think proper to appoint to see the said Sums burnt at 4 o'Clock this Afternoon at the House of Richard Magraw

By Order SAML SWANN Speaker

WILL^m HERRITAGE C^{lk}

Dated 21st October 1756.

Sent by Mr. Vail and Mr. Ashe.

On motion Ordered the Bill for laying a Tax on the Inhabitants of the Parishes of Saint Patriek and Saint Stephen in Johnston County be read a third time.

Read the said Bill a third time Passed and Ordered to be sent to the Council.

Sent the above said Bill to the Council by Mr. Vail and Mr. Ashe

On motion Ordered the Bill for laying a Tax for repairing the Court House in Edenton be read a third time

Read the said Bill a third time passed and ordered to be sent to the Council

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

On motion ordered the Bill to Amend an Act Intituled an Act for Granting unto his Majesty a Duty upon the Tonnage of Ships &c. be read a third time.

Read the said Bill a third time Amended Passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Fonville and Mr. Bartram.

Received from the Council the Bill for Granting to his Majesty an Aid of Three thousand four hundred Pounds to defray the Expence of Erecting a Fort raising and paying Two Companies &c Endorsed 21st of October 1756 In the Upper House read the third time and passed Ordered to be engrossed

Then the House Adjourned till half hour past 4 o'Clock Afternoon

P. M. The House met according to adjournment

Received from the Council the Bill for laying a Tax for repairing the Court House in Edenton.

The Bill for laying a Tax on the Inhabitants of the parishes of Saint Patrick and Saint Stephens &c.

Endorsed 21st of October 1756 In the Upper House read the Third time and passed Ordered to be engrossed

And the Bill to Impower the Executors of the last Will and Testament of Nathaniel Rice Esq^r Deceased &c to sell certain Lands &c Endorsed 21st of October 1756 In the Upper House read the second time amended and passed

And also the following Message Viz^t

MR. SPEAKER AND GENTLEMEN,

This House have Appointed the Hon^{ble} James Murray, James Innes and John Swann Esq^{rs} a Committee to Joyn the Committee of your House for burning the Bills paid in on the Sinking Fund and the old Bills mentioned in your Message of this day, October 21st 1756.

On motion Resolved that a Message be sent to the Governor to acquaint him that it is the Opinion of the House that it might be for his Majestys Service that Commissioners be appointed to View the Western Settlement and report to his Excellency their present Condition and at what part of the Frontier they think it would be most proper for the Safety of the Inhabitants that a Fort should be built and also to Inspect the present Condition of Fort Dobbs and that the House will recommend Mr. Francis Brown Mr. Thomas Relf and Mr. Richard Caswell as Gentlemen on whose Impartial Representation the House is of Opinion his Excellency may rely and who are willing to undertake a Journey with his Approbation for the purposes aforesaid

The House taking into Consideration the dangerous Situation of Frontier Settlements and that it may be necessary to Continue the two Companies to be formed for their Defence longer in Pay than the time appointed in the Bill Proposed for raising them,

Resolved That if his Excellency the Governor shall find it Expedient for his Majestys Service the said Companies may be kept in Pay untill the Tenth Day of December which will be in the year of our Lord One Thousand seven hundred and fifty seven and that this House will hereafter make Provision for Paying the Expences thereof for such part of the said time as it is not Provided for by the said Bill.

On motion Ordered the Bill to Amend an Act Intituled an Act for Impowering the several Commissioners hereinafter named to make mend and repair all Roads Bridges Cuts &c. be read a third time.

Read the said Bill a third time Amended Passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Moore and Mr. Harnett

On motion Ordered the Bill to Impower the Executor of the last Will and Testament of Nathaniel Rice Esq^r to make Sale of certain Lands late belonging to the said Nathaniel Rice &c be read a third time.

Read the said Bill a third time Amended Passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Moore and Mr. Harnett

Sent the following Message to the Governor by Mr. Hutchins and Mr. Bravard

SIR,

This House having Resolved That it may be for his Majestys Service that Commissioners be appointed to View the Western Settlements and report to your Excellency their present Condition and in what Part of the Frontier they think it would be most for the Safety of the Inhabitants that a Fort should be built and also to Inspect the Condition of Fort Dobbs desire to Recommend to your Excellency Mr. Francis Brown Mr. Thomas Relf and Mr. Richard Caswell as Gentlemen on whose Impartial Representation they think your Excellency may rely and who are willing to undertake a Journey with your Excellencys Approbation for those purposes.

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

Friday the 22nd of October 1756. The House met according to adjournment.

Received from the Council the following Message (Viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading a third time the Bill to amend an Act for Impowering the several Commissioners thereafter named to make mend and repair all Roads &c. This House proposes to leave out that whole Clause relating to the Ferry between Bath Town and Core Point to which we desire your Concurrence and that you will be pleased to send two of your members to see that amendment made.

Dated 22^d October 1756.

The House taking the above Message into Consideration Resolved the following Message be sent to the Council Viz^t

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

In answer to your Message of this Day relating to the Bill to amend an Act Intituled an Act for Impowering the Several Commissioners thereafter named to make mend and repair all roads &c. This House do Concur to strike out the said Clause you mentioned and have sent Mr. Ashe and Mr. Blount to see the same done.

Received the following Message from the Council Viz

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to amend and Continue an Act Intituled an Act for Granting to his Majesty a Duty upon the Tonnage of Ships and other Vessells coming into this Province for other Purposes therein mentioned we find you have Struck out the Clause for appropriating the powder and Shott already received or that hereafter may be received at Cape Fear for the Use of Fort Johnson we propose to Reinsert the said Clause and for that purpose if you Concur we desire you would send up two of your Members to see the same done.

Dated 22^d October 1756.

The House taking the same into Consideration Resolved the following Message be sent to the Council (Viz^t)

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

This House cannot agree to the Incerting the Clause you propose in the Bill to amend and continue an Act Intituled an Act for Granting unto his Majesty a Duty upon Tonnage of Ships and other Vessells coming into this Province for the purposes therein mentioned as we are of Opinion it ought to be in the Power of the Governor or Commander in Chief to order from time to time the Powder received in the several

Ports to such Places within this province where the same may be most wanted for the protection and Defence thereof.

By order SAMUEL SWANN Speaker.

W^m HERRITAGE C^{lk}
22^d of October 1756.

Sent by Mr. Ashe and Mr. Blount.

Mr. Starkey Chairman of the Committee of Claims exhibited to the House the Report of the said Committee which was read and after some Alterations and Allowances made the House agreed to the said Report and ordered it to be sent to the Council for concurrence.

Received from the Council the Bill to amend and Continue an Act Intituled an Act for granting unto his Majesty a Duty upon the Tonnage of Ships &c.

And the Bill to Amend an Act Intituled an Act for Impowering the several Commissioners thereinafter named to make mend and repair all Roads &c. Endorsed the 22nd of October 1756 In the Upper House read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 8 o'clock tomorrow morning.

Saturday the 23rd October 1756. The House met according to adjournment.

Mr. Ormond the Chairman of the Committee of Publick Accompts Exhibited to the House the report of the said Committee which was read some Alterations made therein and then was agreed to by the House.

Resolved the said Report be sent to the Council for concurrence together with the following message.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

We send you herewith the Report of the Committee of Accompts in which we have made some Alterations and the Report of the Committee of Claims in which we have made some Alterations and Allowances And to the said Reports as they now stand desire your Honours Concurrence.

By order SAMUEL SWANN Speaker.

W^m HERRITAGE C^{lk}
23rd of October 1756.

Sent by Mr. Davis and Mr. Bryan.

Mr. Starkey acquainted the House that the time in which Mr. James Davis undertook to convey all Letters Expresses and Dispatches relating to this Province to any part thereof from New Bern every Fifteen Days to send a Post Boy by way of Edenton to Suffolk in Virginia and from

Newbern to Wilmington on Cape Fear River for the Term of one year being Expired and That the said James Davis was Willing to undertake the said Service for the said Sum allowed him for the last year,

Resolved that James Davis be employed for the said Service and that he be paid the sum of One hundred pounds Six Shillings and Eight Pence Proclamation Money out of the Surplus of the Printing Tax Fund at two Payments half yearly by a Warrant from the Governor or Commander in Chief as the Salary becomes due, And that the following message be sent to the Council for their concurrence Viz^t

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

The time Mr. James Davis undertook to convey all letters Expresses and Dispatches relating to this Province to any part thereof and from Newbern every Fifteen Days to send a post by way of Edenton to Suffolk in Virginia And from Newbern aforesaid to Wilmington on Cape Fear for the Term of one year being Expired This House is of Opinion it will be for the Service of the Publick to Employ the said James Davis one other year for the Service aforesaid he being willing to undertake the same for the same Salary paid him for the like Service the last year.

This House have Resolved that the said James Davis be employed for the said Service and that he be paid the sum of One hundred and out of the Surplus of the printing Tax Fund at Two Payments half yearly by a Warrant from the Governor or Commander in Chief as the said Salary becomes due—to which desire your Honours concurrence.

By order · SAM'L SWANN Speaker.

W^m HERRITAGE C^{lk}
23rd October 1756

Sent by Mr. Davis and Mr. Bell.

Mr. Ormond Chairman of the Committee of Accounts paid into the House three hundred and sixty two Pounds, Fifteen Shillings and Ten Pence the Balance of the Eleven Thousand Pounds received by Colonel James Innes out of the Twelve Thousand Pounds Granted in the Year 1754, And also one hundred forty nine Pounds six Shillings and nine Pence the Surplus of the Printing Tax paid by Mr. Starkey into the Committee of Accompts which Sums Amount to Five hundred and Twelve pounds two Shillings and seven Pence Proclamation Money and was Delivered to John Starkey Esq^r Treasurer of the Southern District.

Resolved That the said Money be applied towards Paying the members of his Majestys Council Members of Assembly Clerks and Officers of both Houses this Session and that a Message be sent to the Council for Concurrence herewith

Mr. Ormond acquainted the House that the supplies granted within these four years last past towards defraying the Contingent Charges of Government have Enlarged the Publick Accompts and that it would be necessary to Appoint an Assistant to the Clerk of this House to State and Settle such Accompts.

Resolved That Mr. Henry Delon be appointed Assistant Clerk and be Employed to State and Adjust the publick Accompts Transferr the same into a Ledger and have and receive all the necessary Papers for that Purpose from the year 1729 that such Accompts may be properly adjusted against next Session of Assembly for which Service the said Clerk shall have a reasonable Allowance.

Mr. Davis printer Acquainted the House that the several Copies of the Laws furnished him from Time to Time by the Secretary of this province were very Imperfect which Occasioned the several Erratas in the Printed Copies.

Resolved that for the Future the Original Acts of Assembly shall be Delivered by the Secretary to Mr. Davis to print Copies from and that his Excellency be Addressed to Order the Secretary to Deliver the said Originals for the aforesaid purpose.

Then the House adjourned till half past 3 o'Clock Afternoon.

P. M. The House met according to Adjournment

Ordered the following Message be sent to his Excellency the Governor
Viz^t

SIR,

On Examining the several Printed Copies of the Laws we find many Errata's therein which Mr. Davis the Printer acquainted the House was Occasioned through the Imperfectness of the Copies of the same Delivered him by the Secretary of this Province in whose Custody the same were kept

Therefore desire your Excellency will be pleased to Order the Secretary of this province to Deliver the Original Acts of the General Assembly of the same to the said Mr. Davis to Print Copies therefrom for the future

By order SAMUEL SWANN Speaker.

WILL^m HERRITAGE C^{lk}

23rd of October 1756.

Ordered the following Message be sent to the Conneil Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

We find by the Report of the Committee of Accompts That there is paid into the said Committee the Sum of Three hundred sixty two

Pounds fifteen Shillings and Ten pence the Balance of the Eleven thousand pounds received by Colonel Innes out of the Twelve Thousand pounds granted in the Year 1754, And also One Hundred forty nine Pounds six shillings and nine pence Surplus of the Printing Tax fund paid by Mr. Barker into the said Committee which Sums Amount to Five Hundred and Twelve Pounds Two Shillings and Seven pence Proclamation Money this House have therefore Resolved That the said Money be applied towards paying the Members of His Majestys Council Members of Assembly Clerks and Officers of both Houses this Sessions to which Desire your Honours Concurrence.

By order SAML SWANN, Speaker.

W^m HERRITAGE C^{lk}

23rd of October 1756.

Sent by Mr. Starkey and Mr. Moore.

Then the House adjourned till 9 o'Clock Monday morning.

Monday the 25th of October 1756. The House met according to adjournment.

Received from the Council the message sent thereto on Saturday last in regard to James Davis undertaking to Convey Expresses &c. Endorsed In the Upper House Concurred with.

Assented to ARTHUR DOBBS.

MAT ROWAN P. C.

Also the message regarding the Payment of the Members of Council Members of Assembly Clerk and Officers thereof. Endorsed In the Upper House Concurred with as far as relates to the £149.6.0 the Surplus of the Printing Tax but this House cannot Concur to alter the former Appropriation of £362.15.10 Received of Col^o Innes.

MAT ROWAN P. C.

Mr. Harnett and Mr. Moore waited on his Excellency the Governor to desire to know when the House should wait on him with several Engrossed Bills to which his Excellency was pleased to return for answer that he would receive the House in the Council Chamber directly.

Mr. Speaker with the House waited on his Excellency in the Council Chamber where Mr. Speaker presented to him the following Bills for his Assent thereto (Viz^t)

1. The Bill for Granting to his Majesty an Aid of Four Thousand Four Hundred pounds &c.
2. The Bill for the better regulation of the Militia and other purposes.
3. The Bill for the Punishment of Mutiny and Desertion.

4. The Bill to Amend an Act Intituled an Act for Granting to his Majesty a Duty upon the Tonnage of Ships &c.

5. The Bill for the relief of such persons as have suffered by not having registered their Deeds and Mesne Conveyances.

6. The Bill for ascertaining the Method of proving Book Debts.

7. The Bill to Amend an Act Intituled an Act for Establishing the Supreme Courts of Justice &c.

8. The Bill to Amend an Act to restrain the Exportation of bad Tobacco.

9. The Bill for Re-establishing several Counties and Towns &c

10. The Bill to limit the Time for holding County Courts and other Purposes

11. The Bill for Adjourning the County Court of Beaufort

12. The Bill to Amend an Act for Impowering the several Commissioners thereafter named to make mend and repair all roads Bridges &c

13. The Bill for laying a Tax for repairing the Court House at Edenton

14. The Bill for Establishing publick Roads and Ferries

15. The Bill for Establishing the Titles of the Freeholders in Edenton &c

16. The Bill for the better Regulation of the Town of Newbern

17. The Bill for dividing the Parishes of Edgcombe in the County of Edgcombe into two Distinct Parishes

18. The Bill to Impower the Sheriff of Granville and Collector of the Taxes of St John's Parish to Collect the Publick County and Parish Taxes on the Taxable Persons within the same.

19. The Bill for Consolidating the parishes of Saint John and Saint Peter in Pasquotank County.

20. An Act for Erecting a New Court House Prison Pillory and Stocks in Pasquotank County.

21. The Bill for dividing the parish of St Patrick in Johnston County.

22. The Bill for laying a Tax on the Inhabitants of the parishes of Saint John and Saint Stephen &c

To which his Exeellency was pleased to Assent and then made the following Speech a Copy of which to prevent Mistakes Mr. Speaker obtained and is as follows Viz^t

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

I return you thanks for the many good Bills you have Passed this Session and the Supplies you have Granted to his Majesty to Erect Forts

and to raise and Maintain Troops to Defend our Frontier so necessary at this time upon the Loss of Oswego and the apprehension of losing our Cherokee Allies by their Entertaining and Secreting French Emis-saries.

I am sorry to find that the Circumstances of our Credit has prevented you from raising a much larger supply so necessary to repell our Invet-erate Enemies and to secure the future peace of this Province for as Affairs are so Critical I am afraid the small Supply now granted will hereafter oblige you to be at a very great Expence to secure your Peace and possessions and above all your Religion and Liberty.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Loss by our Remittances in sending provisions to Virginia and also by our Remittances to New York by the rise of Provisions before we knew the Destination of our Troops together with the Expence of Transporting and fitting them out with Tents and other Necessaries hath occasioned a Considerable Deficiency in Payment of our Troops not yet Liquidated I must therefore recommend it to you to pass a Vote of Credit for what may be necessary to repay the Sums borrowed to Sub-sist our Troops which may prevent your being called together next Spring which shall be duly Accounted for next Session.

GENTLEMEN OF HIS MAJESTYS COUNCIL MR. SPEAKER AND GEN-
TLEMEN OF THE ASSEMBLY,

I dont Doubt but in your several Counties you will raise a true Brit-ish Spirit to Defend our Rights and Liberties and to repell our Cruel and Rapacious Enemies and that you will promote the due levying of the Taxes and Execution of the Laws and promote True religion and Industrious Labour in the Province.

ARTHUR DOBBS.

Resolved That his Excellency and he is hereby Impowered to apply the Surplus of the Sum of Twelve Thousand pounds Appropriated by an Act of Assembly passed in Wilmington the Nineteenth Day of Feb-ruary in the Year of our Lord 1754 Towards defraying the Expence of raising and Subsisting the Forces for his Majestys Service in this provice to be sent to the Assistance of Virginia and not yet otherwise applied and the Surplus of the Sum of £8,000 Granted to his Majesty by an Act of Assembly passed the Twelfth Day of December in the year of our Lord 1754 for the Defence of the Frontier of This Province and other purposes Towards making up any Deficiency that may happen to be in the Sum of Ten thousand Pounds Granted as a furthur Aid to

his Majesty to repel the French and Indians in their Alliance from their Inroachments on his Territories in America and other Purposes by an Act of Assembly passed at Newbern the Twenty fifth Day of September in the year of our Lord 1755 And that in case the Surplus of £12,000 and £8,000 shall not make good such Deficiency this House will furthur provide for the same next Session. -

Then the House adjourned till 4 o'Clock Afternoon

P. M. The House met according to Adjournment

Resolved the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved That his Excellency may apply the Surplus of the Sum of £12,000 Appropriated by an Act of Assembly Passed at Wilmington the Ninetcenth Day of February in the year of our Lord 1754 towards defraying the Expence of Raising and Subsisting the Forces for his Majestys Service in this Province to be sent to the Assistance of Virginia and not yet otherwise applyed and the Surplus of the Sum of £8,000 Granted to his Majesty by an Act of Assembly passed the Twelfth Day of December in the year of our Lord One thousand and seven hundred and fifty four for the Defence of the Frontier of this Province and other Purposes towards making up any Deficiency that may happen to be in the Sum of £10,000 Granted as a further Aid to his Majesty to repel the French and Indians in their Alliance from their Inroachments on his Majesty's Territories in America and other purposes by an Act of Assembly passed at Newbern the 25th Day of September in the year of our Lord 1755, And that in Case the Surplus of the said £12,000 and £8,000 shall not make good such Deficiency this House will further Provide for the same next Session.

Ordered that Mr. Starkey and Mr. Brown wait on his Excellency the Governor and desire to know when he will be pleased the House shall wait on him with the Bills which are Engrossed

Mr. Starkey informed the House that he with Mr. Brown had according to Order Acquainted his Excellency the Governor that the House desired to know when he will be pleased to receive them with such Bills that are Ingrossed And that he was pleased to desire the House to wait on him directly in the Council Chamber

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber when Mr. Speaker Presented to him the following Bills for his Assent (Viz^t)

The Bill for Establishing the Counties of Rowan Cumberland and Orange

And the Bill for the Regulation of the Town of Wilmington
 To which said Bills his Excellency was pleased to Assent
 Mr. Speaker with the House returned
 Then the House adjourned till 2 o'clock tomorrow

Thursday the 26th of October 1756

His Excellency the Governor was pleased to Prorogue this Assembly
 to the Eighteenth Day of March next to be then held at Newbern.

1757.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 579.]

Governor Dinwiddie to James Abercromby.

Jan'y 4th, 1757.

SIR:

Anex'd, You have a Copy of my last, to w'ch be refer'd. This Dominion has this Year begun raising of Indigo, and they are inform'd So. Carolina has aply'd home to prevent 'em or lay 'em under some Difficulties. The Acco't thereof I think is too premature, or indeed, can I think they will make any Solicitat'ns on the Subject, as they may be sure his M^j'ty or the Ministry will restrain any of the Subjects from making the most of their Plantat'ns. If nothing perspires of their intentions as above, you are to make no use of the L^re, but if any Applications made to the Prejudice of the People here, Yo. are to make use of all the Arguments and Interest You can to defeat it, and write to the Council what may be done therein. I rem'n, w'th sincere Respects,

S'r, Y'r friend and h'ble serv't.

P. S.—I wish You many happy new Years.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 120.]

To the Right Hon^{ble} the Lords Commiss^{rs} for Trade and Plantation.

An Account of money and supplys granted by North Carolina for His Majesties Service against the Enemy.

In March 1754, Granted for raising 750 men to assist Vir-	} Pro.
ginia . . . . .		12,000.

N. B. This was the first Armament made in the Colonies, to act out of the Province.

In February 1755, A further sum was granted to support a } 8,000.
Company of 100 men retain^d in the Service of Virginia, }

In 1756, Four Companys were sent to New York, to assist the Earl of Loudoun, & for this purpose another Supply was granted, but as to the Quantum thereof I am not instructed, but so it is, that the service, having exceeded such supply that Government stands indebted to make good the Deficiency.

It is to be observed on behalf of North Carolina, that these Supplies of Money and of Men, were all for extra provincial Services, and Operations without any Stipulation when and where to act, and that poor as the Inhabitants of North Carolina are, their public Credit is greatly depreciated, by Taxations, beyond their ability for military service, that nevertheless, by proper Encouragement of money from this Kingdom, His Majesties Service may be greatly advanced from the ready disposition of this Province, to arm for the common cause, and without money from hence their Armaments now on Foot must drop, however near the danger seems to Approach our Southern Colonies.

JAS. ABERCROMBY.

Recd: Jan^y 12th 1757.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 125.]

Letter from Governor Dobbs to the Board.

NEWBERN 20th January 1757.

MY LORDS,

I wrote fully to you upon the breaking up of the Assembly in October by a packett boat from the West Indies, which had been dismasted in the Gulph, and put into Virginia to refit, which I hope got safely to England, to which I refer being a full answer to all your last Instructions. This conveys to your Lordships the attested copies of all the Acts of Assembly of last Session here with the Journals of the Upper House and Minutes of the Council.

I have also sent you the numbers of white souls upon the 12 great Tracts granted to Mess^{rs} Huey and Wilcocks and their Associates being the best return I could get, and which I believe is very near the truth, the last four numbers and part of the seventh are on Lord Granville's Lands, those numbers on the King's Lands particularly the first six numbers are so near the Latitude of 35° that they will not take out Grants from this Province being all in Rebellion, and will pay of late no quit

rents under pretence that the Lands belong to South Carolina, upon Account of that Province claiming all the Lands West of the north West Branch of Cape Fear River if 30 miles distant from it; so that they sit upon it without Rights or Titles to it. This is the case of Mr. Selwyn and my case, as we are seated next the Line, however I hope this Line will soon be fixed, as Governor Lyttleton informs me he will immediately send over the opinion of their Council upon the Boundary they would choose to be compared with what I sent to your Lordships, that you might advise his Majesty how to have it fixed.

I wrote fully to your Lordships about repealing the processioning Law, which if not soon repealed will give the Planters an opportunity of fixing their Titles upon Fraudulent grants where they are possessed of much more than they have a right to by patent, and laid before your Lordships some Regulations proper for your consideration to have his Majesty's Instructions to the Council here to regulate their proceedings accordingly to which I refer I have in this sent you two cases to be laid before your Council for his opinion upon them, and hope when the right is determined you will send me His Majesties Instruction to oblige the Council here to determine according to them in the Court of Claims with a power to suspend such who shall act contrary to those Instructions; for they seldom act uniformly and some may be concerned or connected with others who have such Grants & determine accordingly. If the Right be in the Crown I am humbly of opinion that the Discoverer should have the preference of the Patentee, or should have a suitable recompence from him for making the discovery, otherwise no discoveries will be made, there being such Connections and Combinations to protect each other, that very few can be got to inform or take out Warrants of Resurvey, especially when it is decided in the Court of Claims that the Patentee shall have the preference, and select the best of the Lands, leaving the refuse to the Discoverer, so that the Discoverer has only his Labour for his pains, and the odium of being an Informer.

In the Case laid before you, I have been obliged to be the Discoverer, as it is in my Neighbourhood, and have declared that I will assign my right to another in Case his Majesty's Instructions shall be to give the Discoverer the preference, for which reason they are not pleased that I should look into their Frauds, although they know I am a Trustee to preserve his Majesty's Rights; If I found this to be a singular Case, I would not have stirred in it, but I apprehend it has been generally so in the Province, and all the old Patentees will combine together, & in Case of a Tryal at Law may procure Verdicts and judgments against the Crown. If such should be notorious and evidently contrary to Law, would it

not be proper where His Majesty's right is in dispute that there might be an Appeal to the Council in England under proper Regulations, which might prevent many iniquitous Verdicts in the Courts here, it may be also proper where no Discoveries have yet been made, that a time should be allowed by Proclamation or Publick advertisement that whoever should take out Warr^{ts} to resurvey their own Lands, should have the preference to the new Patents for the surplus Lands, if done in a limited time, and then they could have no reason to say they were ignorant and not judges of the Quantity they held, and when the surplus is granted to the Discoverer the Patentee should have that side of his Land upon which his Improvements are made.

There is also another fraud and point necessary to be settled. On most Rivers, Creeks and Branches there are great Quantities of low marshy ground and are a continued Thickett of Trees and Shrubs and high reeds, as are all what they call dismal Swamps, sometimes of great Extent, which are very expensive to improve, but when once reclaimed will be the most valuable Lands in the Province, when Warrants have been granted upon these rivers and Creeks, the Surveyors have made it a rule upon Account of the Difficulty they found in surveying through these swampy Thickets never to survey them, but thro' them as trifling into the survey, surveying only the high grounds, and begin their survey at a Tree on the high ground, altho' half a mile from the River or Creek, and if they should survey the 3 sides from the River, which they very seldom did, they generally marking a corner Tree, and then lay down the Courses and Distances upon their Paper to make a return of the Quantity in the Warrant, and leave it to the Patentee to mark whatever Trees he pleased of any length or Courses he liked best at his leisure; so that the marked Trees now seldom answer the Courses and Distances in the Patent. But if at any time the Surveyor run 3 sides he never run the fourth, but says from thence to the first station, and in case it be upon a Creek or river he then says, and then along the Creek to the first station, although he has never been down at the Creek, and the winding upon the Creek be so far beyond the last straight Line to the first station, so as to contain perhaps hundreds of Acres all which is lumped in the Survey, and pass for nothing. In Case these low swamps don't extend above 20 or 30 poles below the high grounds, I think they might be thrown into the survey as insignificant, but when it exceeds perhaps hundreds of Acres, there should be some Limitation, and the remainder be esteemed surplus Lands to be new granted and charged with Quit rents, for no other person can build or improve on a March without having some dry Ground to build upon.

Mr. Glenn having buoyed up the Catawba Indians, whom I found to be about 300 Warriors and are computed at about 700 souls in the whole, that he would grant to them and have it confirmed by the Crown a Circle of 30 miles round their Towns within which radius no white man should settle, and Governor Lyttleton having acquainted me that the Catawba King Haglar had complained to him that the English were settling within their Bounds, it will be proper when the Boundary is fixed to consider how much Land to allow to them in proportion to their Numbers, as we are now building a Fort in the midst of their Towns at their own Request we can the better fix their Lands. I find that when the Tuskerora Lands were fixed, who were then more numerous than the Catawbas are now, that they were content with a tract less than 10 miles radius round their towns. I find that in a Circle of Ten miles radius is contained 200,960 acres, and in a Circle of 30 miles radius it contains 1,808,640 acres the least Tract divided among 700 souls would be 287 acres to each person, and in the larger Circle 9 times as much above 2,500 acres to each person. in whatever way his Majesty is pleased to determine it, I humbly think it ought to be done by a publick Treaty with them to please them, by both the Colonies in which the several lands may lie, and in case they should make any large demand, that then the several Governments may be empowered to purchase from them by their free consent whatever may exceed a sufficient Competency for their numbers to be paid out of His Majesty's Quit rents, as the Crown will be reimbursed by the Quit rents, at the same time allowing them to hunt on the English adjoining Lands equally as the English Subjects which may be purchased for a small sum, in goods which they should choose, and whatever they have granted to them should not afterwards be purchased from them, altho' their numbers should greatly diminish, by any private person or planter, but should only be purchased by Agreement from the Crown, & then they would not be defrauded out of their remaining Lands.

These are the only things necessary at present to communicate to your Lordships, besides what I mentioned in my former Packets.

I am with great Respect My Lords Your Lordships

Most obed^t & most humble servant.

Newbern 20th Jan^{ry} 1757.

	Souls.
In Mr. Selwyn's Tract N ^o 1 & 3 about	400
In Mr. Dobbs N ^o 2 and 5 about	700
In N ^o 4 about 4 Baronys, 50,000 acres Mr. M ^c Culloh's	500
In N ^o 6 8 different Grantees M ^c Cul. no Interest	42
In N ^o 7 Andrew M ^c Culloh Jos. Wilcocks	43

In N ^o 8	} All but about 20,000 acres in N ^o 8, within Lord Granville's Line.	72
In N ^o 9		720
In N ^o 10		540
In N ^o 11		714
In N ^o 12		384
		4,115

The Tracts 1, 2, 6, 7, are very much broken with steep, stony and rocky Hills, therefore not settled but in few places.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 588.]

Governor Dinwiddie to Governor Dobbs.

Jan'y 29th, 1757.

SIR:

Last night the enclos'd Packets came under my Care from Lord Loudoun. He desires my meeting him the 17th of next Mo. at Philadelphia, for w^{ch} place I intend (God willing) to set out next week. It is unlucky I had not more early Notice, as our Assembly was to meet in 14 days, but I must prorogue them to a further Day, whether My L^d desires Y^r Company there at that Time, I know not, but if he does, you will be strengthen'd in Time to comply. I'm greatly hurried, must therefore leave off.

With sincere respects I rema.

Y^r Ex^{cy}'s most ob'd't, h'ble serv't.

[B. P. R. O. AM: & W. IND: VOL. 75.]

To the Gov^{rs} of Southern Provinces in America

WHITEHALL 4th Feb^{ry} 1757.

SIR

The King having Nothing more at heart than the Preservation of his good Subjects and Colonies of North America, has come to a Resolution of acting with the greatest Vigour in those Parts, the ensuing Campaign, and all necessary Preparations are making for sending a considerable Reinforcement of Troops together with a strong Squadron of Ships, for that Purpose, & in Order to act offensively against the French in Canada.

It is His Majesty's Pleasure that you should forthwith call together Your Council & Assembly & press them in the strongest Manner to raise with the utmost Expedition as large a Number of Provincial Forces as may be for the Service of the ensuing Campaign, over and above what they shall judge necessary for the immediate Defence of their own Province, & that the Troops so raised do act in such Parts as the Earl of Loudoun, or the Commander in Chief of His Majesty's Forces for the Time being shall judge most conducive to the Service in general.

And the King doubts not, but that the several Provinces, truly sensible of His paternal Care, in sending so large a Force for their Security, will exert their utmost Endeavours to second, and strengthen such offensive Operations against the French, as the Earl of Loudoun, or the Commander in Chief for the Time being, shall judge expedient, and will not clogg the Enlistments of the Men, or the raising of the Money for their Pay &c with such Limitations, as have been hitherto found to render their Service difficult & ineffectual; And as a further Encouragement I am to acquaint you that the raising of the Men, their Pay, Arms, & cloathing will be all that will be required for this Campaign on the Part of the several Provinces Measures having been already taken for laying up Magazines of Stores; and Provisions of all kinds at the Expence of the Crown.

I cannot too strongly recommend it to you to use all your Influence with your Council and Assembly for the punctual & immediate execution of these His Majesty's Commands.

I am likewise to acquaint you, that the Earl of Loudoun is directed to send forthwith to Virginia a Battalion of regular Forces, to be employed as the Exigency shall require for the Succour and Defence of the said Province of Virginia, South Carolina or any other of the Southern Colonies.

I am &c

W. PITT.

[B. P. R. O. AM: & W. IND: VOL. 75.]

Circulars to the Governors in North America.

WHITEHALL Feb^{ry} 19th 1757.

SIR,

Having, in my Letter of the 4th Instant informed you that it was The King's Intention to send a strong Squadron of Ships of War to North America, I am now to acquaint You, that His Majesty has been pleased to appoint Rear Admiral Holburne to command the said Squadron, and

It is the King's Pleasure, That in Case any Naval Assistance shall be wanted for the Protection of your Government, you should apply for the same, to the said Rear Admiral, or to the Commander in Chief for the Time being, of His Majesty's Ships in those Seas, who will send you such Assistance, as He may be able to do, consistently with the Service, with which He is charged by His Majesty's Instructions, and you will regularly communicate to the said Commander all such Intelligence, as shall come to your knowledge, concerning the Arrival of any ships of War, or Vessels, having Warlike Stores on Board; and likewise all such Advices, as may concern their Motions, and Destinations, or may, in any Manner, relate to that Part of His Majesty's Service, with which the Commanders of The Kings Ships should be acquainted; And for the better Execution of the Orders sent you in this Letter, you will be diligent in Employing proper Persons, and Vessels, not only to procure you the earliest Intelligence, but likewise to be dispatched from Time to Time, to the said Commander of His Majesty's Ships, with such Accounts as you shall have Occasion to communicate to Him.

It is also His Majesty's further Pleasure, that you should use all Legal Methods, whenever The Commander in Chief of His Majesty's Ships shall apply to you to raise such a Number of Seamen, from Time to Time, as shall be wanted to recruit the Ships in North America.

I am &c.

W. PITT

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

To His Excellency Arthur Dobbs Esq^r Governor &c The Honorable Members of His Majesty's Council and the Worthy Gentlemen Representatives for the Province of North Carolina In Assembly Convened.

The Humble Petition of the Subscribers, Tanners & Merchants In behalf of themselves and others Sheweth

That Whereas a Malignant & Contagious Distemper hath Infected the horned Cattle in this Province for many years past, whereby some thousands have been Destroyed, Under which Calamity we still are Suffering daily, & Our Stocks of Cattle reduced to a very small Number. We Therefore Pray that your Excellency, with the Honourable Council, & the Worthy Gentlemen Representatives for the Several Countys will take this matter into your Serious Consideration and Prevent the driving Out of this Province for the future all Horned Cattle to any of the Neigh-

bouring Provinces, as we are under fearful Apprehensions, that we shall Scarcely have Beef Enough in a few years for Our Own Consumption.

And Whereas many large Tan Yards have been lately set up in this & other parts of the province, Sufficient to Tan & Curry all the Hides Kill'd in it whereby the Leather Manufactory is greatly Encreased, and a Number of Tradesmen Constantly employ'd in working up the same. We Therefore Pray that your Excellency with the Honourable Council & Gentlemen of the Assembly will do all in your power to Encourage so Useful & Beneficial a Manufactory and that you will lay a small Duty of one penny p pound on all Good Trim'd Dry hides, & One half penny p pound on all Green hides that shall be Exported raw & Untann'd (Except to Great Britain) or Prohibit the Exportation of all Good Trim'd Dry hides that will fetch five pence p pound and all Green hides not distemper'd two pence half penny p pound, and Limit the price of Good Tann'd Sole Leath^r at twelve pence p pound so long as the price of hides does not exceed the above Limitation, or such other Duty as to you shall seem meet, Otherwise those Gentlemen who have been at Considerable Expence in Settling Large Yards will be Under a Necessity of laying them aside, and one of our Valueablest & best Export will be Discouraged. We further Pray that if a Duty or Prohibition be laid on all Hides pieces of Hides and Calf Skins that all Masters of Vessels at Clearing Out of this province, shall be Sworn before the Naval Officer to the Contents of his Cargo. And That one person in Every Port well skilled in Tanning & the Leather Manufactory be Appointed Inspector & that none shall be Deemed Merchantable but such as they shall Stamp nor shall any be Exported but such as is Stamped and We Your Petitioners as in Duty bound Shall Pray.

WILLIAM PURVIANCE	MARMADUKE JONES
JOHN WHITE	BENJ ^a MORISON
THOMAS TURNBULL	JOHN MORRIS
A. MACLAINE	ROB ^t SCHAW
DAN ^t DUNBIBIN	THO ^s HASLEN
JOSEPH LEECH	JOHN LYON
JN ^o D. BOIS.	EDW ^d LANGFORD
JOHN EEDE	JN ^o ROBESON
THO ^s JAMES	MAGNUS COWAN
ROB ^t M ^c CRAKAN	JACOB MILLER
JAMES HILL	THOM ^s HILL

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

Proceedings in England on Acts of Assembly passed in America, & sent home for the Royal Assent.

The Act is in the first place transmitted by the Governor to the Secretary of State for America.

It afterwards comes before the Lords of Trade, & is by them referred to an officer called the Reporting Counsel to the Board of Trade, for him to consider and report his opinion, & reasons, whether his Majesty be advised in favor of the Act, or the Contrary. The Fate of the Act depends in a great measure on this Gentleman's Report; & which Report must again entirely depend upon the Idea, & Information he receives of the reasons, circumstances & views with which the Act was passed in the provincial Assembly. Here is the heavy and useful part of the duty of an Agent; to attend the Reporting Counsel, to explain circumstances, & lead his Opinion to a Report favorable to the wishes of the Province for which he acts; as a person in the Reporting Counsel's situation must be unacquainted with a thousand things an Agent can explain, & consequently without his Information be liable to many Mistakes.

The Act then comes back to the Lords of Trade, where it is again considered, & the Agent noticed to attend in all matters of consequence.

On the Report of the Lords of Trade, it then comes before the Lords of the Council, upon whose final report its fate depends.

The great Officers of State will not take the vague Information of Individuals; but transact all business with the several Provinces by asking & knowing their Sentiments by means of their Attorneys or Agents. Without some person in that Character their business in England must sleep. Memorials, Addresses, Petitions pass thro' his hands. The Assent or Dissent of his Representatives to any measure intended, is asked & known thro' him. Every opening for encouragement to the Trade of America, it is the Agent's business to improve: equally so to endeavor to obviate any Scheme that may hurt it. For this purpose, he is to watch the Intentions of Parliament; & hence, Attendances, Solicitations, & Fatigues, Gentlemen living here have little Idea of.

The Continuance of an Agent's appointment rests in the breasts of the Assembly; he is their Servant, & therefore ought not to wish to be out of their controll; tho' it is to be observed, that if he is intrusted with his appointment for 6 or 5 years, he might form many connections very advantageous to the Province which on a shorter time Prudence would not permit.

[Endorsement.]

For the perusal of the gentlemen at Mr. Heath's.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 12. C. 122.]

ADMIRALTY OFFICE 28th Feb^{ry} 1757.

SIR, [SECRETARY OF BOARD OF TRADE]

I have communicated to my Lords Commissioners of the Admiralty your Letter, inclosing an Extract of one from Mr. Dobbs Governor of North Carolina to the Lords Commissioners for Trade & Plantations giving an account that the Coasts of that Province are infested by the Enemies Privatiers from the West Indies; and in return I am to acquaint you for the Information of the Lords of Trade, that a Twenty Gun Ship and Sloops are ordered upon that station in order for their Protection, and to annoy the Enemy.

I am Sir, &c.,

J. CLEVELAND.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 235.]

Lords of Trade to Governor Dobbs.

WHITEHALL March 10 1757.

SIR,

We have received your letter of the 31 of October last, containing a full and satisfactory account of the State of the Province under your Government and of your proceedings in the administration from the date of your last letter down to that period and although this state is not in every particular so good an one as we could have wished yet it is altogether better than we expected, considering the confusion in which you found things upon your Arrival and the little regard which had been shewn by your predecessors to establish that order in Government and promote those measures which can alone give Stability to it.

The particular attention which you appear to have given to these matters in the measures which you have pursued for providing in a proper manner for the defence and security of the Province on the one hand and the aiding and assisting the Efforts which have been made by the Mother Country for the defence and security of America in general on the other cannot fail of meeting with his Majesty's approbation. We are sensible that the circumstances of the People of North Carolina will not admit of their contributing so largely to the Common cause as may be reasonably expected from the other Colonies, but when we say this we cannot but be of Opinion that a small sum given rightly and properly with a

view to the interests of the whole and the good of the service in general may be more effectual than ten times as much given merely to local and provincial purposes.

It is in this light and upon this Opinion that we greatly approve the Measures of sending three Companies to New York to join the Army under the command of the Earl of Loudoun and we sincerely wish that the circumstances and state of the Province would have admitted of these Companies continuing in the Service but as you seem to be of opinion that they would not and that the defence of your own Frontiers called for every support which the Province is capable of affording, we do not see what more could be done than dismissing them in the manner you did, and the Assembly did well in enabling you by a vote of Credit to discharge the debt incurred on this account nor do we see any objection to your Applying the Bills appropriated to the erecting Churches and Schools, to this Service in case you think it adviseable so to do.

The not having a proper Officer established at Ocacok Inlet, to whom the Masters of all ships should report their cargoes, must certainly be attended with great loss to the Revenue and therefore we lost no time in laying this part of your letter before the Lords of the Treasury together with those parts where you mention the inconveniences and mischiefs arising from the improper provisions of the Act passed in 1723 for settling the titles and bounds of Lands, which appears to us to be a matter of great consequence to his Majesty's Revenue and as we entirely agree with you that this Law ought to be repealed we shall in case the Lords of the Treasury concur with us in Opinion lay it before his Majesty for His disallowance of it. We have also laid before the Lords of the Treasury that part of your letter proposing that the expence of a survey may be defrayed out of the Quit rents and we are informed their Lordships have given a Warrant for that purpose.

The representation you make of the expediency of having ships properly Stationed for the protection of Your Coasts has been communicated to the Lords of the Admiralty and their Lordships have in consequence thereof acquainted us that a Twenty Gun Ship and a Sloop are ordered to be stationed upon your Coasts.

We are entirely convinced of the expediency and necessity of having the Boundary Line between your Province and that of South Carolina ascertained as soon as possible but we cannot do anything in this matter untill we receive the Report of the Committee of Council of South Carolina appointed by Mr. Lyttelton to consider of it which we are in daily expectation of and which when we do receive, no time shall be lost in taking it into consideration and proposing such a Line as shall appear to us to be proper.

We have considered the Observations you make upon the Law passed in 1748, for regulating Officers Fees and though it is true that by the 65th Article of your Instructions you are directed with the advice of the Council to regulate Fees, yet that Instruction which is also given to other Governors has never been considered as operating to prevent the doing it by Act of Assembly, on the contrary Acts have been passed in almost all the Colonies for this purpose, many of which have been confirmed by the Crown. It is true indeed that some have been repealed but not for being contrary to the King's instructions or from an Opinion that the Legislature had no power to ascertain Fees but upon complaint made that the Fees established were improper ones and if that shall appear to be the Case of this Law or that any of the Officers who are thereby entituled to Fees are injured by it, it is their Duty to join in a Representation to the Crown stating the Facts and whenever they think proper to do that due regard will be had to their complaints, but we can by no means Agree with you that if this Act should be repealed on such Application it would be practicable or if so prudent to have the Fees fixed and ascertained here and therefore we cannot advise what Fees ought to be taken in the case of the Charters you mention but must leave it to the discretion of yourself and your Council under the Authority vested in you by your instruction.

The inconveniencys and mischiefs arising from the enemies getting a supply of Provisions by means of the Trade carried on from our Colonies to those of the Dutch and other neutral powers have been under the consideration of Parliament and you will herewith receive a Law passed for the remedy thereof.

We are, Sir, &c.,

DUNK. HALIFAX
JAMES OSWALD
SOAME JENYNS

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

Minutes taken at a Meeting of the Governors of North Carolina Virginia Maryland and Pennsylvania with The Earl Loudoun Commander in Chief of his Majesty's forces in North America began at Philadelphia March 15th and continued by several Adjournments to March — 1757.

The Meeting having been inform'd by the Earl of Loudoun that there was a plan approved by his Majesty of employing the greatest part of the Troops this Campaign to the Northward and that he had invited

them to this Meeting in order to concert in Conjunction with them a Plan for the Defense of the Southern Provinces whilst the other Operations were carrying on.

His Lordship further acquainted them that he was willing to leave for the Defense of the Southern Provinces one Battalion to be completed to One thousand Men and the three Independent Companies in South Carolina of one hundred Men each which may amount to 200 effective Men.

And that he thought it necessary for the Security of the whole that the several Provinces shou'd furnish by the following Proportions

Pensylvania	.	.	.	.	.	1400
Maryland	.	.	.	.	.	500
Virginia	.	.	.	.	.	1000
North Carolina	.	.	.	.	.	400
South Carolina	.	.	.	.	.	500
Which joined to the King's Troops	.	.	.	.	.	1200
						<hr/>
Make in the whole	.	.	.	.	.	5000 Men

And the several Governors do engage to use their best Endeavours with their several Provinces to raise and support the above Number to act in Conjunction with the Regular forces, and under the Command of his Majestie's General, or the Officer properly authorized according to his Majestie's Regulation.

The Meeting taking into Consideration the Situation of the several provinces and the Intelligence received from different parts, it appears to them that there is danger of the Enemy's making an Attack on the Province of South Carolina, either by Sea from S^t Domingo, or from the Albama fort in the Creek Indians on the head of the Mobile, for which reason they have agreed that there ought to be two thousand Men employed in the Defense of that valuable province of South Carolina and to secure Georgia, and that they shou'd be composed as follows.

Five Companies of regular Troops	.	.	.	.	500
Three Independant Companies	.	.	.	.	200
Provincial Troops raised by the Province of South Carolina	.	.	.	.	500
Provincial Troops from North Carolina	.	.	.	.	200
Provincial Troops from Virginia	.	.	.	.	400
Provincial Troops from Pensilvania	.	.	.	.	200
					<hr/>
Making in the whole	.	.	.	.	2000 Men

That the said Troops shou'd be put under the Command of Lieutenant Colonel Bouquet and transported to Charles Town in South Carolina as soon as possible, the regular Troops and the 200 provincial Troops of Pennsylvania by Sea from hence, The 400 Provincial Troops of Virginia by Sea from ——— and the 200 Troops from North Carolina to march by Land.

The Earl of Loudoun on the part of the Crown agrees that he will at the King's Expence supply the 200 Men from North Carolina the 400 Men from Virginia and the 200 from Pennsylvania with King's Provisions from the time they arrive in South Carolina during the time he keeps them there, but that he expects the several Provinces from whence they are detached shou'd transport them there at the Expence of the Province from whence they are sent.

And to prevent any Mistakes hereafter arising in relation to any Demand that may be made, It's agreed that the several Provinces shall maintain the Remainder of the Troops raised by them for the Service in every Article, as on this Occasion they are entirely employed in the Defense and for the Security of their respective Provinces.

And it is further agreed that We the Governors shall in our respective Provinces take particular Care to form such Regulations and to see them properly executed that in all time coming Carriages for transporting the Baggage of His Majestie's Troops shall be prepared at stated reasonable Rates, And that all the Troops of whatever Denomination either passing through our Provinces or while in fixed Quarters therein shall in time of Peace be properly quartered, and in time of War what ever Number of Troops the Commander may judge necessary for Defense or carrying on the general Service shall be quartered according to Custom or the Exigences of Service.

Signed	ARTHUR DOBBS	ROB ^t DINWIDDIE
	WILLIAM DENNY	HOR ^o SHARPE

The above Resolutions are agreed to by the several Governors and sign'd by us in presence of the Earl of Loudoun His Majestie's Commander in Chief

Signed LOUDOUN

A true Copy

W^m POWELL

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 1.]

Letter from Governor Dobbs to the Board of Trade.

PHILADELPHIA 22nd March 1757.

MY LORDS

Having been summoned here by Lord Loudoun to meet him with the Governors of the other Southern Colonies to consult about what measures should be taken and the several Quotas necessary to be raised for our security and safety to the Southward whilst he is employed to the Northward I have been here a month waiting his arrival and during our consultation here and am now ready to return in two days to my province where I must immediately call our Assembly to enable me to send 200 men to assist South Carolina and to raise 200 more to secure our Forts to the Sea Coasts and Western Frontier whilst these continue in South Carolina, how I shall succeed in my application I shall inform your Lordships after our meeting.

Upon my arrival here I received your Lordships letter inclosing his Majestys order in Council postponing my Execution of my 84th Instruction relative to Mr. M^cCulloh's Land and his allowanee until after the 25th of March 1760 which I shall take care to obey. I also received a copy of the order from the Treasury of the 6th of November last to the Auditor of North Carolina and to the Receiver General Relative to his Quit Rents being set off against several sums due to him from the Crown and shall take care to return it to the Receiver General I have also your Lordships Letter of the 12th of November giving an account that the Lords of the Admiralty had sent orders to Captⁿ Owens Commander of the Baltimore to send him a Plan of Cape Lookout her course ordering him to make an exact survey of the same, before they could make a Report upon the Plan I sent over. As the Baltimore has not been 3 weeks at her station at Cape Fear since I came over and the Captain never staid long enough for me to answer his Letter before he sailed again for instead of wintering at his station he always took his ship to Charles Town to get their winter [supplies] and only looked in upon his return to Nova Scotia in the Spring [for] their Letters. finding him out is effectually postponing it so as to have nothing done in it during this War so that my [moving] any further in it is of no further use if any other dispatches have been sent to me they are gone on to the Province and shant get them until my return. I have reason to believe you will have a good account of the issue of the campaign if the supplies come in time from England.

I am with great respect My Lords, &c.,

ARTHUR DOBBS.

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

NORTH CAROLINA—SS.

To His Excell^y Arthur Dobbs Esq^r Capt General Gov^r and Commander in Chief in and over the Province of North Carolina His Majesty's Hon^{ble} Council and the Assembly of North Carolina now met at Wilmington.

The Petition of several of the Inhabitants of New Hanover County and others, Sheweth

That in Virtue of an act of the Assembly of this Province pass^d in the Twenty Second year of the reign of his Present Majesty Intituled an act for the Relief of Poor Debtors as to the Imprisonment of their Persons, Several able bodied Men Tradesmen and others have been Confined either under Mesne Process or Execution (at the Suit of one or more of their Creditors) Issuing out of the Supreme or County Court, and since have obtained the rules or Bounds of the Several Prisons belonging to the s^d Several Counties and at the same time do by their several Labours Earn some Six, Some Eight and others Ten Shillings and more p^{r} Diem. the least part of which would be Sufficient for their Necessary Maintainance and the remainder might be applyed weekly or otherwise towards payment of those Debts they are Under Confinement for, but Instead thereof the most of them use their Creditors with the utmost contempt and giving out that themselves and Estates are better Secured whilst they remain under the abovementioned Confinement than before.

Wherefore your Petitioners Humbly prays a Bill may be bro^t in to be pass^d into an act for the relief of your Petitioners and others concern'd, or Such Remedy as you in your Wisdom Shall think Proper and as in Duty Bound Shall Pray &c.

W ^m BRADLEY	EDW ^d LANGFORD
BENJ ^a MONSON	DAN. DUNBIBIN
ANTH ^y WARD	WILLIAM PURVIANCE
WILLIAM VAUGHAN	ISAAC RAY
JOHN ROGERS	

[B. P. R. O. AM: & W. IND: VOL. 71.]

NEW BERN, 16 April, 1757.

SIR, [SECRETARY PITT]

My Journey to the Northward by appointment of the Earl of Loudoun in February to meet his Excellency at Philadelphia with the Rest of the

Governors of the Southern Provinces to consult upon what shou'd be necessary for our several Provinces to grant for our mutual Defence, whilst the operations were carried on under his immediate Direction to the Northward, where I was detained until the 27th of March prevented my Receipt of your Letter of Notification of your being appointed by His Majesty Secretary of State for the Southern and American Department, and my earlyer acknowledgement of the Honour of your Letter, the post having passed Philadelphia before my arrival there, and the Dispatches lying here till my Return.

This distinguishing Mark of His Majesty's Favour & Acknowledgm^t of your capacity, Integrity, and Application in so Critical a situation of Affairs, and in the Department wherein you will have an opportunity of distinguishing your Talents and Zeal for promoting the commerce and Naval power of Britain, by exerting it's power in the Defence and future Safety of the colonies of Britain by conquering and for ever getting rid of a faithless cruel and perfidious Enemy, I sincerely and heartily congratulate you upon, and the more as the concurrent voice of the Nation is with you, and expect by the Assistance of Divine Providence a happy Issue out of our present necessary expensive War, by the future Safety of these Colonies, and the Superiority of our Marine over our Rivals in Naval power and commerce so necessary for the Safety of Religion Liberties and Possessions of Britain.

I need not mention to you the Result of our Meeting in the Congress which Lord Loudoun will fully inform you of, who is so punctual and indefatigable in all Things in his sphere of action; I shall only mention that upon my Return, I immediately issued a Proclamation for the Meeting of the Assembly on the 13th of May to enable me to send 200 Men according to Agreement to defend South Carolina in Conjunction with the other Provinces, and to raise Troops to defend our Forts and Batteries on the Sea Coast, and on our Western Frontier, and shall endeavour to do my utmost to support and continue the Zeal of this Province in exerting their force in supporting the cause of their Religion and Liberties; And have at the same time issued a Proclamation for a Day of solemn Fasting & Humiliation, a copy of which I inclose to you. I am extremely pleased with his Majesties Speech and the Addresses you were so kind as to inclose to me, as they testify a Zeal for the Glory and Safety of Britain and Increase and support of it's Colonies.

I shall be punctual in corresponding with you, and in executing all His Majesties commands communicated by you, and informing you of all Things necessary for His Majesties service in this or the neighbouring colonies, and am with great Truth and Respect

Sir, &c.,

ARTHUR DOBBS

[B. P. R. O. AM: & W. IND: VOL. 75.]

Circular to the Gov^{rs} in North America.

WHITEHALL May 2^d 1757.

SIR

The Crops of Corn, having from the Badness of the Season last year, greatly failed in many Parts of Great Britain, and Ireland, which makes a Supply thereof very much wanted, for which Reason Orders have been sent to purchase large Quantities in America; And It being apprehended that the Ships, loaded therewith, may not be able to sail on Account of the Embargo laid, in several Parts of America, by Lord Loudoun's Desire, on all Ships in general, by which means His Majesty's Dominions in Europe, may be greatly distressed, I am commanded to signify to You, The King's Pleasure, that You do immediately upon the Receipt of this Letter, cause any Embargo, that shall be then subsisting within Your Government, either in consequence of Lord Loudoun's Application to You, or of any Directions sent You, by the Board of Trade, to be taken off from all Vessels loaded with Corn, or any other Species of Grain, for Great Britain, and Ireland, And that you do take particular Care, that no future Embargo, which it may be thought expedient to lay, do extend to Vessels so loaded, but, on the contrary, You will give all proper Encouragement, and Assistance, to Persons who shall be employed in the Purchasing and Shipping Corn, for the Supply of His Majesty's Dominions in Europe, taking Care that they do give sufficient Security for Landing the Cargos at the Places for which they shall be designed, agreeable to an Act of Parliament, passed this Session, Entitled, an Act to prohibit for a limited Time, the Exportation of Corn, Grain, Meal, Malt, &c., &c., which Act has been transmitted to you by the Lords Commissioners for Trade and Plantations.

I am, &c., HOLDERNESSE.

[B. P. R. O. AM: & W. IND: VOL. 75.]

Circular to the Gov^{rs} in North America.

WHITEHALL May 20th 1757.

SIR,

The inclosed Extract of a Letter from Vice Admiral Townshend to Mr Cleveland, together with the Affidavits thereunto annexed, will inform

you of the Pyratial Behavior of several Privateers, fitted out in North America, towards the Spaniards in the West Indies, particularly of the Peggy of New York, One Hadden, Master, and of a Privateer from Halifax, commanded by One Snooke. It was with the greatest Indignation that His Majesty received this Account of Proceedings, on the Part of His Subjects, not only contrary to all Humanity, and Good Faith, but to the General Instructions given to Privateers; and in direct Breach of the Additional One of the 5th of October last, with regard to Spanish Ships, And the King being determined that the most rigorous Justice shall be put in Execution against such notorious Acts of Violence, has directed the Governors of New York, and Nova Scotia, to commence Prosecutions against the Owners, Masters, and Securitie^s, of the Two Privateers abovementioned; And it is His Majesty's Pleasure, in case Either or Both of them, shall put into any Port within Your Government, that you do cause Them to be detained, giving immediate Notice, to the Gov^r of New York, of the Arrival and Detention of the Peggy, Hadden, Master; and of that from Halifax, commanded by Snooke, to Gov^r Lawrence, in order that They may send You such Directions thereupon, as They shall judge most expedient for the Execution of the King's Commands, signify'd to them upon this Occasion.

Tho' the Additional Instruction above mentioned of the 5th of Oct^r last, has been already transmitted to you from the Council Office, I send you herewith some printed Copies thereof, and am to signify to you His Majesty's Pleasure, that you be particularly careful, not only to deliver the same to all Persons, who shall hereafter take out Commissions for Privateers, but also that, whenever any Privateers come to the Ports in your Government, You do make Enquiry, whether they have already received the said Instruction; and in case You have Reason to think they have not, you will cause a Copy thereof to be delivered to the Commanders of such Privateers, and, at the same time, acquaint them, that the King is determined to require the most exact Obedience thereto, and that the severest Prosecutions will be carried on against Those, who shall, in any manner, act contrary to the same, and thereby endanger that Harmony which His Majesty is so desirous to preserve with the Court of Spain.

I am, &c.,

HOLDERNESSE.

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

Copy of Resolutions of the House of Commons of the 23^d of May 1757, upon certain Resolutions of the Assembly of the Island of Jamaica on the 29th of October 1753.

The Order of the Day being read for receiving the Report from the Committee of the whole House, to whom it was referred to consider further of the several Papers, which were presented to the House upon the 10th and 24th Days of February, and the 17th Day of March, in the last Session of Parliament, relating to the then Governor, Council, and Assembly of Jamaica, and of the other Papers referred to the said Committee.

Mr. Thomas Gore accordingly reported from the said Committee the Resolutions, which the Committee had directed him to report to the House, which he read in his Place, and afterwards delivered in at the Table where the same were read, and are as followeth, viz:

Resolved, That it is the opinion of this Committee That the Resolution of the Assembly of the Island of Jamaica, contained in the Minutes of the said Assembly of the 29th Day of October 1753 in the Words following, viz: "Resolved, That it is the inherent and undoubted Right of the Representatives of the People to raise and apply Monies for the Service and Exigencies of Government, and to appoint such Person or Persons for the receiving and issuing thereof as they shall think proper, which Rights this House hath exerted, and will always exert, in such manner as they shall judge most conducive to the service of His Majesty, and the Interest of His People," so far as the same imports a Claim of Right in the said Assembly to raise and apply public Money without the consent of the Governor and Council, is illegal, unconstitutional, and derogatory of the Rights of the Crown and People of Great Britain.

Resolved, That it is the Opinion of this Committee, That the Claim in the said Resolution of a Right in the Assembly to appoint such Person or Persons for the receiving and issuing of public Money, as the said Assembly shall think proper, is illegal, unconstitutional, and derogatory of the Rights of the Crown of Great Britain.

Resolved, That it is the Opinion of this Committee, That the Six last Resolutions of the Assembly of Jamaica of the 29th day of October 1753, proceed upon a manifest Misapprehension of His Majesty's Instruction to his Governor requiring him not to give his Assent to any Bill of an unusual or extraordinary Nature and Importance, wherein His Majesty's Prerogative or Property of His Subjects may be prejudiced, or the Trade

or Shipping of this Kingdom any ways affected, unless there be a Clause inserted, suspending the Execution of such Bill, untill His Majesty's Pleasre shall be known, and that such Instruction is just and necessary, and no Alteration of the Constitution of that Island, nor any ways derogatory to the Rights of His Subjects there.

The first Resolution of the Committee, being read a second time, was, with an Amendment thereto, agreed to by the House, and is as followeth, viz.

Resolved, That the Resolution of the Assembly of the Island of Jamaica, contained in the Minutes of the said Assembly of the 29th day of October 1753 in the Words following, viz. "Resolved, That it is the inherent and undoubted Right of the Representatives of the People to raise and apply Monies for the Service and Exigencies of Government, and to appoint such Person or Persons for the receiving and issuing thereof as they shall think proper; which Rights this House hath exerted, and will always exert, in such manner as they shall judge most conducive to the Service of His Majesty and the Interest of his People," so far as the same imports a Claim of Right in the said Assembly to raise and apply public Money, without the Consent of the Governor and Council, is illegal, repugnant to the Terms of His Majesty's Commission to his Governor of the said Island, and derogatory of the Rights of the Crown and People of Great Britain.

The second Resolution of the Committee being read a second time, an Amendment was made thereunto by the House.

The House was moved, that the Entries in the Journal of the House of the 21st and 23^d Days of December 1678, of the Proceedings of the House, in relation to the Bill for granting a Supply to His Majesty, for paying off and disbanding the Forces, might be read.

And the same were read accordingly.

Then the said Resolution, so amended, was agreed to by the House, and is as followeth, viz.

Resolved, That the Claim in the said Resolution of a Right in the Assembly to appoint such Person or Persons for the receiving and issuing of public Money as the said Assembly shall think proper, is illegal, repugnant to the Terms of His Majesty's Commission to his Governor of the said Island, and derogatory of the Rights of the Crown of Great Britain.

The last Resolution of the Committee, being read a second time, was agreed to by the House.

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

NORTH CAROLINA—SS.

George the Second by the Grace of God King of Great Britain Francee
and Ireland Defender of the faith and soforth,

To the Honor^{ble} James Hasell Lewis Henry De Rossett and William
Ross Esq^{rs}

Know y^e that we reposing special Trust and Confidence in Your Loy-
alty Integrity Skill and Ability Have constituted and Appointed and
Do by these Presents constitute and Appoint you the said James Hasell,
Lewis Henry De Rossett and William Ross Justices of the Supreme
Court of Justice Oyer and Terminer and General Goal Delivery for the
Counties of New Hanover Bladen Duplin Onslow and Cumberland to
be held at Wilmington on the fourth Tuesdays in August and February
Yearly Hereby Giving and Granting to you and Each of you full Power
and authority together with the Chief Justice of our said Provice to
hold the Supreme Courts of Justice Oyer and Terminer and General
Goal Delivery at the Place and times aforesaid And in Case of the
Disability or Absence of our said Chief Justice or where he shall be a
party in any suit That you the said James Hasell Lewis Henry De
Rossett and William Ross or any Two of you may hold the said Court
at Wilmington aforesaid at the times When by law the same are and
ought to be held in like manner as if the said Chief Justice were Pres-
ent in Court and Generally to act and do in your and Each of Your
said Offices as to the Duty thereof doth Legally Appertain. To have
hold Execute and enjoy the said Office During our Pleasure and Your
Residence in our said Province.

Witness &c., at Newbern the Twenty Sixth Day of May in the 30th
Year of our Reign and in the Year One Thousand Seven Hundred and
fifty seven.

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 2.]

To the Kings most Excellent Majesty in Council

The humble petition of the Members of your Majesty's Council of
North Carolina,

Humbly sheweth unto your sacred Majesty that your Province of
North Carolina being of large extent and the most of your Petitioners
being settled at a considerable distance from Newbern, the present seat
of Government where all Publiek Business is transacted and Assemblies,
Councils, Courts of Chancery and Courts of Claims for lands are held

occasions not only great Fatigue and Trouble but a very great expence to your Petitioners in travelling to and giving their attendance at such times and on such occasions as your Majestys service requires,

Your Petitioners therefore humbly represent to your Majesty that no Salary or provision is made of any kind to enable them the better to attend their Duty, and thō their Loyalty to your Majesty and your Illustrions House and their Zeal for your service will always prompt them to exert themselves to the utmost of their Power and Ability upon all occasions yet the expence attending it being very considerable at a time when your Province labours under great Taxes and many inconveniencies arising from the present War and state of affairs in America renders it almost too heavy for them to bear.

And as your Majesty has been graciously pleased to order an allowance to your Majesty's Council in our neighbouring Province of Virginia, and as your Majesty's Quit Rents in this Province will in a short time greatly exceed the present Establishment We humbly hope your sacred Majesty will take the Premises into your Royal consideration and do therein as in your great Wisdom shall seem meet

And your Petitioners as in Duty bound shall ever pray

MATH: ROWAN.	J ^{no} SWANN
JA: MURRAY	JOHN DAWSON
JA: HASELL	LEWIS DE ROSSET
JAMES INNES	J. RIEUSSET
J ^{no} RUTHERFORD	EDWARD BRICE DOBBS.
FRA: CORBIN	

Council Chamber New Bern May 28th 1757.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 2.]

Letter from Governor Dobbs to the Board of Trade.

NEW BERN, 30th May, 1757.

MY LORDS

I appointed the Assembly of this Province to meet the 13th of this Instant to raise the Quota of 200 Men agreed upon at the Congress at Philadelphia with Lord Loudoun and accordingly they have passed an aid Bill to that purpose which I herewith send to your Lordships to which I refer, they have agreed to give £5 currency advance money to raise 2 companies of 100 men each with more dispatch I have also inclosed the speech and addresses they at first voted an insufficient sup-

ply for the number and the time they were raised for but at last agreed to the sum of £5,300 to maintain them for 6 months or longer if necessary to be employed for the service of South Carolina or at home in case not demanded or wanted there, and as the Assembly will meet again in November they will have time to continue them in pay afterwards. We shall be under difficulties to pay them out of the Province I have given directions to buy Stores to send to Charlestown for that purpose which I'm afraid cant be had in numbers sufficient and as a duty is laid on Naval Stores carried from hence to Charlestown by the Southern Province which I think is very impolitic in them as we might send Pitch and Tar sufficient I have wrote to Governor Lyttleton to endeavour to get that Duty taken off at least so far as to what we shall send towards payment of the Troops. Our Frontier is still in confusion upon account of not fixing the Boundary Line, they refuse to pay their Taxes and took the Sheriff Prisoner and detained him several hours for attempting it, altho it has been paid several years by that part of Anson County occasioned by Glenn's Claim to all Westward of the North West of Cape Fear River to prevent further Confusion, I am obliged to overlook it as Governor Lyttleton has informed me that the Assembly had the Consideration of the Line before them and had reported upon it and that he would have it soon ready to send to England from their Province. They give out in the back Country that all the Lands South of Lord Granville's line will be added to South Carolina and all the Patents granted by this Government as well to Mr. Culloh and his associates, as to others vacated so that the people settled upon these Lands are confounded and know not which province to adhere to, altho I have assured them that his Majesty will confirm all his Grants in whatever Province they will fall according to the Priority of the Grants yet many go to South Carolina to get Grants there, pretending they are without our bounds altho Governor Lyttleton and I have agreed to let all ly over until the Line is decided at home; I readily acquainted him with the plan I had sent home from this Province but they have not been so kind as to let me know the Boundary they have agreed to apply for and therefore must rest it upon your Lordships to fix an equitable Line as soon as possible.

The Letter your Lordships mentioned to have been wrote by the Lords of the Admiralty to the Captain of the Baltimore or any other Ship of War that should call in at Cape Fear only came to my hands last week from the Northward, altho wrote in November last which I have forwarded to Cape Fear to be delivered to the Commander of any of his Majesty's Ships who may call in, but there it may be long enough since neither our own Stationed Ship nor any other hath called in there these

twelve months our coast being intirely neglected whilst the Baltimore is laid up all the winter at Halifax without being of any service there.

I have this Morning since the breaking up of the Assembly received express from Lord Loudoun with orders to send the men as soon as they can be possibly ready to South Carolina and also to have the Militia along the Southern Frontier ready to go upon the first notice from Coll: Bouquet who is at present in Virginia with 500 Men of the first Battalion and 200 from Pensylvania in order to take with him the Virginia Provincials that are ready and proceed to Charlestown and shall immediately give them orders to be ready to march upon the first notice from him to the aid of South Carolina having given a power to the President and resident Conncellors to act at Cape Fear upon any Emergency without waiting for orders from me and have ordered them to send $\frac{2}{3}$ of the Militia of the 4 Southern Counties to South Carolina upon the first notice from Govern^r Lyttleton or Coll: Bouquet. I have inclosed a Memorial to Mr. Pownall from the Council to be laid before his Majesty in Council setting forth the expence they are at from time to time in attending at Assemblies Chancery and Court of Claims for which they have no allowances and as they generally live at a 100 miles distance from this Town the centre of the Province and must attend at other times when summoned upon emergencies of Government they hope his Majesty will allow them an appointment upon the Quit Rents as the Quit Roll is improving every day and if properly collected will soon discharge all the arrears due as well as pay the whole Establishment altho an allowance should be given to them by his Majesty which they have reason to hope for from his Majestys goodness as he has been graciously pleased to grant the like favour unto his Council in Virginia I therefore hope if referred to your Lordships that you will report in favour of the Petition as I find great delays and difficulties in Summoning them from the extream parts of the Province at considerable expence and many excuses made upon their non attendance so that his Majesty and the Public Service suffers and if granted then half or a sufficient number should always attend in Rotation or not obliged to do several things without^r their assistance and advice otherwise the public affairs must suffer and be delayed. This I submit to your Lordships judgment.

Upon my return from Philadelphia I found your Lordships Letter about the Embargo to be laid upon provision Ships but as we had made a Law here before to the same purpose and our vessels here being all small sloops under 50 Tons generally-carrying about 30 Ton of provision with lumber we had made the Bonds here taken only £500 and the Collectors apprehending they might be sued if they insisted upon higher

Bonds than required by Law as no sufficient security can be got here upon £1000 or £2000 sterl^e Bonds keeping strictly to the Letter of the orders would have amounted to a prohibition of supplying our Colonies which was not intended I ventured to lessen the Bonds to Vessels under 50 Tons to £500 according to our Law and to such as were above 50 Tons then obliged them to keep to the Letter of the order by taking the Bonds required by the order which will effectually answer the ends of the order.

My Lords, your Lordships, &c.,

ARTHUR DOBBS.

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

GEORGE R.

Trusty and Welbeloved We greet You well

Whereas by Our Letters Patent bearing date the 20th day of November in the Twenty fifth Year of Our Reign, We were graciously pleased to Grant unto Robert Cholmondeley Esquire the Office of Surveyor and Auditor General of all Our Revenues arising in America To have hold and enjoy the same from and immediately after the death or other determination of the Estate and Interest of Horatio Lord Walpole in the said Office. And Whereas the said Horatio Lord Walpole did on or about the 5th day of February last depart this Life, and the said Office of Our Surveyor and Auditor General in America is thereby devolved to the said Robert Cholmondeley as by Our aforesaid Letters Patent may more fully appear Now to the end that the Trust reposed in him may be duly executed without any impediment or interruption whatsoever, We do hereby strictly command and require You and the Commander in Chief of Our Province of North Carolina for the time being, and add it as a principal Instruction to those You have already received from Us, that You give to him the said Robert Cholmondeley and such as shall be employed by him in the Affairs beforementioned all such assistance as may tend to the more easy Execution of the said Duty, and to take especial Care that speedy and effectual Justice be administered in all Cases concerning Our Revenue, And that You do likewise direct and give in Charge to all Persons whatsoever to whom it may belong to act or intermeddle with any part of Our said Revenue and Profits arising within your Government. That setting all Excuses aside they do punctually and readily pursue such Directions as they shall receive from Our said Surveyor and Auditor General in Obedience to Our said Letters Patent granted unto him in that behalf. And that they do from time to,

time and by all Opportunitys transmit unto him the particular Accounts of Our said Revenue of what nature soever they be, to the end the same may be represented by him unto the Commissioners of Our Treasury, or Our High Treasurer for the time being, and Our Service thereby effectually carried on. And that You give all such Persons and others whom it may concern to understand that their neglect therein will draw upon them the Consequence of Our Just Displeasure And these Our Commands We do hereby direct and require to be entered in the Publick Records of Our said Province that no Person may pretend Ignorance thereof; And so We bid You farewell. From Our Court at Kensington this 8th day of June 1757 in the 30th Year of Our Reign

By his Majesty's Command

DEVONSHIRE
P. NUGENT.
DUNCANNON

To Governor Dobbs.

[REPRINTED FROM DINWIDDIE PAPERS, VOL. 2. P. 651.]

Governor Dinwiddie to Governor Dobbs.

June 20th, 1757.

SIR:

I rec'd yours of the 3rd Curr't. I observe your Assembly have voted 200 Men for So. Carolina. I prorogu'd ours the 8th. After many Argum'ts and a Long Session they at last voted the Augmentation of our Regim't to 1,200 Men, and 3 Companies of Rangers of 100 Men each, and voted £80,000 for our Subsista., &c. I've been so happy w'th 'em that they agreed to every thing I ask'd in my speech on opening the Session. The Mode they propos'd for raising the Men is somewhat precarious, but as it is to be done in 25 Days after passing the Act, I shall soon see the effect of it. The 28th ulto. I sent 200 Men from our Regim't to So. Carolina under the Convoy of Capt Arbuthnot, and also 100 bbls. of Gun Powder and 3 Tons Lead Ball. We have had many Indians from the Cherokees, Catawbas, Tucaroras, &c., but they're not to be govern'd, or will they tarry any Time to do us any Service. The Catawbas and Tuscaroras are return'd home; ab't 150 Cherokees still at Winchester, but they are a dissatisfied set of People. Mr. Atkin is gone up to them. I sent w'th him about £500 in Goods to be given 'em as he saw proper. My wife and Young Ones join me in Kind Compl'ts to Yo., son, and nephew. I always am Y'r Ex'cy's.

Most ob'd't h'ble serv't.

P. S.—I forwarded Y'r L're this Day. This Minute by Express from

Colo. Washington, that a Party of our Indians, under comand of Lieut. Baker, w'th some Cherokee Indians, met w'th 10 Frenchmen at Turtle Creek, near F't Dn Quesne, and kill'd and scalp'd 5, 2 of w'ch were officers, and they've bro't 1 officer in Prisoner.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 661.]

Governor Dinwiddie to Governor Dobbs.

July 1st, 1757.

SIR:

My last to Yo. was the 20th June, to w'ch please be referr'd. I sent 200 Men from our Regim't to So. Carolina, where they've safely arriv'd. Excepting some Flour sent there for sale, I'm oblig'd to send bills of Excha. to pay our People. Yo. are the best Judge w't to do w'th y'r Comp'y propos'd for their Assista. By L'rs from London a Regim't of near 1,200 Highlanders are ordered to So. Carolina. Yo. ment'n that So. Carolina has 64,000 Militia and 40,000 Negroes they can depend on. That No. are more than I tho't were in that Province. You have by the Post some Packets from England by a ship lately arriv'd. I sh'd have sent 'em by Express, but then I c'd not have p'd him out of my own pocket, as I was formerly oblig'd to pay Mr. Watson £24 for Express sent Yo., w'ch Yo. sent forw'd to So. Carolina. My Health is so much impair'd that I've wrote for Leave to resign my Gov't w'ch I expect ab't October next. I never did receive the receipt for the 100 Beeves, otherwise I sh'd not have tronbled Yo. or Mr. Campbell ab't it. Colo. Innes must be greatly mistaken on that head. The Commissary for Provisions declares the Beeves were not fit for any service, and this Country w'd not pay one farthing for 'em but on y'r L're and Ord'r for £200. I p'd it from the Balla. of English Money in my hands, and 20 odd £ more, w'ch was actually more than they w'd have Amo't'd to, by weight agreeable to former Paym't for Beeves, or w'd I have p'd that sum if Yo. had not wrote me it was for Y'r forces' pay. Those at F't Cumberland, on their being order'd to the No'w'd, and indeed the 100 Beeves w'd not have answer'd the Provisions y'r People were supplied w'th while at F't Cumberland, laid in by this Country, and I was not a little surpris'd at Y'r L're making the Demand. I shall be glad of every Opp'ty to do Yo. any Friendship, but I'm so much convinc'd of Y'r just Ways of thinking that after reading the above You will conclude Y'r Colony is greatly indebted to this, w'ch I sh'd have ment'd w'n I had the Pleasure of y'r Company here, but I did not then care to urge it. Y'r Exc'y's most ob'd't h'ble Serv't.

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 666.]

Governor Dinwiddie to Lord Loudoun.

July 9th, 1757.

MY LORD:

I've a L're from Gov'r Dobbs who writes that Gov'r Littleton desir'd him not to march his Men into So. Carolina, as He was under Difficulties to q'r the half Batalion under Colo. Bouquet's Comand. I therefore shall desist from send'g any more of our Men 'till I hear from Gov'r Littleton, w'ch I hope Yo. will approve of. I rema. in Truth and great Sincerity, R't Hon'ble, Y'r most o'd't h'ble serv't.

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

NORTH CAROLINA.

George the Second by the Grace of God King of Great Britain France and Ireland Defender of the Faith & soforth.

To all and Singular and Faithful Subjects Greeting

Whereas a part of our Province of North Carolina lying South of the Line that Divides our Colony and Dominion of Virginia from our said Province and upon the Rivers Eno and Neuse and upon the Branches of Cape Fear by Act of our General Assembly of the said Province hath been Erected into a County with proper Metes and bounds & called by the Name of Orange and Many of our Loving Subjects have Seated themselves and Familys within the same Know ye that we being willing to Encourage all our good and faithful subjects as well at present Residing and Inhabiting as shall and may hereafter Reside and Inhabit within the said County of Orange at the Special Instance and Petition of Divers of our dutifull and Loyall subjects Inhabitants and Freeholders of the said County of our Royal Grace Good will Certain Knowledge and mere motion with the advice of our Council of our said Province of North Carolina Have given and Granted and by these presents for us our heirs and successors Do give and grant to all freeholders of our said County owning an Estate for life or any Estate of Greater Dignity of and in one hundred Acres of Land within the Limits of the s^d County as they are now appointed and ascertained or within such Limits as hereafter from time to time shall be appointed and ascertained full power and absolute Authority to Name Elect and Send two Representatives out of the Freeholders of the s^d County which s^d Repre-

sentatives respectively so Elected shall have an Estate real for his own life or the life of another or an Estate of Greater Dignity of Two hundred acres of Land in the s^d County to be present sit & Vote in the House of Assembly of our said Province of North Carolina and there to do and consent to those things which by the Common Council of our said Province shall happen to be Ordained And we do hereby grant & order that a writ or writs of Election for members of the Assembly to Represent the said County shall be Issued and sent to the Sheriff thereof for the time being when and so often as a General Assembly shall be called or occasion shall require And that at such Election the Sheriff of the s^d County or in his absence the Under Sheriff shall attend at the Court house of the s^d County and there take the votes of the Freeholders aforesaid in a fair and open manner after Proclamation made by Entering in a List the names of each Voter who shall Vote at such Election and the poll shall keep open till sun set unless the majority of the Candidates there present shall agree to have it closed sooner and the Sheriff or Under Sheriff before whom such Election shall be taken shall then cast up the number of suffrages given for Each Candidate and Declare the Two persons who shall have the Greatest number to be duely Elected Members of Assembly for the said County and in case of an Equality of Votes between any of the Candidates the Sheriff or Under Sheriff before whom such Election is made shall have the Casting Vote and in no other case whatsoever shall be admitted to give his Vote Provided always that all such Electors and Voters shall and do before they are admitted to Vote at such Election make Oath of their Freehold if any Candidate present shall require the same to be Done In Testimony whereof we have caused these our Letters to be made patent

Witness our Trusty and well beloved Arthur Dobbs, Esq^r our Captain Gen^l Governor and Commander in Chief of our s^d province at New Bern the nineteenth day of July one thousand seven hundred & fifty seven in the Thirty first year of our Reign

By his Exey^s Command

ARTHUR DOBBS.

RICH^d FENNER D: Sec^{ty}

Recorded 27th Sept^r 1757

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

McCULLOH AND THE McCULLOH GRANTS.

Whereas a Petition was lately Preferred to his Majesty in Council in the Names of us Murray Crymble and James Huey of London Merchants Praying for a Grant of Twelve hundred Thousand Acres of Land in North Carolina in Consideration of Settling 6000 Protestants which Petition was ref^d by his Majesty to Committee of Council and by the Committee of Council to the Lords Commissioners of Trade and Plantation and Whereon the Lords of Trade made their report to the Committee of Council in favor of us Murray Crymble and James Huey Subject to such Terms and Conditions as in the s^d report are mentioned and Whereas We the s^d Murray Crymble and James Huey did by writing under our hands Declare as the Truth is that our names were made use of in the s^d Petition only in Trust for Henry M^cCulloh of London Merchant and that the s^d Tract of Land when Granted is to be for the Proper Use and Benefit of the s^d Henry M^cCulloh and Whereas the s^d Declaration of Trust has been mislaid Now we the s^d Murray Crymble and James Huey do hereby again Declare as we have already Done that our Names were made use of in the s^d Petition Only in Trust for the said Henry M^cCulloh and that the s^d Tract of Land is for the Proper use and Benefit of the s^d Henry M^cCulloh that we will Make over & Convey the same and all our right & Interest therein unto him the s^d Henry M^cCulloh and his heirs & Assigns whenever he or they shall request the same. Witness Our hands this 22^d of May 1740.

MURRAY CRYMBLE

JAMES HUEY

Witness

JOHN PINCHBECK

CHA^s STEVENSON

It is hereby Declared that Mr. James Huey of London Merchant is Intitled to Fifty Thousand Acres of the Within Mentioned Lands for which he hath rec^d by me a Declaration of Trust Subject to the Conditions therein mentioned as Witness my hand this 22^d of May 1740

HENRY M^cCULLOH

Witness Present

ROBERT MACLELAN

CHA^s STEVENSON

George the Second by the Grace of God of Great Britain, France and Ireland King Defender of the Faith &c.

To all to whom these presents shall come, Greeting—

Whereas we having by our order in council, directed our Surveyor General of our Province of North Carolina, or his deputies to survey and lay out twelve hundred thousand acres of land upon the heads of Pedee, Cape Fear, and Nueces rivers (as by relation thereunto had may more fully appear) to Murray Crymble James Huey and such other persons as are associated with them entitling the said Murray Crymble James Huey, and their associates to take out separate grants for the said lands in just proportions as shall be required by them, provided that no grant contain less than twelve thousand acres. Now know ye that we agreeable to the power and in pursuance of the several privileges granted by the said recited order in Council and also for and in consideration of the rents and duties herein reserved, Do give and grant unto Arthur Dobbs of Castle Dobbs in Ireland Esq^r one of the associates of the said Murray Crymble and James Huey a tract of land containing 12,500 acres being subdivided from the tract No 2, surveyed by Mathew Rowan Esq^r upon the branches of Great Pedee and Johnston Rivers beginning at a Hickory running thence North 500 chain then West 250 chain then South 500 chain, and then East 250 chain to the first station and bounded by the tract S to the North and by the tract Z to the West. To have and to hold the said lands with all rights and privileges of Hunting, Hawking, Fishing and Fowling with all woods, waters, and rivers, with all profits commodities and Hereditaments to the same belonging or appertaining to him the said Arthur Dobbs his heirs and assigns forever in as full and ample manner as of our manor of east Greenwich, except that in case any mines shall be found on said lands one fifth part of all Gold or Silver ore and one tenth part of the ore of all other mines and minerals whatever be reserved for the use of us our heirs and successors, yielding and paying unto us our heirs and successors yearly after the expiration of ten years from the date of these presents, four shillings Proclamation Money for every hundred acres contained in said tract— and Provided also that the said Arthur Dobbs his heirs and assigns do settle within the term of ten years upon the land so granted according to the proportion of one white person for every two hundred acres contained in this grant. Otherwise such proportion of the lands as are not so settled shall revert to us our heirs and successors. But at the same time it is Provided that no advantage shall be taken of such lapse (if any should happen) untill such time as we shall think fit to resume the said land as forfeited for want of being so settled within the term of ten

years, the grantee his heirs or assigns being still liable to pay the Quit Rent of four shillings proclamation money for every hundred Acres contained in this Grant, untill our pleasure thereupon is further known. In Testimony whereof we have caused the seal of our said Province to be hereto affixed. Witness our trusty & well beloved Gabriel Johnston Esq^r our Captain General Governor & Commander in Chief in and over our said Province at Eden House 3 March 1745.

GAB. JOHNSTON.

By his Ex^{ty}s Command

JAMES CRAVEN Dep Sec^y

Recorded in Sec^{ys} Office by Ja^s Craven Dep. Sec^y

Enrol^d in Aud. Gen^l Office Alex^r M^cCulloch Dep. Aud.

Whereas Murray Crymble and James Huey by a writing under their hands dated the 22^d day of May 1740 declared that the Lands Granted by his Majesty's order in Council dated the 19th day of May 1737 in the Name of Murray Crymble James Huey and their associates Doth in right belong and appertain to Henry M^cCulloch Esq^r in Trust for himself and the rest of the Associates

And whereas the said Henry M^cCulloch has Declared Doctor W^m Houston living in Newhanover County in the Province of North Carolina to be an associate and has made out Several Grants of Twelve Thousand five hundred Acres Each in the name of the s^d W^m Houston Now know y^e that I the said W^m Houston Doth Bind myself my heirs Exor's Admor's and Assigns upon the first Notice or at the request of the said Henry M^cCulloch his heirs Exor's admor's or assigns to make out and Convey at the Proper Cost and Charge of the s^d Henry M^cCulloch his assigns &c. a Good and sufficient Title in Law & Equity of all & Every of the s^d Grants of Twelve Thousand five hundred Acres Each being subdivided from the Tract N^o 8 & N^o 10 formerly surveyed by Mathew Rowan Esq^r & also Six Thousand Two hundred & fifty acres being [one half] of a Grant made out in the Name of the said W^m Houston and subdivided from the Tract N^o 6 formerly Surveyed by Mathew Rowan Esq^r but the remaining six thousand two hundred and fifty acres is to remain to the use of the said W^m Houston heirs Exor's Admor's & Assigns anything in this Writing to the Contrary Notwithstanding and I do further Declare that my Name in the Several Grants made out from the Tracts N^o 10 & N^o 8 is only made use of in Trust for the said Henry M^cCulloch and the said Henry M^cCulloch his heirs Exor's admor's or assigns do hereby Engage to Bear the said W^m Houston his heirs Exor's admor's and assigns harmless from all Expence that may arise therefrom.

In Testimony whereof the Parties to these Presents have Interchangeably set their hands & Seals this 4th day of February 1746.

W^m HOUSTON

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[SEAL]
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HENRY M^cCULLOH

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[SEAL]
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Witness

HENRIETA SPAEKMAN

JAMES M^cCULLOH

Whereas his Present most Excellent Majesty King George the Second by Sundry Grants Dated the third day of March in the year of our Lord 1745 Gave and Granted unto Henry M^cCulloh late of Soracte in North Carolina but now of Turnham Green in the County of Middlesex Esq^r Eight Grants of Land on Flatt Enoe and Tar rivers and the Branches thereof in North Carolina Each Grant Containing Twelve Thousand Five hundred Acres of Land and making together one hundred thousand [acres] of Land which is commonly called or known by the Name of the Tract N^o 12

And Whereas after the Date of the afores^d Eight Grants of 12,500 acres Each which are in the Name of the said Henry M^cCulloh upon that [Flatt] Enoe and Tar rivers the Lands Containing within the s^d Grants fell within the Survey or lines marked to right honourable John Earl Granville in pursuance of a Division made of his Lordships one Eighth part of Carolina and the Crown in Consequence of which the s^d Earl Granville did by a Writing under his hand and Seal Dated the 13th Day of December in the Year of our Lord 1755 Decl^d that the s^d Henry M^cCulloh should Enjoy under his Lordship all the Privileges to Such Lands so Situated within his Lordships District in North Carolina which were Intended him by his Majestys Grants Dated the third Day of March in the Year of our Lord 1745 as afores^d and the s^d Earl further Declared that he Gave particular and Express Orders to his agents not to take Entrys or Pass Grants at any time of the s^d Lands to any Persons whatsoever

And Whereas the s^d Henry M^cCulloh has [by] Indentures bearing Date the Twentieth Day of January in the Year of our Lord 1757 Bargained Sold Assigned Transferred and Set Over Unto Henry Howson of Areburry in the County of Wiltshire in England Gentleman his heirs and Assigns forever a Tract or Parcell of Land Containing Twelve Thousand five hundred Acres Marked O; O on the Platt thereof being Part of the aforesaid one hundred Thousand Acres Bounded by the Tract

P P to the S^o S^o W^tw^d by the Tract L L to the W^t N^o W^tward and by the Tract N N to the N^o N^o E^tward

Now Know all Men by these Presents that I the s^d Henry Howson of Arebnry afores^d in the County of Wiltshire afs^d Have made Constituted and appointed and by these Presents Do Make Constitute and Appoint John Campbell of Bertie in the Province of North Carolina Esq^r my True and Lawfull Attorney for me and in my Name and for my own Proper use and Advantage To Let, Bargain Sell and Dispose of in fee all or any Part of the above mentioned Tract of Land Containing Twelve Thousand five hundred Aeres unto Such Persons as are Settled thereon and to their heirs and Assigns forever Provided the Lands so Disposed of shall not Exceed the Proportion of 100 Aeres for Each White Person Contained in their Family And Provided also that such Persons as Purchase any of the s^d Lands shall be made liable to all the Conditions and Privileges of a Deed Ent^d into the Thirteenth Day of December in the Year of our Lord 1755 Between the s^d Earl Granville and the said Henry M^cCulloh (Copy of which hath been Transmitted to my said Attorney) And I the s^d Henry Howson Do further Authorize and Impower my said Attorney to do all other Acts and things whatsoever Concerning the Disposition of the Premises as full in every respect as I myself might or could do if I was Personally Present and an Attorney or Attorneys under him for the Purposes afores^d at his Pleasure to Make & revoke hereby ratifying allowing and Confirming all and whatsoever my s^d Attorney shall in my Name Lawfully do or Cause to be Done in and about the Premises by Virtue of these Presents

In witness whereof I the said Henry Howson have hereunto Set my hand and Seal the Twenty fifth Day of January in the Year of our Lord 1757.

HENRY HOWSON ++++++
 +SEAL+
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Know all Men by these Presents that I George Augustus Selwyn of Matson in the County of Gloucester Esquire only son and Heir of John Selwyn Esquire deceased Have made Ordained Constituted and appointed and by these Presents Do make ordain Constitute and Appoint and in my Place and Stead put and Depute Richard Spaight Esquire Secretary of his Majesty's Province of North Carolina and Alexander M^cCulloh Esquire Deputy Auditor of the same Province my True and Lawfull Attorneys irrevocably Jointly for me and in my Name to Take upon them the Care and Management of Two several Tracts of Land each Containing One Hundred Thonsand Acres commonly known and Distinguished the One by the Name of the Tract Number One and the Other by the

Name of the Tract Number Three Situate in the said Province of North Carolina and formerly Granted by Sixteen several Grants under the Seal of the said Province of North Carolina to the said John Selwyn my Late father his Heirs and Assigns for Ever under Several Terms and Conditions mentioned in the said Grants and I the said George Augustus Selwyn Do by these Presents Authorize Empower and Direct the said Richard Spaight and Alexander M^cCulloh to Sell and Dispose of the said Two Tracts of Land or Either of them or such Part or Parts of them or either of them as they shall think most Proper for my Advantage to such Responsible Person or Persons as they shall think fitt, for the best Price and Prices that can be got and obtained for the Same and for me and in my Name or Otherwise as to them shall seem meet to Enter Into such Contract or Contracts Agreement or Agreements with the Purchaser or Purchasers for the sale of such Lands or any Part or Parts thereof as they shall think Fitt And in Consequence of such Contracts or Agreements I the said George Augustus Selwyn do hereby Authorize and Empower the said Richard Spaight and Alexander M^cCulloh to Receive of and from such Purchaser or Purchasers all and every the Sum and Sums of Money that shall be agreed to be Paid as the Purchase or Consideration money for the said lands so to be sold and to give Acquittances, Receipts and other legal Discharges for the same And thereupon to sign and Subscribe my Name to all and every Conveyance and Conveyances thereof to such Purchaser or Purchasers And to Affix my Seal unto and to Seal and Deliver all and Every such Conveyance and Conveyances as my Act and Deed Acts or Deeds in as full and Perfect manner to all Intents and Purposes in the Law Whatsoever as I myself might or could do being Personally Present and all and Whatsoever the said Richard Spaight and Alexander M^cCulloh shall jointly Do or Cause to be Done in and about the Matters aforesaid in Pursuance of the Power and Authority hereby given to them I the said George Augustus Selwyn do Ratify Confirm and Allow by these Presents, And I moreover hereby Direct the said Richard Spaight and Alexander M^cCulloh in the first Place to Reserve and Retain in their Hands by and out of the Money that shall arise by the Sale or Sales of the said Two Tracts of Land or Either of them or any Part or Parts thereof Such Sum and Sums of Money as are and is usually allowed in such Cases by Way of Commission or Satisfaction for their Pains Care and Trouble in and about the said Sales and their management of the said Lands—And in the next Place to Remitt or Cause to be Remitted unto Henry M^cCulloh Esq^r his Executors or Administrators or to such Person or Persons as he or they shall appoint the Neat Sum of four Hundred Pounds of Lawfull Money of Great

Britain to be paid to him or them upon the Royal Exchange of the City of London Without any Deduction And Lastly to Remitt and Pay or Cause to be Remitted and Paid to me the said George Augustus Selwyn in the s^d City of London or where I shall Order to Appoint the Residue and Remainder of the Money to Arise by all such Sale and Sales after the Charges and Expenses Attending such Remittances and Likewise the Remittance of the Sum of Four Hundred Pounds to the said Henry M^cCulloh shall be thereout first Deducted and I Do hereby Order and Direct that the said Richard Spaight and Alexander M^cCulloh to keep and make regular Accounts and Entrys of the Quantitys of Land by them sold; the Names of the Person and Persons to whom they shall have sold the same and the Price and Prices for which the same and Every of them have been Sold Together with their Commission and the Necessary Allowances made for such Remittances and to Render and Transmit unto me from time to time true Copys of Such Accounts to the End and Intent that I may be Truely Informed of the state of my Affairs hereby Committed to their Care and Management and to give or send unto them such further Orders and Instructions Concerning the Premises as I shall judge Necessary and Expedient In Witness whereof I the said George Augustus Selwyn have hereunto and to a Duplicate hereof set my hand and Seal at London this Eleventh Day of May in the Year of Our Lord One Thousand Seven Hundred and fifty Seven.

G. AUGUSTUS SELWYN ++++++
 [SEAL]
 ++++++

Sealed and Delivered (being first duly

Stamp) in the Presence of us

J. CARTWRIGHT

J^{os} HORWOOD

To all to Whom these Presents shall Come I Henry M^cCulloh of Turnham Green of the County of Middlesex Esq^r Send Greeting

Whereas George Augustus Selwyn of Matson in the County of Gloucester Esquire Only Son and Heir of John Selwyn Esquire Deceased by a Certain Deed Pole or Instrument in Writing Bearing Date the Eleventh of May Instant Did make Ordain Constitute and Appoint and in his Place and Stead Put and Depute Richard Spaight Esquire Secretary of his Majesty's Province of North Carolina and Alexander M^cCulloh Esquire Deputy Auditor of the same Province his true and Lawfull Attorneys irrevocable jointly for him and in his Name to take upon them the Care and Management of Two Several Tracts of Land each containing One Hundred Thousand Acres, commonly known or Distin-

guished the One by the Name of the Tract Number One and the Other by the Name of the Tract Number Three situate in the said Province of North Carolina and formerly Granted by sixteen Several Grants under the Seal of the said Province of North Carolina to the said John Selwyn his Late father his Heirs and Assigns for Ever under Several Terms and Conditions mentioned in the said Grants And Whereas the said George Augustus Selwyn did by the said Deed Pole authorize empower and Direct the said Richard Spaight and Alexander M^cCulloh to sell and Dispose of the said Two Tracts of Land or Either of them or Such Part or Parts of them or Either of them as they shall think most Proper for his Advantage to such Responsible Person or Persons as they shall think fit for the best Price and Prices that could be Got and Obtained for the Same and for him and in his Name or Otherwise as to them should seem meet to Enter into such Contract or Contracts Agreement or Agreements with the Purchaser or Purchasers for the sale of such Lands or any Part or Parts thereof as they should think fit and in Consequence of such Contracts or Agreements he the said George Augustus Selwyn Did thereby Authorize and Empower the said Richard Spaight and Alexander M^cCulloh to Receive of and from such Purchaser or Purchasers all and every the Sum and Sums of money that should be Agreed to be Paid as the Purchase or Consideration money for the said Lands so to be sold and to give Acquittances Receipts and Other Legal Discharges for the same, And thereupon to sign and Subscribe his name to All and Every Conveyance and Conveyances thereof to such Purchaser or Purchasers and to Affix his Seal unto and to Seal and deliver all and every such Conveyance and Conveyances as his Acts and Deeds in as full and Perfect Manner to all Intents and Purposes in the Law Whatsoever as he himself might or Could Do being present And all and whatsoever the Richard Spaight and Alexander M^cCulloh should jointly do or Cause to be Done in and About the matters aforesaid in Pursuance of the Power and Authority thereby given to them George Augustus Selwyn Did Ratify confirm and allow by the said Deed Pole. And Whereas the said George Augustus Selwyn did by the said Deed Pole Direct the said Richard Spaight and Alexander M^cCulloh in the first Place should Reserve and Retain in their Hands by and Out the money that Should Arise by the sale or Sales of the said Two Tracts of Land or either of them or any Part or Parts thereof such Sum and Sums of money as are and is usually allowed in Such Cases by Way of Commission or Satisfaction for their Pains Care and Trouble in and about the said Sales and their Management of the said Lands and in the next place to Remit or Cause to be Remitted unto me the said Henry M^cCulloh

my Executors or Administrators or to such Person or Persons as I or they shall nominate and Appoint the Neat Sum of Four Hundred Pounds of Lawfull money of Great Britain to be Paid to me or them upon the Royal Exchange of the City of London without any Deduction and lastly to Remit and Pay or Cause to be Remitted and Paid to him the said George Augustus Selwyn in the said City of London or to whom he should Order or Appoint the Residue and Remainder of the Money to arise by such Sale or Sales after the Charges and Expences attending such Remittances and Likewise the Remittance of the said Sum of Four Hundred Pounds to me the said Henry M^cCulloh should be thereout first Deducted And Whereas the said George Augustus Selwyn Did thereby Order and Direct that the said Richard Spaight and Alexander M^cCulloh should keep and Make regular Accounts and Entrys of the Quantities of Land by them Sold the Names of the Person and Persons to whom they should Sell the same and the Price or Prices for which the same and every of them should be sold together with their Commissions and the necessary Allowances made for such Remittances and to Render and Transmit unto him the said George Augustus Selwyn from time to time True Copies of such Accounts to the End and Intent he might be Truely Informed of the Estate of his Affairs thereby Committed to their Care and Management and to give and send unto them such further Orders and Instructions concerning the Premises as the said George Augustus Selwyn should Judge Necessary Now know yee that I the said Henry M^cCulloh for Divers good Causes and Valuable Considerations me hereunto especially moving Hath assigned Transferred and Set Over and by these Presents, Doth Assign Transfer and set Over unto William Hunt and Samuel Robinson both of George Street York Buildings in the Liberty of Westminster and County of Middlesex aforesaid Gentlemen their Executors Administrators and Assigns all and Singular my Right Title and Interest of in and to the said Sum of Four Hundred Pounds herein before mentioned to be Reserved and Made Payable to me by Virtue of the before Recited Deed Pole or Letter of Attorney and all Benefit and Advantage thereof and Every Part thereof To have Receive and take the same and every Part thereof to and for the only Proper Use Benefit and Behoof of them the said William Hunt and Samuel Robinson their Ex'ors and Adm'ors and Assigns forever, And I the said Henry M^cCulloh for the Better and More Effectually enabling the said William Hunt and Samuel Robinson to Receive the said Sum of Four Hundred Pounds in Manner aforesaid Have made ordained Constituted Authorized and Appointed And by these Presents Do make Ordain Constitute Authorize and Appoint and In my Place and Stead

Put and Depute them the said William Hunt and Samuel Robinson my True and Lawfull Attorney and Attorneys Jointly and Severally for me and in my Name but to and for their and either of their Own use to ask Demand Sue for Reccovery and receive of and from the said Richard Spaight and Alexander M^cCulloh or either of them or of and from any other Person or Persons that they or Either of them shall Depute to Pay the same or of or from any Other Person or Persons that shall or may be Liable and compellable to Pay and discharge the said Four Hundred Pounds or any Part thereof and in Default of Payment thereof or any Part thereof to have use and take all Lawfull ways and means in my Name and Otherwise and on Receipt thereof Acquittances or other Sufficient Discharges for the same to make seal and Deliver and to Do all other Lawfull Acts and things whatsoever towards the Obtaining and receiving the said Sum of Four Hundred Pounds as fully in every Respect as I myself might or Could do if Personally Present And an Attorney or Attorneys under them or either of them for the Purpose aforesaid to make and at their Pleasure to revoke And I the said Henry M^cCulloh Do hereby Ratify allow and Confirm all and Whatsoever my said Attorney or Attorneys or either of them shall in my Name Legally do or Cause to be Done touching the Premises by Virtue of these Presents.

In Witness whereof I the said Henry M^cCulloh have to these Presents and also to a Duplicate hereof set my hand and Seal the Twenty fifth Day of May in the Thirtieth Year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the faith &c, and in the Year of Our Lord One Thousand Seven Hundred and fifty seven.

HENRY M^cCULLOH

+++++
 †SEAL†
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Sealed and Delivered (being first
 Duely Stampd) in the Presence of

CORN^s NORTON

CORN^s NORTON Jun^r

SACKVILLE STREET ST. JAMES'S 1st July 1757

My Lord Granville having been informed that Mr. Corbin had rec^d Entries and passed Several Grants of Particular Parts of Mr. M^cCullohs Lands, Situate within his Lordships Distriet in the Province of North Carolina America did by his Letter of the 28th December 1752 directed to Mess^{rs} Corbin and James Innes at that Time his Lordships Agents there Express His utter Disapprobation thereof he the said Mr. Corbin

having never had any Authority from his Lordship for that Purpose and by a Subsequent Letter dated 18th April 1756 his Lordship directed Mess^{rs} Corbin and Wheatly then his Lordships Agents in the said Province Strictly to Govern themselves in Conformity to his Lordships special Agreement with Mr. M^cCulloh bearing Date 30th Dec^r 1755 and not to give any Occasions of complaint to s^d Mr. M^cCulloh therein.

His Lordship Declares that all such Grantees of Mr. M^cCulloh as shall attorn Tenants to his Lordship in Pursuance of the aforementioned Agreement will be liable to the Payment of their own Quit Rents only and no other his Lordship gives leave that any Person Concerned may take out of his Lordships [office] at Edenton Copies of the Transcript of Mr. M^cCullohs Grants & Attornments and of such Public Papers as relate to the Ex^{on} of the Special Agreement afores^d paying a reasonable fee the charge of the same. By his Lordships order

THO CHILD

Witness

JOHN PADMORE

To all to Whom these Presents shall come

I Henry M^cCulloh late of Soracte in the Province of North Carolina but now of Turnham Green in the [County] of Middlesex England Esq^r Send Greeting

Whereas his Present most Excellent Majesty King George the Second by Sundry Grants bearing Date the Third Day of March in the Year of our Lord 1745 Gave and Granted unto me the said Henry M^cCulloh Eight Grants upon Flatt Eno & Tar rivers and the Branches thereof in the Province of North Carolina afs^d Each Grant Containing Twelve Thousand five hundred Acres of Land and making together One Hundred Thousand Acres of Land which is Commonly Called or known by the Name of the Tract N^o 12 and his said most Excellent Majesty having likewise Granted unto me the said Henry M^cCulloh other Eight Grants bearing Date the s^d third Day of March in the s^d Year of our Lord 1745 upon Cape Fear and Aramantia rivers and the Branches thereof Each Containing Twelve Thousand five hundred Acres of Land & making Together one Hundred Thousand Acres of Land which is Commonly Called or known by the Name of the Tract N^o 11 and his s^d Most Excellent Majesty having also Given & Granted unto me the s^d Henry M^cCulloh and to Doctor W^m Honston of Soracte afores^d in Trust for me the said Henry M^cCulloh other Eight Grants bearing Date the said third day of March in the s^d year of our Lord 1745 upon Wharee and the Branches of Great P. Dee river Containing Each Twelve thou-

sand five hundred Acres of Land making together One hundred thousand Acres of Land which is Commonly Called or known by the Name of the Tract N^o 10 And his s^d Most Excellent Majesty having also given and Granted unto me the said Henry M^cCulloh other Eight Grants bearing Date the said third day of March in the s^d Year of Our Lord 1745 upon the Atkin or Great Pee Dee river and the Branches thereof Each Containing Twelve Thousand five hundred Acres of Land making Together One hundred thousand Acres of Land which is Commonly Called or known by the name of the Tract N^o 9 And his said Most Excellent Majesty having also Given and Granted unto me the said Henry M^cCulloh or to the afores^d Doctor W^m Houston In Trust for Me Eight other Grants bearing Date the s^d third day of March in the s^d Year of our Lord 1745 upon Great Pee Dee & Wharee rivers & the Branches thereof Each Containing twelve [thousand] five hundred acres of Land Making together One hundred Thousand Acres of Land which is Commonly Called or known by the Name of the Tract N^o 8 and Whereas upwards of Four hundred and fifty Thousand Acres of the Lands contained within the said Grants (happened after the right honourable Earl Granville's Line was Extended from Pamlico river to Great Pee Dee River) to fall within his Lordship's Division of his One Eighth Part of the two Carolinas with the Crown which did not in the Least Injure or Prejudice my Title to the s^d Lands and which the s^d Earl Granville always Declared I was in no respect to be Injured or hurt by reason of his said Division having so taken Place with the Crown Yet Mr. Francis Corbin his Lordships Agent in North Carolina from sordid Wicked and avaritious Intentions & with a Design not only to Injure or Prejudice Me but also to Impose upon such Persons who were Settled on my Lands & to Gain Money from them by admitting of Entries & Passing Grants for Several Parcell's of my s^d Lands has by his Conduct in Intimidating such Persons as were settled on them Prevented and Excluded me from the Benefit of the Priviledges which his s^d Majesty was Graciously Pleased to Grant me in an Exemption of Quit Rents from the s^d Third day of March 1745 untill the 14th Day of March 1756 which in the Whole Deprived me of the Benefit of upwards of Six Thousand Seven hundred and fifty Pounds Sterling that would otherwise have accrued to me by settling my Lands regularly and by the Interest of the Purchase money I might have rec^d from those who would have Settled on them by which I should have been Eased from all future Payment of Quit rents and not only so but by the s^d Fra^s Corbins Acting Contrary to all the Principles of Law and Equity in Tres-

passing upon my Lands and in Vilifying my Title by himself and his agents he has Put it out of my Power Even untill this Present time to Dispose of any Considerable Quantitys of my Lands so as to free me from the Expense and Trouble I have been Put to with respect to the same and in all other respects he hath Endangered my Property by laying me under such Difficulties and hardships as may make it almost Impossible for me to comply with the Conditions of my Grants and to add to all this the anxiety and uneasiness of mind and the many Disadvantages and hardships he has brought me under by reason of his Persisting in his unwarrantable and unjustifiable Proceedings for the course of many years which are so complicated a Nature that three times the Damages that could Possibly be Proved before a Court of Law cannot make me a full compensation for the same but of this a Court of Law has a right to Judge from the Nature and circumstances of the case. Therefore in Justice to myself and to Deterr all Other Persons from such illegal and unwarrantable Practices I think it a Duty Incumbent on me to Prosecute the s^d Francis Corbin and such other Persons as he has Employed to Prejudice my Title to the s^d Lands Now Know Ye that in Order to Obtain Justice and to meet with relief from the Trespasses and injurious conduct of the s^d Fra^s Corbin and his Emissaries I the s^d Henry McCulloh have made ordained constituted Authorized and appointed & by these Presents Do make ordain constitute authorize and appoint John Campbell Esq^r Merchant in Bertie County in the Province of N^o Carolina afs^d and Alexander McCulloh Esq^r Deputy Auditor of the same Province my true and Lawfull attorney and attorneys Jointly and Separately for me and in my Name Place & Stead to Sue and Prosecute the said Francis Corbin and if needfull his Emissaries for the sum of Eight Thousand Pounds Sterling or for such other sum as they may think I have Been injured in by Trespassing upon my Lands Vilifying my Title and in many other respects Disquieting my mind and injuring my Property & in order to Carry on the s^d suit and to obtain Justice from the s^d Francis Corbin and such other Persons as have Injured my Title or Property in the s^d Lands to fee and Employ Council Advocates and attorneys or such other Persons as they shall Judge Necessary and in all other matters to Act as may seem fit and Expedient unto them or Either of them in and about the Premises by Virtue of these Presents in as full and ample manner as I myself might or could do being personally Present In Witness whereof I the s^d Henry McCulloh have hereunto set my hand and seal this 19th Day of July in the Thirty first Year of the reign of our Sovereign Lord George the Second by the Grace of God

of Great Britain France and Ireland King Defender of the Faith and
soforth and in the year of our Lord 1757

HENRY McCULLOH ++++++
[SEAL]
++++++

Sealed and Delivered being first duly
stamped in the Presence of us

JOHN PADMORE

THO^s LITTLETON OSMAN

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

NORTH CAROLINA—SS.

His Excellency Arthur Dobbs Esq^r his Ma^t'ies Captain General Gov-
ernor & Commander in Chief in and over the s^d Province.

To Alexander M^cCulloh Esq^r Greeting

Whereas his Majestys Auditor General of the said Province is at this
time out of and absent from the said Province and hath not a Lawfull
deputy to perform the dutys of his Office, And Whereas his Majestys
Service requires that the said Office be at all times duly and punctually
Executed In Virtue therefore of his Majestys Royal Commission and
out of the Assurance I have of your Loyalty Integrity prudence and
ability I do hereby Nominate and Appoint you the said Alexander
M^cCulloh Auditor of his Majestys revenues in and for the said province
To have use and Exercise the said Office of Auditor in and for the s^d
province for and during such time as the said Auditor General shall
remain out of this Province and until he shall Appoint a Deputy in his
place and stead to Exercise and Execute the Same, and to take and
Enjoy the Fees perquisities and Priviledges thereto belonging, and Gen-
erally to Act and do therein as to the duty and Office of Auditor of the
said Province doth Legally and of right Appertain

Given under my hand and the Seal of the s^d province at New Bern
the Sixteenth day of Nov^r in the year of our Lord 1757 & in the 31st
year of his Majestys Reign

ARTHUR DOBBS ++++++
[SEAL]
++++++

By his Ex^{ty}s Command

RICH^d SPAIGHT Sec^{ty}

[REPRINTED FROM DINWIDDIE PAPERS. VOL. 2. P. 691.]

Governor Dinwiddie to Governor Dobbs.

Aug'st 26th, 1757.

SIR:

My last to Yo. was the 5th of July, to w'ch please be referr'd. I'm sorry I've Occas'n to write Yo. that our Affairs to the No'w'd have very gloomy Aspects. The Enemy invested F't W'm Henry with 11,000 Men on the 4th of this Mo. They held out till the 7th, when they were oblig'd to capitulate, the Terms not yet known. Two Days after, they besieg'd Fort Edward, w'ch is suppos'd to be under the same Fate as the former, and it's suppos'd they have march'd to Albany, and where they may stop, God knows. I send Yo. enclos'd a Copy of Gov'r Delancy's L're from Albany to the Council of N. York, and another from Mr. Kennedy, one of the Councell, to Gov'r Denny. The great Consternation and fear N. York is in can't be describ'd. From Nova Scotia, L'd Loud'n was safe there with the Forces from N. York, and was join'd by Adm'l Holbourn with the Line of Battle Ships and all the Transports from Brittain, having lost only 6 Men by Death on their Passage. As it proves much too late in the Year for put'g in Execut'n the grand Design ag'st Canada, it's suppos'd his L'd'p will endeavour to take Lewisburg, where they say the Fre. have 10 Line of Battle Ships, besides Frigates. It's thought My L'd will be able to Land 16,000 or 18,000 Men. If so, I wish him Success, and that he may soon be able to send a Reinforcement to N. York. No News from England but w't is in the enclos'd Gazettes. I was willing to give Yo. the earliest Notice of the News, tho' bad. I've been confin'd with Fever and Ague for some Time, wh'ch makes writing uneasy.

I rema., with Respect,

Y'r Exc'ys most ob'd't h'ble serv't.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 6.]

Letter from Governor Dobbs to the Board of Trade.

NEW BERN, 30th August, 1757.

MY LORDS

Having the opportunity of Captain Arbuthnot of the Juarland [Garland] going to England from his Station in Virginia I send your Lordships inclosed a Duplicate of the Money Bill past here last May Sessions

and also the other Acts with the Journals of the Council and Assembly which I had no safe opportunity of sending since.

I likewise send your Lordships a Copy of the Report of the Boundary Line made in South Carolina and transmitted to me by Governor Lyttleton which I presume he has also sent to you from South Carolina and along with it a Duplicate of the Plan I sent your Lordships before from this Province that you may have both before you together to enable you to advise his Majesty where to fix an equitable Line I think everything they write to support their having the Line fixed upon the footing of the former Instructions you had withdrawn are obviated in what I sent over as will appear by this Duplicate a Copy of which I had sent to Gov^r Lyttleton that they had it before them—all that they say in relation to their being couped up in a Triangle by Georgia is that they would have this Province lie under the same Inconveniency but wont accept of an Equivalent beyond the Savannah from Georgia who cant suffer by it so that I rest it upon your Lordships Judgment but hope it will be soon decided as we are in great confusion by its not being done no Taxes being raised nor Laws executed nor can the lands be settled, they granting Warrants and Patents upon our patented settled Lands. The Catawbas have been spirited up by Mr. Glenn's former management to insult our Planters and had the impudence sitting the supreme Court in Salisbury in Rowan County to insult the Chief Justice, upon their return after doing little or nothing in Virginia having robb'd a Waggon and tied up a Waggoner with his own chain and upon their being followed and the goods retaken they returned loaded their Guns and insulted the Court. They have since after having agreed and desired that we should build them a Fort and their King and Sachems fixed upon the spot and laid out the Ground and we had wrought 3 or 4 months upon the Fort sent down to Governor Lyttleton to stop building the Fort they will not have it built by us but by them and by Governor Lyttletons advice I have stopped proceeding upon it until Mr. Atkins comes to fix it with them paying too much respect and making them presents has made them haughty and we must connive at it at this Juncture.

I hope your Lordships will send me Instructions upon the several points I wrote in my former letters last Winter.

I am with great respect, my Lords,

ARTHUR DOBBS.

[B. P. R. O. AM: & W. IND: VOL. 75.]

Circular to Gov^{rs} in North America

WHITEHALL Sept^r 16th 1757.

SIR

Mons^r d'Abreu, Envoy Extraordinary from His Catholick Majesty, having lately delivered divers Complaints of Violence and Depredations, (particularly mentioned in the enclosed Paper) committed by His Majesty's Subjects in America, against Those of Spain; I am to inform You, that the King, seeing with the highest Disapprobation, the daily Growth of such scandalous Disorders, and having Nothing more at Heart, than to stop the Progress of Practices, which if not repressed, must involve His Majesty in odious Disputes with all the Neutral Powers of Europe, is determined to Exert the full Authority of the Law, in Vindication of the Justice of his Crown, and of the Honor of the British Nation; and, in this View, I am hereby to signify to You His Majesty's Pleasure, that you do enforce, with the utmost Vigor, the Observance of the Additional Instruction of Oct^r the 5th to all Privateers; and employ uncommon Care and Diligence effectually to prevent, and, if possible to cut up by the Roots, all Excesses and Enormities, alledged to be committed in Violation of the just Freedom of Navigation of His Catholick Maj^{ty's} Subjects; And whereas, with regard to all Spanish Vessels, bound to a Port of Spain in America, the Case of Contreband cannot exist, It being self-evident, that no Effects whatever, carried by a Nation to Its own Ports, can, in any Case fall under that Description; It is His Majesty's Pleasure, that You do give the strictest Orders, that no Spanish Ship, under those circumstances, be disturbed or molested in their Navigation; and that, in ease of Outrages or Depredations, committed on the same, you do your utmost to discover all such Violaters of Justice, and Disturbers of the Harmony subsisting between the Two Nations, & to bring the same to condign & exemplary Punishment.

I am &c

W. PITT.

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

We the Tuskarora Indians Petition Your Excel^t and Counsel to Grant a Pattent or some Better Title for Our Land for the White folks tells this is good for Nothing and they Come and Settle Without leave fall Our Timber and Drive Stocks of all sorts: We hope Care will be Taken

to protect us in Quiet Possession of Our Lands and from the White
 People Abusing us By order JAMES BLOUNT
 Sept. 25th 1757. For the Tuskarora Nation

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 249.]

Lords of Trade to Governor Dobbs.

WHITEHALL, NOV 9th 1757.

SIR,

We have received your letters to us dated the 20th of January, 22nd of March and 30th May last, with the several publick papers referred to therein and shall enter upon the consideration of the Laws transmitted with the last of these Letters so soon as our Council shall have made his report upon them.

A few days ago we received the Report and opinion of the South Carolina Assembly concerning the Boundary Line between the two Provinces and as we are convinced how necessary it is for the Peace and quiet of both, that this matter should be settled as speedily as possible we shall lose no time in entering upon the consideration of it and laying our thoughts upon it before His Majesty.

What you say with respect to the reservation of a proper Tract of Country for the use of the Catawbias and allowing them a district to hunt upon in common with the white inhabitants may deserve our serious attention when the Boundary Line comes to be ascertained though we are rather of Opinion that the proper time for determining upon a matter of so great nicety and importance will be when we take up the consideration of Indian Affairs in general with a view to some general Plan of Conduct which however we are not as yet ripe for, not having before us the materials with which to form such a Plan, but as the detaining those Materials was one principal Object in the Appointment of Agents for Indian Affairs under the sole Authority of the Crown, we shall hope soon to receive from them such lights and information as may enable us to proceed upon this important business.

It gave us great pleasure to find that you had succeeded so well in prevailing upon the Assembly to grant proper supplies for carrying into execution the measures agreed upon at the meeting with Lord Loudoun at Philadelphia for the defence and security of the Southern Colonies, their behaviour upon this occasion as it must on the one hand afford you great satisfaction, so on the other it cannot fail of recommending them to his Majesty's further favour and protection and your conduct in this

point as well as in the measures you took in consequence of the express you mention to have received from Lord Londonn has been very prudent and proper and will we are presuaded meet with His Majesty's Approbation. The Duty which you mention to have been laid in South Carolina upon Naval Stores imported from the Northward must in its consequence destruct the Commerce of His Majesty's subjects in North Carolina and have an improper effect thereupon and therefore we shall lose no time in enquiring into this matter and taking such measures as shall appear to us to be proper.

We have laid the Petition of the Council for an allowance out of the Quit-Rents before His Majesty in Council and if it comes referred back to us which we presume it will, we shall attentively consider it and have a proper regard to what you say upon it.

The prohibiting the exportation of Provisions from the Colonies to neutral Ports has been provided for and regulated by an Act passed in the last session of Parliament which we hope you will have received and taken all proper measures for carrying it into effectual execution and that it will in no degree operate to the prejudice of the Commerce of North Carolina or at least as little so as can be expected from any general regulations of this kind which the exigencies of a State in the [time] of War render so necessary.

We are, Sir, &c.,

DUNK. HALIFAX
SOAME JENYNS
W^m SLOPER

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 256.]

To the Lords of the Committee of the Privy Council for Plantation Affairs.

WHITEHALL, Dec 22^d 1757.

MY LORDS,

Pursuant to your Lordships Order dated the 16th of November last, we have taken into Our consideration the humble Petition of the Members of his Majesty's Council of North Carolina humbly praying for the reasons therein contained that his Majesty would be graciously pleased to appoint and direct an allowance to be paid to them out of his Majesty's Quit-Rents in consideration of their great Fatigue and expence in attending his Majesty's Service in Council and in the several Courts in which they sit as Judges and we beg leave to acquaint your Lordships

That we have lately received a letter from Arthur Dobbs Esq^{re} his Majesty's Governor of North Carolina in which he verifies the several

allegations contained in the said Petition complains of the great delays and difficulties which for want of a proper allowance to the Petitioners, he meets with in procuring their attendance from the remote parts of the Province and recommends their Request not only as reasonable in consideration of the Hardships they at present labour under but as necessary for the good of his Majesty's Service and the due administration of Justice.

For these reasons and as the said Governor has also informed us that his Majesty's Quit rents in North Carolina are daily improving and will if properly collected soon be able to discharge all the arrears now due from them as well as to pay the whole Establishment of the Province, although the present request be granted We are humbly of Opinion that his Majesty may be graciously pleased to allow an appointment out of his said Revenue to the members of the Council in the said Province.

And as we find that six hundred pounds was the yearly Sum originally allowed to the Judges of the General Court of the Colony of Virginia, we conceive that the like sum being fifty Pounds per year to each Member of the Council may be a proper allowance on the present Occasion. But we would humbly submit it to your Lordships, whether it may not be proper in order to render this appointment effectual to the Ends for which it is granted, that the Receiver of his Majesty's Quit rents in North Carolina should be directed to pay it to such Member only of his Majesty's Council as shall produce to him the Governor's Certificate of their having duly attended the several Duties of their Station.

We are, my Lords, &c.,

DUNK. HALIFAX
SOAME JENYNS
W. G. HAMILTON
W. SLOPER

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 12.]

NEWBERN December 28th 1757.

SIR [JAMES ABERCROMBIE, ESQ.]

I had your several letters inclosed which I delivered to Mr. Swann and to your Committee of Correspondence but as the time of your appointment as Agent expired last month and as I was afraid you would be ill paid for what was past I would not write to you upon any business untill I knew what the Assembly would do.

I spoke to the Speaker to try whether the House would appoint you again but found them so crusty in granting any money for public services that I could expect little from them they absolutely refused to appoint any at present alledging their heavy taxes and I find they would not even allow your extra expences so that I cant think to give you any trouble when you wont be paid for it, nor even pay you what you have earned.

I am sorry it has so happened but they would not allow a salary for a store keeper thō recommended to them from the King in Council

I am &c:

ARTHUR DOBBS.

[B. P. R. O. AM: & W. IND: VOL. 75.]

Letter from Secretary Pitt.

WHITEHALL Dec^r 30th 1757.

SIR, [GOVERNOR DOBBS]

His Majesty having nothing more at heart, than to repair the Losses & Disappointments, of the last inactive & unhappy campaign, and by the most vigorous & extensive Efforts, to avert, by the blessing of God on His Arms, the Dangers impending on North America; and not doubting, that all His faithful and brave Subjects there will chearfully cooperate with, and second, to the utmost, the large Expence, & extraordinary Succours, supplied by this Kingdom for their Preservation and Defence; And His Majesty considering that the several Provinces, from Pennsylvania inclusive to the Southward, are well able with proper Encouragements to furnish a body of several Thousand Men, to join the King's Forces in those parts, for some offensive Operations against the Enemy; And His Majesty not judging it expedient to limit the Zeal and Ardor of any of His Provinces, by making a Repartition of the Forces to be raised by Each respectively, for this most important Service; I am commanded to signify to You the King's Pleasure, that you do forthwith use your utmost Endeavours & Influence with the Council & Assembly of your Province to induce them to raise, with all possible Dispatch, as large a Body of Men, within Your Government, as the Number of its Inhabitants may allow, and, forming the same into Regiments as far as shall be found convenient, that you do direct them to hold themselves in readiness, as early as may be, to march to the rendez-vous, at such Place or Places, as may be named for that purpose by Brigadier General Forbes appointed to Command His Majesty's Forces in those parts, in order to proceed from thence, in conjunction with a Body of

His Majesty's British Forces, & under the supreme Command of Brigadier Forbes appointed as above, so as to be in a situation to begin, by the first of May if possible, or as soon after as shall be any way practicable, such offensive Operations, as shall be judged by the said Commander of His Majesty's Forces in those parts, most expedient for annoying the Enemy, & most efficacious towards removing & repelling the Dangers, that threaten the Frontiers of any of the Southern Colonies on the Continent of America; and the better to facilitate this important Service, the King is pleased to leave it to You to issue Commissions to such Gentlemen of Your Province, as You shall judge, from their weight & Credit with the People, & their Zeal for the Publick Service, may be best disposed and enabled to quicken & effectuate the speedy Levying of the greater Number of Men; In the Disposition of which Commissions, I am persuaded You will have nothing in view but the good of the King's Service, & a due Subordination of the whole, when joined, to His Majesty's Commander, And all Officers of the Provincial Forces, as high as Colonels inclusive, are to have Rank according to their several respective Commissions, in like manner, as is already given by His Majesty's Regulations, to the Captains of Provincial Troops in America.

The King is further pleased to furnish all the Men, so raised as above, with Arms, Ammunition, & Tents, as well as to order Provisions to be issued to the same, by His Majesty's Commissaries, in the same Proportion & Manner, as is done to the Rest of the King's Forces:—And a sufficient Train of Artillery will also be provided, at His Majesty's Expence, for the Operations of the Campaign: The whole, therefore, that His Majesty expects & requires from the several Provinces, is, the Levying, Cloathing, & Pay of the Men; And, on these Heads also, that no Encouragement may be wanting to the fullest Exertion of your Force, the King is farther most graciously pleased to permit me to acquaint You, that strong Recommendations will be made to Parliament, in their Session next Year, to grant a proper Compensation for such Expences as above, according as the active Vigour & strenuous Efforts of the respective Provinces shall justly appear to merit.

Altho' several Thousand stands of Arms will be forthwith sent from England to be distributed to the Troops, now directed to be raised in the Northern & Southern Provinces; Yet, as it is hoped, that the Numbers of Men levyed in all parts of America, may greatly exceed the quantity of Arms, that can at present be supplied from England, It is His Majesty's Pleasure, that You do, with particular Diligence, immediately collect, & put into the best Condition, all the Serviceable Arms, that can be found within your Governm^t in order that the same may be employed, as far as they will go, in this Exigency.

I am further to inform You that similar Orders are sent, by this Conveyance to Maryland, Virginia, & S^c Carolina The Northern Governments are also directed to raise Men in the same manner, to be employed in such offensive Operations, as the Circumstances & Situation of the Enemy's Possessions in those parts may point out, which it is hoped, will oblige them so to divide their Attention and Forces, as will render the several Attempts more easy & successful.

It is unnecessary to add any thing to animate your Zeal, in the Execution of His Majesty's Orders on this great Occasion, where the safety and preservation of America & of your own Province in particular, are at Stake; and the King doubts not, from your known Fidelity & Attachment, that You will employ yourself, with the utmost Application & Dispatch, in this urgent and Dangerous Crisis. I am &c.

W. PITT.

[B. P. R. O AM: & W. IND: VOL. 75.]

Circular to the Governors in North America.

WHITEHALL 30th Dec^r 1757.

SIR,

The King having judged proper, that the Earl of Londoun should return to England; And His Majesty having been pleased to appoint Major General Abereromby to succeed his Lordship, as Commander in Chief of the King's Forces in North America, with the same Powers and Authorities; I am commanded to signify to you His Majesty's Pleasure, that you do apply to, and correspond with, Major General Abereromby, on all Matters relating to the King's Service, and that you do obey such Orders as you shall receive from Him, in the same manner as you were directed to do, with regard to the several former Commanders in Chief in North America; and you will, from Time to Time, give Mr. Abereromby all the Assistance and Lights in your Power, in all Matters relative to the Command, with which the King has honored Him.

And I am particularly to signify to you His Majesty's Pleasure that in Case Major General Abereromby, or the Commander in Chief of His Majesty's Forces, shall at any time apply to you to lay an Embargo on all Ships within your Province you do strictly comply with the said Request for so long a time as the Commander in Chief shall desire.

The King having resolved to send a Considerable Squadron of Ships of War, the ensuing Year, to North America, I am further to signify to you His Majesty's Pleasure, that you do, from time to time, transmit

to the Commander in Chief of the King's ships in North America, all Intelligence, relative to his Department, in the same Manner as you were directed to do by my Letter of the 19th of last February, to Vice Admiral Holburne; & it is also the King's Pleasure, that you do, on any Application from the Commander in Chief of the King's Ships, use all legal Methods to supply him with such a Number of Sailors, & workmen, from your Province, as he shall at any time require for His Majesty's Service.

I am &c.,

W. PITT.

[B. P. R. O. AM: & W. IND: VOL. 71.]

Letter from Governor Dobbs.

NEW BERN, 30th Dec^r, 1757.

SIR, [SECRETARY PITT]

It gave me great Pleasure to hear you are restored to the Execution of your Trust as Secretary for the Southern Departm^t by the united Voice of the people of England, as I know you have the Interest of Commerce and the Safety of our American Colonies so much in your power and at heart.

I have nothing to acknowledge since you were out of Office but a Letter from Lord Holderness of the 2^d of May about taking off the Embargo for exporting Corn to Europe, and a Letter of the 20th of May relative to the Masters of 2 privateers, the Peggy of New York, Hadden Master, and a Privateer from Halifax one Snooke Master, which shall be obeyed if they come into this Province, but no such persons have arrived here since.

The Assembly of this Province cou'd only be prevailed upon keeping on foot three companies of 50 Men each 150 instead of 300 they raised and paid last year, because the 2 Companies intended for South Carolina were stop'd and not wanted, when the Highland Regiment arrived there, as they had no Quarters to give them.

We are still free from any Incursions of the Indians in this province, having kept 2 Companies on the Western Frontier, but must now remove one of them to secure our Forts and Batteries on the Sea Coast. We can get no Ship stationed on this Province at Cape Fear, that which has been ordered has not been here 10 days these 3 years, which is a Discouragement to our Trade.

I am with great Regard, &c.,

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. No. 26.]

NORTH CAROLINA—SS.

Reports of the Committee of both Houses of Assembly Met at Newbern to Examine state and settle the Publick Accountts of this Province the 24th day of November Anno Dom: 1757.

Present

The hon ^{ble}	{	James Hasell	} Esq ^{rs} Members	
		Lewis De Rosset		of Council
		John Rieusset		

Mr. John Harvey	Mr. James Davis	} Members of the
Mr. George Moore	Mr. Benjamin Harvey	
Mr. James Paine	Mr. Joseph Harron	
Mr. Maurice Moore		

The Committee having met made choice of Mr. John Harvey for Chairman who took his place accordingly and at the same time nominated Henry Delon Clerk of the said Committee.

The Clerk acquainted your Committee that he had since the last Session examined the former Accountts of Thomas Barker Esq^{re} Treasurer of the Northern distriet and finds them to be just as they are stated and reported by the former Committees.

Mr. Barker then exhibited his account on oath (viz.)

No. 1. His Account of the first 2^d aid to replace the £10000 Grant whereby it appears that he had in his hands at the last settlement one thousand six hundred and eighty five pounds ten shillings, that he has since received £926.1.6. and he also credits said account £6.10.4. for so much short credited in the sum he formerly received of Mr. Starkey.

He charges this account with £500 paid to John Campbell Esq^{re} and £30 paid to Lieut: Ferguson for which he produced Vouchers and lodged them with your Committee and there remains in his hands his Commissions deducted a balance of two thousand forty one pounds fourteen shillings and six pence due to the Publick.

No. 2. His Account of the ninepenny tax whereby it appears that he had in his hands at the last settlement two hundred and seventy seven pounds, fifteen shillings and four pence farthing and that he has since received exclusive of his Commissions three hundred and thirty pounds and six pence half penny, and hath paid away by order of the Commissioners of Fort Granville to Captain M^eNear and to his orders six hundred and seven pounds fifteen shillings and ten pence three farthings whole Ballance he owed on this account.

No. 3. His Account of the tax for sinking the Currency whereby it appears that he hath received since last settlement exclusive of his Commissions one thousand and fifty one pounds fifteen shillings and eleven pence half penny which he paid in to your Committee.

No. 4. His account of the four penny tax for the Printer whereby it appears that he has received since last settlement exclusive of his Commissions one hundred and forty seven pounds two shillings and eight pence three farthings for which he credits the Publick in his account of Contingencies.

No. 5. His account of the two shilling tax to redeem the Treasurer's Notes whereby it appears that he has received exclusive of his Commissions one thousand and seventy eight pounds and seven pence half penny and that he has exchanged of said Notes to the amount of one thousand and twenty five Pounds and paid for Interest due on the same forty eight pounds sixteen shillings and two pence and that there is due from him to the Public a Ballance of four pounds four shillings and five pence said Mr. Barker also paid into your Committee the aforementioned Notes.

No. 6. His Account of Contingencies whereby it appears that he had in his hands at the last settlement fifty seven pounds six shillings and two pence half penny, that he has since received six hundred and ninety five pounds seventeen shillings and one penny half penny, he adds to the credit of this account one hundred and forty seven pounds two shillings and eight pence three farthings Ballance of the Printing tax and hath paid away for sundry claims &c. including his Commissions on his Collections nine hundred and forty one pounds eleven shillings and five pence half penny for which he has produced Vouchers and lodged them with your Committee and that there is a Ballance due from the Public to the said Thomas Barker of forty one pounds five shillings and four pence three farthings.

Mr. John Dunlop, Pay Master and Commissary of four Provincial Companies sent by this Province under the Command of Major Edward Brice Dobbs and the Captains Grainger, Arbuthnot and McManus exhibited his accounts to your Committee upon Oath whereby it appears that he has received of Hugh Wallace of New York two thousand five hundred and nine pounds eighteen shillings and eight pence, for sundry stores sold ninety five Pounds eleven shillings and three pence half penny and thirty one Pounds he drew for upon Hugh Wallace in New York Currency and eight pounds Proclamation of Richard Spaight Esq^r and he is allowed by your Committee to have regularly expended his Commissions and Salary included the sum of two thousand eight hundred

and fifty nine pounds nineteen shillings and six pence farthing New York Currency and there remains due to him from the Publick eighty nine Pounds fourteen shillings and one penny Proclamation money.

John Campbell Esq^{re} appeared before your Committee and proved the accounts delivered on his behalf by John Rieusset Esq^r at October Sessions 1756 on oath by which it appears he had then in his hands belonging to the Public one thousand and seventeen pounds fourteen shillings and eleven pence farthing for which he has credited the Public in his Account now produced to your Committee wherein he also credits the Public

£ 24. —	for 12 Bar ^{ls} Pork	} returned from New York
“ 3. 3. —	for 2 Bar ^{ls} Beef	
“ 72.16. 6 $\frac{3}{4}$	for 31 Tierces Bread	
“ 26. 6. 5 $\frac{3}{4}$	for 14 head of Cattle sold, of them that strayed away.	
“ 500.—	rec ^d of Mr. Barker by the Governor's Order.	

And he charged the Public

£ 15. 6.—	for freight of Bread &c. from New York.	
“ 111. 9. 7 $\frac{3}{4}$	for 321 Bar ^{ls} Tar	
“ 242. 2. 8	for sundries	
“ 12.12.—	for 8 Bar ^{ls} Beef	} Shipped to Hugh Wallace Merchant in New York p ^r Invoices
“ 139.16. 7 $\frac{1}{4}$	for 676 Bush ^{ls} Peese	
“ 476.12. 7 $\frac{3}{4}$	for sundries	} Shipped to John Dunlop at Antigua to be remitted to Hngh Wallace in New York as p ^r Invoice
“ 148.13. 3	for sundries	
“ 466.11.11 $\frac{1}{4}$	for sundries	
“ 108.10.—	paid for freight	} York as p ^r Invoice
“ 10.16. 6	Comm ^o on Do.	
“ 2.—	P ^d Robert Washington for apprehending a Desarter.	

£ 1734.11.3 $\frac{1}{4}$

And there remains due from the Public to said John Campbell ninety pounds ten shillings and three pence three farthings.

Your Committee observes that by a letter from Hugh Wallace to Mr. Campbell said Wallace acknowledgeth to have received from Mr. Scolley of Boston on account of this Province one hundred and fourteen pounds thirteen shillings and three pence New York currency which is the neat proceeds of 50 Bar^{ls} Pork shipp^d formerly by Mr. Campbell and consigned to said Scolley.

Joseph Perry exhibited his Account to your Committee upon oath whereby it appears that he has formerly purchased 265 head of cattle for the use of the Province and were drove to Virginia to raise money to subsist and pay the forces sent by this Province to the assistance of

Virginia which cost	£ 460. 4.5
That his expenses in driving them to F ^t Cumberland and purchasing them amounted to	£257.11.1.
	<u>717.15.6.</u>
He acknowledgeth to have received of Cap: Campbell	£526. 2. 2.
£ 10. 3.6. of Governor Dinwiddie	
“ 4.—.—. of Col. Washington	
“ 56.11.7. for Cattle sold	
<u>“ 70.15 1. V. Curr^{ey} which makes in Proclamation</u>	<u>£ 75.9. 5.</u>
and there remains due to said Joseph Perry one hundred & sixteen pounds three shillings & eleven pence	116.3.11.
	<u>717.15.6.</u>

John Starkey Esq^{re} Treasurer of the Southern District exhibited his accounts to your Committee upon Oath viz: His account of the £100000 grant whereby it appears that he had in his hands at the last settlement one hundred and twenty two pounds eleven shillings and seven pence and that he has paid away by the Governor's Warrant to Rich^d Spaight Esq^{re} one hundred and twenty two pounds eleven shillings and four pence which warrant he produced and lodged the same with your Committee and there remained in his hands three pence for Ballance of said Account.

His account of money delivered him in the House whereby it appears that he received three hundred and sixty two pounds sixteen shillings that had been paid to the Committee by Colonel Innes which sum he has paid by the Governor's Warrant to Richard Spaight Esq^{re} he also produced the warrant and lodged it with your Committee.

His Account of Bear Inlet Fort whereby it appears he had in his hands at the last settlement one hundred and ninety two pounds three shillings and three pence which he has by the Governor's warrant exchanged for Treasurer's Notes, and is to be replaced out of the two shillings tax.

His Account of the money appropriated for Fort Johnston whereby it appears that he had in his hands at the last settlement five hundred and thirty nine pounds thirteen shillings and six pence and that he has paid away by order of the Commissioners including his Commissions two hundred and eighty nine pounds fourteen shillings and eight pence for which he produced his vouchers and lodged them with your Com-

mittee and there remains in his hands for the use of the said Fort two hundred and forty nine pounds eighteen shillings and ten pence.

His account of the money appropriated for Fort Granville whereby it appears that he had in his hands at the last settlement three hundred and eleven pounds to which he has added four hundred and seventy pounds six shillings and eight pence taken of the nine penny tax towards replacing the two thousand pounds borrowed for the expedition and that he has paid away by order of the Commissioners including his Commissions six hundred & thirty four pounds five shillings and seven pence for which he produced his Vouchers and lodged them with your Committee and there remains in his hands for the use of the said Fort one hundred and forty seven pounds one shilling and one penny.

His Account of the old 4^d tax for Public Buildings whereby it appears that he has received eighteen pounds thirteen shillings for the ballance due by John Freeman's Estate and fifteen pounds in part of a judgement recovered agat Bryant and that he has paid to John Fonville seventeen pounds fourteen shillings and four pence which with his Commissions deducted on the sums received there remains in his hands fourteen pounds five shillings.

His Account of the 6^d Tax for Officers at Wilmington whereby it appears that he had in his hands at the last settlement eleven pounds sixteen shillings and six pence half penny and that he has since received seventy three Pounds eleven shillings and nine pence three farthings out of which he has paid to John D'Bois one of the Commissioners sixty five pounds which sum together with seven pounds one shilling and four pence he charges for his Commissions on the whole collection amounts to £72.1.4. and there remains in his hands thirteen pounds seven shillings and one farthing.

His Account of the four penny tax for the Printer whereby it appears there was due to him at the last settlement, ten pounds seven shillings and eleven pence, that he has since received one hundred and ninety six pounds and eleven pence and that he has paid to Mr. Davis as Printer eighty pounds and as Post master fifty three Pounds six shillings and eight pence for which he produced his Vouchers and lodged them with your Committee and there remains in his hands his Commissions deducted forty two pounds ten shillings and four pence.

His Account of the nine penny tax whereby it appears that he had in his hands at the last settlement one hundred and eighty six pounds two shillings and six pence half penny and that he hath since received exclusive of his Commissions three hundred and two pounds and three pence farthing which he has applied to wit four hundred and seventy Pounds

six shillings and eight pence already carried and seventeen pounds sixteen shillings and one penny three farthings to be carried to the credit of Fort Granvilles account.

His Account of the 2^d Tax to replace the money for Public Buildings and Glebes whereby it appears that he had in his hands at the last settlement ninety seven pounds and that he has since received exclusive of his Commissions eight hundred and four pounds and nine pence and there is now in his hands nine hundred and one pounds and nine pence.

His Account of the 2^d Tax to redeem the Treasurer's Notes whereby it appears that he has received exclusive of his Commissions four hundred and fifty nine pounds five shillings and nine pence half penny and that he has exchanged notes to the amount of one thousand four hundred and fifty four pounds and paid for interest due on the same eight pounds fourteen shillings and six pence and there is due to said Mr. Starkey one thousand and three Pounds eight shillings and eight pence half penny, he also paid in to your Committee the aforementioned Notes.

His Account how the £3400 for Forts and Companies was issued whereby it appears that he has paid

To Captain Waddle	£1765	“	“
Mr. Brown for going up as Commissioner	60	“	“
Ditto for the use of the Fort	500	“	“
Captain Bailey	950	“	“
Captain Payne for Captain Bailey	30	“	“
Blanks never issued & paid into your Committee	61	“	“
Comm ^{ons} on £3400 at 1 $\frac{2}{3}$ cent.	34	“	“
	<hr/>	£3400	“
			“

His Account how he disposed of £2700 Notes he retained out of the £5306 issued for the two South Carolina Companies whereby it appears that he has paid

To Captain Grainger	£1297	“	“
To Captain Paine	750	“	“
To Doctor Hardy	200	“	“
To Mr. Brown	200	“	“
To Dixon and Williams	200	“	“
Comm ^{ons} on £5306 at 1 $\frac{2}{3}$ cent	53	“	“
	<hr/>	£2700	“
			“

His Account of the Tax for sinking the Currency whereby it appears that he has received since last settlement exclusive of his Commissions nine hundred and thirty four pounds seventeen shillings and five pence farthing which he paid in to your Committee.

His Account of money received by him for contingencies since his last settlement whereby it appears he had then in his hands ten pounds nine shillings and six pence that he since received in the House (being money paid by Mr. Barker) one hundred and forty nine pounds six shillings and of several Sheriffs seven hundred and thirty six pounds thirteen shillings and five pence three farthings and hath paid away for sundry claims &c. including his Commissions on the Collection one thousand & ninety four pounds eleven shillings and eleven pence half penny for which he has produced Vouchers and lodged them with your Committee and there remains due to the Public from the said John Starkey one hundred and ninety eight pounds two shillings and eleven pence three farthings.

His Account of outstanding debts in the Southern District as may appear by his Account to which your Committee refers.

The Clerk acquainted your Committee that having carefully examined and stated Mr. Starkey's former Accounts he found that said Mr. Starkey in his Account of Fort Johnston settled with the Committee in March 1754 made a mistake in casting up the credit of seventeen shillings in his favour, and in his Account of the s^d Fort settled with the Committee in December 1754 he allowed the Ballance of that Account to be but one hundred and eighty five pounds seven shillings and six pence altho' the Ballance of the former settlement was two hundred and sixty one pounds eighteen shillings & three pence which made an error of seventy six Pounds ten shillings and nine pence in his favour which makes the Balance in his hands belonging to Fort Johnston three hundred and twenty seven pounds six shillings and seven pence.

The Clerk further acquainted your Committee that said Mr. Starkey had omitted to carry the Ballance of his Account of Contingences settled December 1754 which was five pounds eighteen shillings and five pence half penny to the credit of the Public in his next Account so that there is due to said John Starkey on account of Contingences, only one hundred and ninety two Pounds four shillings and six pence farthing.

Mr. Starkey having thereupon examined his papers allowed of said mistakes which the Clerk has posted in the Ledger accordingly.

Captain Caleb Grainger exhibited the account of his expenses for his Company on the New York expedition to your Committee on oath whereby it appears that he has received of Richard Spaight Esq^r one

thousand six hundred and twenty six pounds fourteen shillings and nine pence from Mr. John Dunlop six hundred and thirty four pounds eighteen shillings and three pence New York Currency and of Major Dobbs ten pounds five shillings like money and he is allowed by your Committee to have regularly expended for his said Company two thousand and twenty three pounds six shillings and two pence farthing and there remains due from said Grainger to the Public one hundred and nine pounds one shilling and three pence farthing. Captain Grainger is allowed in said Acc^{ts} forty pounds for himself his two Lieutenants & Ensign as a recompence for their loss of time and expences from the 10th November to the 24th December when they arrived at Newbern.

Captain Grainger also exhibited to your Committee upon oath the Accounts of his expences for his Company raised for the assistance of South Carolina whereby it appears that he has received one thousand two hundred & ninety seven pounds of John Starkey Esq^{re}, eight hundred pounds of Thomas Barker Esq^{re} and seventy seven pounds ten shillings for Cattle sold to Edward Raylay he is allowed by your Committee to have regularly expended on this Account two thousand four hundred and eighty four pounds three shillings and ten pence half penny and there remains due to him three hundred and nine Pounds thirteen shillings and ten pence half penny.

Your Committee observes that deducting one hundred and nine Pounds one shilling and three pence farthing Captain Grainger owes for Ballance of his Account of the New York expedition out of the above Ballance there remains due to said Captain Grainger from the Public two hundred pounds twelve shillings and seven pence farthing.

Doctor William Ferguson exhibited his Accounts to your Committee which having [been] examined and considered your Committee is of opinion he should be allowed ten Pounds for his trouble and attendance on, and medicine found for the troops that returned from New York besides ten Pounds allowed him as Lieutenant in Captain Arbutnot's Company for his loss of time and expences from the 10th of November to the 24th December when he arrived at Newbern.

Captain Hugh Waddell Commander of Fort Dobbs exhibited his Accounts to your Committee on oath whereby it appears that he had in his hands at the last settlement two hundred and eighty six pounds and nine pence half penny that he has since received of John Starkey Esq^{re} one thousand seven hundred and sixty five pounds and he is allowed by your Committee to have regularly expended one thousand three hundred and twenty Pounds for wages for his Company from the 10th November 1756 to the 31st of October last past and five hundred & fifty eight

pounds sixteen shillings and two pence for Provisions and for work done at the Fort for which he produced Vouchers and lodged them with your Committee & there remains in his hands one hundred and seventy two Pounds four shillings and seven pence half penny due to the Public.

Captain Andrew Bailey exhibited his Accounts to your Committee upon oath whereby it appears that he has received of John Starkey Esq^o nine hundred and eighty pounds and he is allowed by your Committee to have regularly expended seven hundred and eighty five Pounds five shillings and four pence for wages Bonnty Billeting and enlisting his Company from the time of enlisting to the 31st of October last past and two hundred and sixty seven Pounds five shillings and four pence for Provisions including his wages as Commissary for which he produced Vouchers and lodged them with your Committee and there remains due to him seventy two Pounds ten shillings and eight pence.

Major Edward Brice Dobbs Captain of a Company on the Virginia and New York expeditions exhibited his Accounts to your Committee on oath whereby it appears that he has received of Richard Spaight Esq^o at sundry times £1114.14.8 of Col. Hunter one thousand one hundred and thirty one pounds sixteen shillings and ten pence Virginia Currency, of Mr. Dunlop five hundred & fifty seven pounds seven shillings and one penny New York Currency and of Mr. Hugh Wallace of New York five hundred and seventeen pounds five shillings and four pence half penny. He is allowed by your Committee to have regularly expended in said expeditions three thousand one hundred and ninety seven pounds two shillings & ten pence half penny and there remains due to him thirty three pounds and two pence.

Richard Spaight Esq^o exhibited his Accounts to your Committee on oath wherein he credits the Public one thousand eight hundred and nine pounds ten shillings & two pence farthing for Ballance of his former Accounts and four hundred and eighty five pounds seven shillings and four pence received at two several payments of John Starkey Esq^o and charges the Public

£	62	“	16	“	8	p ^d	Captain M ^c Mannus	
“	80	“	—	“	—	p ^d	Mr. Dunlop.	
“	30	“	—	“	—	p ^d	Lient: Ferguson	} of Cap ^t Arbuthnot's Company.
“	10	“	—	“	—	p ^d	Ensign Rogers	
“	174	“	16	“	6	p ^d	Captain Grainger	
“	60	“	3	“	4	p ^d	Captain Dobbs.	
“	4	“	3	“	6	¾	for his Comm ^o at 1 ¾c. on £417.16.6 and makes the	

Ballance due to the Public one thousand eight hundred and seventy two pounds seventeen shillings & five pence half penny.

Your Committee observes by the reports made to October Sessions 1756, Mr. Spaight was disallowed eighty Pounds he had charged in his account as paid to Mr. Harris it appearing that Mr. Starkey had paid the same, but it also appears to your Committee that Mr. Spaight has credited the Public in his said Account eighty Pounds more as received of Mr. Starkey for which said Mr. Starkey has not charged the Public and are of opinion his accounts are right except the sixteen shillings Commissions he charges for said payment which makes the Ballance due from said Mr. Spaight to the Public one thousand eight hundred and seventy three pounds thirteen shilling and five pence half penny.

Captain John Paine exhibited to your Committee upon oath the Account of his expenses for his Company raised for the assistance of South Carolina whereby it appears that he has received seven hundred and fifty pounds of John Starkey Esq^{re} and one thousand two hundred and thirty pounds of Thomas Barker Esq^{re} He is allowed by your Committee to have regularly expended for Bounty Board and pay for his Company from the time of their enlisting to the first day of December including his wages as Commissary one thousand seven hundred & seventy one Pounds seven shillings and for sundry Provisions &c. five hundred and forty one pounds two shillings and five pence and there is due from the Public to said Paine three hundred and thirty two Pounds nine shillings & five pence.

Col. Thomas Lovick exhibited to your Committee upon oath the Account of his disbursements for and towards building of Fort Dobbs at old Topsail Inlet whereby it appears that he has received of John Starkey Esq^{re} six hundred & thirty two pounds seven shillings and four pence and that he has paid to George Gibbens as £ Vouchers five hundred and twenty two pounds eighteen shillings and two pence to several other persons as £ Vouchers eighty three Pounds eight shillings and three pence and twenty Pounds five shillings and nine pence for which there is no Vouchers and there remains in his hands five pounds fifteen shillings and two pence.

Your Committee observes that Mr. George Gibbens has not rendered any account how he has expended the sum he has received of Col. Lovick.

Coll: Joseph Bell exhibited to your Committee an Account of Disbursements paid by David Shepard for & towards building of Fort Dobbs at old Topsail Inlet by which the Vouchers delivered in to your Committee it appears that the said Shepard has paid away two hundred and twelve pounds twelve shillings and eleven pence which sum he has received of Col. Bell.

Said Col. Bell also exhibited his own account of disbursements for and towards building the said Fort on oath by which he acknowledgeth to have received of John Starkey Esq^r Six hundred and twenty four pounds eight shillings and six pence and it appears that he has paid away including his own and Negroes wages five hundred and fifty two pounds sixteen shillings and four pence half penny as ᶒ Vouchers delivered to your Committee and there remains in his hands pursuant to said Account seventy one pounds twelve shillings and one penny half penny. But your Committee observes that Mr. Starkey avers to have paid to the Commissioners of Fort Dobbs one thousand four hundred and eighty five pounds so that deducting six hundred and thirty two pounds seven shillings and four pence that Col. Lovick has received Mr. Bell must have received eight hundred and fifty two pounds twelve shillings and eight pence out of which deducting the two sums said to be expended by Mr. Shepard and Mr. Bell said Mr. Bell ought to be accountable to the Public for eighty seven pounds three shillings and four pence half penny.

Your Committee further observes that the whole sum expended on said Fort by Col. Lovick, Mr. Shepard and Mr. Bell amounts to one thousand three hundred and ninety two pounds one shilling and five pence half penny whereas Mr. Francis Brown, Mr. Edward Vail and Mr. Richard Caswell value the work done to said Fort to be worth but four hundred and thirty five pounds fifteen shillings and six pence as by an estimate by said Gentlemen delivered to your Committee may appear, By which disparity it is apparent there has been some mismanagement or extraordinary charges made by the undertakers and Persons concerned which cannot be discovered by your Committee the greatest part of the receipts not shewing what the money in them mentioned to be received was paid for. Your Committee therefore must refer the said Accounts to the House.

Mr. David Rogers Ensign in Captain Arbuthnot's Company on the New York Expedition exhibited his Account to your Committee upon oath whereby it appears that he has regularly expended for said Company one hundred and eleven pounds two shillings and seven pence for Bounty enlisting Billeting &c. and that his wages from the first November 1755 to the 10th November 1756 amounts to ninety one pounds thirteen shillings and four pence on account of which two sums he acknowledgeth to have received ninety five pounds of Captain Arbuthnot, ten pounds of Richard Spaight Esq^r besides sixteen pounds thirteen shillings and ten pence Capt. Campbell paid to Col. Mackee for his the said Rogers's Account and there remains due to said Rogers from said Arbuthnot eighty one pounds two shillings and one penny.

Your Committee is of opinion that the said Rogers ought to be allowed as an Officer ten pounds for his loss of time and expences returning from New York.

Captain John Paine formerly Lieutenant of Capt. M^eManus's Company exhibited to your Committee an Account of said M^eManus's disbursements for his said Company on the New York expedition on oath whereby it appears that the said M^eManus has received of Richard Spaight Esq^o nine hundred and eighty one pounds six shillings—of Mr. Dunlop five hundred and thirty two pounds five shillings and five pence New York Currency and of Major Dobbs thirty pounds like money and is allowed to have regularly expended for Bounty, Board and wages for his said Company one thousand four hundred & thirty pounds five shillings and seven pence three farthings and for Provisions &c. one hundred and thirty three pounds six shillings and one penny and there remains due to said M^eManus one hundred and forty one pounds twelve shillings and three pence three farthings.

Your Committee further observes that Mr. John Starkey has paid to Dixon and Williams four hundred pounds as appears by the Governor's Warrant and their receipt tho' he has charged in his Account but two hundred pounds wherefore he must be credited said sum provided there has not been more Treasurer's notes emitted than by the several Laws heretofore made for that purpose is directed.

Captain Arbuthnot not being in the Province & having no Accounts from him your Committee cannot report what sum was expended on the New York Expedition.

Your Committee observes there appears large Ballances due from sundry Persons in the Northern District and is of opinion that the Treasurer of said District be directed to sue for such as shall not be paid by the twentieth day of March next and that the Clerk of your Committee be directed to give public notice hereof immediately and transuit to the said Treasurer the Ledger when compleated & demanded.

Your Committee is of opinion that Henry Delon be allowed as Clerk to your Committee and for stationery ware the sum of thirty five pounds and that Mr. Cogdell be allowed for a room, fire, candle and expenses the sum of six Pounds.

JOHN HARVEY Ch ^{mn}	JOSEPH HARRON
JA. HASELL	JA ^s PAINE
LEWIS DE ROSSET	BEN. HARVEY
J. RIEUSSET	MAU. MOORE
GEO. MOORE	

13th December 1757.

The foregoing Reports were read and approved of in the House, and the House is of opinion that Col. Bell's account with Mr. Sheppard's and Mr. Gibbens' should be better explained before they are allowed, to which desire your Honour's Concurrence.

By Order SAM: SWANN, Speaker.

WILLIAM HERRITAGE C^{lk}

In the Upper House concurred with 13th December 1757.

By Order MATT. ROWAN, P. C.

JNO. SMITH, C^{lk}

True Copy.

Test: J^{no} SMITH C^{lk} of the Upper House of Assembly.

[B. P. R. O. B. T. JOURNALS. VOL. 65.]

BOARD OF TRADE JOURNALS.

Tuesday, January 11th 1757.

Present

Earl of Halifax.

Mr. Oswald. Mr. Pelham.

Mr. Jenyns. Mr. Hamilton

Mr. Sloper.

Read a letter from the Right Hon^{ble} William Pitt Esq^{re} one of His Majesty's Principal Secretaries of State dated the 3rd of Jan^{ry} 1757 referring to the consideration of this Board the following papers and desiring the Board's opinion how far it may be desirable to propose to Parliament to give a pecuniary aid to the Southern Colonies in consideration of their expences and to encourage them to defend His Maj. rights and possessions

Memorial of Mr. Abercromby Agent for North Carolina and Virginia relating to the services performed by those Colonies in defence of His Majesty's Territories

Representation of the Council and Burgesses of Virginia to His Majesty relating to the money and men raised there for the defence of His Maj. Territories

Copy of an Address from the Council and Burgesses of Virginia to His Majesty.

Ordered that the said letter & papers be taken into further consideration to-morrow morning.

Wednesday, January 12th 1757.

Their Lordships pursuant to the Minutes of yesterday took into further consideration the letter from Mr. Pitt one of His Maj. Principal Secretaries of State mentioned therein desiring this Board's opinion whether it may be advisable to apply to Parliament for a pecuniary aid to Virginia and the other Southern Colonies and the Secretary laid before the Board the following papers transmitted to him by Mr. Abercromby Agent for the Colonies of Virginia and North Carolina

Account of monies granted by the Colony of Virginia for carrying on His Maj. service against the Enemy in the years 1754, 1755 and 1756.

Account of monies raised by the Province of North Carolina in 1754, 1755 & 1756 for carrying on His Maj. service against the Enemy

Which papers having been read were taken into consideration together with the copys of the Addresses of the Council and Assembly of North Carolina to His Maj. mentioned in the Minutes of 24 Dec^r last and after some time spent therein their Lordships agreed to take this affair into further consideration on Friday next and the Secretary was ordered to write to Mr. Abercromby to desire his attendance

Ordered that a state be prepared from the Books and Papers in this office of the money and men raised & services performed by the Colony of Virginia and the other Southern Colonies for the defence of His Maj. Territories since the commencement of hostilities.

Their Lordships took into consideration the letter from Mr. Dobbs Gov^r. of North Carolina mentioned in the Minutes of the 24 Dec. last and after some time spent therein the Secretary was ordered to transmit an extract of that part of it which contains Observations upon an Act passed there in 1723 for settling the Titles and Bounds of Lands together with a copy of the said Act to the Secretary to the Lords Commiss^{rs} of His Maj. Treasury and desire him to lay them before that Board for their directions thereupon.

Ordered that the Secretary do likewise transmit to the Secretary to the Lords Commiss^{rs} of His Maj. Treasury an extract from that part of Mr. Dobbs letter which relates to the want of an order from that Board to the Receiver of the Quit Rents to defray the expence of making a survey of the Province out of the Quit Rents for their Lordships directions thereupon.

Friday January 14th 1757.

Their Lordships pursuant to the Minutes of the 12th inst. took into further consideration the letter from Mr. Pitt one of His Maj. Principal Secretaries of State, mentioned therein desiring the Boards opinion whether it may be advisable to apply to Parliament for a pecuniary aid

to Virginia and the other Southern Colonies and the Secretary laid before the Board a state of the money & men raised and services performed by the Colonies of Virginia and North Carolina for the defence of His Maj. Territories prepared from the Books and Papers in this Office pursuant to their Lordships directions.

Their Lordships being informed that Mr. Abercromby Agent for Virginia and North Carolina was attending without pursuant to their Orders he was called in and their Lordships having had some conversation with him upon this affair he withdrew and the Board after some time spent in the consideration of Mr. Pitt's letter and the Papers referred ordered the draught of a Report thereon to be prepared

Tuesday, January 18th 1757

The draught of a letter to Mr. Pitt one of His Maj. Principal Secretaries of State containing their Lordships Report and opinion upon his letter of the 3rd inst. mentioned in the Minutes of the 15th inst. having been prepared pursuant to the s^d Minutes their Lordships took the same into consideration and made some progress therein

Wednesday January 19th 1757.

Their Lordships took into further consideration the draught of a letter to Mr. Pitt one of His Maj. Principal Secretaries of State containing the Board's Report and Opinion upon his letter of the 3rd inst respecting a pecuniary aid to be given by Parliament to the Southern Colonies in consideration of their past services and to enable them to continue their efforts for the defence of His Maj. Territories and the same having been agreed to was ordered to be transcribed and was signed on January 21st

Friday February 4th 1757.

A Representation to His Maj. proposing that Richard Spaight Esq. may be appointed of the Council of North Carolina in the room of Henry M^cCulloh Esq. deceased was signed.

The Secretary laid before the Board three Orders of His Majesty in Council dated this day approving the Representation proposing * * * and Richard Spaight Esq. to be of the Council of North Carolina and directing their Lordships to prepare Warrants in the usual form and Warrants having been prepared Representations thereupon were signed.

Wednesday, March 2nd 1757.

Read a letter from Mr. Cleveland Secretary to the Admiralty dated 28th Feb^{ry} 1757 in answer to one from Mr. Pownall with the extract of a letter from Gov^r Dobbs giving account that the coasts of North Caro-

lina are infested by the Enemies Privateers from the West Indies & acquainting him for the information of their Lordships that a twenty gun ship & sloop are ordered upon that station for their protection.

Wednesday March 9th 1757.

Their Lordships took into consideration the several letters received from the Governors of Nova Scotia New Hampshire New York New Jersey Virginia and North Carolina since the Board's last letter to them and ordered draughts of letters in answer thereto be prepared—which were agreed to transcribed and signed March 10th

Thursday March 17th 1757.

The Secretary laid before the Board the following Orders in Council, Viz^t

Order of His Maj. in Council dated 13 Oct. 1756 directing that the sum of £2500 being arrears of Salary due to Henry M^cCulloh Esq. in March 1752 be set off against the Quit Rents due from him to the Crown as proposed by this Board on their Representation on his Memorial.

Order of His Maj. in Council dated 13th Oct 1756 approving a Representation of this Board on a Memorial of Henry M^cCulloh Esq & directing the Governor of North Carolina accordingly to defer the execution of the 84th article of his Instruction relative to Mr. M^cCulloh's Lands.

Wednesday April 27th 1757.

Read a letter from Arthur Dobbs Esq. Gov. of North Carolina to the Board dated 20th Jan^{ry} 1757 relating to the frauds and irregularities in the method of granting and surveying of Lands &c. & transmitting

Draught of two cases relative to Grants of Land stated by Gov. Dobbs for the opinion of Council.

Journal of the Upper House of Assembly from 30th Sept. to 25th Oct. 1756.

Journal of the Assembly of North Carolina for the same time.

Twenty four Acts passed in North Carolina 25th Oct. 1756.

Ordered that the said Acts be sent to Sir Matthew Lamb for his opinion thereon in point of law as soon as conveniently may be.

Ordered that the Secretary do transmit an extract of so much of the Gov^{rs} letter as relates to the frauds and irregularities in the method of granting & surveying of Lands together with copies of the cases referred to therein to the Secretary to the Lords Commiss^{rs} of the Treasury for their directions thereupon.

Wednesday, July 13th 1757.

Read a letter from Arthur Dobbs Esq Governor of North Carolina to the Board dated at Philadelphia 22^d March 1757 acquainting their Lordships with the Measures agreed on at a Meeting of the Southern Governors with the Earl of Loudoun for the protection of the Carolinas.

Friday, November 4th 1757.

Read a letter from Arthur Dobbs Esq Gov^r of North Carolina to the Board dated Newbern 30th May 1757 relating to the present state of that Province and inclosing several papers viz:

Address of the Council of North Carolina to Governor Dobbs.

Address of the Assembly of North Carolina to Gov. Dobbs.

Gov^r Dobbs Speech to the Council & Assembly of North Carolina.

Address of the Council of North Carolina to His Maj. praying for an allowance out of the Quit Rents for their trouble & charges in attending the Courts of Justice & upon other occasions.

Their Lordships took the said letter together with two others received since the Board's last letter to Mr. Dobbs into consideration and ordered the draught of a letter to him in answer thereto to be prepared signed 9th Nov.

Ordered that the above mentioned Address of the Council of North Carolina be laid before His Majesty in Council and that the draught of a Representation thereon be prepared which was agreed to & signed 5th November.

The Secretary acquainted the Board that the above mentioned letter from Mr. Dobbs having been received during their recess he had thought it his duty to communicate an extract of that part of it which relates to the measures taken by the said Governor in consequence of the meeting of the Southern Governors with Lord Loudoun at Philadelphia to Mr. Secretary Pitt and had also transmitted an extract of that part of it which relates to the conduct of the Captain of His Maj. ship stationed upon the coast of North Carolina to Mr. Cleveland Secretary to the Lords of the Admiralty to be laid before that Board.

Friday November 11th 1757.

Read a letter from Arthur Dobbs Esq. Governor of North Carolina to the Board dated 30th Aug. 1757 containing some observations on the proposal of South Carolina for fixing the Boundary Line and an account of the insolent behaviour of the Catawbas.

Friday, December 16th 1757.

Read an Order of the Lords of the Com^{tes} of Council for Plantation Affairs dated 16th Nov. referring to the consideration of this Board the humble petition of the Members of His Maj. Council of North Carolina praying that His Maj. would be graciously pleased to direct an allowance to be paid them out of His Maj. Quit Rents in consideration of their great expence in attending His Maj. service in Council and in the several Courts in which they sit as Judges.

Their Lordships took the said Order of Reference into consideration together with a letter from Mr. Dobbs Gov^r of North Carolina mentioned in the Minutes of 4th Nov^r and after some time spent therein ordered the draught of a Report to the Lords of the Committee of Council upon the said petition to be prepared, which was agreed to and ordered to be transcribed 20th Dec^r and signed 22^d Dec^r 1757.

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

COUNCIL JOURNALS.

NORTH CAROLINA—SS.

At a Council held at New Bern the Seventeenth Day of May 1757 in the Thirtieth Year of the Reign of our Sovereign Lord George the Second by the Grace of God, King of Great Britain France and Ireland, Defender of the faith &c.

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan James Innes }
 { James Murray and } Esq^{rs}
 { James Hasell John Riensset }

On the Petition of Moravians inhabiting Dobbs Parish in Rowan County that Jacob Loesch One of their Members be appointed Captain of an Independant Company to consist of the Inhabitants of the said Parish for their Defence from the French and their Indians, It was Ordered that a Captains Commission issue to the said Jacob Loesch accordingly

Ordered that a new Commission of the Peace and *Dedimus* issue for Rowan County and that Jacob Loesch and Thomas Donnell Esq^r be added to such Commission.

Ordered that James Carter upon Account of his Misbehaviour be left out of the New Commission and *Dedimus* for Rowan and that the said James Carter be Broke from being Major of the Regiment of the said County.

Edward Brice Dobbs Esq Produced a Mandamus to be one of the members of His Majestys Council of this Province was Qualified and took his Seat Accordingly

Several Warrants for Land were Read and Granted as $\text{7}\text{p}$ Warrant Book

At a Council held at New Bern the 19th Day of May 1757

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	Lewis De Rossett	} Esq ^{rs}
		James Murray	John Rieusett	
		James Hasell	and	
		James Innes	Edward Brice Dobbs	

Several Warrants for Land were Read and Granted as $\text{7}\text{p}$ Warrant Book

On motion of Mr. Murray Praying a longer day for returning three Warrants for Land in Bladen County Viz. Two to Gibson and Obryan and one to Thomas Bryan the same having been directed to Edward Nugent who hath quitted this Province without surveying the same, It was ordered that the time for Returning of the said Warrants be enlarged to the next Court of Claims it not appearing that any other Person has Entered the said Lands, and Ordered that the Surveyor General Direct the said Warrants to some other Deputy Surveyor.

Read the Petition of Thomas Graves Praying a Resurvey of six Hundred and forty Acres of Land on Neuse near New Bern and to have the Preference of taking up the Vacant Lands within the Bounds of His Patent, if any the same was Ordered to lie over, there being some disputes Depending relative to the Bounds of the said Land.

At a Council held at New Bern the 20th day of May 1757

Present His Excellency the Governor

The Hon ^{ble}	{	Matthew Rowan	James Innes	} Esq ^{rs}
		James Murray	Lewis De Rossett	
		James Hasell	John Rieusett and	
		Edward Brice Dobbs		

His Excellency and Council sat in Chancery and went through the Dockett.

On hearing the Caveat Joseph Hennis against Robert and Joseph Carruthers and David Palmer It was Resolved that the Survey of the Warrant of Robert and Joseph Carruthers and David Palmer was irregular, and Ordered that a Patent Issue to Joseph Hennis for the Land Surveyed in Virtue of his Warrant Caveated by the said Carruthers and Palmer, and that the said Robert and Joseph Carruthers and David Pal-

mer be allowed till next Court of Claims for a regular Return of the survey of their Warrant.

Ordered that John Stack have a Patent on a Warrant for three hundred Acres of Land in Bladen County, To John Stack and James Clarke the said Clarke having relinquished his Title to the said Land.

On the Petition of Alexander Lillington setting forth that the Courses in his Patent N^o 47 W^t 67 Chains for 640 Acres of Land in New Hanover County dated the 15th November 1753 was erroneous and different from the course Returned in the Survey and Praying that the same be rectified and altered to South 47 E^t It was ordered that the said Course N^o 47 W^t be altered in the Patent to S^o 47 E^t and that the Record thereof be altered also accordingly.

Ordered that the time for surveying and returning the following Warrants viz^t James Rutherford 300 Acres Thomas Rutherford 300 Acres, John Rutherford 640 Acres Thomas Rutherford 300 Acres of Land in Cumberland County be enlarged to the next Court of Claims the said Warrants having been directed to Edward Nugent late Deputy Surveyor who had neglected to survey the same and it not appearing that any other Person has entered the said Land, And it was Ordered that the surveyor General Directs the same to some other Deputy Surveyor.

On motion of Mr. Vail in Behalf of Thomas Martin it was Ordered that a Resurvey of 200 Acres of Land on South River in Craven County be made and Returned to the next Court of Claims.

Ordered that the Disputes about Lands Between John Stack and Samuel Thornton lie over to the next Court of Claims then to be heard and that Samuel Thornton have notice thereof.

At a Council held at New Bern the 21st day of May 1757.

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	Lewis De Rossett	}	Esq ^s
		James Murray	John Rieussett		
		James Hasell	and		
		James Innes	Edward Brice Dobbs		

Read the Petition of the Chief of the Inhabitants of the Town of New Bern Praying to have the same made a Borough of Charter &c. Which was Ordered to lie over for further consideration.

Ordered that Charters issue for the Counties of Orange and Cumberland enabling and empowering the Freeholders of the said Counties to Elect and send Two Members each to sit and Vote in the Assembly of this Province.

At a Council held at New Bern the 23^d Day of May 1757.

Present His Excellency the Governor.

The Hon^{ble} { Mathew Rowan John Rieussett
 { James Hasell and
 { Lewis De Rossett Edward Brice Dobbs } Esquires

Ordered that tomorrow forenoon be set apart for hearing Caveats about Lands and that Publick notice thereof be given.

Several Patents were Read and Granted as ⁱⁿ Patent Book.

Ordered that a Commission and *Dedimus* issue to James Walsom Alexander Mebin, John Gray, John Pryor, Joseph Boggs, Lawrence Thompson, Josiah Dickson, John Patterson, James Allison, Andrew Mitchell, Lawrence Bankston, John McGee, Thomas Loyd, William Reed, William Charlton, Robert Abereromby, Hugh Porter, William Lee, Richard Parker and Joab Brooks Esq^r to be Justices of the Peace for the County of Orange.

Ordered that Francis Brown Esq^r be added to the next Commission of the Peace for the County of Perquimons.

Ordered that Richard Spaight, John Fouville, Harding Jones, Robert Carruthers and Francis Dawson Esq^{rs} be added to the Present Acting Justices in Craven County (William Carruthers Jr excepted) and that a New Commission and *Dedimus* issue for the said County.

At a Council held at Newbern the 24th Day of May 1757.

Present His Excellency the Governor.

The Hon^{ble} { Mathew Rowan Lewis De Rossett
 { James Murray John Rieussett
 { James Hasell and
 { James Iunes Edward Brice Dobbs } Esquires.

On hearing the Caveat Entered by Thomas Norwood against William Herritage it was Ordered that a survey be made of the first Warrant of the said Thomas Norwood, and that a Survey be also made of the warrant of the said William Herritage agreeable to his Majestys Instructions and that the Last Warrant of the said Thomas Norwood be likewise surveyed and the said several surveys Returned to the next Court of Claims

Ordered That Depositions taken before the Honorable Mathew Rowan and James Murray Esq^{rs} touching the Dispute Between John Stack and Samuel Thornton be admitted in evidence at the Court of Claims.

On motion of Mr. Swann Praying that a Course mentioned in a Patent of John Petiver be altered as erroneous, It was Ordered that the same be referred to the Surveyor General for a Plan to be made

Pursuant to the Courses mentioned in the said Patent to be by him Reported to the Court of Claims

Read the Petition of John Rice setting forth that there were several Patents in the Secretarys Office Signed by the Late Governor Johnston during the time the Petitioner was Deputy Secretary that the said Patents were Entered on His Majestys Rent Roll, but that the said Patents could not be Obtained out of the Secretarys Office upon Application for them and Praying an Order to have the same Delivered when applied for; but it being well known that the said Patents had not ever been Audited or entered on Record in the Secretarys Office and that the Petitioner had seven Patents in his Possession under the like Circumstances, It was Ordered that the Patents mentioned in the Petition and also the Patents in the Petitioners Custody be referred to a Committee of the Council Viz^t to Mathew Rowan, James Murray, John Rutherford and Francis Corbin Esq^{rs} for their Report

Read the Petition of John Alderson Praying a Resurvey of 190 Acres of Land on Bath Town Creek in Beaufort County Which was Granted and Ordered to be Returned to the next Court of Claims

Read the Petition of William Youngblood Praying a further Day for the Return of Two Warrants for 250 Acres of Land Each in Anson County which were in the hands of James Mackelman Deputy Surveyor but never by him surveyed, and it was Ordered that the said William Youngblood be allowed until the next Court of Claims to Return the said Warrants, and that the same be directed to some other Deputy Surveyor

Read and Granted the following Warrants for Land as ⁱⁿ Patent Book.

At a Council held at Newbern the 25th May 1757.

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	}	Esq ^{rs}
		James Murray	Francis Corbin		
		James Hasell	Lewis De Rossett		
		James Innes	Edward Brice Dobbs		

Several Patents for Land were Read and Granted as ⁱⁿ Patent Book.

At a Council held at New Bern the 26th May 1757.

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	}	Esq ^{rs}
		James Murray	Francis Corbin		
		James Hasell	Lewis De Rossett		
		James Innes	Edward Brice Dobbs		

Read and granted the [various] Patents for Lands.

Read the Petition of Mathew Harley Praying a Resurvey of 300 Acres of Land in Cumberland County which was Granted and Ordered to be Returned to the next Court of Claims.

Read the Memorial of John Rutherford Esq^r his Majestys Receiver General of this Province setting forth that the said Receiver General and His Deputies find themselves under Great Difficulties in the execution of their Office in many cases and particularly in the following, Viz^t

Where the Patentee or Assignee reside in the Province and has Lands in a Different County on Which no distress is to be found.

Where the Tenant lives in Earl Granvilles District having Lands with no Distress on them in the Kings Part.

As to the Lands of Orphans on which there is no distress.

In the Case where the Patentee or Assignee does not reside in the Province and no distress to be found.

Where no distress is to be found and the Tenant is willing to resign the Land Rather than Pay the Quit Rents.

In the Case of Tenants by long Possession having Deeds but no Patents nor Records thereof.

In these Cases the Memorialist Prayed to be Directed as it is from them as well as from the want of a Proper Rent Roll that the Collection of His Majestys Quit Rents is so much Obstructed and Retarded in this Province.

The Memorialist further Represented that he hath Employed the Registers of the several Counties in his Majestys Part to make out Abstracts of all Conveyances of Land by Will or Deed and as the same would be attended with considerable Expence desired to know if it might be charged in his Accounts.

Upon which it was ordered that the said Memorial be referred to the Kings Attorney for his Opinion thereon to be Reported to the next Meeting of the Council.

At a Council held at New Bern the 28th Day of May 1757

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	John Rutherford	}	Esq ^{rs}
		James Murray	Francis Corbin		
		James Hasell	Lewis De Rossett		
		James Innes	John Rienssett and		
		Edward Brice Dobbs			

Read and Granted the following Warrants for Land as p^r Warrant Book.

Read the Petition of Thomas Austin Praying a Resurvey of a Tract of Land in Currituck which was Granted and Ordered to be Reported to the next Court of Claims.

On hearing the Caveat Atkins against Lewis, It was Ordered that a Warrant Issue to Benjamin Lewis for the lands in Dispute.

On hearing the Caveat entered by Daniel Webb against Benjamin Blackburn It was Ordered that Warrants issue to Webb and Blackburn of the same Dates.

On hearing the Caveat entered by James Davis against Richard Spaight It was ordered that the said Rieh^d Spaight have a Patent for the Lands in Dispute lying without the said James Davis's Patent.

At a Council held at New Bern the 30th Day of May 1757

Present His Excellency the Governor

{	James Hasell	John Rieussett	}
	John Rutherford	and	
	Francis Corbin	Edward Brice Dobbs	

On Reading his Excellency the Earl of Loudouns Letter to the Governor Dated the 5 May Instant acquainting him that it will be necessary that the Militia of this Province should be Properly Armed and furnished with Ammunition and have a standing Order to march to the aid and assistance of the force already appointed at the Request of their Commander and that an Order to such Effect be given and Particularly Enforced in those Parts of the Province that are situated nearest to those fores or the Passes through which the Enemy can enter without waiting any particular Orders from the Governor, It was Ordered that a Proclamation issue strictly requiring the Colonels and other Officers of the Militia to Trayn and Exercise their several Ridgments and Companies Pursuant to the Militia Law, and to hold them in Readiness to March When ever Required and it was also Ordered that two thirds of the Militia of the Counties of New Hanover, Bladen, Duplin and Ouslow be Directed to March to South Carolina on the first Notice and Orders from the President and Committee of Council Appointed for that Purpose at Cape Fear.

Ordered that the President and Committee of Council do take and Receive from the Collector of the Powder Duty for the Port of Brunswick what Quantity of Powder and Lead they Judge necessary for the use of the Militia Ordered for South Carolina.

Ordered that the President and Committee of Council at Cape Fear Direct the said Militia to March upon the first Notice he or they shall Receive from the Governor of South Carolina or Col^o Bouquet Com-

mander of his Majestys Troops these without waiting for Orders from the Governor.*

Ordered that the President do cause Publick Notice to be given to any Person willing to Contract for Remitting £1500 Sterl. to South Carolina for the use of the Forces of this Province to give in their Proposal and Lowest Terms to him with the names of the Persons they Propose for their Security, and that the President do Transmit such Proposals as he may receive as soon as Possible to his Excellency for his Approbation

Ordered that Joshua Bodley and William Boyd Esq^{rs} be added to the present Justices of the County of Chowan (— Allston and — Luton excepted they not having qualified) and that a new Commission and *Dedimus* Issue for the said County

At a Council held at New Bern on Friday the 18th Day of November 1757.

Present His Excellency Arthur Dobbs Esq^r Governor

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

Richard Fenner was Qualified as Deputy Clerk of the Council Deputy Secretary and Deputy Register of the Court of Chancery by taking and subscribing the several Oaths appointed by Law for the Qualification of Publick Officers

Richard Spaight Esquire produced a Mandamus to be one of the Council and was Qualified accordingly and took his seat at the Board

Alexander M^cCulloch Esquire produced a Patent appointing him Auditor General of the province during the absence of his Majestys Auditor General and at the same time was Qualified by taking and subscribing the Several Oaths appointed by Law

Several Warrants and Patents for Land were read and Granted as ¶ Warrant and Patent Book.

At a Council held at New Bern on Saturday the 19th day of November 1757

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan John Swann }
 { James Hasell and } Esq^{rs}
 { James Innes Lewis De Rossett }

SAM^l SLADE ag^t BENJⁿ SLADE

Upon motion of Mr. Swann It is ordered that no Patent be made out upon the Warrant obtained by Benjⁿ Slade for the Lands Caveated by Sam^l Slade.

SAME ag^t JAMES DENNING

Ordered that no Patent be made out upon the Warrant obtained by James Denning for the Lands Caveated by Sam^l Slade.

At a Council held at Newbern on Monday the 21st day of November 1757

Present His Excellency the Governor

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

STARK ag^t THORNTON

Upon hearing the Caveat in this Cause and Reading the several Depositions of John Dunn and Edrd Mansfield It is Ordered that Sam^l Thornton have a Patent for the Lands surveyed on his Warrant and that the Caveat of John Stark be discharged

ATKINSON ag^t LEWIS

Upon hearing the Caveat in this Cause it is ordered that a Warrant be granted to — Lewis dated the 17th of May last that no Patent do issue to either until the return of Lewis's Warrant and then the Merrits of the disputes to be Determined

HAMILTON ag^t NELSON

Ordered that the Caveat be Continued.

At a Council held at New Bern on Wednesday the 23rd Day of November 1757

Present His Excellency the Governor.

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

William Satathwait appeared before his Excellency in Council and upon Oath deposed that pursuant to his Majesties Instructions he had for three successive Sundays before the 15 Instant posted up the several Chappels at Currituck white Marsh and Pantigo a Public Notification that Harding Jones Esquire would apply at the then next Session of Assembly for a Bill to Dock the Intail of all the Lands he was possessed of in Hyde County and further Deposed that there is not any Parish Church, nor are there any other Chappel in that part of the Country in which the said Harding Jones Lands lye.

At a Council held at Newbern on Saturday the 26 Day of November
1757

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	John Dawson	}	Esq ^{rs}
		James Innes	Edward Brice Dobbs and		
		John Swann	Richard Spaight		

Read the Petition of Robert Carruthers Esquire setting forth that the Petitioner together with David Palmer and Joseph Carruthers obtained a Warrant for six hundred Acres of Land in Craven County joyning on the back of John Bryants Land at the head of the Great Savannah, and that the said David Palmer and Joseph Carruthers by an Instrument in writing under their hands and seals had relinquished their right in said Land to the Petitioner and consented that a Patent should be granted to the Petitioner in his own name and praying a Patent in his own name for said six hundred Acres of Land whereupon and upon Reading the said Instrument it is ordered that a Patent do issue to the said Robert Carruthers for the said Land as is desired.

Read the Petition of David Palmer setting forth that the Petitioner together with Robert Carruthers and W^m Powell obtained a Warrant for two hundred Acres of Land in Craven County on the Fork of Rowan Branch on the North side of Trent joining the Lands of Sam^l Giliard and that the said Robert Carruthers and W^m Powell having given up their right to the said Lands to the Petitioner and praying a patent for the same in his own name Whereupon and upon the said Robert Carruthers and William Powells personally appearing and consenting thereto It is ordered that a Patent do issue to the said David Palmer for the said Lands in his own name.

Read the Petition of Alexander Steward setting forth that he is possessed of a Tract of Land commonly called Garrisons point Lying on the East side of Derhams Creek and South side of Pamlico River containing according to the Petitioners Patent six hundred and forty Acres, The Bounds whereof the Petitioner is not acquainted with and Praying the same may be ascertained by a Warrant of Resurvey which was Granted.

Read the Petition of John Alderson setting forth that the Petitioner is possessed of a Tract of Land on Bath Town Creek, adjoining to Lands belonging to John Woodard the Lines of which the Petitioner is not acquainted with and praying a warrant of Resurvey for ascertaining the Lines between the said John Woodard and the Petitioner which was Granted.

Several Warrants and Patents for Land, were read and Granted as P Warrant and Patent Book.

In the Afternoon

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan
Edw^d Brice Dobbs } Esquires
 { Rich^d Spaight }

Affidavit of Robert Love produced and W^m Dawson one of the Justices of the peace of Cumberland County being present proved said affidavit was sworn before him ordered the said affidavit be filed in the Secretarys Office.

At a Council held at New Bern on Monday the 28th day of November 1757

Present His Excellency the Governor

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

Rich^d Spaight Esquire one of the Members of the Council Informed the Board that at the last County Court held for the County of Cumberland, Thomas Gibson and James Nichols two of his Majestys Justices of the Peace for said County behaved in a very Indecent Disorderly and Illegal manner, Whereupon and upon reading the affid^t of Rob^t Love and Plunkett Ballard, It is Ordered that the said Thomas Gibson and James Nichols do on Thursday the 8th Day of December next personally appear before his Excellency the Governor and Council at the Council Chamber at New Bern to answer the said Complaints

At a Council held at New Bern on Tuesday the 29th November [1757]

Present His Excellency the Governor

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

W^m KINSIE ag^t WATSON

Upon hearing the Caveat and examining of Henry Skibbow upon Oath It is ordered that John Watson have a Patent for one hundred Acres of Land Purchased from Mr. Dry and that Mr. Dry and Mr. Kinsie have a Warrant for 180 Acres being the remainder of the two hundred and Eighty Acres Surveyed for Watson.

BLACKBURN ag^t WEBB

Upon hearing the Caveat, Ordered that Blackburn have a Patent for the Lands Surveyed for him.

HERRITAGE at suit NORWOOD

Ordered that the Caveat be discharged and that a Patent do issue to W^m Herriage for the Land Described in Skibbows Plans dated 15th November 1757

Upon Reading a Patent bearing date the 2^d day of May 1730 Whereby his Excellency John Lord Carteret Palatine and the rest of the true and Absolute Lords Proprietors of Carolina did grant unto Mr. John Swann a Tract of Land containing 500 Acres lying in Bath County and Preeinct of New Hanover on the West side of Wickamaw Swamp and adjoining to the Lands of Joseph Waters beginning at a forked Walnut by the Swamp side running thence S^o 30 W^t 250 Pole, N^o 15 E^t 320 Pole N^o 80 E^t 250 Pole which said Patent and the Lands thereby granted are now Vested in the Honourable Mathew Rowan Esquire and also upon reading a late Survey whereby it appears that only 202 Acres and 55 pole are contained within Lines Described in said Patent It is therefore Ordered that the Surveyor Gen^l do forthwith admeasure and lay out unto the said Mathew Rowan so much more land adjoining the said Lines as will make out a full and Compleat Tract of 500 Acres as granted by said Patent two Just and Fair plans whereof he is to Certifie to this Board at their next sitting.

NORTH CAROLINA

At a Council held at New Bern on Thursday the first Day of December 1757

	Present His Excellency the Governor			
The Hon ^{ble}	{	Mathew Rowan	John Dawson	} Esq ^{rs}
		James Hasell	Lewis De Rossett	
		James Innes	John Rieussett	
		John Rutherford	Edw ^d Brice Dobbs	
		John Swann	and	
		Francis Corbin	Rieb ^d Spaight	

His Excellency Produced to the Board a Letter to his Excellency Sam^l Martin Dated 19th Jan^r 1757 In which were Inclosed a Copy of an Affidavit Sworn by Alexander Duncan Mr. Rutherfords Clerk before the provost of Edenburg.

A Copy of a Letter wrote by the Honorable John Rutherford Esquire to the Lords of Trade and Plantation complaining among other things of Distractions and confusions in the Country &c.

And also a Copy of the Right Honorable the Lord Walpoles report on said Letter to the Lords of Trade and plantation were Severally read and Mr. Rutherford was called up by his Excellency to shew what rea-

sons he had for writing such Letters and what grounds he had for the Complaints therein set forth and peculiarly to shew what distractions and Confusions were subsisting in the Country and to what owing And the miserable consequence attending the Inhabitants being allowed to make a Paper Currency Which Mr. Rutherford say'd he would do in Writing on Monday next.

His Excellency then produced to the Board Sev^l printed Notes for sums of Money under the hand & seal of the Hon^{ble} James Murray Esq^r thereby promising that the same should be accepted by the Receiver General or his Deputy in payment of his Majestys Quit Rents which said Notes were Countersigned and accepted by the the Hon^{ble} John Rutherford his Majestys Receiver General.

William Walker Sheriff of Newhanover County was Sworn and Deposed that by particular Directions of Mr. Rutherford he received some Quit Rents due out of Newhanover County to the amount of about £120 in the Notes Issued by Mr. Murray and some are accepted by Mr. Rutherford.

That in last Spring was a year he got a Rent Roll from Mr. Rutherford which he had for about a Month the last Spring had it again for about a Month.

Hugh Fullerton was Sworn and deposed that he received from one Benjamin Morrison ten Notes of Mr. Murray for 20^s each which said Mr. Murray thereby Promised should be received by the Receiver General in Payment of his Majestys Quit rents that not having any Quit Rents to pay tendered said Notes to Mr. Murray who refused to give him Proclamation Money for them.

Joseph Carruthers Esquire Sheriff of Craven County was sworn and Deposed that he was Employed to receive some Quit rents by Mr. Rutherford and it was agreed he should retain in his hands part of the Money to be received to be apply'd in Discharge a Debt of £568 17^s 94^d due to the Estate of Joseph Anderson late Attorney General deceased and that he allowed Mr. Rutherford £88 15^s 14^d for so doing and gave him a discharge for the full sum of £568 17^s 9¼^d

Ordered that a Proclamation do issue to forbid the several Receivers of his Majesties Quit Rents and the Several Sheriffs of the Respective Counties in this Province to receive the said notes or Bills in payment of any Arrears sum or sums of Money that now is or hereafter may become due for his Majesty's Quit Rents or any public Taxes in this Province.

The Eleventh Article of his Majesty's Instructions to his Excellency was read.

His Excellency produced a Letter wrote to him by Rob^t Palmer Esquire his Majesties Surveyor Gen^l setting forth that the Line carried on from Cold Water by Lord Granvilles Surveyors is much more South-erly than the Line Extended to that place by the Commissions which was read and ordered to Lye over for further Consideration.

Jasper Hardison was sworn and deposed that for three successive Sundays béfore the sitting of the present Assembly be posted ón the Chappel of Ahunty in Tyrrel County being the next to the Lands of Harding Jones Esq^r a Public notification that the said Harding Jones would apply at the then next session of Assembly for a Bill to Dock the Intail of his said Lands

Jeremiah Vail was Sworn and proved that a like notification was posted upon the Church of New Bern for other Lands of the said Harding Jones in the County of Craven.

Read the Petition of John Rice setting forth that at a Meeting of the Council in May last upon a Petⁿ preferred by the Pet^r in relation to certain Patents claimed by the Petitioner and detained in the Secretarys Office. It was Ordered that both these Patents and those in his hands should be produced to a committee composed of the Council for their Inspection and that all such as appeared with an upright Countenance should be returned to the Petitioner

That in conformity to said order Pet^r delayed not to lay before the Honourable Committee the Patents he had in his hands which were Exam^d and returned to him but with regard to those in the office nothing was done, And praying that the said order may nevertheless operate with respect to those in the Office and have its due and full effect at this Junecture

Whereupon it is Ordered that the same be referred to a Committee of Council Viz^t Mr. Corbin, Mr. Rutherford and Mr. Spaight or any two of them whereof Mr. Corbin to be one

At a Council held at New Bern on Monday the 5th Day of December 1757.

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	John Dawson	}	Esq ^{rs}
		Jas Murray	Lewis De Rosset		
		Jas Hasell	John Rieussett		
		Jas Innes	Edw ^d Brice Dobbs		
		Francis Corbin	and		
		John Swann	Rich ^d Spaight		

His Excellency and the Council sat in Chancery and went thro' the Dockett

Upon motion of Sam^l Swann Esquire it is Ordered that William Milton Sheriff of Onslow County be discharged from the attachment Issued ag^t him upon his paying the contempt Fees.

Ordered that Emanuel Jones also be discharged from the process of Contempt Issued against him upon his paying the Fees.

Read and Granted Several Warrants and Patents for Lands as [¶] Warrant and Patent Books.

Read the Pet^a of Thomas Loviek Esquire Praying a Patent on a Warrant obtained by his son George Pheny Loviek in the year 1746 which was rejected.

Upon reading the Pet^a of Philip Wilkeson of Bladen County Setting forth that in October 1756 he Entered into a Recognizance for the appearance of one Anthony Ivy charged with Bloodshed and Battery by Shooting the Petitioners Son William Wilkeson thro^e the Thigh which said Anthony Ivy has since absconded and absented himself out of the Province and also setting forth that notwithstanding that the petitioner has since satisfied and paid unto his said Son, William Wilkeson his Damages which he sustained by the said Anthony Ivey that the said Recognizance is put in suit ag^t him. Whereupon it is Ordered that the said Recognizance shall not be Eshated nor any process be Issued thereon until the further order of this Board shall be obtained and that the Execution of any process Issued thereon shall stop and surcease in the mean time.

Upon motion of Mr. Swann ordered that a Patent be made out for John Staek for 640 Acres of Land in Bladen County on his plans returned this Court.

Read the Petition of William Morrison setting forth that he hath obtained a Warrant for 100 Acres of Land on Crooked run in Craven County Adjoining to the Lands of Vineent Amiet the Lines of whose Lands the Pet^r is unacquainted with praying a Warrant of Resurvey of the said Vincent Amiet's Lands on Crooked run af^d. in order to ascertain the same which was granted.

Ordered that a new Commission of the peace and *Ded^s* do issue for the County of Chowan and that Chas. Blount Joseph Hewes, John Craven, George Browning Thomas Bonner Timothy Walton, James Alston, Joshua Bodley, W^m Boyd and Robert Beasley, be added as Justices.

At a Council held at New Bern on Tuesday the 6th Day of December 1757

Present His Excellency the Governor

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

Read and granted some Warrants for Land.

At a Council held at New Bern on Friday the 9th day of December 1757.

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	John Swann	} Esq ^{rs}
		James Murray	John Dawson	
		James Hasell	Lewis De Rossett	
		James Innes	John Rieussett	
		John Rutherford	Edw ^d Brice Dobbs	
		Francis Corbin	Rich ^d Spaight	

Hugh Fullerton having been summoned at the desire of the Honourable James Murray to explain his Evidence given to this Board on Thursday the first day of December Instant in Relation to the said James Murrays Notes appeared and was Sworn and Deposed

That he received from Benj^a Morrison ten Notes of James Murray Esq^r for 20 shillings each which said Mr. Murray thereby Promised should be Received by the Receiver General in payment of his Majesties Quit Rents that he Tendered the same to Mr. Murray who refused to give him Proclamation Money for them but said he would accept them in payment of any Debt to him or for any Commodity he had to sell.

Thomas Gibson and James Nichols having neglected to appear pursuant to the order of Monday the 28th of November 1757

The Board proceeded upon said former order and read the affid^t of Plunkett Ballard, Rob^t Love and James Simpson and also read two several Pet^{ns} one Intitled the pet^a of the Justices of Cumberland County and the other of the Freeholders of said County and it appearing to the Board that the said Thomas Gibson had made use of several opprobrious expressions Reflecting on his Excellency the Governor and also that the said Thomas Gibson and Jas. Nichols had behaved in a very Indecent and Illegal Manner upon some tryals had at the last County Court held for the County of Cumberland, and it also appearing that Thomas Armstrong is a Person of bad character,

It is ordered that the said Jas Nichols and Thos Armstrong be struck out of the Commission of the peace for said County.

At a Council held at New Bern on Monday the 12th of December 1757

Present His Excellency the Governour

The Hon ^{ble}	{	Mathew Rowan	John Swann	}	Esq ^{rs}
		Jas Murray	Lewis De Rossett		
		Jas Hasell	John Rienssett		
		Jas Innes	Edw ^d Brice Dobbs		
		John Rutherford	and		
		Francis Corbin	Rich ^d Spaight		

Mr. Rutherford gave into the Board a Writing Intituled the Explanation of John Rutherford Esquire Receiver General of his Majesty's Quit Rents of certain parts of a Letter therein mentioned, and his answer to certain Articles of charge against him which was read by the Clerk.

Joseph Carruthers Esquire being called upon appeared and was sworn and produced an account on which he Tendered his name and which he says is a true copy of the account settled with Mr. Rutherford and that he allowed him the sum of £88 15^s 11^d therein mentioned as a consideration for the payment of the remainder to the best of his knowledge, saith that the said sum of £88 15^s 11^d was taken by agreement for the consideration aforesaid and that no other account was then mentioned. That Mr. Rutherford said give me a Receipt for the whole sum of £568^s 17^s 9^d and I will allow you to retain the sum of £488 2^s 8^d upon which said Joseph Carruthers was ordered to withdraw.

And a Question being put by his Excellency Whether the honourable John Rutherford Esquire Receiver General of his Majestys Quit Rents in Giving the preference to Joseph Carruthers Esquire Sheriff of the County of Craven in Payment of the Debt due to Mr. Anderson late Att^y Gen^l and deducting the sum of £88 15^s 11^d as a consideration for so doing be Guilty of a Misdemeanour in the Execution of his office as Receiver General or not,

Resolved in the affirmative *Nem: Con:* Except Mr. Murray who sayd he was not satisfied and did not chuse to vote.

Another Question being by his Excellency *Viz^t* Whether Issuing printed notes under hand and seal and thereby promising the same should be accepted by the Receiver General in payment of his Majesties Quit Rents doth not tend to Depreciate the present Paper Currency of this Province

Resolved in the Affirmative that it has a tendency to depreciate the Present Paper Currency of this Province in proportion to the sum issued

Ayes—Mr. Rowan Mr. Hasell Mr. Corbin Mr. Swann Mr. De Rossett Mr. Rienssett Mr. Dobbs Mr. Spaight

No's—Mr. Innes

Upon motion of Mr. Corbin in behalf of Lord Granville It is ordered that Directions be given by the Surveyor General to the several Deputys of Anson County not to survey any Lands within five miles each side of the Line run by Cha^s Robinson Ex Parte in the year 1751.

Read and granted Several Warrants and Patents for Land as ⁱⁿ Warrant and Patent Books.

At a Council held at New Bern on Wednesday the 14th day of December 1757

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	John Swann	} Esq ^{rs}
		James Murray	Lewis De Rossett	
		James Hasell	John Rieussett	
		James Innes	Edw ^d Brice Dobbs	
		John Rutherford	and	
		Francis Corbin	Rich ^d Spaight	

Read part of a Book Intituled an Account of the £10000 Grant being John Starkeys Account upon Oath Viz^t

New Bern—Jeremiah Vail has paid only £17.7.0 from the beginning of the Line, nor can I get any account the suit is brought on the Bond

Jeremiah Vail attended pursuant to summons and proposed to give security to his Excellency in the penalty of £1800 conditioned to account upon Oath within three months and to pay in within a year the Balance of the accounts remaining in his hands as receiver of the dutys on Liquors Imported into Nense River and to give the Security within a week, and proposes as security George Moore Esquire and Colonel Lovick who are approved of

And said Jeremiah Vail having resigned the Office of Receiver of the Dutys on Spiritual Liquors imported into Nense River, His Excellency in Council was pleased to nominate Rich^d Fenner (who was proposed by one of the Members of the Council as a Proper Person) to execute said office and that he give Bond according to Law

Read his Majestys 67th Instruction to his Excellency the Governor and in virtue thereof his Excellency was pleased to suspend Mr. Rutherford as Receiver General of his Majestys Quit Rents, and the said Mr. Rutherford is accordingly suspended as Receiver General of his Majestys Quit Rents until his Majesties pleasure be known.

And on account of the Issuing the Printed notes under hand and Seal by James Murray Esquire promising the same should be accepted by the Receiver General in payment of his Majestys Quit Rents

And the same being agreed to be accepted in payment of his Majestys Quit Rents by John Rutherford Esq^r Receiver General of his Majestys Quit Rents

His Excellency was pleased to suspend the said James Murray and John Rutherford Esq^r as Members of his Majestys Council for this Province, and the said James Murray and John Rutherford are accordingly suspended until his Majestys pleasure be known

Ordered that John Gibbs and — Cole be added as Justices in the next Commission of the Peace for Bladen County.

Ordered that a new Commission of the Peace and *Deds* do issue for Rowan County and that Hugh Waddell, John Dunn and Morgan Bryan Jun^r be added in the Commission and that Joseph Tate and Squire Boon be left out they not having Qualified

Ordered that a new Commission of the Peace and *Deds* do Issue for Carteret County and that Charles McNaire, Reuben Parker and David Rogers be added as Justices

Ordered that a new Commission of the Peace and *Deds* do Issue for the County of Johnston and that John Shine and Henry Goodman be added as Justices and that James McIlwaine Simon Bright John Herrin and Gilbert Kerr be left out they refusing to Qualify and that Rich^d Cogdell be also left out, he not residing within the County

Ordered that a new Commission of the Peace and *Deds* do Issue for the County of Cumberland and that Jonathan Evius Alexander McAlister, Philip Dill, James Thornton, Joseph Livingston and Arthur Donnelly be added in the Commission and that Thomas Gibson James Nichols Tho^s Armstrong — Rayford and — McKysack be left out.

At a Council held at New Bern on Thursday the 15th Day of December 1757

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	Lewis De Rossett	}	Esq ^{rs}
		James Hasell	John Rienssett		
		James Innes	and		
		Francis Corbin	Ed ^{wd} Brice Dobbs		

Ordered that Edmund Atkins Esq^r be added to the next Commission of the Peace for the Countys of Anson and Rowan immediately after the Members of his Majesties Council

Thomas Whitmell Ex^{tr} of John Gray produced an abstract of the Journal of the Council dated the 28th June 1746 whereby it appears that the sum of £231.5.0 old Tennor was due to said John Gray for continuing the dividing Line between his Majesty and Lord Granville, and also a note in writing signed by John Rutherford Esq^r late Receiver General setting forth that no debenture or Certificate had appeared for Services by W^m Gray or John Gray nor money paid to his knowledge. Whereupon it is ordered that upon the said Thomas Whitmells Entering

into Security and Lodging the same in the Secretarys office to Reimburse the said sum or any part of it that may hereafter appear to have been paid a Warrant do issue for the said sum.

Said Thomas Whitmell also produced an Abstract of the Journal of the Council dated the 18th day of September 1737 whereby it appeared that the sum of £77.8.11 Sterling had been due to him on the like Account. It is ordered that a Warrant for said sum do issue to the Representative of the said William Gray upon his Entering into Security (and Lodging the same in the Secretarys Office) to Reimburse said sum, or any part that may appear to be paid.

Mr. Spaight Informed the Board that he had several Patents for Lands which were granted to Col^o W^m Wilson Deceased and are marked on the Back to be Recorded in the Secretarys Office, thō no Entrys of the same can be found, and Prayed that the same Patents may be now Recorded which was Granted and ordered accordingly

Mr. Corbin and Mr. Spaight to whom the Pet^a of John Rise was referred reported to the Board that they had viewed and taken an abstract of Several of the Patents in said Pet^a mentioned and find that very few of them are either Countersigned by the Secretary or Recorded in the Secretarys Office Altho' mentioned to be Recorded.

Whereupon and upon viewing said Patents It is Ordered that the Secretary take an Exact List of the said Patents and that the said John Rise bring in the several Patents in his Custody in order that an Exact list be taken of them also, and that upon the said John Rise's giving Security in the Penalty of — Proc. Money, Conditioned that he will not part with any of said Patents out of his hands until they are countersigned by the Secretary and Recorded and every three months return an Account of what he shall do in the Premises That such of said Patents as appear to be Dated and audited be delivered to the said John Rise.

LEGISLATIVE JOURNALS.

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

NORTH CAROLINA—SS.

At an Assembly begun and held at Newbern, the Twelfth day of December in the year of our Lord One Thousand Seven Hundred and Fifty Four and in the Twenty Eighth year of the reign of our Sovereign Lord George the second by the Grace of God of Great Brittain France and Ireland King Defender of the Faith &c:—and continued from thence by

several Prorogations and adjournments to the sixteenth day of May in the Thirtieth year of his said Majesty's Reign and in the year of our Lord one Thousand seven hundred and fifty seven, being the fourth session of this present Assembly.

In the Upper House

Present.

The Hon ^{ble}	{	Matthew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	and	
		James Hasell	John Rienssett	

His Excellency the Governor came to this House and sent a message to the Lower House and commanded their immediate attendance, whereupon the Speaker attended by the Lower House waited on his Excellency in the Council Chamber where he was pleased to make to both Houses the following speech,

GENTⁿ OF HIS MAJESTY'S COUNCIL, MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY,

The affairs of Europe and particularly of these Colonies are in so critical a situation that I have thought it absolutely necessary to call you together at this time, our all is at stake, our Holy Protestant Religion our Liberties and Possessions are all now to be fought for and his Majesty and the Parliament of Britain under the great Weight of Debts and heavy Expence they must bear are obliged to exert their whole Force to secure their Liberties, Rights and Possessions and without our joining to our utmost in our own defence for our safety and in order for the future to get rid of the Neighbourhood of a cruel false and perfidious Enemy we must submit to Popish superstition and Idolatry and become Slaves to the arbitrary power of France.

His Majesty having therefore fitted out a great armament and Body of Troops to give a speedy issue to this heavy War expects from us that whilst the great operations are carried on to the Northward that we should join our utmost Force to secure our Southern Provinces from any attack lest we may loose on the one side by an attack from the Mississippi and the French Islands as much as we may gain Northwards.

His Majesty therefore having committed the whole military affairs of these Provinces to the care and conduct of his Excellency the Earl of Loudoun giving Instructions to all the several Governors to act in concert with him and to support his measures and operations, he summoned all the Southern Governors upon this Continent to meet him at Philadelphia to consult upon measures for our own security whilst he carried on the operations in the Northern Provinces in consequence of which our several Quotas were fixed in order to our defending our Southern Frontier a Copy

of which I shall lay before you and dont doubt from the constant and ready zeal you have hitherto shown in supporting his Majesty's Rights and our Holy Religion, Liberties and Possessions but that you will concur in your proportion of the Expence and Forces to be raised as being the only means by the assistance of God of getting rid of a much longer and greater Expence.

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY

I shall lay before you an estimate of the expence that you may the better form your Judgment in raising the supply in the speediest and best manner for the ease of the Inhabitants and I am further directed to acquaint you that his Majesty having been pleased to grant Artillery and Ordnance Stores for Fort Johnston at Cape Fear which are now daily expected, he has commanded me to appoint a Store Keeper to take charge of them who is to correspond with the Board of Ordnance that they may know the state of these stores and I am ordered to apply to you for a proper Salary for such Store Keeper as being a necessary Expence upon the Colony.

GENTⁿ OF HIS MAJESTY'S COUNCIL MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY,

I shall lay nothing more before you at this time but shall recommend it to you to dispatch the Business before you and to prepare a Bill that the Quota of Men to be furnished by this Province may be raised with the greatest dispatch and with the least expence possible as they are to act in your own Colony or for the immediate defence of your necessary Barrier and Frontier South Carolina and shall be disbanded whenever the service for which they are raised is over.

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

Met pursuant to adjournment. Present as above.

This House took under their consideration his Excellency's Speech and ordered the same to be read which was accordingly done—Then the Hon^{ble} James Murray and John Rieussett Esq^{rs} were appointed a Committee to prepare an address to his Excellency.

The House adjourned till Tomorrow morning 9 o'clock.

Tuesday 17th May 1757. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan.	James Innes	}	Esq ^{rs} .
		James Murray.	and		
		James Hasell.	John Rieussett		

The Committee appointed by this House to draw up an address to his Excellency the Governor reported the same which was ordered to be read and being approved of was ordered to be engrossed.

The House waited on his Excellency in the Council Chamber and by the Hon^{ble} Matthew Rowan Esq^{re} presented him with the following address,

SIR

His Majesty's dutifull subjects the Members of his Council of North Carolina return your Excellency their thanks for your Speech at the opening of this Session of Assembly. They are highly sensible of the dangerous and critical situation of Public Affairs both in Europe and America and of his Majesty's great and very paternal care and regard for his American Colonies in fitting out and sending such large armaments to their assistance and relief.

It would therefore be an ill return to our gracious King and Mother Country did not the several Provinces assist, according to their Power and Ability upon this great Emergency to repell our cruel and dangerous Enemy and free us from the dismall consequences which their success would inevitably bring upon us. We therefore assure your Excellency that we shall readily and cheerfully join in all such salutary measures as may be thought necessary at this juncture and hope that thro' God's great goodness our armies and fleets will meet with prosperous success.

His Majesty's Royal Bounty in directing a large supply of Ordnance and Stores for the use of Fort Johnston and of Ammunition for the General use of the Province claims our gratefull thanks and acknowledgments.

We embrace this opportunity to congratulate your Excellency on your safe return to your Government from Philadelphia and hope that that gracious Providence that has protected you in so tedious a journey will still continue to enable you long to persue those endeavours, which your Zeal animates you for the Public.

To which his Excellency was pleased to return the following answer.

GEN^t

The just sence you have of his Majesty's paternal care of these Colonies and for the great armaments and assistance he has given upon this critical Juncture and particularly to this Province in having ordered Military Stores for its defeuce and your assurance and cheerfully joining in measures so necessary at this critical Juncture is very agreeable to me.

I return you my sincere Thanks for the satisfaction you express for my safe return to this Province and for your so warmly recommending me to the protection of Divine Providence to animate my endeavours for the Public Good.

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

Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	James Innes	}	Esq ^{rs}
		James Murray	John Rieussett		
		James Hasell	Edw: Brice Dobbs		

The House adjourned till Thursday Morning 9 o'clock.

Thursday 19th May 1757. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Lewis De Rosset	}	Esq ^{rs}
		James Murray	J ^{no} Rieussett		
		James Hasell	and		
		James Innes	Edw ^d Brice Dobbs		

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

Met pursuant to adjournment. Present as above.

The House adjourned till To-morrow morning 9 o'clock.

Friday 20th May 1757. Met pursuant to adjournment. Present as above.

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

Met pursuant to adjournment. Present as above.

Mr. Harvey and Mr. Harnett brought up a Bill for granting a further aid to his Majesty for the assistance of South Carolina and the Defence of the Frontier of this Province and other Purposes.

Which Bill was read in this House the first time and passed.

The House adjourned till To-morrow morning 9 o'clock.

Saturday 21st May 1757. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Lewis De Rosset	}	Esq ^{rs}
		James Murray	John Rieussett		
		James Hasell	and		
		James Innes	Edw ^d Brice Dobbs		

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

Met pursuant to adjournment. Present as above.

The House adjourned till Monday morning 9 o'clock.

Monday 23rd May 1757. Met pursuant to adjournment. Present as above.

Mr. Harvey and Mr. Swann brought up a Bill for granting a further aid to his Majesty &c. Which Bill was read in this House a second time and passed.

Mr. Ashe and Mr. Harvey brought up the Two following Bills viz^t
A Bill for finishing the Church at Wilmington.

A Bill to obviate Doubts concerning Fees due on Proceedings in the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery.

Mr. Relf and Mr. Wynne brought up a Bill for further continuing an Act intituled an Act for the encouragement of James Davis to set up and carry on the Business of a Printer in this Province and for other purposes therein mentiond, Which Bill was read in this House the first time and passed.

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

Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	John Rutherford	} Esq ^{rs}
		James Murray	Lewis De Rosset	
		James Hasell	John Rieussett and	
		James Innes	Edw ^d Brice Dobbs	

The Bill for finishing the Church in Wilmington was read in this House the first time and passed.

The Bill to obviate Doubts concerning Fees due on the proceedings in the Supreme Courts &c. was read in this House the first time, and upon motion the Hon^{ble} James Hasell and John Rieussett Esq^{rs} were appointed a Committee to amend the same.

Mr. Sumner and Mr. Caswell brought up a Bill for an Act to impower James Hasell Esq^{ro} only acting Executor of the last Will and Testament of Nathaniel Rice Esq^{ro} deceased to make sale of certain Lands late belonging to the said Nathaniel Rice devised to his Grandchildren Nathaniel, John Sarah and Mary Rice Minors.

Mr. Houston and Mr. Paine brought up a Bill to revive an Act to establish a Public Ferry from Newbys Point to Philips Point whereon the Court House now stands on Pequinons Ferry.

Mr. Whitmell and Mr. Cade brought up a Bill for finishing the Church at Wilmington.

Also the following Message viz^t

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

This House have resolved That Mr. Robert Harris be appointed Commissary for Granville County to provide necessarys for the Indians in alliance with us on their March in the service of the Public from their several Nations to and from Virginia or any part of this Province and Mr. James Watson for Orange County, Mr. George Smith for Rowan County and Mr. Martin Fifer for Anson County for the purposes aforesaid and that they be allowed Eight Pence per Diem for each Indian they shall find with necessarys as above said to which desire your Hon^{rs} Concurrence.

W^m HERRITAGE C^{lk}
23rd May 1757.

SAM: SWANN Speaker
MATT: ROWAN P. C.

In the Upper House of Assembly concurred with

By order J^{no} SMITH C^{lk}

Mr. Harris and Mr. Harnett brought up a Bill to revive an act for facilitating the navigation of Bath Port Roanoke and Port Beaufort.

The House adjourned till Tomorrow morning 9 o'clock.

Tuesday 24th May 1757. Met pursuant to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	James Innes	} Esq ^{rs}
		James Murray	Lewis De Rosset	
		James Hasell	John Rieussett and	
		Edw ^d Brice Dobbs		

The Bill to revive an Act to establish a Public Ferry from Newbys Point &c: Was read in this House the first time and passed.

The Bill to revive an Act for facilitating the Navigation of Bath &c: Was read in this House the first time and passed.

The Bill for an Act to empower James Hasell Esq^{ro} only acting Ex^{or} of the last Will and Testament of Nathaniel Rice Esq^{ro} deceased &c: was read in this House the first time, and on motion, ordered it lie on the Table until Tomorrow.

The Bill for finishing the Church in Wilmington was read in this House the second time amended and passed.

The Bill for further continuing an act intituled an act for the encouragement of James Davis &c: was read in this House the second time and passed.

The Committee appointed to amend the Bill to obviate Doubts concerning Fees due on proceedings in the Supreme Courts of Justice Oyer and Terminer and General Goal delivery, concerning the proving of Deeds before the Justice of the said Courts and towards defraying the

expence of the said Justices for holding the said Supreme Courts in the absence of the Chief Justice Reported they had amended the same which being read was agreed to and passed.

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

Met pursuant to adjournment Present as above.

Mr. Ashe and Mr. Harvey brought up a Bill for granting a further aid to his Majesty &c: which was read in this House a third time and ordered it lie on the Table till Tomorrow.

The House adjourned till Tomorrow morning 9 o'clock.

Wednesday 25th May, 1757. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan, J ^{no} Rutherford, James Murray, Francis Corbin, James Hasell, Lewis De Rosset James Innes, John Rieussett and Edward Brice Dobbs	}	Esq ^{rs}
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Mr. Harris and Mr. Wynne brought up a Bill for finishing the Church at Wilmington.

Mr. M^eKay and Mr. Ashe brought up the four following Bills, viz:

A Bill to revive an Act for facilitating the navigation of Port Bath Port Roanok &c:

A Bill for furthure continuing an act intituled an act for the encouragement of James Davis &c:

A Bill to revive an act to establish a Public Ferry from Newbys Point &c:

A Bill to dock the Intail of certain Lands in possession of Harding Jones under a devise in the Will of Frederic Jones Esq^{re} deceased.

On motion, Ordered the following Message be sent to the Lower House,

MR. SPEAKER AND GENT^l OF THE ASSEMBLY,

On reading a third time the Bill for granting a further aid to his Majesty &c: We find many things therein we apprehend want amending. Therefore we are under a necessity of proposing a conference of Both Houses in order to amend the said Bill and we desire if it is agreeable to you to hold that Conference in the Council Chamber this afternoon at Five o'clock and have appointed the Hon^{ble} James Hasell, Lewis De Rosset and John Rieussett Esq^{rs} a Committee to manage that Conference on the part of this House with such Members of your House as you shall think proper to appoint.

By order J^{no} SMITH, C^{lk}

In the upper House 25th May, 1757.

Mr. Vail and Mr. Harnett brought up the following message viz^t

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

We have received your Message of this day in which you give us to understand that the Bill for granting a further aid to his Majesty in your Opinion wants amending and desire a conference of both Houses therein but as you dont say what amendments you think would be necessary in the Bill, this House thō they desire to preserve the Harmony which ought to subsist between them and his Majesty's Hou^{ble} Council apprehend it would be very irregular and inconvenient to enter on a conference on such Incertainty unless you were to particularize the Alteration by which you think the Bill might be made more effectual for the purposes thereby intended.

By order SAM: SWANN. Speaker.

W^m HERRITAGE C^{lk}

25th May, 1757.

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

Met pursuant to adjournment. Present as above.

On motion Ordered The following Message be sent to the Lower House,

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY,

As by your message you desire to know what amendments we think necessary in the Bill for granting an aid to his Majesty &c: We propose the Conference should be on the following Heads viz^t On the sum you have granted which we think not sufficient even for the purposes in the Bill: The Time you have limited for the Forces to be in Pay too short. The Poll Tax ought of course to be higher, more especially as the Tax on Law suits seems to be so calculated as to be of little service, And lastly that the Pay of the Officers and Soldiers is not ascertained. It was therefore with an Intent to continue the Harmony which has hitherto subsisted between both Houses that we propose a Conference where the difference of Opinion on the Bill may be amicably composed.

By order J^{no} SMITH. C^{lk}

25th May, 1757.

Mr. Williams and Mr. Whitmell brought up the following Message viz^t

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

On reading your message of this afternoon wherein you have mentioned the Heads of the Matters by you proposed to be debated on at the

Conference desired by your House with this, on the Bill for granting a further aid to his Majesty &c: This House acquaint your Hon^{rs} that they will attend at the Council Chamber this afternoon at the time mentioned in your Message of this morning desiring a Conference on the subject Matter of the said Bill and have appointed Mr. John Ashe, Mr. John Harvey Jun^r and Mr. Sam: Swann Jun^r to manage the said Conference on the part of this House.

By order SAM: SWANN, Speaker.
W^m HERRITAGE C^{lk}

The House adjourned till To-morrow morning 9 o'clock.

Thursday, 26th May 1757. Met pursuant to adjournment. Present as above.

Received from the Lower House the following Message by Mr. Barker and Mr. Ormond viz^t

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

This House on considering the several amendments proposed by your Hon^{rs} at the Conference had yesterday on the Bill for granting a further aid to his Majesty &c: have come to the following resolutions, viz^t

First we do concur that the sum of £5306 Proe Money be inserted in the said Bill to be granted to his Majesty &c:

Secondly. That it be also inserted in the said Bill that a Poll Tax of Four Shillings and six Pence be laid on each taxable Person in this Province for one year towards payment of the said sum.

Thirdly. We do not concur to the continuing the Forces otherwise than in the Bill mentioned.

Fourthly. We do not concur to expunge the Clause laying a Tax on Actions commenced in the several Courts of Law in this Province.

If your Honours agree to pass the Bill conformable to the above Resolves this House will send some of the Members thereof to see the alterations made therein.

By order SAM: SWANN, Speaker.
W^m HERRITAGE C^{lk}
26th May 1757

On motion Ordered that the following message be sent to the Lower House viz^t

MR. SPEAKER AND GEN^t OF THE ASSEMBLY,

On receiving your Message relative to the Amendments, you agree to have made in the Bill for granting an aid to his Majesty &c: This House

have resolved to concur therewith. Therefore desire you would send some of your Members this afternoon at Five o'clock to see the same made.

By order J^{no} SMITH C^{lk}

26th May, 1757.

Received from the Lower House the following Message viz^t

GEN^t OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have resolved that the sum of Eighty pounds Proc Money be paid out of the Taxes for contingencies to Mr. Brown and by him to be applyed in purchasing Provisions for the wives and Children of the Catawba Indians who are gone to the assistance of Virginia.

And that the sum of Forty Pounds like Money be paid to Mr. Williams and Mr. Whitmell out of the Tax to be applyed to them in purchasing Provisions for the Wives and Children of the Tuscarora and Meherrin Indians who are gone on the like service, To which desire your Honours concurrence.

By order SAM: SWANN, Speaker.

WILL^m HERRITAGE C^{lk}

26th May, 1757.

In the Upper House concurred with.

By order J^{no} SMITH, C^{lk}

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

Met pursuant to adjournment. Present as above.

The Bill for finishing the Church at Wilmington Was read in this House a third time and passed. Ordered to be engrossed.

The Bill for further continuing an Act intituled an Act for the encouragement of James Davis Esq^{ro} Was read in this House a third time and passed. Ordered to be engrossed.

The Bill to revive an act for facilitating the navigation of Port Bath &c: Was read in this House a second time, amended and passed.

The Bill to revive an Act to establish a Public Ferry from Newbys Point &c: Was read in this House a second time and passed.

The Bill to Doek the Intail of certain Lands in possession of Harding Jones under the devise of the Will of Frederick Jones Esq^{ro} deceased &c Was read in this House the first time and passed.

Received from the Lower House the following Message viz:

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

Agreeable to your message relating to the alterations to be made in the Bill for granting an aid to his Majesty &c: This House have

appointed Mr. Barker and Mr. Sam: Swann Jun^r to see the same made who will wait on your Honours at the time by you proposed for that purpose.

By order SAM: SWANN. Speaker.

W^m HERRITAGE Cth

26th May. 1757.

Mr. Barker and Mr. Sam: Swann Jun^r agreeable to the above Message waited on this House and saw the amendments proposed in a former Message made in the Bill for granting an aid to his Majesty &c:

After which the said Bill was put and passed and ordered to be engrossed.

Mr. Barker and Mr. Ormond when they brought up the Message of this day of the concurrence of the Assembly to several amendments to the Bill for granting an aid to his Majesty &c: did by the order of their House declare that it was the Opinion of the House on the Clause of the said Bill which continues the Two Companies thereby to be raised for six months or longer if necessary, That his Excellency the Governor is the proper Judge of such necessity.

Mr. Davis and Mr. Smith brought up the Two following Bills, viz^t

A Bill to revive an act for facilitating the navigation of Port Bath &c:

And a Bill to revive an act to establish a Public Ferry from Newbys Point &c:

Which Bills were read in this House a third time and passed Ordered to be engrossed.

The House adjourned till To-morrow morning 9 o'clock.

Friday 27th May 1757. Met pursuant to adjournment

Present.

The Hon ^{ble}	{	Matthew Rowan	John Rieussett	}	Esq ^{rs}
		James Murray	James Hasell		
		James Innes	Lewis De Rosset and		
		Francis Corbin	Edw ^d Brice Dobbs.		

Mr. Bell and Mr. Swann Jun^r brought up a Bill to dock the Intail of certain Lands in possession of Harding Jones under a devise in the Will of Frederic Jones Esq^{re} dec^d &c: Which Bill was read in this House a second time & passed.

And at the same time received the following Message, viz^t

GEN^t OF HIS MAJESTY'S HON^{ble} COUNCIL

This House having had under their consideration a Message from his Excellency the Governour which was sent to them last Session wherein he recommended to this House that Captain Hugh Waddle be allowed for his Services as a Commissioner from this Province in Commission

with the Virginia Commissioners to treat with the Cherokees and Catawba Indians: Have resolved That Cap^t Hugh Waddle have and receive from the Public Treasures out of the Tax for defraying contingent Charges of Government the sum of thirty pounds Proc. Money for his Expences on the said Treaty. SAM: SWANN. Speaker.

In the upper House concurred with

By order MATT: ROWAN. P. C.
J^{no} SMITH. C^{lk}

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

Met pursuant to adjournment. Present as above.

Mr. Wynne and Mr. Moore brought up a Bill to dock the Intail of certain Lands &c: Which Bill was read in this House the third time and passed. Ordered to be engrossed.

Received the following Resolve from the Lower House Viz^t

In the Assembly Resolved, That Mr. Brown and Mr. Caswell Two of the Commissioners who were appointed by this House to view the Western Settlements and report to his Excellency their present condition, and at what part of the Frontiers they think it will be most proper for the safety of the Inhabitants that a Fort should be built and also to inspect the present condition of Fort Dobbs: Be allowed Thirty Pounds Proc: Money each for their service therein, To which desire your Honour's Concurrence By order. SAM: SWANN. Speaker.

W^m HERRITAGE C^{lk}

In the upper House concurred with.

By order. MATT: ROWAN. P. C.
J^{no} SMITH. C^{lk}

The House adjourned till Tomorrow morning 9 o'clock.

Saturday, 28th May 1757. Met pursuant to adjournment.

Present.

The Hon ^{ble}	{	Matthew Rowan	Francis Corbin	}	Esq ^{rs}
		James Murray	Lewis De Rosset		
		James Hasell	John Rienssett		
		James Innes	&		
		John Rutherford	Edw ^d Brice Dobbs		

Received from the Lower House their Estimate of the allowances due and payable to the several Members of their House also of the Clerk and other Officers thereunto belonging.

His Excellency the Governor came to this House and ordered the immediate attendance of the Lower House.

Whereupon the Speaker attended by the Lower House waited upon his Excellency in the Council Chamber and presented to his Excellency the subsequent Acts—viz^t

1. An Act for granting a further aid to his Majesty for the assistance of South Carolina and the defence of the Frontier of this Province and other Purposes.
2. An Act for finishing the Church at Wilmington.
3. An Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort.
4. An Act to continue an Act for the encouragement of James Davis to set up and carry on his Business of a Printer in this Province &c:
5. An Act to revive an Act to establish a Public Ferry from Newbys Point to Philips Point whereon the Court House now stands on Perquimmons Ferry.

To which said Five Acts his Excellency was pleased to assent.

The Bill was also presented to his Excellency to Dock the Intail of certain Lands in possession of Harding Jones under a Devise in the Will of Frederic Jones Esq^r his Grandfather deceased by whom the same was intailed, To which his Excellency would not assent, and gave for reason that his Majesty's Instructions directing the Method for passing private acts was not complied with—A copy of which he delivered to this House, and on motion it was ordered to be read. The same was read accordingly and ordered to be entered on the Journal of the House and is as follows (to wit)

You are also to take care that no private Act whereby the property of any private person may be affected be passed in which there is not a saving of the Right of us, our Heirs and Successors, all Bodys Politic & corporate and of all other persons, except such as are mentioned in the said Act and those claiming by from or under them, and further you shall take care that no such private act be passed without a Clause suspending the Execution thereof and the same shall have received our Royal approbation it is likewise our will and pleasure that you do not give your assent to any private act until Proof be made before you in Council (and entered in the Council Books) that Public Notification was made of the Parties Intention to apply for such Act in the several Parish Churches where the Premises in question lie for three Sundays at least successively before such Act was brought into the Assembly and that a Certificate under your Hand be transmitted and annexed to every such private Act, signifying that the same has passed thro' all the forms above mentioned.

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

Met pursuant to adjournment. Present as above.

The House adjourned till Monday morning 9 o'clock.

After which adjournment his Majesty was pleased by Proclamation to Prorogue this Assembly to the second Tuesday of November next.

True Copy.

Test: J^{no} SMITH C^{lk} of the Upper House of Assembly.

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

NORTH CAROLINA—SS.

At an Assembly begun and Held at New Bern the Twelfth day of December in the Year of our Lord One Thousand seven Hundred and Fifty Four in the Twenty Eighth year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King (and so forth) and from thence Continued by several Prorogations to the Sixteenth day of May in the Year of our Lord One thousand Seven Hundred and Fifty Seven at New Bern, being the fourth Session of this Present Assembly.

Members Present

Samuel Swann Speaker

Mr. Robert Harris	Mr. Benj ^a Wynns	Mr. W ^m Spiers
Mr. Thomas Smith	Mr. George Moore	Mr. Fran ^s Ward
Mr. W ^m Mackey	Mr. Joseph Bell	Mr. John Harvey Sen
Mr. Sam ^l Swann jr	Mr. James Conner	Mr. Will ^m Williams
Mr. John Fonville	Mr. Jacob Blount	Mr. Benj ^a Harvey
Mr. James Paine	Mr. Jno Harvey Jun ^r	Mr. Tho ^s Relf
Mr. William Wyatt	Mr. John Ashe	Mr. John Starkey
Mr. John Surry	Mr. W ^m Shergold	Mr. John Hardy
Mr. Thos Whitmell	Mr. Edw ^d Vail	Mr. Sam ^l Spruel
Mr. Tho ^s Lovick	Mr. Thos Weeks	Mr. James Davis

On motion Ordered that Mr. John Harvey and Mr. John Ashe wait on His Excellency the Governor and acquaint him this House is met and ready to Proceed on Business.

Mr. Harvey and Mr. Ashe returned and acquainted the House that His Excellency as soon as he had met the Council would send a Message to require the Attendance of this House

His Excellency the Governor sent a Message to this House desiring the Attendance thereof in the Council Chamber.

Mr. Speaker with the House waited on His Excellency the Governor in the Council Chamber where His Excellency made a Speech to His Majesty's Honorable Council and this House.

The House returned and Mr. Speaker Acquainted the House that His Excellency the Governor had made a Speech to His Majesty's Hon^{ble} Council and this House a Copy of which to prevent Mistakès he had Obtained, which Mr. Speaker laid before the House.

On motion Ordered the same be read Read the same, and Ordered it be Entered on the Journal of the House. The same is Entered as follows Viz^t

[For the Governor's Speech, see Journal of Upper House.—EDITOR.]

On motion Ordered that Mr. John Harvey Jun^r Mr. Starkey, Mr. Samuel Swann Jun^r Mr. George Moore and Mr. Benjamin Wynn Prepare an address in answer to His Excellency the Governors Speech.

Then the House adjourned till 4 o'clock -Afternoon.

P. M. The House met according to adjournment.

The House adjourned till nine o'clock to morrow morning.

Tuesday the 17th of May 1757. The House met according to adjournment.

Mr. Starkey from the Committee appointed to Prepare an Address in Answer to the Governors Speech acquainted the House that the said Committee had prepared the same which he Presented to the House and read the same in his Place.

Ordered the same stand the Address of this House and be Entered on the Journals thereof, as follows, to wit.

To His Excellency Arthur Dobbs Esq^r Captain General Governor and Commander in Chief in and over His Majestys Province of North Carolina.

The Address of the Assembly of this Province.

SIR

With Grateful hearts we acknowledge this fresh Instance of His Majestys goodness (who is the Common father of His People) in placing a Nobleman of Lord Loudoun's known abilities and amiable Character at the head of the Military Affairs on this Continent. As the large supplies granted and Numerous Forces Employed for Prosecuting this Just and Necessary War shew the sense the British Nation have of the Importance of her Colonies so we have great reason to expect thro' the Blessing of God (without which the best schemes of men must prove Abortive)

that the Prudent Measures taken and the Vigorous Operations of this Campaign will change the Face of things and remove those Evils which we have felt and others we had reason to fear from the near Neighbourhood of our formidable and restless Enemies the French and their Indian Allies and Secure to us and our latest Posterity those Invaluable Blessings Religious and Civil we Enjoy under the British Constitution.

We beg leave to Congratulate your Excellency on your safe return in health to your Government after that long Fatiguing Journey to the Congress at Philadelphia in such an Early Season of the year, It's not Unknown to your Excellency how cheerfully and Largely we have contributed in support of the common cause against our Enemies and Thereby have contracted a large Debt and are burthened with heavy Taxes heretofore unknown in this Province Notwithstanding which we assure your Excellency we shall with the like Alacrity raise such supplies as will enable you to Execute so much of the concerted Plan of Operations as can be reasonably Expected and our needy circumstances will admit in such a manner as will be least burthensome and distressive to our Constituents.

We thankfully accept His Majestys Favour in his granting Artillery and Ordnance Stores for Fort Johnston and are greatly Obliged to your Excellency for the Pains you have taken in your solicitations to obtain it when they arrive here this House will make Proper Provision for the safe keeping of them.

The Public Concerns recommended by your Excellency are now before us and shall meet with no delay more than the usual forms and the Importance the matter may require.

Resolved that the Reverend James Reed be appointed Chaplain to this House.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. Caswell and Mr. Cade the two members for Johnston County appeared and took their Seats in the House.

Mr. Houston one of the members for Duplin County appeared, and Mr. Harnett the member for Wilmington appeared also and took their Seats in the House.

On motion Ordered That Mr. Ashe and Mr. Harvey wait on his Excellency the Governor and desire he would acquaint the House when they shall wait on him with the address thereof.

Mr. Ashe and Mr. Harvey returned and acquainted the House that His Excellency the Governor returned for Answer to the above message that he would receive them this afternoon.

On motion made to the House by John Starkey Esq^r Public Treasurer for the Southern District that Mr. James Carter one of the members thereof for Rowan County having been Intrusted together with one Mr. John Brandon with the Sum of Five Hundred Pounds Proclamation Money to be by them applied in Purchasing arms and ammunition for the Defence of the Frontier County of Rowan and have neglected to Apply the said Money for the Purposes aforesaid and also have hitherto neglected to Account for the same and further moved That the said James Carter may be called by this House to auswer for such his neglect.

Resolved, That the said James Carter have notice from the Speaker to attend this House next Session of Assembly to answer in that Behalf accordingly.

His Excellency the Governor sent a Message to this House desiring the immediate Attendance thereof in the Council Chamber.

Mr. Speaker with the whole House waited on his Excellency the Governor in the Council Chamber when Mr. Speaker presented to His Excellency the Address of this House to which His Excellency was pleased to Answer as follows (to wit)

GENT^l

The Zeal you have already shewn and now express for supporting his Majestys rights and Possessions and the Public good of the Colonies and your dependance on Divine Providence in supporting the necessary Measures to be executed for the Security of our Civil and religious rights gives me great Satisfaction

The true sense you have of His Majestys Paternal care of all the Colonies and Particularly for the safety of this Province and your Resolution to do the utmost in your present Circumstances that this Colony can do to raise the Quota Expected from you must be highly Agreeable to His Majesty.

I return you my best acknowledgements and thanks for the satisfaction you Express at my safe return and of my best endeavours to serve His Majesty and this Province.

The House returned

On motion Resolved that a Sum not exceeding Four Thousand Pounds be granted to His Majesty for the Defence of the Frontier of this Province and for the Assistance of South Carolina against the French and their Indian Allies.

Mr. Starkey moved that the House on Thursday morning next Resolve into a Committee of the whole House to consider of ways and means for raising a sum not exceeding Four Thousand Pounds for the Defence of

the Frontier of this Province and for the Assistance of South Carolina against the French and their Indian Allies.

Resolved That the House resolve into a Committee of the whole House on Thursday morning next to Consider of ways and means for raising a Sum not exceeding Four Thousand Pounds for the Defence of the Frontier of this Province and the Assistance of South Carolina against the French and their Indian Allies.

Then the House Adjourned till 10 o'Clock tomorrow morning.

Wednesday the 18th of May 1757. The House met according to Adjournment.

Then the House Adjourned till 9 o'Clock tomorrow morning.

Thursday the 19th of May 1757. The House met according to Adjournment.

Mr Joseph Herron and Mr. Dempsey Sumner and Mr. Thomas Walton Three of the Members for Chowan County appeared and took their Seats in the House.

Mr. William Murphree the Member chosen and returned for the County of Northampton in the room of Mr. James Washington appeared took the Oaths appointed for his Qualification Subscribed the Test and took his Seat in the House.

Mr. Smith Produced a Certificate from the County Court of Hyde therein recommending Joseph Parson of Hyde County to be exempt from Paying Taxes and doing Public Duties.

Ordered he be exempt accordingly.

Mr. Harnett Presented the Petition of Daniel Dunbibin setting forth that he hath with Great Pains and Expence surveyed great part of the Coast of North and South Carolina and that the Expence which has attended the same is much larger than he expected and much more than he has Received from Subscriptions for that Purpose, praying this House would take the same into Consideration and grant him such a sum as shall be thought necessary to compleat the said survey and get the same Published.

Ordered the same lye on the Table for Consideration.

The Order of the day being read the House on motion Resolved into a Committee of the whole House to Consider of ways and means for raising a Sum not exceeding Four Thousand Pounds for the Defence of the Frontier of this Province and for the Assistance of South Carolina against the French and their Indian Allies

Mr. John Harvey Jun^r was unanimously Chosen Chairman of the said Committee and was placed in the Chair Accordingly

After some time spent therein and several Propositions made the Committee came to several Resolutions which Mr. Chairman was directed to report to the House

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had come to the following resolutions for raising the sum of Four Thousand Pounds which he submitted to the House as follows (to wit)

That the most eligible way to raise the said sum of Four Thousand Pounds is by a Poll Tax on the Taxable Persons in this Province of one Shilling and six Pence for one year, and Two Shillings and eight Pence on each Hundred Acres of Land hereafter to be granted to any Person by Warrant Issuing out of the Secretarys Office and also the said Sum of Two Shillings and Eight pence for every Hundred Acres of Land granted by Warrant Issuing out of the Office of Earl Granville for two Years.

That Two Shillings and eight pence be paid for Two Years on each Transferr of Land from One Person to Another.

That seven Shillings and six pence shall be paid on each Action that shall hereafter be Commenced in any of the Supreme Courts of this Province

That five Shillings shall be paid on Each Action that shall hereafter be Commenced in each of the County Courts within this Province

That Twenty Shillings be paid on each Tavern Licence that shall hereafter be taken Out

That for the speedy Payment of the said Four Thousand Pounds Printed Notes of the following Denominations be Emitted (to wit) Ten Shillings, Twenty Shillings, Forty Shillings and Five Pounds at six per cent Interest per annum and that the said notes be sunk by the said Taxes as they shall be paid in.

Resolved the House agree to the Report of the said Committee

On motion Ordered that Mr. John Starkey, Mr. John Harvey Junr, Mr. John Campbell, Mr. Swann, Junr, Mr. Caswell, Mr. Ashe, Mr. Brown, Mr. Harnett, Mr. Wynns, Mr. Herron and Mr. Davis do prepare and bring in a Bill for raising the sum of Four Thousand Pounds Pursuant to the above report.

Then the House adjourned till 4 o'Clock Afternoon

P. M. The House met according to Adjournment.

Then the House Adjourned till 4 o'Clock tomorrow Afternoon

Fryday the 20th of May 1757. The House met according to Adjournment

Mr. Starkey from the Committee appointed to prepare and bring in a Bill for granting a Further Aid to His Majesty for the Assistance of South Carolina and the Defence of the Frontier of this Province and other Purposes Reported that the said Committee had Prepared the Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk.

Ordered the same pass and be sent to the Council

Sent the same to the Council by Mr. Harvey and Mr. Harnett

Mr. Brown one of the Commissioners Appointed for Viewing the Western Settlements and report their present condition and at what part of the Frontier they think it will be most [snitable] for the safety of the Inhabitants that a Fort should be Built, And also to Inspect the present Condition of Fort Dobbs, Reported that he together with Mr. Richard Caswell one of the other Commissioners had viewed the Western Settlements and that the said Settlements were in a Defenceless Condition except that part near Fort Dobbs and that they recommended to this House a certain Place for Building a Fort near the Catawba Nation as by a Plan annexed to the said report Appears, And that they had likewise viewed the State of Fort Dobbs and found it to be a good and Substantial Building of the Dimentions following (that is to say) The Oblong Square fifty three feet by forty, the opposite Angles Twenty four feet and Twenty-Two In height Twenty four and a half feet as by the Plan annexed Appears, The Thickness of the Walls which are made of Oak Logs regularly Diminished from sixteen Inches to Six, it contains three floors and there may be discharged from each floor at one and the same time about one hundred Musketts the same is beautifully situated in the fork of Fourth Creek a Branch of the Yadkin River. And that they also found under Command of Cap^t Hugh Waddel Forty six Effective men Officers and Soldiers as by the List to the said Report Annexed Appears the same being sworn to by the said Cap^t in their Presence the said Officers and Soldiers Appearing well and in good Spirits. Signed the 21st day of December 1756.

FRANCIS BROWN.

RICHARD CASWELL.

Which said Report the House Approved of.

Mr. Wynns laid before the House a Certificate from the County Court of Bertie, thereby Certifying that Thomas Hardy is Deaf and Dumb and recommending him to this House to be Exempt from paying Public Taxes and doing Public Duties.

Ordered he be exempt accordingly

Mr. Wynns laid before the House a Certificate from the County Court of Bertie thereby Certifying that Alexander Oliver is a very Poor man and recommended him to be Exempt from paying Public Taxes.

Ordered he be exempt accordingly.

Mr. Wynns laid before the House a Certificate from the County Court of Bertie thereby certifying That Thomas Asheley is very aged and Poor and recommended him to be exempt from paying Public Taxes.

Ordered he be exempt accordingly.

Mr. Wynns laid before the House a Certificate from the County Court of Bertie thereby certifying that Walter Drohon is very aged and afflicted with many infirmities and recommending him to be exempt from paying Public Taxes.

Ordered he be exempt accordingly.

On motion Resolved that for the future any Member of this House being absent therefrom on the Third day after the time appointed by Prorogation for Meeting Inclusive shall be sent for in Custody at such absent Members Expence.

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

Saturday the 21st of May 1757. The House met according to adjournment.

Mr. Thomas Barker and Mr. Wyriot Ormond appeared and took their seats in the House.

Received from the Council the Bill for Granting a further aid to His Majesty for the Assistance of South Carolina and the Defence of the Frontier of this Province and other Purposes. Endorsed 20th May 1757 In the Upper House read the first time and passed.

On motion Ordered that the Bill for granting a further Aid to his Majesty for the Assistance of South Carolina &c be read.

Read the same, and on motion Resolved That the House Resolve into a Committee of the Whole House to Consider the Subject Matter of the said Bill and Chose Mr. Ormond Chairman who was placed in the chair accordingly.

After some time spent therein On motion Resolved That Mr. Speaker resume the chair.

Mr. Speaker resumed the chair.

Mr. Chairman Reported to the House that the Committee had taken the above Bill into consideration and had agreed to several Amendments which for want of time to reduce to form moved that the Committee sit again this Afternoon.

Resolved that the House resolve into a Committee of the whole House his afternoon to reduce the Amendments to the said Bill into form and report the same.

Then the House adjourned till 5 o'clock Afternoon.

P. M. The House met according to adjournment.

Pursuant to the resolve of this morning the House on motion resolved into a Committee of the whole House to take under consideration the Bill for Granting a further Aid to His Majesty &c and to reduce the Amendments thereto Proposed this morning into form and Mr. Chairman took the Chair.

The Committee proceeded on the said Bill and reduced the several Amendments thereto proposed into form which Mr. Chairman was directed to Report to the House.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had taken under consideration the said Bill and proposed several Amendments thereto which he read in his place and to several of them the House agreed and ordered they be Incerted in the Bill.

The same were accordingly Incerted.

Then the House adjourned till Monday morning 9 o'clock.

Monday the 23rd of May 1757. The House met according to adjournment.

Read the petition of Michael Fitzgarrell setting forth that he enlisted in his Majestys Service in the year 1756 under the Command of Cap^t Thomas McMannus, and that he is disabled by a shot in his right arm and Wrist which he received during his Campaign that Year Humbly Praying Relief.

Ordered the Petitioner attend the House and that the Petition lye for Consideration.

Mr. Bartram laid before the House a Petition from Several of the Inhabitants of Bladen County Setting forth their great want of Currency and praying Relief.

Ordered the said Petition lye for Consideration.

Mr. Ashe laid before the House the Petition of Several of the Inhabitants of this Province Setting forth that there is a want of Paper Currency Praying Relief.

Ordered the same lye for consideration.

The House taking into consideration the Bill for Granting a further Aid to his Majesty &c.

Ordered the same to be read a second time, the same was read a second time amended and Passed and Ordered to be sent to the Council with the said amendments.

Sent the said Bill to the Council by Mr. Harvey and Mr. Swann.

Mr. Barker moved for leave to bring in a Bill to obviate Doubts concerning fees due on Proceedings in the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery &c.

Ordered he have leave and that he Prepare and bring in the same

Mr. Barker brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk.

Ordered the same pass and be sent to the Council.

Sent the said Bill to the Council by Mr. Ashe and Mr. Williams.

Mr. Harnett moved for leave to bring in a Bill for Finishing the Church at Wilmington.

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

Mr. Harnett brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk.

Ordered the same pass and be sent to the Council.

Sent the said Bill to the Council by Mr. Ashe and Mr. Williams.

Mr. Barker moved for leave to bring in a Bill for further Continuing an Act Intituled an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer in this Province and for other Purposes therein mentioned.

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

Mr. Barker brought in the above Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk.

Ordered the same pass and be sent to the Council.

Sent the above said Bill to the Council by Mr. Relf and Mr. Wynns.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to Adjournment.

Michael Fitzgarrell appeared pursuant to the Order of the House of this day and the House taking into consideration the subject Matter of the Petition of the said Fitzgarrell

Resolved That the said Petitioner have and receive the sum of Twenty Pounds to be paid him by Warrant from the Governor to the Public Treasurer out of the Money paid for defraying the Contingent Charges of Government.

Received from the Council the Bill for furnishing the Church at Wilmington Endorsed the 23^d of May 1757 In the Upper House read the second time and passed

Read the Petition of Andrew Hampton setting forth that he hath Accommodated One Hundred and sixty Indians with Provisions for one Day, Praying an Allowance for the same

Resolved the same lye for Consideration.

Mr. Moore moved for leave to bring in a Bill to Impower James Hasell Esq^r Only acting Executor of the last Will and Testament of Nathaniel Rice Esq. Deceased to make sale of Certain Lands late belonging to the said Nathaniel Rice Esq^r Devised to his Grandchildren Nathaniel, John, Sarah and Mary Rice, Minors

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

Mr. Moore brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk.

Ordered the same be sent to the Council.

Sent the said Bill to the Council by Mr. Sumner and Mr. Caswell

Mr. John Campbell moved that Commissioners be Appointed in the Counties of Granville, Orange, Rowan and Anson to Provide necessaries for the Indians in Alliance with us on their March in the Service of the Public from their Several Nations to and from Virginia or any Part of this Province.

The House taking the same under Consideration, Resolved That Mr. Robert Harris be Appointed Commissary for Granville County, Mr. James Watson for Orange County, Mr. George Smith for Rowan County, Mr. Martin Phifer for Anson County, and that they be Allowed Eight pence ꝑ Diem for each Indian that shall be found with necessaries agreeable to the above motion

Received from the Council the Bill for Continuing an Act Intituled an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer in this Province and for other Purposes therein mentioned Endorsed the 23^d of May 1757 In the Upper House read the first time and passed

Mr. Harvey moved for leave to bring in a Bill to revive an Act to Establish a Public Ferry from Newbys Point to Phelp's Point whereon the Court House now stands on Pequimons River.

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

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

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

On motion Ordered that the Bill for the furthur Continuing an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer in this Province and for other Purposes therein mentioned be read a second time.

Read the said Bill a second time and passed with Amendments

Ordered the same be sent to the Council

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

On motion Ordered the Bill for finishing the Church at Wilmington be read a second time.

Read the same the second time and passed with Amendments

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Whitmell and Mr. Cade.

Resolved the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved that Mr. Robert Harris be appointed Commissary for Granville County to Provide necessaries for the Indians in Alliance with us in their March in the Service of the Public from their Several Nations to and from Virginia or any part of this Province, and Mr. James Watson for Orange County, Mr. George Smith for Rowan County and Mr. Martin Phifer for Anson County for the purposes aforesaid and that they be allowed Eight pence p^d Diem for each Indian they shall so find with Necessaries to which Desire your Honours concurrence.

By order SAMUEL SWANN, Speaker.

W^m HERRITAGE C^{lk}

23^d May 1757.

Sent the above Message to the Council by Mr. Whitmell and Mr. Cade.

Mr. Shergold moved for leave to absent from the Service of the House on account of his Indisposition.

Ordered he have leave to absent accordingly.

Mr. Campbell moved for leave to bring in a Bill to Revive an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort.

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

Mr. Campbell brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Harris and Mr. Harnett.

On motion Resolved that no Bill this Session be received in the House after this day.

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

Tuesday the 24th of May 1757. The House met according to adjournment.

Received from the Council the Bill for Granting a further Aid to His Majesty for the Assistance of South Carolina &c. Endorsed the 23^d of May 1757 In the Upper House read a second time Amended and passed.

Received from the Council the Message of this House of yesterday relating to the Appointment of Commissaries &c Endorsed in the Upper House of Assembly Concurred with and further Endorsed Assented to.

ARTHUR DOBBS.

On motion Ordered that no person that is or shall be exempt from paying Taxes shall vote for a Representative or Representatives in Assembly for any County or Town in this Province.

On motion Ordered that the Bill for Granting a further Aid to his Majesty for the Assistance of South Carolina &c be read The same was read accordingly, and on motion Resolved that the same be read a third time in the Afternoon.

Received from the Council the Bill to revive an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort. Endorsed 24th May 1757 In the Upper House read the first time and passed.

The Bill to revive an Act to Establish a Public Ferry from Newbys Point to Phelps Point whereon the Court House now stands on Perquimons River. Endorsed 24th May 1757 In the Upper House read the first time and passed.

The Bill for further continuing an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer in this Province &c. Endorsed 24th May 1757 In the Upper House read the second time and passed.

And the Bill for finishing the Church at Wilmington. Endorsed 24th May 1757 In the Upper House read the second time Amended and passed.

Received from the Council the Petition of Lewis Barry setting forth that in Pursuance of an Agreement with his Excellency the Governor he had Cultivated and raised and now fit to be Transplanted about fifteen thousand White Mulberry Trees Praying the direction of the Governor Council and Assembly how he shall dispose of them being ready to Attend any Gentlemen at their Plantations and direct the method of raising leaves for feeding Silk Worms. Ordered the same lye on the Table.

Received from the Council the Bill to obviate Doubts concerning fees due on Proceedings in the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery &c. Endorsed 24th May 1757 In the Upper House read the first time and passed with amendments.

Then the House Adjourned till 4 o'clock Afternoon.

P. M. The House met according to Adjournment.

The Order of the day being read the House resolved the Bill for granting a further Aid to his Majesty be read the third time. The same was read a third time Amended passed and Ordered to be sent to the Council with the said Amendments. Sent the same to the Council with the said Amendments by Mr. Ashe and Mr. Harvey Jun^r.

On motion Ordered the Bill to Obviate Doubts concerning fees due on Proceedings in the Supreme Courts of Justice, Oyer and Terminer and General Goal Delivery &c. be read a second time. Read the said Bill a second time and Resolved the same be Rejected.

On motion Ordered that the Bill for finishing the Church at Wilmington be read the third time. Read the said Bill a Third time and passed with Amendments. Ordered the same be sent to the Council with the said Amendments.

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

Wednesday the 25th of May 1757. The House met according to Adjournment.

Pursuant to the Order of yesterday sent the Bill for finishing the Church at Wilmington to the Council by Mr. Harnett and Mr. Wynns.

On motion Ordered the Bill for further Continuing an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer within this Province be read the third time.

Read the same a third time and passed.

Ordered the same be sent to the Council.

On motion Ordered the Bill to revive an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort be read a second time.

Read the same a second time and passed.

Ordered the same be sent to the Council.

On motion Ordered the Bill to revive an Act to Establish a Public Ferry from Newbys Point to Phelps Point &c be read a second time.

Read the same a second time and passed.

Ordered the same be sent to the Council.

Sent the above three Bills to the Council by Mr. Mackey and Mr. Ashe.

The Petition of Harding Jones and Fredrick Jones Grandsons of Fredrick Jones late of this Province Deceased was Presented to the House setting forth that the said Harding Jones one of the Petitioners is seized in Tail Male of and in Several Tracts of Land on Moratock River and in Hyde County in Virtue of the Will of his said Grandfather Fredrick Jones Esq^r Deceased which are Incumbered with large Arrears of Quit Rents &c.

Praying that a Bill may be brought into the House to Dock the Intail Pursuant to the Petition.

On motion Ordered That Mr. Barker bring in a Bill to Dock the Intail of Certain Lands in Possession of Harding Jones under a Devise in the last Will and Testament of Fredrick Jones Esq^r his Grandfather Deceased by whom the same were Entailed.

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

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

Received from the Council the following Message (Viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for Granting a further Aid to His Majesty &c We find many things therein we Apprehend want Amending therefore we are under a Necessity of proposing a Conference of both Houses in Order to Amend the said Bill and desire if it is Agreeable to you to hold that Conference in the Council Chamber this Afternoon at five o'Clock and have Appointed the Hon^{ble} James Hasell Lewis De Rossett and John Rieussett Esq^{rs} a Committee to Manage that Conference on the Part of this House with such Members of your House as you shall think proper to Appoint.

The House taking the said Message into Consideration Resolved That the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

We have received your Message of this day in which you give us to understand that the Bill for Granting a further Aid to His Majesty in your Opinion Wants Amending and desire a Conference thereon but as you do not say what Amendments you think necessary in the Bill, This House, though they desire to preserve the Harmony which Ought to subsist between them and His Majestys Honorable Council Apprehend it would be Irregular and Inconvenient to enter on a Conference on such uncertainty unless you were to particularize the Alterations by which

you think the Bill might be made more Effectual for the Purposes thereby Intended. By Order SAMUEL SWANN Speaker

WILL^m HERRITAGE C^{lk}

25th May 1757

Sent the above message by Mr. Vail and Mr. Harnett.

A Petition of Charles Gordon in Behalf of Samuel Forman Merch^t of New York to whom the said Gordon is Factor was Presented to the House and Read,

Setting forth that last Winter was Twelve months the said Forman had on Board a Brigantine whereof Samuel Broadhearst was Master Seventeen Hogsheads of Rum and Three Pipes of Maderia Wine legally cleared out at Saint Christophers and the Duties paid there which said Brigantine was by stress of Weather, put into the Port of Beaufort and the said rum and wine Actually reshipped from hence to New York, Notwithstanding he hath been obliged to pay the Impost duty thereon here, Praying relief in the Premises, On which the House Ordered that Mr. Starkey give Notice to the Petitioner to attend the House in the Afternoon to support the allegations in the said Petition mentioned.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. Herron moved the House to make Provision for the Wives and Children of the Indian Warriors of the Catawba and Tuscarora Nations who are gone to the Assistance of Virginia. Thereupon it is resolved that this House will allow the Catawba Indians Eighty Pounds Proclamation Money to be laid out by Mr. Brown in Purchasing Provisions for the said Indians out of the tax for defraying contingencys and that the sum of Forty Pounds Proclamation Money be paid to Mr. Williams and Mr. Whitmell out of the said Tax and be by them applyed for the use of the Tuscarora and Meherrin Indians in like manner.

Received the following message from the Council Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As by your message you desire to know what Amendments we think necessary on the Bill for granting a Further aid to His Majesty &c we Propose the Conference should be on the following heads Viz^t

On the sum you have Granted which we think not sufficient even for the Purposes in the Bill.

The time you Limited for the forces to be in pay too short.

The poll tax ought of course to be higher more especially as the tax on Law snits seems to be so calculated as to be but of little Service

And lastly that the pay of the Officers and Soldiers is not properly ascertained. It was with an Intent to continue the Harmony which has hitherto Subsisted between both Houses that we proposed a Conference where the difference of Opinion on the Bill may be amicably composed.
25th May 1757.

The House taking the above message into consideration Resolved That the following message be sent to the Council Viz^t

GENT. OF HIS MAJESTYS HON^{ble} COUNCIL,

On reading your message of this afternoon wherein you have mentioned the heads of the Matters by you proposed to be debated on at the Conference desired by your House with this, On the Bill for granting a further Aid to His Majesty &c. This House Acquaint your Hon^{rs} that they will attend at the Council Chamber this Afternoon at the time mentioned in your message of this morning desiring a Conference on the Subject Matter of the said Bill and have appointed Mr. John Ashe, Mr. John Harvey Jun: and Mr. Samuel Swann Jun^r to manage the said Conference on the part of this House.

By order SAML SWANN Speaker.

W^m HERRITAGE C^{lk}

25th May 1757.

The House went to the Council Chamber to conferr with the Council on the matters proposed by them in their Message relating to the Amendments in the Bill for granting a further Aid to His Majesty &c. The House returned and the Conferrees Reported that they had debated the several matters referred to them by this House Viz^t as follows.

That the sum granted by the House be Five Thousand Three hundred and six Pounds

That the forces be kept in pay Twelve Months.

That a proportionable Tax be laid Adequate to the Expence of Raising and subsisting Two Hundred Men.

That the tax on all law suits to be Commenced in the Supreme and County Courts be struck out.

The House taking the same under Consideration Resolved That the same lye on the Table till tomorrow morning

Then the House adjourned till 9 o'Clock tomorrow Morning

Thursday the 26th of May 1757. The House met according to Adjournment

Mr. Cade moved for leave to Absent himself from the Service of the House.

Ordered he have leave accordingly.

Pursuant to the Order of Yesterday Charles Gordon Attended the House and having made Appear that the facts contained in his Petition read in this House Yesterday are true thereupon the House resolved, That the said Charles Gordon do receive for the use of the said Samuel Forman mentioned in the Petition from Mr. Jeremiah Vail receiver of the Impost Duty on Wine rum and other Spirituous Liquors the sum of Thirty five Pounds thirteen shillings and four pence which he paid to the said Jeremiah Vail for the said Forman on Account and for the duties of Three pipes of Wine and Seventeen Hogsheads of rum Containing Two Thousand one Hundred and forty gallons which were reshipped from hence to New York.

On motion the House Pursuant to the resolve of Yesterday in the Afternoon took into Consideration the report of the Referees from the Conference had yesterday with his Majesty's Council on the several Amendments referred to be Conferred in the Bill for Granting a further Aid to his Majesty &c. and came to the following Resolutions (Viz^t)

1st That the House Concurr with the first Amendment proposed by the Council (to wit) The sum of Five Thousand Three Hundred and six Pounds be Incerted to be granted by the said Bill

2^{dly} That the House do not Concurr with the Continuing the forces any longer than in the Bill mentioned

3^{dly} That the House agree that it should be Inserted in the Bill that a Tax of four Shillings and Six Pence p poll be laid on each Taxable Person in this Province for one year.

4^{thly} That the House do not concurr with the Council to expunge the Clause laying a Tax on Actions to be commenced by Writ in the several Courts of Law in this Province.

Ordered the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House on considering the several Amendments proposed by your Honours at the Conference had Yesterday on the Bill for Granting a further Aid to His Majesty &c have come to the following Resolutions, Viz^t

First we do concurr that the sum of Five Thousand Three Hundred and six pounds Proclamation Money be Inserted in the said Bill for Granting a Further Aid.

Secondly That it be also Inserted in the Bill that a Poll Tax of Four Shillings and six pence Proclamation Money be laid on each Taxable Person in this Province for one Year towards payment of the said sum.

We do not Concurr to the Continuing the forces otherwise than in the Bill mentioned.

And we do not Concurr to Expunge the Clause laying a Tax on Actions to be commenced in the several Courts of Law in this Province.

If your Honours Agree to pass the Bill Conformable to the Above resolves this House will send some of the Members thereof to see the Alterations made therein.

By order SAMUEL SWANN Speaker.

W^m HERRITAGE C^{lk}
25th of May 1757.

Resolved the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have resolved that the sum of Eighty Pounds Proclamation Money be paid out of the Tax for Contingencies to Mr. Brown and by him to be Applied in Purchasing Provisions for the Wives and Children of the Catawba Indians who are gone to the Assistance of Virginia and that the sum of Forty Pounds like money be paid to Mr. Williams and Mr. Whitmell Out of the said Tax to be applied by them in purchasing Provisions for the Wives and Children of the Tuscarora and Meherrin Indians who are gone on the like Service to which Desire your Honours Concurrence.

By order SAMUEL SWANN Speaker.

W^m HERRITAGE C^{lk}
25th of May 1757.

Received a Written Message from the Council, (Viz^t)

MR. SPEAKER AND GENTLEMEN

On receiving your Message relative to the Amendments you Agree to have made in the Bill for granting a further Aid to his Majesty &c This House have Resolved to Concurr therewith therefore Desire you will send some of your Members this Afternoon at 5 o'clock to see the same made

In the Upper House May 25th 1757

On motion Resolved That Mr. Barker and Mr. Swann do wait on the Council at five o'clock this Afternoon to see the Alterations made in the Bill for granting a further Aid to His Majesty &c and report the same to the House, and that the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

Agreeable to your Message relating to the Alterations to be made in the Bill for granting a further Aid to His Majesty &c this House have Appointed Mr. Barker and Mr. Swann Jun^r to see the same made who will wait on your Honours at the time by you proposed for that purpose

By order SAMUEL SWANN Speaker

W^m HERRITAGE C^{lk}

26th May 1757

Then the House adjourned till 4 o'clock Afternoon

P. M. The House met according to Adjournment.

Received from the Council the Bill to revive an Act to Establish a ferry across from Newbys Point to Phelps Point &c Endorsed 26th of May 1757 In the Upper House read the second time and passed

The Bill for further continuing an Act Intituled an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer in this Province

And the Bill for finishing the Church at Wilmington.

Endorsed 26th May 1757 In the Upper House read the third time and passed

Ordered to be Engrossed

The Bill to revive an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort Endorsed 26th May 1757 In the Upper House read the second time amended and passed

And the Bill to Dock the Intail of Certain Lands in Possession of Harding Jones under a Devise in the Will of Fredrick Jones his Grandfather Deceased by whom the same was Entailed Endorsed 26th May 1757 In the Upper House read the first time and passed

Mr. Barker and Mr. Swann Jun^r acquainted the House that they had waited on the Council According to the Direction of this House and seen the Alterations made in the Bill for Granting a further Aid to His Majesty &c Agreeable to the Resolutions of this House.

Received from the Council the Bill for Granting a further Aid to His Majesty &c Endorsed 26th May 1757 In the Upper House read the third time and passed Ordered to be engrossed

On motion ordered the Bill to revive an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort be read a third time.

Read the same a third time Amended passed and Ordered to be sent to the Council

On motion Ordered The Bill to revive an Act to Establish a Ferry from Newbys Point to Phelps Point be read a third time

Read the same a third time and Ordered to be sent to the Council

Sent the Above two Bills to the Council by Mr. Davis and Mr. Smith.

Received from the Council the Bill to revive an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort Endorsed the 26th May 1757 In the Upper House read the third time and passed Ordered to be engrossed

And a Bill to revive an Act to Establish a Public Ferry from Newbys Point to Phelps Point &c. Endorsed 26th May 1757 In the Upper House read the third time and passed. Ordered to be engrossed.

On motion Ordered the Bill to dock the Entail of Certain Lands in possession of Harding Jones under a Devise in the Will of Frederick Jones his Grandfather Deceased by whom the same were entailed, be read a second time. Read the same a second time Amended passed and Ordered to be sent to the Council. Sent the same to the Council by Mr. Swann and Mr. Bell.

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

Fryday the 27th of May 1757. The House met according to Adjournment.

The House taking under Consideration the Message from the Governor sent to this House last Session therein recommending to this House that Cap^t Waddle might be allowed for his Services as a Commissioner from this Province in Conjunction with the Virginia Commissioners to treat with the Cherokee and Catawba Indians. Resolved that Cap^t Waddle be paid by the Public Treasurers out of the Tax for defraying the Contingent Charges of Government the sum of Thirty Pounds Proclamation Money, And that the following Message be sent to the Council viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House having had under their Consideration a Message from his Excellency the Governor which was sent to them last Session wherein he recommended to this House that Cap^t Hugh Waddle be allowed for his services as a Commissioner from this Province in Conjunction with the Virginia Commissioners to treat with the Cherokee and Catawba Indians, have Resolved that the said Hugh Waddle have and receive from the Public Treasurers out of the Tax for defraying the Contingent Charges of Government the sum of Thirty pounds Proclamation Money for his Expences on the said Treaty.

Sent the above Message and Resolve to the Council by Mr. Harnett and Mr. Moore.

Then the House adjourned for an hour.

The House met according to Adjournment.

Received from the Council the Message of this House of the 25th of May 1757 relative to the Allowances resolved by this House for the Catawba and Tuscarora Indians and Meherrin Indians. Endorsed 26th of May In the Upper House Concurred with.

Received from the Council the Bill to dock the Intail of Certain Lands in Possession of Harding Jones under a Devise in the last Will and Testament of Frederick Jones by his Grandfather by whom the same were entailed. Endorsed 27th May 1757 In the Upper House read the second time and passed.

On motion Resolved the Bill to Dock the Entail of Certain Lands in Possession of Harding Jones under a Devise in the last will and Testament of Frederick Jones Esq^r his Grandfather Deceased &c. be read a third time. Read the same a third time Amended and passed. Ordered to be sent to the Council. Sent the same to the Council by Mr. Wynns and Mr. Moore.

Received from the Council the Message of this House sent this day with the resolve thereof for allowing Cap^t Waddel Thirty pounds Proclamation Money for his Expences on the Treaty in Conjunction with the Virginia Commissioners to the Cherokee and Catawba Nations Endorsed 27th of May 1757 In the Upper House Concurred with.

On motion Resolved that Mr. Brown and Mr. Caswell who were appointed by this House to View the Western Settlements and report to His Excellency their Present Condition and at what Part of the Frontier they should think will be most Proper for the Safety of the Inhabitants that a Fort should be built and also to Inspect the Present Condition of Fort Dobbs be allowed thirty Pounds Proclamation Money for their Service therein, and that this Resolve be sent to the Council for their Concurrence.

Sent the above Resolve to the Council for Concurrence by Mr. Ashe and Mr. Relf

Then the House adjourned till 4 o'Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the Bill to Dock the Entail of Certain Lands in Possession of Harding Jones under a Devise in the last Will and Testament of Fredrick Jones Esq his Grandfather Deceased &c. Endorsed 27th of May 1757 In the Upper House read the third time and passed Ordered to be engrossed

Received a Written Message from the Governor by Mr. Powell Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

I find by the Limitations in the Aid Bill the two Companies to be raised are destined solely for the Assistance of South Carolina and as I am Limited by the Bill formerly made to keep the Companys already raised for the Garrison of the Forts on the Frontier, in Case it should be necessary to send some assistance Immediately to South Carolina before these Companies can be raised Disciplined and ready to March whether I may not send the Companies already raised to their Assistance

And further Desire to know in ease the Governor of South Carolina does not Immediately require our Assistance whether it may not be for the Interest of the Province to Employ part of them in Garrisoning the Forts upon the Sea Coast until they are required to be sent for the Defence of South Carolina Otherwise the Militia must be employed at a much greater Expence

ARTHUR DOBBS.

Dated 27th May 1757.

Ordered the same lye for Consideration until tomorrow morning.
Then the House Adjourned till 9 o'Clock tomorrow morning.

Saturday the 28th of May 1757. The House met according to Adjournment.

Pursuant to the Order of Yesterday the House took under Consideration the Message of yesterday from his Excellency the Governor and resolved the following Message be sent to His Excellency in Answer thereto Viz^t

SIR,

On considering your Excellencys Message of Yesterday it is the Opinion of this House that the Companies to be raised by the aid Bill which has passed this Session are not in all events solely to be Employed in defence of South Carolina but their destination will depend on the Emergency of Affairs and a Discretionary Power being Lodged in your Excellency to recall them from that Province and cause them to be employed in his Majestys Service here is a strong Implication that in case it shall Appear to your Excellency to be more Necessary for his Majestys Service you may Order them into the Service for the defence of any part of this Province before they are sent on that Expedition.

Whether it would be more Expedient that the Companies already raised should in Case of Necessity be sent to the Assistance of South Carolina We apprehend must Depend on the Intelligence your Excel-

lency may receive hereafter from thence or from Advice of Lord Loudoun We can however perceive no reason why you may not send them there if on any Emergency it shall be Necessary for the Defence of our Frontier

SAM^l SWANN Speaker

28th May 1757.

Sent the above Message to the Governor by Mr. Harnett.

Received from the Council the Resolve of this House of the 27th of May 1757 relative to the Allowance to Mr. Brown and Mr. Caswell two of the Commissioners Appointed to view the Western Settlements and Fort Dobbs. Endorsed In the Upper House May 28th 1757 Concurred with.

His Excellency the Governor sent a Message to this House requiring the immediate Attendance thereof in the Council Chamber with such Bills as are Engrossed.

Mr. Speaker with the House waited on His Excellency the Governor in the Council Chamber when Mr. Speaker presented the following Bills (Viz^t)

1st The Bill for Granting a further aid to His Majesty for the Assistance of South Carolina and the Defence of the Frontier of this Province and other Purposes.

2^{ndly} The Bill for finishing the Church at Wilmington.

3^{dly} The Bill to revive an Act for Facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort.

4^{thly} The Bill to continue an Act for the encouragement of James Davis to set up and carry on his Business of a Printer &c.

5^{thly} The Bill to revive an Act to Establish a Ferry from Newbys Point to Phelps Point whereon the Court House now stands on Perquimons River.

To which said Bills, his Excellency was pleased to Assent.

The Bill was also presented to his Excellency to Dock the Intail of Certain Lands in possession of Harding Jones under a Devise in the Will of Frederick Jones Esq^{re} Deceased &c

To which his Excellency would not consent and gave for reason that His Majestys Instruction directing the Method of Passing Private Acts was not Complied with a Copy of which he delivered to Mr. Speaker. The House returned and Mr. Speaker laid before the House the said Instruction which on motion was Ordered to be read the same was read accordingly and Ordered to be entered on the Journal of the House, and is as follows (Viz^t)

You are also to take care that no private Act whereby the Property of any Private person may be affected be passed in which there is not a sav-

Mr. Francis Ward	6
Mr. John Harvey Sen ^r	6
Mr. William Williams	6
Mr. Benjamin Hardy	10
Mr. Thomas Relf	12
Mr. John Starkey	6
Mr. Joseph Bell	4
Mr. James Conner	6
Mr. Jacob Blount	6
Mr. John Hardy	4
Mr. Samuel Spruel	6
Mr. James Davis	2
Mr. Richard Caswell	4
Mr. Stephen Cade	4
Mr. William Houston	6
Mr. Cornelius Harnett	8
Mr. Joseph Herron	8
Mr. Dempsey Sumner	8
Mr. Thomas Walton	8
Mr. William Murphree	8
Mr. John Campbell	8
Mr. Francis Brown	14
Mr. Thomas Barker	8
Mr. Wyrriot Ormond	4
Mr. William Bartram	10

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

NORTH CAROLINA—88.

At an Assembly begun and held at New Bern the twelfth day of December in the year of our Lord one thousand seven hundred and fifty four, and in the twenty eighth year of the reign of our Sovereign Lord George the Second by the grace of God of Great Britain France and Ireland King, defender of the Faith &c. &c. and continued from thence by several Prorogations and Adjournments to the twenty first day of November in the thirty first year of his said Majesty's reign and in the year of our Lord one thousand seven hundred and fifty seven being the fifth Session of this present Assembly.

In the Upper House

Present

The hon ^{ble}	{	Mathew Rowan	John Swann	}	Esq ^{rs}
		James Hasell	John Dawson		
		James Innes	Lewis De Rosset		
		Rich ^d Spaight.			

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

Tuesday 22^d November 1757. The House met according to Adjournment. Present as above

His Excellency the Governor came to this House, and sent a Messenger to the lower House and commanded their immediate attendance, whereupon the Speaker attended by the Lower House waited on his Excellency in the Council Chamber where he was pleased to make to both Houses the following speech, to wit.

GENT. OF HIS MAJ^{ties} COUNCIL, MR. SPEAKER & GENT: OF THE ASSEMBLY

The Affairs of Europe, Great Britain and these Colonies, are at present in a very critical situation by means of a most unnatural Alliance entered into between the Houses of Austria & France into which they have drawn the Empress of Russia against the only Protestant power of Germany who can support the civil and religious liberties of Germany, His Majesty has his Germanick Dominions overrun by a superior French army and consequently the Protestant interest of Germany and Europe is in the greatest danger, yet notwithstanding this diversion of the French troops, all the Forces that Great Britain could spare for the relief of these Colonies, have made no impression in dislodging the French from their unjust encroachments upon these Colonies God Almighty upon account of our sins having caused the elements to fight against us by contrary winds, detaining the forces from coming to our assistance.

Since his Majesty is at so extraordinary expence upon account of these Provinces and the British Parliament at his recommendation hath granted the sum of £50,000 to the Colonies of North and South Carolina and Virginia upon account of the difficulties we lie under in supporting our forces when sent out of the Province, I hope this instance of his Majesty's paternal goodness will make us contribute with zeal our Contingent towards the support of the Colonies and our own security, as well upon account of the security of our western Frontier, as to keep the Catawba Indians in our interest, and to secure the Forts upon the Sea coasts, which may enable us, to have Forces in readiness, and to spare when demanded for the security of South Carolina.

MR. SPEAKER & GENT: OF THE ASSEMBLY,

I have ordered the accounts of our expence to be laid before you, and hope you will think it very proper to keep up the same number of Troops you have now in pay, that we may secure the peace of this Province, and be ready to assist our neighbouring Colonies when required, and out of the Proportion we are to have of the sum granted to these Colonies by Parliament we shall be able to pay any debts we have contracted out of the Province above the supplies granted for that purpose, and to spare some to finish the Forts necessary to the security of our sea Coasts.

I acquainted you at your last meeting, that his Majesty had ordered us Artillery and Ordnance Stores for Fort Johnston and had ordered me to appoint a store-keeper and to apply to the Assembly to give him a proper allowance. I can now with pleasure acquaint you, that they are arrived, and I have pursuant to my orders appointed a Store keeper at £80 P annum this currency, and hope you will provide for the payment of it and a proper sum for Contingencies.

GENT: OF HIS MAJ^{ties} COUNCIL, MR. SPEAKER & GENT: OF THE ASSEMBLY,

There are several Bills necessary to be amended, the Bill for providing for an established Clergy has been evaded in some Counties by combining to elect only such Vestry men who they know will not act, by which means no money can be raised nor clergymen appointed, by keeping the nomination in their own power, and a new vestry will vary the sum given when they accept of a Clergyman to the lowest which the law allows, by which means no churches are erected; it wou'd seem more reasonable to lay a general sum upon all Taxables in the Province, and pay the Clergy out of that sum, and build churches out of the overplus until Clergymen can be procured to the several Counties.

The inspecting Act is most grossly abused in respect to Beef and Pork in the manner of killing and paeking by putting in unmerchable Beef and Pork, killed when it is hot, not bled properly, and rolled in the sand, and dirt to add to the weight, for want of having houses to hang it up in, and Casks to contain the pickle, by which means it is blown upon in foreign markets and sold under half price.

I shall not mention any more to you at this time, when our thoughts should be turned to our defence, and future safety, and make no doubts but you will exert the same zeal for the support of our holy religion Liberties and Possessions against a most perfidious & cruel Enemy, that we may hereafter live in peace and safety and avoid a future great

expence which must be unavoidable in case we don't exert ourselves at this critical juncture by forcing the French from our Frontiers, who make all the Indians our enemies.

This House took under their consideration his Excellency's Speech and ordered the same to be read, which was accordingly done.

Then the honourable Lewis De Rosset and Rich^d Spaight Esq^{rs} were appointed a Committee to prepare an Address to his Excellency.

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

The House met according to Adjournment Present as above

Then the House adjourned till tomorrow morning 9 o'clock

Wednesday 23rd November 1757. The House met according to Adjournment

Present

The hon ^{ble}	{	Math: Rowan	John Dawson	} Esq ^{rs}
		James Hasell	Lewis De Rosset	
		James Innes	John Rieussett	
		John Swann	Rich ^d Spaight	

The Committee appointed by this House to draw up an address to his Excellency the Governor, reported the same, which was ordered to be read, and being approved of was ordered to be engrossed.

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

The House met according to Adjournment Present as above

The House waited on his Excellency the Governor in the Council Chamber and by the hon^{ble} Mathew Rowan Esq^{rs} presented him with the following Address

MAY IT PLEASE YOUR EXCELLENCY,

We his Majestie's dutiful and loyal subjects the Members of his Council for this Province Beg leave to return your Excellency our sincere and hearty thanks for your Speech at the opening of this Sessions.

The critical situation of affairs as remarked by your Excellency through the unnatural alliance of the three greatest powers in Europe against the King of Prussia not only threatens the liberties there, but must in their consequences extend to these remote parts. The unjust seizing of his Majestie's Germanick Dominions by the French in open violation of the most solemn Treaties plainly shews, that the scheme that Court has long formed of attaining universal Monarchy will be prosecuted whenever they have it in their Power. It was no doubt with that view they invaded his Majesty's Dominions in America, a view so well known to the British Ministry that no costs nor pains have been spared for the relief of the Colo-

nies. And although our forces have not been able to make any impression in dislodging the Enemy from their unjust encroachments, yet we trust that the Almighty Power who has in a visible manner heretofore protected the cause of religion and Liberty will not (unless we be wanting to ourselves) suffer us to fall a sacrifice to Popery and Tyranny. But at all events we are fully satisfied the sons of freedom can never yield to crouch under the galling yoke of slavery, but will to the last man shed their blood in defence of the glorious cause of liberty and Property.

His Majesty's Paternal goodness so conspicuous in all cases warms our hearts with an inexpressible gratitude, the fresh instances of it, in sending over Artillery and Ordnance Stores for Fort Johnston, and procuring us a sum to relieve us from the difficulties we labour under for supporting our troops when out of the Province and to enable us to complete the fortifications already begun, must animate us with the greatest cheerfulness to contribute all in our power to assist our Neighbours, as well as to defend our own Country.

We shall with all readiness join the other House in passing such Bills as may be necessary for the welfare of this Province, and not suffer any private or selfish views to be prevalent but to the utmost of our power study the common good.

Permit us Sir to say the sense we have of the inestimable Blessings we enjoy under his Majesty's just administration will encourage us to exert ourselves for the defence of our religious and civil rights against the attempts of any insolent Invader, and to drive from our Frontiers an Enemy no less cruel than perfidious.

Your Excellency's just regard for the trade of this Colony as well as for all other things relative to its welfare in pointing out the defectiveness of several laws made for those purposes demand our grateful acknowledgments; and your Excellency may depend that we shall use our utmost endeavours to render your administration easy and prosperous.

To which his Excellency was pleased to return the following answer,

The just sense you have of our danger from the unnatural alliance formed in Europe against our Religion and Liberties and of his Majesty exerting himself in defending his British Rights at the risk of his other Dominions, and of his care and bounty in giving us stores and a supply for the defence of this Colony must be very agreeable to his Majesty, as it is a great satisfaction to me as well as the zeal you express for our religion, liberties and rights, and am very sensibly pleased at the satisfaction you express of my endeavours to improve and serve this Colony.

Mr. Brice & Mr. Houston brought up the following Message, to wit
GENTⁿ OF HIS MAJ^{ties} HON^{bles} COUNCIL

This House have appointed Mr. John Harvey, Mr. George Moore, Mr. James Painé, Mr. James Davis, Mr. Benjamin Harvey, Mr. Joseph Harron, and Mr. Maurice Moore a Committee thereof to examine, state and settle the Public Accounts of this Province and Mr. Starkey, Mr. Thomas Whitmell, Mr. John Ashe, Mr. William Bartram, Mr. James Couner, Mr. Richard Caswell and Mr. Francis Brown a Committee to settle and allow the public Claims in conjunction with such of your Honours as you shall think proper to appoint for those purposes.

23rd Nov^r 1757.

SAM. SWANN. Speaker.

This House proceeded to choose Committees to examine, state and settle the public Accounts of this Province and settle and allow the public Claims; and the honourable James Hasell, Lewis De Rosset and John Rieuisset Esq^{rs} were appointed on the Accounts, and the hon^{ble} James Innes, John Swann and John Dawson Esq^{rs} on the Claims. And the following message was sent to the Lower House to acquaint them therewith viz^t

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

On reading your Message relative to the Committees on the Public Accounts and Claims, we have appointed the hon^{ble} James Hasell, Lewis De Rosset and John Rieuisset Esq^{rs} as a Committee of our House for the Public Accounts And the hon^{ble} James Innes, John Swann and John Dawson Esq^{rs} on the Claims.

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

Thursday 24th November 1757. The House met according to Adjournment. Present as above.

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

The House met according to Adjournment. Present as above.

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

Friday 25th November 1757. The House met according to Adjournment. Present as above.

Mr. Brown and Mr. Caswell brought up a Bill to prevent excessive and deceitful gaming And a Bill for the better establishing a Ferry on the N. E. side of the N. W. River of Cape Fear, being the place commonly called, or known by the name of Dawsons Ferry and for prevent-

ing any other Ferry within Miles of the said place and the opposite side of the said River.

On motion, ordered the said Bill be read.

The same was accordingly read the first time & passed.

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

The House met according to Adjournment. Present as above.

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

Saturday 26th Nov^r 1757. The House met according to Adjournment. Present as above.

Then the House adjourned till 9 o'clock Monday morning.

Monday 28th Nov^r 1757. The House met according to Adjournment
Present

The Hon ^{ble}	{	Math: Rowan	John Swann	}	Esq ^{rs}
		James Hasell	John Dawson		
		James Innes	Lewis De Rosset		
		John Rutherford	John Rieussett		
		Rieh ^d Spaight			

Mr. Ashe and Mr. Williams brought up a Bill for the better establishing a Ferry on the N. E. side of N. W. river of Cape Fear &c. And a Bill to empower the church wardens of the Parish of S^t Mary's in Edgcomb County to collect the arrears of the Tax laid by the Parish of Edgcomb for the year 1755.

The said Bills were read in this House, the former the second time and the latter the first and passed.

Mr. Bartram and Mr. Spier brought up a Bill for the better regulation of roads in the County of Orange &c.

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

The House met according to Adjournment. Present as above.

On motion, ordered the Bill for the better regulation of roads in the County of Orange &c. be read.

Read the same the first time and passed.

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

Tuesday 29th Nov^r 1757. The House met according to Adjournment. Present as above.

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

The House met according to Adjournment. Present as above.

Mr. Paine and Mr. Spier brought up a Bill for the better regulation of roads in the Counties of Orange &c. A Bill for further amending

an Act intituled an Act for amending the staple of Tobacco and preventing frauds in his Maj^{ties} customs. A Bill to alter the times for holding Courts in the Counties of Northampton, Granville & Orange and a Bill for establishing a Town on the land of James Leslie on Roanoke River.

Mr. Moore and Mr. Ashe brought from the Lower House the following Message

GENTLEMEN OF HIS MAJ^{ties} HON^{ble} COUNCIL,

The Treasurers of this Province having paid into the Committee of Accounts the sum of £2540, in Treasurers notes £61 of which was not emitted and that Thomas Barker Esq^{re} Treasurer of the Northern District hath paid into the said Committee the sum of £1051.15.11½ for the sinking Fund, and John Starkey Esq^{re} hath paid into the said Committee the sum of £934.17.5½ for the same Fund and this House have resolved that the said several sums be burnt at four o'clock this afternoon at the House of Richard Cogdell in New Bern, therefore desire your Honours will appoint a Committee of your Board to join this House, to see the same done accordingly.

SAM. SWANN. Speaker.

29th Nov^r 1757.

On motion, Ordered the following Message be sent to the Lower House.

MR. SPEAKER & GENT^l OF THE ASSEMBLY,

On reading your message relative to the burning of the Treasurers notes, and the several sums for the sinking fund paid in by the Treasurers of the Northern and Southern districts to the Committee of Accounts, We have appointed the honourable John Swann and Lewis De Rosset Esq^{re} a Committee of this House to see the same burnt.

On motion Ordered; The Bill for further amending an Act intituled an Act for amending the staple of Tobacco &c. The Bill for altering the time for holding Courts in the Counties of Northampton, Granville and Orange And the Bill for establishing a town on the land of James Leslie on Roanoke river, be read.

Read the said Bills the first time and passed.

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

Wednesday 30th Nov^r 1757. The House met according to Adjournment. Present as before.

Received from the Lower House by Mr. Bartram and Mr. Haywood the following message,

GENT^a OF HIS MAJ^{tie}'s HON^{ble} COUNCIL,

This House taking into consideration the Petition of Joseph Hennegan herewith sent you, have Resolved that the Treasurer of the Southern District out of the money arising by the tax for contingencies do pay to the said Joseph Hennegan forty pounds proc. money towards the payment of the debts contracted here, by the said Joseph, and for his passage from hence, home to his friends & desire your Honours concurrence thereto.

SAM. SWANN. Speaker.

In the Upper House Concurred with.

26th Nov^r 1757.

MATT. ROWAN P. C.

On motion Ordered, the Bill for the better regulation of roads in the Counties of Orange &c. be read.

Read the same a second time and was rejected.

Mr. Walton and Mr. Wyat, brought up a Bill for establishing a Town on the land of James Leslie &c. A Bill for altering the times for holding Courts in the Counties of Northampton &c. A Bill to empower the churchwardens of the Parish of S^t Mary in Edgcomb County to collect the arrears of the tax &c. And a Bill for better establishing a Ferry on the N. E. side of the N. W. river of Cape Fear &c.

On motion, Ordered the Bill for establishing a Town on the land of James Leslie &c. be read.

Read the same a second time and passed.

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

The House met according to adjournment. Present as above.

On motion, Ordered the Bill to empower the Churchwardens of the Parish of S^t Mary in Edgcomb County to collect the arrears of the tax, &c., be read.

Read the same a second time, amended & passed.

On motion, Ordered the Bill for the better establishing a Ferry on the N. E. side of the N. W. river of Cape Fear &c be read.

Read the same the third time and passed.

Ordered to be engrossed.

On motion, Ordered the Bill for altering the times for holding Courts in the Counties of Northampton, &c., be read.

Read the same a second time and was rejected.

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

Thursday 1st December 1757. The House met according to adjournment.

Present

The Hou ^{ble}	}	Math: Rowan	John Swann	} Esq ^{rs}
		James Hasell	John Dawson	
		James Innes	Lewis De Rosset	
		John Rutherford	John Rieussett	
		Francis Corbin	Rich ^d Spaight	

Mr. Gray and Mr. Churton brought up a Bill to repeal an Act intituled an Act for destroying Vermin in this Province, a Bill for establishing a Town on the land of James Leslie &c. and a Bill for further amending an Act, intituled an Act for amending the Staple of Tobacco, &c.

On motion, Ordered the Bill for further amending an Act intituled an Act for amending the Staple of Tobacco, &c., be read.

Read the same a second time and passed.

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

The House met according to adjournment. Present as above.

On motion, Ordered the Bill to repeal an Act, intituled an Act for destroying Vermin in this Province be read.

Read the same the first time and passed.

On motion, Ordered the Bill for establishing a Town on the land of James Leslie, &c., be read.

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

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

Friday, 2nd December 1757. The House met according to adjournment. Present as above.

Mr. Conner and Mr. Waddle brought from the Lower House a Bill for the revisal of the Laws of this Province, A Bill for an Act to regulate Elections.

Received from the Lower House by Mr. Williams and Mr. B. Harvey, A Bill to dock the Intail of certain Lands now in possession of Harding Jones, &c.

And an additional Bill for an additional Act, to amend an Act, intituled an Act, to prevent stealing Cattle and Hogs, &c.

On motion, Ordered the last mentioned Bill be read.

Read the same the first time.

Ordered it lie on the Table for further consideration.

On motion Ordered, that the Bill for the revisal of the Laws of this Province be read.

Read the same the first time and passed.

On motion, Ordered the Bill for an Act to regulate Elections, be read.

Read the same the first time & passed.

On motion, Ordered the Bill to dock the Intail of certain Lands now in possession of Harding Jones, &c., be read.

Read the same the first time & passed.

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

The House met according to adjournment. Present as above.

Received from the Lower House by Mr. Moore and Mr. Ashe, A Bill for granting a further aid to his Majesty for subsisting the forces necessary to be kept in the pay of this Province and for other purposes, And on motion, Ordered the said Bill be read.

Read the same the first time and passed.

Received from the Lower House, A Bill for an Act to empower the Justices of the Supreme Court to take the acknowledgement or proof of Deeds and for allowing them a salary.

On motion, ordered the same be read.

Read the same accordingly and passed the first time.

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

Saturday 3^d December 1757. The House met according to Adjournment Present as above

Received from the Lower House by Mr. Mau: Moore and Mr. Sutton, a Bill to dock the Intail of certain Lands now in possession of Harding Jones &c. And a Bill for further amending an Act intituled an Act for amending the Staple of Tobacco &c. On motion, ordered the last mentioned Bill be read.

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

On motion, Ordered the Bill to dock the Intail of certain Lands now in possession of Harding Jones &c. be read.

Read the same a second time amended and passed.

Received from the Lower House by Mr. Harvey and Mr. Sutton, a Bill to enable the Commissioners of Fort Johnston and Fort Granville to finish the said Fort and to erect barracks for accommodating the troops in the same.

On motion, Ordered the said Bill be read.

Read the same the first time & passed.

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

The House met according to Adjournment. Present as above

Received from the Lower House by Mr. Davis and Mr. Fonville, A Bill for the revisal of the Laws of this Province.

A Bill to repeal an Act intituled an Act for destroying Vermin in this Province.

A Bill to impower the Justices of the supreme Court to take the acknowledgment or proof of Deeds &c.

A Bill to amend an Act intituled an Act for the better regulation of the Town of New Bern and for securing the Titles of persons who hold lots in the said Town.

And a Bill for dividing the Parish of S^t James in New Hanover County into two distinct Parishes.

On motion, Ordered the Bill to amend an Act intituled an Act for the better regulation of the Town of New Bern &c. be read.

Read the same the first time and passed.

On motion, Ordered the Bill for dividing the Parish of S^t James in New Hanover County into two distinct Parishes be read.

Read the same the first time & passed.

Then the House adjourned till 9 o'clock Monday morning.

Monday 5th December 1757. The House met according to Adjournment. Present as above.

Received from the Lower House by Mr. Ashe & Mr. G. Moore A Bill for an Act to regulate Elections.

On motion, Ordered the said Bill be read.

Read the same a second time, amended & passed.

Received from the Lower House by Mr. Caswell and Mr. Hamer A Bill to enable the Commissioners of the Church at Edenton to discharge the contracts by them made concerning the finishing the same.

A Bill to dock the Intail of certain Lands now in possession of Harding Jones &c.

And a Bill to appoint a receiver of the duties arising on wine, rum, and other spirituous liquors imported into Neuse river in the room of Jeremiah Vail and for the more effectually obliging the receivers of the said duties to account for and pay the same.

And a Bill to obviate doubts concerning Fees due on the Proceedings in the supreme Courts of Justice Oyer & Terminer and general Goal delivery.

On motion, ordered the Bill to obviate doubts concerning Fees due &c. be read.

Read the same the first time and passed.

On motion, Ordered the Bill to enable the Commissioners of the Church at Edenton &c. be read.

Read the same the first time & passed.

On motion, Ordered the Bill to appoint a receiver of the Duties arising on wine, rum &c. be read. Read the same the first time and passed

On motion, Ordered the Bill to repeal an Act, intituled an Act for destroying Vermin in this Province be read. Read the same the second time & passed.

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

The House met according to adjournment. Present as above.

On motion, Ordered the Bill to dock the Intail of certain Lands now in Possession of Harding Jones &c. be read. Read the same a third time and passed. Ordered to be engrossed.

On motion, Ordered the Bill to enable the Comm^{rs} of Fort Johnston &c. be read. Read the same a second time & passed.

On motion, Ordered the Bill to impower the Justices of the Supreme Court to take the acknowledgment or Proof of Deeds &c. be read. Read the same a second time amended and passed.

On motion, Ordered the Bill for the revisal of the Laws of this Province be read. Read the same a second time and was rejected *Nem. Con.*

Received from the Lower House by Mr. Bartram & Mr. Jones a Bill for granting a further aid to his Majesty &c.

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

Tuesday 6th December 1757. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Math: Rowan	John Swann	}	Esq ^{rs}
		James Murray	John Dawson		
		James Hasell	Lewis De Rosset		
		James Innes	John Rienssett		
		John Rutherford	Edw ^d Brice Dobbs		
		Francis Corbin	Rich ^d Spaight		

Received from the Lower House by Mr. Ashe and Mr. Moore a Bill to impower the Justices of the Supreme Court to take the acknowledgment or Proof of Deeds &c. and a Bill to enable the Comm^{rs} of Fort Johnston &c.

On motion, Ordered the said Bills be read.

Read the said Bills the third time.

Ordered to be engrossed.

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

The House met according to Adjournment. Present as above.

Received from the Lower House by Mr. Gray and Mr. Churton a Bill to enable the Commissioners of the Church at Edenton &c. A Bill to regulate the inspection of Pork and Beef. A Bill to repeal an Act in-

titled an Act for destroying Vermin in this Province. A Bill to obviate doubts concerning Fees due on Proceedings in the Supreme Courts &c. A Bill for an Act to regulate Elections. And a Bill for dividing the Parish of S^t James in New Hanover County &c.

On motion, Ordered the Bill to regulate the inspection of Pork and Beef be read.

Read the same the first time and passed.

On motion, Ordered the Bill to repeal an Act intituled an Act for destroying Vermin &c. be read.

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

On motion, Ordered the Bill for an Act to regulate Elections be read.

Read the same the third time, Ordered it lie on the Table till Thursday morning.

On motion, Ordered the Bill to obviate Doubts concerning Fees due &c. be read.

Read the same a second time & passed.

On motion, Ordered the Bill for dividing the Parish of S^t James's in New Hanover County &c. be read.

Read the same a second time, Ordered it to lie on the Table till Thursday morning.

On motion, Ordered the Bill for granting a further aid to his Majesty &c. be read.

Read the same a second time amended & passed.

Then the House adjourned till 9 o'clock Thursday morning.

Thursday 8th December 1757. The House met according to Adjournment. Present as before.

On motion, Ordered the Bill to enable the Comm^{rs} of the Church at Edenton &c. be read.

Read the same the second time & passed.

On motion, Ordered the Bill for dividing the Parish of S^t James's &c. be resumed.

The same was resumed and rejected.

On motion, Ordered the Bill to regulate Elections be resumed.

The same was resumed.

And ordered the following Message be sent the Lower House, viz^t

MR. SPEAKER & GENT^l OF THE ASSEMBLY,

On reading a third time the Bill to regulate Elections we find the following Amendments necessary viz^t That in the Proviso to prevent sundry Officers from being elected Members of Assembly it is the opinion of this House, That the Clerks of the Courts of Justice, and the Sur-

veyor or Deputy Surveyor ought to be expung'd And from the oath to be taken by Electors, We are of opinion, that the following clause ought to be struck off viz^t "And that you will not vote for no representative, but such as you think best qualified and most inclined to promote his Maj^{ties} Interest and that of this County." To which amendments we desire your concurrence and if you concur that you will be pleased to send two of your Members to see the Amendments made.

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

The House met according to Adjournment. Present as above.

Received from the Lower House by Mr. Davis and Mr. Fonville A Bill for adding part of the County of Beaufort to Craven County and for ascertaining the dividing line between the said Counties, And a Bill to amend an Act, intituled an Act for the better regulation of the Town of New Bern &c.

On motion, Ordered the Bill for adding part of the County of Beaufort to Craven &c. be read.

Read the same the first time and passed.

On motion, Ordered the Bill to amend an Act intituled an Act for the better regulation of the Town of New Bern &c. be read.

Read the same the second time amended & passed.

Received from the Lower House by Mr. Haymer & Mr. Sutton the following Message viz^t

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

On reading your Message of this day in regard to the amendments you mention in the Bill to regulate Elections, this House having considered the same are of opinion that the alterations you propose would render ineffectual the Provision made by the Assembly for securing the freedom & impartiality which ought to be observed in Elections, and therefore cannot agree to either of the said alterations.

8th Dec^r 1757.

SAM. SWANN, Speaker.

And on reading the aforesaid Message, the Bill for an Act to regulate Elections was put, and passed in the affirmative. Ordered to be Engrossed.

Received from the Lower House by Mr. Haymer & Mr. Sutton, a Bill to obviate doubts concerning Fees due on Proceedings in the Supreme Courts &c.

On motion, Ordered the said Bill be read.

Read the same the third time & passed. Ordered to be Engrossed.

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

Friday 9th December 1757. The House met according to Adjournment. Present as before.

Received from the Lower House by Mr. Churton and Mr. Gray, A Bill for adding part of the County of Beaufort to Craven County &c. A Bill for granting a further aid to His Majesty &c. and a Bill to regulate the inspection of Pork and Beef.

On motion, Ordered the Bill to regulate the inspection of Pork & Beef be read.

Read the same the second time amended & passed.

Received from the Lower House by Mr. Fonville & Mr. Cade a Bill to amend an Act intituled an Act for the better regulation of the Town of New Bern &c.

On motion, Ordered the Bill for granting a further aid to his Majesty &c. be read.

Read the same the third time; and Ordered the following Message be sent to the Lower House viz^t

MR. SPEAKER & GENT^{rs} OF THE ASSEMBLY

On reading a third time the Bill for granting a further aid to his Majesty &c. we are of opinion the following amendment is necessary, viz^t "And for the better supporting the credit of the said Notes, be it further enacted by the authority aforesaid That the Sheriffs of every County in this Province shall receive the notes of credit to be issued by virtue of this Act in discharge of all Public Taxes, and shall allow to every Person paying such notes the interest due thereupon to the time of such payment, for which interest the Person paying the said Notes shall thereupon endorse a receipt and every Sheriff having such Notes at making his payment to the Treasurer shall be allowed for the Principal and Interest thereupon endorsed." To which if your House agrees, We desire you would send some of your Members to see the same inserted.

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

The House met according to Adjournment. Present as before.

On motion, Ordered the Bill to amend an Act intituled an Act for the better regulation of the Town of New Bern &c. be read.

Read the same the third time & passed.

Ordered to be engrossed.

Received from the Lower House by Mr. John Campbell and Mr. John Starkey the following Message, viz^t

GENTⁿ OF HIS MAJ^{tie's} HON^{ble} COUNCIL

In answer to your Message of this afternoon relative to the amendment by you proposed to the Bill for granting a further aid to his Majesty &c. This House do agree to the said Amendment and have sent Mr. John Campbell and Mr. John Starkey two of the Members of this House to see the said Amendments inserted.

SAM. SWANN, Speaker.

Whereupon the Amendment proposed was inserted in the presence of Mr. John Campbell & Mr. John Starkey, and the Bill was put and passed.

Ordered to be engrossed.

On motion, ordered the Bill for adding part of the County of Beaufort to Craven County &c. be read.

Read the same the second time amended & passed.

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

Saturday 10th December 1757. The House met according to adjournment.

Present.

The Hon ^{ble}	{	Math: Rowan	John Swann	} Esq ^s
		James Murray	Lewis De Rosset	
		James Hasell	John Riens-ett	
		James Innes	Edw ^d Brice Dobbs and	
		Francis Corbin	Richard Spaight	

Received from the Lower House by Mr. Smith and Mr. Waddle a Bill to enable the Comm^{rs} of the Church at Edenton &c.

On motion, Ordered the said Bill be read.

Read the same a third time and passed.

Ordered to be engrossed.

Received from his Excellency the Governor the following Messages, viz^t

GENTⁿ OF HIS MAJ^{tie's} HON^{ble} COUNCIL,

I think it absolutely necessary for his Majesty's service, the future peace & safety of this and the neighbouring Provinces that a Bill should pass this Session to enable the honourable Edmund Atkins Esq^{ro} to regulate the Indian Trade, and by that means to collect all our Indian Allies in our interest in Conjunction with the other Provinces in which the Indians reside, His Majesty having made him Agent and superintendent of Indian affairs, which will support and give him weight in treating with the Indians, without which his Maj^{ties} gracious intention will be defeated and the safety of the Colonies be endangered by losing the friendship of our Indian Allies.

ARTHUR DOBBS.

GENTⁿ OF HIS MAJ^{tie}^s HON^{ble} COUNCIL,

I think it very necessary at this time of danger that a Post should be appointed to carry on a correspondence with the Northern Provinces to Suffolk, and with South Carolina to Wilmington. I don't find that you have taken notice of what I recommended from his Majesty to you, to give a proper allowance to a Store Keeper for the Military Stores, which he has been graciously pleased to give for the defence of this Province of at least £4,000 value for which I am to oblige the Store Keeper to give great security and to correspond twice a year with the Board of Ordnance to give them a state of the stores, and it would give me a great uneasiness to be obliged to acquaint his Majesty, that you refused to comply with his recommendation after receiving so gracious a bounty to secure the safety of this Province.

These several things I must recommend to your consideration before I can think of closing this Session. ARTHUR DOBBS.

Received from the Lower House, a Bill for preserving Peace and keeping good correspondence with the Indians in alliance with his Majesty's subjects.

On motion; Ordered the said Bill to be read;

Read the same the first time and passed.

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

The House met according to adjournment. Present as before.

Received from the Lower House by Mr. Vail and Mr. Houston, the Bill for preserving Peace and keeping a good correspondence with the Indians &c.

On motion, Ordered the said Bill be read.

Read the same the second time and passed.

Received from the Lower House by Mr. Davis and Mr. Fonville the Bill for adding part of the County of Beaufort to Craven County &c.

On motion, Ordered the said Bill be read.

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

Then the House adjourned till 9 o'clock Monday morning.

Monday 12th December 1757. The House met according to Adjournment. Present as before.

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

The House met according to adjournment. Present as before.

Received from the Lower House by Mr. Davis and Mr. Houston, a Bill for preserving Peace and confirming a good correspondence with the Indians &c.

On motion, Ordered the said Bill be read.

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

Received at the same time the following message viz^t

GENTⁿ OF HIS MAJ^{ties} HON^{ble} COUNCIL,

This House have resolved That the Post be kept up from Wilmington on Cape Fear river to Suffolk in Virginia once a fortnight for one year from the first day of January next; to be carried on from Lingfields Ferry, on Neuse river, and from thence to Wilmington aforesaid by Mr. James Davis, and from Lingfields Ferry aforesaid to Mackeys Ferry on Albemarle Sound and from thence to Lingfields Ferry by Mr. Robert Palmer; and from Mackey's Ferry to Suffolk in Virginia, and from thence to Mackeys Ferry by the way of Mr. Herrons, there to leave the western mail, by Mr. John Campbell, and that the Posts do meet at Lingfields Ferry on Mondays, at Mackeys on Thursdays, and the Northern Post to be in Suffolk on Sundays; and the Southern Post to be at Wilmington on Thursdays, and that for the service aforesaid the said Gentlemen be allowed and paid at the expiration of the said year, the salaries of forty pounds each, out of the contingent Tax, and in case that either of them shall fail having the Post, which he ought to send at such place where at the time appointed by this Resolve he ought to be, there shall be deducted out of his Salary, the expence of his and all the other Posts for that time and desire your Honours concurrence thereto.

SAM. SWANN. Speaker.

In the Upper House Concurred with.

MATT. ROWAN. P. C.

To which his Excellency assented to and signed

ARTHUR DOBBS.

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

Tuesday 13th December 1757. The House met according to Adjournment. Present as before

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

The House met according to Adjournment. Present as before

Received from the Committees of Public Accounts & Claims of this Province their reports of the same, which were concurred to.

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

Wednesday 14th December 1757. The House met according to Adjournment Present as before

Received from the Lower House the following Resolve by Mr. Bartram and Mr. Houston

GENTⁿ OF HIS MAJ^{tie's} HON^{ble} COUNCIL,

This House have resolved that there be allowed a Commissary and a Surgeon to each of the three Companies directed by Law to be kept up, and that each Commissary be allowed five shillings and each Surgeon be allowed four shillings Pro: Money ꝑ diem during the time the said three Companies shall be kept in pay by the said Act, and desire your Honour's Concurrence thereto. SAM. SWANN. Speaker.

13th Dec^r 1757.

Concurred with.

MATT. ROWAN. P. C.

Received from the Lower House by Mr. Waddle & Mr. Moore the following Resolve,

GENTⁿ OF HIS MAJ^{tie's} HON^{ble} COUNCIL

Resolved that the several Balances due to the several Officers and others for their Pay and Disbursements on Account of the Troops heretofore in the pay of this Province as reported by the Committee of Accounts be paid to them out of the one thousand eight hundred and seventy three pounds thirteen shillings and five pence half penny in the hands of Richard Spaight Esq^r and that if there shall on the settle^t of the Accounts in New York be anything due for paying and subsisting the Troops late in the pay of this Province in that Colony, That this House will make effectual provision to discharge the same, if what shall remain in Mr. Spaight's hands after complying with this Resolve shall not be sufficient for that purpose. SAM. SWANN. Speaker.

Concurred with.

MATT. ROWAN. P. C.

Received from the Lower House by Mr. Fonville and Mr. Brice the following Resolve

In the Assembly Resolved that the Notes of Credit which are now redeemable and remaining unredeemed be paid by Mr. Barker Treasurer of the Northern District out of the money in his hands on Account of the two shilling tax for Glebes and replaced as the tax laid for repayment of the said Notes shall be paid in.

GENTⁿ OF HIS MAJ^{tie's} HON^{ble} COUNCIL

To the above resolve desire your Honour's Concurrence.

14th December.

SAM. SWANN. Speaker.

Concurred with.

MATT. ROWAN. P. C.

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

The House met according to Adjournment.

Present

The hon ^{ble}	{	Matt. Rowan	John Swann	}	Esq ^{rs}
		James Hasell	Lewis De Rosset		
		James Innes	John Rieussett		
		Francis Corbin	Edw: Brice Dobbs		
		Rich ^d Spaight			

Received from the Lower House their Estimate of Allowances &c. amounting to £781.13.2. to which this House concurred.

M. ROWAN. P. C.

This House sent to the Assembly their Estimate of wages, &c., amounting to £228.2.4 which was concurred with.

His Excellency the Governor came to this House & ordered the immediate attendance of the Lower House.

Whereupon the Speaker attended by the Lower House waited on his Excellency in the Council Chamber and presented to him the subsequent Acts.

To wit. An Act for granting a further aid to his Majesty, &c.

2. An Act to enable the Commissioners of Fort Johnston & Fort Granville to finish the Forts, &c.

3. An Act, for further amending an Act, intituled an Act for amending the Staple of Tobacco, &c.

4. An Act, to empower the Justices of the Supreme Courts to take the acknowledgment or Proof of Deeds, and for allowing them a Salary.

5. An Act, for the better establishing a Ferry, on the North East side of the North West River of Cape Fear, &c.

6. An Act for establishing a Town on the Land of James Leslie on Roanoke River.

7. An Act, to obviate doubts concerning Fees due on the proceedings in the Supreme Courts, &c.

8. An Act for preserving peace and continuing a good correspondence with the Indians, &c.

9. An Act for adding part of Beaufort to Craven County, &c.

10. An Act to amend an Act intituled an Act for the better regulation of the Town of New Bern, &c.

11. An Act to enable the Commissioners at the Church at Edenton, to discharge the contracts by them made, concerning the finishing the same.

12. An Act to repeal an Act, intituled an Act for destroying Vermin in this Province.

13. An Act to dock the intail of certain Lands now in possession of Harding Jones, &c.

14. An Act to regulate Elections.

To which said Acts his Excellency was pleased to assent (except the Act to regulate Elections).

Then his Excellency the Governor was pleased to Prorogue this Assembly to the sixteenth day of February next.

True Copy.

JN^o SMITH, Cl^k of the Upper House of Assembly.

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

NORTH CAROLINA—ss.

At an Assembly begun and held at New Bern the twelfth day of December in the Twenty Eighth Year of the reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King &c and in the Year of our Lord One Thousand Seven hundred and fifty four and from thence Continued by Several Prorogations and Adjournments to the Twenty first day of November in the Twenty first year of the Reign of our said Lord the King to be then held at Newbern being the fifth Session of this Present Assembly.

Monday the 21st November 1757. The House met according to Prorogation.

Members Present.

Saml Swann Esq^r Speaker.

Mr. John Starkey	Mr. John Hardy	Mr. George Moore
Mr. W ^m Bartram	Mr. John Haymer	Mr. Jos. Bell
Mr. Saml Spruell	Mr. Thomas Whitmell	Mr. Jno Fonville
Mr. W ^m Spier	Mr. J ^{no} Harvey	Mr. Isaac Jones
Mr. Rich ^d Caswell	Mr. W ^m Houston	Mr. Joseph Bryan
Mr. Timothy Walton	Mr. Jas Davis	Mr. Stephen Cade
Mr. Thomas Smith	Mr. Francis Brice	Mr. Benj. Harvey
Mr. James Paine	Mr. J ^{no} Ashe	Mr. James Conner

The House adjourned till to morrow morning 10 o'clock.

Tuesday the 22^d of November 1757. The House met according to Adjournment.

Mr. Thomas Barker the Member for Edenton, Mr. Wyat one of the Members for Pequimons County, Mr. Edward Vail one of the Members

for Chowan County and Mr. Francis Brown one of the Members for Currituck County, Appeared and took their Seats in the House.

A Certificate of the return of the Writ for Electing a Member for the Town of Brunswick in New Hanover County to sit and vote in this present Assembly was laid before this House pursuant to which Mr. Maurice Moore appeared took the Oaths Appointed by Law for his Qualification subscribed the Test and took his seat in the House.

Ordered That Mr. Brown and Mr. Ashe wait on his Excellency the Governor and acquaint him that the House is met and ready to proceed on Business.

Pursuant thereto Mr. Brown and Mr. Ashe waited on His Excellency the Governor and being returned acquainted the House that His Excellency desired the Immediate attendance thereof in the Council Chamber.

The House waited on his Excellency the Governor in the Council Chamber where his Excellency was pleased to make a Speech to this House and the Council a copy of which to prevent mistakes Mr. Speaker obtained, which he laid before the House.

Ordered the same be read.

The same was read accordingly and Ordered to be entered in the Journal of this House as follows Viz^t

[For the Governor's Speech, see Journal of Upper House.—EDITOR.]

On motion Ordered that Mr. Barker, Mr. Starkey, Mr. John Harvey, Mr. Maurice Moore and Mr. John Ashe prepare an address in answer to his Excellency the Governors Speech and lay the same before the House for approbation.

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

Wednesday the 23rd November 1757. The House met according to adjournment.

Mr. John Campbell one of the members for Bertie County and Mr. Joseph Herron one of the members for Chowan County appeared and took their seats in the House.

Mr. Francis Ward one of the Members for Tyrrell County appeared and took his seat in the House.

Mr. Barker reported from the Committee appointed to prepare an Address in answer to his Excellency the Governor that the Committee had prepared the same which he presented to the House.

Ordered the same be read.

The same was read accordingly, the House approves thereof and Ordered the same stand the Address of the House and be Entered on the Journal thereof as follows

NORTH CAROLINA—SS.

To His Excellency Arthur Dobbs Esq^r Captain General Governor and
Commander in Chief in and over His Majesty's Province of North
Carolina.

The Address of the Assembly of the said Province.

SIR,

We his Majestys most dutyfull and loyal Subjects the Members of the Assembly of North Carolina return your Excellency our Thanks for your Speech at the opening of this Session. The Critical Situation of Affairs in Europe excites our anxiety for the welfare of Great Britain, Whilst we are under the Greatest Concern that a succession of disappointments should have rendered Ineffectual the several aids we have granted to his Majesty for the defence of the Colonies there is nothing more precarious than the Events of War, Thō ever so prudently conducted the best of scholars by unexpected Accidents are often frustrated, but their uncertainties can never diminish our duty to the best of Kings nor lessen our attachment to the interest of those we represent.

We are truly sensible of the obligations we owe to his Majesty and his Parliament for their bounty so seasonably bestowed on this Province at a Juncture when its Inhabitants are greatly Impoverished by frequent thō necessary Taxations Imposed for no less than the defence of the British Territories in America.

The Expediency of what you have been pleased to recommend in respect to securing our Forts and frontier is so apparent that we shall zealously exert ourselves to Effect those valuable purposes.

We hope the sums already raised will be sufficient for paying the debts contracted out of the Province and for finishing the Forts but if upon Inspecting the Accounts they should fall short We shall consult on Ways and Means by which the deficiency may be made good that our proportion of the moneys granted by his Majesty and the Parliament may be Transmitted to us without any deduction.

We shall make an adequate allowance for the Care which has been taken by the Storekeeper your Excellency has been pleased to appoint and beg leave to Express our Gratitude to His Majesty for the Artillery sent for Fort Johnston a part of which we hope may by your Excellencys direction be applyed to the use of Fort Granville it being a place of the greatest importance to the Trade of this Colony.

We shall take into consideration what you have so justly remarked in relation to the Clergy and your Excellency may be assured that due Attention should be given to every other Matter you have been pleased to recommend.

Your Excellencys Assiduous application to public Business the Candour wherewith you have represented our Affairs to his Majesty and your steady adherence to everything that may advance the Welfare of those under your Government justly merit our warmest thanks and most sincere wishes for your long and happy Administration.

By Order SAML SWANN Speaker.

Mr. James Carter one of the Members for Rowan County having been made acquainted with the Order of this House of last Session relating to his neglecting to apply the Sum of £500 put in his hands for the purchasing Arms for the Public and that he should attend the House this Session to Auswer the said Charge, in obedience to the said Order

It is therefore Resolved *Nem. Con.* That the said James Carter be expelled his seat in this House as a Member for Rowan County &c.

On motion Ordered that a Message be sent to his Excellency the Governor to desire he would be pleased to direct the Clerk of the Crown to Issue a writ to the Sheriff of Rowan County to Cause to be Elected a person duly qualified to sit and vote in this present Assembly as a Member for the said County.

On motion Ordered that Mr. John Harvey, Mr. George Moore, Mr. James Paine, Mr. James Davis, Mr. Benj. Harvey, Mr. Joseph Herron, and Mr. Maurice Moore be appointed a Committee to Examine State and Settle the Public Accounts of this Province and that Mr. John Starkey, Mr. Thomas Whitmell, Mr. John Ashe Mr. W^m Bartram, Mr. James Conner and Mr. Richard Caswell and Mr. Francis Brown be appointed a Committee to Settle and allow Public Claims in Conjunction with such of his Majestys Council as they shall think proper to Appoint and that the following Message be sent to the Council (*viz*^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have appointed Mr. John Harvey, Mr. George Moore, Mr. James Paine, Mr. James Davis, Mr. Benj^a Harvey, Mr. Joseph Herron and Mr. Maurice Moore a Committee thereof to Examine state and settle the Public Accounts of this Province and Mr. John Starkey, Mr. Thomas Whitmell, Mr. John Ashe, Mr. W^m Bartram, Mr. James Conner, Mr. Richard Caswell and Mr. Francis Brown a Committee to settle and allow the Public Claims on this Province in Conjunction with such of your Honours as you shall think proper to Appoint for those purposes.

Sent the above Message to the Council by Mr. Houston and Mr. Cade.
Then the House adjourned till 4 o'Clock Afternoon

P. M. The House met according to Adjournment
Sent the following Message to his Excellency the Governor Viz:

SIR,

Mr. James Carter one of the Members for Rowan County for reasons appearing to this House being expelled the same, Desire your Excellency would be pleased to direct the Clerk of the Crown to Issue a Writ to cause to be elected a Person duly qualified to sit and vote in this present Assembly for the said County in the room of the said James Carter.

By Order

S. S. S.

Sent by ———

His Excellency the Governor sent a Message to this House desiring the attendance thereof in the Council Chamber

Mr. Speaker with the House waited on His Excellency the Governor in the Council Chamber where Mr. Speaker presented to him the Address of this House to which his Excellency was pleased to return for Answer as follows Viz^t

It is very agreeable to me to find you are justly sensible of his Majesty's Paternal Goodness and Care of this Province in giving so considerable a Bounty to enable this Province to Act in Defence of his just American Rights and a supply of Stores for our Defence and of your steady zeal in Exerting yourselves in Defence of our Rights and Possessions and it gives me a Sensible Pleasure that the Representations I have made of this Province to his Majesty and my Endeavours to serve this Colony are agreeable to you.

Then Mr. Speaker with the House returned

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

Thursday the 24th November 1757. The House met according to adjournment.

Mr. Joseph Sutton one of the Members for Perquimons County and Mr. W^m Mackey one of the Members for Tyrrell County appeared and took their seats in the House.

Mr. Ashe moved that a proper reward be given to the Indians now in town who have been in an Action against the Swanees and produced a Scalp.

Ordered that the sum of Ten pounds proclamation Money be paid to Mr. Thomas Whitmell and Mr. Brice by the Treasurers to be laid out in Presents for the said Indians and the said sum to be allowed the Treasurers in their Accounts with the Public.

Mr. Vail moved that a Sufficient Sum be allowed and paid to the Neutral French in and about Chowan County towards their subsistance.

Resolved, That the sum of Twenty five pounds proclamation Money be laid out in provisions and other necessaries by the Treasurer of the Northern District and delivered the said Neutrals and that the said sum be allowed him in account with the Public.

On motion Ordered that Mr. W^m Mackey and Mr. Fonville be added to the Committee of Claims.

The House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

A certificate of the return of a Writ for electing two members for Orange County to sit and vote in this present Assembly was laid before this House Pursuant to which Mr. William Churton and Mr. John Gray appeared took the Oaths appointed by Law for their Qualification subscribed the Test and took their seats in the House.

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

Friday the 25th of November 1757. The House met according to adjournment.

Mr. Thomas Weeks one of the members for Perquimons County appeared and took his Seat in the House.

Mr. Barker moved for leave to bring in a Bill for granting an Aid to His Majesty for Payment of the Forces to be continued in the service of this Province.

Ordered That Mr. Barker, Mr. John Harvey, Mr. Maurice Moore, Mr. George Moore, Mr. John Ashe, Mr. John Starkey, Mr. John Campbell, Mr. John Herron and Mr. Thos. Whitmell do prepare and bring in the said Bill.

Mr. John Harvey presented to the House the Petⁿ of Joseph Henegan setting forth that he Enlisted in his Majestys Service under the Command of Thos M^eManus and others by reason of several hardships which he endured whilst in the service he is rendered incapable to get his Livelihood, Praying Relief &c.

Ordered the same lye on the Table till to morrow for Consideration.

Mr. Caswell moved for leave to bring in a Bill for the better establishing a ferry on the North East side of the North West River of Cape Fear being the place commonly called Dawsons Ferry and for preventing any other ferry within _____ miles of the said place and the opposite side of the River.

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

Mr. Caswell brought in the above said Bill which he read in his place

and delivered in at the Table where the same was again read by the Clerk, passed and Ordered to be sent to the Council.

Mr. Brown moved for leave to bring in a Bill to prevent Excessive and deceitfull gaming.

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

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

Sent the above two Bills to the Council by Mr. Brown and Mr. Caswell.

Mr. Caswell presented a Certificate from the County Court of Duplin thereby Certifying that Thomas Bales of Duplin County is aged and Infirm and recommending him to this House to be exempt from paying Public Taxes and doing Public Dutys.

Ordered he be exempt accordingly.

Mr. Hardy presented a Certificate from the County Court of Hyde thereby Certifying that Peter Seath of Hyde County is a proper object to be exempt from paying public Taxes and doing Public Duties.

Ordered he be exempt accordingly.

Mr. Hardy Presented a Certificate from the County Court of Beaufort thereby certifying that Edward Dowden of said County is poor and unable to do public Services and recommending him to be exempt therefrom.

Ordered he be exempt accordingly.

Mr. Ashe having made appear to this House that the County Court of New Hanover had Granted a Certificate to W^m Harvey of the said County therein Certifying that the said W^m Harvey is poor and infirm and recommending him to be exempt from paying Public Taxes and doing Public Duties,

Ordered he be exempt accordingly.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. Spier presented a Petition from several Inhabitants of Beanfort County setting forth that they labour under many Inconveniencies in regard to the Law passed in the year 1745 Praying a Law may pass to put the Inhabitants of said County under the like regulations prescribed and directed by an Act Passed in the Year 1756 for Establishing public Roads and ferries and for the better regulation of the same in several Counties.

On motion Ordered that Mr. Spier do prepare and bring in a Bill for the Purpose in the said Petition Contained.

Mr. Fouville presented a Petition from several of the Inhabitants on the South side of Bay River and lower Broad Creek.

Ordered the same lye for consideration.

Received from the Council the Bill for preventing Excessive and deceitful gaming

And the Bill for the better Establishing a ferry on the North East side of the North West Branch of Cape Fear River &c. Endorsed 25th November 1757 In the Upper House read the first time and passed.

Then the House adjourned till 10 o'clock to-morrow morning.

Saturday the 26th of November 1757. The House met according to Adjournment.

Mr W^m Williams one of the Members of Edgcomb County appeared and took his seat in the House.

On motion Ordered the Bill for Establishing a ferry on North East side of North West Branch of Cape Fear River be read a second time.

Read the same the second time.

Sent by Mr. Ashe and Mr. Williams.

Mr. Ashe moved that the absent Members who have not sent sufficient Reasons for their Absence be sent for in Custody at such Absent Members Expence.

Resolved the said Absent Members be sent for in Custody and that Mr. Speaker Issue his Warrant accordingly.

Mr. Bell presented to the House a Certificate from the County Court of Carteret thereby Certifying that John Oglesby of the said County is very poor aged and infirm and recommending him to be exempt from paying public Levys and doing Public Services.

Ordered he be exempt accordingly.

Mr. Ashe Presented a Petition of Several of the Inhabitants of St. Marys Parish in Edgcomb County setting forth That the Tax was laid on the parishioners of the said Parish of 4^s 6^d $\frac{3}{4}$ poll in the year 1755 and that a law passed for dividing the Parish of Edgcomb into two distinct parishes &c Praying &c.

Mr. Ashe moved for leave to bring in a bill pursuant to the prayer of the said Petition.

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

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

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

The Order of the day being read The House took under consideration the Petition of Joseph Henegan and Resolved that the Treasurer of the

Southern District pay the said Joseph Henegan forty pounds Proclamation Money toward payment of his debts contracted here by the said Joseph Henegan and for his Passage from hence home.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This house taking into Consideration the Petition of Joseph Henegan herewith sent you have Resolved That the Treasurer of the Southern District out of the Money arising by the Tax for Contingencies do pay to the said Joseph Henegan forty Pounds proclamation money towards payment of the debts contracted here by the said Joseph and for his passage from hence home to his friends and desire your Honours Concurrency thereto.

By Order

S. S. S.

W^m HERRITAGE C^{lk}

Sent by Mr. Bartram and Mr. Haymer

Then the House Adjourned till 10 o'Clock Monday morning.

Monday the 28th November 1757. The House met according to Adjournment.

Mr. Spier moved for leave to bring in a Bill for the better Regulation of the Roads in the Counties of Orange &c.

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

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

Sent the above Bill to the Council by Mr. Bartram and Mr. Spier.

Mr. Vail moved that Commissioners be Appointed to examine the state and Condition of Fort Dobbs at Topsail Inlett

Resolved That Mr. Edward Vail Mr. Francis Brown and Mr. Richard Caswell do view the state and condition of the said Fort and Report the same to the House.

Received from the Council The Bill to Impower the Church Wardens of the Parish of St Marys in Edgcomb County to Collect the Arrears of the Tax laid in 1755.

And the Bill for the better Establishing the ferry on the North East side of the North West River of Cape Fear &c

Endorsed November 28th 1757 In the Upper House read the first time and passed

A Certificate from the Secretarys Office was laid before this House thereby Certifying that Hugh Waddell Esq^r was returned by the Sheriff of Rowan County duly Elected member for the said County in the room

of Mr. James Carter to sit and vote in the present Assembly Pursuant to which the said Hugh Waddell Esq^r Appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his Seat in the House

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

Mr. Bell presented to the House a Certificate from the County Court of Carteret thereby certifying that Job Prior of said County is a Cripple and very poor recommending him to be Exempt from paying public Taxes and doing Public Duties.

Ordered to be exempt accordingly

Mr. Davis presented a Memorial of Sundry Merchants Traders and others residing in this Province, Setting forth that the Memorialists are greatly grieved by the present Inspection Law so far as relates to Beef and Pork and pray that the same may be taken into Consideration and that a Bill may be brought in to Amend the said Inspection Act, and moved for leave to bring in a Bill to Amend the Act Intituled an Act for inspecting Pork Beef Rice Indigo, Tarr, Pitch, Turpentine staves headings shingles and lumber.

Ordered that Mr. Davis, Mr. Campbell, Mr. Jno. Harvey do prepare a Bill pursuant to the prayer in the said Memorial.

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

Tuesday the 29th of November 1757. The House met according to Adjournment.

Received from the Council the Bill for the better regulation of Roads in the Counties of Orange &c Endorsed 28th November 1757 In the Upper House read the first time and passed.

Mr. Harvey reported that Mr. Barker the Treasurer of the Northern District hath paid into the Committee of Accounts £1025 in Treasurers notes and Mr. Barker Treasurer of the Southern District hath paid into the said Committee the Sum of £1454 in Treasurers Notes and £61 not emitted of said notes and that Mr. Starkey Treasurer of the Northern District hath likewise paid into the said Committee the sum of £1051.-15.11½ Proclamation Money on the Sinking fund, and that Mr. Starkey hath paid into said Committee the Sum of £934.17.5½ on the same fund and moved that the said several sums be burnt this Afternoon, and that a message be sent to the Council to Acquaint them thereof and also that they would appoint a Committee of their House to do so

The same done accordingly.

Resolved, That the said several Sums be burnt at four o'clock this Afternoon at the House of Richard Cogdell and that the following message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Treasurers of this Province having paid into the Committee of Accounts the Sum of £2540 in Treasurers notes £61.0.0 of which not emitted, and that Thos Barker Esq^r Treasurer of the Northern District hath paid into the said Committee the sum of £1051.15.11½ for the sinking fund, and John Starkey Esq^r hath paid into the said Committee the sum of £934.17.5½ for the same fund, and this House have resolved that the said several sums be burnt at four o'clock this Afternoon at the House of Richard Cogdell in New Bern Therefore desire your Honours will Appoint a Committee of your Board to Join this House to see the same done accordingly.

By order

S. S. S.

W^m HERRITAGE Cl^k

On motion Ordered that the Bill for the better regulation of the roads in the Counties of Orange &c be read a second time.

Read the same a second time Amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Paine and Mr. Spier.

Mr. Barker moved for leave to bring in a Bill for altering the times for holding the Courts in the Counties of Northampton Granville and Orange.

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

Mr. Barker brought in the above said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk and ordered to be sent to the Council.

Sent the same to the Council by Mr. Paine and Mr. Spier.

Received from the Council the Bill for the better Establishing a ferry on the North East side of the North West River of Cape Fear &c. And the Bill to Impower the Church Wardens of the Parish of St. Marys in Edgcomb County &c. Endorsed November 28th 1757 In the Upper House read the first time and passed.

Mr. Barker moved for leave to bring in a Bill for Establishing a Town on the Land of James Leslie on Roanoke River.

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

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

Sent the same to the Council by Mr. Paine and Mr. Spier.

Mr. Barker moved for leave to bring in a Bill for further amending an Act Intituled an Act for amending the Staple of Tobacco to prevent frauds in his Majestys Customs.

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

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

Sent the same to the Council by Mr. Paine and Mr. Spier.

The House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council the following message (viz^t)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading your message relative to the burning the Treasurers Notes and the Sums for the Sinking funds paid in by the Treasurers of the Northern and Southern Districts to the Committee of Accounts

We have appointed the Hon^{ble} John Swann and Lewis De Rossett Esq^{rs} as a Committee of this House to join your House to see the same burnt.

In the Upper House 29th Nov 1757.

Then the House Adjourned till 10 o'Clock tomorrow morning.

Wednesday the 30th November 1757 The House met according to Adjournment.

On motion Ordered the Bill for Establishing a Ferry on the North East side of the North West River of Cape Fear &c. be read the third time.

Read the same a third time and passed with Amendments and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Walton and Mr. Wyatt

Mr. Ashe moved for leave to bring in a Bill for regulating Elections, Members to serve in Assembly for the several Counties and Towns in this province

Received from the Council the Bill for further amending an Act Intituled an Act for amending the Staple of Tobacco and preventing frauds in his Majestys Customs.

The Bill for Establishing a Town on the Land of James Leslie on Roanoak River

And the Bill for Altering the times for holding Courts in the Counties of Northampton Granville and Orange.

Endorsed 29th November 1757 In the Upper House read the first time and passed

Mr. Thomas Lovick one of the members of Carteret County appeared and took his seat in the House.

On motion Ordered the Bill to empower the Church Wardens of the Parish of St Marys in Edgecomb County to Collect the Arrears of the Tax laid by the Parish of Edgecomb for the Year 1755 be read a second time.

Read the same a second time and passed with Amendment and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Walton and Mr. Wyatt.

On motion Ordered the Bill for Establishing a Town on the Land of James Leslie on Roanoak River, and the Bill for altering of time for holding Courts in the Counties of Northampton, Granville and Orange be read a second time.

Read the said two Bills a second time passed and Ordered to be sent to the Council

Sent the said two Bills to the Council by Mr. Walton and Mr. Wyatt.

Received from the Council the message sent them of Saturday last relative to the Allowance of Forty pounds to be paid by the Treasurer of the Southern District to Joseph Henegan &c Endorsed In the upper House 30th November 1757. Concurred with.

MATT ROWAN, P. C.

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

Received from the Council the Bill for Establishing a Town on the Land of James Leslie on Roanoak River Endorsed 30th November 1757 In the Upper House read the second time and passed

Mr. Ashe moved for leave to bring in a Bill to repeal an Act Intituled an Act for destroying Vermin in this province

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

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

Sent the above Bill to the Council by Mr. Gray and Mr. Churton.

On motion Ordered the Bill for futher Amending an Act Intituled an Act for Amending the Staple of Tobacco &c. be read a second time.

Read the same a second time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

Received from the Council the Bill to Impower the Church Wardens of the parish of St. Marys in Edgecomb County to collect the arrears of the Tax laid by the Parish of Edgecomb for the year 1755. Endorsed 30th November 1757 In the Upper House read the second time Amended and passed.

Received from the Council the Bill for the better establishing a Ferry on the North East side of the North West River of Cape Fear. Endorsed 30th of November 1757 In the Upper House read the third time and passed. Ordered to be engrossed.

Received a Written Message from his Excellency the Governor by Mr. Powell as follows Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Mr. Brown having brought me down from the Catawba Nation some papers containing a strong talk from King Haglar and the Sachims desiring that we^d would finish the fort we have begun and make a Law to prevent Spiritous Liquors being sold to their young men I have sent the papers to^o you and desire you may take them into your Consideration and raise a sufficient supply to finish the Fort, but as there have been several contradictory papers sent to the North and South Provinces would not have the money issued until Mr. Atkins who has a Commission from his Majesty to transact all Indian Affairs in the Southern Provinces, Shall arrive in South Carolina and then proceed to the Catawba Towns and know from the Indians whether it is agreeable to them that we should finish the fort, And if they should appear to dislike it then the sum raised may be appropriated to other Public services in the Province.

Signed ARTHUR DOBBS.

30th Nov 1757.

Resolved the said Message lye for Consideration.

Then the House Adjourned till to-morrow morning 10 o'Clock.

Thursday the 1st of December 1757. The House met according to Adjournment.

On motion Ordered that the Bill for Establishing a Town on the Land of James Leslie on Roanoak River be read the third time.

Read the said Bill the third time amended and passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to Adjournment.

Mr. Williams moved for leave to bring in a Bill to dock the Entail of Certain Lands in the Possession of Harding Jones &c.

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

Mr. Williams brought in the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. B. Harvey.

Mr. Sutton moved for leave to bring in a Bill for an Additional Act to an Act Intituled an Act to prevent stealing Cattle and Hogs &c.

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

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

Sent the same to the Council by Mr. Williams and Mr. B. Harvey.

Then the House adjourned till 10 o'clock to-morrow morning.

Friday the 2nd of December 1757. The House met according to Adjournment.

Mr. Ward moved for leave to absent himself from the service of the House.

Ordered he have leave to be absent accordingly.

Mr. Barker moved for leave to bring in a Bill for Regulating Elections.

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

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

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

Mr. Davis moved for leave to bring in a Bill for the Revisal of the Laws of this Province.

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

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

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

Mr. Starkey acquainted the House that there was a quantity of rum imported in this Province and afterwards seized by the Collectors of his Majestys Customs for the port of Beaufort and the Country dutys refused to be paid. Therefore moved to have the opinion of the House If the said Dutys on the said Rum are due and payable or not.

The House took the same under consideration and Resolved That by virtue of the Act for granting to His Majesty the sum of £4,000, &c., the dutys on the said sum are due and payable notwithstanding the said

seizure to the Receiver of the said Dutys in Onslow County within the Port of Beaufort and that the seizing Officer do pay the same accordingly.

Received from the Council the Bill for Establishing a Town on the land of James Leslie on Roanoak River. Endorsed December 1st 1757 In the Upper House read the third time and passed. Ordered to be engrossed.

And the Bill to repeal an Act Intituled an Act for Destroying Vermin in this Province. Endorsed 1st December 1757 In the Upper House read the first time and passed.

The Order of the day being read the House took under consideration the Message his Excellency sent to this House by Mr. Powell and Resolved the following answer be sent to his Excellency (to wit)

SIR

The Assembly taking under consideration your Excellencys Message relative to the Fort begun near the Catawba Nation, We have had Several Reports from the Nation Altogether Repugnant to the Writing signed by several of them referred to by your Excellency which leaves us in great doubt whether the finishing the said Fort would not rather displease than oblige them therefore think it would be best to deferr applying any more of the money we have raised (and hope will be sufficient for that purpose) till we be more fully satisfied of the statements of these people by Mr. Atkins Report or some other Information than we have hitherto had.

By order

S. S. S.

Dec 2^d 1757

Sent the above Message to his Excellency.

Mr. Barker moved that a Committee be Appointed to bring in a Bill to enable the Commissioners of Fort Johnston and Fort Granville to finish the said Forts and to erect Barracks for accommodating the Troops in the said Forts and the following persons were accordingly appointed (viz^d) Mr. Barker, Mr. Starkey and Mr. Maurice Moore.

Then the House Adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

Received from the Council the Bill to regulate Elections.

The Bill to Dock the Intail of Certain Lands now in Possession of Harding Jones &c. And the Bill for the Revisal of the Laws of this Province.

Endorsed 2^d December 1757 In the Upper House read the first time and passed.

Mr. Barker from the Committee appointed to bring in a Bill for granting a further aid to his Majesty for subsisting the forces necessary to be kept in the pay of this province and for other purposes

Reported that the said Committee had prepared the same which he presented to the House and then read the same in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council. Sent the same to the Council by Mr. Ashe and Mr. Moore.

Mr. Harvey moved for leave to bring in a Bill to empower the Justices of the Supreme Courts to take the acknowledgement or Proofs of Deeds and for allowing them a Salary. Ordered he have leave and that he prepare and bring in the same.

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

On motion ordered the Bill to Dock the Entail of Certain Lands in possession of Harding Jones &c. be read the second time. Read the same a second time and passed with amendment and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mau, Moore and Mr. Sutton.

On motion Ordered that the Bill for further amending an Act for amending the Staple of Tobacco and preventing frauds in his Majestys Customs be read a third time. Read the same a third time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mau, Moore and Mr. Sutton.

Received from the Council the Bill for granting a further Aid to his Majesty for subsisting the forces necessary to be kept in the pay of this province &c. And the Bill to Impower the Justices of the Supreme Courts to take the acknowledgment or proof of Deed &c. Endorsed 2^d December 1757 In the Upper House read the first time and passed.

Then the House Adjourned till to-morrow morning 10 o'clock.

Saturday the 3^d of December 1757. The House met according to Adjournment.

On motion Ordered the Bill to regulate the Elections be read.

Read the same and on motion Resolved that the House Resolve into a Committee of the whole House to consider and debate on the subject matter of the said [bill].

The House Resolved into a Committee of the whole House for the purposes aforesaid and made choice of a Chairman who was placed in

the Chair Accordingly and after some time spent therein and several amendments proposed to the said Bill, which Mr. Chairman was directed to Report to the House,

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had proposed several amendments to the said Bills which he reported and submitted the same to the House.

The House taking the said amendments under consideration agreed thereto and Resolved that the said Amendments be inserted in the said Bill.

The same are inserted accordingly.

Read the said Bill a second time and passed with the said amendments and Ordered the same be sent to the Council

Sent the same to the Council by Mr. Ashe and Mr. G. Moore.

Received from the Council the Bill for further amending an Act intituled an Act for amending the Staple of Tobacco &c Endorsed 3^d December 1757 In the Upper House read the third time and passed.

Ordered to be engrossed.

And the Bill to Doek the Entail of Certain Lands now in Possession of Harding Jones Endorsed 3^d Dec 1757 In the Upper House read the second time amended and passed.

Mr. Barker from the Committee Appointed to prepare and bring in a Bill to enable the Commissioners of Fort Johnston and Fort Granville to finish the said forts and to erect barracks for accommodating the troops of the same reported that the Committee had prepared the said Bill which he presented to the House.

Read the same in his place and delivered it in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harvey and Mr. Sutton.

Mr. Ashe moved for leave to bring in a Bill to amend an Act Intituled an Act for the better Regulation of the Town of New Bern and for securing the Titles of Persons who hold Lotts in the said Town.

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

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

Sent the same to the Council by Mr. Davis and Mr. Fonville.

Received from the Council the Bill to enable the Commissioners of Fort Johnston and Fort Granville to finish the said Forts and to Erect Barracks Endorsed 3^d December 1757 In the Upper House read the first time and passed.

Mr. Ashe moved for leave to bring in a Bill for dividing the Parish of St James in New Hanover County into two Distinct Parishes.

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

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

Sent the same to the Council by Mr. Davis and Mr. Fonville.

On motion Ordered The Bill to empower the Justices of the Supreme Courts to take the acknowledgment or proof of Deeds and be read a second time.

Read the same a second time amended and passed.

Ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

On motion Resolved that no Bill shall be received in the House after Monday next.

On motion Ordered the Bill to Impower the Church Wardens of the Parish of St. Marys in Edgecomb County &c be read a third time.

Read the same a third time and on motion Rejected *Nem. Con.*

On motion Ordered the Bill to establish the Commissioners of Fort Johnston and Fort Granville to finish the said Forts and Erect Barracks &c be read a second Time.

Read the same a second time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

On motion Ordered the Bill to repeal the Vermin Act be read a second time.

Read the same a second time and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

On motion Ordered the Bill for Revisal of the Laws of this Province be read.

Read the same and then on motion Resolved the House Resolve into a Committee of the whole House to consider and debate on the Subject Matter of the said Bill.

The House Resolved into a Committee of the whole House for the purposes aforesaid and Chose Mr. John Harvey Chairman who was placed in the Chair accordingly and after some time spent therein and several amendments proposed thereto which Mr. Chairman was directed to report to the House,

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had proposed several Amendments to the said Bills which he laid before and submitted the same to the House.

The House taking under Consideration the said Amendments agreed thereto and Resolved that the said Amendments be inserted in the said Bill.

The same were inserted accordingly.

Then on motion Ordered the Bill with the said amendments be read a second time

Read the same a second time and passed with the said amendments and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

Then the House adjourned till 10 o'Clock Monday morning.

Monday the 5th of December 1757. The House met according to Adjournment.

Mr. Barker Moved for leave to bring in a Bill to Obviate Doubts concerning the fees on Proceedings in the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery.

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

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

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

Mr. Barker moved for leave to bring in a Bill to enable the Commissioners of the Church of Edenton to discharge the Contracts by them made concerning the finishing the same.

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

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

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

Received from the Council the Bill for dividing the parish of Saint James in New Hanover County into two Distinct parishes, and the Bill to amend an Act Intituled an Act for the better regulation of the Town of New Bern for securing the Titles of persons who hold Lotts in the said Town. Endorsed 3rd December 1757 In the Upper House read the first time and passed.

Mr. John Harvey moved for leave to bring in a Bill to appoint a Receiver of the Duties arising on Wine rum and other spiritous Liquors Imported in Neuse River in the room of Mr. Jeremiah Vail and for the

more Effectually obliging the receivers of the said Duties to account for and pay the same.

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

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

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

On motion Ordered the Bill to Dock the Entail of Certain Lands now in Possession of Harding Jones be read a third time.

Read the same a third time amended and passed. Ordered the same be sent to the Council.

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

Mr. Brown, Mr. Caswell and Mr. Vail who were appointed to view the state and condition of Fort Dobbs and Topsail Inlet laid a state of the same before the House as follows, Viz^t

That the Battery is built agreeable to the plan annexed to the same and that the said Fort is in no condition of defence being built in so slight a manner and having no guns powder and ball; That the House within the said Battery is well built and of the dimentions following (to wit) Forty feet in length, Thirty feet wide and twelve feet pitch, it has three floors, On the lower of which there are four Rooms and a fire place in each room.

Signed
FRAN^s BROWN
EDW^d VAIL
RICH^d CASWELL

Dated 5th day of Dec 1757

On motion Ordered the Bill for Granting a further aid to his Majesty for subsisting the forces necessary to be kept in the pay of this Province and for other purposes be read.

Read the same and on motion Resolved the House resolve into a Committee of the whole House to Consider and Debate the Subject Matter of the said Bill the House Resolved into a Committee of the whole House to Consider and Debate on the Subject Matter of the said Bill Mr. Starkey Chairman who took the Chair accordingly After some time spent therein and several alterations and amendments proposed in and to the said Bill which Mr. Chairman was directed to report to the House Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had proceeded on the several matters contained in the said Bill and had proposed several alterations and amendments thereto which he laid before the House.

Ordered the said alterations and amendments be read.

Read the same.

Then on motion the House Resolved to take the said amendments under consideration in the afternoon.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to Adjournment.

Received from the Council the Bill to appoint a Receiver of the Duties arising on Wine and Rum and other spiritous Liquors Imported into Neuse River in the room of Mr. Jeremiah Vail &c. Endorsed 5th December 1757 In the Upper House read the first time and passed.

And the Bill to Repeal an Act Intituled an Act for destroying Vermin in this Province. Endorsed 5th December 1757 In the Upper House read the second time and passed.

The Order of this morning being read the House took under Consideration the alterations and amendments proposed by the Committee of the whole House in and to the Aid Bill and Resolved the Alterations and Amendments proposed by the said Committee be Inserted in the said Bill.

The same are accordingly Inserted, and Ordered the said Bill pass with the said amendments and be sent to the Council.

Sent the same to the Council by Mr. Bartram and Mr. Jones.

Received from the Council the Bill to obviate doubts concerning fees due on proceedings in the Supreme Courts of Justice &c. and the Bill to Enable the Commissioners of the Church at Edenton to discharge the Contracts by them made concerning the finishing the Church. Endorsed 5th December 1757 In the Upper House read the first time and passed.

The Bill to Dock the Entail of Certain Lands now in Possession of Harling Jones &c. Endorsed 5th December 1757 In the Upper House read the third time and passed. Ordered to be engrossed.

The Bill to Enable the Commissioners of Fort Johnston and Fort Granville to finish the Forts &c. Endorsed 5th December 1757 In the Upper House read the second time and passed.

The Bill to regulate Elections Endorsed 5th Dec 1757 In the Upper House read the second time and passed with amendments.

The Bill to Impower the Justices of the Supreme Courts to take the Acknowledgment of Deeds. Endorsed 5th Dec 1757 In the Upper House read the second time amended and passed.

On motion Ordered that the Bill to enable the Commissioners of Fort Johnston and Fort Granville to finish the said Forts &c be read the third time.

Read the said Bill the third time and passed.

Ordered the same be sent to the Council.

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

On motion Ordered the Bill to impower the Justices of Supreme Courts to take the Acknowledgement of Deeds be read a third time.

Read the same a third time passed and Ordered to be sent to the Council.

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

Then the House Adjourned till tomorrow 10 o'clock.

Tuesday the 6th of December 1757. The House met according to Adjournment.

On motion Ordered the Bill to Obviate Doubts concerning fees due on proceedings in the Supreme Courts of Justice &c be read a second time.

Read the same a second time and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

On motion Ordered the Bill to regulate Elections be read a third time.

Read the same a third time and passed with amendments, and ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

On motion Ordered the Bill to repeal an Act Intituled an Act for destroying Vermin in this Province be read a third time.

Read the same a third time passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

On motion Ordered the Bill to enable the Commissioners of the Church at Edenton to Discharge the Contracts by them made concerning the finishing the said Church be read a second time.

Read the same a second time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

On motion Ordered the Bill for dividing the Parish of St James in New Hanover County into two distinct Parishes be read a second time.

Read the same a second time.

Mr. Ashe moved the said Bill be proceeded on.

Mr. Maurice Moore objected thereto and moved That the said Bill be rejected and presented a Petition from several of the Inhabitants of the said Parish setting forth that it will be very injurious to the Petitioners if the same Parish should be divided After several Debates thereon the Question was put and Resolved the said Bill be proceeded on.

Mr. Barker moved that the House resolve into a Committee of the whole House to Consider the Subject matter of the said Bill.

Resolved the House Resolve into a Committee of the whole House for the purposes aforesaid.

The House Resolved into the Committee of the whole House and Chose Mr. Barker Chairman After some time spent therein and an amendment proposed which Mr. Chairman was directed to report to the House, then on motion Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had proposed an Amendment to the said Bill which he laid before and submitted to the House.

The House Resolved the said Amendments be Incerted in the said Bill

Ordered the Bill pass with the Amendments and be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

Mr. Davis one of the Committee appointed to prepare and bring in a Bill to regulate the inspection of Pork and Beef reported that the Committee had prepared the same which he presented to the House and read the same in his place, and Delivered in at the Table, where the same was again read by the Clerk, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Gray and Mr. Churton.

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

On motion Ordered the Bill to prevent Excessive and Deceitful Gaming be read a second time.

Read the same a second time, and on motion Rejected

Received from the Council the Bill to Enable the Commissioners of Fort Johnston and Fort Granville to Finish the said Forts and to Erect Barracks &c.

And the Bill to Impower the Justices of the Supreme Court to take the Acknowledgment or proof of Deeds &c

Endorsed 6th December 1757 In the upper House read the third time and passed Ordered to be engrossed

And the Bill to repeal an Act Intituled an Act for destroying Vermin in this province. Endorsed 6th December 1757 In the Upper House read the third time and passed Ordered to be engrossed

And the Bill to regulate the Inspection of Pork and Beef Endorsed 6th December 1757 In the Upper House read the first time and passed

Received a Written Message from his Excellency the Governor by Mr. Powell as follows

6th December 1757.

Having received from the Lords Commissioners for Trade and Plantations recommending Edmund Atkins Esq^r to be Appointed by his Majesty's Agent and Superintendant for Indian Affairs in the Provinces of Virginia North and South Carolina and Georgia, I herewith send you

a Copy of said Letter along with a letter from Mr. Atkins representing what he thinks very proper to be passed into a Law. To have a Law passed of the same nature through all the provinces that all may Act in Concert I think what is proposed with some Alterations will be of Great Service to His Majesty and the Colonies and therefore Recommend it to you for your Consideration in Order to have your thoughts in Case it should be too late to pass a Law this Session to show our Willingness to Act in Concert with the rest of the Colonies.

ARTHUR DOBBS

To Sam^l Swann Esq^r Speaker of the House of Assembly.

And also the Letter and Copy of the Letter referred to in the said Message.

On motion Resolved the Consideration of the said Message be referred till Thursday next.

Then the House adjourned till to-morrow morning 10 o'clock.

Wednesday the 7th December 1757. The House met according to Adjournment.

Then the House adjourned till to-morrow morning 10 o'clock.

Thursday the 8th December 1757. The House met according to Adjournment.

Received from the Council the Bill for granting a further Aid to his Majesty &c. Endorsed 6th Dec 1757 In the Upper House read the second time Amended and passed.

And the Bill to Obviate Doubts concerning fees due on proceedings in the Supreme Courts &c. Endorsed 6th Dec 1757 In the Upper House read the second time and passed.

On motion Ordered the Bill for granting a further Aid to his Majesty &c be read a third time. Read the same a third time Amended passed and Ordered to be sent to the Council. Sent the same to the Council by Mr. Churton and Mr. Gray.

Received from the Council the Bill to Enable the Commissioners of the Church at Edenton to discharge the Contracts by them made concerning the finishing the same. Endorsed 8th December 1757 In the Upper House read the second time and passed.

And also the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to regulate Elections, We find the following Amendments necessary Viz^t

That in the Proviso to prevent sundry officers from being elected Members of Assembly it is the Opinion of this House that the Clerks of the Courts of Justice and the Surveyor or Deputy Surveyor ought to be expunged and from the Oath taken by the Electors. We are of opinion that the following Clause ought to be struck off (Viz^t) And that you will vote for no representative but such as you think best qualified and most inclined to promote his Majestys Interest and that of this Country to which Amendments desire your concurrence, and if you Concurr that you will be pleased to send two of your Members to see the Amendments made.

Dated 8th December 1757.

On reading and considering the above Message the House Resolved that the following Message be sent to the Council Viz^y

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On reading your Message of this day in Regard to the Amendments you Mention in the Bill to Regulate Elections this House having Considered the same are of Opinion that the Alteration you propose would render Ineffectual the provision made by the Assembly for securing the freedom and impartiality which ought to be observed in Elections and therefore cannot agree to either of the said Alterations.

Sent by Mr. Haymer and Mr. Sutton.

On motion Ordered the Bill to amend an Act Intituled an Act for the better regulation of the Town of Newbern, &c., be read a second time.

Read the same a second time, amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Fonville and Mr. Davis.

Pursuant to order Mr. Davis brought in a Bill for adding part of the County of Beaufort to Craven County and for ascertaining the Dividing line between the said Counties which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for adding part of the County of Beaufort to Craven County. Endorsed 8th December 1757 In the Upper House read the first time and passed.

On motion Ordered that the Bill to obviate Doubts concerning fees due on proceedings in the Supreme Courts, &c., be read the third time.

Read the same a third time and passed and ordered the same be sent to the Council.

Sent the same to the Council by Mr. Haymer and Mr. Sutton.

On motion Ordered the Bill for adding part of Beaufort County to Craven County, &c., be read a second time.

Read the same a second time amended and passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Gray.

Received from the Council the Bill to amend an Act Intituled an Act for the better regulation of the Town of New Bern. Endorsed 8th Dec 1757 In the Upper House read the second time amended and passed.

On motion Ordered the Bill to regulate the Inspection of Beef and Pork be read the second time.

Read the same a second time, amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Gray.

Received from the Council the Bill to regulate Elections, and the Bill to obviate doubts concerning fees due on proceedings in the Supreme Courts of Justice. Endorsed In the Upper House read the third time and passed.

Ordered to be engrossed.

The Order of the Day being read the House referred the consideration of the Message from His Excellency the Governor relating to the Indian Affairs therein recommended by him to this House till to-morrow morning.

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

Friday the 9th of December 1757. The House met according to adjournment.

On motion Ordered the Bill to amend an Act for the Better regulating the Town of Newbern &c be read the third time.

Read the same a third time amended and passed.

Ordered to be sent to the Council

Sent the same to the Council by Mr. Fonville and Mr. Cade.

Mr. Caswell presented a certificate from the County Court of Johnston setting forth that Thomas Banks through old age and other infirmities is rendered incapable of getting a livelihood &c and recommending him to be exempt from paying public Taxes and doing public duties

Ordered he be exempt accordingly

Mr. Caswell Presented a Certificate from the County Court of Johnston thereby certifying that John Fishpool through age and other infirmities is rendered incapable of getting a livelihood and recommend-

ing him to be exempt from paying Public Taxes and doing Public Duties

Ordered to be exempt accordingly

Mr. John Campbell having made appear to the House that John Wilson of Bertie County obtained a Certificate from the County Court of Bertie whereby he was recommended to this Assembly to be exempt from paying Public Taxes and doing public Duties

Ordered he be exempt accordingly

The House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the Bill to regulate the Inspection of Pork and Beef Endorsed 9th Dec 1757 In the Upper House read the second time amended and passed

And also the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for granting a further Aid to His Majesty &c We are of opinion the following Amendment is necessary "And for the better supporting the Credit of the said notes Be it further Enacted by the Authority aforesaid that the Sheriffs of every County in this province shall receive the notes of Credit to be issued by virtue of this Act in Discharge of all Public Taxes and shall allow to every person paying such notes the Interest due thereupon to the time of such payment, for which Interest the person paying the said notes shall thereupon indorse a receipt and every Sheriff paying such notes Shall at making payments to the Treasurer be allowed for the principal and Interest thereupon Endorsed" to which if your House Agrees we desire you would send some of your members to see the same Incerted

9th December 1757.

The House on Considering the said Message Resolved That the following Message be sent to the Council (Viz^t)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In Answer to your Message this Afternoon relative to the Amendments by you proposed to the Bill for Granting an Aid to his Majesty &c this House do agree to the said Amendments and have sent Mr. Campbell and Mr. Starkey two of the Members of this House to see the said Amendments made.

By Order S. S. S.

W^m HERRITAGE C^{lk}

9th Dec 1757.

The Order of the day being read the House took under consideration the Message from His Excellency the Governor of the 6th Instant relating to the Indian Affairs and Also the Letter from the Lords of Trade, and the Letter from Mr. Atkins to his Excellency which were recommended by the Governor to this House and Resolved That a Bill be brought in for preserving peace and keeping a good Correspondence with the Indians in Alliance with his Majestys Subjects.

And on motion Ordered that Mr. Barker, Mr. Campbell and Mr. Starkey do prepare and bring in the same.

Received from the Council the Bill to Amend an Act Intituled an Act for the better regulation of the Town of New Bern and for securing the Titles of Persons who hold Lots in the said Town. Endorsed 9th December 1757 In the Upper House read the third time and passed. Ordered to be engrossed.

Then the House Adjourned till to-morrow morning 10 o'clock.

Saturday the 10th of December 1757. The House met according to Adjournment.

On motion Ordered the Bill to enable the Commissioners of the Church at Edenton to discharge the Contracts by them made concerning the finishing the Church at Edenton be read the third time. Read the same the third time and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Smith and Mr. Waddell.

Received from the Council the Bill for adding part of the County of Beaufort to Craven County &c. And the Bill to regulate the Inspection of Pork and Beef. Endorsed 9th December 1757 In the Upper House read the second time amended and passed.

Received a Written Message from his Excellency the Governor by Mr. Powell.

I think it absolutely necessary for his Majestys Service and the future peace and safety of this and the Neighbouring Provinces that a Bill should pass this Session to Enable the Hon^{ble} Edmund Atkins to regulate the Indian Trade and by That means to connect all our Indian Allies in our Interest in Conjunction with the other provinces in which the Indians reside His Majesty having made him Agent and Superintendent of Indian Affairs which will support and give him weight in Treating with the Indians without which his Majestys gracious Intention will be defeated and the safety of the Colonies be Endangered by losing the Friendship of our Indian Allies.

ARTHUR DOBBS.

10th Dec 1757.

Received a Written Message from his Excellency the Governor by Mr. Powell (Viz^t)

I think it very necessary at this time of Danger that a post should be Appointed to carry on a Correspondence with the Northern Province to Suffolk and from South Carolina to Wilmington.

I dont find that you have taken notice of what I recommended from his Majesty to you to give a proper allowance to a store keeper for the Military Stores which he has been graciously pleased to give for the defence of this province of at least £4,000 value for which I am to oblige a Storekeeper to give great Security and to Correspond twice a year with the board of Ordnance to give them a State of the Stores and it would give me great uneasiness to be obliged to acquaint his Majesty that you refused to comply with his recommendation after receiving so gracious a Bounty to secure the safety of this province.

These several things I must recommend to your Consideration before I can think of closing this Session.

ARTHUR DOBBS.

10th Dec 1757.

Received from the Council the Bill for granting a further Aid to His Majesty for subsisting the forces necessary to be kept in the pay of this Province. Endorsed 9th Dec 1757 In the Upper House read the third time amended and passed. Ordered to be Engrossed.

Received from the Council the Bill to Enable the Commissioners of the Church at Edenton to discharge the Contracts by them made concerning the finishing the same. Endorsed 10th December 1757 In the Upper House read the third time and passed Ordered to be Engrossed.

Mr. Barker from the Committee Appointed to prepare and bring in a Bill for preserving peace and keeping a good correspondence with the Indians in Alliance with his Majestys Subjects Reported that the Committee had prepared the same which he presented to the House read the same in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Moore and Mr. B. Harvey.

Mr. Conner moved for leave to absent himself from the Service of the House.

Ordered he have leave accordingly.

On motion Ordered the Bill for adding part of the County of Beaufort to Craven County be read a third time.

Read the same a third time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Davis and Mr. Fonville.

On motion Ordered the Bill to regulate the Inspection of Beef and Pork be read a third time.

Read the same a third time and the Question being put whether the same pass or be rejected, Resolved the same be rejected.

Resolved the following message be sent to his Excellency the Governor in answer to the message from him of this day Sent by Mr. Powell Viz'

SIR,

The Assembly having received by Mr. Powell your Excellencys several messages of this day and have as your Excellency has recommended ordered a Bill to be brought in which we hope will answer all the purposes you have mentioned in regard to supporting Mr. Atkins his Majestys Superintendant of Indian Affairs in the discharge of his duty. The Claim of the Storekeeper your Excellency has appointed has been laid before the Committee of Claims who have not yet made their report, but before the Session is over the Assembly will make a reasonable allowance for his Expence and Trouble.

This House is fully convinced of the necessity of continuing the Post to the places your Excellency has been pleased to mention and will make suitable provision for defraying the Expence with which it will be attended.

By order

S. S. S.

W^m HERRITAGE Cl^k

10th December 1757.

Mr. Barker moved that the House would take under consideration the provision suitable for continuing a Post from Wilmington at Cape Fear to Suffolk in Virginia.

Resolved that the House take the same under consideration.

The House took the same under consideration and Resolved to receive proposals on that head on Monday next.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

On motion Ordered that the Bill for preserving peace and keeping a good Correspondence with Indians in alliance with his Majestys Subjects be read the second time.

Read the same a second time amended and passed.

Ordered to be sent to the Council.

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

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

Monday the 12th of December 1757. The House met according to adjournment.

Received from the Council the Bill for continuing peace and keeping a good correspondence with the Indians in Alliance with his Majestys Subjects .Endorsed 10th December 1757 In the Upper House read the second time and passed.

The Order of the day being read the House took under Consideration the provision suitable for continuing a post from Wilmington on Cape Fear River to Suffolk in Virginia, and Resolved, That the Post be kept up from Wilmington on Cape Fear River to Suffolk in Virginia once a Fortnight for one year from the first day of January next to be carried on from Wilmington to Lingfields ferry on Neuse River and from thence to Wilmington aforesaid by Mr. James Davis and from Lingfields ferry aforesaid to Mackeys Ferry on Albemarle Sound and from thence to Lingfields Ferry by Mr. Robert Palmer, and from Mackeys ferry to Suffolk in Virginia, and from thence to Mackeys Ferry by the way of Mr. Herrons there to leave the Western Mail by Mr. John Campbell, and that the Posts do meet at Lingfields ferry on Mondays, at Mackeys on Thursdays, and that for the Service aforesaid the said Gentlemen be allowed and paid at the Expiration of the said year the Salary of Forty pounds Each out of the Contingent Tax and in case that either of them shall fail having the Post which he ought to send at such place where at the time appointed by this resolve he ought to be there shall be deducted out of his Salary the Expence of his and all the other posts for that time.

On motion Resolved the above resolve be sent to the Council for their Concurrence.

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

Resolved that it is the sense of this House that all Letters and public dispatches that shall be carried or brought by the said Post to and for the several Inhabitants shall be in Consideration of the said Salary delivered them or any of them free from any charge of postage of this Province in or throughout this province.

On motion Ordered the Bill for continuing peace and keeping a good Correspondence with the Indians in Alliance with his Majestys Subjects be read a third time.

Read the same a third time Amended and passed.

Ordered to be sent to the Council.

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

Received from the Council the Bill for adding part of Beaufort County to Craven County. Endorsed 10th Dec 1757 In the Upper House read the third time and passed. Ordered to be engrossed.

Mr. Cade moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

Mr. Gray moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for continuing peace and continuing a good Correspondence with the Indians in Alliance with his Majestys Subjects Endorsed 12th December 1757 In the Upper House read the third time and passed

Ordered to be Engrossed

Then the House Adjourned till 10 o'Clock tomorrow morning

Tuesday the 13th December 1757. The House met according to Adjournment

Received from the Council the Resolve of this House sent to them regarding the Salary to the Persons who are to keep the several post Offices therein mentioned Endorsed 12th December 1757 In the Upper House Concurred with

Mr. Starkey Chairman of the Committee of Public Claims presented to the House the Report of the said Committee for Concurrence. The Report was Read several amendments made thereto then the House Resolved the said Report be sent to the Council for Concurrence

Sent the said Report to the Council by Mr. Fonville and Mr. Davis.

Mr. John Harvey Chairman of the Committee of Public Accounts, Reported That the said Committee had stated and Settled the Accounts of Sundry Persons with the Public which he presented to the House to which the House Agreed and Ordered the same be sent to the Council for Concurrence.

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

Then the House Adjourned till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment

Bazil Smith and David Humphrys Messengers having returned the Warrants to them directed by Mr. Speaker to take the several Members therein mentioned into Custody &c. The House Resolved That the sum necessary to be paid to the said Bazill Smith and David Humphrys Mr. Murden, Mr. Relf, Mr. Griffin Jones, Mr. Stephen Williams, Mr. John Surry and Mr. Woodhouse, Mr. Sumner, Mr. Kinchin, Mr. Murphree, Amount to £18.15.

On motion Resolved That a Commissary and Surgeon be allowed to each of the three Companys Directed by Law to be kept up that each

Commissary be allowed five shillings and each Surgeon four Shillings proclamation Money ꝑ diem during the time the said Companys shall be kept in pay by the said Act, And that a Message be sent to the Council for their Concurrence

Sent the following Message to the Council by Mr. Bartram and Mr. Houston

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have resolved that there be Allowed a Commissary and Surgeon to each of the three Companys directed by Law to be kept up And that each Commissary be allowed five shillings and each surgeon be allowed four Shillings proclamation money ꝑ diem during the time the said three Companys shall be kept in pay by the said Act and desire your Honours Concurrence thereto

By Order

S. S. Speak^r

W^m HERRITAGE C^{lk}

13th Dec 1757.

Then the House adjourned till to-morrow morning 10 o'Clock

Wednesday the 14th of December 1757 The House met according to Adjournment

Received from the Council the Reports of the Committee of Accounts and of the Claims 13th Dec 1757 Endorsed Concurred with

MATT ROWAN. P. C.

On motion Resolved that Thomas Barker Es-q^r Treasurer of the Northern District do pay the messengers who went for the absent members (to wit) To Bazil Smith seven pounds fifteen shillings proclamation money and the sum of nine pounds like money to David Humphrys out of the Contingent Tax which said sums the said Treasurer shall be repaid by the absent members in the proportions following (to wit) Mr. Robert Murden £2.2.0 Mr. Griffith Jones £2.2.0 Mr. Thomas Relf £2.2.0 Mr. John Surry £2.2.0 Mr. John Woodhouse £2.2.0 Mr. Dempsey Sumner £2.2.0 Mr. W^m Kinchin £2.2.0 and Mr. W^m Murphree £2.2.0

Received from the Council the Resolve sent from this House to them relative to the allowing a Commissary and a Surgeon to Each of the three Companys to be kept in the pay of this province. Endorsed 14th December 1757 In the Upper House concurred with.

By order

MATT ROWAN P. C.

On motion Resolved that the several Balances due to the several Officers and others for their pay and disbursements on Acc^t of the Troops

heretofore in the pay of this province as reported by the Committee of Accounts be paid to them out of the £1873.13.5½ in the hands of Richard Spaight Esq^r and that if there shall on the settlement of Accounts in New York be anything due for paying and subsisting the Troops late in the pay of this Province in that Colony that this House will make effectual provision to discharge the same if what shall remain in Mr. Spaight's Hands after complying with this resolve shall not be sufficient for that purpose.

On motion Ordered That the above Resolve be sent to the Council for concurrence.

Sent by Mr. Waddel and Mr. Moore.

On motion Resolved That the Notes of Credit which are now redeemable and remaining unredeemed, be paid off by Mr. Barker Treasurer for the Northern District out of the money in his Hands on Account of the Two Shilling Tax for Glebes, and replaced as the Tax laid for repayment of the said Notes shall be paid in

Resolved That the above Resolve be sent to the Council for their concurrence.

Sent the above Resolve to the Council for concurrence by Mr. Brice and Mr. Fonville.

Then the House Adjourned till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment.

His Excellency the Governor sent a Message to this House, desiring the immediate Attendance thereof in the Council Chamber, with the Engrossed Bills.

Mr. Speaker with the House waited on His Excellency in the Council Chamber where Mr. Speaker presented the following Bills,

An Act, for granting a further Aid to his Majesty, for subsisting the Forces necessary to be kept in the pay of the province, and for other purposes.

To enable the Commissioners of Fort Johnston and Fort Granville to finish the Forts; and to erect Barracks for accommodating the Troops in the same.

For further amending an Act intituled An Act for amending the Staple of Tobacco, and preventing Frauds in His Majestys Customs.

To empower the Justices of the Supreme Courts to take the acknowledgment or Proof of Deeds; and for allowing them a Salary.

For establishing a Town on the Lands of James Leslie on Roanoke River.

For the better establishing a Ferry on the North East side of the North West river of Cape Fear, being the place commonly called or known by the name of Dawsons Ferry.

To obviate doubts concerning Fees due on Proceedings in the Supreme Courts of Justice Oyer and Terminer, and General Goal Delivery.

For preserving Peace and continuing a good Correspondence with the Indians in Alliance with his Majestys Subjects.

An Act for adding Part of Beaufort to Craven County; and for ascertaining the dividing line between the said Counties.

To amend an Act, intituled An Act for the better Regulation of the Town of Newbern; and for securing the Titles of persons who hold Lots in the said Town.

To enable the Commissioners of the Church of Edenton to discharge the contracts by them made, concerning the finishing the same.

To repeal an Act intituled, An Act for destroying Vermin in the Province.

To dock the Intail of Certain Lands, now in Possession of Harding Jones, under a Devise in the Will of Frederick Jones Esq his Grandfather deceased, by whom the same were entailed.

To all which Thirteen Bills His Excellency was pleased to assent and then made the following Speech, a Copy of which to prevent mistakes Mr. Speaker obtained.

Then the House returned, and Mr. Speaker laid the said Speech before the House; ordered the same be read. Read the same and on motion Ordered That the same be entered on the Journals of this House and is as follows Viz^t

GENTLEMEN,

I thank you for the supply you have granted to his Majesty for the Support of three Companies to defend the Forts and Western Frontier of this Province but would have wished for the good of the Province, that you had kept up the two Companies stipulated as our Quota to assist our neighbouring Colonies if necessary, as they were raised by His Majestys Recommendation, for the Safety of all the Colonies I wish your Parsimony at this critical Time may not be the occasion of a much greater Expence and Trouble to you if those Companies should be wanted, for then I must assemble you soon to meet again, and it will be a much greater Expence to cloath and raise so many more men, and if it should not be agreed to, if found necessary for His Majesty's Service, I am under Apprehensions that our dividend of his Majestys Bounty to this Province of 15000 which I expect, will be employed for his Majestys Service out of the Province.

I shall only recommend to you the support of the Laws and the Preservation of the Peace of the Province in your Several Counties, upon your Return Home, and particularly to suppress the Spirit of protecting and harbouring deserters contrary to Law, and so dangerous to the future safety of this Province.

Received from the Council the Resolve sent this day relating to the payment of the Balances due to the several Officers and others, &c., and also the Resolve of this day relating to redeeming the Notes of Credit by Mr. Barker. Endorsed December 14th 1757 In the Upper House and Concurred with
MATT ROWAN P. C.

Also further endorsed and assented to

ARTHUR DOBBS.

Sent to the Council the Estimate of allowance to the Members, Clerks and Officers of this House for concurrence.

Received from the Council the Estimate of this House, sent to them for concurrence.

Endorsed December 14th 1757 In the Upper House, and concurred with.
MATTHEW ROWAN P. C.

1758.

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

NEW YORK February 13, 1758

SIR, [GOVERNOR DOBBS]

I had the favour of yours of Dec^r 24th a few days ago.

I am sorry to find your Assembly have now in the middle of the War reduced their forces without waiting to see what occasion there wou'd be for them the ensuing Campaign, besides I think it was impolitick for themselves at present, in regard to the £50,000 the Crown has obtained from Parliament to be given to the two Carolinas and Virginia, for altho I have as yet no orders on that subject from the Ministers, I see by the publick Accounts that it is to be given according to the Services that have or shall be done by each respective Province, of which whoever has the Division of it must be a Judge, and will be complained of by the other Provinces if he divides it by any other Rule than that prescribed to him.

Notwithstanding the saving Measure of your Assembly, I can have no doubt that with your Influence, they will readily comply with what I am to ask of you now, as it's so material for the King's Service, and cannot be supplied in any other Shape but by you, and at the same time will be of material Service to yourselves, which is this,

As I have found it necessary to endeavour to engage a body of the Cherokee Indians to march to the Northward to assist in carrying on the War against the Enemy, and as they must march through your Province, I must desire that you will endeavour to get your Assembly to make Provision for supplying them wth Victuals as they pass thrō it, by driving live Cattle to the places thrō which they must pass, or what other Species of Provisions the Season can supply.

I expect they will march through your Province about the middle of April at farthest, and that their Numbers will be between 500 and 1000 Men.

I need not use Arguments with you to enforce this Measure, as from your Knowledge of the Country you will see the Necessity of it, and the usefulness of the Measure of engaging the Indians in the War against the French. I am with great Regard, &c.,

LOUDOUN

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

NEW YORK, 21st March 1758.

SIR, [GOVERNOR DOBBS]

His Excellency Maj^r Gen^l Abereromby having pursuant to his Majesty's Directions been appointed unto the Command of the Kings regular Forces and Provincial troops, who are to be employed jointly in the operations to be carried on this ensuing Campaign to the southward of Pensylvania included,

And as a great part of this force is to consist of the Southern Provincial troops of Pensylvania, Maryland, Virginia and North Carolina, I make no manner of doubt but these Provinces from their known Zeal for the publick service will most chearfully and unanimously join in raising with the greatest Dispatch the Body of Men expected from them for the Defence of their own Confines and the Honour and support of his Majesty's Dominions in N^o America,

I must therefore beg that the officers and men employed for this Service be able bodied good men, capable of enduring fatigue, and that their arms be the best that can be found in the Province.

As I am given to understand and have great reason to expect that a Body of Cherokee Indians are to come and join us this Spring on the back Frontiers of Virginia and Pensilvania, and as their Rout leads them through your Province of North Carolina, I must therefore beg that you will be so good as to give orders that they meet with all kind of good usage in their passing, and hope that Mr. Atkins who has the Charge of Indian Affairs has taken Care of their being supplied with Provisions &c. upon their March. As I am a Stranger to the Southern Provinces, and therefore can make no guess of the Distance that the N^o Carolina troops will have to march in order to join the Army at Wills^s Creek upon the Potowmack by the first of May, you will therefore be so good as to regulate their march, and order them to set out so as they may join me by that time. And as Provisions cannot possibly be delivered to them upon their march, each effective man that joins the Army shall be paid four pence sterling in lieu of Provisions from the time he begins his march, until that he receives Provisions from the Stores.

I must beg Sir that you will give your orders that none but those men who are good and that can be depended upon may be sent, as people either inclined to mutiny or desert wo^d prove an immense Detriment to the service at so intricate a Time, and that you will give orders to send me an account of the men you have at present in pay, and what numbers I may expect you are to send me, with the route they are to take in order to join me, and the time they will be ready to sett out, and you will order the officer that commands them to correspond with me directed for me at Philadelphia.

I have the honour to be with great regard

Your most obedient, &c.,

J^o FORBES.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 260.]

To the Committee of the Privy Council of Plantations Affairs.

WHITEHALL, Feb^{ry} 16th 1758.

MY LORDS,

Pursuant to your Lordships Order dated the 16 of January last, we have taken [under] our consideration the humble Petition of Henry M^cCulloh, relating to the Payment of the Arrears of Salary due to him as inspector of His Majesty's Quit-rents in North and South Carolina and having been attended by the Petitioner and heard what he had to offer

upon the subject matter of his Petition We beg leave to acquaint your Lordships

That in Our Report to your Lordships of the 9th of October 1756 we observed that the case of the Petitioner appeared to us, from the circumstances of Hardship which he then laid before Us, to be worthy of compassion and he now alleges that the Revenue of His Majesty's Quit-rents in Carolina being lessened by the difficulties and destructions attending the Collection of it in time of War, the Payment of his Warrant upon that fund will be thereby postponed much longer than could have been expected at the time when after long delay and with great difficulty he obtained it and that among the many hardships to which this additional Delay has reduced him, he has been obliged to enter into an engagement with his creditors to pay them interest to a very considerable amount untill the whole of his Debt is discharged.

For these Reasons and as Mr. McCulloh appears to us to have performed the duties of his late Office so far as they were within the cognizance of this Board with diligence, Integrity and ability and to have suffered great hardships and difficulties in consequence thereof we would humbly propose that His Majesty may be graciously pleased to grant him that sort of relief which he humbly requests in such manner as to his Majesty shall seem most proper.

We are my Lords, etc.,
 DUNK. HALIFAX SOAME JENYNS
 JAMES OSWALD W^m SLOPER

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 11.]

CRAVEN STREET. April 13th 1758.

SIR [SECRETARY OF BOARD OF TRADE]

In consequence of a letter from Governor Dobbs copy whereof is herewith sent it becomes necessary for me to acquaint you that I am no longer Agent for the Province of North Carolina be pleased then to communicate the same to their Lordships, and as I take my leave of these affairs I cannot help recommending to their Lordships consideration a measure which by my letters to Governor Dobbs and to the committee of correspondence I have heretofore earnestly urged (viz^d) That the Province should avail themselves of the Money granted last Session of Parliament in order to sink their paper currency which is become greatly

depreciated and dayly becoming more and more so and for that purpose pass an Act of Assembly calling in so much of their paper money as may be paid off by the money so granted by Parliament which money still remains in the Treasury and there to remain till such time as the Commander in Chief of the Forces in America has ascertained the respective provincial Proportions thereof and reported the same to the Lords of the Treasury.

Great attention is to be had to the manner of remitting and applying this money otherwise the person or persons into whose hands such money shall come may pocket one half of the whole by purchasing the paper money at its depreciated value and so reissue the same as a Tender in Law in discharge of the public Creditors according to its nominal value by Law to the manifest prejudice of Public and private credit.

To prevent which and to put all creditors of all sorts on a Par with regard to the paper money I humbly apprehend the most eligible method (if approved of by their Lordships) is to instruct the Governour to recommend it to the Assembly to pass an Act to call in so much of the paper money to be paid off by the money granted by Parliament and till this shall be done the money to remain in the Treasury this I humbly submit to their Lordships consideration and I am on all occasions

Sir, your most, &c., JAS: ABERCROMBY.

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

Know all Men by these presents that We James Parkinson of New Bern in Craven County Merchant Jeremiah Vail of the said place Gentleman and Nath Richardson are jointly and severally held and firmly bound unto Philip Ambrose in seven hundred and twenty pounds Proc^a Money to be paid to the said Philip Ambrose his Executors Adm^{ors} or Assigns To which payment well and truly to be made we bind ourselves our heirs Ex^{ors} and Adm^{ors} jointly and severally firmly by these presents Sealed and dated the twenty fourth day of April 1758

Whereas the above bounden James Parkinson bath the day of the date hereof obtained an Injunction from his Majesty's high Court of Chancery to stop the Proceedings at Law of the said Philip Ambrose against the said James Parkinson Now the Condition of the above Obligation is that if the said James Parkinson do and shall prosecute his said Injunction with Effect or in Case the same shall be dissolved do and shall abide by

and perform the Decree and Orders of the said Court therein then the above Obligation is to be void otherwise to remain in force and Virue

JAM^s PARKINSON

++++++
[SEAL]
++++++

JE. VAIL

++++++
[SEAL]
++++++

NATH^l RICHARDSON

++++++
[SEAL]
++++++

Sealed and delivered in the
presence of

JN^o TA: SNEAD

JOS CARRUTHERS

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

NORTH CAROLINA—ss.

His Excellency Arthur Dobbs Esq^r his Majestys Captain General Governor and Commander in Chief in and over the said Province

To the Honourable John Rieussett Esquire—Greeting.

Out of the assurance I have of your Loyalty Integrity and ability and In Virtue of his Majestys Royal Commission I do hereby constitute nominate and appoint you the said John Rieussett Chief Baron of his Majestys Court of Exchequer in and of the s^d Province To have use and exercise during my pleasure the several Powers and Authorities of Chief Baron of the said Court of Exchequer and to take receive and Enjoy the Fees Salaries and Perquisites Privileges and Emoluments usually made of right by the Chief Baron of the said Court of Exchequer taken received and enjoyed and generally to Act and do therein as to the office and Duty of Chief Baron of the said Court of Exchequer doth truly and legally appertain.

Given under my hand and the Seal of the said Province at New Bern the Twenty Eighth Day of April in the Thirty first year of the Reign of our Sovereign Lord George the Second by the Grace of God King of Great Britain &c and in the Year One Thousand Seven hundred and fifty Eight.

ARTHUR DOBBS.

By his Exc^{ty}s Command

RICH^d SPAIGHT Sec^r

[Endorsement.]

I Do hereby certify that the within named John Rieussett was duly Qualified before me by taking and Subscribing the Several Oaths by Law appointed and also the Oath of office.

Dated this 5th Day of May 1758

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 35.]

NORTH CAROLINA.

A Proclamation.

Whereas for the enormity of our sins, the neglect of the Divine service and worship of God, and from our gross sensualities and immoralities, God Almighty has been pleased to correct Britain and these Colonies by a heavy and dangerous war by which we are in imminent danger of losing the invaluable blessing of our Holy Religion, liberties and Possessions: And whereas He has justly corrected these Colonies, by raising a spirit in our Indian neighbours, to invade, massacre and make prisoners the British inhabitants of these Colonies, upon their visible neglect of the original native inhabitants by neither attempting to civilize, nor convert them to our Holy Religion, and therefore God Almighty has left us more immediately to be punished by them at the instigation of our cruel and inveterate enemies the French, who, from their principles, endeavour to extirpate the Protestant Religion wherever they have Power; and have not only in these Provinces, but in Europe, formed a formidable Popish league to extirpate and ruin the Protestant interest of Europe; and whereas it appears that after a short correction of the Protestants in Germany, God Almighty has most wonderfully manifested himself in defence of the Protestant Cause in Germany, and has apparently headed their armies, by inspiring them with an invincible Courage, and conducting their Councils, and at the same time dispiriting their Popish enemies, and turning all their Councils into foolishness, so that it manifestly appears that God will not desert the Holy Protestant Religion, provided we, with humble hearts, sincerely repent of our gross sensualities and immoralities, and our shameful neglect of His Divine service and worship, and serve Him and His Christ with our whole hearts, and not with only a lip service and external worship.

Let us therefore with sincere hearts fall down before Him, and supplicate Him through the merits and satisfaction of His dear Son Christ Jesus, our only Mediator & Redeemer, to forgive us our sins, upon our sincere resolution of Amendment, and that He will avert those judgments hanging over us, except of the Punishments already poured out upon us, and leave us no longer to be corrected by our enemies, but that He will restore us to His favour, go out and lead our Armies, Fleets and Councils and inspire us with Courage to defend our Holy Religion and Civil Liberties; and to return Him the utmost praise for manifesting himself so eminently in defence of the Protestant Interest and Civil Lib-

erties of Europe; with a lively hope and Faith that if we repent and amend, that He will also manifest Himself as the God and Protector of the Protestant Cause and liberties of Britain and of these Colonies, and implore a Blessing on His Majesty's Arms and Councils.

As therefore a day of Public Fasting and humiliation is, at this critical time, most highly necessary, I have by the advice of His Majesty's hon^{ble} Council, thought fit to issue this my Proclamation, and do hereby appoint Wednesday the seventh of June next, to be kept holy by all ranks of people within this Province, as a day of fasting and supplication; and also to give thanks to Almighty God and our Blessed Saviour Christ Jesus for having hitherto preserved this Province in Peace, in the midst of surrounding impending dangers and on account of the manifestation of his Providence, so remarkable in protecting the Protestant interest and Civil liberties of Europe from the united Popish Powers; hoping also that He will declare Himself the Protector of the Protestant Interest in America, lead our Armies and Councils and give a blessing to the Arms of his most gracious Majesty by sea and land; and that He may support our civil and religious liberties, and may vanquish & overcome our insatiable and inveterate enemies.

Therefore strictly command & require that Public Service be had in all Churches and Chappels within this Province, and that it be kept holy from all manual labour, and that this Proclamation be publicly read, either on that day or some convenient Sunday before it, to give notice to all persons within this Province, to pay a regard and obedience to it.

Given under my hand and Seal of the said Province at Newbern, the twenty ninth day of April in the thirty first year of his Majesty's reign, and in the year of our Lord one thousand seven hundred & fifty eight.

ARTHUR DOBBS.

By His Excell^{ty's} Command

RICHARD FENNER Dep: Sec:

God save the King

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 29.]

Letter from Governor Dobbs to the Board.

NEWBERN, 30th April, 1758.

MY LORDS,

I herewith inclose to your Lordships the speech, address and answers I made this Session, as we have but three Companies of 50 each on foot I have ordered them if possible to make them up 100 each and to have three Officers to send what they want after them. My orders from Mr. Secretary Pitt I did not receive until the 9th inst: and that day issued a

Proclamation for them to meet the 25th but a sufficient number did not attend until the 28th. It is impossible to raise more men in time and even these we have no credit to pay out of the Province, and have been obliged to write to Brig^r Gen^l Forbes to advance their pay and to take a credit out of the Proportion we are to have of the £50000 granted to us by Parliament. I sent you a large Packet and duplicates of what Proceedings were in the November Sessions, but for want of an opportunity the first Packet did not leave this Bar until the beginning of February and the duplicates by various accidents in the ship that carried them did not get from the Bar till the beginning of this month. I long to hear if either are got safe. I received your letter of the 9th November last March which gave me great pleasure. I hope the boundary line is by this time fixed and impatiently expect it.

I am with great respect my Lords &c.

ARTHUR DOBBS.

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

NORTH CAROLINA—SS.

Know all men by these Presents that We Robert Palmer Francis Corbin Esq^r & Alexander Stewart are held and firmly bound unto Our Sovereign Lord the King His heirs and Successors, for the Use of the Province aforesaid in the full and just Sum of Five hundred pounds proclamation money for the which Payment well and truly to be made We bind Ourselves and Heirs Executors and Administrators firmly by these presents. In Witness whereof We have herennto Set our hands & Seals this day of April 1758.

The Condition of this Obligation is Such that if the above bounden Rob^t Palmer Shall duely and Faithfully discharge the Duty as Receiver of the Powder and lead in the Port of Bath to which he is appointed, and from time to time and as often as required deliver into the Governor Council and Assembly of this Province a true list of all Ships or Vessels which shall enter in the Port aforesaid with the Burthen of Tons and a true & perfect account of the Quantity of Powder, and Shot or lead he shall receive on Account of the Duty aforesaid, Then this Obligation to be void, otherwise Remain in full force & Virtue.

ROB^t PALMER

++++++
 †SEAL †
 ++++++

FRA^s CORBIN

++++++
 †SEAL †
 ++++++

ALEX^r STEWART

++++++
 †SEAL †
 ++++++

[B. P. R. O. AM: & W. IND: VOL. 71.]

Letter from Governor Dobbs.

NEW BERN, 7th May, 1758.

SIR, [SECRETARY PITT]

I rec^d the Honour of yours of the 16th of September last about the Complaints of the Spaniards, the Contents of which I shall observe. I have also rec^d yours of the 30th of Dec^r and 7th of Jan^{ry} acquainting me with our Loss of the Princess Caroline and of the recalling of Lord Loudoun, and appointing Gen^l Abercrombie in his Command, and of Brig^r Gen^l Forbes to command under him in the southern Provinces, and his Majesty's Commands to procure all the Aid we can give from this Province to join in the Operations under Brig^r Forbes, and the great Supplies which he has been pleased to send to secure the future peace Safety and Happiness of his American Dominions.

These Letters and Orders did not come to my hands until the 13th of April. I instantly issued a proclamation for the Council & Assembly to meet the 25th ult. but as the Members are far dispersed we could not make up a Number till the 28th, and they have done all this poor Province cou'd do on so short a notice. We passed an Aid Bill in 8 days to make up the 3 Companies we had on foot here of 50 Men 100 Each, so as to send 300 to join General Forbes, and gave £10 Bounty to each able Volunteer to send them with Dispatch, and have raised 50 more in 2 Companies to defend the Forts on the Sea Coast. I have engaged a sloop to carry 2 Companys immediately to Potomac River in Virginia, with what additional Men they can raise, and to leave 3 additional Officers to raise and follow them as soon as possible, and the 3^d Company is to march immediately from our Western Frontier by Land to Winchester in Virginia to join the others, having Commissioned a Major to command them, but the Misfortune of this Province is that we have no Cash, our paper Currency at great Discount, and though we can raise and pay Men in the Province, yet we have no Credit to pay them out of the Province even at 50 ⁷/₈ cent loss, so that I have been obliged to write to Brig^r Gen^l Forbes to Credit them in their pay and to reimburse himself out of the Dividend we are to have out of the £50000 granted by Parliament to the Southern Provinces.

You may be assured I shall use my utmost Endeavours in promoting the Glorious Cause we are embarked in of securing the Religious and Civil Liberties of Britain and these Colonies, and to get rid at once of our inveterate insatiable Enemies.

The Colonies are highly sensible of his Majesty's paternal Care of us, and of your Zeal and Abilities in promoting the Glory and future Safety of Britain and these Colonies, and have the strongest Hope that after our Correction God will appear in favour of the Protestant Cause of Britain and America, as He has so wonderfully done in Germany. I inclose you my Speech and the Addresses and am with great Respect Sir,
 Your most, &c., ARTHUR DOBBS

DOBBS vs. MURRAY AND RUTHERFORD.

[B. P. R. O. NORTH CAROLINA. B. T. VOL., 13. D. 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND VOL. 22. P. 264 AND 268.]

NORTH CAROLINA.

To His Excellency Arthur Dobbs Esq^{ro} Governor in Council.

The Explanation of John Rutherford Esq^{ro} Rec^r General of His Majesty's Quit Rents, of certain parts of a letter therein mentioned, and his answer to certain Articles of charge against him.*

Your Excellency having caused to be read in Council on the first day of December inst: the Copy of a letter which the said Receiver General wrote to the Right Hon^{ble} the Lords Comm^{rs} for Trade & Plantations dated 19th June 1756, was pleased to order him the Receiver to explain certain paragraphs of that letter which are pointed at in the following Queres.

Quere 1st In what particulars is the Rent Roll given to you or obtained by you deficient or imperfect?

Explanation. The Receiver never had any Rent Roll from the Deputy Auditor, whose office it is to furnish it, but only an Account of what Lands has been granted since the Receiver has been in Office. Neither has the Receiver ever seen what can be called a Rent Roll. The Account of Lands granted & made out from the Secretary's Office, recites only a few, not all the Patentees names and in every Respect as a Rent Roll is imperfect.

Quere 2nd What did you mean by the obstinacy of the People, Divisions amongst themselves and the distraction of the times of late?

Explanation. For want of a Rent Roll and an Account of what is due to the Crown, many of the people refuse to produce their patents and last receipts neither will they comply with your Excellencys Instruc-

*See Council Journals of 12th December, 1757.

tions, to the Receiver General in giving up their last receipts on which head he begs leave to refer to the Depositions hereto annexed No. 1. and also for further explanation of this to the Déposition hereto annexed No. 2.

And by the distraction of the times of late he meant the dread & terror the back settlers were in from Irruptions by the Indians.

Quære 3rd What Act has been passed confirming Titles to Land without a proper regard to the payment of His Majesty's Quit Rents?

Explanation. An Act for securing the payment of Quit Rents due to His Majesty &c. passed Anno Dom. 1754. This Act would have answered all the purposes mentioned in its title had the former Deputy Auditors done their duty but the former Deputy Auditors have not done their duty or any part of it so farr as relates to a Rent Roll, by the second Clause of the above mentioned Act, every person seized or possessed of any Lands in that part of the Province the property whereof is in His Majesty shall within twelve months after His Majesty's Approbation of this Act publickly sygnified tender to be Recorded the Patent, Grant or Mesne Conveyance by which he, she or they hold any tract or parcell of land either in the Clerks office of the County Court where the land lyes, or in the Office of the Auditor General or his Deputy, *In case the same shall not heretofore have been recorded.*

This Clause is ineffectual because of the great number of Patents and Deeds which are indorsed by the late Deputy Auditors "*Inrolled in their Offices*" whereas in fact there is not one such inrollment to be found.

Quære 4th What miserable consequences may be dreaded from the making of Paper Currency in the manner done before the date of your letter?

Explanation. The miserable consequences of the breach of publick Faith are Loss of Public and Private credit, degradation of morals, discouragement to industry, ruin of the present Generation by poverty, loss of the rising one for want of Education and many more too long to repeat.

By every emission of paper Currency without interest, redeemable at long periods and compelled to be a tender in all payments, is a breach of Public Faith, and a dispensation with all private contracts. Such were formerly the emissions of this Province continually, and progressively depreciating in Proportion to the sums emitted. This reasoning and these Facts are too evident to require further illustration here.

Quære 5th What ground had you to suspect any new Emission of such Currency as you mention to their Lordships would be permitted?

Explanation. Your Excellency soon after your arrival here was pleased to publish a private scheme of an Act for making eighty thousand pounds paper Currency, to be issued on loan, taking Lands in security. This Plan however well intended by your Excellency, had it been put in execution, would in the opinion of every person of skill in these matters, that I have conversed with, have greatly hurt the credit and commerce of this Province, and his Majesty's revenue here, for uncultivated Lands in this Government are generally an unprofitable estate, and the value of it arbitrary & fluctuating. And indeed it seems better policy for the promoting the speedy settlement of this Province to lay every person having much uncultivated lands under some necessity of selling it on easy terms rather than to encourage him to keep it by lending him money on the mortgage of it.

But it is unnecessary at this time to trouble your Excellency with long remarks on that Plan as the probability of bringing it into execution seems to cease.

I shall next answer the Complaints made by your Excellency in Council—

Quere 1st Why did you stop the sum of eighty eight pounds fifteen shillings & fourpence farthing pro: Money out of the payment of the late Joseph Anderson's Salary as Mr. Joseph Carruthers has sworn?

Explanation. Because as is evident from the original receipt now produced the late Joseph Anderson's executors would have been overpaid the sum of twenty pounds eleven shillings and fourpence Proclamation money and for account of a debt due to Sir Samuel Fludger, Merchant in Basinghall street London, a stated account with the said Anderson's Estate is here annexed.

Quere 2nd Why did you permit James Murray Esq^{re} to issue certain small Bills or notes with a promise thereon that they should be received by you or your Deputy in payment of Quit rents?

Explanation. Mr. Murray having a salary due to him from the Crown for the time he acted as Secretary and Clerk of the Crown in this Province, & having occasion to buy corn and other Commodities from the Planters, desired leave to make use of this expedient to get payment of his salary & firmly obliged himself to be accountable to me in money for the surplus if any.

This expedient I consented to for the following reasons—

1st Because the receivers my Predecessors admitted of orders from the Officers of the Crown, in the like cases for Quit rents and for sums of greater value.

2nd Because I apprehended it to be well calculated for easing the Tenant and enabling, nay putting him in mind to pay his rents, and at the same time for discharging the debts of the Crown without depreciating the Curreney—No person being compelled to take those notes in payment and the sum issued inconsiderable.

3^d The sum Mr. Murray issued in notes was three hundred and twenty pounds, of which there are not more now circulating than eighty eight, and that shall speedily be called in.

NORTH CAROLINA.

No. 1. The Deposition of Stephen Cade Esq^{re} High Sheriff and Deputy receiver for the County of Johnston in the said Province who having been duly sworn on the Holy Evangelists of Almighty God deposeth & saith

That the Inhabitants in general in Johnston County have refused to deliver up their last receipts and to pay their Quit rents and many of the Inhabitants of the said County say, that they will pay their Quit rents provided they are allowed to keep their last receipts, others again say they will not pay without an account being rendered to them which was not in the power of this Deponent to produce to them for want of a good rent roll, And that they have threatened to take the Law of this deponent should he offer to distrain upon them for their rents which several of the Inhabitants of the said County have dared him to do. And further this Deponent saith that the great disturbances that of late were in the said County were not on account of the Quit rents, but for other matters they complained of about the time of draughting of men for His Majesty's service.

STEPHEN CADE.

Sworn to before me Dec^r 12th 1757.

JOHN CLITHERALL

NORTH CAROLINA.

No. 2. The Deposition of John Hamer Esq^{re} Deputy Receiver for the County of Anson in the said Province who having been duly sworn on the Holy Evangelists of Almighty God deposeth & saith

That for these two years past that this Deponent hath been Deputy receiver for the said County, that there hath been so much divisions and distractions amongst the people in the said County about their lands, that they refuse to pay their rents, and this Deponent saith that he hath received very little since Mareh last, and this Deponent further saith that the people of the said County seems unanimously resolved not to pay their rents till the boundary line betwixt the Provinces of North and South

Carolina is fixed this Deponent also saith that he has been told should he pretend to distrain for His Majesty's rents he would run the risk of loosing his life. This Deponent firmly believes that if the Bounds betwixt the Proviuces were once ascertained that all disputes would subside in the said County in regard to the paying His Majesty's rents.

JOHN HAMER.

Sworn to before me Dec^r 12th 1757.

JOHN CLITHERALL.

No. 3. D^r Estate of Joseph Anderson late Attorney Gen^l with John Rutherford Creditor.

	£.	s.	d.
To amount of Acc ^t settled with Mr. Carruthers by his own Account	480.	2.	8.
To Am ^t of Mr. Anderson's receipt	20.	0.	0.
To D ^r Cathcart's note assumed by him due to Sir Samuel & Thos. Flndgers Merch ^{ts} in Basinghall Street London. } Prin: & Interest in Proc:	52.	0.	0.
Difference of exchange betwixt Cash & Proclamation	17.	5.	8.
Total	570.	0.	4.
By Account of Debertures for Salary in Proclam ⁿ	568.	17.	4.
Due John Rutherford on this Account	1.	3.	0.
	570.	0.	4.

Mr. Anderson was Attorney General from 16th April 1741, to the 27th October 1742, and afterwards from the 6th July 1743, to 17th May 1747, £80. ^s/₆ ann:

A true Copy

RICH: FENNER D. C. C.

NEWBERN, 26th Dec^r, 1757.

MY LORDS [OF THE TREASURY]

The Copy of the Representation and Letter of Mr. Rutherford Receiver General of this Province to the Board of Trade of the 19th of June 1756 with Lord Walpoles Report upon it of the 6th of Jan^{ry} last transmitted to me the 19th of Jan^{ry} last from Mr. Martin by your Lordships order did not come to my hand until last August Since that time I had no opportunity of seeing Mr. Rutherford or of meeting the Council until last month when they came here to the Assembly though I wrote to Mr. Rutherford to acquaint him I got these papers to report upon to your

Lordships as the season was very sickly and he had wrote to me that he had given up the Thoughts of going to England, I thought my answering and observing upon his Letter to the Board of Trade wou'd be fuller and more agreeable to your Lordships after I had seen him and enquired into his accounts and Behaviour in the Receipt of the Quit Rents, for he never had produced his Books or accounts to me except two abstracts in a sheet of paper which he swore to but never would audit as he never charged himself with any Rental or returned any Arrear to be made a charge against him in his future Receipt or one Tenant named in the whole account the abstract being only the sums in gross received out of each County and the payments he had made out of it to what persons he pleased without any Warrant from me for the payment I therefore determined to examine into his behaviour in the Council and to inquire into the manner of his Receipts and Accounts and then acquaint your Lordships how they appeared and how he behaved in his Office having received some Informations of an extraordinary nature in the Execution of his Office and Trust I thought proper to examine into it in full Council the result of which you will see by the Minutes of the Council and by an affidavit of Mr. Carruthers to explain more fully what he had swore in Council which had not been fully taken down in the Minutes—upon which I thought proper to suspend him from his Office pursuant to my Instructions from his Majesty until his pleasure is known and have pro tempore put in Mr. Lewis De Rossett one of the Council a Gentleman the best qualified for it that I could find in the Province a good accomptant active and diligent of good capacity and of Integrity who has given good security both to the Crown and to Mr. Rutherford to account with him for half of the Profits in case his Majesty should restore him.

I have also sent to your Lordships his answer to the charge brought against him and to the several Paragraphs necessary to be explained of his Letter to the Board of Trade as also my remarks upon his answer.

Your Lordships will observe that in the answer he gives to the Oath sworn against him by Mr. Carruthers Sheriff of Craven why he gave him a power to stop in his hands out of the Quit Rents he had received the arrear due upon the Establishment of £568.17.9½ to the late Attorney General Mr. Anderson's Executors for which he gave him a full Receipt to charge it in his account that it was in consideration of his allowing him out of it £88.15.1¼ for his own Benefit and therefore gave him the preference to all others to whom arrears were due from the Establishment without doing them equal Justice and this Without any Warrant from me. This in his answer he says he stopped upon account of a private Debt due from Mr. Anderson to Sir Samuel Fludger in Lon-

don which he made up by 3 Articles to £88.15.1 $\frac{1}{4}$ and it appears by the accounts he gave in annexed to his answer to the Council the sums were just calculated to make up the Ballance although it was not mentioned when he settled the account with Mr. Carruthers and the 2 last articles are not a fair charge by the Memorandum he entered clandestinely in Mr. Carruthers account but were put in to blind the Council without affidavit or other Evidencee to make up a ballanced account Mr. Rutherford appealed to Mr. Rutherfords settled account which was sent for and produced and it appeared upon his Oath that the private account was not once mentioned when the stoppage was made and the account settled, but about 10 or 12 months after the account was settled Mr. Rutherford desired the Sheriff' to let him see his account and book and after keeping it some time he returned it and under the account without his privity he entered a memorandum that the private Debt was not included in the above account and one of the articles of the private account of £26 Virg^a Currency he advanced to £52 proc: which with a charge of discount upon the Notes was made to tally with the stoppage of £88.15.1 $\frac{1}{4}$ to this Mr. Rutherford made no Reply which aggravated the first crime.

In his letter to the Board of Trade he makes great complaints against the paper curreney and that if any more were issued it would depreciate the Bills they being now considerably under par yet whilst he was sensible of this publik loss he allowed his friend and adviser Mr. Murray one of the Council to issue printed notes under hand and seal without limitation to be allowed in payment of Quit Rents with Interest a specimen of which I enclose to your Lordships which he himself endorsed or accepted to give the same a Sanetion and directed the several Sheriffs to take them in payment of Quit Rents which was an effectual way to depreciate the paper curreney of the Province which he said was with an Intention that Mr. Murray might be paid his arrear due from the Establishment giving him the preference to others without any orders for it, upon this Sanetion Mr. Murray issued Notes of his own to be allowed in the Counties of New Hanover Onslow Duplin and Bladen and upon the success he had in the issuing of these he then issued Notes to be allowed in Quit Rents over the whole province where any were due to his Majesty and refused to pay them in provincial curreney or in anything but for Quit Rents or for Debts due to him, or for Goods brought for him at what price he pleased to sell them which at least is 300 $\frac{7}{8}$ cent curreney upon sterling money. they said he had issued but few, for which no Evidencee appeared and can't tell where it would have ended if they had not been stop'd by Proclamation and after their defence the Council without a Negative voting Mr. Rutherford guilty of a

misdemeanour in his Office I suspended him until his Majesty's pleasure is known and both him and Mr. Murray from the Council. Upon examining into Mr. Rutherford's Securities I find they are very good but must observe that by a misinformation to the late Governor he only gave £2000 security when the 2 preceeding Receivers gave £4000 he or his friends having told the Governor they had only given £2000 altho the Quit Rents were always increasing. He complains with Reason that he had not a compleat Rentall from the Deputy Auditor which I believe is true, as no regular Books were kept nor any accounts audited from which he could make a charge, and many records lost or mislaid there being no Offices fixed so that upon the officers death all the papers in his house were lost or destroyed. But he allows he had taken out an account of the Patents entered in the Secretary's Office from which a Rentall may be made such as cou'd be made of which the auditor sent me a copy which 2 years ago amounted to above £3000 p ann : this currency which is increasing every year and don't find at a medium since he has been Receiver that he has received £800 p ann : I believe much less but as he has never produced or left with me either Book or Account but only 2 Abstracts he swore to and carried away with him I can form no Judgment of his Receipt but there never has been any charge against him by either Rentall or Arrear to be a cheque upon him or to furnish out an annual Rentall so that the Auditor had no account to audit but his abstract sworn to before me, nor could make out any annual charge against him in this manner have the Quit Rents been received the Receivers Indolence and other avocations taking up his time and now upon his Majesty's allowing the Sheriffs 5 p cent the whole trouble is thrown upon them, upon the whole from his misbehaviour in this Town and County of Craven where I reside I have reason to fear the like things may be done where I can't have Information and as he is but an indifferent Accomptant Indolent and entirely lead by Mr. Murray I can't expect that his Majesty's Receipt of Quit Rents will ever be put in order or properly received and attended to in case he is restored, and whoever is appointed if he ben't a good Accomptant active and diligent and of Integrity and a good character in Business but only accepts it to make it a Sinecure I despair of seeing the Receipt put in a proper order and the concealed Lands found out and a proper Rentall and cheque upon the Receiver General in order to have his accounts properly audited.

I have no friend that I could or would recommend to it, the Gentleman I have given it to pro tempore was an entire Stranger to me when I arrived here, and have appointed him entirely upon account of his good character Capacity Activity and Diligence in his private affairs and his

Behaviour in the Council and upper house where he appears to act a fair part without embarking in parties but promotes his Majesty's Measures according to his Duty.

I submit the whole to your Lordships Consideration to do in it what you think most for his Majesty's service and Interest which has hitherto been too much neglected in this Province.

Unless misdemeanours are properly punished and I be supported in doing my duty I can't expect to do his Majesty Justice in the Receipt of his Majesty's Quit Rents and preserving his just Prerogatives here, where every province is endeavouring to gain from the Crown by adding to their Priviledges and eramping his Prerogative nor can I prevail with the Republican Assembly to submit to my Instructions from his Majesty having not the power of rewarding his friends with a place of £10 p ann: profit the Assembly insisting upon naming the persons if they raise money for the Publick service.

I am with great respect, &c., ARTHUR DOBBS.

NORTH CAROLINA.

I promise that this Bill for twenty shillings Proclamation money shall be accepted from the bearer by the Receiver General or his Deputy in Payment of Quit Rents and Arrears due to his Majesty in the County of New Hanover, Bladen, Duplin or Cumberland for value received of Mess^{rs} Gibson and Obryan.

JA. MURRAY ++++++
 +SEAL+
 +++++

Jan^{ry} 24th 1757.

To be paid with Interest from 10th April 1757.

JOHN RUTHERFORD.

NORTH CAROLINA.

I promise that this Bill for twenty shillings Proclamation money shall be accepted from the Bearer by the Receiver General or his Deputy in payment of Quit Rents and arrears due to his Majesty in the County of New Hanover, Bladen, Duplin or Cumberland for value received of Mess^{rs} Gibson and Obryan.

JA. MURRAY ++++++
 +SEAL+
 +++++

Jan^{ry} 24th 1757.

To be paid with Interest from 1st April 1757.

JOHN RUTHERFORD.

NORTH CAROLINA.

I promise that this Bill for twenty shillings Proclamation money shall be accepted from the Bearer by the Receiver General or his Deputy in Payment of Quit Rents and Arrears due to his Majesty in the County of New Hanover, Bladen, Duplin or Cumberland for value received of Mr. John Wilkinson.

JA. MURRAY +++++
‡SEAL‡
+++++

March 2^d 1757.

Newbern 4th January 1758. The foregoing are true Copies from an Original Bill and two authentick Copies of two other Bills.

ARTHUR DOBBS.

NORTH CAROLINA

Abstract of the Journal of Council of North Carolina of 1st 12th & 14th of December 1757, upon Articles of Charge against Mr. Rutherford Receiver General of the Quit Rents in North Carolina.*

Rec^d with Gov^r Dobbs' letter of 27th Dec^r 1757.

Account of the Number of Acres granted in the following Counties as taken from the Secretary's books.

Anson	.	.	.	.	.	271,993
Beaufort	.	.	.	.	.	97,640
Bladen	.	.	.	.	.	244,501
Carteret	.	.	.	.	.	47,617
Craven	.	.	.	.	.	353,575
Duplin	.	.	.	.	.	29,304
Hyde	.	.	.	.	.	9,315
Johnston	.	.	.	.	.	32,825
New Hanover	.	.	.	.	.	246,943
Onslow	.	.	.	.	.	127,587

1,461,300

Add to this the lands granted in Currituck & Cumberland with what have been since granted amounting at a moderate

Compⁿ to 80,000

Total 1,542,300

*See Council Journals of these dates.

[Endorsed.]

NORTH CAROLINA.

Account of the number of Acres granted in the King's part of North Carolina.

In Mr. Dobbs' letter of 27th Dec^r 1757.

Letter from Governor Dobbs to the Board of Trade.

NEW BERN, 27th Dec^{br}, 1757.

MY LORDS

Your letter of the 10th of March did not come to my hands until the 15th of September when I got the duplicate and some days after the original I cant account for the delay of letters coming here it gave me great pleasure that your Lordships approved of my Conduct hitherto I have had no orders or instructions since from your Lordships.

I herewith inclose to you a Copy of a letter I have wrote to the Lords of the Treasury they having required me to report upon Mr. Rutherford's letter and representation to your Lordships in June 1756 which you had referred to the Treasury Board and along with it I send your Lordships a copy of the Abstract of the Minutes of Council relative to it, and a Duplicate of all the other papers sent to the Treasury Board, which will prevent me from recapitulating them all in another letter. I have also sent you a short abstract of the number of acres granted in the several Counties in the King's part of the Province as they were taken out of the Secretary's Books sent to me by the Deputy Auditor in a Rental 2 years ago and a computation of what may have been granted since which being all at 4 shillings currency $\text{£} 100$ acres amounts to at least $\text{£}3082$ currency £ annum, so that this sum is short of Mr. Rutherford's present Rental as the Quit Rents granted upon Lands before 1730 are not included in it, and as he got Mr. Eleaz^r Allen late Receiver General's Books and Rental he ought also to have these in his Rental—so that his present Rental bad as it [is] must amount to above $\text{£}2300$ sterling English Money and I believe his receipt for 6 years since the date of his Commission is not at a medium of $\text{£}600$ sterling £ annum but as he never produced any of his accounts to me nor left any with me he having only sworn to 2 Abstracts of Receipts and payments on a sheet of paper without charging himself with any Rental or returning any Arrear to be a charge upon him which he carried away again I cant ascertain what he has received though I apprehend it will appear to be short of that sum, as to his manner of proceeding and behaviour in his office and Mr. Murray and his scheme in giving leave and a sanction to Mr. Mur-

ray's issuing a private unlimited paper currency, I refer your Lordships to the Copy of my letter to the Treasury Board and to the several papers sent to you.

These facts being fully proved in Council and having heard him and Mr. Murray in their defence and Mr. Rutherford being voted guilty of a misdemeanour in the execution of his Office by a full Council except his friend Murray who refused to vote I pursuant to the 67th Article of my Instructions suspended him from his office of Receiver General until his Majesty's Pleasure is known.

And as by the same Article I am ordered to report to your Lordships the capacities and behaviour of all patentees or their deputies I cant in Justice to his Majesty say that he was a person qualified to execute so great a Trust and as the issuing a paper currency in printed notes under Mr. Murray's hand and seal several of which were endorsed and accepted by Mr. Rutherford with interest a Specimen and attested Copies of which I send to your Lordships which he ordered the Sheriffs to take in payment of Quit Rents by which sanction Mr. Murray issued many more without endorsement to be allowed in Quit Rents which he refused to take again and exchange in provincial Bills as the Bills he issued were unlimited and only to be exchanged for Debts or Goods bought from him was not only a fraud upon private persons who took them and owed no Quit Rents but a depreciating the Provincial paper currency upon the Councils publishing a proclamation against them and passing a vote that it tended to depreciate the paper currency of the province in proportion to the notes issued which were under no limitation I thought it my duty to suspend both Mr. Rutherford and Mr. Murray from the Council till his Majesty's pleasure be known. In the first instance I had power and orders upon misdemeanour to suspend Mr. Rutherford from his office without Consent of Council but in my 10th Instruction I am directed to have the Majority of the Councils consent in suspending any Member from the Council but if I have reasons to suspend any not fit to be communicated to the Council I might suspend such persons without Consent of Council sending over my reasons for so doing immediately so that in this case I thought it more prudent to make use of that power and without laying more matters in charge against Mr. Murray in Council after they had censured Mr. Rutherford and him for issuing the notes I suspended them from the Council Board until his Majesty's pleasure is known as I had further reasons not fit to be mentioned in Council. first it appeared plain to me that they and 2 others had agreed always to vote together in Council and others being disunited that they might carry or reject what Bills they thought proper and thus

by a party to make it necessary to the Governour to confide in them and govern by a party. But I had also further reasons against Mr. Murray who piqued himself in leading and advising the Junto that he as one of the Council endeavoured to lessen his Majesty's prerogative and add to the power of the Assembly; That he had endeavoured to form a party in the Assembly to make himself popular against the Government raised and encouraged a republican party drew clauses in the former Sessions which he gave in his own hand writing to them, to obstruct and clog the Aid Bill by encroaching upon his Majesty's prerogative and taxing the fees of his officers and so make a division between the Council and assembly in case they would not carry the clause in Council. However his clauses were thrown out by management in the Lower House. This I had from several of the Members of the Assembly yet did not think it prudent to mention it in Council as a charge against him but delayed it until by his schemes something further should appear, against him.

This uniting their Interest together appeared in their carrying a Bill thro' the Council by one vote to distress the Government by secluding several of his Majesty's friends from sitting in future assemblies by a Bill to regulate Elections which I rejected a Copy of which I send to your Lordships that you may see what they and the Assembly are driving at to raise their own power and lessen their dependence upon the Crown; this Murray and his Junto did that they might make me unpopular with the Assembly in rejecting their favourite Bill. I told the Assembly upon my rejecting it I would not pass it by my Instructions it being of an unusual nature without a suspending Clause or transmitting a Copy of the Bill to England to know his Majesty's pleasure upon it which if they desired I would do but as this did not answer their purpose they made me no answer. I therefore leave it to your Lordships whether I have done my Duty in suspending Mr. Murray and Mr. Rutherford from the Council or whether such a designing man acting in conjunction with others against the prerogatives is a fit person to be restored and made a member of the Council.

As I am ordered upon any vacancy in Council to lay before your Lordships the names of three persons with their qualifications proper to be recommended as Members of the Council in case the suspension is confirmed by his Majesty, I recommend Chief Justice Peter Henley Esquire in case his health is restored and he continues to reside in this Province Thomas Barker Esquire a Lawyer at present a necessary member of the Assembly who has promoted his Majesty's Interest He lives at Edenton and Maurice Moore Esquire a young gentleman of distinguished character and very good fortune at Cape Fear who is a Member

of the Assembly and has hitherto a good disposition to support his Majesty's Interest.

I find by Mr. Rutherford's letter to your Lordships that in case he get leave to go to England he had prevailed on Mr. John Starkey a Member of the Assembly and Treasurer of the Southern half of this Province to act for him in his absence a man of good fortune and integrity I therefore think it proper to give your Lordships a character of the Man. I own Mr. Starkey is a man of good behaviour in the Province and of a tolerable fortune as I know nothing to the contrary by his being made Executor to most people residing in the Country near him, this good opinion they had of him from his capacity and diligence and in some measure from his garb and seeming humility by wearing shoe strings a plain coat and having a bald head by this he seems self denied but is the most designing Man in the Province he takes 10 p cent to himself upon all the Testators effects and upon publick sale of their Effects buys up all the slaves going at and under value, by which he has great profit. He is a professed violent Republican in every instance taking from his Majesty's prerogative and encroaching upon the Rights of the Council, and adding to the Power of the Assembly to make himself popular and of late has been in close conjunction with Mr. Murray being got into the Assembly he has made himself popular by opposing all taxes that do not turn out to his profit and by attempting to gain power to the Assembly by encroaching upon his Majesty's Rights by these means before my arrival he got himself appointed Treasurer of the Southward District by Act of Assembly for three years for which he is allowed 5 p cent for all the Money he receives and was one of those who struck all the £40,000 Bills of Currency. He and Mr. Barker got themselves appointed Treasurers for the Southern and Northern Districts without any Limitation of time in the aid act which passed in the year 1754 just upon my arrival as I found the Treasurers appointed by Act of Assembly before and was unwilling to obstruct the Aid Bill and did not know Starkey's Schemes and Character I passed the aid Bill with that Clause. This I find has greatly increased the Treasurer's power particularly Mr. Starkeys who makes use of it against the Crown, and having taken upon himself the payment of the allowance to the Members for their attendance which he can advance or delay as he pleases so that all the low Members who want a supply follow him like Chickens so that he sways the House against the most sensible Members in it.

I leave it therefore to your Lordships Judgment whether you will advise his Majesty to repeal that Aid Act passed in 1754 and to send me an Instruction for the future not to pass any Law for appointing pro-

vincial Treasurers without excluding them from being Members of either House the Inconveniency in Virginia is evident where the Speaker as Treasurer rules the Assembly and they pass his Accounts without ever examining them, the only thing material in the Bill besides the Treasurer's Clause in the aid of 9^d p Taxable for 7 years from the 1st of July 1755 of which three years of the 7 years Tax will be received by July 1758 so that 4 years Tax would be lost. The Tax raises about £900 so that the whole Sum not raised would be £3600 the 4 years Tax. But when it is considered it is only to repay the Bills that were issued for erecting publick Schools £6000 which were not to be issued until his Majesty gave leave, it will be only continuing £3600 of these Bills in Circulation which when others are paying off will be no inconvenience to the Province and may be remedied by a future Bill. Now your Lordships may consider whether the circulating £3600 in Bills will be a loss equivalent to the Obstruction given to the Kings service here by that Republican Treasurer Starkey who must then quit his seat in the Assembly or place of Treasurer, In case his Majesty consents that the Assembly shall name the Provincial Treasurers which has been an Encroachment upon the Crown in other Provinces. It was chiefly by his Influence this Session that instead of keeping up 4 Companies which were kept up last year 300 Men, we have reduced them this year to three Companies of 50 Men each 150 Men in all.

I must further add that it was by his Influence in the Assembly that they refused to give a proper Salary to a Storekeeper at Johnston Fort though recommended to them by his Majesty in Council because they had not the Nomination saying they would get it done for a Trifle, I told him his Majesty would not quit his Right of Nomination and that he expected a reasonable Salary to his Officer who must give great security and be careful and diligent in his Trust they have allowed him the value of his Storehouse Room and charges in carrying them up and landing them in Wilmington where they will be safe until the Fort is finished to the Land side and a Magazine and Storehouse be built for them, and Barracks for a Company to remain in the Fort to secure the Channel this Treatment discourages me from applying for Artillery and Stores for Fort Granville and Topsail Inlet.

As to the fixing a Court of Exchequer as Mr. Rutherford recommends to your Lordships I am afraid by all I can hear it might throw the Province into a flame as there is none fixed in the neighbouring Colonies so dare not venture to do it without express Orders from his Majesty. I have had no Warrant yet from the Treasury to pay out of the Quit Rents the Surveyors who survey the several Counties

The Collectors of Port Roanoke Port Bath and Port Beaufort have sent their Petition under their and my hands what kind of an Officer should be appointed at Portsmouth Ocracoke Bar to Mr. Randolph Surveyor General of the Customs who resides in Virginia to send over to the Commissioners of the Customs in London; But I dont find that any Salary will be got for an Officer from this Province as they are desirous of running Goods and to enjoy an illicit Trade.

I am with great respect, My Lords, &c., ARTHUR DOBBS.

Remarks upon the several Articles and Answers given in to them by Mr. Rutherford in Council.

His answer to the first article about the Rent Roll is in a great measure true, and the auditor could not make him out a regular Rent Roll except of these Lands that were entered in the Secretary's Books but a Rent Roll from these Books he owns he had got such as would be made out which by an account I have of them amounts to above £3000 p annum pro^d and thō there may be some mistakes in it yet he ought to have charged himself with that Rent Roll and where any of the Lands were not found or any mistakes in it, he in the Column for Observations ought to have discharged himself by it, until the Lands could be found out or ascertained by the Sheriff from their List of Taxables but upon getting an allowance of 3 p cent for the Sheriffs he left the whole upon them to receive and took what they received without a return of any arrear from them without mentioning any Observations of Lands not to be found or entering down any arrear to be a future charge against him.

As to the second Query about the Obstinaey of the people their Divisions and Distractions of the Times, his answer is that many refused to shew their patents or give up their last Receipts as directed as appears by affidavits annexed and the Disturbances in Anson where they disputed the Limits between the two Provinces.

Was it not then his Duty to complain of their denying to give up their last Receipts which wou'd been made easy at once by ordering the Sheriffs to take attested Copies of their last Receipts to produce to the auditor to fix the arrear and was there any pretence not to destrain according to the Dates of the Patents entered in the Rent Roll which wou'd if a wrong charge have obliged the patentee to have produced his patent and if a Sheriff or Receiver General is to be intimidated from receiving his Majesty's Quit Rents by a Tenants Threats in a Colony amenable to the Laws he is not fit for his Office but it seems no person was distrained and the distraction in the Province is only that

in Johnston County there was a Riot once upon draughting men from the Militia and no Distractions in any other part of the Province except in a small part of Anson County and those chiefly upon Mr. McCulloh's Grants near the Boundary Line upon which no Quit Rents are yet due.

3rd Query. What act has been passed confirming Titles to Lands without a proper regard to the payment of Quit Rents his answer is the Act for payment of Quit Rents in 1754 and sets forth some reasons against it.

This Query was entirely of his own and Mr. Murray's making and does not answer his complaint in his letter to the Lords of Trade he there complains of a Law passed in 1755 and his answer is against the Quit Rent Law passed in 1754 under a suspending clause and therefore is not properly yet an Act which he says in his Letter he can do very well without but how he could complain of the cause for quieting possessions passed in 1755 which is entirely in favour of the Crown after 20 years quiet possession to save the Tenant from old dormant Titles to Lands when they are to pay up all the Quit Rents and arrears at the rate of four shillings pro^l \textsterling 100 acres for the whole 20 years in case patents are lost and mislaid and no Quit Rents have been paid shou'd come from him to the Lords of Trade I can't imagine.

The fourth Query about the Paper currency is very true if more Bills were intended to be issued but even for the aid of the Crown none have been issued since I came over but the £18000 struck before not to be issued without leave from his Majesty and for the repayment of them funds were granted to pay them off in 5 and 7 years and nothing has been issued since but Treasury Notes to bear Interest for a year and funds given to raise the sum in a year. There are now pro^l Bills for about £50,000 yet standing out which are at a considerable discount but as he justly observes that issuing more paper currency would be a great prejudice to the publick and depreciate the Bills can he justify his friend and Director Mr. Murray to issue out a paper currency without Limitation and to give them a Sanction by endorsing that he will receive them in Quit Rents under pretense of paying his friend the arrears due to him from the Establishment in preference to others to whom much more is due and from limiting the Notes to pass only in 4 Counties to allow him afterwards to have them Current over the whole province where any Quit Rents or arrears are due is acting with his eyes open in opposition to the Interest of the Colony as Mr. Murray has done contrary to his Duty as one of the Council by circulating a paper currency to depreciate the Bills issued by Act of Assembly and afterwards refusing to take them unless where they would take goods from him at an unreasonable price or for Debts due to him.

5th Query. What grounds had you to suppose there would be any new Emission of paper as mentioned in your Letter to their Lordships? This is a Query of Mr. Murray's own drawing as all these answers are to enable him to bring in a plan I proposed for a Bill upon my first coming over for passing paper Notes upon payment of Interest upon Land Securities according to the plan of the Pennsylvania currency which was never attempted after finding that there was already £40,000 in Bills struck and to be issued besides Old Bills of near £20,000 more at the same time he allows there was no probability that it should be attempted.

In answer to the complaints made against Mr. Rutherford in Council he answers to evade his having stop'd £88.15.1 $\frac{1}{4}$ for his own Benefit upon his allowing the Sheriff Carruthers to pay himself out of the Quit Rents the Arrears due to Joseph Anderson's Executors £568.17.9 $\frac{1}{2}$ he has produced a false account made out on purpose to make up the sum stop'd which had never been produced or demanded from Mr. Carruthers at the Time of settling his Account with him and making the stoppage he then having allowed Mr. Rutherford that £88.15.1 $\frac{1}{4}$ in consideration of his giving him the preference to others to whom great arrears were due upon the Establishment as appears from the Minutes taken in Council and an affidavit taken since herewith sent as several of the particulars he then swore in Council were not taken down and entered in the Council Minutes which were not contradicted by Mr. Rutherford particularly that no such Articles of £20.11.4 due to S^r Sam^l Fludger or £52 due to D^r Cathcart and assigned to him £17.6.8 charged upon discount of the paper Currency which if the other Sums had been charged could not be charged as pro^l is not at any discount by Law but is here brought in to make out the sum £88.15.1 $\frac{1}{4}$ though never produced or demanded by Mr. Rutherford when the stoppage was made but that 10 Months after Mr. Rutherford desired to see the Book with the settled Accounts and after keeping it some time returned it with a Memorandum under it as appears by Affidavit put in without Mr. Carruthers privity as if it had been entered at the Time of settling the accounts wherein he mentions two sums not allowed in that account viz^t £15 odd English amounting to £20.11.4 and £26 odd Virginia Currency which in his account given in his answer he has turned into £50 odd Proclamation Money in order to make the Ballance tally with the £88.15.1 $\frac{1}{4}$ stop'd for his own use which being given in upon Oath Mr. Rutherford did not deny which confirmed and added to his first fault

2^d Complaint upon his giving a sanction to Mr. Murray unlimited Paper Currency in receiving them in Quit Rents and ordering the Sheriffs to take them in payment for Quit Rents and giving him the

preference in paying him his arrear and so doing Injustice to others who ought to have been paid in proportion.

As the whole answer was penned by Mr. Murray as was also the letter to the Lords of Trade as Mr. Rutherford seems to be entirely under his Influence as his answer to this is principally to favour Mr. Murray here he avows the giving him an Obligation to be accountable to him for the Surplus Notes if any which plainly shews he might issue to what sum he pleased upon the Quit Rents over and above what was owing to him from the Establishment having an Obligation from him for that indulgence.

For the doing this he gives 3 Reasons that his Predecessors had admitted of Orders from the Officers of the Crown for sums of greater value. this was denied as nothing could or ought to be paid upon their Orders nor Debentures from the Auditors without a Warrant from the Governor and here he had no Warrant nor I believe a Debenture from the Auditor.

The second reason is quite contrary to Truth the Tenant can't be eased since he can pay in proc^d Bills with as much Ease as he must give Goods for both, and it is quite false that it does not depreciate the Currency for it is now at Discount if no other Notes passed and Proc^d was wanted for payment as well as Gold and Silver then they must raise the paper currency by selling their Commodities cheaper which now bear an exorbitant price occasioned by buying Goods at above 300 $\frac{7}{8}$ cent proc^d above English prime cost in Sterling Money in order to purchase Bills which must in time have raised the currency to par in order to pay their Quit Rents and other Taxes, but issuing other notes thō not compelled to take them yet having the sanction of the Receiver General to enable them to be circulated in Quit Rents must depreciate the paper currency or prevent it's rising to par he says the sums issued upon these Notes of Mr. Murrays are inconsiderable of this there was no proof but his own Word, and yet he supposes that many more might be issued than wou'd pay Mr. Murrays Arrears as he took his Obligation to pay him the overplus and it would be an intended fraud as he would not pay his own Notes but in Debts due to him or for Goods sold, which was to bring all people who had Notes to his shop, to take goods at what price he was pleased to put upon them.

Mr. Rutherford's third reason is that the sum issued was only £320— and none now stood out but £88. Thus he vouches for what Mr. Murray issued as if he was privy to all he issued thō he endorsed but a few as he says only 30; and that there was no more standing out than £88, when we had Evidence that one Sheriff had about £100 in them and one

Gentleman paid above £100 in Quit Rents in them and they were not only dispersed through four Counties New Hanover Onslow Dupplin and Bladen but sent up to Storekeepers in Cumberland to pass them; after which he issued Notes to be circulated throughout the Province so that there was no limitation and what he here advanced was not confirmed by any Oath or other Evidence so that by the Accounts given many more were issued and to be issued until stop'd by the Proclamation for none could tell when they had such a Sanction where it wou'd end

ARTHUR DOBBS.

NORTH CAROLINA—ss.

Joseph Carruthers of Craven County Esq^r being of full age maketh Oath on the Holy Evangelists of Almighty God and saith that on or about the 30th day of March 1756 This Deponent accounted with John Rutherford Esquire Receiver of his Majesty's Quit Rents touching sundry Receipts of Quit Rents by this Deponent received and 588 Acres of Land purchased from the said John Rutherford by this Deponent and that the said account was then and thereupon settled and signed by the said John Rutherford That this Deponent at the same time agreed with the said John Rutherford to allow him £88.15.1 $\frac{1}{4}$ out of £568.17.9 $\frac{1}{4}$ due to the Executors of Joseph Anderson Esquire deceased for his salary on condition he would permit this Deponent to stop in his hands the remaining £480.2.8 out of the accening Quit Rents of the said County to be collected by this Deponent That about 10 months after the said agreement the said John Rutherford having borrowed this Deponent's Book wherein was the said settled account did without the privity knowledge or consent of this Deponent insert in the said account the following Memorandum or Note viz^t

N. B. Jos: Anderson's Receipt on account of his Salary to Mr. Allen Anno 1744 for £15.8.6 Sterling not included in this settlement also Mr. Anderson's Receipt for £26.12.6 V. C. received for me on account of Dr. Cathcart's Note to Mess^{rs} Fludgers Lond^o and this Deponent further saith that the said John Rutherford never mentioned or claimed the said two last mentioned sums to or from this Deponent at the time of making such agreement nor the said £15.8.6 Sterl^s until about 2 days before such Insertion was made and that this Deponent did offer to discount the said £26.12.6 Virg: Currency out of moneys due to the estate of the said Joseph Anderson from the late Governor Johnston and that the said John Rutherford did not produce or shew to this Deponent any such Receipt for £15.8.6 Ster^l whereupon this Deponent told the said John Rutherford it would be time enough to account for the said last mentioned sum

when the Receipt thereof should be produced and the said Deponent further saith that the said sum of £88.15.1 $\frac{1}{4}$ was not detained in the hands of the said John Rutherford to answer the said demands of £15.8.6 Ster^l and £26.12.6 Virg: Currency but was by this Deponent allowed to the said John Rutherford as a premium or reward for permitting this Deponent to stop the said sum of £480.2.8 in his own hands out of the next Quit Rents to be by him received as Collector thereof for the said County of Craven.

JOS: CARRUTHERS.

Sworn to at New Bern the 4th
day of Jan^{ry} 1758 before me

ARTHUR DOBBS.

NORTH CAROLINA.

A Proclamation.

Whereas the hon^{ble} James Murray and John Rutherford Esq^{rs} have issued a great number of notes for money, and thereby promise that the same shall be accepted from the Bearer in payment of Quit Rents and arrears due to His Majesty in the several Counties in this Province, and have issued the same with intent they should be received as a Currency, without having any lawful Authority for so doing; which undue Practices, if suffered to be carried on, must tend to the depreciating the present paper Currency of this Province as by Law established; notwithstanding the said John Rutherford's remonstrance to the Lords of Trade, shewing that the Paper Currency tho' not very plenty, is calculated to destroy the Credit of the Province abroad, and defraud the Inhabitants at home; for remedy whereof I have, by and with the advice and consent of His Majesty's Council, issued this my Proclamation, hereby forbidding the several Receivers of His Majesty's Quit Rents, and the several Sheriffs of the respective Counties in this Province to receive the said notes or Bills in payment of any arrears, sum or sums of money, that now is, or hereafter may become due, for His Majesty's Quit Rents, or any Public Taxes in this Province.

Given under my hand and the Great Seal of the said Province at Newbern the 5th day of December, in the thirty first year of His Majesty's reign, and in the year of our Lord one thousand seven hundred and fifty seven.

ARTHUR DOBBS.

By His Excell^{ty's} Command.

RICHARD FENNER, Dep: Sec:

God save the King.

To the Right Honourable the Lords Commissioners for Trade and Plantations

The Memorial of James Murray Esq^ro Humbly Sheweth

That your Lordships Memorialist hath acted as a Member of his Majestys Council for the Province of North Carolina ever since the year 1738 and during that time hath constantly and invariably promoted his Majestys service and the Interest of that Colony to the best of his knowledge and Power.

That nevertheless your Memorialist was on the 21st Dec: Inst: suspended from his seat in the Council of the said Province by his Excellency Governor Dobbs without being accused of or being conscious to himself of having been guilty of any crime or misdemeanor whatsoever.

Your Lordships Memorialist therefore in duty to his Majestys service and for the Justification of his Character humbly prays that you will take his case into consideration direct such enquiry to be made and grant him such redress as to your Lordships shall seem meet for

Your Lordships most dutifull, &c.,

JAMES MURRAY.

North Carolina Dec: 30th 1757.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The Memorial of John Rutherford Esq^ro Humbly sheweth

That your Memorialist hath acted as a Member of his Majesty's Council and Receiver General for the Province of North Carolina since the year 1751, and during that time hath done his endeavours to promote his Majesty's service.

That nevertheless your Memorialist was on the 21st Dec: last suspended from his said offices by his Excellency Arthur Dobbs Esq^ro

Your Memorialist therefore humbly prays your Lordships that a Copy of the Minutes of Complaint may be ordered to be delivered to him that he may answer to the same before your Lordships or before the Lords Commissioners of his Majesty's Treasury according to the nature of the charge against him not only in justification of his conduct as one of the Council but for his justification to those who stand his securities to the Crown for the lawfull execution of the office of his Majesty's Receiver General for that Province Which is humbly submitted to your Lordships consideration by your Lordships

Most dutifull and most obedient servant

London, 13th March 1758.

J^{no} RUTHERFORD.

To the King's most Excellent Majesty.

WHITEHALL, May 12th 1758.

MAY IT PLEASE YOUR MAJESTY,

We have lately received a letter from Arthur Dobbs Esq^{ro} your Majesty's Governor of the Province of North Carolina, in which he acquaints us that John Rutherford Esq^{ro} receiver general of your Majesty's Quit rents in that Province having upon a solemn hearing before the Council been voted by a full Board to be guilty of a misdemeanour in the execution of his Office, he had suspended him from the execution of that office untill your Majesty's Pleasure shall be known and that he had also suspended the said Mr. Rutherford together with James Murray Esq^{ro} another member of your Majesty's Council from their seats at that Board for some Reasons which appear entred on the Journal of the Council and for some others which he judging them to be improper to be communicated to the Council has given at large in his said letter to us. We therefore beg leave humbly to lay before your Majesty the annexed extract of the said letter with copies of the Minutes of Council and other Papers therein referred to and humbly to represent to your Majesty thereupon that the suspension of Mr. Rutherford from the Office of Receiver General of your Majesty's Quit rents may be a matter proper for the consideration of the Lords Commissioners of your Majesty's Treasury under whose appointment and more immediate direction he exercised that Office and it appears by Mr. Dobbs' said letter, that the state of that Officers conduct and of the proceedings in Council thereupon are now before their Lordships.

With respect to the suspension of Mr. Rutherford and Mr. Murray from their Seats in Council we must beg leave to submit to your Majesty whether the Reasons entred on the Council Journals grounded as it appears on Facts fully proved in Council, might not alone be sufficient to justify such suspensions and to induce your Majesty to confirm them but if it be true as Mr. Dobbs alledges in his letter and his character is such as will not permit us to doubt his vaeracity that these gentlemen have formed parties in the Council and Assembly with a design to embarrass and oppose the measures of your Majesty's Governor to lessen your Majesty's Prerogative and to add to the Power of the Assembly We are humbly of opinion that it is necessary for the Peace and good government of North Carolina as well as for the support of your Majesty's said Governor in his administration that they should be removed from the Council in that Province and we beg leave accordingly humbly to propose to your Majesty that you would be graciously pleased to confirm the suspensions of the said John Rutherford and James Murray, in

such manner as your Majesty was lately pleased to direct in the similar case of W^m Wragg Esq^r lately a member of your Majesty's Council in the Province of South Carolina.

Which is most humbly submitted

DUNK. HALIFAX	W ^m SLOPER
W. G. HAMILTON	ANDREW STONE

LONDON, 22^a May, 1758.

MY LORD, [EARL OF GRANVILLE]

The Secretary of the Board of Trade acquaints me that the Governor of North Carolina's letter advising that he had suspended me from being one of the Council, has been read and considered by the Lords of Trade and that they have reported the same to His Majesty in Council, without ever hearing me, or allowing me to give reasons in my own defence, notwithstanding I applied to their Lordships for that purpose.

I am certain, and consciens, that in truth, no charge can be laid against me to impeach my conduct as a dutiful and loyal subject, a sincere promoter of the good of the Province and deserving of the real character of an honest man.

Yet the Governor has made his charge so strong against me, that the Lords of Trade are guided by only his private reasons, and from motives not to be known to others, hath enjoined an entire secrecy both as to the charge and their reasons for believing it.

It is well known that the understanding & Judgement of the Governor is wasted, & greatly impaired and also how much he is guided by his Conntrymen residing in the Province and determined to elbow out anybody in Places of Trust to make room for them.

I am persuaded that the whole cause of my suspension has proceeded from only these Motives.

My Lord I have been seven years one of His Majesty's Council of this Province which is an Office of great honour, and no profit, but attended with considerable expense, yet it gives me the utmost concern that I should be condemned without permission to be heard in my defence.

I therefore most humbly pray your Lordship to particularly consider my case, and before His Majesty in Council give their determination, I beg the matter may be further enquired into, which I apprehend might be done easily & impartially by the Lords of Trade directing some of His Majesty's Council of the neighbouring Province to examine into the grounds of the charge and report their opinion.

For I humbly apprehend if some method is not followed to stop such extension of the Governor's power upon every frivolous occasion of suspending those of the Council, he may at any time suspend all but those he can influence, and before the Government from home can remedy the evil, the Province may run into the utmost confusion.

For my own part I desire to resign my seat in Council, because my hearing is so bad, that I can't discharge my duty as I could wish and desire, but I hope in your Lordships favour, that without good reasons appear you will not allow me to be dismissed with a contemptible charge, from an Office, the duty of which I have discharged with the strictest truth, integrity and judgment to the utmost of my power.

My Lord, Your Lordships most, &c., J^{no} RUTHERFORD.

To the Committee of the Privy Council for Plantation-Affairs.

WHITEHALL, July 28, 1758.

MY LORDS,

We have had under our consideration your Lordships Order dated the 15 of June last referring to us a Copy of a letter from John Rutherford Esq^{re} to the Lord President of his Majesty's Council relative to the suspension of him the said John Rutherford and James Murray Esq^{re} from their seats in the Council of North Carolina and directing us to hear Mr. Rutherford in what he had to offer in support of his conduct and to report Our Opinion thereupon to your Lordships, We beg leave therefore to acquaint your Lordships,

That the arbitrary Removal of Conneillors without just occasion and without giving them an Opportunity of answering to the Charges made against them where the Nature of the Case will admit of it ought not and we beg leave to say never has since we have sat at this Board been countenanced in any instance But we are of Opinion that Cases may exist in which it may be proper to make such Removal without communicating the Reasons to the Councillor so removed and that without the least colour of Injury or Injustice to such Councillor, whose Appointment is of the sole will and favour of the Crown and during pleasure only We are justified in this Opinion by the Tenor of his Majesty's Instructions to all His Governors in America, by which they are empowered to suspend any Councillor without the consent of the Council and without communicating to them their reasons for so doing, when they shall judge those Reasons improper to be communicated. The instruction by giving this Power presupposes an occasional necessity of exerting it and constitutes the Legality of such a suspension when the case occurs.

The Cases of this kind which may exist are too many and too obvious to be enumerated to your Lordships and therefore we will only mention one which has too frequently occurred namely where a Member of his Majesty's Council has for self interested or worse purposes made use of that influence which he derives from his Station to form Cabals and factious parties in the Council or Assembly to oppose and obstruct the measures of his Majesty's Governor. This is a Charge, which however just and well founded it may be would be very improper to be avowed and exhibited as a publick accusation and is in its nature hardly capable of legal Proof on either side But when ever this Case has happened and His Majesty has been well satisfied with the Governor's conduct in his administration such a suspension has always been confirmed here without any reason given to the person suspended.

There are a variety of instances of this kind upon our Books but we will only mention to your Lordships the very recent one in the case of Mr. Wragg a Councillor in South Carolina, suspended by Mr. Lyttelton for the reasons above mentioned and we beg leave to say that unless this was done it would be impossible to support and maintain his Majesty's just Rights and prerogatives in America, already too much weakened by the undue influence of factious parties in the Assemblies which eagerly embrace every opportunity of embarrassing the measures of a Governor, who steadily adheres to his instructions and to the true principles of the constitution. The Case now under consideration is exactly similar to that which we have mentioned as well with respect to the Reasons for suspending Mr. Rutherford as to the character and conduct of the Governor of North Carolina which have ever been as far as comes within our knowledge such as deserve countenance and Protection.

With regard to the other part of Mr. Rutherford's Case his suspension from the Office of Receiver of his Majesty's Quit-rents, we must observe to your Lordship's that it is under the cognizance of the Commissioners of his Majesty's Treasury, had the matter lain within our Department we should have been ready to hear whatever Mr. Rutherford has thought proper to offer in his defence But as to the suspension of him and Mr. Murray from their Seats in Council, We are humbly of Opinion that the Case does not admit of the indulgence which he desires And we must further beg leave to say that his taking upon to arraign in so extraordinary manner the Justice of this Board is in our opinion such a proceeding as deserves censure.

We are, My Lords, etc.,

DUNK. HALIFAX
JAMES OSWALD
W. G. HAMILTON

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

NORTH CAROLINA—Edgecombe County.

To His Excellency Arthur Dobbs Esq^r Cap^t General Governor and Commander In Cheafe in and over the Province a^s^d; and To His Majestys Honorable Counsell: Mr. Speaker and Gentlemen of the House of Burgises

The Petition of the Inspectors and Marchants of the town of Tarr Burrow In the county a^s^d Whose names are under written Humbly Sheweth that the Salary that is by Law allowed to each Inspector is not a Sufiant Sum for thare troble and feutage as they are at and thare Fore We Humbly Pray that the Salary may be Inlarged so as to Put us on an Equality with the Inspectors at the Town of Halifax and We your Petitioners as In Duty Bound shall ever pray, &c.

THO ^s SPELL	PETER MITCHELL
JAMES ANDERSON	ROBERT BIGNALL
AQUILA SUGG	JOHN WATSON
EDW ^d TELFAIR	

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

Mr. Smith to the Secretary.

N^o CAROLINA, Sept. 2, 1758.

REV^d SIR,

My last informed you of a devison of the County of Johnston into 2 Parishes, which had liked to have prevented their providing a Glebe, the new vestry would have declin'd it, as the expence must have been double occasioned I half of the inhabitants being made a distinct Parish, but I have got over that difficulty by the assistance and advice of a worthy Parishioner, who made me call the vestry together and give them notice that I would leave them and go into the other parish: this had the desired effect, for tho' they seemed to acquiesce, and gave me a *Bene Placessit* which I have here inclosed, they met together the week after sent for me & engaged to pay for a Glebe, till they could-procure a convenient one for me.

My Communicants increase and I have the pleasure to see the anabaptist decline very fast, notwithstanding the difficulty of removing prejudice. I find that these preachers have been of great service to me in my office, for many of the back settlers who were in a manner totally igno-

rant of the Christian religion & overrun with sensuality have been roused from their treacherous slumbers, brought to a serious way of thinking, & from hearing Enthusiastical incoherent harangues have been prepared for more solid & rational discourses. 2 of these joined themselves to the Established on the 25th of June last, after one of these preachers had prepared them for dipping, and they are now constant attendants & behave with great decency and devotion at divine service, with God's assistance (I am persnaded) I shall answer the end of the Society in placing me in a part of the world where Clergymen are greatly wanted. I have drawn for £12 10^s due the 1st of Sept in Favor of Mr. Will^m Sitgraves & am with all due distance,

Rev^d Sir Your most obd^t & most humble Serv^t

MICH^l SMITH

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

NORTH CAROLINA—ss.

To the Honourable James Hasell Esq. Greeting

Out of the Assurance I have of your Loyalty Integrity, Skill and Ability and In Virtne of his Majestys Royal Commission I Do hereby Nominate Constitute and appoint you the said James Hasell Chief Justice of and in the said Province, To have Use and Exercise during my Pleasure all, and singular the Powers and Authorities of Chief Justice of the said Province and to take receive and enjoy the Fees, Salaries, Perquisites, Priviledges and Emoluments usually and of right by the Chief Justice of the said Province taken received and enjoyed And generally to Act and do therein as to the Duty and office of Chief Justice of the said Province doth legally and truly appertain.

Given under my hand and the Seal of the said Province at New Bern the Twenty Eighth Day of April In the Thirty first Year of the Reign of our Sovereign Lord George the Second by the Grace of God King of Great Britain &c and in the Year one thousand seven hundred and fifty Eight

ARTHUR DOBBS

By his Excy's Command

RICH^d SPAIGHT Sec'y

[Endorsement.]

I Do hereby Certify that the within nam'd James Hasell was duly qualified before me by Takeing and Subscribing the Several Oaths by Law Appointed, and Also the Oath of Office Dated this 5th Day of May 1758

ARTHUR DOBBS

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

NORTH CAROLINA—SS.

To the Honourable Edw^d Brice Dobbs Esquire Greeting

Ont of the Confidence I have in your Loyalty Integrity and Abilitys and in Virtue of his Majestys Royal Commission and Authority, I do hereby Nominate Constitute and Appoint you the said Edward Brice Dobbs Navy or Naval officer of the Province afo^d To use and Exercise the Powers and Authoritys of Naval Officer throughout the said Province and the Several Ports, Harbours Bays Creeks Rivers and Inlets thereof and to have take receive and enjoy the fees Priviledges and Emoluments thereto belonging and therewith and thereby usually and of right had taken received and enjoyed and generally to Act and do in the Execution of the said office as to the Duty thereof doth legally and truly appertain

Given under my hand and the Seal of the s^d Province at Brunswick the Twenty Sixth Day of Oct^r in the 32^d Year of the Reign of our Sovereign Lord George the Second by the Grace of God King of Great Britain &c & in the Year One thousand Seven hundred and fifty Eight

ARTHUR DOBBS

By his Exc^{ty}s Command

RICHARD SPAIGHT Sec^{ry}

[Endorsement.]

New Bern 16th Nov^r 1758. This Day the Honourable Edw^d Brice Dobbs Esq^r Qualified before his Ex^{ty} the Governor agreeable to the within Commission by taking the Sev^l Oaths by Law Appointed for the Qualification of public Officers and Subscribing the Declaration

RICH^d SPAIGHT Sec^{ry}

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

GEORGE R.

Trusty and well beloved We greet you well

Whereas We have taken into our Royal Consideration the Loyalty Integrity and Ability of our Trusty and wellbeloved Charles Berry Esq^r, We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be pass'd under the Seal of our Province of North Carolina, constituting and appointing him the said Charles Berry our Chief Justice of and in our said Province, in the room of Peter Henley Esq^r deceased; To have, hold, execute and enjoy the said office unto him

the said Charles Berry for and during our Pleasure and his Residence within our said Province, together with all and Singular the Rights Profits Privileges and Emoluments unto the said Place belonging, in as full and ample manner as the said Peter Henley or any other Person has formerly held and enjoyed or of Right ought to have held and enjoyed the same with full Power and Authority to hold the Supreme Courts of Judicature, at such Places and Times as the same may and ought to be held within our said Province. And for so doing this shall be your Warrant And so We bid you farewell.

Given at our Court at St James's the 27th day of Nov^r 1758 in the Thirty second Year of our Reign.

By His Majesty's Command.

W. PITT.

To our Trusty and Well beloved Arthur Dobbs Esq^r Our Captain General and Governor, &c.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 42.]

Letter from Governor Dobbs to the Board.

EDENTON, 20th Dec^r, 1758.

MY LORDS,

I have had no orders or Instructions from you since the 7th of November 1757 nor any account of the fixing the boundary Line which we have long expected as we can raise no taxes in Anson County till that is decided they resisting the Sheriff when distrained for payment.

The Session is just now closed which was called here, & as I am just returning to Cape Fear, I have only time to send you the Speech & Addresses and the Titles of the Acts passed, until the Journals are copied, the Acts I shall send over by the next opportunity, as also a Copy of a Bill which was laid aside upon the 3^d reading by the Upper House, to take all the money granted by his Majesty upon an Address of Parliament as the share of this Province of £50,000 and to put it in the hands of a Committee to dispose of it in such manner as they pleased without his Majesty's interfering in it by his giving Instructions how he would employ it best for his service in the Province, I shall write fully to your L^{ps} by the next safe opportunity. We have just now received advice that the French have burnt and deserted Fort Du Quesne, & retreated down the Ohio, the 24th Nov^r upon the approach of our troops, the Indians having declared a neutrality & quit them, & express a desire of becoming his Majesty's Subjects or Allies, I am with great respect my Lords, &c.,

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 48.]

NORTH CAROLINA—SS.

Reports of the Committee of both Houses of Assembly met at Edenton to examine state and settle the Public Accounts of this Province the 25th Day of November A D 1758.

Present

The Hononrables	{ Francis Corbin Lewis De Rosset John Rieusset	} Esq ^{rs} Members of Council
Messieurs	{ John Harvey George Moore James Paine Benjamin Harvey Joseph Harron Michael Coutanche John Campbell		} Members of the Assembly

The Committee having met made choice of Mr. John Harvey for Chairman who took his Place accordingly and at the same time nominated Henry Delon C^{lk} of the said Committee.

John Starkey Esq^r Public Treasurer of the Southern District exhibited his several Accounts to your Committee on Oath to wit

1st His Acc^t of Bear Inlet Fort whereby it appears he had in his Hands at the last Settlement one hundred and ninety two Pounds three Shillings and three Pence which still remains in his Hands in Notes.

2nd His Acc^t of the Money appropriated for Fort Johnston by which it appears that he had in his Hands at the last settlement three hundred and twenty seven Pounds six Shillings and seven Pence, that he has paid by Order of the Commissioners three hundred and twenty four Pounds and one Penny which Sum with his Commissions ballances said Acc^t he also produced his Vouchers and lodged them with your Committee.

3^d His Acc^t of the old four penny Tax for Public Buildings by which it appears that he had in his Hands at the last settlement fourteen Pounds five shillings that he has since received twenty two Pounds fourteen shillings and six Pence the Ballance due by John Bryan Sheriff of Craven and hath paid away to Mr. John Fonville one of the Commissioners thirty five Pounds sixteen shillings and eight pence for which he produced Vouchers and lodged the same with your Committee. The sum paid away and his Commissions also ballance this Account.

4th His Acc^t of the Money appropriated for Fort Granville whereby it appears that he had in his Hands at the last settlement one hundred and forty seven Pounds one Shilling and one Penny that he has credited

this acc^t two hundred and fifty eight Pounds ten Shillings and three Pence three farthings the Ballance of his acc^t of the nine penny Tax and that he has paid away to Cap^t McNair and to his Order two hundred and seventy seven Pounds one Shilling and one Penny for which he produced Vouchers and lodged the same with your Committee and there remains in his Hands for the use of the said Fort after deducting his Commissions one hundred and twenty five Pounds fourteen shillings and ten Pence three farthings

5th. His acc^t of the six penny Tax for Offices at Wilmington whereby it appears that he had in his Hands at the last Settlement thirteen Pounds seven shillings and one farthing and that he has since received sixty eight Pounds eighteen Shillings and seven Pence Half-penny out of which he has paid to Mr. Jn^o D'Bois one of the Commissioners, seventy eight Pounds five Shillings for which he produced Vouchers and lodged the same with your Committee and there remains in his Hands after deducting his commissions eleven Shillings eight Pence three farthings.

6th His Acc^t of the four penny Tax for the Printer and Post whereby it appears that he had in his hands at the last settlement forty two Pounds ten Shillings and four Pence and that he has since received (his Commissions deducted) one hundred and fourteen Pounds nineteen Shillings and ten Pence three farthings and that he has paid to Mr. James Davis one hundred and ninety three Pounds six Shillings and eight Pence for which he produced Vouchers and lodged the same with your Committee and there is due to said John Starkey thirty five Pounds sixteen Shillings and six Pence.

7th His Acc^t of the nine penny tax whereby it appears that he had in his hands at the last Settlement only sixteen Pounds sixteen Shillings and one Penny three Farthings and that he has since received exclusive of his Commissions two hundred and forty one Pounds fourteen Shillings and two Pence which two Sums amounting to two hundred and fifty eight Pounds ten Shillings and three Pence three Farthings he has carried to the Credit of Fort Granville's Account.

8th His Acc^t of the two Shillings Tax to replace the Money for Public Buildings and Glebes whereby it appears that he had in his hands at the last Settlement nine hundred and one Pounds and nine Pence and that he has since received exclusive of his Commissions six hundred and forty four Pounds, eleven Shillings and one Penny Farthing and there is now in his Hands in Treasurer's Notes one thousand five hundred and forty five Pounds eleven Shillings and ten Pence Farthing.

9th His Acc^t of the two Shillings Tax to redeem the three thousand four hundred Pounds first emitted in Notes whereby it appears there was due to him at the last Settlement one thousand and three Pounds eight Shillings and eight Pence Half-penny and that he has since received exclusive of his Commissions five hundred and fourteen Pounds four Shillings and nine Pence and there remains due to said John Starkey four hundred and eighty nine Pounds three Shillings and eleven Pence Half-penny.

10th His Acc^t of the Tax for sinking the Currency whereby it appears that he has received since the last Settlement exclusive of his Commissions six hundred and five Pounds eighteen Shillings and ten Pence which he paid into your Committee.

11th His Acc^t of Money received by him for Contingencies by which it appears there was due to him at last Settlement one hundred and ninety two Pounds four Shillings and six Pence Farthing that he has since received exclusive of his commissions six hundred and thirty nine Pounds ten Shillings and nine Pence three Farthings that he hath applyed two thousand Pounds part of what was granted for Contingencies out of the nine thousand five hundred Pounds emitted in Notes in December last and that he has paid away two thousand three hundred and eighteen Pounds six Shillings and seven Pence Half penny for which he produced Vouchers and lodged the same with your Committee and there remains in his Hands one hundred and twenty eight Pounds nineteen Shillings & eight Pence.

12th His Acc^t how the three thousand seven hundred and fifty Pounds he received of Mr. Barker for Part of the seven thousand Pounds in Notes granted last May whereby it appears that he has paid

£ 683 " 2 " — to Cap^t Bailey

1250 " — " — to Cap^t Paine

500 " — " — to Cap^t Waddell

300 " — " — to Cap^t Moore

300 " — " — to Cap^t McNair

160 " — " — for transporting the troops

£3193 " 2 " — for which he produced his Vouchers and lodged the same with your Committee and there remains in his Hands after deducting his Commissions four hundred and eighty six Pounds eighteen Shillings.

13th His Acc^t how he paid away five thousand Pounds he had out of the nine thousand five hundred Pounds in Notes granted in December last whereby it appears that he has paid

£ 830 " - " — to Cap^t Waddell
 1100 " - " — to Cap^t Bailey
 323 " 9 " 8 to Cap^t Grainger
 650 " - " — to Cap^t Paine

£2903 " 9 " 8 for which he produced Vouchers and lodged the same with your Committee it further appears that he hath applied two thousand Pounds towards Contingencies and that there remains in his Hands after deducting his Commissions one Pound ten Shillings & four Pence

14th His Acc^t of the 4^s 6^d tax laid for the year one thousand seven hundred and fifty seven and the tax laid on Actions for two Years to redeem the five thousand three hundred and six Pounds issued in Notes for the South Carolina Expedition by which it appears that he has received in part of the 4^s 6^d tax three hundred and twenty Pounds eleven Shillings & nine Pence farthing and in part of the tax on Actions seven Pounds ten Shillings and after his Commissions are deducted out of the said Sums there remains in his Hands in Notes three hundred and eleven Pounds thirteen Shillings and nine Pence farthing

15th His Acc^t of Outstanding Debts in his District as may appear by his said Account to which your Committee refer.

James Moore jun^r Cap^t of a Company at Fort Johnston exhibited his Acc^t to your Committee on Oath whereby it appears that he hath received of John Starkey Esq^r three hundred Pounds and that he hath regularly expended for inlisting paying cloathing and Provision for his said Company from the time of their inlisting to the twelfth Day of December one thousand seven hundred and fifty eight, four hundred and seventy five Pounds four Shillings and eight Pence and there remains due to him one hundred and seventy five Pounds four Shillings and eight Pence

Charles McNair Captain of a Company at Fort Granville exhibited his Acc^t to your Committee on Oath whereby it appears that he has received of John Starkey Esq^r three hundred Pounds and that he hath regularly expended for Pay cloathing and Provisions for his said Company from the time of their inlisting to the twelfth Day of December one thousand seven hundred and fifty eight five hundred and twenty nine Pounds fifteen Shillings and there is due to said McNair two hundred and twenty nine Pounds fifteen Shillings.

George Gibbens Esq exhibited his Accounts to your Committee for sundry Charges in attending the Cattle carried to Core sound for the Use of Captain Paine's Company amounting to twenty six Pounds thirteen Shillings and he credits the Public twenty two Pounds sixteen Shillings.

and four Pence for Beef Hydes Tallow and five Steers sold and there remains due to said Gibbens three Pounds sixteen Shillings and eight Pence

Robert Jones jun^r Esq^r one of the Commissioners for Building Prison and Offices at Enfield produced his Accounts to your Committee upon Oath whereby it appears that he hath received from the Sheriffs of Northampton Edgcomb and Granville three hundred and seven Pounds one Shilling and five Pence Half penny and that he has expended including his Fees and Commissions one hundred and seventy two Pounds twelve Shillings and three Farthings for which he produced Vouchers and lodged the same with your Committee and there remains in his Hands one hundred and thirty four Pounds nine Shillings and four Pence three Farthings

Mr. Mathew Hardy exhibited his Acc^t to Your Committee whereby it appears that he has received of John Starkey Esq^r two hundred Pounds and of Mr. Benjamin Stead Merchant in Charles Town fifty two Pounds ten Shillings South Carolina Currency that he has delivered to s^d Stead fifty one Steers for which he was by the Governor's Agreement to be allowed four Pounds a piece and there is due from said Hardy to the Public the sum of six Pounds It appears by Mr. Stead's Acc^t that forty three of the before mentioned Steers were buried and he charges for the Expeence thereof sixteen Pounds two Shillings and six Pence South Carolina Currency and there remained in his Hands for Ballance of eight Steers that were killed twenty three Pounds nineteen Shillings and four Pence Half penny like Money for which His Excellency Arthur Dobbs Esq^r is to Account.

Mr. John Fonville one of the Commissioners for building Prison and Offices at Newbern exhibited his Acc^t to your Co^mmittee on Oath whereby it appears that he has received at several times and for Bricks and Plank sold two hundred and sixty six Pounds thirteen Shillings and eight pence and that he hath expended in building the Prison and laying the foundation of the Offices including twenty Pounds he charges for his Trouble three hundred and six Pounds three Shillings and nine Pence and there remains due to said Fonville thirty nine Pounds ten Shillings and one Penny.

Samuel Swann Esq^r one of the Committee of Correspondance exhibited the Accounts of that Committee to your Committee on Oath by which it appears that the said Committee has received out of the Treasury one thousand seven hundred and eighty six Pounds 14^s 8^d that they have remitted to James Abercromby Esq. one thousand and four hundred and seventy four Pounds five Shillings said Mr. Swann's Commis-

sions amount to sixty eight Pounds eighteen Shillings and ten pence and there remains in his Hands two hundred and forty three Pounds ten Shillings and ten Pence which it is the Opinion of your Committee ought to be applied towards the Contingent charge of Government if the said James Abercromby is otherwise Paid.

Said Mr. Swann also produced Ja^s Abercromby's Accounts and it appears to your Committee that by an Act passed in the year one thousand seven hundred and fifty one it was allowed there was a Ballance due to said Abercromby of one hundred & eleven Pounds nine Shillings and two Pence Sterling and that his Salary from the twenty fifth of March of the same year to the End of the Session next after the twenty fifth Day of March one thousand seven hundred and fifty seven amounts to six hundred and sixteen Pounds thirteen Shillings and four Pence it also appears to your Committee that he has received from the Committee of Correspondance five hundred and eighty six Pounds ten Shillings and eleven Pence. Your Committee observe that the said Abercromby charges in his several Accounts two hundred and sixty three Pounds eleven Shillings for yearly Gifts to Office Keepers Door Keepers and Messengers, Coach hire Postage of Public Packets and Letters Money paid to Servants of Ministers and many other incidental charges and his extra Services for which your Committee is of Opinion he ought to be allowed one hundred and ninety Pounds Eighteen Shillings he also charges fifty one Pounds four Shillings and eleven pence for interest and eighty three Pounds six Shillings and eight Pence overplus of Salary to the twenty fifth of March one thousand seven hundred and fifty eight which two Sums your Committee is of Opinion ought to be disallowed and there appears due to said Abercromby three hundred thirty two Pounds Nine Shillings and Seven Pence Sterling.

Mr. Francis Brown exhibited to your Committee his Accounts relating to the Fort begun at the Catawba Nation by which it appears that he hath received of John Starkey Esq at several Payments seven hundred and eighty Pounds and of Thomas Barker Esq^r sixty Pounds and that he hath expended for goods delivered to the Indians in satisfaction of six hundred and forty Acres of land whereon to build y^e Fort forty two Pounds twelve Shillings and nine Pence for Presents to said Indians by the Governor's Order eighty Pounds two Shillings and two Pence Half penny, for a Waggon and five Horses tools Provisions and Wages including his own and the Expences of three Journeys to the Catawba Nation seven hundred and twenty eight Pounds seventeen Shillings and three Pence Half penny for which he produced his Vouchers and lodged the same with your Committee and there remains due to said Francis Brown eleven Pounds twelve shillings and three Pence

Your Committee observe there is an Article for Provisions and Wages advanced the Workmen by one Phifer which is unsettled and not charged which ought to be allowed when proved and produced said Mr. Brown also delivered to your Committee an Inventory of several Tools and Goods left at the Fort which with the Waggon and four Horses now in his Care have Cost the Public about one hundred and thirty two Pounds ten Shillings

Richard Spaight Esq exhibited his Acc^{ts} and Vouchers to your Committee whereby it appears that he had in his Hands at the last Settlement one thousand eight hundred and seventy three Pounds thirteen Shillings and five Pence Half penny and that he hath since paid including his Commissions one thousand six hundred and eleven Pounds and ten Pence Half penny but your Committee do not allow in his said Account

£10	“	4	“	—	p ^d	to James Bryant and William Powell to reimburse them on Acc ^t of the Royal American Regiment
16	“	10	“	—	p ^d	Mr. Powell for Expresses to South Carolina and General Forbes
11	“	2	“	8	retained by Mr. Spaight by the Governor's Order it	
37	“	16	“	8	being the opinion of your Committee that they ought to be produced to the Committee of Claims and paid out of the Contingencies if allowed and	
				7	6	for his Commissions on said Sum and by that Means
£38	“	—	4	2	the Ballance remaining in said Mr. Spaight's Hands amounts to three hundred Pounds sixteen Shillings and nine Pence	

Your Committee having considered the Accounts of Mr. Henry Johnston Lientenant Mr. David Rogers Ensign and Joshua Johnson sergeant in Cap^t Arbuthnott's Company and finding the said Arbuthnott hath not received out of the Treasury as much as any Captain upon the New York Expedition is of Opinion that they ought to be paid out of the money in the Hands of Richard Spaight Esq^r the following Sums to wit

£ 18	“	6	“	—	to Henry Johnston for his Disbursements as p ^r acc ^t proved & exhibited to your Committee
81	“	2	“	1	to David Rogers for Ball ^o of his acc ^t settled last December by your then Committee
15	“	2	“	—	to Joshua Johnston for Ballance of his Wages as per account proved and produced

Thomas Barker Esq^r Public Treasurer of the Northern District exhibited his accounts to your Committee on Oath to Wit

F ^o 1 His acc ^t of the sinking Tax whereby it appears that he has received of several Sherifs	£715 “ 19 “ 5 $\frac{3}{4}$
of the Coll ^r of the Duty on Spirituous Liquors in P ^t Roanoke	277 “ 7 “ 3
of the Collector of Port Curratuck	90 “ 8 “ 2
on acc ^t of the Ballance due the Public from the Estate of Tho ^s Hember late Treasurer of Pasquotank	54 “ — “ —
of Henry De Lon on acc ^t of Mortgages due in said County	15 “ 10 “ 3

and after deducting his Commissions there remained in his hands one thousand and ninety five Pounds eleven shillings and eleven Pence which he paid into your Committee.

F 2. 3. 9 & 10 His acc^t of the Contingent Tax whereby it appears that he had in his Hands at the last settlement forty one Pounds five shillings and four Pence three Farthings that he has since received eight hundred and sixty two Pounds five Shillings and seven Pence Half-penny and he also, credits His Account five hundred Pounds that he has applyed out of the £9500 Grant and he has paid away for claims and Salaries to Chief Justice and Attorney General including his Commissions eleven hundred and forty one Pounds fourteen Shillings and eight Pence three Farthings for which he produced his Vouchers and lodged the same with your Committee and there remains in his Hands one hundred and eighty three Pounds five shillings and six Pence

F 4 His acc^t of the Printing Tax by which it appears that he has received exclusive of his Commissions two hundred and eighteen Pounds five shillings and nine Pence which remains in his Hands.

F 5 His acc^t of the first two Shillings aid whereby it appears that he had in his Hands at the last Settlement two thousand and forty one Pounds fourteen Shillings and six Pence and that he hath since received exclusive of his Commissions one thousand one hundred and nine Pounds two Shillings and ten Pence and there is now due to the Public in his Hands three thousand one hundred and fifty Pounds seventeen Shillings and four Pence.

F 6 His acc^t of the nine Penny Tax whereby it appears that he has received since last settlement exclusive of his Commission four hundred and fourteen Pounds three Shillings and two Pence and that he has paid to Cap^t McNaire and to his Order on acc^t of Fort Granville including his Comm^s two hundred and forty nine Pounds twelve Shillings and five Pence for which he produced Vouchers and lodged the same with your Committee and there remains in his Hands one hundred and sixty four Pounds ten Shillings and nine Pence

F 7 His acc^t of the second two Shillings aid whereby it appears that he had in his Hands at the last Settlement four Pounds four Shillings and five Pence that he has since received exclusive of his Commissions sixty Pounds six shillings and ten Pence and he paid into the Hands of your Committee four hundred and sixty five Pounds in Notes of the first emission which with the Interest thereon amount to four hundred and eighty five Pounds ten Shillings and two Pence three Farthings and there is due to said Mr. Barker after adding his Commissions for exchanging the Ballance four hundred and sixteen Pounds thirteen Shillings and three Pence

F 8 His acc^t of the first 4^s 6^d aid by which it appears that he has received exclusive of his Commissions one thousand six hundred and eighty seven Pounds thirteen Shillings and five Pence Farthing and he paid to your Committee three thousand and ninety three Pounds in Notes of the second Emission amounting with Interest to three thousand three hundred and twenty seven Pounds ten shillings and two Pence farthing and there is due to him after adding his Commissions for exchanging the Ballance one thousand six hundred and fifty six Pounds four Shillings and eight Pence.

F 11 His Acc^t of the third 4^s 6^d Aid whereby it appears that he hath received of the Collectors of the Duty on Spirituous Liquors in Port Roanoke and Port Curratuck exclusive of his Commissions twenty nine Pounds eleven Shillings and two Pence which remains in his Hands.

F 12 His Acc^t of the second 4^s 6^d aid whereby it appears that he has paid into the Hands of your Committee four hundred and seventy Pounds in Notes of the third Emission amounting with Interest due thereon to four hundred and ninety five Pounds one Shilling and three Pence three Farthings and there is due to said Mr. Barker after adding his Commissions for exchanging the same five hundred Pounds and three Pence.

F 13 His Acc^t of the £5306 granted in May 1757 whereby it appears that he had out of that Emission two thousand six hundred and six Pounds and that he has paid

£ 800 " — " — to Cap^t Grainger
 1230 " — " — to Cap^t Paine
 76 " — " — to M^r Wheatley for d^o Paine
 500 " — " — to M^r Leach
 60 " — " — to M^r Brown

£2666 " — " — for which he produced Vouchers and lodged the same with your Committee and there is due to said Mr. Barker after adding his Commissions one hundred and thirteen Pounds one Shilling and two Pence.

F 14 His Acc^t of the £9500 granted in December it appears that he had to emit four thousand five hundred Pounds. That he has applied five hundred Pounds towards Contingencies paid four hundred Pounds to Cap^t Paine for which he produced a Voucher and lodged the same with your Committee and three thousand eight hundred and fifteen Pounds in Notes not issued into the Hands of your Committee and there is due to said Mr. Barker including his Commissions three hundred and ten Pounds.

F 15 His Acc^t of the £7000 granted in May last whereby it appears he had to emit three thousand two hundred and fifty Pounds and that he has paid

£125 “ — “ — to Cap^t Waddell part of a Warr^t in favour of Linsey

500 “ — “ — to M^r Groves Ensign of Capⁿ Bailey

614 “ — “ — to Capⁿ Campbell and to his Order

£1239 “ — “ — for which he produced his Vouchers and lodged the same with your Committee and there remains in his Hands after deducting his Commissions one thousand nine hundred and forty one Pounds.

17 His General Acc^t wherein the before mentioned Ballances are stated and there is in his Hands belonging to the Public only two thousand six hundred and ninety one Pounds eleven Shillings and two Pence.

Mr. George Gibbens exhibited to your Committee the Account of his Disbursements on Fort Dobbs on Oath whereby it appears that he has received of Col Lovick five hundred and twenty two Pounds eighteen Shillings and two Pence and that he hath paid away including his own Wages five hundred and twenty two Pounds eleven Shillings and eight Pence the Ballance which is six Shillings and six Pence he paid to the Chairman of your Committee.

Col^o Bell produced a Voucher for one Pound six Shillings and eight Pence paid to Jabesh Weeks for Work done on Fort Dobbs was allowed which Sum was dis-allowed when he produced his Acc^{ts} last November Sessions, for want of Paid Voucher.

Your Committee observe that Col^o Bell's Accounts are so confused that they have not time to examine and Report the same.

Your Committee further observe that on the Book of Public Accounts there appears a Ballance of one hundred and twenty three Pounds eight Shillings and ten Pence Half-penny Proclamation Money due to the Public from the Estate of Col^o Thomas Swann late Treasurer of Pasquotank County.

Your Committee is of opinion that Henry Delon be allowed as Clerk to your Committee and for that Stationary Ware Copying five Bills his Room Fire and Candles the Sum of forty pounds, and that Mr. Robert

Wallace be allowed for a Room Fire Candles and Expences for your Committee the Sum of six Pounds.

JOHN HARVEY Chairman	JOSEPH HARRON
FRA ^s CORBIN	JAS PAINE
LEWIS DE ROSSET	JNO CAMPBELL
J RIEUSSET	MICH COUTANCHE
GEO MOORE	BEN HARVEY

22nd Dec^{br} 1758

The foregoing reports were read Approved of by the House to which desire your Hon^{rs} Concurrence

W ^m HERRITAGE C ^{lk}	By order	SAM SWANN Speak ^r
22 ^d Dec ^r 1758		

In the Upper House concurred with		
JN ^o SMITH C ^{lk}	By order	MATT ROWAN P C
		ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 49.]

NORTH CAROLINA—SS.

Reports of the Committee of Public Claims held at Edenton Monday the 27th day of November Anno Do^m 1758.

Present

The Honour ^{ble}	{ James Innes John Swann John Dawson }	Esq ^{rs} Members of the Council
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Mr. John Starkey	• Mr. Joseph Sutton	} Esq ^{rs} Members of the Assembly
Mr. Thomas Whitmell	Mr. John Ashe	
Mr. James Conner	Mr. Francis Brown	
Mr. Thomas Relf		

The Committee being met at the House of Mr. John Vann proceeded to make Choice of a Chairman Mr. John Starkey was Chose accordingly and Andrew Knox was appointed Clerk to the said Committee

Ordered that the Clerk set up an Advertisement requiring all persons that have any public Claims to attend at the said Vann's tomorrow evening and so every evening as business may require during this Session.

Tuesday Nov^r 28th

- The Hon^{ble} Lewis De Rossett was allowed his Claim of seventy five pounds pro^a money for a Negro man Carpenter by trade who was Outlawed in New Hanover and Burnt in Northampton County Goal as by a Certificate from the Court of New Hanover County doth appear . 75 " 0 " 0
- Mr. Hector M^eNeal Late Sheriff of Cumberland County was allowed his Claim of Eighteen pounds procl^a money as his Sallary for the years 1754 & 1755 he having fully Account^d with the Treasurer & paid all the Taxes for those years 18 " 0 " 0
- Mr. Edward Bryant former Sheriff of Bladen County was allowed his Claim of eight pounds procl^a money as his Sallary for the year 1750 he having fully accounted with the Treasurer & paid all the taxes for that year 8 " 0 " 0
- Mr. John Melton Sheriff of Onslow County was allow'd his Claims of ten pounds pro^d money as his Sallary for the year 1756 he having fully Accounted with the Treasurer & paid all the taxes for that year 10 " 0 " 0
- Mr. Joseph Williams of Duplin County was allowed his Claim of Ten pounds procl^d money as his Sallary for the year 1756 He having fully account^d with the Treasurer & paid all the taxes for that year 10 " 0 " 0
- Mr. James Allison Late Sheriff of Beaufort County was allowed his Claim of Ten pounds Procl^a money as his Sallary for the year 1756 he having fully accounted with the Treasurer and p^d all the Taxes for that year 10 " 0 " 0
- Mr. Joseph Carruthers Sheriff of Craven County was allowed his Claim of ten pounds pro^e money as his Sallary for the year 1756 he having fully Accounted with the Treasurer & paid all the taxes for that year 10 " 0 " 0
- Mr. Joseph Fulford Late Sheriff of Carteret County was allow'd his Claim of ten pounds Proclamation Money as his Sallary for the year 1756 he having fully accounted with the Treasurer & paid all the taxes for that year . . 10 " 0 " 0
- Mr. William Walker Sheriff of New Hanover County was allowed his Claim of ten pounds proclam^a money as his Sallary for the year 1756 he Having fully accounted with the Treasurer & paid all the Taxes for that year . 10 " 0 " 0
- Mr. William Williams Sheriff of Currituck County was allow'd his Claim of twenty pounds procl^a money as his

Sallary for the years 1755 & 1756 He having fully Accounted with the Treasurer & paid all the taxes for those years	20 " 0 " 0
Mr. Thomas Sawyer Late Sheriff of Pasquotank County was allowed his Claim of twenty pounds Proclamation Money as his Sallary for the years 1756 & 1757 he having fully Accounted with the Treasur ^r and paid all the Taxes for those years	20 " 0 " 0
William Quidley was allowed his Claim of four pounds procl ^a money for himself a Boat, & two hands, eleven days Carrying an Express from Fort Granville to His Excellency at New Bern and Returning	4 " 0 " 0
Jacob Franks was allowed his Claim of Twenty pounds nine Shillings & eight pence procl ^a money for himself & one man Looking after Fort Dobbs, by the Governours Order from the 14 th day of June till the 10 th Instant & their provisions during that time, as by their Account rendered	20 " 9 " 8
Abraham Jones Sheriff of Edgecomb County was allowed Twelve pounds nine Shillings Pro ^e Money for Victualing Samuel Picket & William Sikes who was Committed to the Public Goal of the said County for Fellony & afterwards broke Goal & made their escape as Appears by Acc ^t Lodg'd in your Comm ^t & by the Oaths of Hugh Hardy Goaler the said Fellows having no Estate	12 " 9 " 0
Thomas Uzzell was allowed his Claim of fifty five pounds procl ^a money for a Negro man named Peter who was Executed for Committing a rape as by a Certificate from the Court of Johnston County doth appear	55 " 0 " 0
Mr. William Halsey Sheriff of Chowan County was allowed eight pounds pro ^e money for Imprisoning Guarding & Executing one John Jones for murder, As also for Victualling one James Strewsbury an Indian who was committed & try'd for Murder	8 " 0 " 0
Tuesday Dec ^r 1 st	
Mr. John Callaway Late Sheriff of Perquimons County was allowed his Claim of Ten pounds proclamation money as his Sallary for the year 1757 He having fully accounted with the Treasurer & paid all the Taxes for that year	10 " 0 " 0

John Ross was allowed his claim of Eighteen pounds twelve Shillings & four pence half penny proclamation money for Victualling Soldiers Belonging to Cap ^t Edward Vails Company as by Acc ^t Lodg'd in your Committee	18 " 12 " 4½
This claim referr'd to the House.	
Mr. John Hooker Late Sheriff of Tyrell County was allow'd his claim of Ten pounds Procl ^a money as his Sallary for the year 1757 he having fully Accounted with the Treasurer & paid all the Taxes for that year	10 " 0 " 0
Mr. Samuel Carnell was allowed his Claim of five pounds procl ^a money, for a five pound Note Burnt by Accident, as appears by the Testimonies of Mr. William Mackey & Mr. Richard Cogdell Lodg'd in your Committee	5 " 0 " 0
Andrew Hampton was allowed ten pounds six shillings & eight pence pro ^e money for his claim for Furnishing the Indians with provisions as by acc ^t rendered	10 " 6 " 8
Isaac Arnold was allow'd his claim of Nineteen Shillings procl ^a money for Provisions for the Indians as P account rendered	0 " 19 " 0
John Duke former Sheriff of Northampton County was allowed Seventeen pounds nineteen Shillings & four pence pro ^e money his Sallary for the years 1752 & 1753 as also for Imprisoning Guarding and Executing a Negroe; Summoning a Court for his Tryall &c.	17 " 19 " 2
The Ex ^{rs} of Henry Webb Late of Orange County Dec ^d was allow'd seven pounds ten Shillings Proclamation money for his claim for provisions for the Indians, as by account Rendered	7 " 10 " 0
James Watson was allowed his claim of five pounds two Shillings & nine pence for provisions for the Indians, as by account rendered	5 " 2 " 9
Willis Ellis of Rowan County was allowed his claim of eleven pounds eighteen Shillings for Provisions for the Indians as by account rendered	11 " 18 " 0
John Prior of Orange County was allowed three pounds nine shillings & four pence for five Claims for furnishing the Indians with provisions as by Account rendered	3 " 9 " 4
Joseph Boggs of Orange County was allow'd nine pounds two shillings & sixpence proclamation money for two Claims for furnishing the Indians with provisions as by Account rendered	9 " 2 " 6

William Reed of Orange County was allow'd his Claim of two pounds fourteen shilling & ninepence pro ^e money for provisions for the Indians, as by Account rendered . . .	2 " 14 " 9
Jacob Mason of Orange County was allow'd one pound eight shillings & two pence for Provisions for the Indians, as by Acc ^t rendered	1 " 8 " 2
Ditto Mason was allowed two pounds nine shillings for Ditto, as by account	2 " 9 " 0
William Means of Orange County was allow'd ten shillings for one Hog for the Indians as by account Rendered	0 " 10 " 0
Thomas Thompson of Orange County was allow'd his Claim of one pound ten shillings for three Hogs kill'd by the Indians, as by Account rendered	1 " 10 " 0
Margarét Boggins was allowed her Claim of three pounds sixteen shillings for provisions for the Indians as by account rendered	3 " 16 " 0
John Dennis was allowed his Claim of one pound three shillings & two pence for provisions for the Indians, as by account rendered	1 " 3 " 2
Thomas Whitehead of Orange County was allowed one pound thirteen shillings & three pence for provisions for the Indians as by account rendered	1 " 13 " 3
Alexander Mabane was allowed three pounds nineteen shillings for two Claims for finding provisions for the Indians, as by Acct render'd	3 " 19 " 0
James Red was allowed his Claim of two pounds for provisions for the Indians, as by Account Rendered . . .	2 " 0 " 0
Thomas Low of Orange County was allow'd his Claim of three pounds five shillings and & four pence for provisions for the Indians as by Account Rendered . . .	3 " 5 " 4
John McGee of Orange County was allow'd five pounds three shillings & ten pence for two Claims for provisions for the Indians, as by Accounts rendered	5 " 3 " 10
Coutrad Low of Orange County was allow'd ten pounds five shillings for two Claims, for provisions for the Indians, as by his accounts Rendered	10 " 5 " 0
James Railey of Orange County was allow'd his Claim of one pound four shillings & six pence for provisions for the Indians, as by account rendered	1 " 4 " 6

Michael Synnod of Orange County was allow'd his Claim of two pounds seventeen shillings & six pence for provisions for the Indians, as by Account rendered . . .	2 " 17 " 6
The Ex ^{ts} of Peter Hilton Late of Orange County Deceas'd was allow'd his Claim one pound sixteen shillings for provisions for the Indians, as by Acco ^t rendered . . .	1 " 16 " 0
Samuel Allen was allow'd his Claim of two pounds ten shillings proc: money for provisions for the Indians, as by Account rendered	2 " 10 " 0
Thomas Robinson of Orange County was allow'd one pound two shillings & six pence for provisions for the Indians, as by Account rendered	1 " 2 " 6
James McCallester was allow'd his Claim of twelve shillings for provisions for the Indians as by Account rendered . . .	0 " 12 " 0
George Allen was allow'd his Claim of one pound one Shilling and six pence for provisions for the Indians, as by Account rendered.	1 " 1 " 6
Aron Vanhook of Orange County was allow'd his Claim of three pounds ten shillings for Provisions for the Indians, as by acc ^t rendered	3 " 10 " 0
Jacob Franks of Rowan County was allowed his claim of seven Shillings & three pence for provisions for the Indians, as by account rendered	0 " 7 " 3.
Thomas Lovelittle was allowed his Claim of Sixteen Shillings for provisions for the Indians as by account rendered	0 " 16 " 0
Monday Dece ^r 4 th	
William Mace Sen ^r was allow'd his claim of Fifty pounds proclamation Money for a Negro man who was run away and Shot in apprehending which said Negro was Valued to fifty pounds as afores ^d by the Court of Edgcomb County, as by Certificate Lodg'd with your Committee doth appear	50 " 0 " 0
Susannah Prichard was allowed her Claim of eight Shillings procl ^a Money for three pounds Old tennor Delivered into your Committee	0 " 8 " 0
John Pope Late Sheriff of Edgcomb County Produced a Claim into your Committee for Guarding Imprisoning & Executing one William Lises for Murder he having no Estate (as the Sheriff pretends) thirteen pounds fifteen Shillings & eight pence of which Claim your Committee	

is of Opinion is reasonable, your Committee refers it to the House whether this Claim be allowed or not. Disallowed it appearing to the House that the said Lisles at the time of his Conviction had Real & personal estate sufficient to pay the fees due to the officers 13 " 15 " 8

Tuesday Dec^r 12th

William Eaton Keeper of the Public Goal of Granville Connty was allow'd five pounds three Shillings for Victualling one Joseph Hall who was Committed to said Goal for Felony & afterwards Broke Goal and made his escape he having no estate 5 " 3 " 0

John White of Orange Connty was allow'd his Claim of Seven pounds two Shillings and eight pence for provisions for the Indians as by account Rendered 7 " 2 " 8

Colonel William Eaton was allowed forty Shillings for his Expences attending the tryall of the Indian James Strewsbury at Edenton as Interpreter 2 " 0 " 0

Robert Gillespie of Rowan County was allowed his Claim of Eight pounds eight Shillings for provisions for the Indians, as by acc^t rendered 8 " 8 " 0

John Lewis Beard was allowed his Claim of two pounds four shillings for provisions for the Indians as by Acc^t Rendered 2 " 4 " 0

N. B. The two last Claims to be paid to Mr. Rob^t Jones he having advanced the money for them.

John Lewis Beard of Rowan County was also allowed three pounds three shilling and three pence for provisions for the Indians, by order of Rowan Connty Court, as by Account rendered 3 " 3 " 3

Ann Cathy of Rowan County was allowed her Claim of thirty shillings for a Steer for the Indians as by account rendered 1 " 10 " 0

Robert Tate of Rowan County was allowed his Claim of four pounds Nineteen shillings for Provisions for the Indians, as by account rendered 4 " 19 " 0

Alexander Douglas of Rowan County was allowed twenty Shillings for ten bushells of Indian Corn for the Indians 1 " 0 " 0

John Higl^r of Rowan County was allowed seven pounds one Shilling and Seven pence for provisions for the Indians, as by Account rendered 7 " 1 " 7

Daniel Dupee was allow'd his Claim of five pounds seven Shillings and four pence for 7 months and 12 days house rent paid Richard Graham for keeping the Country Arms; and 3 months and 12 days rent of a Room to said Dupee for keeping the said arms to this date	5 " 7 " 4
Jacob Egner of Rowan County was allowed one pound fifteen Shillings for a Steer for the Indians as by account rendered	1 " 15 " 0
Hossel Mull of Rowan County was allowed three pounds for a Steer and a Bull for the Indians as by account rendered	3 " 0 " 0
Christopher Welwood of Rowan County was allowed two pounds for a Cow for the Indians as by account rendered	2 " 0 " 0
Samuel Oxford was allowed Seven pounds ten shillings for his Claim for provisions for the Indians, as by account rendered	7 " 10 " 0
Samuel Stenson of Rowan County was allowed thirty five shillings for a Cow killed by the Indians	1 " 15 " 0
James Robinson of Rowan County was allow'd four pounds seventeen shillings for Provisions for the Indians as by account rendered	4 " 17 " 0
William Mornson Esq ^r of Rowan County was allow'd three pounds thirteen shillings for provisions for the Indians as by account rendered	3 " 13 " 0
Edward Hughes of Rowan County was allowed Ten pounds five shillings & two pence for provisions for the Indians, As by Account Rendered	10 " 5 " 2
Nathan Williams Late Sheriff of Northampton County was allowed his Claim of eighteen pounds as his Sallary for the years 1754 & 1755 He having fully accounted with the Treasurer and paid all the taxes for those years	18 " 0 " 0
The Executors of Joseph Lane former Sheriff of Edgcomb County was allowed Sixteen pounds as his Sallary for the years 1751 & 1752 he having fully Accounted with Mr. Haywood former Treasurer & paid all the Taxes for those years, as also forty Shillings, for Summoning a Court for Tryal of a Negroe for Fellony & Executing said Negroe &c as by account Lodg'd with your Committee	18 " 0 " 0

Mr. William Powel was allowed six pounds proclamation money on account of Sundry Expresses paid by the Governour as by receipts	6 " 0 " 0
Mr. William Powel was also allowed his Claim of twenty pounds Eighteen Shillings and eight pence for Seals to Sundry Commissions for Millitary Officers Writts of Election &c to this date	20 " 18 " 8
The Hon ^{ble} Richard Spaight was allowed Forty Six pounds twelve Shillings for his Claim, it being his whole account to this Date (except Proclamations which is Defer'd)	46 " 12 " 0
The Claims of the Rev ^d Clement Hall for Ferriage &c rejected by his Petition refer'd to the House, Disallow'd by the House	
Mr. Demsey Sumner was allowed one pound Seventeen Shillings & eight pence proclamation money for fourteen pounds three Shillings Old Tenner Deliyered into your Committee	1 " 17 " 8
Mr. Charles Blount former Sheriff of Chowau County was allow'd his Claim of twenty pounds as his Sallary for the year 1755 & 1756 He having fully accounted with the Treasurer & paid all the Taxes for those years	20 " 0 " 0

Tuesday Dec^r 19th

John Vann was allowed Seven Shillings & Three pence for fifty four Shillings Old Tenner deliv rd into your Committee	0 " 7 " 3
James Johnston was allow'd forty Shillings for taking up a Deserter belonging to Cap ^t Baylie's Company in pursuance of the Governours proclamation which Deserter was Committed to Edgcomb County Goal By Thomas Hall Esq ^r as by Certificate Lodge'd with your Committee	2 " 0 " 0
Mr. Francis Brown was allowed twelve pounds seven shillings & one penny for money paid Rich ^d Cogdell for Entertainment for the Indians at New Bern as also three pounds for money paid Edward Carter for Ditto by the Governours Order	15 " 7 " 1
Mr. Brown was also allow'd nine pounds for four Guns bought of Isaac Vaudam for the Indians by the Governours Order	9 " 0 " 0
Edward Carter was allowed Seven pounds two shillings & four pence which Sum together with three pounds allow'd	

- Mr. Brown is his whole account for Entertainment for the Indians at New Bern by the Governours Order . . . 7 " 2 " 4
- Your Committee is informed that Mr. Clitheral, Mr. Set-graves & Mr. David Smith have claims for goods delivered the Indians at New Bern by the Governours Orders, but as their acco^{ts} are not before your Committee; Your Committee are of Opinion that the Treasurer pay them when it appears what is owing to them
- David Palmer was allowed five pounds sixteen shillings & four pence for Goods for the Indians by Order of the Governour, as by account rendered 5 " 16 " 4
- The Hon^{ble} Richard Spaight Esq^{re} was allowed two claims one for three pounds & the other for thirteen pounds ten Shillings (which was referr'd to us by the committee of accounts as not coming regularly before them) it being so much paid by him to Mr. Powell by the Governours Order for money Expended for Sundry Expresses 16 " 10 " 0
- Your Committee Observe upon two Claims referr'd to us by the Committee of Accounts one for three pounds six shillings paid by Mr. Spaight to Mr. Powell by the Governours Warrant the other for six pounds Eighteen Shillings paid by Mr. Spaight to James Bryan which claims are said to be for Quartering recruits of the Royal American Regiment then in South Carolina. It being an unusual demand your Committee is of Opinion it ought not to be allowed: But referr it to the House Disallowed by the House.
- Your Committee also observe another claim from the Committee of Accounts for eleven pounds two shillings & eight pence said to be for Expresses formerly disallowed by your Committee three years ago; and now Directed to be retained in Mr. Spaights hands by the Governours Warrants, your Committee is of opinion that this claim be allowed & paid out of the fund for contingencies is a new & unpresidented proceeding and Introductive of confusion in the Public accounts & funds, and the Introducing claims that has formerly been disallowed is a contempt and contrary to a resolve of the General Assembly pass^d the 25th of October 1756 whereby his Excell^{ty} the Gov^r is Impowered

to apply that money for the use of His Majesty's service as therein expressed.

John Carmichael was allowed thirty two pounds for his claim for provisions for the Indians as by account rendered 32 " 0 " 0

Mr. Charles Blount was allowed Six pounds for taking up three Deserters belonging to Capt. Arbuthnot's Company (& sending them down to the Barr) pursuant to the Governours proclamation 6 " 0 " 0

Your Committee is of Opinion this ought to be retained out of Cap^t Arbuthnot's pay if any is due him.

Mr. Joseph Creecy former Sheriff of Perquimons County was allowed Ten pounds as his Sallary for the year 1756 He having fully accounted with the Treasurer & paid all the Taxes for that year ; as also Eight Shillings for three pounds Old Tenner Delivered into your Committee . . 10 " 8 " 0

Two Claims produced for two Negroes Executed Lately in Newbern for Fellony, one Seventy five pounds & the other eighty pounds, and as it is not Certified to your Committee by the Court that try'd them that they had provisions & cloaths agreeable to Law your Committee is of Opinion they be Dis-allowed till they come properly Certified

Doct^r John Craven was allow'd Eight Shillings & eight pence for three pounds five Shillings Old Tenner Delivered into your Committee 0 " 8 " 8

Your Committee to avoid the trouble of Messages have burned the Sum of twenty six pounds two Shillings & six pence Old Tenner paid into your Committee as by the above report & Burn'd in your Committees Room . . 26 " 2 " 6

Your Committee observe that the whole Amount of Allowances made for provisions for the Indians passing & repassing to Virginia (since last year) amounts to Two Hundred & five pounds seventeen Shillings & three pence Exclusive of presents made & money Expended for Entertainments for them at New Bern 205 " 17 " 3

It is the opinion of your Committee that John Vann be allowed five pounds for Committee Room fire & Candle Light &c.

It is the opinion of your Committee that a proper allowance be made to Andrew Knox who Acted as Clerk to Your Committee.

JOHN STARKEY	JOHN RELF
W ^m MACKAY	JA ^s JAMES
JA ^s CONNER	JNO SWANN
JOHN ASHE	JOHN DAWSON
JOSEPH SUTTON	

20th Dec^r 1758. In the Assembly

The foregoing claims were read and Allowed of and desire your Honors concurrence thereto By Order

W^m HERRITAGE

SAM^r SWANN Speaker

23rd Dec^r 1758.

In the Upper House concurred with.

By Order

MATT ROWAN D C.

JN^o SMITH

ARTHUR DOBBS.

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

Letter from Governor Dobbs.

EDENTON, 22 December, 1758.

SIR, [SECRETARY PITT]

I had your favour of the 17th of September acquainting me that his Majesty had appointed General Amherst Commander in Chief of the Forces on this Continent and to correspond with him, and to lay such Embargos as he shall find necessary for his Majesty's Service. I have accordingly wrote to him and have desired that he might proportion what part of the £50,000 we are to have for the benefit of this poor province, which has done its utmost to assist the northern provinces as well as South Carolina in Case they wanted any aid from us, and as it was your Goodness which procured us that Sum for the use of the Southern Provinces, and we were obliged to send 3 Companies which were to consist of 300 Men to the Ohio this Campaign upon your letter last Spring, which we cou'd not pay abroad, having neither Money nor Credit to pay our Troops, I was obliged to write to Brig^r General Forbes to advance their pay upon the Credit of our Proportion of that Sum, which he has done, and therefore hope you will be so good as to make that sum be paid in order to have the Benefit of what his Majesty was pleased to allow this Province in part to reimburse above £66,000 raised in this Province for his Majesty's Service, above £38,000 of which was to assist the other

Provinces; and it gives me great pleasure to find that we have gained the End, by the French having deserted and burnt Fort Du Quesne, and retreated to Mississippi the 24th of last Month, by which Means all the Indians have desired to join us, and they will be deprived of their Navigation and Trade of these Lakes.

I am with great Respect Sir, &c., ARTHUR DOBBS.

[B. P. R. O. B. T. JOURNALS. VOL. 66.]

BOARD OF TRADE JOURNALS.

Friday February 10th 1758

Present

Earl of Halifax

Mr. Oswald, Mr. Pelham

Mr. Jenyns. Mr. Sloper.

Read an Order of the Lords of the Committee of Council for Plantation Affairs dated 16th January last referring the petition of Henry M^cCulloh late Inspector and Comptroller of His Maj. Quit Rents in North and South Carolina praying that in consideration of his great sufferings and hardships the sum of £1035 may be paid to him out of the revenue of $4\frac{1}{2}$ p^r cent in lieu of a like sum granted to him by Warrant upon the receiver of the Quit Rents in South Carolina.

The Petitioner attending without was called in and after stating to their Lord^{ss} the particular hardships he has sustained and the sufferings he had undergone in relative to his office of Comptroller and Inspector of the quit rents in South and North Carolina he withdrew and their Lord^{ss} ordered the draught of a report to the Lords of the Committee of Council upon his Petition to be prepared, which was agreed to and ordered to be transcribed on 15th and signed on 16th February.

Wednesday March 15th 1758

Read a Memorial of John Rutherford, Esq., Receiver General and one of His Maj. Council in North Carolina setting forth that he has been suspended from his said offices by Gov^r Dobbs and praying that he may have a copy of the complaint against him in order to answer the same.

Read a Memorial of James Murray Esq^r one of the Council in North Carolina setting forth that he has been suspended from the said office by Gov^r Dobbs and praying that the Board would direct an enquiry to be made into his case & grant him such redress as they shall think proper.

Ordered that the said Memorials do lye by for further consideration when the Board shall have received from M^r Dobbs his reasons for the suspension of the said officers with the proceedings of the Council thereupon.

Tuesday, May 2nd 1758.

Read a letter from James Abercomby Esq to the Secretary dated April 13th 1758 submitting to the Board some observations on the paper currency of North Carolina and inclosing copy of Gov^r Dobbs letter to James Abercomby Esq dated December 28, 1757 acquainting him that the Assembly has refused to continue him Agent for the Province of North Carolina.

Wednesday May 10th 1758.

Read a letter from Arthur Dobbs Esq Gov^r of North Carolina to the Board dated 27 Dec. 1757 giving an account of his having suspended Mr. Rutherford and Mr. Murray from their seats in the Council and inclosing

Copy of Gov^r Dobbs letter to the Lords Comm^{rs} of the Treasury dated 26 Dec. 1757 in answer to their Secretary's letter of 19th Jan^{ry} inclosing the two following papers

Copy of the affidavit of Joseph Carruthers dated 4 Jan^{ry} 1758 relative to accounts between the Deponent and Mr. Rutherford.

Remarks upon the several Articles and Answers given to them by Mr. Rutherford in Council.

The Answer of Mr. Rutherford Receiver General of the Quit Rents in North Carolina to Articles of Charge against him.

Abstract of the Journal of Council of North Carolina of 12th 14th Dec. 1757 upon Articles of Charge against Mr. Rutherford.

Account of the number of acres granted in the King's part of North Carolina.

Attested copies of printed notes issued as a paper currency by Messrs. Murray and Rutherford.

Gov. Dobbs Proclamation forbidding the Receivers of the Quit Rents to receive the notes issued by Messrs. Murray & Rutherford

Copy of a Bill passed by the Council & Assembly of North Carolina and rejected by Gov^r Dobbs entitled an Act to regulate elections.

Copy of Gov^r Dobbs Speech to the Council & Assembly at the opening of the Session

Copy of the Address of the Council to Gov^r Dobbs in answer to his Speech.

Copy of the Address of the Assembly to Gov. Dobbs in answer to his Speech

Their Lordships took the said letter and papers into consideration and also the Memorials of John Rutherford and James Murray Esq^{rs} mentioned in the Minutes of the 15th March and after some time spent therein ordered an extract to be made of so much of Mr. Dobbs letter as relates to the suspension of the said Rutherford and Murray and also copies of the papers relating thereto to be laid before his Majesty and the draught of a Representation thereupon to be prepared which was agreed to transcribed and signed on 12th May.

Wednesday, July 26th, 1758.

Read an Order of the Lords of the Committee of Council for Plantation Affairs dated June 15th 1758 referring to this Board the copy of a letter from John Rutherford Esq to the Lord President of the Council respecting his suspension from his seat in the Council of North Carolina

Their Lordships took the said Order of Reference and letter into consideration and ordered the Draught of a Report to the Lords Committee of the Council to be prepared, which was agreed to transcribed and signed July 28th

Wednesday, October 25th, 1758.

Representations to his Majesty in Council proposing that * * * Charles Berry Esq. may be appointed Chief Justice of the Province of North Carolina in the room of Peter Henley Esq. Deceased * * * were agreed to and signed and Warrants inclosed for his Maj. signature in case his Maj. should approve such recommendations

Friday, November 3rd, 1758.

The Secretary laid before the Board the following copies of Orders in Council received from the Clerk of the Council in Waiting

* * * * *

Order in Council dated 4th Feb^{ry} 1757 approving a Warrant to appoint Richard Spaight Esq. to be one of the Council in North Carolina.

Tuesday, November 7th, 1758.

Read Order of his Maj. in Council dated 6th inst. approving Charles Berry Esq. to be Chief Justice of North Carolina and directing Warrant in the usual form to be prepared.

Said Warrant having been prepared was approved & Representation to his Majesty therewith was signed.

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

COUNCIL JOURNALS.

At a Council held at Wilmington on Wednesday the 8th day of March 1758

Present His Excellency Arthur Dobbs, Esq^r Gov^r

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

Read and Granted Several Warrants for Land as $\frac{3}{4}$ Warrant Book

Ordered that a Court of Chancery and Court of Claims be held at Wilmington on the first Tuesday in September next

Mr. Swann Informed his Excellency and the Council that Robt M^cCree is a man of bad Character, and has been Guilty of Several misdemeanours in his Office as a Justice of the Peace

Ordered that the said Rob^t M^cCree be struck off the Commission of the Peace for Duplin County.

Read the Petition of Rob^t Carruthers and David Palmer praying that the time for returning their Warrants be Inlarged

Ordered that the time for Returning said Warrants be Inlarged until next Court.

Upon reading the Petition of Philip Ambrose It is Ordered that the time for Returning his Warrants be Inlarged until next Court

Upon Reading the Petition of Abraham Jones it is Ordered that the said Abraham Jones have a Warrant of Resurvey of his Land

At a Council held at Wilmington on Friday the 10th of March 1758

Present His Excellency Arthur Dobbs Esq^r Governor,

The Hon^{ble} { Mathew Rowan John Swann }
 { James Hasell Lewis De Rossett } Esq^{rs}
 { James Innes Edward Brice Dobbs }

Ordered that a Patent Obtained by James Suirs for 200 Acres in Bladen County, said to be adjoining to the Lower side of Hugh Campbells Land be amended by Inserting therein the Words (Col James Innes) instead of the Words (Hugh Campbells)

Upon reading the Petⁿ of James Ellison It is Ordered that the said James have a Warrant of Resurvey to ascertain the Lines of Land in a Patent granted the 5th April 1720 to David Parkinson

Read and Granted several Warrants and Patents for Lands as $\frac{3}{4}$ Warrant and Patent Books

His Excellency laid before the Board a Letter from General James Abercrombie to his Excellency Dated 16th March 1758 Recommending it to his Excellency to Lay an Embargo upon the Shipping in this Province.

Ordered that a Proclamation do Issue to direct and require the several Collectors and Naval Officers of the respective Ports in this Province not to Clear out or suffer any Ships or Vessells to depart from said Ports until further Orders.

At a Council held at New Bern on the 29th day of April 1758.

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan James Innes
James Hasell John Rienssett and } Esq^{rs}
Richard Spaight

Ordered that a Proclamation for a General Fast on Wednesday the seventh of June next do Issue.

At a Council held at New Bern on Monday the First day of May 1758

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan James Innes
James Hasell John Rienssett and } Esq^{rs}
Rich^d Spaight

Ordered that a new Commission of the Peace and *Ded's* do Issue for the County of New Hanover, and that William Alston and William Robinson be added as Justices.

At a Council held at New Bern on Thursday the Fourth day of May 1758.

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan James Innes
James Hasell John Rienssett and } Esq^{rs}
Richard Spaight

Ordered that a new Commission of the Peace and *Ded's* do issue for the County of Carteret and that James Williams and John Backhouse be added, and that George McKane being dead be left out.

Ordered that a new Commission of the Peace and *Ded's* do issue for the County of Craven, and that Doct^r Andrew Scott be added and that Hardy Bush and Robert Carruthers being dead be left out.

At a Council held at Wilmington the 30th day of June 1758

Present His Excellency Arthur Dobbs Esq^r Gov^r

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

Upon complaint of the Hon^{ble} John Swann Esq^r that William Houston and Edward Machett Esq^{rs} Justices for the County of Duplin, have behaved in a disorderly manner unbecoming Magistrates

Ordered that the said William Houston and Edward Machett be struck out of the Commission of the Peace for the said County of Duplin.

Ordered that Robert Butler, Felix Kenan and Gabriel Holmes be added to the Commission of the Peace for the County of Duplin

Upon motion of the Hon^{ble} Edward Brice Dobbs Esq^r for John Oliphant to be added to the Commission of the Peace for the County of Rowan

Ordered that said John Oliphant be added to the Commission of the Peace for said County.

His Excellency Informed the Board that he had an order from his Majesty to survey the Countys within his Majestys part of this Province and also an Order from the Lords of the Treasury, on the Receiver General to pay all such sums of money as should be requisite to compleat the same, and desired to know what should be allowed $\frac{1}{2}$ day for the Surveyor who should perform the same

Ordered that he be allowed the same that was allowed to the surveyors that ran the Line between the King and Earl Granville and also that he be allowed Reasonable Charges for Chain Bearers &c

Read and Granted several Warrants and Patents for Land as $\frac{1}{2}$ Warrant and Patent Book.

At a Council held at Wilmington the first day of July 1758.

Present His Excellency the Governor.

The Hon^{ble} { Mathew Rowan Lewis De Rossett
James Hasell Edward Brice Dobbs } Esq^{rs}
John Swann Richard Spaight

Upon hearing the Caveat William Atkinson ag^t Benjamin Lewis, It is ordered that a Patent Issue to the said William Atkinson and that the Caveat be discharged.

Upon hearing the Caveat William Powers ag^t Joseph Kane, It is Ordered that a Patent do Issue to said W^m Powers

Upon hearing the Caveat James Pugh ag^t Thomas Vince It is ordered that the Caveat be discharged.

Upon hearing the Caveat of John Wise ag^t Christ Ncale it is ordered that the Caveat be discharged.

Upon reading the Petition of W^m Whitehouse, It is Ordered that a Warrant of Resurvey do Issue as is desired.

Read and Granted several Warrants and Patents for Lands as $\frac{1}{2}$ Warrant and Patent Book.

Upon reading the Petition of Thos Howe, It is ordered that a warrant of Resurvey do issue as is desired.

At a Council held at Wilmington on Saturday the 21st of October 1758.

Present His Excellency Arthur Dobbs Esq^r Governor.

The Hon^{ble} { Mathew Rowan Louis De Rossett } Esq^{rs}
 { James Innes and }
 { John Swann Edw^d Brice Dobbs. }

Ordered that a Proclamation do Issue for a Publick Thanksgiving on the first Wednesday in Decēber next.

Upon reading the Order of Council of the 29th of November 1757 and the Planns returned therewith, It is ordered that the Patent Granted to John Swann of five hundred acres of Land on the West side of Wag-gamaw Swamp bearing date the 2^d day of May 1730 and now Vested in the Hon^{ble} Mathew Rowan be amended by making the same agreeable to the said Planns.

At a Council held at Edenton on Saturday the 26th day of November 1758.

Present His Excellency Arthur Dobbs Esq^r Governor.

The Hon^{ble} { Mathew Rowan John Dawson } Esq^{rs}
 { James Innes Lewis De Rossett }
 { Fran^s Corbin John Rieussett }
 { John Swann Rich^d Spaight }

Upon reading the Deposition of Joseph Ryal one of the Soldiers belonging to Fort Granville, It is ordered that James Jones Esq^r one of his Majesty's [Justices] of the Peace for Craven County personally be and appear before his Excellency the Governor and Council at Wil-mington on the first Tuesday in March next to answer the Matters set forth in said Deposition.

At a Council held at Wilmington on Tuesday the 29th day of Novem-ber 1758.

Present His Excellency the Governor.

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

Upon Complaint of King Blunt and the rest of the Tuskarora Indians that Humphry Bate had settled upon their Lands without their consent contrary to an Act of Assembly of this Province made in the year 1748

to prevent any person from settling on their Lands notwithstanding any Patents granted for any part within their district,

Ordered that the Attorney General do Prosecute the said Humphry Bate unless he quits the said Land.

Upon Complaint of the Meherrin Indians being disturbed in their possessions by several persons contrary to an Act of Assembly of this Province passed in the year 1729

Ordered that the Att^{ny} General do prosecute all persons who disturb the said Meherrin Indians in their Possessions.

Upon motion of Rob^t Jones Esq^r Attorney General, it is ordered that the Letters of Administration Granted to Benj^a Willis on the Estate of David Braswell be revoked and that Letters *ad Colligend.* issue to Ann Braswell *als.* Carver on the Estate of the said David Braswell.

Ordered that the Depositions of Witnesses on both sides be taken by the Chief Justice at the next Supreme Court at Enfield, touching the Legitimacy of the said David Braswell and that all parties have notice thereof and that a Commission Issue to the Chief Justice for that purpose, and that the said Ann do give security in the sum of one thousand pounds for the dne performance of said Letters.

Ordered that the Consideration of the Caveat entered ag^t Letters of Administration being granted to Rich^d Braswell Son of Rich^d Braswell dece^d be deferred until the return of the Depositions of the Witnesses above mentioned and that Letters *ad Colligend.* be issued to Ann Braswell ag^t Carver shewing Security in the sum of Two hundred Pounds.

At a Council held at Edenton on Friday the first day of December 1758

Present His Excellency the Governor

The Hon ^{ble}	{	Mathew Rowan	Lewis De Rossett	} Esq ^{rs}
		James Innes	John Rienssett	
		John Swann	Edward Brice Dobbs	
		John Dawson	Richard Spaight	

The Hon^{ble} Edward Brice Dobbs produced a Patent of a Tract of Land lying on the Greatest Branch of Black River in which one of the Courses was mistaken Viz^t in mentioning the same to be up instead of down the branch which Patent was granted on the 14th day of Jan^y 1735 by his Excellency Gabriel Johnston Esq^r late Governor of six thousand Acres of Land in Duplin County to Arthur Dobbs Esq^r

Ordered that the said Patent and the Record thereof be amended by the Secretary by inserting the word down instead of up the largest Branch.

Ordered that new Commissions of the Peace issue for the Countys of Edgecomb and Johnston and for the new Countys of Halifax and Dobbs.

Upon complaint being made that W^m Robertson one of the persons named in the Commission of the peace for the County of New Hanover has never qualified and is otherwise unfit for a Justice

Ordered that the Court of the said Connty strike the said W^m Robertsons name out of said Commission.

Ordered that Tyree Harris David Hart and W^m Nun be added as Justices in the Commission of the peace for the Connty of Orange.

At a Council held at Edenton on Friday, the 22^d day of December, 1758.

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	John Dawson	}	Esq ^{rs}
		James Innes	Lewis De Rossett		
		Francis Corbin	John Rienssett		
		John Swann	Edw ^d Brice Dobbs and		
			Rich ^d Spaight		

Upon reading the Petition of John Clayton setting forth that by Order of the Commissions for running out the line between this Province and S^o Carolina in May 1735 he attended for the space of ten days and has not received any satisfaction for the same,

Resolved that it is the Opinion of this Board that his Excellency the Governor do issue his Warrant to the Receiver General of this Province for the payment of seven pounds two shillings and ten pence Sterling to the said John Clayton for his said Service.

Upon his Excellencys Laying before this Board his Majestys Warrant for surveying and making Plans of the several Countys within his Majestys part of this Province

Resolved that the surveyor who performs the said service be paid the sum of sixteen shillings and eight pence per day and that all other reasonable and necessary charges for carrying on the said work be allowed him.

At a Council held at Edenton on Saturday the 23rd day of December 1758.

Present His Excellency the Governor.

The Hon ^{ble}	{	Mathew Rowan	John Swann	}	Esq ^{rs}
		James Innes	Louis De Rossett		
		Francis Corbin	Rich ^d Spaight		

Mr. Corbin one of the Members of this Board having at a Former Council engaged to produce to his Excellency the Governor a Copy of

the Letter by him wrote to the Earl of Granville concerning his Excellency's Granting his Lordships Lands in Order to shew that his said Letter was not consonant to that wrote by his Lordship to his Excellency, and having during this Present Session of Assembly and sitting of the Council made several Promises to the same effect and not having yet performed his said Engagement or Promises is now desired to give said Copy to his Excellency on or before next Tuesday.

LEGISLATIVE JOURNALS.

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

NORTH CAROLINA—SS.

At an Assembly begun and held at Newbern the Twelfth day of December in the Twenty Eighth Year of the reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King &c and in the Year of our Lord One Thousand Seven Hundred and fifty four and from thence continued by several Prorogations and Adjournments to the Twenty Eighth Day of April in the Thirty first year of the Reign of our said Lord the King to be held at New Bern being the sixth Session of this Present Assembly.

Friday the 28th April 1758. The House met according to Prorogation.

On motion, Ordered, That Mr. John Harvey and Mr. John Ashe wait on his Excellency the Governor, and acquaint him the House is met, and desire to know when they shall wait on him, Who being returned acquainted the House that His Excellency desired the immediate attendance thereof in the Council Chamber.

Mr. Speaker with the Members waited on his Excellency the Governor in the Council Chamber, where his Excellency was pleased to make a Speech to his Majesty's Council and this House a copy of which, to prevent mistakes, Mr. Speaker obtained, which he laid before the House; and on motion, Resolved the same be read.

The same was accordingly read, and ordered to be inserted in the Journal of the House, and is as follows, Viz^t

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

The cause of my calling you so suddenly together, upon the shortest notice, is from his Majesty's commands, signified to me by Mr. Secretary

Pitt by his Letter of the 30th of December last, to consult with you immediately, at this most emergent and critical Juncture, whereon the future Safety and Happiness of all his American Colonies depends.

An Opportunity offers, if you will now exert yourselves, of getting rid forever of your perfidious, restless, and inveterate Enemies the French from this American Continent, and of securing, for the future, our most holy Protestant Religion Liberties and Possessions, which if now neglected or slighted, may never be recovered; but as the whole is so emphatically and specifically sett forth in Mr. Pitts Letter, I shall forthwith lay it before you, with a letter from the Earl of Loudoun, our late Commander in Chief, and one from Brigadier General Forbes, who now commands under General Abercrombie in these Southern Provinces which will fully open to you what you may expect from a vigorous Exertion of your Power immediately and the little Hopes of Safety hereafter, if you neglect the present critical moment, for if we fail now by your neglect, Britain, under its Load of Debts, cant continue the Expence.

God Almighty, in his Providence, has remarkably shewn His immediate Power and Protection of the Protestant Religion, and the cause of Liberty, by the glorious success of the Arms of the indefatigable magnanimous and victorious King of Prussia, against the greatest Popish powers, and their Allies, in Germany, which will fully employ the French Arms and Finances, and may prevent their sending great supplies to America; and I have reason to hope, after the correction we have received from Providence for our gross neglect of His Worship and our sensualities, and our Treatment of the Indians, that God will now return and head our Armies and Councils in this Continent, in Defence of the Protestant Religion, and the cause of British Liberties in America; but if we now neglect this critical time, we must be given up to our cruel Enemies, and submit to French Tyranny and Popish Idolatry and Superstition, which God avert.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I shall but just mention to your ill judged Parsimony, in having lessened the few Forces we had in Pay; but upon this grand Attack, and Critical Juncture, I am confident you will give such supplies as may enable us to exert our Force with the utmost Dispatch, as no Time must be lost, since our all is at stake, if we fail in our present operations; and that you will show the same zeal you have hitherto done, upon the great aid offered to us by his Majesty, and Expectation of reimbursément, to enable us to raise Troops; and hope you will make more effectual Laws against the harbouring deserters; and that you will enable me

to send out immediately such Troops as we have in Readiness in Pay to assist and operate where commanded: I hope also that you will give some Aid to open the Navigation of Ocacock, where the Channel is almost filled up.

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

I have nothing further to recommend to you at present, but as you value your holy Religion, Liberties and Possessions, and the future Safety and Happiness of your Posterity, I hope and expect that you will not neglect this only opportunity that Divine Providence has given into your Power, and has put into the Hearts of his Majesty and the Parliament, and the People of Britain to give you so cheerfully such extraordinary assistance, which, if secured by these Colonies, will not fail, by the Blessing of God, of having the desired success, and of putting an end to all future extraordinary Expences; And you may be assured that I shall with the utmost zeal and Economy, co-operate with you in all just and necessary Measures, for your future Safety and happiness

On motion Ordered, That Mr. Robert Jones, Mr. John Starkey and Mr. John Harvey, Mr. Maurice Moore and Mr. John Ashe, prepare an Address in Answer to his Excellency the Governors Speech

Resolved, That it is the Opinion of the Members present, that they cannot consistent with the ancient Customs and proceedings in this House, proceed to the Dispatch of farther Business, unless a Majority of the Representatives in the Province were attending; it is therefore further Resolved, That the absent Members be sent for in Custody of the Sergeant at Arms, at their own Expence, and that Mr. Speaker issue his Warrant to Compel the Attendance of those Members that the house may proceed to the Consideration of the several matters recommended by the Governor in his Speech

Then the House adjourned till tomorrow at 3 o'Clock in the Afternoon.

Saturday April 29th 1758. The House met according to adjournment.

Mr. Jones from the Committee appointed to prepare an Address in Answer to his Excellency the Governor's Speech reported That the said Committee had prepared the Address, which he read in his Place.

* Ordered the same stand the Address of this House, and be entered on the Journal thereof as follows viz—

To His Excellency Arthur Dobbs, Esq. Captain General, Governor and Commander in Chief in and over his Majesty's Province of North Carolina,

SIR,

We his Majesty's most dutiful and loyal Subjects, the Assembly of North Carolina, return you hearty Thanks for your Speech at the opening of this Session. We entertain a most Grateful sense of his Majestys Goodness in sending a large Armament, at an extraordinary expence, to repel our inveterate and perfidious Enemies from their unjustifiable Enoachments on this Continent; and to secure to us the peaceable possession of our Religion, Liberties and Properties; and we should be wanting in our duty to the best of Kings, to our Constituents, Selves and Posterity were we to neglect the present opportunity of exerting ourselves to the utmost in sending Forces to join in the regular Troops of his Majesty, and those of the other Colonies, in the Execution of a scheme, which if through the Favour of Providence, attended with success will be productive of the most happy Consequences to all his Majesty's American Dominions.

At the same time give us leave to assure your Excellency that it gives us inexpressible Concern, to find that the Inhabitants of this Government are so impoverished by the frequent Aids Granted to his Majesty during the present War to protect this Province and assist in the defence of Virginia, New York and South Carolina, which amount to above forty Shillings each Taxable, and are much more than the Currency at present circulating among us; that it is impossible for us to give such demonstrative Proofs of our Zeal and Ardour as we could wish! However, notwithstanding the Indigency of the Country, we shall with Dispatch and Alacrity, prepare a Bill for augmenting the number of Forces now in the Pay of this Province, and transporting and paying them when joined to his Majesty's other Forces, under the Command of Brigadier General Forbes.

The other Matters recommended to us by your Excellency we shall consider with what attention their Importance deserve, and pursue such Measures as may tend to secure the future Safety and Happiness of the Province.

Two Members waited on His Excellency the Governor and acquainted him that the Members were met, and desired to know when his Excellency would be pleased to receive them with the Address, being returned, acquainted the House that his Excellency would receive them on Monday Morning about nine or ten o'clock.

Then the House adjourned till nine o'clock Monday Morning.

Monday May 1st 1758. The House met according to adjournment.

Benjamin Fordham, the Doorkeeper to this House being sick and thereby rendered incapable of attending the House, it is therefore Resolved, That John Kennedy be appointed Doorkeeper in the room of the said Benjamin Fordham until he may recover his health, and the said John Kennedy is accordingly appointed Doorkeeper in the Room of the said Benjamin Fordham.

His Excellency the Governor sent a Message acquainting the House that he was ready to receive the Address thereof in the Council Chamber.

Mr. Speaker with the House waited on the Governor in the Council Chamber where Mr. Speaker presented the Address of the House to his Excellency, to which his Excellency was pleased to answer as follows, viz^t

It gives me great pleasure to find your greatful Sense of the Armaments and Troops which his Majesty has sent, to secure the future Safety and Liberties of his American Colonies, and the Zeal you profess, for doing the utmost you can at this short notice, and of sending what Troops we have in pay, and what can be joined to them, in Time, not to delay the Operations of this campaign, which by God's Blessing, I hope will secure your future Peace and Happiness

Mr. William Houston, one of the members for Duplin County, Mr. Edward Vail, one of the members of Chowan County, Mr. Isaac Jones, one of the members for Bladen County, Mr. Thomas Smith one of the members for Hyde County, Mr. Benjamin Wynns and Mr. Thomas Whitmell two of the members for Bertie County, Mr. Cornelius Harnett member for Wilmington, and Mr. Joseph Bell one of the members for Carteret County, appeared, and took their Seats in the House.

Mr. Jones moved that the House resolve into a Committee of the whole House, to consider the Governors Speech

Resolved, That the House resolve into a Committee of the whole House, for the Purposes in the aforesaid motion mentioned

The House resolved into a Committee of the whole House to consider the Governors Speech, and unanimously chose Mr. George Moore Chairman and the Committee having taken the same under Consideration, came to several Resolutions, which Mr. Chairman was directed to report to the House.

Then on motion Mr. Speaker resumed the Chair

Mr. Chairman reported, That the Committee had come to several Resolutions which he read in his place, and on motion, Resolved That the House concur therewith and that the same be entered on the Journal of the House as follows Viz^t

Resolved, That it is the Opinion of this Committee, That as a Proof of the Loyalty of the People of North Carolina, and for their zeal for the Common Cause of His Majestys American Dominions, the Troops now in the Pay of this Province be augmented to three hundred effective men, exclusive of officers; and that they be marched and joined with his Majestys Troops, under the Command of Brigadier General Forbes, and employed in the same service that the said Troops are appointed to perform

Resolved That an Aid of £7000 be granted to his Majesty for augmenting the said Forces, and subsisting and paying them when augmented, and for placing garrisons in the Forts on the Sea Coasts.

Mr. Jones moved that the House resolve into a Committee of the whole House to consider of ways and means for raising the sum of seven Thousand pounds, to be granted to his Majesty, for augmenting the Forces now in pay to Three Hundred effective men to be joined with His Majesty's Troops, under the Command of Brigadier General Forbes, and for subsisting and paying them when augmented, and placing Garrisons in the Forts on the Sea Coasts

Resolved that the House resolve into a Committee of the whole House to consider of ways and means for raising the sum of seven Thousand Pounds to be granted to his Majesty for the Purposes aforesaid.

The Committee having considered of Ways and Means for raising the said sum, came to several Resolutions, which Mr. Chairman was directed to report to the House.

Then on motion, Mr. Speaker resumed the Chair, Mr. Chairman reported—

That the Committee of the whole House, appointed to consider of ways and means for raising seven Thousand pounds, to be granted to his Majesty, for augmenting the Forces now in the pay of this province, &c., had considered of ways and means for raising the said sum; and had come to several Resolutions, which he reported to the House, to which the House agreed, and ordered the same be entered on the Journal of the House, as follows, to wit—

Resolved, That the most eligible means for raising the said Aid is by a Tax of 4^s 6^d per poll, to be levied in the year 1759, and an Additional Duty of 2^d per Gallon, on all Wine and distilled liquors, imported into this province, for four years next ensuing.

Resolved, That for the more ready payment of the said Aid, as occasion may require, the Treasurers of this province shall sign and emit Public Notes of Credit to the Amount of £7,000 viz: 4,000 of the denomination of 20^s, 1,000 of 40^s and 2,000 of 10^s each; to which the House agreed.

On motion, Ordered That Mr. Jones, Mr. Maurice Moore and Mr. John Starkey Mr. Ashe and Mr. John Harvey, do prepare and bring in a Bill, For granting an Aid to his Majesty for augmenting the Troops now in pay of this province, to be joined with those under the Command of Brigadier General Forbes, paying them whilst employed in the said Service, and for placing garrisons in the Forts of the Sea Coast.

Then the House adjourned till 4 o'clock Afternoon.

P. M. The House met according to adjournment.

Mr. Maurice Moore laid before the House a Petition of the Commissioners of the Navigation of Port Roanoke setting forth, That by shifting of the Sands at the Swatch, and several other Places, the navigation from Portsmouth is much worse than it has been for several years Past, &c., and that it is not practicable to amend the same, but that it is practicable to make a good Channel to Roanoke Bar, whereby the Trade of the Northern Parts of this Province, &c., Humbly representing that it would facilitate their design if the Powder and Lead Duties, arising in the Port of Roanoke, were paid in Money and applied to the making a Channel to Roanoke Bar, &c., which was read, and on motion, Ordered That Mr. Maurice Moore prepare and bring in a Bill pursuant to the said Petition.

Mr. Maurice Moore according to order brought in a Bill to enable the Commissioners of Port Roanoke to amend the Navigation of the said Port; which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Benj. Harvey and Mr. Williams.

Mr. William Williams presented a petition from the Commissioners of the Town of Halifax &c. setting forth That the removing of the public Warehouses into the said Town, would greatly encourage the Improvement and speedy settlement thereof; and praying that the said Commissioners, at their own Expense and Charge remove the Public Warehouses from Elbeck's Landing where they now stand, and rebuild them on Lots in the said Town, which was read, and on motion Ordered, That Mr. Williams prepare and bring in a Bill pursuant to the Prayer of the said Petition

Mr. Williams according to Order, brought in a Bill for discontinuing the Warehouses at Elbeck's Landing and erecting others in the Town of Halifax; which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Benj^a Harvey and Mr. Williams.

Mr. Williams moved for leave to bring in a Bill for altering the Times for holding Courts in Northampton, Edgcombe, Granville and Orange Counties.

Ordered That he have leave, and that he prepare and bring in a Bill accordingly.

Mr. Williams according to order brought in a Bill for altering the Times for holding Courts in Northampton, Edgcombe, Granville and Orange Counties, which he read in his Place and delivered in at the Table where the same was again read by the Clerk, passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Benj Harvey and Mr. Williams.

Then the House adjourned till Tomorrow morning nine o'clock.

Tuesday May 2nd 1758. The House met according to adjournment.

Mr. Richard Caswell, one of the Members for Johnston County appeared and moved for leave to take his Place in the House.

Resolved He take his Place and that he pay the Expence of the Messenger sent for him.

Mr. Caswell took his Place accordingly.

Mr. Robert Jones, one of the Committee appointed to prepare and bring in a Bill For granting an Aid to his Majesty, for augmenting the Troops now in the Pay of this Province, to be joined with those under the Command of Brigadier General Forbes paying them whilst employed in the said Service, and for placing garrisons in the Forts on the Sea-Coasts; reported, That the Committee pursuant to Order had prepared the said Bill, which he presented to the House, read the same in his place, and delivered it in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Smith and Mr. Moore.

Received from the Council the Bill To enable the Commissioners of Port Roanoke to amend the navigation of the said Port.

Also the Bill for discontinuing the Warehouses at Elbecks Landing and erecting others in the Town of Halifax, &c.

And the Bill for altering the Times for holding Courts in Northampton, Edgcombe, Granville and Orange Counties. Endorsed May 2nd 1758 In the Upper House read the first time and passed.

Mr. John Harvey presented to the House a petition of several Merchants, Traders, Planters and others, Inhabitants of the County of Perquimons, setting forth their desire of having a Town erected at Phelps' Point in Perquimons County and that an Act may pass for that purpose.

Resolved that the said Petition is reasonable.

Mr. Harvey moved for leave to bring in a Bill pursuant to the prayer of the said Petition.

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

Mr. Harvey pursuant to Order, brought in the above said Bill, which he read in his Place, and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. John Harvey and Mr. William Churton.

On motion Ordered the Bill to enable the Commissioners of Port Roanoke to amend the Navigation of the said Port be read a second time.

Read the same a second time amended and passed.

On motion, Ordered the Bill for discontinuing the Warehouses at Elbeck's Landing and erecting others in the Town of Halifax, be read a second time.

Read the same a second time amended and passed.

Ordered The said three Bills be sent to the Council.

Sent the above three Bills to the Council by Mr. Smith and Mr. Maurice Moore.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for granting an Aid to his Majesty &c. also the Bill For establishing a Town on the Land of Jonathan Phelps on Perquimous River. Endorsed May 2, 1758 Read In the Upper House the first time and passed.

Mr. Robert Jones moved for leave to bring in a Bill To confirm and establish several Vestries and other purposes.

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

Mr. Jones according to order brought in the above said Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Waddell and Mr. Williams.

The House being acquainted that Mr. Wyriot Ormond, late member of Bath is dead, and that Mr. John Surry, one of the Members for Currituck County hath accepted the Office of Inspector within the said County whereby he by Law is disqualified to serve as a Member for the said County, to sit and vote in this Assembly; it is therefore Resolved, that his Excellency be addressed to direct the Clerk of the Crown to issue a Writ for electing a Member for Bath Town, to serve in this present Assembly in the room of the said Mr. Wyriot Ormond deceased;

and also a Writ to elect a Member to serve in the said Assembly in the room of the said John Surry, who hath disqualified himself as aforesaid.

Sent the following Message to his Excellency the Governor,

SIR,

Mr. Wyrriot Ormond, late Member of this House for Bath Town is dead, and Mr. John Surry, one of the Members for Currituck County, having disqualified himself to serve in this House as a Member for the said County by accepting the Office of Inspector in the said County, this House therefore desire your Excellency would be pleased to direct the Clerk of the Crown to Issue a Writ for electing a Member for the said Town in the room of the deceased Mr. Wyrriot Ormond and also a Writ for electing a Member for the County of Currituck, in the room of the said Mr. John Surry, who hath disqualified himself as aforesaid.

On motion, Resolved That the Bill for granting an Aid to his Majesty &c be read a second time.

Read the same a second time, amended, passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Brown and Mr. Davis.

Mr. Bravard, one of the Members for Rowan County, appeared and took his Place in the House.

Received from the Council the Bill to confirm and establish several Vestries and other Purposes. Endorsed May 2^d 1758 In the Upper House read the first time and passed.

On motion, Ordered that the Bill for establishing a Town on the Land of Jonathan Phelps, on Perquimons River, be read a second time.

Read the same a second time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Relf and Mr. Jones.

On motion Ordered the Bill to confirm and establish Vestries and other purposes be read a second time.

Read the same a second time, amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Relf and Mr. Jones.

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

Wednesday, May 3^d 1758 The House met according to Adjournment.

Mr. Whitmell acquainted the House that there are in Town several of the Tuskarora Indians, and moved that the House would allow them a sum necessary to support them whilst here.

Resolved, That Mr. Thomas Whitmell provide necessaries for the said Indians, and pay for the same; and that John Starkey Esq Treasurer for the Southern District, repay Mr. Whitmell such sums as he may expend and lay out for the support of the said Indians, and that the said Treasurer be allowed the same in his Account.

Mr. Murphree presented to the House a Certificate from the County Court of Northampton, thereby certifying that John Demaree of the said County is old and disabled, and thereby rendered incapable of maintaining himself and Family, recommending him to be exempt from paying public Taxes and Duties

Ordered he be exempt accordingly

Mr. Wynns presented to the House a Certificate from the County of Bertie, thereby recommending John Chamblee to be exempt from paying public Taxes.

Ordered That he be exempt accordingly

Mr. Smith presented a Certificate from the County Court of Hyde thereby recommending John Mae Williams of the said County to be exempt from paying public Taxes and doing public Duties.

Ordered That he be exempt accordingly

Mr. Smith presented a Certificate from the County Court of Hyde thereby recommending Thomas Peartree, of the said County, to be exempt from paying public Taxes and doing public Duties.

Ordered that he be exempt therefrom during his Incapacity.

Received from the Council the Bill For discontinuing the Warehouses at Elbeck's Landing, and erecting others in the Town of Halifax, and The Bill to enable the Commissioners of Port Roanoke to amend the Navigation of the said Port. Endorsed May 3^d 1758 In the Upper House read the second time amended and passed

Also the Bill for Altering the Times for holding Courts in Northampton, Edgecomb, Granville and Orange Counties. Endorsed May 3^d 1758 In the Upper House read the first time and passed

On motion, Ordered That the Bill for altering the Times for holding Courts in Northampton, Edgcomb, Granville and Orange Counties be read a third time

Read the same a third Time, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Mackey and Mr. Harnett

Received from the Council the Bill for granting an Aid to his Majesty &c Endorsed May 3^d 1758 In the Upper House read the second time and passed

On motion, Ordered the Bill for discontinuing the Warehouses at Elbeck's Landing, and erecting others in the Town of Halifax, be read a third Time.

Read the same a third Time and passed

Resolved the same be sent to the Council

Sent the same to the Council by Mr. Mackey and Mr. Harnett

On motion, Ordered the Bill to enable the Commissioners of Port Roanoke to amend the Navigation of the said Port, be read a third Time.

Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackey and Mr. Harnett

Received from the Council the Bill to confirm and establish several Vestries and other Purposes. Endorsed May 2^d 1758 In the Upper House read the second time amended and passed

And the Bill for establishing a Town on the Land of Jonathan Phelps on Perquimons River Endorsed May 2, 1758 In the Upper House read the first time and passed

On motion, Ordered That the Bill for granting an Aid to his Majesty &c be read a third time.

Read the same a third time, amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Mackey and Mr. Harnett.

On Motion, Ordered, The Bill to confirm and establish Vestries and other Purposes, be read a third time, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackey and Mr. Harnett.

On Motion, Ordered, The Bill for establishing a Town on the Land of Jonathan Phelps on Perquimons River be read a third time. Read the same a third time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackey and Mr. Harnett.

Then the House adjourned till 4 o'clock Afternoon.

P. M. The House met according to adjournment.

Mr. Brown laid before the House the Accounts of Sundry Persons for Necessaries found for, and given to King Haiglar, and other Indians of the Catawba Nation, amounting to sixty five pounds, fourteen shillings, and three pence, Proclamation Money, including Ten pounds, one shilling, to Edward Carter, whose Account of Particulars could not yet be got, and moved that the House would allow of the same, and order payment thereof; which was objected to, and on Motion made, that the said

Accounts lie until next Session of Assembly for consideration, On which the Question was put, and carried in Favour of the last motion.

Resolved, That the said Account lie for consideration until the next Session of Assembly.

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

The Bill for discontinuing the Warehouses at Elbecks Landing and erecting others in the Town of Halifax.

The Bill to enable the Commissioners of Port Roanoke to amend the navigation of the said Port, and for other Purposes.

The Bill for establishing a Town on the Land of Jonathan Phelps, on Perquimons River.

The Bill To confirm and establish Vestries and other Purposes.

And the Bill For altering the Times for holding Courts in Northampton, Edgcomb, Granville and Orange Counties.

Endorsed May 3^d 1758 In the Upper House read the third time amended and passed. Ordered to be engrossed.

Mr. Vail presented a Petition of several of the Inhabitants of Rowan County, setting forth, That the Murthers lately committed on the Dann River hath occasioned the Inhabitants of the Forks of the Yadkin to leave their Settlements, &c., Praying the Continuance of Captain Bayley and his Company, or some other in his Room.

The House took the same under Consideration, and, on motion,

Resolved, that the said Petition lie for Consideration until the next Session of Assembly.

On Motion, Resolved, That the following Message be sent to his Excellency the Governor, viz—

SIR,

“The Council and Assembly having passed a Bill, For granting an Aid to His Majesty, for augmenting the Troops now in the Pay of this Province, to be joined with those under the Command of Brigadier General Forbes, paying them whilst employed in the said Service, and for placing Garrisons in the Forts on the Sea-Coasts; request your Excellency in order to render the said Troops as useful to his Majesty’s Service as may be, that you will give orders for the Troops now in the pay of this Province to march and join the Forces under the Command of Brigadier General Forbes, without loss of time; And also direct the enlisting others, under an Encouragement of Ten pounds bonnty, each Man, to augment the said Troops to three hundred effective Men, exclusive of Officers.”

Sent the same to the Council by Mr. Maurice Moore and Mr. Vail.
Then the House adjourned till to-morrow morning 9 o'Clock.

Thursday, May 4th 1758. The House met according to adjournment.

Mr. Cade one of the Members for Johnston County was brought to the House by the Messenger, and appeared at the Barr thereof, and moved to take his Seat in the House. Ordered he take his seat, paying his proportion of the Wages due to the Messenger who went for him and Mr. Caswell, and then took his Place accordingly.

His Excellency the Governor sent a verbal Message to this House desiring the immediate attendance thereof in the Council Chamber, with what Bills were engrossed.

Mr. Speaker with the House waited on his Excellency in the Council Chamber, where Mr. Speaker presented the following Bills.

1. An Act for granting an Aid to his Majesty for augmenting the Troops now in the pay of this Province &c.

2. To confirm and establish several Vestries, and for other Purposes.

3. To enable the Commissioners of Port Roanoke, to amend the navigation of the said Port &c.

4. For altering the Times for holding Courts in Northampton, Edgcomb, Granville and Orange Counties.

5. For discontinuing the Warehouses at Elbeck's Landing and erecting others in the Town of Halifax.

6. For establishing a Town on the Lands of Jonathan Phelps, on Perquimons River.

To which Bills his Excellency was pleased to assent, and then made the following Speech, a Copy of which to prevent Mistakes, Mr. Speaker obtained, and laid the same before the House.

Ordered, that the same be read.

Read the same.

Resolved, that the same be entered on the Journal of the House, and is as follows,

I thank you for the Dispatch and unanimity you have shown in giving so necessary an Aid to his Majesty, in so critical a Juncture upon short Warning we had to prepare to join in the operations with his Majesty's Troops, it being all the Province could do, in proper time, to answer the great End, by the Blessing of God, we expect from it.

I shall loose no time in sending the Companies now on Foot to the place of Rendezvons, and in raising the Reernits to send after them, and must recommend to you, for your own Safety, to discountenance desertion and putting the Laws in Execution against harbouring deserters in your several Counties.

Mr. Harvey presented to the House a Petition of Gideon Allen, setting forth, That William Dawson obtained the Passing of a Law for establishing to himself a Ferry on the North East of the North West Branch of Cape Fear River, notwithstanding the Petitioner purchased the Land and said Ferry of the said Dawson for a valuable Consideration, and praying relief &c.

Resolved, That the said Petition be referred to the next Session of Assembly for Consideration, and the Petitioner give the said William Dawson Notice to appear.

On motion, Resolved, That the following Message be sent to his Excellency the Governor viz

SIR,

The Assembly request that your Excellency will endeavour to prevail with a number of the Tuscarora Indians to march with the Troops of this Province, and join his Majesty's Forces in Virginia, in the Operations intended against the Enemy, and that you will induce them thereto by ordering a Bounty of Forty Shillings, out of the Public Treasury, to each Man, and assure them that the Assembly will consider of their Behaviour, and reward them according to their Merit at their Return at the End of the Campaign.

Sent to the Council the Estimate of Allowance to the Members, Clerks and Officers for Concurrence by Mr. Waddle and Mr. Maurice Moore.

Then the House adjourned till 4 o'clock Afternoon.

P. M. Received from the Council the estimate of allowance expences and Ferrriages for them this present Session for Concurrence.

Sent the same to the Council Endorsed Concurred with.

SAMUEL SWANN Speaker

Then the House adjourned till tomorrow Morning, Ten o'clock.

His Excellency the Governor was pleased, by Proclamation, to prorogue this Assembly until the third Thursday in November next, to be then held at Edenton.

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

NORTH CAROLINA—ss.

At an Assembly begun and held at New Bern the twelfth day of December in the year of our Lord one thousand seven hundred & fifty four, and in the twenty eighth year of the reign of our Sovereign Lord

George the second by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c. And continued from thence by several Prorogations and Adjournments to Thursday the twenty third day of November in the year of our Lord one thousand seven hundred and fifty eight at Edenton being the seventhth Session of this Present Assembly.

In the Upper House

Present

The hon ^{ble}	{	Mathew Rowan	Lewis De Rosset	} Esq ^{rs}
		James Innes	John Rieussett	
		Francis Corbin	and	
		John Swann	Rich ^d Spaight	

His Excellency the Governor came to this House & sent a Messenger to the other House, and commanded their immediate attendance, thereupon the Speaker attended by the other House, waited on his Excellency in the Council Chamber where he was pleased^d to make to both Houses the following speech, to wit.

GENT^l OF HIS MAJ^{ty's} COUNCIL, MR. SPEAKER, AND GENTLEMEN OF THE ASSEMBLY,

Since the time of our meeting in November and April last, the Almighty Providence has been manifested in a most eminent manner in defence of the Protestant reformed Religion and cause of Liberty, as well in Europe as in America, by the surprizing success of His Majesty's and King of Prussia's arms, beyond all human expectation so that we have reason to hope, by the exertion of our force, and dependence upon the divine favour, that we may drive the French, our implacable enemies, from this continent, secure an honourable peace, and for the future enjoy peace, safety and increase the commerce of the British Empire and particularly of these Provinces and preserve our holy religion, Liberties and Properties undisturbed for the future.

MR. SPEAKER & GENT^l OF THE ASSEMBLY

I have no further instructions or commands from his Majesty than to recommend to you the securing of this Province from depra-dations on the Sea Coasts, during the war, and preserving the friendship of our Indian Allies, who have or shall act in our favour. As I hope the war will soon be removed from this Province, our small supply can't be of any use abroad, so shall only recommend to you, the keeping up sufficient Garrisons to defend our Forts on the Sea Coast, and if it be found necessary, and the Catawbias expect it a protection of our western frontier, and to finish their fort; and as the Campaign on the Ohio has been

longer than expected, that you would supply our Companies there until they shall be relanded in this Province.

As his Majesty has been graciously pleased to give us Artillery and Ordnance stores for Fort Johnston, I must also recommend to you, to grant a supply sufficient, to finish that Fort, to take care of and preserve those stores.

I have been obliged to apply to General Forbes for money to supply the Companies sent to the Ohio, which I hope to be able to repay out of the money granted by Parliament, for the use of the southern Colonies when that is paid, whatever further sum, shall come to our share, shall be laid out in the most usefull manner for the benefit of this Province.

GENTⁿ OF HIS MAJ^{ties} COUNCIL, MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

There are several Laws which want to be amended, or enacted, which I think it my duty to recommend to you, the first and principal is the state of Religion in this Province, that the law for the maintenance of the Clergy, & ascertaining their stipend may be fixed, and vestries be better regulated, that future Vestries should not have it in their power to lessen the supplies granted to the Clergy, at their caprice, and that proper select vestries should be chosen, and obliged to qualify and act, that pious and learned Clergymen may be encouraged to reside in this Province, and I should think it a proper measure that a reasonable sum should be levied upon all taxables, in the Province, and paid into the Public Treasury, and be issued out in proportion to each County and Parish in proportion to the tax, for payment of the Clergy and in case they have not a clergyman fixed, then to be laid out in purchasing Glebes, & erecting Glebe Houses, to promote the residence of the Clergy. I must also recommend to you the erecting proper Schools in the Province, for the education of youth, in the reformed Protestant Religion, and in moral religious principles, otherwise in the next age we shall have a succession of Infidels, Deists, Enthusiasts, and Sectaries to the disgrace of our Holy Religion and destruction of the Society.

I must also recommend to you the giving a Credit to our Paper Currency, which by the management of private Traders and others is now at a great discount. You will also find it necessary to make proper regulations to promote our Trade and to prevent abuses in our Commodities exported and to enforce the laws for enlarging and amending the public roads so necessary to promote our inland Trade and foreign commerce.

As it is my duty and inclination, to do everything for the safety and increase and improvement of this Province I shall endeavor as soon as the exigency of affairs will allow it, to lessen the taxes, and only raise such future taxes as shall increase your Wealth, Industry and Commerce and promote true religion and virtue in the rising generation.

This House took under their consideration his Excellency's Speech and ordered the same to be read which was accordingly done. Then the honorable Lewis De Rosset and John Rienssett Esq^{rs} were appointed a Committee to prepare an Address to His Excellency.

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

The House met according to Adjournment. Present as above.

Then the House adjourned until to morrow morning, 9 o'clock.

Friday 24th November 1758. The House met according to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	Lewis De Rosset	} Esq ^{rs}
		Jas Innes	John Rienssett	
		Francis Corbin	and	
		John Swann	Rich ^d Spaight	

The Committee appointed by this House to draw up an Address to his Excellency reported the same which was ordered to be read and being approved of was ordered to be engrossed.

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

The House met according to adjournment. Present as above.

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

Saturday 25th November 1758. The House met according to adjournment.

Present

The Hon ^{ble}	{	Mathew Rowan	John Dawson	} Esq ^{rs}
		James Innes	Lewis De Rosset	
		Francis Corbin	John Rienssett &	
		John Swann	Rich ^d Spaight	

This House waited on his Excellency in the Council Chamber and by the Hon^{ble} Mathew Rowan Esq^{re} presented him with the following Address

SIR,

We his Majesty's dutiful and loyal Subjects the Members of his Council for this Province, beg leave to return your Excellency our sincere and hearty thanks for your Speech at the opening of this Session. We cannot sufficiently admire the wonders wrought by the Almighty (in behalf

of the Protestant reformed religion) who has visibly extended His protecting arm, for our defence, inspired our ministry with a Patriot Spirit (whereby they have pursued true British measures) whilst at the same time he has been pleased to confound, the Councils of our implacable Enemy, and render fruitless all the measures by them taken, to enslave a nation, remarkable for its love of religion and liberty. The many successes our arms have had over the common enemy, together with the victories obtained in Europe by his Majesty's army, and that of our glorious Ally the King of Prussia will, we hope, oblige that haughty Enemy to agree to a peace that may secure to us the invaluable Priviledges inherent in the British Nation.

We shall always think it our duty to join the other House in amending or enacting such Laws as may tend to the welfare of this Province, and as those your Excellency has mentioned, can have no other end, we shall with alacrity enter upon the consideration of them, that we may shew by deed, rather than by word that we have at heart nothing more than the defence of our Country, the promoting true religion, the education of our youth, in the reformed protestant religion and moral virtues, the support of our Credit, and the encouragement of our Commerce.

We are much obliged to your Excellency, for your assurances to do everything for the safety, increase and improvement of this Province, and we beg leave to return you Sir, our sincere thanks for that unwearied Diligence whereby you have pursued those measures that might tend to those desirable purposes, and which of course will always render your Administration happy and prosperous.

To which his Excellency was pleased to return the following answer.

I return you thanks for the due sense you shew of the invaluable Blessings we have obtained from our God and Saviour in the glorious Success of his Majesty's arms and those of the invincible King of Prussia his Protestant Ally: and for the zeal you declare in cooperating with the Assembly, in promoting the welfare of the Province by taking care of the Protestant Religion and virtue in the rising Generation and am much obliged to you for the good opinion you entertain of my endeavours to promote the safety, increase and improvement of this Province.

Mr. Barker and Mr. Campbell brought from the other House a Petition signed by sundry of the Inhabitants of that part of this Province belonging to the Right hon^{ble} the Earl of Granville setting forth many grievances and complaints against the said Earl's agents in this Province. And acquainted this House that a Committee was appointed by their

House to examine the several allegations set forth in the said Petition and to report the same, and desired this House would appoint a Committee thereof to join the Committee of the other House thereon. And on reading the said Petition, it was ordered the following message be sent to the other House to wit.

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY,

On reading the Petition of sundry Inhabitants of that part of this Province belonging to the right hon^{ble} the Earl of Granville setting forth many Grievances and Complaints against his Lordships Agents, and in answer to your message by Mr. Barker and Mr. Campbell, this House have appointed the hon^{ble} John Swann, Lewis De Rosset and Richard Spaight Esq^{rs} a Committee to join that of your House, to examine into the allegations of the said Petition.

And on motion of the hon^{ble} John Swann it was ordered that the said Committee have power to send for any Person or Persons, Paper or Papers &c. to be brought before them.

Received from the other House by Mr. John Harvey and Mr. John Starkey the following message.

GENTⁿ OF HIS MAJ^{ties} HON^{ble} COUNCIL

This House have appointed Mr. John Harvey, Mr. George Moore, Mr. James Paine, Mr. Benj. Harvey, Mr. Joseph Harron, Mr. Michael Coutanch and Mr. John Campbell a Committee of this House to state and settle the Public Accounts. And Mr. John Starkey, Mr. Thomas Whitmell, Mr. John Ashe, Mr. James Conner, Mr. Joseph Sutton, Mr. Francis Brown & Mr. Thomas Relf a Committee of this House to examine, settle and allow the public Claims of this Province in conjunction with such of your Honours as you shall think proper to appoint for those purposes.

This House proceeded to choose Committees to examine, state and settle the Public Accounts and to settle and allow the public Claims of this Province.

And the hon^{ble} Francis Corbin, Lewis De Rosset, John Rienssett Esq^{rs} were appointed a Committee of this House on the Accounts, and the hon^{ble} James Innes, John Swann, and John Dawson on the Claims. And the following Message was sent to the other House to acquaint them therewith.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

On reading your Message relative to the appointing Committees on the Public Accounts and Claims, This House have appointed the hon^{ble} Francis Corbin, Lewis De Rosset, and John Rieussett Esq^{rs} a Committee to inspect into the Public Accounts and the hon^{ble} James Innes, John Swann and John Dawson Esq^{rs} a Committee to examine, settle and allow the Public Claims of this Province to join those appointed by your House.

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

The House met according to Adjournment. Present as before.

Then the House adjourned till Monday morning 9 o'clock.

Monday 27th November 1758. The House met according to Adjournment.

Present

The Hon ^{ble}	{	Matt. Rowan	John Dawson	}	Esq ^{rs}
		James Innes	Lewis De Rosset		
		Francis Corbin	John Rieussett		
		John Swann	Rich ^d Spaight		

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

Tuesday 28th November 1758. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Matt. Rowan	John Dawson	}	Esq ^{rs}
		James Innes	Lewis De Rosset		
		Francis Corbin	John Rieussett		
		John Swann	Rich ^d Spaight		

The House adjourned till to morrow morning 9 o'clock.

Wednesday 29th Nov^r 1758. The House met according to Adjournment.

Present.

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

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

Thursday 30th Nov^r 1758. The House met according to Adjournment.

Present.

The Hon ^{ble}	{	Matt. Rowan	Lewis De Rosset	} Esq ^{rs}
		James Innes	John Rieussett	
		John Swann	Edw ^d Brice Dobbs	
		John Dawson	Rich ^d Spaight	

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

The House met according to Adjournment. Present as before.

Received from the other House by Mr. Jones A Bill for dividing the Parish of North West.

On motion, Ordered the said Bill be read.

Read the same the first time and passed.

Received from the other House by Mr. Williams and Mr. Conner, A Bill for dividing Edgecombe County. And a Bill for building Public Mills.

On motion, ordered the same Bills be read.

Read the same the first time and passed.

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

Friday 1st December 1758. The House met according to adjournment.

Present.

The Hon ^{ble}	{	Matt. Rowan	Lewis De Rosset	} Esq ^{rs}
		James Innes	John Rieussett	
		John Swann	Edw. Brice Dobbs	
		John Dawson	Rich ^d Spaight	

Received from the other House by Mr. Brown and Mr. Bryan, a Bill for dividing the County of Johuston and erecting that part of the said County called the Parish of S^t Stephen into a County by the name of _____ and for establishing roads and Ferriages in the same. A Bill to prevent the depreciating the Proc. Money &c. A Bill for an Act for establishing a Town on Lands formerly belonging to Zachariah Nixon lying on the North East side of the little River in Pasquotank County: and a Bill to enable the Chief Justice and the Justices of the Supreme or County Courts to take and admit as evidence the deposition or depositions of any transient person or persons on the trial of any cause now or hereafter depending in any of the said Courts.

On motion Ordered the said Bills be read.

Read the same Bills the first time and passed.

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

The House met according to adjournment. Present as above.

Received from the other House by Mr. Harvey and Mr. Williams a Bill for dividing the Parish of North West; A Bill for dividing Edgecomb County; A Bill to establish a Ferry from Solleys Point to Relf's

Point, and a Bill to regulate the inspection of Pork, Beef, Rice, Flower, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Heading Shingles and Lumber.

On motion, Ordered the latter of the said Bills be read.

Read the same the first time and passed.

Then the House adjourned until to morrow morning 9 o'clock.

Saturday 2nd Dec^r 1758. The House met according to adjournment.

Present

The Hon ^{ble}	{	Matthew Rowan	Lewis De Rosset	} Esq ^{rs}
		James Innes	John Rienssett	
		John Swann	Edw. Brice Dobbs	
		John Dawson	Rich ^d Spaight	

On motion, Ordered the Bill for dividing the Parish of North West ; And a Bill for dividing Edgcomb Connty be read.

Read the same Bills a second time and passed.

On motion, Ordered the Bill to establish a Ferry from Solley's Point to Relf's Point be read.

Read the same the first time and passed.

Received from the Assembly by Mr. Williams and Mr. Whitmell a Bill for altering the method of working on the roads and appointing Ferries within the Counties of Craven, Carteret, Johnston, Beaufort and Orange; And a Bill for appointing a proper place for holding the supreme Court of Justice Oyer and Terminer and General Goal and Delivery for the District of Northampton, Edgcombe and Granville.

On motion, Ordered the said Bills be read.

Read the same the first time and passed.

Then the House adjourned till Monday morning 9 o'clock.

Monday 4th December 1758. The House met according to adjournment. Present as above.

Received from the other House by Mr. Davis and Mr. Woodhouse a Bill to establish a Ferry from Solleys Point to Relfs Point.

On motion, Ordered the said Bill be read.

Read the same a second time and passed.

Received from the Assembly by Mr. Murden and Mr. Wyat, a Bill for dividing the Parish of North West.

On motion, Ordered the said Bill be read.

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

Received from the Assembly by Mr. Gray & Mr. Harvey a Bill for dividing Edgcomb Connty.

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

The House met according to adjournment. Present as above.

Received from the Assembly by Mr. Cade and Mr. Caswell a Bill for erecting a City on Neuse river upon the Plantation called Tower Hill fixing the seat of Government therein and building a Governor's House and Public Offices in the same.

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

Tuesday 5th December, 1758. The House met according to Adjournment. Present as before.

Received from the Assembly by Mr. Caswell and Mr. Spier A Bill for altering the method of working on the roads, &c., And a Bill for establishing a Warehouse for the Inspection of Tobacco on the land of Thomas Barnes in the County of Halifax and other purposes.

On motion, Ordered the Bill for erecting a City on Neuse river upon the Plantation called Tower Hill, &c., be read.

Read the same the first time and passed.

On motion, Ordered the Bill for establishing a Warehouse for the inspection of Tobacco, &c., be read.

Read the same the first time and passed.

On motion, Ordered the Bill for altering the method of working on the roads, &c., be read.

Read the same the second time and passed.

Received from the Assembly by Mr. Vail and Mr. Swann J^{nr} A Bill for regulating the Attorneys Fees and other purposes; A Bill for an Act for establishing a Town on the lands formerly belonging to Zachariah Nixon, &c., And a Bill for the destroying of Squirrels.

On motion, Ordered the Bill to regulate the Attorneys Fees, &c., be read.

Read the same the first time and passed.

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

The House met according to Adjournment. Present as before.

Received from the Assembly by Mr. Williams & Colonel Harvey, a Bill for appointing a proper place for holding the Supreme Court of Justice and for the district of Northampton, &c.; A Bill for establishing a Warehouse for the inspection of Tobacco on the land of Thomas Barnes, &c.; A Bill for establishing a Ferry from Sollys Point to Relfs Point; A Bill for building Public Mills; and a Bill for dividing the County of Johnston and other purposes.

Received from the Assembly by Mr. Fonville & Mr. Churton a Bill for an additional Act, to an Act intituled an Act concerning servants and slaves.

On motion, Ordered the said Bill be read.

Read the same the first time and passed.

On motion, Ordered the Bill for dividing the County of Johnston, &c., be read.

Read the same the second time amended & passed.

On motion, Ordered the Bill for building public Mills be read.

Read the same the second time, And was ordered to lie on the Table till to-morrow.

Received from the Assembly by Mr. Blount and Mr. Sutton, a Bill to prevent the depreciating the Proclamation money.

Then the House adjourned till Thursday morning 9 o'clock.

Thursday, 7th December, 1758. The House met according to Adjournment. Present as before.

On motion, Ordered the Bill to establish a Ferry from Sollys Point to Relfs Point be read.

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

On motion, Ordered the Bill for establishing a Warehouse for the inspection of Tobacco on the land of Thomas Barnes, &c., be read.

Read the same the second time & passed.

On motion, Ordered the Bill for appointing a proper place for holding the Supreme Court of Justice, &c., be read.

Read the same the second time amended and passed.

On motion, Ordered the Bill for building Public Mills be reassumed. The same was reassumed & passed.

On motion, Ordered the Bill to prevent the depreciating the Proclamation Money be read.

Read the same the second time and passed.

Received from the Assembly by Mr. Cade and Mr. Caswell a Bill for an Act for establishing a Town on Lands formerly belonging to Zachariah Nixon, &c. A Bill for establishing a Warehouse for the Inspection of Tobacco on the Lands of Thomas Barnes, &c.; A Bill for appointing a proper place for holding the Supreme Court of Justice, &c.; And a Bill directing the application of the proportion of this Province in £50,000 sterling granted by the Parliament of Great Britain to Virginia and South and North Carolina and for other purposes.

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

The House met according to adjournment. Present as before.

On motion, ordered the Bill for an Act for establishing a Town on lands formerly belonging to Zachariah Nixon, &c., be read.

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

On motion, Ordered the Bill directing the application of the proportion of this Province in £50,000 sterling, &c., be read.

Read the same the first time amended & passed.

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

Friday 8th December 1758. The House met according to adjournment.

Present

The Hon ^{ble}	{	Matt. Rowan	John Dawson	}	Esq ^{rs}
		James Innes	Lewis De Rosset		
		Francis Corbin	John Rieussett		
		John Swann	Edw ^d Brice Dobbs		
		Richard Spaight			

On motion, Ordered the Bill for appointing a proper place for holding the Supreme Court of Justice, &c., for the district of Northampton, &c., be read.

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

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

The House met according to adjournment. Present as above.

Received from the Assembly by Mr. Bell & Mr. Moore A Bill for altering the method of working on the roads, &c. On motion, Ordered the said Bill be read.

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

Received from the Assembly by Mr. Williams and Mr. Wynne, a Bill for building Public Mills; a Bill for dividing the County of Johnston, &c., and a Bill for an additional Act, intituled an Act concerning Servants and Slaves.

On motion, Ordered the latter of the last mentioned Bills be read.

Read the same the second time & passed.

On motion, Ordered the Bill for dividing the County of Johnston, &c., be read.

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

On motion, Ordered the Bill for dividing Edcombe County be read.

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

On motion, Ordered the Bill for establishing a Warehouse for the inspection of Tobacco, on the lands of Thomas Barnes be read.

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

On motion, ordered the Bill for building Public Mills be read.

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

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

Saturday 9th Dec^r 1758. The House met according to adjournment. Present as before.

Received from the Assembly by Mr. Harvey & Mr. Swann a Bill for destroying Squirrels, and a Bill concerning Strays.

On motion, ordered the Bill for destroying Squirrels be read.

Read the same the second time amended and passed.

On motion, Ordered the Bill concerning Strays be read.

Read the same the first time and passed.

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

The House met according to Adjournment. Present as before.

Received from the Assembly by Mr. Wynn & Mr. Harris a Bill for destroying Squirrels; A Bill concerning Strays; A Bill to prevent the depreciating Proclamation Money &c. and a Bill for an additional Act to an Act intituled an Act concerning Servants and Slaves.

On motion, Ordered the Bill to prevent the depreciating Proc: Money be read.

Read the same the third time and rejected.

On motion, Ordered the Bill for an additional Act to an Act intituled an Act concerning Servants & Slaves be read.

Read the same the third time & passed Ordered to be engrossed.

On motion, Ordered the Bill for destroying Squirrels be read.

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

Then the House adjourned till Monday morning 9 o'clock.

Monday 11th December 1758. The House met according to Adjournment. Present as before.

Received from the other House by Mr. Williams & Mr. Bartram a Bill to discharge John Pope former Sheriff of Edgecomb County of a Judgment obtained against him for the Parish Tax in 1753; A Bill for granting an aid of £2500 to his Majesty for other Purposes, and a Bill for appointing Vestries and providing for the Clergy.

On motion, Ordered the latter of the said Bills be read.

Read the same the first time and passed.

On motion, Ordered the Bill for granting an aid of £2500 to his Majesty &c. be read.

Read the same the first time & passed.

On motion, Ordered the Bill to discharge John Pope former Sheriff of Edgcomb &c. be read.

Read the same the first time and passed.

On motion, Ordered the Bill concerning Strays be read.

Read the same the second time and rejected.

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

The House met according to Adjournment. Present as before.
Then the House adjourned till to morrow morning 9 o'clock.

Tuesday 12th Dec^r 1758. The House met according to Adjournment.
Present as before.

Received from the Assembly by Mr. Conner and Mr. Blount a Bill to erect the Northern part of Chowan County into a County and Parish by the name of _____ County and Parish; and a Bill for granting an aid to his Majesty for placing proper garrisons in the Forts Johnston & Granville and for other Purposes.

Received from the other House by Mr. Conner and Mr. Relf, a Bill to regulate the inspection of Pork Beef, Rice &c.

On motion, Ordered the said Bill be read.

Read the same the second time amended & passed.

On motion, Ordered the Bill to erect the northern part of Chowan County into a County &c. be read.

Read the same the first time and passed.

On motion, Ordered the Bill for granting an aid to his Majesty &c. be read.

Read the same the second time amended & passed.

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

The House met according to adjournment. Present as before.
Then the House adjourned till to morrow morning 9 o'clock.

Wednesday 13th Dec^r 1758. The House met according to Adjournment. Present as before.

Received from the Assembly by Mr. Gray and Mr. Bryant, a Bill for regulating Ordinaries & Houses of Entertainment.

On motion, Ordered the said Bill be read.

Read the same the first time and passed.

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

The House met according to Adjournment.

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

Thursday 14th December 1758. The House met according to Adjournment Present as before

Received from the Assembly by Mr. Caswell & Mr. Cade, Mr. Harvey &c. A Bill for erecting a City on Neuse River &c; And a Bill for directing the application of the proportion of this Province in £50,000 sterling &c.

Received from the Assembly by Mr. Sumner and Mr. Walton, A Bill for repealing several Acts therein mentioned, And a Bill for doeking the Intail of certain lands devised by the last will and Testament of Barnaby M^cKinnie deceased, to his daughter Christian &c:

On motion, Ordered the Bill for repealing several Acts therein mentioned be read.

Read the same the first time and passed.

On motion, Ordered the Bill for doeking the Intail of certain Lands devised by the last will & Testament of Barnaby M^cKinnie &c. be read.

Read the same the first time & passed.

Received from the Assembly by Mr. Williams and Mr. Conner, A Bill to make provision for paying the Chief Justice and Attorney General's Salaries and defraying the contingent Charges of Governm^t

On motion, Ordered the said Bill be read.

Read the same the first time and passed.

On motion, Ordered the Bill for erecting a City on Neuse river &c. be read.

Read the same the second time amended & past.

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

The House met according to Adjournment.

On motion, Ordered the Bill for directing the application of the proportion of this Province in £50,000 sterling &c. be read.

Read the same the second time amended & passed.

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

Friday 15th Dec^r 1758. The House met according to Adjournment. Present as before

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

The House met according to Adjournment.

Received from the Assembly by Mr. Harvey and Mr. Relf, A Bill to regulate the inspection of Pork, Beef &c.

Received from the Assembly by Mr. Harris & Mr. Paine, A Bill for dividing the Parish of S^t John in Granville County, And a Bill for amending the breed of horses & other purposes.

On motion, Ordered the Bill for amending the breed of horses &c. be read.

Read the same the first time & rejected.

On motion, Ordered the Bill for dividing the Parish of S^t John &c. be read.

Read the same the first time and passed.

Received from the Assembly by Mr. Churton and Mr. Paine, A Bill for regulating Ordinaries &c. And a Bill for granting an aid to his Majesty &c.

On motion, Ordered the Bill for regulating Ordinaries &c. be read.

Read the same the second time & passed.

On motion, Ordered the Bill to regulate the inspection of Pork, Beef &c. be read.

Read the same the third time, and Ordered that the following message be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

On reading a third time the Bill to regulate the inspection of Pork, Beef &c. We observe you have directed the expence of inspection to be paid by the owner of the effects; as we imagine it may occasion many disputes between the buyer and seller, we propose the word Exporter be inserted instead of the word Owner, to which if you agree desire you'll send two of your members to see same inserted.

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

Saturday, 16th December, 1758. The House met according to Adjournment. Present as before.

Received from the Assembly by Mr. Sutton and Mr. Ward, A Bill to relieve John Pope from a Judgment obtained against him in favour of the Parishes of Edgecomb & S^t Mary, A Bill for dividing the Parish of S^t John, &c. A Bill to make provision for paying the Chief Justice and Attorney Generals Salaries, &c. And a Bill for repealing several Acts therein mentioned.

On motion, Ordered the Bill for granting his Majesty an aid, &c., be read.

Read the same the third time, and Ordered that the following Message be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

On reading the third time the Bill for granting an aid to his Majesty, &c., We have the following objections; First, that two Companies of twenty five men each are not sufficient for garrisoning the Forts; secondly, That the denomination of the Treasurer's Notes are not expressed. We therefore before we can pass the said Bill, propose the following amendments which if agreed to by you, be pleased to send some of your Members to see it done as follows.

That the two Companies consist each of one Captain, one Lieutenant, one ensign, one sergeant, one Corporal, one Drummer and 47 private men; the Ensign to be allowed five shillings per day, the Sergeant one shilling and four pence per day. This of course will increase the sum to be granted to £4,000, And therefore that and the tax to be altered; That the Notes to be emitted by the Treasurers be from ten to forty shillings and of no higher denomination & so to be expressed in the Bill.

Received from the Assembly by Mr. Harvey & Mr. Ward the following Message,

GENT^{rs} OF HIS MAJ^{ties} HON^{ble} COUNCIL,

On reading your Message of this day proposing an amendment in the Bill for regulating the inspection of Pork, Beef, Rice, Flower, &c., by inserting the word exporter instead of the word owner, this House is of opinion, That such an alteration would introduce great inconvenience by rendering it uncertain in many instances, That may happen whether the inspector shall ever be paid for his service, since if he is not paid by the owner, he may not know who is the Exporter; before the Commodity inspected is exported, and the Exporter has left the Province, Therefore the Assembly cannot agree to the Amendment.

16th Dec^r, 1758.

SAM. SWANN, Speaker.

And on reading the aforesaid Message, It was ordered That the following Message be sent to the Assembly.

MR. SPEAKER & GENT^{rs} OF THE ASSEMBLY,

On reading your Message of this day in answer to ours relative to payment of Inspectors, We must observe to you that the manner of delivering effects at Port Brunswick differs much from that in any of the northern ports of this Province; As you think it necessary to insist on the word Owner standing in the Bill, we propose, that it may not extend to Port Brunswick, and that the word Exporter be inserted with regard to goods shipp'd at that Port, to which alteration if you agree We desire you will send such of your Members as you shall think proper to see the same made.

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

The House met according to Adjournment.

Received from the Assembly by Mr. Gray, &c., A Bill directing the application of the proportion of this Province in £50,000 sterling, &c. And a Bill for erecting a City on Nense River, &c.

On motion, Ordered the Bill to relieve John Pope from a Judgment obtained against him, &c., be read.

Read the same the first time & passed.

On motion, Ordered the Bill to make a Provision for paying the Chief Justice and Attorney General's Salaries be read.

Read the same the second time & passed.

On motion, Ordered the Bill for dividing the Parish of St John &c. be read.

Read the same the second time & passed.

On motion, Ordered the Bill for repealing several Acts therein mentioned be read;

Read the same the second time & rejected.

Received from the Assembly by Mr. Moore & Mr. Harvey the following Message,

GENTⁿ OF HIS MAJ^{ties} HON^{ble} COUNCIL,

On consideration of your second Message of this day relating to the Bill for inspecting Pork, Beef, Rice, Flower &c. The Assembly doth not adhere to their disagreement to that part of your Message proposing to have the word Owner struck out of the Bill nor can they concur altogether with the Alteration you propose. But would propose the said Bill should be so amended as not to express in particular, by whom the Inspector is to be paid for his services, to which if you concur, they will send two of their Members to see the Alteration made.

16th Dec^r 1758.

SAM. SWANN Speaker.

And on reading the above said Message, Ordered the following Message be set to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

On reading your message relative to the amendment We proposed to the Bill for inspecting Pork, Beef, Rice &c. This House have agreed to the Amendments you propose to the said Bill, and desire you would send some of your Members to see the same done.

Received from the Assembly by Mr. Blount and Mr. Williams, A Bill to regulate Ordinaries &c.

On motion, Ordered the said Bill be read.

Read the same the third time and passed. Ordered to be Engrossed.

Received from the Assembly by Mr. Caswell and Mr. Bartram, A Bill for docking the Intail of certain Lands devised by the last Will and Testament of Barnaby M^eKinnie &c.

Received from the Assembly the following Message,

GENT^m OF HIS MAJ^{tie}'s HON^{ble} COUNCIL,

In answer to your third Message in relation to the Bill for inspecting Pork, Beef &c. we have sent Mr. John Ashe and Mr. George Moore, to see the alteration made in the same according to the proposal of the Assembly as agreed to by your House. SAM. SWANN Speaker.

The Amendment aforesaid was agreed to by the Assembly and this House was inserted in the said Bill in the presence of Mr. John Ashe and Mr. George Moore and the said Bill was put and passed. Ordered to be engrossed.

Then the House adjourned till Monday morning 9 o'clock.

Monday 18th December 1758. The House met according to Adjournment. Present as before.

Received from the Assembly the following Message

This House is of opinion that the number of men appointed for garrisoning the Forts are sufficient for the Purpose intended by the Bill and therefore cannot agree to the alteration proposed of increasing the number of men or the sum to be raised, the other amendment proposed of increasing the denomination of the Notes as proposed by your House, this House agrees to, and have sent Mr. Barker and Mr. Starkey two of the Members of this House to see the same inserted.

16th Dec^r 1758.

SAM. SWANN Speaker.

On reading the aforesaid Message, Ordered the following one be sent to the Assembly.

MR. SPEAKER & GENT^m OF THE ASSEMBLY,

On reading your Message of Saturday in answer to ours of the same day, we are sorry to find your disagreement thereto, as we are of opinion that twenty five men for each Fort, will by no means answer the purpose intended by the Bill, We therefore hope you will recede from the purport of your said Message, and agree to our amendment. And also that you will *stet* the Clause giving power to the Governor or Commander in Chief to send the forces to be raised by this Bill, to join any other of his Majesty's Forces out of this Province.

Received from the Assembly by Mr. Harris and Mr. Fonville, a Bill for dividing the Parish of S^t John, &c.

On motion, Ordered the said Bill be read.

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

Resolved That the sum of fifty shillings Proc Money be paid to the Clerk of this House for the time being on each private Bill: the one moiety or half of which sum shall be paid at the bringing in of each said Bill, to the Clerk, the other moiety or half part at the passing the same by this House and the Assembly.

Received from the Assembly the following Message

GENTⁿ OF HIS MAJ^{ty's} HON^{ble} COUNCIL,

In answer to your Message of this day relative to the Bill for granting an aid to his Majesty, &c., this House do recede from their disagreement to the purport of your Message of Saturday last, and agree that the Companies to be put in Garrison in Forts Johnston and Granville consist of the number of Forces you propose.

The Aid granted to his Majesty for that purpose be altered to £4000 and the tax to raise the same be made three shillings and one penny ³/₄ Poll, and that the Clause you mention shall stand as part of the Bill, and have sent Mr. Jones and Mr. Barker & Mr. Starkey to see the amendments made.

SAM. SWANN, Speaker.

18th Dec^r 1758.

And agreeable to the aforesaid Message the several amendments were made in the said Bill in presence of Mr. Jones, Mr. Barker and Mr. Starkey, and the same Bill was put and passed. Ordered to be engrossed.

On motion, Ordered the Bill for erecting a city on Neuse River, &c., be read.

Read the same the third time and ordered the following Message be sent to the Assembly,

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY,

On reading the Bill for erecting a city on Nense river, &c., We find you have not reserved any land for a pasture for the Governor and Commander in Chief for the time being, We therefore propose as an amendment to the said Bill, that twenty five acres out of the common the most convenient to his House be by the Committee laid out for said use, to which if your House agree, please to send some of your Members to see the said amendm^t made.

Then the House adjourned till 4 o'clock in the afternoon.

The House met according to adjournment.

Received from the Assembly by Mr. Bartram and Mr. Relf, a Bill to relieve John Pope from a judgment obtained against him, &c. And a Bill

to make Provision for paying the Chief Justice & Attorney General's Salary, &c.

Received from the Assembly by Mr. Mackey and Mr. Conner, a Bill for repealing an Act therein mentioned.

On motion, Ordered the said Bill be read.

Read the same the first time amended and passed.

On motion, Ordered the Bill to make Provision for paying the Chief Justice and Attorney General's Salaries, &c., be read.

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

On motion, Ordered the Bill to relieve John Pope from a judgment, &c., be read.

Read the same the second time and passed.

Received from the Assembly by Mr. Starkey & Mr. B. Harvey the following Message,

GENTⁿ OF HIS MAJ^{ties} HON^{ble} COUNCIL,

In answer to your Message relating to the Bill for erecting a City &c. We concur with your House, that it will be necessary to have the number of Acres set apart for a Pasture for the Governor or Commander in Chief for the time being, by you mentioned, and that the same be done by the Committee for designing and laying out the said City, or any five of them, to which if you agree this House will send two of their Members to see the Amendment inserted in the Bill.

18th Dec^r 1758.

SAM. SWANN, Speaker.

Agreeable to which Message the said Amendment was made in the said Bill in the presence of Mr. Starkey and Mr. Robert Jones Ju^r and the said Bill was put and passed. Ordered to be engrossed.

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

Tuesday 19th Dec^r 1758. The House met according to Adjournment. Present as before.

On motion, Ordered the Bill directing the application of the proportion of this Province in £50,000 &c. be read.

Read the same the third time, and Ordered it lie on the Table till the first day of January next.

Received from the Assembly by Mr. Conner and Mr. Spicer, a Bill to make better provision for the Clergy.

On motion, Ordered the said Bill be read.

Read the same the second time, amended & passed.

On motion, Ordered the Bill for doeking the Intail of certain Lands devised by the last Will & Testament of Barnaby M^cKinnie &c. be read.

Read the same the second time.

Ordered it lie on the table till the first day of January next.

Received from the Assembly by Mr. Starkey and Mr. Harvey a Bill for making better provision for the Clergy.

On motion, Ordered the said Bill be read.

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

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

Wednesday 20th December 1758. The House met according to Adjournment.

His Excellency the Governor came to this House and presented the following Instructions which were ordered to be read.

The 29th Instruction.

You are not to suffer any Publick Money whatever to be issued or disposed of otherwise than by warrant under your hand, by and with the advice and consent of our Council, but the Assembly may nevertheless be permitted from time to time to view and examine all Accounts of Money disposed of in virtue of laws made by them which you are to signify unto them as there shall be occasion.

ARTHUR DOBBS.

The 30th Article of His Excellency's Instructions.

You are not to permit any Clause whatsoever to be inserted in any law for levying Money or the value of Money whereby the same shall not be made liable to be accounted for unto us here in Great Britain and to our Commissioners of our Treasury, or to our high Treasurer for the time being and audited by our Auditor General of our Plantations, or his Deputy for the time being, and we do hereby particularly require and enjoin you, upon pain of our highest displeasure, to take care that fair books of Accounts, of all receipts and payments of all Publick Moneys be duly kept and the truth thereof attested upon Oath, and that all such Accounts be audited and attested upon oath, and that all such Accounts be audited and attested by our Auditor General of our Plantations or his Deputy who is to transmit Copies thereof to our Commissioners of our Treasury, or to our high Treasurer for the time being, and that every half year or oftener, send another Copy thereof attested by yourself to our Commissioners for Trade & Plantations and Duplicates thereof by the next Conveyance, in which Books shall be specified every particular sum raised or disposed of together with the names of the persons to whom any Payment shall be made to the end we may be satisfied of the right and due application of the Revenue of our said Province

with the probability of the increase or diminution of it under every head or Article thereof.

ARTHUR DOBBS.

Received from the Assembly by Mr. Gray and Mr. Blount, a Bill to relieve John Pope from a Judgment &c. And a Bill for repealing an Act therein mentioned.

On motion, Ordered the Bill to relieve John Pope &c. be read.

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

On motion, Ordered the Bill for repealing an Act therein mentioned be read.

Read the same the second time and passed.

Received from the Assembly by Mr. Herron and Mr. Mackey the following resolve:

It having been intimated to this Assembly, that the Forts Granville and Johnston notwithstanding the large sums, which have been levied on the indigent Inhabitants of this Government, to erect and put them in fit condition to protect the Trade and Navigation of the Country, by the inattention of those who have been intrusted to build those Fortresses and the mis-application of the monies granted for that purpose, are in such ruinous condition, that they are not defencible against the considerable force of an Enemy.

It is therefore resolved that Sam. Swann Esq^{re} Mr. Cornelius Harnett and Mr. John Starkey or the majority of them be appointed a Committee to view Fort Johnston, and Mr. John Harvey, Mr. William Mackey and Mr. Joseph Harron or the majority of them be appointed to view Fort Granville and report to the Assembly whether the money appropriated to building the same hath been properly applied, the Conveniency and ill conveniency of their situation, the condition in which they respectively are, and whether it will be for his Majesty's service to continue Garrisons in them or either of them, that the same may be a rule for the future conduct of the Assembly as well in regard to granting more money for finishing the said Forts as placing Garrisons in them.

Resolved that a message be sent to the Council acquainting them &c.

GENTⁿ OF HIS MAJ^{tie}'s HON^{ble} COUNCIL,

This House having made the above Resolve desire your Concurrence and that you will appoint some of your members to join the Committee appointed by the Assembly.

SAM. SWANN. Speaker.

19th Dec^r 1758.

On reading the aforesaid Message, Ordered the following one be sent to the Assembly.

MR. SPEAKER & GENT^o OF THE ASSEMBLY,

In answer to your Message relating to sending a Committee to view and inspect the situation and condition of Forts Johnston and Granville, We are of opinion, that the sending any of the members of this House (as most of them are Commissioners of the said Forts) would be improper, We therefore decline appointing them for the Purpose you mention, but are satisfied with the Persons you have appointed.

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

The House met according to Adjournment.

Received from the Assembly by Mr. Churton & Mr. Paine, a Bill for repealing an Act therein mentioned.

On motion, Ordered the said Bill be read.

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

Received from the Assembly by Mr. Barker and Mr. Harvey the following Resolve.

In the Assembly Resolved that James Abereromby of London Esq^o be paid out of the Proportion which shall be allotted to this Province out of the Grant of his Majesty and the Parliament to North & South Carolina and Virginia, the sum of three hundred & thirty two pounds, nine shillings and seven pence sterling being due to the said James Abereromby for his expences care and faithful Services in the Affairs of this Government during the time of his Agency.

20th December 1758.

SAM. SWANN. Speaker

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

Thursday 21st December 1758. The House met according to adjournment.

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

The House met according to adjournment.

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

Friday 22nd December 1758. The House met according to Adjournment.

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

Resolved that the sum of eleven pounds two shillings and eight pence Proc. Money, paid by the honorable Richard Spaight Esq^o three years past by order from his Excellency the Governor for Expresses be repaid to him, out of the monies appropriated for payment of the Contingent charges of Government.

MR. SPEAKER & GENT^a OF THE ASSEMBLY,

This House have made the above Resolve to which if you agree desire your Concurrence.

His Excellency the Governor came to this House, and ordered the immediate attendance of the Assembly; Whereupon the Speaker attended by the Assembly waited on his Excellency in the Council Chamber and presented to him the subsequent Acts.

1. An Act to grant his Majesty an aid &c.
 2. An Act to erect a City on Neuse River &c.
 3. An Act to divide Edgecombe County.
 4. An Act to divide Johnston County.
 5. An Act for destroying Squirrels.
 6. An Act for establishing a Warehouse on the Lands belonging to Thomas Barnes &c.
 7. An additional Act to an Act concerning Servants and Slaves &c.
 8. An Act to establish a Ferry from Solley's Point to Relf Point.
 9. An Act for regulating Ordinaries &c.
 10. An Act to make Provision for paying the Chief Justice and Attorney General's Salaries &c.
 11. An Act repealing an Act therein mentioned.
 12. An Act to make better provision for the Clergy.
 13. An Act to inspect Pork, Beef &c.
 14. An Act for dividing the Parish of S^t John in Granville County.
 15. An Act for dividing the Parish of N^o West.
 16. An Act for building Public Mills.
 17. An Act to establish a Town on Lands formerly belonging to Zachariah Nixon.
 18. An Act for altering the method of working on the Roads &c.
 19. An Act for appointing a place for holding the Supreme Court of Justice and for the district of Northampton.
 20. An Act to relieve John Pope from a Judgment &c.
- To which his Excellency was pleased to assent.

Received from the Assembly by Mr. Harvey and Mr. Relf the following message,

GENT^a OF HIS MAJ^{tie's} HON^{ble} COUNCIL,

It appears to this House by the Report of the Committee of Public Accounts, That Thomas Barker Esq^r the Treasurer of the Northern District, hath paid into the Committee of Accounts £1095 11^s 11^d on the sinking fund £465.0.0. Notes of the first emission and £3093 of the

second emission £470 of the third emission amounting to £4,028, to be sunk by the several Taxes laid for that purpose and in Notes £3,815, not issued, And that Mr. Starkey has paid into the Committee £605.19 on the sinking Fund. This House have therefore appointed a Committee of the whole House to see the said several sums burnt at the House of Robert Wallace in Edenton at five o'clock this evening and desire you'll please to appoint a Committee of your members to see the same done accordingly.

SAM. SWANN. Speaker.

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

Saturday 23rd December 1758. The House met according to adjournment. Present as before.

The Committee appointed by this House to examine, state and settle the Public Accounts of this Province (in Conjunction with the Committee appointed by the Assembly for that purpose) reported the same to which this House concurred.

On motion, Ordered the following message be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

On reading the reports of the Committee of Claims, We find that for reasons therein mentioned you have not allowed the honourable Rich^d Spaight Esq^{re} a claim for eleven pounds, two shillings and eight pence Proe: paid by him by the Governor's Order three years past for expresses as this House is of opinion your reasons are not sufficient they can not concur with you in disallowing the said claim. We hope you will reconsider thereof, for as there was at that time no fund provided for payment of Expresses It would be unjust that the Governor should be obliged to pay out of his own pocket a charge that was heretofore always paid by the Government.

Our opinion is that the same may be paid out of the Funds appropriated for the payment of the contingent charges of Government, and if you will for that Purpose make a resolve of your House, we shall concur therewith.

On motion, Ordered the following Message be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY,

This House having taken your Resolve relative to Mr. Abercrombie into their consideration, are of opinion, that before they concur in the said Resolve your House should agree, that the Moneys in the hands of Sam: Swann Esq^{re} should (on the Moneys being secured to be paid Mr. Abercromby in England) be applied towards defraying the Contingent

Charges of Government: If you will make a Resolve to that purpose, we will concur with you to both Resolves.

On motion, Ordered the following Message be sent to the Assembly

MR. SPEAKER & GENT^{rs} OF THE ASSEMBLY,

This House having taken under their consideration your Message of yesterday relative to the appointing a Committee of this House to join your House in seeing the several sums paid into the Committee of Accounts by the Treasurers of this Province burnt, Have appointed the hon^{ble} John Rieussett & Richard Spaight Esq^{rs} a Committee of this House to see the same done.

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

The House met according to Adjournment.

The Committee appointed by this House to settle and allow the Public Claims of this Province laid before this House their reports of the same, to which this House concurred.

On motion, Ordered the Estimate of Allowances & Expences of this House be sent to the Assembly for their Concurrence, which was accordingly done and Concurred to by the Assembly.

Received from the Assembly by Mr. Mackey and Mr. Bartram the following Resolve,

23rd Dec^r 1758.

In the Assembly Resolved that a Post be Kept from Wilmington on Cape Fear, to Suffolk in Virginia once a Fortnight for one year from the twentieth day of January next and that Mr. James Davis have the direction thereof, that the Post be at Wilmington on Tuesdays, at New Bern on Fridays, at Bath Town on Mondays, at Edenton on Thursdays, at Mr. Herron's on Chowan River on Fridays and at Suffolk on Saturdays once a Fortnight during the said Term; and in case of failure of being at any one of those places at the time hereby appointed, there shall be a deduction of his Salary for the expence of the Post the whole Journey from Wilmington to Suffolk, unless he shall make it appear to the Assembly, that by unavoidable accidents the Post was prevented, And that he be paid as a Salary for the said service, the sum of one hundred and thirty pounds, at half yearly paym^{ts} out of the contingent tax.

SAM: SWANN Speaker.

GENT^{rs} OF HIS MAJ^{ties} HON^{bles} COUNCIL,

The above is a Resolve of this House regarding the establishing a post, thro' this Province to Suffolk, to which desire your Honours' Concurrence.

SAM. SWANN Speaker.

This House took under their consideration the above resolve and concurred therewith.

This House took under their consideration the Message of the twentieth of this Instant relative to the Paym^t of £332.9.7 sterling to Mr. James Abereromby, and concurred to the same.

Then his Excellency the Governor was pleased to Prorogue this Assembly to the first Tuesday in March next, to be then held at Wilmington.

True Copy.

Test: JOHN SMITH, C^{lk} of the Upper House of Assembly.

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

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the Twelfth day of December in the Twenty Eighth year of the reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King (and so forth) and in the Year of our Lord One Thousand seven hundred and fifty four and from thence Continued by several Prorogations and Adjournments to the Twenty Third day of November in the Thirty second Year of the reign of our said Sovereign Lord George the Second by the Grace of God King and so forth and in the Year of our Lord One thousand seven hundred and fifty eight being the seventh Session of this present Assembly.

Thursday 23^d November 1758. The Assembly met according to prorogation.

His Excellency the Governor in Council Chamber, when his Excellency was pleased to make a Speech to the Council and this House.

Then the House returned, and Mr. Speaker reported that the House had attended his Excellency the Governor in the Council Chamber, and that he was pleased to make a Speech to the Council and this House; of which he had to prevent mistakes obtained a Copy, which he delivered in at the Table, where the same was read by the Clerk, and is as follows Viz^t

[For the Governor's speech, see Journal of the Upper House.—EDITOR.]

Mr. Williams moved that a Committee be appointed to prepare an Address in Answer to His Excellency the Governor's Speech and lay the same before the House for Approbation, and Mr. Barker, Mr. Starkey and Mr. John Harvey Mr. Moore and Mr. Ashe are accordingly appointed to prepare the said Address.

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

Friday the 24th of November 1758. The House met according to Adjournment.

Mr. Barker one of the Committee appointed to prepare an Address in Answer to his Excellency the Governor's Speech Reported that the Committee had prepared the same which he presented to the House and was ordered to be read. The same was read, Approved of and Resolved the same stand the Address of this House and be entered on the Journal thereof, as follows,

To His Excellency Arthur Dobbs Esq^t, Captain General Governor and
Commander in Chief in and over the province of North Carolina,
SIR,

We his Majestys most dutiful and loyal Subjects, the Members of the Assembly of North Carolina, beg leave to return your Excellency our Thanks for your Speech, at the opening of this Session.

We congratulate your Excellency on the Success of his Majestys Arms, and the Surprizing Progress made by the King of Prussia, by which we have the pleasure to perceive, that the King of Kings who directs the Events of Battles, has disconcerted the Schemes of our Enemies, and manifested his Favour of the Protestant Interest.

We are convinced of the Expediency of preserving a good understanding with our Indian Allies, and with a view of fixing them in our Interest, at a former Assembly appropriated a sum of money for building a Fort near the Catawbas, for the Defence of their Nation; but soon after the Fort had been begun, we learned that the Indians, from what reasons we cannot discover, were much displeas'd; and rather esteemed what we had done as an Inroad on their Possessions, than thanked us for the money we had expended for their Preservation. However, as we know the Importance of their Friendship, shall use the best Endeavours by which it may be conciliated, and pursue the most effectual means in our Power to secure a good Correspondence with them, and confirm them in their Allegiance to his Majesty. The Importance of Fort Johnston to the Trade of Cape Fear is obvious and that of Fort Granville to three other the most considerable Ports in this Province, not less evident; that it would be inexcusable not to enquire into the State and Condition of these Fortresses. We shall also examine the Accounts of the Commissioners; and if the Money granted is not sufficient, raise such other Sums as may enable them to finish the Forts, and your Excellency to employ a proper force to defend them.

It gives us Concern, that your Excellency has been under a necessity of applying to General Forbes to supply the Companies sent from this province to the Ohio; we hoped that the sum we had raised would have answered the whole Expence of our Troops on that Expedition; and still hope, that Remittances may be made out of that Fund to discharge what the General has Advanced; But in Case it should be deficient, we shall cheerfully grant such other Sums as will supply the deficiency, and pay our Companies till their Return, that we may receive the Money granted to the Parliament in Specie, and therewith sink an equal Sum in our Bill Money, by which our Paper Currency will be secured from depreciating below the legal Exchange, and our Taxes for calling it in lessened.

The Defects in the Vestry Act are such as require Amendment, and we shall endeavour to remove the Inconvenience taken Notice of by your Excellency.

The regard your Excellency discovers for the rising Generation and future Ages, in recommending the establishing Schools, for the Education of Youth, is a fresh Instance of that Public Spirit, and Benevolent Disposition which has ever been decernable in all your Conduct; and we beg leave to assure your Excellency, that nothing shall be wanting to promote a Work of such interesting Consequence, tho' at present we are somewhat at a loss in what manner to accomplish it; the sum of six Thousand Pounds having been heretofore granted for that purpose, by an Act under a Suspending Clause, which has not yet had the Royal Assent.

The Assurances your Excellency has been pleased to give us of your desire to render the Taxes as little burthensome to our Constituents as the Circumstances of the War will admit, deserve our acknowledgments and your inviolable attachment to his Majesty's Interest, and the constant Endeavours you have used to secure his Subjects in your Government in the Enjoyment of their Rights and privileges, are Considerations which excite our most ardent Wishes for your long and happy Administration.

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

Saturday the 25th November 1758. The House met according to adjournment.

The Clerk of the Crown laid before the House a Certificate thereby certifying that the writ for Electing a Member for Bath Town in the room of Mr. Wyriot Ormond late Member for that Town Deceased is returned to him and thereby it appeared that Mr. Michael Coutanch is Elected a Member for the said Town to sit and vote in this present

Assembly Pursuant thereto Mr. Michael Coutanch appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his Seat in the House.

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

The above Gentlemen being returned Mr. Campbell Reported that in obedience to the Command of this House, he, with Mr. Barker, had waited on his Excellency the Governor, and acquainted him the House desire to know when he will receive the Address thereof and that his Excellency desired the immediate attendance of the House in the Council Chamber.

The House waited on his Excellency in the Council Chamber, when Mr. Speaker presented him with the Address of the House to which his Excellency was pleased to return an Answer a Copy of which to prevent mistakes Mr. Speaker obtained.

Then the House returned and Mr. Speaker laid before the House his Excellencys Answer which was Ordered to be read.

Read the same and ordered to be Entered on the Journal of the House as follows, Viz^t

I thank you for this Dutiful and loyal Address, expressive of your Acknowledgment of the Divine favours, in support of his Majesty's arms for the Defence of our Holy Religion Liberties and Possessions, and your Regard for the Safety and Happiness of this province, in promoting Religion and the Education of Youth; which I shall faithfully represent to his Majesty.

It gives me great satisfaction, that my Endeavours to serve his Majesty by promoting the Safety, Wealth and safety of this province, is agreeable to you, which shall always be the Chief object of my Care.

Mr. William Williams laid before the House the Petition of Sundry Inhabitants and freeholders of that one Eighth part of the province of the Carolinas belonging to the Earl Granville, in Behalf of themselves and the whole Inhabitants of the said district.

Ordered the same be read.

Read the same, and on motion Resolved That a Committee be appointed to Examine into the Truth of the said Petition and that they have power to Cause to be brought before them persons and papers &c.

On motion, Ordered That Mr. Barker, Mr. Campbell, Mr. Starkey, Col^o John Harvey, Mr. Samuel Swann Jun^r, Mr. George Moore, Mr.

John Ashe, Mr. Robert Harris, Mr. William Williams, Mr. Robert Murden, Mr. Herron, Mr. Dempsey Sumner, Mr. Joseph Blount, Mr. Coutanch, Mr. Brown, Mr. Vail, Mr. James Conner be appointed a Committee to Examine into the Allegations in the said Petition Contained, and Resolved That they have power to Cause to be brought before them persons papers &c.

Mr. William Williams acquainted the House that as Several Tuscorora Indians were in Town and Burthensome to several private persons with whom the said Indians are acquainted, therefore moved that persons be Appointed to provide necessary provisions for the said Indians during their stay in Town.

Resolved, That Mr. Whitmell and Mr. Williams furnish the said Indians with necessary provisions the time they may remain in Town and that they be reimbursed the Expence thereof by the Treasurer

Mr. Starkey moved that a Committee be appointed to Examine State and Settle the Publick Accounts of this province and Mr. Jno. Harvey, Mr. George Moore, Mr. James Paine, Mr. Benjamin Harvey, Mr. Joseph Herron, Mr. Michael Coutanche and Mr. John Campbell are appointed accordingly

On motion, Ordered That Mr. John Starkey, Mr. Thomas Whitmell, Mr. John Ashe, Mr. James Connor, Mr. Joseph Sutton and Mr. Francis Brown, and Mr. Relf be a Committee to settle and allow Public Claims and the following message be sent to His Majestys Council Viz^t

GENTLEMEN OF HIS MAJESTYS COUNCIL,

This House have appointed Mr. Jno Harvey, Mr. George Moore, Mr. James Paine, Mr. Benjamin Harvey, Mr. Joseph Herron, Mr. Michael Coutanche and Mr. John Campbell a Committee of this House to state and settle the Public Accounts and Mr. John Starkey, Mr. Thomas Whitmell, Mr. John Ashe, Mr. James Connor, Mr. Joseph Sutton, Mr. Francis Brown and Mr. Thomas Relf a Committee of this House to Examine Settle and allow the public Claims of this Province in Conjunction with such of your Honours as you shall think proper to appoint for these purposes By order WILLIAM HERRITAGE C^{lk}

Sent the above message by Mr. John Starkey and Mr. John Harvey

Mr. Barker moved that a Committee of Propositions and Grievances be Appointed and Mr. Stephen Williams, Mr. Samuel Swann, Mr. Walton, Mr. Whitmell, Mr. Mackey, Mr. William Williams, Mr. Robert Harris, Mr. Hardy, Mr. Gray, Mr. Fonville, Mr. Bell, Mr. Starkey, Mr. G. Moore, were appointed Accordingly

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN,

On reading the Petition of Sundry Inhabitants of that Part of this province belonging to the Right Honorable Earl Granville Setting forth many Grievances and Complaints against the Lordships Agent and in Answer to your Message by Mr. Barker and Mr. Campbell this House have Appointed the Honorable John Swann, Lewis De Rossett and Richard Spaight Esq^r a Committee to join that of your House to Examine into the Allegations of the said Petition

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading your Message relating to the Appointing Committees on the Public Accounts and Claims, This House have appointed the Hon^{ble} Francis Corbin Lewis De Rosset and John Rieussett Esq^{rs} a Committee to inspect into the Public Accounts And the Hon^{ble} James Innes John Swann and John Dawson Esq^{rs} a Committee to Examine Settle and Allow the Public Claims of this Province to join those Appointed by your House.

The House Adjourned till Monday Morning 10 o'Clock.

Monday the 27th of November 1758. The House met According to Adjournment.

Mr. Wyat presented to the House a Certificate from the County Court of Perquimons thereby Certifying that William Staey of Perquimons County is poor and recommending him to the Assembly to be Exempt from paying public taxes &c.

Ordered to be exempt Accordingly.

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

Tuesday the 28th November 1758 The House met according to Adjournment.

On motion, Resolved, That the Treasurers shall redeem the Notes of Credit issued by the Treasurers as they become Redeemable out of any Moneys in their Hands Except the Tax for sinking the Currency and Contingencies of Government.

A Certificate from the County Court of Currituck thereby Certifying that John Walker of said County is infirm and poor and that he is not able to pay publick Taxes Recommending him to be Exempt from paying publick Taxes.

Ordered he be exempt Accordingly.

A Certificate from the County Court of Currituck thereby certifying that Thomas Taylor is very poor and not able to pay public Taxes.

Ordered he be exempt from paying Public Taxes.

A Certificate from the County Court of Orange was presented thereby Certifying that W^m M^cMath is poor and unable to pay Publick Taxes and Recommending he be Exempt from paying Public Taxes.

Ordered he be Exempt Accordingly.

A Certificate from the County Court of Chowan was presented thereby Certifying that Joseph Warren and Robert Vail be recommended to the Assembly as objects that are not Capable of paying their Taxes.

Ordered they be exempt accordingly.

A Certificate from the County Court of Bladen was presented to the House thereby certifying that John Orestine be represented to the House as a Person unable to pay Taxes.

Ordered, he be exempt from paying public Taxes.

Mr. John Harvey moved that James Foster of Perquimons County be Exempt from Paying Public Taxes and doing Public Duties. The said James Foster Appeared before the House and it appearing he is almost blind Ordered he be Exempt during the Continuance of his Infirmary.

A Certificate from the County Court of Johnston was presented to the House thereby Certifying that William Arundell is poor aged and unable to get his Livelihood and recommending he be Exempt from paying public Taxes.

Ordered he be Exempt Accordingly.

On motion, Ordered, That Mr. Campbell, Mr. Barker, Mr. Contaneh, Mr. Davis, Mr. Ashe, Mr. Geo. Moore, Mr. Merden, Mr. Starkey, and Col^o John Harvey, do prepare and bring in a Bill to regulate the Inspection of Pork, Beef, Rice, Flower, Butter, Indigo, Tarr, Pitch, Turpentine, Staves, heading, Shingles and Lumber.

A Certificate from the County Court of Craven was presented to the House thereby Certifying that Tho^s Fuleher is poor and recommending he be Exempt from paying public Taxes.

Ordered he be exempt accordingly.

Then the House Adjourned till 3 o'Clock Afternoon.

The House met according to Adjournment.

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

Wednesday the 29th November 1758. The House met according to Adjournment.

Mr. Wynns presented a Certificate from the County Court of Bertie thereby recommending Michael Ward to this House to be Exempt thereby from paying public Taxes on Account of his Age and Poverty.

Ordered he be exempt accordingly.

On motion, Ordered, That a Committee be appointed to bring a Bill in for regulating Elections of Members to serve in Assembly for the several Counties and Towns in this Province.

Ordered, Mr. Barker, Mr. Starkey, Col^o Jn^o Harvey, Mr. Ashe, Mr. Campbell, Mr. Moore, Mr. Swann Jr., Mr. Herron, Mr. Benj^r Harvey, Mr. Robert Jones, Mr. Coutanche be a Committee to prepare and bring in the same.

Then the House Adjourned till 3 o'clock Afternoon.

The House met according to Adjournment.

Mr. Williams Presented a Petition of the Inhabitants of the Parish of St. Mary in the County of Edgecomb thereby showing the great hardships and Inconveniencies attend the said Inhabitants in attending the County Court and General Musters, Praying that the said Parish be Erected into a Distinct and separate County from Edgecomb County that it remain as part of the District for the Supreme Court at Enfield and also that the place for holding the Court for the said County when Enacted be Appointed at Redman's Old Fields on Tyoncooca.

Ordered, the said Petition be Read.

Read the same and Ordered that Mr. Williams prepare and bring in a Bill pursuant to the Prayer of the said Petition.

Mr. Sumner presented a Petition of Divers the freeholders Inhabitants of Chowan County Setting forth the Petitioners labour under Great Inconveniencies by reason of the Great Distance they live from the Court House of the said county, Praying that so much of the Northern part of the said County as shall contain one half of the Taxables of the said County of Chowan may be Erected into a new County and Parish with such Immunities Priviledges Rights and Franchises as shall be thought proper.

On motion Resolved that Mr. Parker, Mr. Sumner, Mr. Blount, Mr. Walton, Mr. Vail and Mr. Herron do prepare and bring in a Bill pursuant to the prayer of the said Petition.

Mr. Campbell presented the Petition of Humphrey Bates thereby showing that he is possessed and Intitled to three Hundred Acres of Land under George Charlton son of William Charlton to whom six hundred Acres of Land (of which said Three Hundred Acres are part) were made over by King Thomas Blount and other of the Chieftains of the Tuscarora Indians in the year 1723 but is now disturbed by the said Indians in his Possessions, Praying Relief, &c., which was read.

Ordered, that a Bill be prepared and brought in for the Relief of the Petitioners and that Mr. Campbell prepare and bring in the same.

Mr. Jones presented a petition from the Inhabitants of the Parish of North West in the County of Northampton thereby showing that the said Parish is of Large Extent which renders the service of the Minister in Performing the Duty of his Function at all Times Fatiguing and Troublesome and sometimes impossible, &c., Praying that the said Parish may be divided into two distinct parishes.

Ordered that a Bill be prepared pursuant to the prayer of the said Petition and that Mr. Robert Jones prepare and bring in the same.

Mr. Jones presented to the House a Certificate from the County Court of Northampton thereby certifying that Mozes Mossinall is very old a cripple and past his Labour and recommending him to be exempt from paying public Taxes and doing public Dutys.

Ordered, he be Exempt Accordingly.

Then the House Adjourned till 10 o'clock to morrow morning.

Thursday, the 30th November, 1758. The House met according to Adjournment.

Pursuant to Order, Mr. Jones brought in a Bill for dividing the Parish of North West in Northampton County which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and Ordered to be sent to the Council.

N. B. Sent to the Council by Mr. Jones.

Mr. W^m Williams According to Order brought in a Bill for dividing Edgecomb County which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Conner.

Mr. Brown moved for leave to bring in a Bill for granting to his Majesty a Duty on the several Commodities that shall be carried or Converted into Virginia from this Province.

Ordered, That Mr. Brown, Mr. Wynns, Mr. B. Harvey, Mr. Caswell and Mr. John Gray, Mr. Campbell, and Mr. Harris do prepare and bring in the same.

Mr. Williams moved for leave to bring in a Bill for the encouragement of Building Public Mills.

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

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

Sent the same to the Council by Mr. Williams and Mr. Conner.

Received from the Council the Bill for Dividing the Parish of North West. Endorsed the 30th November 1758 In the Upper House read the first time and passed.

Then the House Adjourned till to morrow morning 10 o'clock.

Friday the 1st of December 1758. The House met according to adjournment.

Mr. Caswell presented the petition of Several of the Inhabitants of the parish of St. Stephen in Johnston County Setting forth that the Inhabitants of the said Parish are put to great Inconveniences and Hardships in being obliged to attend the County Court &c.

Praying that a Bill may be brought in for dividing the County of Johnston and Erecting that part of the said County called the parish of St. Stephen in a County by the Name of Dobbs County and for establishing roads and Ferries therein.

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

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

Mr. Blount moved for leave to bring in a Bill to prevent the depreciating the proclamation money and Bills of Credit of this Province Emitted and made Current by several Acts of Assembly now in force.

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

Mr. Blount according to Order brought in the above said Bill which he read in his place and delivered in at the table where the same was again read by the Clerk and Ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Brown and Mr. Bryan.

Mr. Harris moved for leave to bring in a Bill concerning the Western Indians in this Province.

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

Mr. Harris according to order brought in the above said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk and on motion Ordered the same lye on the Table.

Mr. Relf presented to the House a Petition from the owners of Lotts laid out in a certain Village known by the name of Nixonton in aforesaid County &c

Praying an Act may pass to Establish the said Town &c.

Ordered Mr. Relf bring in a Bill pursuant to the Prayer of the said Petition.

Mr. Relf according to Order brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Mr. Brown moved for leave to bring in a Bill to enable the Chief Justice and the Justices of the Supreme or County Courts to take and admit as Evidence the Deposition and Depositions of any Transient Person or Persons on the Tryal of any cause now or hereafter depending in any of the said Courts.

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

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

Sent the above two Bills to the Council by Mr. Brown and Mr. Bryan.

Received from the Council the Bill for Building Public Mills and the Bill for Dividing Edgecombe County. Endorsed 30th November 1758 In the Upper House read the first time and passed.

Mr. Jones presented the Petition of Sundry Freeholders of the County of Edgecomb setting forth that Kekeeke Warehouse is very inconveniently situate and now become Ruinous

Praying the said Warehouse may be discontinued and others erected at Killingsworths, which was read and on motion Ordered the said Petition lye for Consideration.

On motion, Ordered, That the Bill for dividing the parish of North West be read a second time.

Read the same a second time and passed, and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harvey and Mr. Williams.

On motion, Ordered the Bill for Dividing Edgecomb County be read the second time.

Read the same a second time and, on motion,

Resolved that Mr. Barker and Mr. Harvey wait on His Excellency the Governor and let him know that this House, having under Consideration a Bill for dividing Edgecombe County, desire his Excellency to give a name to the County which by the Bill is to Include Saint Marys Parish and appoint in each of the said Counties after the division for holding Courts of Justice.

Sent a Message by Mr. Barker and Mr. Harvey to the Governor pursuant to the above Resolve.

Desire that your Excellency will give a name to the County which by the Bill is to include St Marys Parish and appoint places in each of the Countys after the division for holding Courts of Justice.

On motion, the House took under consideration the Petition of Humphrey Bates and the Question being put whether said Bates be reimbursed the purchase money paid Geo: Charlton for said Land and other Expeuces he has been put to in settling the same or not, was carried in the Negative.

Received from the Council the Bill for dividing the County of Johnston, &c., The Bill to prevent the Depreciating the proclamation money, &c., The Bill to Enable the Chief Justice and the Justices of the Supreme Courts or County Courts to take and admit Depositions, &c., and the Bill for Establishing a Town on the Lands formerly belonging to Zach Nixon, &c.

Endorsed December 1st 1758 In the Upper House read the first time and passed.

Mr. Robert Jones informed the House that Joshua Bodley Esq^r hath been guilty of a Breach of the Privileges of the same in charging Mr. Francis Brown a Member thereof with having forsworn himself before a Committee of this Assembly.

Resolved, That the said Joshua Bodley be taken into custody of the Sergeant at Arms and brought to the Barr of the House to answer the said charge.

Mr. Campbell from the Committee appointed to bring in a Bill to regulate the Inspection of Pork, Beef, Rice, Flower, Butter, Indigo, Tarr, Pitch, Turpentine, Staves, Heading, Shingles and Lumber, Reported the Committee had prepared the same which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harvey and Mr. Williams.

Pursuant to order the Sergeant at Arms brought in Custody to the Barr of the House Joshua Bodley Esq^r when Mr. Speaker acquainted him that the House had sent for him in Custody to answer a Breach of the Privileges of this House which he had Committed by charging Mr. Francis Brown one of the Members thereof with forswearing himself before the Committee of this House appointed to Inquire into the misconduct of Francis Corbin and Joshua Bodley Esq^r Agents of the Earl Granville as sett forth in a Petition to this House by Saudry of the Inhabitants of that Eighth part of the Carolinas belonging to the said Earl Granville.

To which the said Joshua Bodley Answered that true it was he had charged the said Francis Brown with forswearing himself before the Committee aforesaid which he said he was ready to make appear when he should be called thereto, but that he did not charge the said Francis

Brown therewith with any design to Affront the House or infringe the Privileges thereof and humbly begged pardon for having uttered what might be construed in that sence

On motion, Resolved, That a Committee be appointed to examine into the Facts alledged by the said Joſhua Bodley against the said Francis Brown and report their Opinion thereof to the House, and Mr. Barker, Mr. John Harvey, Mr. Starkey, Mr. Vail and Mr. Ashe are appointed a Committee for the purposes above said

And on motion Resolved That Mr. Barker, Mr. Harvey, Mr. Starkey, Mr. Vail, Mr. Ashe be a Committee to Examine into the facts Alledged by the parties and Report their Opinion to the House

Received from the Council the Bill for Building Public Mills. Endorsed 30th November 1758 In the Upper House read the first time and passed

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

Mr. Samuel Swann moved for Leave to Bring in a Bill to Establish a Public Ferry from Solleys Point to Relfs Point whereon the Court House now stands on Pasquotank River.

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

Mr. Swann brought in the above said Bill which he read in his Place and delivered in at the Table where the same was again read passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Harvey and Mr. Williams

On motion; Ordered That the Bill for Building Public Mills be Committed to Mr. Jones, Mr. Starkey, Mr. Moore, Mr. Samuel Swann Jun^r, Mr. Williams, Mr. Caswell, Benj^a Wynns, and that they report the Amendments necessary to be made in the same

Mr. Sumner moved for leave to Absent himself from the service of the House till Monday next.

Ordered he have leave accordingly

Mr. Campbell moved for leave to absent himself from the Service of the House till Monday next.

Ordered he have leave accordingly

Then the House Adjourned till to morrow morning 10 o'Clock.

Saturday the 2^d December 1758 The House met according to Adjournment

Mr. Davis moved for leave to bring in a Bill for Altering the method of working on the Roads and Appointing Public Ferries within the Counties of Craven, Carteret, Johnston, Beaufort and Orange

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

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

Sent the above Bill to the Council by Mr. Williams and Mr. Whitmell.

Received from the Council a remonstrance of the Grievances hardships and oppressions of Sundry of his Majestys Leige Subjects &c of North Carolina.

On motion, Ordered that the same be referred to the Committee of Grievances.

Received from the Council the Bill to regulate the Inspection of Pork Beef &c. Endorsed 1st December 1758 In the Upper House read the first time &c.

A Bill to Establish a Ferry from Solleys Point to Relfs Point. Endorsed December 2nd 1758 In the Upper House read the first time and passed.

The Bill for Dividing Edgcomb County and the Bill for Dividing the Parish of North West. Endorsed 2nd December 1758 In the Upper House read the second time and passed.

On motion, Ordered, That the Bill for Dividing the County of Johnston &c be read a second time.

Read the same a second time and on motion Ordered that Mr. Caswell and Mr. Cade wait on his Excellency and let him know that this House having under Consideration the Bill for dividing the County of Johnston and erecting that part of the said County called the Parish of St Stephen into a County by the Name of County &c desire his Excellency to name the County and appoint a proper place for erecting a Court House Prison and Stocks in the said County to the End the Assembly may proceed to perfect and pass the said Bill.

Mr. Williams moved for leave to bring a Bill for Establishing Warehouses for the Inspection of Tobacco on the Land of Thomas Barnes.

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

Mr. Williams presented to the House a Certificate from the County Court of Edgcomb thereby Certifying that Harrold Bly by Infirmities is not able to get his livelihood.

Ordered he be Exempt from paying Taxes and doing Public Duties.

Mr. Williams laid before the House a Certificate from the County Court of Edgcomb thereby Certifying that David Dixon is an Aged and decreped person and unable to support himself.

Ordered he be exempt from public Services and payment of Taxes.

On motion, Ordered, that the Bill to Enable the Chief Justice and the Justices of the Supreme and County Courts to take and admit as Evidence depositions &c be read a second time.

Read the said Bill a second time, and on motion Ordered the same lye on the table for perusal of the Members.

Mr. Jones presented to the House a Petition from the Inhabitants of Northampton County, Setting forth That Endfield the place where Supreme Court of Justice Oyer and Terminer and General Goal Delivery for the Counties of Northampton, Edgcombe and Granville is now held is not Central to the said Counties but that the Town of Halifax is much more nearer to the Center of the said district than Endfield and also that there is now in the hands of Robert Jones Jun^r a sum of money belonging to the said Counties, which was Read and also presented a Petition from the Inhabitants of Granville County,

Setting forth That by Appointing the Supreme Court of Justice Oyer and Terminer and General Goal Delivery for the Counties of Northampton, Edgcomb, Granville to be held in the Town of Halifax the attendance of Jurors Suitors and Evidence from the said County of Granville will be rendered much more easy, and Agreeable than at present as the said Town is more Central to the Counties than Enfield, &c., which was also read.

And on motion, Ordered, That Mr. Robert Jones Jun^r prepare and bring in a Bill for Appointing a proper place for holding the Supreme Court of Oyer and Terminer and General Goal Delivery for the District of Northampton, Edgcomb and Granville.

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

Sent the same to the Council by Mr. Williams and Mr. Whitnell.

Mr. Ward moved for leave to absent himself from the Service of the House.

Ordered he have leave to be absent untill Thursday next.

Then the House Adjourned till Monday morning 10 o'clock.

Monday, the 4th of December, 1758. The House met According to Adjournment.

Mr. Jones presented the Petition of William Hurst and Mary Hurst showing that Barnaby McKinnie (Grandfather to the Pet^r Mary) was in his life time and at the time of his Death seized and possessed of Two Tracts or parcels of Land Situate in Edgcomb County (to wit) the one three hundred and twenty and the other two hundred and fifty Acres and by his last Will and Testament bequeathed the same to, and entailed

on his Daughter your Pet^{rs} late Wife, and her Heirs, &c., who is since also dead, and left only one Child, to wit, your Pet^r Mary Hurst, and praying a Bill may pass into a Law to dock the said Intail, and settle other Lands, &c., to the same, which was read.

Mr. Jones moved for leave to bring in a Bill pursuant to the prayer of the said Petition

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

Received a Written Message from his Excellency the Governor, Viz^t

GENTLEMEN,

In answer to your Message sent me from your House touching the giving a Name to the County proposed to be divided from Edgcomb Including St Mary's Parish and to appoint places to hold Courts of Justice in each County, It will be agreeable to me to have the County Including St Mary's Parish Called Edgcomb County, And the Courts of Justice to be held at Redmonds Old Field on Tyoncoea for said County and that the other part Including Edgcomb Parish be called Halifax County and the Courts held at Enfield.

ARTHUR DOBBS.

On motion, Ordered that the Bill for Dividing Edgcomb County be read a third time.

Read the same a third time and on motion Ordered that the name of the County and places for holding Courts of Justice in each County Agreeable to the Governors Answer to the Message of this House of Friday last be incerted in the said Bill, the same was incerted Accordingly, and Ordered to be sent to the Council

Sent the same to the Council by Mr. Gray and Mr. Harvey.

On motion Resolved that it be an Instruction to the Committee of Accounts not to allow in the Account of any Recruiting Officer, any Article for Bounty Money paid on Inlisting a Soldier but such only as such Officer shall prove by his own Oath or the Testimony of One Credible Witness at least to have been Actually and Bona fide Advanced to such Soldier.

On motion, Ordered That the Bill for dividing the Parish of North West be read a Third time.

Read the same a third time, amended, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Murden and Mr. Wyatt

On motion, Ordered that the Bill for Establishing a Public Ferry from Solleys Point to Relfs Point be read a second time passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Davis and Mr. Woodhouse.

Mr. W^m Williams acquainted the House That Mr. W^m Kinchen one of the members for Edgcomb is dead therefore moves that his Excellency be Addressed to direct the Clerk of the Crown to Issue a Writ for Electing a member for the said County to sit and vote in the present Assembly in the room and stead of the said W^m Kinchen Deceased.

Ordered his Excellency be addressed accordingly, and that the following be sent to the Governor, to wit,

SIR,

This House having been informed that Mr. W^m Kinchen one of the members for Edgcomb County is dead therefore desire your Excellency will be pleased to direct the Clerk of the Crown to Issue a Writ for Electing a member for the said County to sitt and vote in this present Assembly in the room of the said Mr. W^m Kinchen

On motion, Ordered that the Bill for Establishing a Town on Lands formerly belonging to Zachariah Nixon &c be read a second Time.

Ordered the same lye for Consideration till to morrow and then on motion Ordered that Mr. Swann and Mr. Murden wait on his Excellency the Governor and let him know that the House having under Consideration the Bill for Establishing a Town on the Lands of Zachariah Nixon &c and desire his Execllency will be pleased to give a name to the said Town that they may proceed to perfect and pass the said Bill.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

Mr. Jones moved for leave to bring in a Bill for Erecting a City on Neuse River upon the Plantation called Tower Hill fixing the Seat of Government therein and building a Governors House and Public Offices in the same.

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

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

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

Received from the Council the Bill for dividing the Parish of North West. Endorsed 4th December, 1758 In the Upper House read the third time and passed. Ordered to be engrossed.

The Bill to establish a Ferry from Solleys Point to Relfs Point. Endorsed 4th December, 1758 In the Upper House read the second time and passed.

The Bill for altering the Method of working On the Roads and Ap-
pointing Public Ferries in the Counties of Craven, &c.,

And the Bill for appointing a proper place for the holding the Su-
preme Court of Justice Oyer and Terminer and General Goal Delivery
for the District of Northampton, Edgecomb and Granville. Endorsed
2nd December, 1758 In the Upper House read the second time and
passed.

Mr. Williams moved for leave to bring in a Bill for Establishing a
Warehouse for the Inspection of Tobacco on the Land of Tho^s Barnes
in the Comty of Halifax and other Purposes.

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

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

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

On motion Ordered, that the Bill for Altering the Method of Working
on the Roads and appointing public Ferries within the Counties of Cra-
ven, &c., be read a second time. Read the same a second time amended
and passed and Ordered to be sent to the Council.

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

Then the House Adjourned till to-morrow morning 10 o'clock.

Tuesday, the 5th December, 1758. The House met according to
Adjournment.

The Order of the day being read the House took under Consideration
the Bill for Establishing a Town on the Lands formerly belonging to
Zachariah Nixon, &c., and then Mr. Swann Jun^r Reported that he and
Mr. Murden according to Order had Waited on his Excellency the
Governor and acquainted his Excellency that the House had under Con-
sideration the Bill for Establishing a Town on Lands formerly belonging
to Zachariah Nixon his Excellency would be pleased to give a Name to
the said Town that the House may proceed to perfect and pass the said
Bill to which his Excellency was pleased to Answer that he named the
said Town Nixonton, which Mr. Swann moved might be Incered in the
said Bill.

Ordered the Name Nixonton be Incered in the said Bill.

The same was done Accordingly, and on motion Ordered the same pass
with the Amendments and be sent to the Council.

Sent the same to the Council by Mr. Vail and Mr. Swann Jr.

Mr. Brown moved for leave to bring in a Bill for regulating Attorneys
fees and other Purposes.

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

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

Sent the same to the Council by Mr. Vail and Mr. Swann Jr.

Mr. Swann Jr moved for leave to bring in a Bill for destroying of Squirrels in the several Counties within mentioned.

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

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

Sent the same to the Council by Mr. Vail and Mr. Swann Jun^r

Received from the Council the Bill for Establishing a Warehouse for the Inspection of Tobacco on the Lands of Thomas Barnes in Edgcomb County. Endorsed 5th December 1758 In the Upper House read the first time and passed.

On motion, Ordered the Bill for Establishing a Warehouse for the inspection of Tobacco on the Land of Thomas Barnes in the County of Halifax and other purposes be read a second time.

Read the same a second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Col^o Harvey.

Mr. Barker from the Committee appointed to Examine into the Allegation of Mr. Bodley one of the Agents of Earl Granville in regard to Mr. Francis Brown having on his Oath deposed an untruth before the Committee to enquire into the truth of the matters Contained in a Petition setting forth divers Irregularitys and Oppressions Committed by Earl Granvilles Agents and others by their privity, reported as follows, viz^t

Your Committee having taken the matter referred to them under consideration It appears to them that the said Francis Brown before the said former Committee on his Oath did depose and say that he paid thirty odd shillings in Gold to Mr. Corbin, on Account of the Back Quit rents of a piece of Land at the time of the Agents of Earl Granville making out the deed for the same to Corroborate which Mr. Corbin was called upon by Mr. Francis Brown, but on Examination of Mr. Corbin, and also on further enquiry into the matter, it appears, That the said Francis Brown, through Precipitation and Heat, had Sworn to an untruth in the matter above said.

To which Report the House agreed.

After several debates therein, the motion was made and the Question put whether Mr. Brown be Expelled this House or not for having sworn

to an untruth as by the report set forth and was carried in the affirmative.

Resolved The said Francis Brown be Expelled this House as unworthy a seat therein and be rendered incapable to serve as a Member for any County or Town in this Province to Sit and Vote in this or any future Assembly thereof for the Reasons alleged in the above Report.

Received from the Council the Bill for erecting a City on Neuse River &c.

The Bill for destroying Squirells &c.

The Bill for regulating Attorneys fees and other purposes. Endorsed 5th December 1758 In the Upper House read the first time and passed.

And the Bill for Establishing a Town on Lands formerly belonging to Zachariah Nixon &c.

And also the Bill for altering the Method of Working on the Roads and Appointing Public Ferries within the Counties of Craven &c. Endorsed 5th December 1758 In the Upper House read the second time and passed.

Resolved, a Message be sent to his Excellency the Governor.

SIR,

Mr. Francis Brown one of the Members for Currituck County having been Expelled this House as a Member for Currituck County and Mr. John Surry another Member for the said County having accepted the Office of Inspector in the same and by Law he is rendered Incapable to sit and Vote in this Assembly

Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to Issue a Writ for Electing Two Members for the said County of Currituck to sit and vote in this present Assembly in the room and stead of Mr. Francis Brown and Mr. John Surry.

By order

S. S. S.

W^m HERRITAGE C^{lk}

5th December 1758.

Sent by Mr. Woodhouse.

Mr. Robert Jones moved for leave to bring in a Bill directing the application of the proportion of this Province in Fifty Thousand Pounds Sterling Granted by the Parliament of Great Britain to Virginia South and North Carolina and for other purposes.

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

Mr. Caswell from the Committee appointed to prepare amendments to the Bill for dividing the County of Johnston &c. Reported the said Committee had prepared several amendments to the said Bill which he read in his place and on motion Ordered they be Incered in the Bill.

The same are accordingly Inserted and on motion ordered that the said Bill be read a second time with the said amendments.

Read the same with the said amendments passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Col^o Harvey.

Mr. Bodley was sent for to the Barr of the House and was brought thereto by the Serjeant at Arms when Mr. Speaker acquainted him that he was in Custody on a Charge for Breach of privileges of this House but the house on Consideration had thought proper to discharge him out of Custody and that he was discharged accordingly without paying fees.

Mr. Murphree presented a Certificate from the County Court of Northampton thereby certifying that James Connell is a Cripple and thereby rendered Incapable to support himself and family recommending him to be exempt from paying public Taxes and doing Public Dutys.

Ordered he be exempt accordingly.

Mr. Murphree presented a Certificate from Northampton County thereby Certifying that John Turner is incapable of supporting his family recommending him to be exempt from paying public Taxes and doing Public Dutys.

Ordered he be exempt accordingly.

Mr. Murphree presented a Certificate from the County Court of Northampton thereby certifying that John Rogers is incapable of paying public Taxes and doing Public Duties and Recommending him to be exempt from paying Public Taxes and doing Public Duties.

Ordered he be exempt accordingly.

Mr. Jones from the Committee appointed to prepare Amendments to the Bill for building Public Mills Reported that the Committee had prepared several Amendments thereto which he read in his place and, on motion, Ordered the said Amendments be Inserted in the said Bill.

Ordered the said Bill be read a second time.

Read the same a second time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Col^o Harvey.

On motion Ordered, that the Bill to Establish a Ferry from Solleys Point to Relfs Point, &c., be read a third time Amended and passed Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Col^o Harvey.

On motion Ordered, That the Bill for appointing a proper place for holding the Supreme Court of Justice Oyer and Terminer and General Goal Delivery for the District of Northampton, &c., be read a second time.

Read the same a second time amended and passed. Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Williams and Col^o Harvey.

On motion, Ordered, that Mr. Jones and Mr. Williams wait on his Excellency the Governor and acquaint him this House have under Consideration the Bill for Appointing a place for holding the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery for the District of Northampton, &c., and desire his Excellency will be pleased to appoint a place for holding the said Courts of Justice that this House may proceed to perfect and pass the said Bill.

Then the House adjourned till 3 o'clock Afternoon.

P. M. Then the House met according to adjournment.

On motion, Ordered, that Mr. W^m Mackey be added to the Committee of Claims in the room of Mr. Francis Brown.

Mr. Starkey moved for leave to bring in a Bill for an additional Act Intituled an Act Concerning Servants and Slaves.

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

Mr. Starkey according to Order brought in the above said Bill which he read in his place and delivered in at the table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Fonville and Mr. Churton.

Mr. Starkey presented a Petition of Sundry Inhabitants of New Hanover and Bladen Counties, setting forth that a road is opened from East End of the Causeway at the White Marsh towards Wilmington and Praying Commissioners be appointed or those already appointed be obliged to finish the said Road already begun, &c., which was read.

Mr. Starkey moved for leave to bring in a Bill pursuant to the Prayer of the said Petition, which was Objected to, and the Question put and Carried in the Negative.

Received from the Council the Bill for Regulating the Attorneys fees and other purposes, And the Bill for an Additional Act to an Act Intituled an Act Concerning Servants and Slaves. Endorsed 5th December 1758 In the Upper House read the first time & passed.

And also the Bill for dividing the County of Johnston &c. Endorsed 5th Dec 1758 in the Upper House Read the second time amended and passed.

On motion, Ordered, that the Bill to prevent the Depreciating the Proc^a money &c be read the second time.

Read the same a second time And on motion Resolved that the House resolve into a Committee of the whole House to Consider and debate on the Subject matters in the said Bill Contained.

The House Resolved into a Committee of the whole House for the purposes aforesaid and Unanimously chose Mr. John Harvey Chairman, who took the Chair Accordingly.

Read the said Bill, And after Several Amendments proposed thereto which Mr. Chairman was directed to Report to the House Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had proceeded to Consider on the several Amendments Necessary to the said Bill and had come to the following Resolutions Viz^t

That the word Lawful Inserted be in the Eighth line Instead of the word Real.

That the Blank near the End of the first Clause be filled up with the Word Twenty.

That the Blank in the last Clause be filled up with the word three.

To which amendments the House Concurred and Ordered to be Entered in the Bill and that the said Bill pass and be sent to the Council.

Sent the same to the Council by Mr. Blount and Mr. Sutton.

Mr. Jones moved, that the House Resolve into a Committee of the whole House on Thursday next to consider the Governors Speech.

Resolved, That the House Resolve into a Committee of the whole house on Thursday next for the purposes aforesaid.

Then the House Adjourned till 9 o'Clock tomorrow morning.

Wednesday the 6th of December 1758. The House met according to Adjournment.

The House Adjourned till to morrow.

Thursday the 7th of December 1758. The House met according to Adjournment.

On motion, Ordered, that the Bill for Establishing a Town on the Lands formerly belonging to Zachariah Nixon &c be read a third time.

Read the same a third time passed and Ordered to be sent to the Council.

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

Received from the Council The Bill for Building Public Mills And the Bill for Appointing a proper place for holding the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery for the District of Northampton &c. Endorsed 7th December 1758 In the Upper House read the second time amended and passed.

The Bill for establishing a Warehouse for Inspection of Tobacco at the Land of Tho^s Barnes. Endorsed 7th December, 1758 In the Upper House read the second time and passed.

And the Bill to Establish a ferry from Solleys Point to Relfs Point. Endorsed 7th December, 1758 In the Upper House read the third time and passed. Ordered to be Engrossed.

Received from the Council the Bill to prevent the Depreciating Proclamation Money, &c. Endorsed 7th December, 1758 In the Upper House read the second time and passed.

Mr. Jones Reported to the House that pursuant to Order together with Mr. Williams had waited on his Excellency the Governor and acquainted him that the House had under Consideration the Bill for appointing a proper place for holding the Supreme Courts of Justice, &c., for the District of Northampton, &c., Countys and desired his Excellency to appoint a place for holding the said Court at and that his Excellency was pleased to appoint the place for holding the said Court in at the Town of Halifax.

On motion, Ordered, The Town of Halifax be Incerted in the said Bill which is Incerted Accordingly.

On motion, the said Bill be read a third time with the said Amendments. Read the said Bill a third time with the said Amendments and passed and Ordered to be sent to the Council.

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

On motion Ordered, the Bill for Establishing a Warehouse for the Inspecting of Tobacco on the Land of Thomas Barnes, &c., be read a third time. Read the same a third time passed and Ordered to be sent to the Council.

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

Mr. Jones presented to the House the Petition of the Clergy of this province setting forth that the Provision made for the Clergy by the Laws of this Province is not sufficient to support themselves and families decently—Praying this House would take the premises under Consideration and pass a Law for Effectually Remediing the inconveniences by Granting to the Clergy of this Province a Competent Independent Provision, and which was read.

Resolved, That the said Petition be referred to the Committee appointed to Consider the Governors Speech this Session.

Then the House Adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

The Order of the day being read the House Resolved into a Committee of the whole House to Consider the Governors Speech and Chose

Mr. John Ashe Chairman. After some time spent therein on motion Mr. Speaker Resumed the Chair.

Mr. Chairman Reported that the Committee had come to several Resolutions in relation to the Governors Speech but had not time to reduce them into form therefore moved that the said Committee sit to morrow.

Resolved, the Committee sit to morrow.

Then the House Adjourned till to morrow Morning 9 o'clock.

Friday, the 8th of December, 1758. The House met according to Adjournment.

The Order of the day being read on motion the House Resolved into a Committee of the whole House and Mr. Chairman took the Chair.

The Committee proceeded to consider the Governors Speech and came to several Resolutions which the Committee directed Mr. Chairman to report to the House.

On motion, Resolved, Mr. Speaker resume the Chair.

Mr. Chairman reported that the Committee had come to Several Resolutions which he Reported as follows, Viz'

1. Resolved, That it is the Opinion of the Committee that it will be a protection to the Trade and Navigation of this Province and a Security against Invasions from the Enemy by sea to keep proper Garrisons in the Forts Johnston and Granville.

2. Resolved, That the Companies now in Garrison in the said Forts Consist of Twenty five Effective men each exclusive of Officers.

3. Resolved, That an Aid of £2500 be granted to his Majesty for paying and subsisting the said Companies.

4. Resolved, That a Poll Tax is the only Method whereby the said sum can be raised.

5. Resolved, That a Tax of 2^s 7^d poll be levied on Each Taxable person in this Government for raising the said Aid.

6. Resolved, That Appointing Select Vestries under proper regulations will be a proper means of remedying the several Inconveniences at present attending the Electing and Appointing Vestrymen.

7. Resolved, That the provision at present by Law made for the Clergy is not sufficient.

8. Resolved, That the sum of five pounds proclamation Money be allowed each Soldier in the pay of this province under the Command of Brigadier General Forbes who shall serve out the Present Campaign according to the Terms of his Inlisting to be paid out of the Fund appropriated for raising and subsisting them by the Public Treasurers or one of them provided such Soldier return into this Province within Twelve

Months and produce a Certificate from his Commanding Officer having served as aforesaid.

To which Resolves the House Concurred.

Received from the Council the Bill directing the Application of the Proportion of this Province in Fifty Thousand Pounds, &c. Endorsed 7th December 1758 In the Upper House read the second time Amended and passed.

And the Bill for establishing a Town on Lands formerly belonging to Zachariah Nixon, &c. Endorsed 7th December 1758 In the Upper House read the third time and passed.

Ordered to be engrossed.

On motion, Ordered, that the Bill for Altering the Method of Working on the Roads in Craven County, &c., be read the third time.

Read the same a third time passed with Amendments and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Bell and Mr. Spier.

Mr. Caswell Reported to the House that he pursuant to Order together with Mr. Cade had waited on his Excellency the Governor and acquainted him that the House had under Consideration the Bill for dividing the County of Johnston, &c., and Desired his Excellency to give a name to the said County and appoint a place for holding the Court at and that his Excellency was pleased to direct that, that part of Johnston County which Includes St Stephens Parish retain the name of Johnston County and that the Court thereof be held at Hinton's Quarter and that, that part of the said County which Includes St Patrick's Parish be called Dobbs County and the Court be held at Walnut Creek.

Ordered the same be Incerted in the said Bill. The same was accordingly Incerted

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

On motion, Ordered That the Bill for dividing Johnston County be read a Third time.

Read the same a Third time amended and passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Williams and Mr. Wynns.

On motion, Ordered that Mr. Jones and Mr. Barker prepare and bring in Bills pursuant to the Resolves of the Committee to Consider of the Gov^{rs} Speech

On motion, Ordered that the Bill for an Additional Act to an Act concerning Servants and Slaves be read the second time.

Read the same a second time, Amended and passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Wynns.

Received from the Council the Bill for Appointing a proper place for holding the Supreme Court of Justice Oyer and Terminer and General Goal Delivery for the District of Northampton &c Endorsed 8th December 1758 In the Upper House read the third time and passed Ordered to be engrossed

Received from the Council the Bill for altering the Method of Working on the Roads and Appointing Public Ferries within the Counties of Craven, Carteret &c Endorsed 8th December 1758 In the Upper House read the third time and passed Ordered to be engrossed

On motion, Ordered the Bill for Building public mills be read the third time

Read the same a third time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Williams and Mr. Wynns.

Mr. Harvey moved for leave to bring in a Bill Concerning Estrays

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

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

Sent the same to the Council by Mr. Harvey and Mr. Swann.

On motion, Ordered the Bill for destroying Squirrells be read a second time.

Read the same a second time amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harvey and Mr. Swann.

Received from the Council the Bill for an Additional Act to an Act Intituled an Act concerning Servants and Slaves. Endorsed 8th December 1758 In the Upper House read the second time and passed.

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

Saturday the 9th of December 1758. The House met according to adjournment.

Received from the Council the following Bills Viz^t

The Bill for Establishing a Warehouse for the Inspection of Tobacco on the Lands of Thomas Barnes in the County of Halifax and other Purposes.

The Bill for building Public Mills.

The Bill for Dividing the County of Johnston &c.

The Bill for Dividing Edgecomb County. Endorsed 8th December 1758 In the Upper House read the third time and passed. Ordered to be engrossed.

On motion Ordered the Bill for an Additional Act to an Act Intituled an Act concerning Servants and Slaves be read a third time, Amended and passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Wynns and Mr. Harris.

On motion, Ordered, That the Bill to prevent the Depreciating the Proclamation Money be read a third time.

Read the same a third time amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Wynns and Mr. Harris.

Received from the Council the Bill for destroying Squirrells. Endorsed 9th Dec. 1758 In the Upper House read the second time amended and passed.

The Bill Concerning Estrays. Endorsed 9th December 1758 In the Upper House read the first time and passed.

On motion, Ordered, the Bill Concerning Estrays be read a second time.

Read the same a second time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Wynns and Mr. Harris.

On motion, Ordered the Bill for destroying Squirrells be read a third time.

Read the same a third time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Wynns and Mr. Harris.

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

Monday the 11th of December 1758. The House met according to Adjournment.

Mr. Barker and Mr. Jones according to Order brought in a Bill for Granting an Aid of Two Thousand five hundred pounds to his Majesty for other purposes which Mr. Barker Read in his place and delivered in at the Table where the same was again Read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Bartram.

Mr. Barker and Mr. Jones according to Order brought in a Bill for Appointing Vestries and providing for the Clergy which he read in his place and delivered in at the Table where the same was again Read by the Clerk and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Bartram.

Received from the Council the Bill for an Additional Act to an Act Concerning Servants and Slaves And the Bill for Destroying Squirrells Endorsed 9th of December 1758 In the Upper House read the third time and passed Ordered to be Engrossed.

Mr. Williams moved for leave to bring in a Bill to discharge John Pope former Sheriff of Edgcomb County of a Judgment obtained Against him for the Parish Tax in the year 1753.

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

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

Sent the same to the Council by Mr. Williams and Mr. Bartram.

Mr. Barker presented a petition of Several Merchants and Traders which was Read Setting forth the Great Hardships losses and Inconveniences attending them by the large Import or duty on Liquors and Vessells, Praying relief.

Ordered the said Petition lye for Consideration.

Then the House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment.

On motion, Ordered, the Bill for Regulating the Inspection of Pork &c. be read a second time.

Read the same a second time Amended and passed, Ordered to be sent to the Council.

Sent the same to the Council by Mr. Conner and Mr. Relf.

Received from the Council the Bill to discharge John Pope former Sheriff of Edgcomb of a Judgment &c.

The Bill for Granting an Aid of £2500 to his Majesty &c.

And the Bill for Appointing Vestries and providing for the Clergy.

Endorsed 11th December 1758 In the Upper House read the first time and passed.

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

Tuesday the 12th of December 1758 The House met according to Adjournment

On motion Ordered that the Bill to discharge John Pope former Sheriff of Edgcomb County of a Judgment obtained against him for the Parish Tax in the Year 1753, be read a second time.

Read the same a second time, and on motion Rejected

Mr. Barker according to Order brought in a Bill to Erect the Northern part of Chowan County into a County and Parish by the Name of

— County and — Parish which he had in his place and Delivered in at the Table where the same was again Read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Blount and Mr. Conner.

Mr. Campbell presented a Petition of Sundry Inhabitants within the Counties of Chowan, Bertie and Northampton Setting forth that they have for a long time laboured under Great Difficulties and Hardships by attending the Courts of Justice in the Several Counties, Praying a new County may be Erected of the Extreme parts of the said Counties &c.

Ordered the Petition lye for Consideration.

Ordered the Bill for Granting an Aid of £2500 to his Majesty and for other Purposes be read a second time.

Read the same a second time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Blount and Mr. Conner

Received from the Council the Bill to Regulate the Inspection of Pork, Beef, Rice Flower, Butter &c. Endorsed 12th Dec. 1758 In the Upper House Read the second time amended and passed

On motion Ordered the Bill Erecting a City on Neuse River &c. [be read].

Read the same and on motion Resolved that the House Resolve into a Committee of the whole House to Consider the subject matter of the said Bill.

The House Resolved into a Committee of the whole House for the Purposes aforesaid and unanimously chose Mr. George Moore Chairman who was placed in the Chair Accordingly after some time spent therein and several Amendments proposed Mr. Chairman was directed to Report the same.

Then on motion Mr. Speaker Resumed the Chair.

Mr. Chairman Reported that the Committee have come to Several Resolutions but not having time to reduce them to form moved that the Committee may Sit again

Received from the Council the Bill to Erect the Northern Part of Chowan County into a County and Parish &c. Endorsed 12th December 1758 In the Upper House read the first time and passed

Then the House Adjourned till to morrow morning 9 o'Clock

Wednesday the 13th of December 1758. The House met according to Adjournment

On motion Ordered that Mr. Barker prepare and bring in a Bill for Regulating Ordinarys and houses of Entertainment

Mr. Barker pursuant to order brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again Read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Gray and Mr. Bryan.

Received from the Council the Bill for Granting an Aid of £2500 to his Majesty &c. Endorsed 12th Dec 1758 In the Upper House read the second time amended and passed

Mr. Mackey presented to the House a Certificate from the County Court of Tyrrell thereby certifying that Edward Frisby is aged and infirm and recommending him to be Exempt from paying public and private taxes.

Ordered he be exempt accordingly.

Received from the Council the Bill for Regulating Ordinaries and houses of entertainment. Endorsed 13th December 1758 In the Upper House read the first time and passed.

The Order of the day being Read the House Resolved into a Committee of the whole House and Mr. Chairman acquainted the Committee that the Amendments proposed yesterday to the Bill for erecting a City on the River Neuse, &c., was drawn into form which was ordered to be read.

Was read and agreed to by the Committee and Mr. Chairman is Directed to Report the same to the House.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had come to several Resolutions to Alter and amend the Bill for erecting a City on the River Neuse, &c., which was read To several of which the House agreed and ordered them to be Incered in the said Bill.

The same was accordingly Incered.

And Ordered the following Message be sent to his Excellency the Governor, Viz^t

To his Excellency Arthur Dobbs Esq^r Governor, &c.

SIR

The Assembly having under Consideration the Bill for fixing the seat of Government are of Opinion that a Plantation containing Eight Hundred and fifty Acres of Land called Tower Hill the Property of your Excellency is the most convenient place and would gladly know if it be agreeable to your Excellency that it should be applied to that purpose and what sum would be an adequate satisfaction for your Interest in the said Land and plantation.

By order

S. S. S.

W. H., C^{lk}

13th Dec 1758.

Sent the above Message to the Governor by Mr. Barker and Mr. Ashe Mr. Campbell and Mr. Harvey.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

His Excellency the Governor sent the following Message in Writing

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message whither it would be agreeable to me to part with my Interest in the Plantation of Tower Hill upon Neuse and what would be an Adequate satisfaction for it in Order to fix the Seat of Government therein,

As you have thought it the properest place for the Seat of Government from its healthy Situation and being most Central for the Ease of the Inhabitants (though I should have been glad that it had been fixed on any other convenient Situation) I shall desire no more than the Original Sum which it cost me.

ART. DOBBS.

13th December, 1758.

On motion ordered the bill for erecting a city on the Neuse River, &c., be read a second time with the amendments, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Caswell, Mr. Cade, Mr. Harvey, Mr. Moore, Mr. Hardy, Mr. Spier, Mr. Starkey, Mr. Harris, Mr. Ashe and Mr. Swann, Jr.

On motion, Ordered the Bill directing the application of the Proportion of this province to £50,000 &c be read.

Read the same.

The Order of the day being read the House resolved into a Committee of the whole House to Consider of Amendments Necessary to the said Bill and Chose Mr. John Harvey Chairman who was placed in the Chair Accordingly.

Ordered, the said Bill be Read.

Read the same and several Amendments were proposed by the said Committee to the said Bill then on motion Resolved Mr. Speaker Resume the Chair. Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had proposed several Amendments to the said Bill but not having time to reduce them to form desired leave to sit again to morrow.

Resolved, the said Committee sit again to morrow.

Then the House Adjourned till tomorrow morning 9 o'Clock.

Thursday the 14th of December 1758. The House met according to Adjournment.

Two Petitions of Several of the Inhabitants of the Parish of Saint John in the County of Granville were presented to the House Setting forth That the Vestrymen chosen for the said Parish in 1758 were Illegal, Praying relief &c.

And on motion, Resolved, that the Petitions be Referred to the Committee appointed to prepare and bring in Bills pursuant to the Resolves of the Committee appointed to Consider the Governors Speech.

Mr. Jones according to Order brought in a Bill for Docking the Intail of Certain Lands devised by the last Will and Testament of Barnaby M^cKinnie Deceased to his Daughter Christian and for settling other Lands and Slaves of greater Value to the same uses, which he read in his place and delivered in at the Table where the same was again Read by the Clerk, passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Sumner and Mr. Walton.

The Order of the day being read the House again Resolved into a Committee of the whole House, Mr. Chairman acquainted the Committee that the several Amendments agreed on by the Committee to the Bill for directing the Application of the proportion of £50,000 Granted by Parliament to the Carolinas, Virginia &c. were reduced into form then the Committee directed Mr. Chairman to Report the same to the House. Then On motion Mr. Speaker Resumed the Chair.

Mr. Chairman Reported that the Committee had agreed to several Amendments to the Bill for directing the Application of the proportion of £50,000 Granted by Parliament to the Carolinas and Virginia which he Read, to which the House agreed and ordered they be Incerted in the said Bill.

The same are accordingly Incerted, And on motion the Bill was Read the second time with the said Amendments passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Caswell, Mr. Cade, Mr. Harvey, Mr. Ashe and Mr. Swann Jun.

Mr. Barker according to Order brought in a Bill for repealing several Acts therein mentioned, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Sumner and Mr. Walton.

Mr. Barker moved for leave to bring in a Bill to make provision for paying the Chief Justice and Attorney Generals Salary and defraying the Contingent Charges of Government which he read in his place and

delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Conner.

Received from the Council the Bill for Docking the Intail of Certain Lands Devised by the last Will and Testament of Barnaby M^cKinnie Deceased to his Daughter Christian &c.

The Bill for Repealing the several Acts therein mentioned.

And the Bill to make provision for paying the Chief Justice and Attorney Generals Salary &c.

Endorsed 14th December 1758 In the Upper House read the first time and passed.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

On motion Ordered the Bill to regulate the Inspection of Pork, Beef, &c., be read a Third time.

Read the same a third time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harvey and Mr. Relf.

Mr. Barker moved for leave to bring in a Bill for Amending the Breed of Horses and other Purposes.

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

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

Sent the same to the Council by Mr. B. Harvey and Mr. Relf.

Then the House Adjourned till 9 o'clock tomorrow morning.

Friday the 15th of December 1758. The House met according to adjournment.

On motion, Ordered the Bill for Docking the Intail of Certain Lands devised by the last Will and Testament of Barnaby M^cKinnie Deceased to his Daughter Christain &c be read the second time.

Read the same a second time, and on motion Resolved that a Committee be appointed to Inquire into the truth of the Allegations in the Bill set forth and the following Gentlemen were accordingly appointed, to wit, Mr. Wynns, Mr. Williams, Mr. Swann Jun.

On motion, Ordered the Committee appointed to take into Consideration the Petitions of the Inhabitants of Granville County be discharged and Mr. Harris moved for leave to bring in a Bill for dividing the Parish of St John in Granville County.

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

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

Sent the same to the Council by Mr. Harris and Mr. Paine.

Received from the Council the Bill for Erecting a City on Neuse River &c. And the Bill directing the Application of the proportion of fifty Thousand Pounds Sterling Granted by the Parliament of Great Britain &c. Endorsed 14th December 1758 In the Upper House read the second time amended and passed.

On motion Ordered, the Bill for Granting an Aid to His Majesty for placing proper Garrisons in Fort Granville and Fort Johnston &c. be Read a third time.

Read the same a Third time Amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Paine.

Received from the Council the Bill for Dividing the Parish of St. John in Granville County &c. Endorsed 15th December 1758 In the Upper House read the first time and passed.

On motion, Ordered the Bill for regulating Ordinaries and Houses of Entertainment be read the second time.

Read the same a second time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Paine.

On motion Ordered, that Mr. Wynns be added to the Committee of Accounts and that Mr. Starkey Attend the said Committee to explain some matters relative to other Accounts than his own.

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

Saturday the 16th of December 1758. The House met according to Adjournment.

Mr. Samuel Swann jun^r moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

Mr. Stephen Cade moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

On motion, Ordered, the Bill to Erect the Northern part of Chowan County into a County and Parish &c be read.

Mr. Sumner moved the same be Rejected.

Resolved the same be Rejected accordingly.

Mr. Jones moved for leave to bring in a Bill to relieve John Pope from a Judgment Obtained against him in favour of the Parishes of Edgcomb and St. Marys.

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

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

Sent the same to the Council by Mr. Sutton and Mr. Ward.

On motion, Ordered that the Bill for Dividing the parish of St. John in Granville County be read a second time Amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Sutton and Mr. Ward.

On motion Ordered the Bill for repealing Several Acts therein mentioned be read a second time.

Read the same a second time and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Sutton and Mr. Ward.

Mr. Murphree moved for leave to absent himself from the Service of the House.

Ordered he have leave accordingly.

On motion, Ordered the Bill to make Provision for paying the Chief Justice and Attorney Generals Salarys &c be read a second time.

Read the same a second time amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Sutton and Mr. Paine.

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENT^{rs} OF THE ASSEMBLY,

On Reading a Third time the Bill to Regulate the Inspection of pork Beef, Rice, Flower, &c, We observe you have directed the Expence of Inspection to be paid by the Owner of the Effects As we Imagine it may Occasion many disputes between the Buyer and Seller; We propose the Word Exporter be incerted instead of the word Owner to which if you agree desire you'l send two of your Members to see the same Incerted.

15th December 1758.

Received from the Council the Bill for regulating Ordinaries and Houses of Entertainment. Endorsed 15th December 1758 In the Upper House read the second time and passed.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On reading your Message of this Day proposing an Amendment in the Bills for Regulating the Inspection of Beef, Pork, Rice, Flower &c. by Inserting the Word Exporter instead of Owner this House is of Opinion that such an Alteration would Introduce great Inconveniences by rendering it uncertain in many Instances that may happen whether the Inspector shall ever be paid for his Service, Since if he is not paid by the owner he may not know who is the Exporter before the Commodity Inspected is Exported and the Exporter left the Province, Therefore the Assembly Cannot agree to the Amendment your House have proposed.

By Order

S. S. S.

W^m HERRITAGE C^{lk}

16th Dec 1758.

On motion, Ordered, the Bill for Erecting a City on Neuse River be read the Third time.

Read the same a Third time Amended and passed. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray, Mr. Williams, Mr. Vail, Mr. Mackey, Mr. Hardy, Mr. Conner, Mr. Swann, Mr. Whitmell, Mr. Harris, Mr. Caswell,

On motion Ordered, the Bill directing the Application of the proportion of this Province to £50,000 Sterling, Granted by the Parliament of Great Britain &c be read the third time.

Read the same a Third time Amended and passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray, Mr. Williams, Mr. Vail, Mr. Mackey, Mr. Hardy, Mr. Conner, Mr. Swann, Mr. Whitmell, Mr. Harris and Mr. Caswell.

Received from the Council the following Message in Writing

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading the third time The Bill for Granting an Aid to his Majesty &c we have the following objections (to wit)

First. That Two Companies of Twenty five men each are not sufficient for Garrisoning the Forts.

Secondly. That the Denomination of the Treasurers notes are not Expressed.

We therefore before we can pass the said Bill propose the following Amendments which if agreed to by you be pleased to send some of your Members to see done as follows,

That the Two Companies Consist Each of One Captain, One Lieutenant, One Ensign, One Serjeant, One Corporal, One Drummer and forty seven private men. The Ensign Five shillings $\frac{2}{3}$ day, and the Serjeant one Shilling and four pence $\frac{2}{3}$ day, This of course will Encrease the sum to be granted to four thousand pounds, And therefore That and the Tax be altered.

That the Notes to be Emitted by the Treasurers be from ten to forty shillings, and of no higher Denomination and so to be Expressed in the Bill.

16th December, 1758.

Received the following Message, Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading your Message of this day in answer to ours relative to the payment of Inspectors, We must observe to you that the Manner of Delivering Effects at Port Brunswick differs much from that in any of the Northern Ports of this Province, as you think it necessary to insist on the Word Owner standing in the Bill, We Propose that it may not extend to Port Brunswick, And that the word Exporter be Inserted with regard to goods shipped at that Port to which alteration if you agree we desire you will send such of your Members as you shall think proper to see the same made.

16th December, 1758.

Mr. W^m Williams moved for leave to absent himself from the Service of the House after this day.

Ordered he have leave accordingly.

Mr. Wynus moved for leave to absent himself from the Service of the House.

Ordered he have leave accordingly.

Mr. Sumner moved for leave to absent himself from the service of the House till Tuesday next.

Ordered he have leave accordingly.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On Reading your Message proposing Several Amendments in the Bill for Granting an Aid to his Majesty, &c., This House is of Opinion that the Number of Men appointed for Garrisoning the forts are sufficient for the Purpose intended by the Bill and therefore Cannot agree to the Alteration proposed of Increasing the Number of Men or the Sum to be raised

the other Amendment proposed of Increasing the Denomination of the Notes as proposed by your House this House agrees to and have sent Mr. Barker and Mr. Starkey Two of the Members of this House to see the same Incerated.

The Committee appointed to inquire into the truth of the Allegations Mentioned in the Bill for docking the Intail of Certain Lands devised by the last Will and Testament of Barnaby McKennie Deceased to his daughter Christian, &c., Reported that they had Inquired into the truth of the said Allegations and found them in every respect true.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

On motion, Resolved that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On Consideration of your second Message of this day relating to the Bill for Inspecting Pork, Beef, Rice, Flower, Butter, &c., the Assembly doth not adhere to their disagreement to that part of your Message proposing to have the word (owner) struck out of the Bill nor can they Concurr altogether with the alteration you propose but would propose the said Bill should be so amended as not to Express in particular by whom the Inspector to be paid for his Services, to which if you Concurr they will send two of their Members to see the Alteration made.

By Order

S. S. S.

W^m H., C^{lk}

16th Dec., 1758.

Sent by Mr. Moore and Mr. Harvey.

On motion Ordered, The Bill for Regulating Ordinaries and Houses of Entertainment and for other purposes be read a Third time. Read the same a Third time amended and passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Blount and Mr. Williams

On motion, Ordered the Bill for Docking the Entail of Certain Lands Devised by the last Will and Testament of Barnaby M^cKennie Deceased to his daughter Christain &c. be read a second time.

Read the same a second time, amended and passed Ordered to be sent to the Council

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

Received from the Council the Bill for Dividing the parish of St John in Granville County. And the Bill to make provision for paying

the Chief Justice and Attorney Generals Salary &c. Endorsed 16th December 1758 In the Upper House read the second time and passed

And also the Bill to release John Pope from a Judgment obtained against him &c Endorsed 16th December 1758 In the Upper House read the first time and passed

Received from the Council the following Message in Writing,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading your Message relative to the Amendments we proposed to the Bill for Inspecting Beef, Pork, Butter, Rice, Flower, &c. This house have agreed to the Amendments you propose to the said Bill and desire you would send some of your members to see the same done

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS COUNCIL

In Answer to your third Message in relation to the Bill for Inspecting Pork, Beef, &c. we have sent Mr. John Ashe and Mr. George Moore to see the Alterations made in the same according to the proposal of the Assembly as agreed to by your House

Received from the Council the Bill to regulate the Inspection of Pork, Beef, Rice, Flower, Butter, Indigo, Tarr, Pitch, Turpentine, Staves, Heading &c. Endorsed 16th December 1758 In the Upper House read the third time and passed Ordered to be engrossed

Then the House adjourned till Monday morning 10 o'Clock.

Monday the 18th December 1758 The House met according to Adjournment

On motion, Ordered the Bill for dividing the Parish of Saint John in Granville County be read a third time

Read the same a third time Amended and passed, Ordered to be sent to the Council

Sent the same to the Council by Mr. Harris and Mr. Fonville

The Commissioners Impowered by an Act of Assembly Intituled an Act for the better regulation of the Town of Newbern and for securing the Titles of Persons who hold Lots in the said Town passed at Newbern in the Year of our Lord 1756 to make a plan of the said Town in pursuance thereof laid before this house a plan thereof the Truth and Exactness of which being Examined the same was approved of.

Resolved that the said plan be forever hereafter deemed the true plan of the said Town and be lodged with the Clerk of the Assembly and be deposed amongst the Rolls of the Assembly

Received from the Council the Bill for dividing the Parish of St John in Granville County. Endorsed 18th December 1758 In the Upper House read the third time and passed Ordered to be engrossed.

Received from the Council the following Message in Writing

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading your Message of Saturday in Answer to ours of the same day we are sorry to find your disagreement thereto. As we are of Opinion that Twenty five Men for Each Fort will by no means answer the Purposes Intended by the Bill We therefore hope you will recede from the purport of your said Message and agree to our amendment and also that you will *stet* the Clause giving power to the Governor or Commander in Chief to send the forces to be raised by this Bill to Joyn any other of his Majesty's forces out of this Province.

18th December 1758

Resolved the following Message be sent to the Council (Viz^d)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message of this day relative to the Bill for granting an Aid to his Majesty, &c., This House do recede from their Disagreement to the purport of your Message of Saturday last and Agree that the Companies [to] be put in Garrison in the Forts Johnston and Granville consist of the Number of Forces you purpose, The Aid Granted to his Majesty for that purpose be altered to four Thousand pounds and the Tax to raise the same be three shillings and one penny, and that the Clause you mentioned shall stand as part of the Bill, and have sent Mr. Jones Mr. Barker and Mr. Starkey to see the said Amendments made.

By order

S. S. S.

W^m HERRITAGE C^{lk}

18th Dec 1758.

Mr. Coutanche presented to the House a Certificate from the County Court of Beaufort thereby certifying that Thomas Garrett of said County has lost his left hand and is very poor and thereby not able to pay Public Taxes.

Ordered he be exempt accordingly.

On motion, Ordered, the Bill to make provision for paying the Chief Justice & Attorney General's Salary, &c., be read a third time.

Read the same a third time amended and passed and Ordered to be sent to the Council.

On motion, Ordered the Bill to relieve John Pope from a judgment, obtained against him, &c., be read a second time.

Read a second time and passed. Ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Bartram and Mr. Relf.

Received from the Council the Bill for Granting an Aid to his Majesty, &c. Endorsed 18th December 1758 In the Upper House read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Mr. Jones moved for leave to bring in a Bill for repealing an Act therein mentioned.

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

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

Sent the same to the Council by Mr. Mackey and Mr. Conner.

Received from the Council the following Message in Writing; Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Reading a Bill for erecting a City on Neuse River, &c., we find you have not reserved any Land for a pasture for the Governor or Commander in Chief for the time being, We therefore propose as an Amendment to the said Bill That Twenty five Acres out of the Common the most Convenient to this House be by the Committee laid out for the said use to which if your House agree please to send some of your Members to see the said Amendments made.

18th December, 1758.

The Order of the Day being read the House resolved into a Committee of the whole House to Consider the Bill for appointing Vestries and providing for the Clergy and appointed Mr. John Starkey Chairman who took the Chair Accordingly. After some time spent therein the Committee came to several Resolutions which Mr. Chairman was directed to Report to the House and then on motion Mr. Speaker Resumed the Chair.

Mr. Chairman Reported that the Committee had proceeded on the said Bill and proposed that all the Clauses relating to select Vestries be Expunged, That the Bill be amended by Inserting a Clause to Except the Rev. James Read Minister of Christ Church parish in Craven County To which the House Concurred And Ordered the said Amendments be Inserted in the Bill they are accordingly Inserted. Ordered the said Bill be read a second time. Read the same a second time with the said Amendments, passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Conner and Mr. Spier.

Received from the Council the Bill to relieve John Pope from a Judgment obtained against him, &c. Endorsed 18th December, 1758 In the Upper House read the second time and passed.

And the Bill for repealing an Act therein mentioned. Endorsed 18th December, 1758 In the Upper House read the first time and passed.

Ordered the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message relating to the Bill for Erecting a City, &c., We Concurr with your House that it will be necessary to have the number of Acres set apart for a pasture for the Governor or Commander in Chief for the time being by you mentioned and that the same be done by the Committee for designing and laying out the said City or any five of them to which if you agree the House will send two of their Members to see the Amendments Inserted in the Bill.

Sent the above message by Mr. Starkey and Mr. Harvey.

Received a verbal Message from the Council by Mr. Starkey and Mr. Harvey, That the Council do agree to the above Message and desire this House to send two of their Members to see the same Incerted in the said Bill.

Ordered, That Mr. Jones and Mr. Starkey go to the Council and see the Amendments above proposed Inserted.

Mr. Jones and Mr. Starkey went to the Council for the purposes above said and being returned Reported that they had seen the above mentioned amendments Inserted in the said Bill.

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

Tuesday the 19th of December 1758. The House met according to Adjournment.

Mr. Whitmell moved for leave to absent himself from the service of the House.

Ordered he have leave to absent himself accordingly.

Received from the Council the Bill for erecting a City on Neuse River upon the Plantation called Tower Hill &c. Endorsed 18th December 1758 In the Upper House read the third time and passed. Ordered to be Engrossed.

Received from the Council the Bill to make provision for the Chief Justice and Attorney Generals Sallaries &c. Endorsed 19th Dec 1758 In the Upper House Read the second time Amended and passed.

Mr. Barker presented the Petition of George Charleton Grandson of W^m Charleton Setting forth amongst other things that W^m the Grandfather of the said George [obtained a warrant] by order of Council (and with the Consent and desire of King Thomas Blount and others Chieftains of the Tuscarora Indians) Dated 7th Nov. 1723 for 600 Acres of Land that the said Indians are displeas'd that the said Charleton should settle any one on the said Land for that the said Indians had sold the said Land to the said Charleton and his sons and heirs &c and not to any one else, praying Relief &c.

On motion, Resolved the said Petition be rejected.

On motion, Ordered the Bill for making a Better provision for the Clergy be read a Third time.

Read the same a third time amended and passed.

Ordered to be sent to the Council.

Sent the same to the Council by Mr. Starkey and Mr. Harvey.

Received from the Council the Bill for making a better Provision for the Clergy. Endorsed 19th December 1758 In the Upper House read the third time and passed. Ordered to be engrossed.

Mr. Jones laid before the House the following Report Viz^t

To His Excellency Arthur Dobbs Esq^r Cap^t Gen^l Gov^r and Commander in Chief in and over the province of North Carolina, the Hon^{ble} Members of his Majesty's Council for the same, and the Worshipful Speaker and Assembly thereof,

Robert Jones Jun^r Attorney General for the said Province doth report and Certify That in Obedience to a Resolve of the General Assembly made October the 14th 1755 this Informant hath Endeavour'd to recover money from several Persons Indebted to the Public and to that purpose Commenced the following Suits (to wit)

IN SALISBURY SUPREME COURT.

An Action of Debt against John Brandon, John Nisbet and others on a Bond for applying £250 proclamation Money Granted by an Act of Assembly for supplying the Frontier of this province with Arms and Ammunition. In which Suit Judgment hath been recovered for £159.7.7 Proclamation Money, part of the said £250 having been apply'd to the purposes for which it was Granted. Exe^cution was Issued on the said Judgment returnable to November Term last.

An Action of Debt against James Carter, Edward Hughes and others on a Bond for the said purposes and for the same sum as that given by Brandon in which Judgment hath been recovered against them for £233.8.9 Sterling last the said Judgment being Joynt and the said Hughes having been Appointed Sheriff of the County of Rowan upon

Recommendation of the Court of the said County about the time of Judgment being Rendered against him no Execution can Issue thereon till he is out of Office And as the said Carter and Several of his Securities are Insolvent his Informant apprehends the same will be lost.

An Action of Debt against Caleb Howell and others on a Bond to the same purposes and sum as those above mentioned On which Judgment hath been recovered for £297.10.0 proclamation Money and a Ca. Sa. issued thereon by virtue of which the Sheriff of Anson County returned that he had taken W^m Little and Burlingham Rudd &c and that they had escaped out of his Custody.

A *Seire Facias* issued likewise against the said Little and others and their Securities returnable to November Term last also another Action of Debt is Commenced against William Little in Wilmington Supreme Court.

An Action of Debt against Caleb Howell one of the Securities of Charles Robinson Deceased on a Bond of the same sum and to the same purpose of those above mentioned. In which Judgment has been recovered for £250 proclamation Money with Interest from the 15th day of October 1754 till paid.

Soon after obtaining this Judgment Howell disposed of his Lands and Effects and Absconded to Georgia since which I have Commenced Suits against Charles Robinson's Executrix and others that were his Securities. Which Suits are Depending in Salisbury Supreme Court.

A Suit against Townsend Robinson Sheriff of the County of Anson for the Year 1754 & 1755 for a Ballance of £277.2.0 due for Public Taxes to be collected those years. But the said Robinson having Absconded to Georgia Notice could not be served on him so that he illuded a Recovery.

A Suit against James Picket Sheriff of the County of Anson for Public Taxes collected in the said County for the Year 1756. On which the said Pickett paid this Informant £45.1.11 Proclamation Money as a Ballance of the said Taxes for the said Year, and thereupon the said Suit was Continued to November Term last for the said Picket to produce a Settlement of his Accounts with Anson County Court to prove the said sum was all that he stood Chargeable for in the said year Which said £45 1^s 11^d this Informant hath paid to John Starkey Esq^r public Treasurer for the Southern District of this province.

A Suit against David Jones Sheriff of Rowan for £1355 8^s 7^d proclamation money due for ballance of Public Taxes from the said County for the Years 1753, 1754, 1755, 1756 and 1757 on which the said David Jones paid this Informant £150 proclamation money in part thereof and

Judgment was rendered against him for the Ballance being £1205 8^s 7^d Proclamation Money unless the said David Jones should produce at last November Term Authenticated Settlement with the County Court of Rowan to Intitle himself to a Discount for Insolvents the said £150 this Informant hath paid to the said Treasurer.

IN ENFIELD SUPREME COURT.

A Suit against John Pope late Sheriff of Edgecomb County for the years 1754 and 1755 on which Judgment hath been recovered and £533 6^s 8^d proc^a money Levied by Exccution and paid to Thomas Barker Esquire public Treasurer for the Northern District of this Province the balance still remains to be levied. All which is humbly Submitted to the General Assembly by their most obliged

Most Obedient and Most humble Servant,

ROBERT JONES, Junior.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for regulating Ordinaries and houses of Entertainment. Endorsed 16th December 1758 In the Upper House read the third time and passed. Ordered to be engrossed.

On motion, the House took under consideration the Report of Robert Jones, Jun^r Esq^r Attorney General.

Resolved, that the House approve thereof and that Mr. Speaker return him the thanks of this House for his Services rendered the Public as therein mentioned.

Mr. Speaker in the name of the House returned Mr. Jones the thanks thereof for his said Services.

Ordered, the said report be sent to the Council for their Approbation.

Sent the same by Mr. Gray and Mr. Bell.

It having been intimated to this Assembly that the Forts Granville and Johnston notwithstanding the large sums which have been levied on the Indigent Inhabitants of this Government to Erect and put them in fit condition to protect the Trade and Navigation of the country by the Inattention of those who have been Intrusted to build those Fortresses, and the Misapplication of the Money granted for that purpose, are in such ruinous condition that they are not defensible against the most considerable Force of an Enemy: It is therefore

Resolved, That Samuel Swann, Esq., Mr. Cornelius Harnett and Mr. John Starkey, or a majority of them, be appointed to view Fort Johnston and Mr. John Harvey Jun^r Mr. W^m Mackey and Joseph Herron,

or the majority of them, be appointed to view Fort Granville; and report to the Assembly whether the Money appropriated to building the same hath been properly applied, the Conveniency or Inconveniency of their Scituation, the condition in which they respectively are, and whether it will be for his Majestys Service to continue Garrisons in them, or either of them, that the same may be a rule for the future conduct of the Assembly, as well in Regard to granting more money for finishing the said Forts as placing Garrisons in them.

Resolved, That a Message be sent to the Council Acquainting them with the above Resolve, And to desire them to appoint some of their Members to join the Committee Appointed by this House.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House having made the above Resolves desire your Concurrence And that you will Appoint some of your Members to join the Committees Appointed by the Assembly. By Order S. S. S.

W^m HERRITAGE C^{lk}

19th Dec 1758.

Sent by Mr. Herron and Mr. Mackey.

Henry Delon Clerk of the Committee of Accounts laid before the Assembly an Order of the Court of Chancery of the Following Tenor, to wit.

IN CHANCERY—October Term 1758

ROBERT ROWAN }
vs. } An Injunction.
 JOHN STARKEY }

Ordered, the Clerk of the Committee of Accounts do deliver the Accounts and Papers of Robert Rowan the Complainant with the Public in the Custody to the Clerk of Chancery in Order that the said Complainant may be enabled to file his Bill.

RICHARD SPAIGHT C^d Car. Can.

And desired the directions of this House whether he ought to deliver any of the Original papers referred to by said Order.

The Assembly taking the Matter into Consideration, Resolved that the said Order of the Court of Chancery is unseasonable and Altogether Unpresedental and that the papers referred to thereby have been Lodged with the Assembly papers Several Sessions past and ought to remain in the hands of the Clerk of the Assembly who may on proper Application Deliver Copies of them but not part with the Originals out of his Custody.

Then the House Adjourned till tomorrow morning 9 o'Clock.

Wednesday the 20th December 1758. The House met according to Adjournment.

On motion Ordered, that the Bill to release John Pope from a Judgment obtained against him in favour of the Parishes of Edgecomb and St. Marys be read a third time.

Read the said Bill a third time passed and Ordered to be sent to the Council.

On motion Ordered, that the Bill for repealing an Act therein Mentioned be read a second time.

Read the same a second time passed and Ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Gray and Mr. Blount.

Mr. Starkey Chairman of the Committee of Public Claims laid before the House the Report thereof which on motion was Read some alterations made therein and then allowed of and sent to the Council for Concurrence by Mr. Starkey and Mr. Mackey.

Received from the Council the Bill for Repeating an Act therein mentioned Endorsed 20th December 1758 In the Upper House read the second time and passed.

Received from the Council a Bill to relieve John Pope from a Judgment obtained against him in favour of the Parishes of Edgecombe and St. Marys Endorsed 20th December 1758 In the Upper House read the third time and passed Ordered to be engrossed.

Mr. Bryan moved for leave to absent himself from the service of the House till tomorrow

Ordered he have leave to absent himself accordingly

Received from the Council the following Message in Writing Viz^t

MR. SPEAKER AND GENTLEMEN,

In Answer to your Message relating to sending a Committee to View and Inspect the Situation and Condition of Forts Granville and Johnston, We are of Opinion that the sending of the members of this House as most of them are Commissioners of the said Fort would be Improper. We therefore decline appointing them for the purposes you mention but are satisfied with the persons you have appointed

20th December 1758.

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

On motion Ordered that the Bill for repealing an Act therein mentioned be read a third time.

Read the same a third time, passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Paine.

On motion, sent the following Resolve to the Council Viz,

20th Dec 1758

In the Assembly Resolved, That James Abercrombie of London Esq^r be paid out of the proportion which shall be Allotted to this Province of the Grant of his Majesty and Parliament to North and South Carolina and Virginia the sum of £332 9^s 7^d Sterling being due to the said James Abercrombie for his Expences Care and faithful Service in the Affairs of this Government during the Time of his Agency.

The Assembly taking into Consideration the Necessity of having some person of known Ability and Integrity, to represent their faithful Services and steady attachment to his Majestys Service and to make known the Circumstances of this Province at the Public Boards in England Resolved that James Abercrombie of London Esq^r be appointed Agent for this Province for the purposes aforesaid and that he for his Services and Expences be allowed and paid with his Majestys Approbation One hundred and fifty pounds ꝑ Annum out of the fifty Thousand pounds Granted by his Majesty and Parliament to North and South Carolina and Virginia towards reimbursing the said province a part of the Expence they have been at in defending his Majestys rights and Possessions in North Amèrica, And that the Agency of the said James Abercrombie Commence on the first day of March next and Continue for the space of two years

Resolved That Samuel Swann, Thomas Barker, John Starkey, George Moore and John Ashe Esq^{rs} be appointed a Committee of Correspondence with this James Abercrombie and that they from time to time as required do lay before the Assembly all such letters Dispatches and advices as they shall transmitt to receive from him.

Then the House adjourned till to morrow morning 10 o'Clock.

Thursday the 21st of December 1758 The House met according to Adjournment

Received from the Council the Bill for repealing an Act therein mentioned Endorsed December 20th 1758 In the Upper House read the third time and passed Ordered to be engrossed

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

Friday the 22^d of December 1758. The House met according to Adjournment.

Mr. John Harvey from the Committee of Accounts Reported that the Committee had Stated and Settled several Public Accounts which he was ready to report when the House would receive it.

Resolved the said Report be received which was accordingly received, Read, Amended, agreed to and Ordered to be sent to the Council for Concurrence.

Sent the said report to the Council for Concurrence by Mr. Harvey and Mr. Smith.

Resolved the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

It appears to this House by the Report of the Committee of Public Accounts That Thomas Barker Esq^r the Treasurer of the Northern District hath paid into the Committee of Accounts £1095.11.11 of the Sinking fund, and £465 Notes of the first Emission £3093 of the second Emission and £470 of the third Emission Amounting to £4,028 to be sunk by the several Taxes laid for that purpose and in Notes £3,815 not Issued, and that Mr. Starkey has paid into the Committee £605.19 on the same fund this House therefore have appointed a Committee of the whole House to see the several sums burnt at the house of Robert Wallace in Edenton at 5 o'clock this Evening and desire you'l please to appoint a Committee of your Members to see the same done accordingly.

By order S. S. S.

W^m HERRITAGE.

Sent by Mr. Harvey and Mr. Relf.

Mr. Barker Chairman of the Committee appointed to Inquire into the misconduct of Francis Corbin and Joshua Bodley Esq^r Agents of the Earl Granville acquainted the House that the Committee had set and Examined the Witnesses produced to them as well by the said Agents as by the Inhabitants of One Eighth part of the Provinces of North and South Carolina Pet^{rs} and Reported as follows,

The Report of the Committee appointed to enquire into the matter alleged in a Petition of Sundry Inhabitants of that One Eighth Part of the Carolinas belonging to the Right Honorable the Earl Granville, &c.

Your Committee, previons to the Examination of the matters contained in the said Petition, gave notice to the Agents of the Right Honorable the Earl Granville, and others concerned, of the Time and Place

at which they would meet for that purpose, and required their attendance. Mr. Corbin and Mr. Bodley, the present Agents, several others who had been employed by them, appeared before your Committee Accordingly, and they having examined into the Cause of Complaint, came to the following Resolutions, to wit,

Resolved, That it is the Opinion of this Committee, That the manner of Issuing Grants by the Agents, and the Fees taken thereon, was agreeable to the Earl Granvilles Instructions, which, as to the Fees, had been varied several Times, and that the Fees taken had always been agreeable thereto, and produced such Instructions as convinced your Committee that they had acted agreeable to the said Instructions in the above Particulars, with respect to the Terms of Deeds by them executed; nor does it appear to your Committee that they have taken higher fees themselves than directed by the said Instructions, unless where the same Price of Land has been entered by more than one Person, as has sometimes happened, in which case the Entry Fee has not been refunded to either of them; but that some Persons employed by Mr. Corbin to receive Entries, and others to make Surveys, have received sums from several persons who have applied for lands not warranted by the said Instructions.

Resolved, That it appears to your Committee, That Mr. John Haywood, who had been appointed to receive Entries on Lands, and at whose house the said Earl's Agents have frequently given their Attendance for Issuing Grants, had taken thirty nine Shillings Virginia money, for an Entry, tho' by the said Earls Instructions none more than thirty three shillings ought to have been received.

Resolved, That it appears to this Committee likewise, That one Cooper applied to said John Haywood, to secure a Title to a Piece of Land the Entry of which he had bought of Jacob Lockernan: That Haywood for Three pounds for which Cooper gave him his Note of hand, engaged to put him in a way to get his Title and gave him a Letter to Mr. Corbin which he delivered him at Edenton, on which Mr. Corbin promised that he should have his Deed at the next Edcomb Supreme Court; at which Time he applied to Mr. Corbin for the Deed, but could get no Answer from him, but Col. Haywood, in Mr. Corbins Presence, told him he could not have it unless he would enter it again: Whereupon he went home, and returned to Court after and renewed his Application to Mr. Corbin, but could get no Satisfactory Answer, but Haywood told me he must enter the Land again or he could not have it; and that finding he could not get his Deed otherwise, notwithstanding Haywood's Engagement and Mr. Corbins Promise, he then was at the Expence of entering it again.

Resolved, That it appears also to your Committee, That Nicholas Baucam, who had made an Entry with Col^o Moseley, and had it surveyed, not having had his Deed in Mr. Moseley's lifetime, sent the Plan of the Survey by one Terrel to Mr. Corbin, after his coming into the Agency, and paid for the Entry; that the Surveyor came afterwards, but surveyed it in a different place than where the Entry was made, and at the said Time surveyed the Land which Baucam had entered for one Anderson; That Baucam applied to Mr. Corbin and acquainted him with these Transactions, and was directed to send Terrel with the Plans to the next Supreme Court, and promised that he should have Justice; That Baucam Attended afterwards, according to the Directions with Terrel at John Haywood's and acquainted Mr. Corbin Terrel was there; that John Haywood being then present told Baucam, that Terrel was a great Rogue and not a fit person to swear there; and being answered by Baucam that there was as great Rogues in this province as he, Haywood, in Corbin's presence, took him by the Collar and turned him out of Doors; that he could not have opportunity of speaking again on the Business, and never has had Redress.

Resolved, That it appears to your Committee further, That Arthur Moore had entered a piece of Land with Col. Halton, in the time of his being Earl Granville's Agent; that he could not get the Land surveyed till Col. Halton and Moseley both died, after which he applied to Col. Corbin, entered the Land with him and paid him for the Entry; that Mr. Corbin then told him to get it surveyed within Twelve Months, and he should have a Deed for the Land; that he had it surveyed and applied for his Deed within the Time, on which application, Mr. Corbin was informed by James Campbell a Clerk in the Office that there had been a deed for the same Land to one Becton; to which Mr. Corbin replied that Becton's Deed was a different Piece of Land: however, would not make out a Deed for Moore, who was afterwards sued in Ejectment by Becton, and Judgment was had against him on Becton's producing a Deed executed by Mr. Corbin for the same Land, and Moore turned out of Possession and imprisoned for near two Months, till he could pay the Costs of the Suit.

Resolved, That it appears likewise, That Richard Caswell surveyed the Land for Becton where Moore was in Possession, and after his Entry with Mr. Corbin, and on making return, made no mention of that Circumstance which by the duty of his Office he ought to have done, It appears also that Moore paid for entering and surveying the said Land, Three pounds Nineteen Shillings and ten pence Virginia Money, no Part of which was ever paid back to him.

Resolved, that it further appears to this Committee, That Montford Elbeck entered a Piece of Land with Mr. Corbin, and paid him a Pistole for the Entry; sometime after which a Warrant was sent to the Surveyor in Elbeck's Name, but for a different piece of Land than that which he had entered, and for that Land the Surveyor had a Warrant in the Name of one Gee for whom it was surveyed, and a Deed afterwards made out for Gee for the same Land, thō Elbeck appeared before Mr. Corbin and contested his Right in consequence of his Entry. It appears further that the Pistole was not paid to Elbeck.

Resolved, That it appears to this Committee That John Lawrence had a piece of Land Surveyed, and returned into the Office, in Col. Halton and Moseley's lifetime, but before he could get out his Deed they died; that he afterwards applied to Mr. Corbin for a Deed, which he told him he should have and John Haywood undertook to get it out for him; that some time after being informed that Samuel Carter was going to get the Land, he applied to John Haywood to enter it again, but was refused an Entry and the Land was granted to Carter.

Resolved, That it appears to this Committee that W^m Williams tendered the payment to John Haywood (who was impowered to receive quit rents as well as to take Entries) of the Arrears due on a Tract of Land granted by Col Halton and Moseley the Earl's former Agents; and that the said Haywood refused to take the Arrears, saying he was so instructed by the Agent on Account of some Informality in executing the Deed, they having Signed their own Names, and not subscribed his Lordship's Title and that Mr. Corbin was present at the same time.

Resolved, That it appears that Mr. James Conner see a person offer payment of Quit rents due on several Deeds executed by Col. Moseley and Halton to Col. Innes and Col. Corbin, and that they refused to take the Rents, because the Deeds were not properly executed as they said.

Resolved, That it appears to this Committee that John Green, about five years ago, entered a Piece of Land in one of Mr. McCulloch's Tracts in the Earls District, and that Mr. Corbin then said he would grant any of the said Tract to any Person that would apply for the same.

Resolved, That it appears to this Committee That William Churton, a Surveyor in the Earls Office, was ordered by Mr. Corbin and Mr. Bodley to resurvey some of the Land of Mr. Henry McCulloch, which he accordingly did, and by Mr. Corbins Direction, given in Mr. Bodley's Presence, made a Line of marked Trees through the said Land, supposing that there was a surplusage, though it does not appear that the said Churton, at the time of the Survey, had Mr. McCulloch's Patents, or a Copy of them or any Plats signed by the Secretary or any other Public Officer, but a Plan in Col. Moseley's Hand Writing Signed, (Copy)

Resolved, That it appears to this Committee by Col. Innes' Evidence That five Entries were taken on the Land of the said McCulloch some years ago by him and Mr. Corbin, in Consequence of Instructions given to Col. Moseley, which he the said Mr. Innes and Corbin were directed by his Lordship to follow. It appears further, that by Instructions since, different Directions have been given by the Earl to his Agents in Respect to the said Lands

Resolved, That it appears to this Committee That upon Proposal made by Henry McCulloch Esq. to the right Honorable the Earl Granville on the 27th of September, 1755, concerning Lands granted to the said Henry McCulloch by the late Gov^r Johnston, and scituate in his Lordship's District, the Earl made several Concessions in Favour of the said Henry McCulloch, which Proposals and Concessions, under the respective hands and Seals of the said Earl Granville and the said Henry McCulloch, were by a Notary Public, at the request of John Campbell Esq^r, Agent of the said Henry McCulloch, produced to Francis Corbin, Esq., while he and Mr. Wheatley were his Lordships Agents, and the said Notary requested that the same might be recorded in the Earl's Office, and that the said Francis Corbin refused to record the same, saying that he never had any Orders from his Lordship for so doing; and that after Mr. Bodley being joined in the Agency with Mr. Corbin, the said Notary made the same Request to them both, to which they answered that they could not record them with any kind of Legality, because his Lordship's Office was not an Office of Record.

Resolved, That it appears to this Committee, That Joseph Herron, Esq., made two entries for Resurveys on Col Moseley's Land, and paid the entry fees to Col Halton; and since Mr. Corbin has been the Earl Granville's Agent frequent applications hath been made to him to direct the said surveys to be made, but that he would not order the same to be surveyed, though other lands have been resurveyed by his Order.

Resolved, That it appears to this Committee, That John Terrel paid to Mr. Corbin on the 30th of April 1753 six pounnds ten shillings and ten pence for eight hundred and Five Acres of Land granted the same day, but entered the office some years before.

Resolved, That James Carter a Surveyor in the Earl's Office, under Pretence of receiving Entries and making Surveys, has at different times, exacted and extorted considerable sums of Money from several Persons, without returning the same into the Office; by which they have been prevented getting their Deeds.

Resolved, That it appears to this Committee, That George Platt, about two years ago entered a piece of Land with James Paine, impowered to

receive Entries in Granville County; that Paine then told him no other Person had entered the same; that Benjamin Ward afterwards applied to Sherwood Haywood, a Surveyor in the Earl's Office, who agreed for four pistoles, to get the Land from Platt; that Haywood, in Pursuance of the said Agreement, prevailed on Paine to let him have his Entry book, and that Haywood erased Platt's name and put in Ward's; by which Fraud Platt has been hitherto defeated of getting a Deed for the Land.

Resolved, That it appears, That W^m Haywood, a Surveyor in Earl Granville's Office, took five pounds five shillings Virginia Money, for two Surveys, besides the Entry fee, though it does not appear by the Earl's instructions that more than four pounds sixteen shillings ought to have been taken for the said Services.

Resolved, That it appears to this Committee, That William Wiley, some considerable time ago, had a piece of Land Surveyed, and returned into the Earl's Office; that no application having been made for the same for about the space of four years, Mr. Bodley for that reason refused to grant a Deed for the Land until Fifty Shillings was paid him, on account of back Quit Rents of the same, which was paid for Wiley by W^m Churton to whom Mr. Bodley refused to give a Receipt for the same, but gave him a Memorandum in his the said Bodleys Haudwriting, and told him that would do as well.

Resolved, That it appears to this Committee, That W^m Churton who has been intrusted by Mr. Bodley to deliver Several Deeds to people in the Western Countries, for Lands which had several years before been surveyed and returned into the Office, without any Application having been made for Deeds in due Time; and that the said Mr. Bodley gave the said Churton Instructions to demand back Quit Rents on the said Lands, and gave him a Memorandum, by which he was directed to receive on that account from the several Grantees, several sums of money, amounting in the whole to about Thirty pounds; but that Mr. Bodley at the same time gave discretionary Instructions to the said Churton, in case it should appear to him that the Entries laying so long in the Office had been owing to any Neglect in those concerned in the same, or from the Poverty of the Parties, that he might forgive any Part, or the whole of the said Quit Rents; and that in consequence of that discretionary Power the said Churton did deliver the Deeds to the respective Grantees without taking any Back Quit Rents or any of them.

Resolved, That it appears to this Committee That one Evan Ellis about five or six years ago, had an Entry Surveyed and returned into the Earls Office, and that no Application having been made for the same till June last, Mr. Bodley then refused to Grant a Deed for the same

unless back Quit Rents were paid as no Reason appeared to him why an Application should not have sooner been made, and that the Deed for the said Land had not been made out.

Your Committee observe, That William Bryant and Robert Cade delivered into your Committee a Paper purporting their request in behalf of themselves and the other Petitioners, that no Enquiry should be made into that Part of the Petition which relating to the taking of back Quit Rents; for that on further Consideration they had been satisfied with Mr. Bodleys Conduct therein, and esteemed it rather an Indulgence than an Injury, as they were admitted by that means to take out their Deeds when by the Rules of the Office the Time for so doing had been elapsed.

THOMAS BARKER	MICHAEL COUTANCHE
ROBERT HARRIS	ROBERT MURDEN
JOSEPH HERRON	GEORGE MOORE
JAMES CONNER	JOHN ASHE
JOHN STARKEY	EDWARD VAIL
JOHN HARVEY	JOSEPH BLOUNT

The House agreed to the above Report, and ordered the same to be entered on the Journal thereof.

Mr. Ashe, according to Order laid before the House an Address to his Majesty, which he read in his Place, and was again read by the Clerk.

Resolved the same stand the Address of this House, and be entered on the Journal as follows,

To the Kings most Excellent Majesty,

The Humble Address of the Assembly of North Carolina,
MOST GRACIOUS SOVEREIGN,

We your Majesty's most dutiful and loyal Subjects, the Assembly of North Carolina, embrace this first Opportunity of being convened in Assembly to congratulate your Majesty upon the Success of your Arms, in taking of Cape Breton the Island of St John, and the Dependencies, Reduction of Fort Fontenac, and the regaining of Fort Du Quesne.

These Acquisitions, truly glorious to your Majesty, tend to the Security and Protection of your Colonies, confirm the Indians in their Allegiance and increase the Trade and Navigation of Great Britain, and affords us the pleasing Hopes, that through the Wisdom of your Majesty's Council and Conduct, the Rights and Possessions of the Crown of North America will be entirely regained and effectually secured.

We humbly beg leave to assure your Majesty, that as we hitherto have, so we will, to the utmost of our Power, cheerfully contribute towards

defending this Province against Invasions of the Enemy or joining your other Colonies on this Continent in vigorously carrying into Execution such wise Resolutions as your Majesty shall take for making a Conquest of that Part of North America yet possessed by the Subjects of the French King.

Permit us, Sir, to return you our most grateful and sincere Thanks for the singular Favour done this Province in the Grant made by your Majesty and Parliament of Fifty Thousand pounds to North and South Carolina and Virginia towards reimbursing a Part of the Expences they have been at in prosecuting the present War, which cannot fail being of the most essential Service to every Individual here, if the Proportion thereof which shall be allotted to this Government is duly applied.

We observe with unfeigned Concern, great Immorality and Profaneness in the Lives and Manners of many of your Subjects in this Province, as well as gross Ignorance; the Cause of which we must ascribe to the Want of an orthodox and pious Clergy and regular and proper Schools and Seminaries of Learning.

In this present Session of Assembly we have passed a Bill whereby better provision is made for the Clergy than has been at any Time heretofore in this Government and more we should have gladly done; but alas, S^r, the Country is so impoverished in its circumstances through granting repeated Aids to your Majesty for making the same defensible, and in carrying on Expeditions in Conjunction with your other Colonies against the French and their Indian Allies, that we cannot give sufficient Encouragement to the Clergy, nor Erect proper Schools for the Education of our Youth.

Permit us therefore, most earnestly to intreat your Majesty, to order and direct, that the proportion of the said sum which shall be allotted to this Country, be laid out and applied under such Rules and Regulations as to you, in your great Wisdom, may seem expedient, in purchasing a Glebe for each parish in this province and making suitable improvements thereon, and erecting and establishing a free School in every County. This application we humbly apprehend, will tend to promote the Honour and Glory of God, true Religion, Piety, and Useful Learning, as well as root out Profaneness and Immorality; and cause the rising Generation to add their grateful Prayers and Wishes to those of your loyal Assembly, that your Majesty may long possess and enjoy the Crown of Great Britain and the Dominions thereto belonging; together with the Acquisitions lately made by your Majesty's Arms; and that the same may thereafter be transmitted, through a succession of illustrious Princes, descended from you, until the latest Period of Time.

Resolved, That the said Address be transmitted and laid before his Majesty.

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

I am not a little surprised, that in perusing the Report of the Committee of Claims I find a Claim rejected, issued by my Secretary by my Order, for his Majesty's Service; and though a Paragraph in one of the Articles of the Claims was disagreed to by the House, yet, as it was reported from the Committee, I take it to be an Affront against me, and in it I have been treated with the greatest Indignity; I do not lay it to the Charge of this Committee, but to the Chairman, who by aiming at a false Popularity, pretends not only to lead the Committee, but to govern the House; Had I pretended to order it to be paid out of any improper Fund otherwise appropriated, I think he, as his Majesty's Servant and Treasurer, ought in duty to have applied to me to have cleared up the Point before he had the Committee to brand me with acting illegally with opprobrious Words. The Fact was this, I was obliged, out of my own money, to hire Expresses upon account of his Majesty's Service; no Fund was allowed to me for those Services; I sent an Order to the Treasurer to pay it out of the Contingences, he refused payment, and said he had no money in his hands; upon which I ordered my Secretary to pay it out of what Money was in his Hands for Payment of Troops sent to New York, that was lying dead, until we could know what Debt was due there, and it should be replaced from the Contingencies, and this Claim was brought to replace it to that Fund as the Chairman knew, but would not inform the Committee with the Facts as it was, in Order to bring in the Committee to that injurious Reflection. But I must let the Treasurer know, that he must Answer my Orders when he has Money in his hands; and if I order it illegally, let him impeach me upon the Order; for I find, by his Accounts, that he can advance Money to his Favourites when he has no Money in his Hands; witness the printing Fund, which he has over paid, to oblige his Friends.

I therefore believe you will think my Claim just, and not Support a Member who is endeavouring to make himself Popular by making a Breach between the Assembly and me; otherwise I shall be at Liberty to disapprove of the Claims or Accounts, and then no Payment can be made without my Order.

I shall conclude with observing that it appears to me highly improper that those who are to account for Public monies should be appointed of the Committee of Accounts, or that of Claims.

ARTHUR DOBBS.

Then the House adjourned till 4 o'clock in the Afternoon.

P. M. The House met according to Adjournment.

His Excellency the Governor sent a Message to the House, requiring the attendance thereof with such Bills that have passed this Session of Assembly and are Engrossed.

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber, and there presented him the following Bills, Viz^t

The Act for granting an Aid to His Majesty.

For erecting a City on Neuse River, at a Plantation called Tower Hill.

For inspecting Beef, Pork &c.

For making better Provision for the Clergy.

For altering the method of working on the Roads in Craven, Carteret &c.

For Building Public mills, &c.

For Appointing a Place for holding the Supreme Court of Justice Oyer and Terminer, and Gen^l Goal Delivery for the Counties of Northampton, Edgecomb &c.

The Additional Act to an Act intituled an Act concerning Servants and Slaves.

The Act for regulating Ordinaries.

To make Provision for the Payment of the Chief Justice' and Attorney Generals Salary.

For the Dividing the County of Johnston, &c.

For establishing a Town on the Land formerly belonging to Zachariah Nixon &c.

For establishing a Warehouse on the Land of Thomas Barnes, &c.

For dividing the Parish of North West.

For establishing a Ferry from Solleys Point to Relf's Point.

For dividing Edgecomb County.

For destroying Squirrels.

To which his Excellency was pleased to assent.

The House returned.

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

Saturday December 23^d 1758. The House met according to adjournment.

Received a written Message from the Governor, Viz^t

MR. SPEAKER,

Being informed that you intend to discontinue the Post through this Province, whether you wont think it necessary to allow a Sum, to be paid

out of the Contingencies, to pay Expresses for Carriage of all Letters and Dispatches from his Majesty, or by his Orders, and for his Service, and as you have not allowed any Aid to finish Fort Johnston, upon the Account of the Commissioners not having sent in their Accounts, whether the Sum of One Hundred and Ninety two pounds Three Shillings and Three pence, lying in the Treasurers Hands these Ten Years, upon Account of the Bear Inlet Fort may not be applied towards the Contingencies, and what may be expended in paying the Carriage of such Dispatches thro' this Province.

ARTHUR DOBBS.

Received from the Council a written Message as follows, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the Reports of the Committee of Claims, we find that for Reasons there mentioned you have not allowed the Honorable Richard Spaight, Esq., a claim for eleven pounds two Shillings and Eight pence Proclamation Money, paid him by the Governor's Order, Three years past, for Expresses. As this House is of Opinion your Reasons are not sufficient they cannot concur with you in disallowing the said Claim; We hope you will reconsider thereof; for as there was not at that time no Fund provided for payment of Expresses, it would be unjust that the Governor should be obliged to pay, out of his own Pocket, a Charge that was heretofore always paid by the Government.

Our Opinion is, that the same may be paid out of the Funds appropriated for the payment of the Contingent Charges of Government; and if you will, for that Purpose, make a Resolve of your House, we shall concur with it.

Resolved, That the Estimate of Allowances to the Members, Clerk and Officers of this House be sent to the Council for concurrence.

Sent the same by Col Harvey and Mr. Williams.

Resolved that the following Message be sent to His Excellency the Governor, Viz'

SIR,

In answer to your Excellency's Message in Relation to a Matter reported by the Committee of Claims, it gives us great concern that a Transaction, in which your name did not appear, should be construed a design to cast a slur on your conduct; we believe that nothing could be further from the Intention of the Committee, and are certain, that nothing could be more remote from the Design of the House. The Claim mentioned by your Excellency, was introduced by Mr. Spaight at a former Assembly,

and rejected, for what Reason cannot at present appear, the Claim and Report being lodged with the Assembly Papers at Newbern, this Claim was renewed before the Committee the present Session, but no particulars offered to them on which the same was founded; so that it could not appear what sum was due or out of what Fund it ought to be paid; and the bringing it a second Time without any account of the Services for which it was pretended to be due, was such a Procedure, as in cases of the like kind, always has been deemed by the Assembly a Contempt, Notwithstanding which the House upon receiving the Report, and being informed that the matter had some relation to your Excellency, struck out that part of the Report of the Committee in complaisance to you.

From the state of the case, we hope your Excellency will be satisfied, that nothing happened either in the House or in the Committee, that might reasonably be construed an intended Indignity to you.

As to any undue influence of the Chairman in the Committee, we are Strangers to it, and apprehend, your Ear must have been abused in this Particular, as he never attempted anything of the kind in the House, thō from his long Experience in Business, and his diligent attention to the Public Concerns, he has merited the esteem of all who wish well to the Province.

We cannot concur in Opinion with your Excellency, that your Warrant to a Treasurer to apply money to a different use than that to which it is by Law appropriated, will justify him. It is what we never yet knew; and, as it would be giving up the Rights of the People we represent, to make such a concession, hope your Excellency will not insist on a power which, if permitted to be exercised, would be subversive of all Government.

As to what your Excellency has been pleased to observe in Regard to the Appointment of our Committees the Treasurers have not been put on that of the Public Accounts as you suppose, but our Committees have always consisted of such Gentlemen as were unexceptionable, and have been appointed by the direction of the House; and, permit us to say, Sir, that since the Establishment of this Government that Power has been enjoyed uninterrupted till the present Instance.

Resolved, That the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On Considering your Message of this Day, relative to the Claim of the Hon. Richard Spaight for Money advanced by him for Expresses, we are of Opinion that the Method you propose of allowing it is not proper, however, we have no Objections to his being paid out of the

Fund for contingent Charges, and would propose that the Book of Claims shall be altered to that Purpose; to which if you agree, the Assembly will send two Members to see such Alterations made.

The above Message was sent back, Endorsed Mr. Speaker and Gentlemen of the Assembly Agreed to in the Upper House 23^d Dec^r 1758.

By Order

J. SMITH, C^k

Ordered, That Mr. Barker and Mr. Starkey attend the Council to see the Alterations made agreeable to the above Message.

Mr. Barker reported that he, with Mr. Starkey, had attended the Council according to order and had seen the Alterations made in the Book of Claims pursuant to the above Message.

Received from the Council the following Message in Writing, Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The House having taken your Resolve relative to Mr. Abercrombie into their Consideration are of Opinion that before they concur in the said Resolve your House should agree that the Monies in the Hands of Samuel Swann Esq^r should (on the Monies being secured to be paid Mr. Abercrombie in England) be applied towards the contingent Charges of Government, if you will make a Resolve to that Purpose, we will concur with you in both Resolves.

23rd Dec. 1758.

Resolved, That the following Message be sent to the Council, Viz

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

On considering your Message concerning the Resolve of this House relative to paying James Abercrombie, Esq., the Ballance to him from the Government, we are of Opinion That the Money in the Hands of Samuel Swann Esq^r must of Course be applied towards defraying Contingencies of Government, if not paid to the said Abercrombie; however, for greater Certainty, we would agree that the Report of the Committee of Accounts should be altered to that Effect; in which, if you concur, the Assembly will send two Members to see such Alterations made.

The above Message was sent back, Endorsed Dec. 23rd 1758 in the Upper House Agreed to.

Ordered, That Mr. Harvey and Mr. Barker attend the Council to see the alterations made agreeable to the above Message.

Mr. Barker reported, That he, with Mr. Harvey, had attended the Council, accordingly to Order, and had seen the alterations made in the Report of the Committee of Accounts, pursuant to the above message.

Resolved, That a Post be kept from Wilmington, on Cape Fear, to Suffolk in Virginia, once a Fortnight, for one year, from the Twentieth day of January next; and that Mr. James Davis have the Direction thereof; That the Post be at Wilmington on Tuesdays, at Newbern on Fridays, at Bath Town on Mondays, at Edenton on Thursdays, at Mr. Herron's on Chowan River, on Fridays, and at Suffolk on Saturdays, once a Fortnight during the said Term: And in case of failure of being at any one of these places at the time hereby appointed, there shall be a Deduction out of his Salary for the Expence of the Post the whole Journey from Wilmington to Suffolk; unless he shall make it appear to the Assembly, that by unavoidable accidents the Post was prevented: And that he be paid as a Salary for his said Service the Sum of One Hundred and thirty pounds, at half yearly payments, out of the contingent Tax.

Sent the above Resolve to the Council for their Concurrence; which was returned back, Endorsed, Concurred with.

Received from the Council the Report of the Committee of Accounts; also the Report of the Committee of Claims; Endorsed, Concurred with 22nd December 1758.

Received from the Council the following Message, Viz

MR. SPEAKER AND GENTLEMEN,

This House having taken under Consideration your Message of yesterday, relative to the appointing a Committee of this House to join your House to see the several Sums, paid into the Committee of Accounts by the Treasurers of this province, burnt, have appointed the Honorable John Rieussset, and Richard Spaight, Esq^{rs} a Committee of this House to see the same done.

Resolved That the following message be sent to the Governor, Viz^t
SIR,

In answer to your Message of this Day, the Assembly have agreed with Mr. James Davis to continue the Post for One Year longer; and have made a Resolve to that Purpose, which is sent to the Council for their Concurrence.

As to applying the Remainder of the Money appropriated to building a Fort at Bear Iulet, towards defraying Contingencies of Government the Assembly are of Opinion it cannot be done otherwise than by passing a Law, and that it is too late in the Session to bring in a bill for that purpose.

Then the House adjourned till Monday the First Day of January next.
[Prorogued by the Governor to the first Tuesday in March next.]

APPENDIX.

INSTRUCTIONS TO GOVERNOR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 1.]

Representation of the Lords of Trade to the King 17 June 1754.

To the King's most Excellent Majesty

MAY IT PLEASE YOUR MAJESTY

In obedience to Your Maj. Order in Council dated the 25th of January 1753, We have prepared Draughts of General Instructions and of those which relate to the Acts of Trade and Navigation to Arthur Dobbs Esq^r whom Your Majesty has been pleased to appoint Governor of the Province of North Carolina in which Draughts we have made alterations from and additions to the Instructions given by Your Majesty to Gabriel Johnston Esq^r the late Governor of the said Province in the following particulars Viz:—

Upon a revisal of the former General Instructions it appeared that by a frequent insertion of the additional Instructions given from time to time to the several successive Governors of North Carolina and by not observing a proper method in inserting them the order in which the said General Instructions had been first arranged was altered and things which had no proper relation to each other so intermixed as to cause confusion & perplexity We have therefore in the present Draught ranged and digested the several Articles in such a manner as that those which relate to the same subject may be found together We have likewise in many parts of the said Instructions where the expressions might admit of a doubtful construction endeavoured to make them more explicit But as a minute detail of such variations as are merely literal seems unnecessary We shall only point out to Your Majesty those alterations which have been made in the subject matter of these Instructions.

In all such parts of these Instructions where the Governor is directed to transmit any particular or general accounts of his proceedings and of the state of affairs within his Government We have omitted the words *to us by one of our Principal Secretaries of State* and have inserted in lieu of them *to our Commissioners for Trade & Plantations in order to be laid before us* conformable to the directions of that part of Your Majesty's Order in Council of the 11th of March 1752 containing Regulations with

respect to the Plantations which relate to the method of Governors correspondence and We have added a clause to the last Article of the said Draught of General Instructions directing the Governor to correspond with the Secretary of State only whenever any occurrences shall happen within his Government of such a nature and importance as may require Your Maj. more immediate direction by one of Your Maj. Principal Secretaries of State and also upon all occasions and in all affairs whereupon he may receive Your Maj. Orders by one of Your Maj. Principal Secretaries of State.

In these Instructions We have inserted the names of eleven persons all of whom have already been appointed by your Majesty to be your Council in that Province and to supply the Vacancy lately occasioned by the death of Nathaniel Rice Esq^r We have added the name of Henry McCulloh Esq who has been recommended to us as a person every way qualified to serve Your Majesty in that station.

In the Article (No. 7.) relative to the recommendation of persons to supply Vacancies in the Council instead of the direction to transmit a List of the names of twelve persons and always to keep that List complete as this Article formerly stood, the Governor is directed as often as any Vacancy shall happen to transmit the names of three persons in order to be laid before Your Majesty for your choice of one of them which We humbly apprehend to be the more proper course as the Governor may not be able at one time to name twelve persons fit to supply Vacancies in the Council or his opinion of persons may be justly altered by their subsequent conduct or other circumstances which may have rendered them improper to be admitted into the Council when it may be their turn to supply Vacancies.

In the Article relative to the appointment of Judges and Justices of the Peace (No. 62) the Governor is particularly directed not to make such appointment without the consent of the Council to which direction thō plainly implied in the former Instructions the Governors have not strictly adhered. We have likewise omitted that part of the former Instruction which directed the Governor not to express any limit of time in the Commissions which he is empowered to grant to persons whom he may appoint to the aforesaid Offices and in lieu thereof have inserted the following Words *It is Our further Will and Pleasure that all Commissions to be granted by you to any person or persons to be Judges Justices of the Peace or other necessary Officers be granted during Pleasure only*, which words appear to us to be more consistent with the Article next following in these Instruction which leaves a power in the Governor of removing Judges & Justices under certain restrictions.

In the Instruction relative to Patent Officers (No. 68) We have inserted the Words *or to which any person is or shall be appointed under Our Signet or Sign Manual* it appearing to us that there are several Offices in this Province to which persons are appointed by such Warrant under Your Majesty's Signet or Sign Manual.

In the Article relative to Forfeitures and Escheats (No. 96) in order to prevent the disposal of them for less than the real value We have inserted an additional direction to the Governor not to dispose thereof until he shall have transmitted an account of such forfeitures and escheats and received Your Majesty's directions thereupon.

The 115th Article relating to the colours to be worn by Private ships is made conformable to Your Maj. Order in Council of the 7th of January containing Regulations with respect thereto.

We have omitted the 101st Article of the Instructions to the late Governor relative to the Boundary Line between the Provinces of North and South Carolina a line having been run in consequence of the said Instruction But as that Line does not appear to us to have been run in conformity with the said Instruction and many inconveniencies have been represented to arise from it We have directed Mr. Dobbs upon his arrival in his Government to enquire into the proceedings of the Commissioners appointed to run the said line to point out to us in what particulars the same is contrary to Your Maj. said Instruction and what are the inconveniencies thereby arising to Your Maj. subjects of North Carolina and to consider with Your Maj. Governor of South Carolina of the Boundary Line which for the ease and advantage of both Provinces it may be most expedient to establish to the end that We may lay the same before Your Maj. for Your Maj. further directions therein.

We have also omitted the 103rd Article of the former Instructions relative to the late Royal African Company which being dissolved that Instruction seems no longer necessary.

Besides the foregoing alterations We have added the following Articles in obedience to an Order of the Lords of the Committee of Your Maj. most Honorable Privy Council dated 26th March last approving our Representation to Your Majesty of the 14th of the same month upon the state of North Carolina and directing us to prepare Instructions conformable thereto and to insert the same in the general Instructions for Mr. Dobbs.

Nos. 12, 13, 14 to prescribe the manner of electing an Assembly and the number of Members of which it is to consist and to limit the quorum to the number of fifteen.

No. 15 to erect Towns and Counties in the Southern District as the Province grows more peopled.

No. 16 directing the Governor to confirm the rights of the several Towns Precincts or Counties by Charters of Incorporation and forbidding him to assent to any Law whereby the duration of the Assembly may be limited or ascertained or any other Regulation made with respect thereto contrary to your Maj. rights and prerogative.

No. 41 to establish such and so many Courts of Justice as shall appear to be necessary and to consider of the most proper place for the seat of Government and to make report thereof to your Majesty.

No. 42 to establish a Court of Exchequer.

Nos. 75, 76, 77, 78, 79, 80, 81, 82, 83, 86, 87, 88, 89, 90, 91, 92 to establish such new regulations with respect to Grants of Lands and your Majesty's Quit Rents as are become necessary upon the repeal of the Quit Rent Act passed in 1748.

No. 84 to accept a surrender from Mr. McCulloh and his Associates (when the term allowed them to complete their settlement is expired) of such part of the lands granted them as shall not be settled according to the proportion of one person to every two hundred acres and to regrant the same to any other persons and to release the present Grantees from being obliged to pay Quit rents for the lands so surrendered.

And No. 85 to support and maintain Mr. McCulloh and their Associates in their just and legal rights and in the quiet possession of their lands.

To these We have thought it necessary to add one other Article No. 93 declaring that the several Regulations prescribed by these Instructions with respect to Grants of Land and Quit Rents shall not be construed to extend to such parts of your Majesty's said Province as are included within your Majesty's Grant to the Earl Granville.

We have also added the Article No. 24 relative to the establishment of a permanent revenue for the support of Government in North Carolina it appearing to us that no such Revenue has yet been settled there and that such an establishment would most effectually tend to the security & good government of your Majesty's Province.

In the Instructions relative to the Acts concerning trade and Navigation We have inserted the titles of many Laws which were omitted when the former Instructions were given to Mr. Johnston and of such as have been passed since relative to the Plantation Trade We have also added the 6th & 7th articles and have made some other alterations therein chiefly containing directions for the more effectually preventing frauds in the Plantation Bonds conformable to a Representation of the Commissioners of Your Maj. Customs in the year 1737.

We have also added the 22nd Article containing directions to the said Governor for the more effectual execution of the Act passed in the twenty first year of Your Majesty's reign for encouraging the making of Indigo in the Plantations in America.

All which is most humbly submitted.

DUNK HALIFAX
JAMES OSWALD
R. EDGCUMBE.

WHITEHALL, June 17th 1754.

Instructions for our Trusty and wellbeloved Arthur Dobbs Esq^{re} Our Captain General and Governor in Chief in and over our Province of North Carolina in America

Given at

1754, June 17.

1st With these Our Instructions you will receive Our Commission under our Great Seal of Great Britain constituting you our Captain General and Governor in Chief in and over Our Province of North Carolina in America You are therefore to fit yourself with all convenient speed and to repair to our said Province of North Carolina and being arrived there you are to take upon you the execution of the place and trust We have reposed in you and forthwith to call together the Members of our Council in that Province, viz: Matthew Rowan, James Murray, James Hassell, James Innes, John Rutherford, Francis Corbin, John Swann, John Dawson, James Craven, Lewis De Rosset, John Rienssett, Henry McCulloh Esq^{res}

2. You are with all due and usual solemnity to cause our Commission constituting you Our Captain General and Governor in Chief as aforesaid to be read and published at the said meeting of Our Council which being done you shall then take and also administer unto each of the Members of Our said Council the Oaths mentioned in an Act passed in the first year of his late Majesty our Royal Father's Reign entitled an Act for the further security of His Majesty's person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors as also make and subscribe and cause the Members of our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second entitled an Act for preventing dangers which may happen from Popish Recusants and you and every of them are likewise to take an Oath for the due execution of your and

their places and trusts as well as with regard to your and their equal and impartial administration of Justice and you are also to take the oath required by an Act passed in the 7th & 8th years in the reign of King William the third to be taken by Governors of Plantations to do their utmost that the Acts of Parliament relating to Plantations be observed.

3. You shall administer or cause to be administered the oaths appointed in the aforesaid Act entitled An Act for the further security of His Maj. Person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors to the Members and officers of the Council and Assembly and to all Judges Justices or any other persons that hold any office or place of trust or profit in our said Province whether by virtue of any Patent under Our Great Seal of Great Britain or the public Seal of our said Province of North Carolina or otherwise and you shall also cause them to make and subscribe the aforesaid Declaration without the doing of all which you are not to admit any person whatsoever into any public office nor suffer those that have been admitted formerly to continue therein.

4. You are forthwith to communicate unto Our said Council such and so many of these Our Instructions wherein their advice and consent are mentioned to be requisite as likewise all such others from time to time as you shall find convenient for our service to be imparted to them.

5. You are to permit the Members of our said Council to have and enjoy Freedom of debate and vote in all affairs of public concern that may be debated in Council.

6. And although by our Commission aforesaid We have thought fit to direct that any three of our Council make a quorum, It is nevertheless Our Will and pleasure that you do not act with a quorum of less than five Members unless upon emergencies when a greater number cannot conveniently be had.

7. And that We may be always informed of the names and characters of persons fit to supply the Vacancies which shall happen in our said Council You are from time to time when any vacancies shall happen in our said Council to transmit to our Commiss^r for Trade and Plantations in order to be laid before us the names of those Persons Inhabitants of our said Province whom you shall esteem the best qualified for that trust.

8. And whereas by our Commission to you you are empowered in case of the death or absence of any of the Council of our said Province to fill up the Vacancies in the said Council to the number of seven and no more You are from time to time to send to Our Commissioners for

Trade and Plantations in order to be laid before us the names and qualities of any Member or Members by you put into our said Council by the first conveyance after your so doing.

9. And in the choice and nomination of Members of Our said Council as also of the Chief Officers Judges Assistant Justices and Sheriffs you are always to take care that they be men of good life well affected to Our Government of good estates and of abilities suitable to their employments.

10. You are neither to augment nor diminish the number of our said Council as it is hereby established nor to suspend any of the Members of it without good and sufficient cause nor without the consent of the majority of the said Council signified in Council after due examination of the charge against said Councillor and his Answer thereunto and in case of the suspension of any of them You are to cause your Reasons for so doing together with the charges and proofs against the said persons and their Answers thereunto to be duly entered in the Council Books and forthwith to transmit copies thereof to Our Commiss^{rs} for Trade & Plantations in order to be laid before us Nevertheless if you should happen to have reason for suspending any Councillor not fit to be communicated to the Council you may in that case suspend such person without their consent but You are thereupon immediately to send to Our Commiss^{rs} for Trade & Plantations in order to be laid before us an account of Your proceedings therein with your reasons at large for such suspension as also for not communicating the same to the Council and duplicates thereof by the next opportunity.

11. And whereas we are sensible that effectual care ought to be taken to oblige the Members of our said Council to a due attendance therein in order to prevent the many inconveniences that may happen for want of a quorum of the Council to transact business as occasion may require It is Our Will and Pleasure that if any of the Members of Our said Council residing in the Province shall hereafter absent themselves from Our Province and continue absent above the space of twelve months without leave from You or our Governor or Commander in Chief of our said Province for the time being first obtained under your or his hand and seal and shall remain absent for the space of two years successively without our leave given them under our Royal Sign Manual their place or places in our said Council shall immediately thereupon become void and that if any of the Members of our said Council residing in our said Province shall willfully absent themselves hereafter from the Council Board when duly summoned without a just and lawful cause and shall persist therein after admonition you suspend the said Councillors so

absenting themselves till our further pleasure be known giving timely notice thereof to Our Commiss^{rs} for Trade & Plantations in order to be laid before us And we do hereby Will and require you that this Our Royal Will and Pleasure be signified to the several Members of our said Council and that it be entered in the Council Books of our said Province as a standing rule.

12. And whereas by our Commission you are empowered with the advice and consent of our Council from time to time as need shall require to summon & call General Assemblies of the Freeholders and Planters within your Government Our Will and Pleasure is that you do as soon as conveniently you can after your arrival in our said Province issue writs in our name to the Provost Marshal, Sheriff or other proper Officer in the several Towns and Districts requiring them to summon the Freeholders in the said Towns & Districts to meet at some convenient place within the same then and there to choose and elect such persons as shall be thought proper by the majority of the said Freeholders to be their Representatives in a General Assembly to be held at such time and place as you shall with the advice of the Council judge most proper and convenient for our service and for the convenience of our subjects inhabitants of our said Province.

13. And Our further Will and Pleasure is that the General Assembly so to be called do for the present consist of Sixty Representatives who are to be chosen in manner following

- Five by the Freeholders of Chowan County
- Five by the Freeholders of Perquimans County
- Five by the Freeholders of Currituck County
- Five by the Freeholders of Pasquotank County
- Five by the Freeholders of Tyrrell County
- Three by the Freeholders of Bertie County
- Two by the Freeholders of Northampton County
- Two by the Freeholders of Beaufort County
- Two by the Freeholders of Hyde County
- Two by the Freeholders of Craven County
- Two by the Freeholders of Carteret County
- Two by the Freeholders of Edgecumbe County
- Two by the Freeholders of New Hanover County
- Two by the Freeholders of Bladen County
- Two by the Freeholders of Onslow County
- Two by the Freeholders of Granville County
- Two by the Freeholders of Johnston County
- Two by the Freeholders of Anson County

Two by the Freeholders of Dupplin County
Two by the Freeholders of Rowan County
One by the Freeholders of the Town of Edenton
One by the Freeholders of the Town of Bath
One by the Freeholders of the Town of Newbern
One by the Freeholders of the Town of Wilmington

14. And it is Our further Will and Pleasure that fifteen Members shall constitute a quorum of the said Assembly.

15. And it is Our further Will and Pleasure that as our said Province shall by the blessing of God increase in number of inhabitants you do erect such and so many Towns and Counties within the Southern District thereof with the privilege of sending such a number of Representatives to the said Assembly and that each District and Division may have a just and reasonable proportion.

16. And whereas several laws have been heretofore passed within our said Province of North Carolina by which Towns and Counties have been erected and empowered to send Representatives to the Assembly the qualification of the electors and elected ascertained and a variety of other regulations made with respect thereto And whereas the erecting Towns and Counties empowering them to send Representatives to the Assembly and making Regulations with respect thereto by a Provincial Law appears to us to be inconsistent with that authority which we have granted to our Governor of our said Province We have therefore thought fit by Our Order in Council of the 8th day of April in the twenty seventh year of our Reign to declare void and of none effect all the said Laws It is nevertheless our Will and Pleasure that all the rights and privileges derived to the said Towns and Counties by the said Laws be confirmed to them by charters of Incorporation which you are forthwith to grant to them respectively under the seal of our said Province And it is Our further Will and Pleasure that you do not for the future upon any pretence whatsoever give your assent to any law or laws to be passed in our said Province by which the number of the Assembly shall be enlarged or diminished the duration of it ascertained the qualifications of the electors or elected fixed or altered or by which any regulations shall be establish'd with respect thereto inconsistent with these our Instructions to you or prejudicial to that right and authority which you derive from us in virtue of our Commission and Instructions.

17. And whereas the members of several Assemblies in the Plantations have frequently assumed to themselves privileges no ways belonging to them especially of being protected from suits at law during the term they remain of the Assembly to the great prejudice of their Cred-

itors and the obstruction of justice and some have presumed to have adjourned themselves at pleasure without leave from Our Governor first obtained and others have taken upon them the sole framing of money bills refusing to let the Council alter or amend the same which are very detrimental to our prerogative If upon your calling an Assembly in North Carolina you find them insist upon any of the above said privileges you are to signify to them that it is Our express Will and Pleasure that you do not allow any protection to any Member of the Council or Assembly further than in their persons and that only during the sitting of the Assembly and that you are not to allow them to adjourn themselves otherwise than *de die in diem* except Sundays and Holidays without leave from you or the Commander in Chief for the time being first obtained and that the Council have the like power of framing money bills as the Assembly.

18. In case you find the usual salaries or pay of the Members of the Assembly too high you shall take care that they be reduced to such a moderate proportion as may be no grievance to the Country wherein nevertheless you are to use your discretion so as no inconvenience may arise thereby.

19. You are to observe in the passing of all laws that the style of enacting the same be by the Governor Council and Assembly and no other. You are also as much as possible to observe in the passing of all Laws that whatever may be requisite upon each different matter be accordingly provided for by a different law without intermixing in one and the same Act such things as have no proper relation to each other and you are more especially to take care that no clause or clauses be inserted in or annexed to any Act which shall be foreign to what the title of such respective Act imports and that no perpetual clause be made part of any temporary law and that no Act whatever be suspended altered continued revived or repealed by general words but that Title and date of such Act so suspended altered continued revived or repealed be particularly mentioned and expressed in the enacting part.

20. And whereas several Laws have formerly been enacted in several of our Plantations in America for so short a time that our assent or refusal thereof could not be had thereupon before the time for which such Laws were enacted did expire You shall therefore not give your assent to any Law that shall be enacted for a less time than two years except in the cases hereinafter mentioned and You shall not re-enact any Laws to which the assent of us or our Royal Predecessors has once been refused without express leave for that purpose first obtained from us upon a full representation by you to be made to our Comm^{rs} for Trade & Plantations

in order to be laid before us of the reasons & necessity for passing such a Law nor give your assent to any Law for repealing any other Law passed in your government whether the same has or has not received our Royal approbation unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure shall be known concerning the same.

21. And whereas great mischiefs do arise by the frequent passing Bills of an unusual and extraordinary nature and importance in the Plantations which Bills remain in force there from the time of enacting until Our pleasure be signified to the contrary We do hereby Will and Require you not to pass or give your assent hereafter to any Bill or Bills in the Assembly of our said Province of unusual and extraordinary nature and importance wherein our Prerogative or the property may be prejudiced nor to any Bill or Bills whereby the trade and shipping of this kingdom may be anyways affected until you shall have first transmitted unto Our Comm^{rs} for Trade and Plantations in order to be laid before us the draught of such a Bill or Bills and shall have received our Royal Pleasure thereupon unless you take care in the passing of any Bills of such nature as before mentioned that there be likewise a clause inserted therein suspending and deferring the execution thereof until our Pleasure shall be known concerning the same.

22. You are also to take care that no private Act whereby the property of any private person may be affected be passed in which there be not a saving of the right of us our Heirs and Successors all Bodies politic and corporate and all other persons except such as are mentioned in the said Act and those claiming by from or under them. And further you shall take care that no such private Act be passed without a Clause suspending the execution thereof until the same shall have received our Royal approbation. It is likewise our Royal Will and Pleasure that you do not give your assent to any private Act until proof be made before you in the Council (and entered in the Council Books) that public notification was made of the parties intention to apply for such Act in the several Parish Churches where the premises in question lye for three Sundays at least successively before such Act was brought into the Assembly and that a Certificate under your hand be transmitted with and annexed to every such Private Act signifying that the same has passed through all the forms mentioned.

23. Whereas many of the Laws heretofore passed in our Colonies and Plantations in America respectively have from time been either entirely or in part repealed and others of them are expired by means whereof persons not well acquainted with the said Laws may be led into mistakes

and great prejudice and inconvenience may arise to our service And Whereas nothing can more effectually tend to promote order and good government secure the properties & possessions of our subjects and prevent litigious controversies and disputes than a clear and well digested Body of the Laws, It is therefore Our Will and Pleasure and you are hereby required & directed jointly with the Council and Assembly of Our Province of North Carolina under your government forthwith to consider and revise all and every the Laws Statutes and Ordinances which are in force within Our said Province excepting only such as relate to private property or are otherwise of a private nature and in lieu thereof to frame and pass a complete and well digested Body of new Laws for our said Province taking especial care that in the passing of each Law due regard be had to the methods and regulations prescribed by these our Instructions to you and that no Law whatsoever making a part of such a Body of Laws be passed without a clause inserted therein suspending and deferring the execution thereof until Our Royal Will and Pleasure may be known thereupon. And it is Our further Will and Pleasure that when the new Body of Laws shall have been so framed and passed as aforesaid you do forthwith transmit each Law separately under the seal of our said Province together with a very particular observation thereupon to our Commiss^{rs} for Trade and Plantations in order to be laid before us in our Privy Council for our Royal approbation or disallowance.

24. And Whereas nothing can more effectually tend to the peace security and well governing of our said Province than the having a permanent revenue settled by law upon a solid foundation for defraying the necessary charges of government, It is therefore Our Will and Pleasure that you do recommend it to the Assembly in our name without delay to consider of a proper Law to be passed for that purpose taking care that such Law shall be without limitation in point of time and that provision be particularly made therein for a competent Salary to yourself as Captain General and Governor in chief of our s^d Province and to any other succeeding Captain General or Governor in Chief for supporting the dignity of the said office as likewise due provision for the contingent charges of our Council & Assembly and for the salaries of the respective Clerks and other Officers thereunto belonging as likewise for all other Officers necessary for the administration of that Government. And also that a fund be thereby established for erecting and repairing fortifications for annual presents to the Indians and for all other ordinary contingencies of Government Provided always that you do not give your assent to any such Law until you shall have first transmitted to Our Commiss^{rs} for

Trade and Plantations in order to be laid before us a draught of such Law and shall have received our commands thereupon unless you take care that a clause be inserted therein suspending and deferring its execution until Our pleasure be known thereupon.

25. It is nevertheless Our Will and Pleasure and you are hereby authorized and empowered to give your assent to any temporary Law or Laws for making provision to defray the expences of temporary services provided that all such Laws do expire and have their full effect when the services for which such Law or Laws were passed shall cease and be determined.

26. Whereas several inconveniences have arisen to our governments in the Plantations by gifts and presents made to the Governor by the General Assembly for the prevention thereof for the future It is Our express Will and Pleasure that neither you the Governor nor any Gov^r Lieut. Governor Commander in Chief or President of the Council of our said Province of North Carolina for the time being do give your or their consent to the passing any Law or Act for any gift or present to be made to you or them by the Assembly and that neither you nor they do receive any gift or present from the Assembly or others on any account or in any manner whatsoever upon pain of our highest [displeasure] and of being recalled from that Governm^t

27. And We do further direct & require that this Declaration of Our Royal Will and Pleasure contained in the foregoing Article be communicated to the Assembly at their first Meeting after your arrival in that Province and entered in the Journals of the Council and the Assembly that all persons whom it may concern may govern themselves accordingly.

28. You are to take care that in all Acts and Orders to be passed within that our Province in any case for levying money or imposing fines or penalties express mention be made that the same is granted or reserved to Us our Heirs and Successors for the public uses of that Our Province and support of the government thereof as by the said act or order shall be directed And you are particularly not to pass any Law or do any Act by grant settlement or otherwise whereby our Revenue may be lessened or impaired without our especial leave or command therein.

29. You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by Warrant under your hand by and with the advice and consent of Our Council but the Assembly may nevertheless be permitted from time to time to view and examine all accounts of money and value of money disposed of by virtue of laws made by them which you are to signify unto them as there shall be occasion.

30. You are not to permit any clause whatsoever to be inserted in any Law for levying money or the value of money whereby the same shall not be made liable to be accounted for unto Us in Great Britain and to Our Commissioners of Our Treasury or to Our High Treasurer for the time being and audited by our Auditor General of Our Plantations or his Deputy for the time being And We do hereby particularly require and enjoin you upon pain of our Highest displeasure to take care that fair books of accounts of all receipts and payments of all public money be duly kept and the truth thereof attested upon oath and that all such accounts be audited and attested by our Auditor General of our Plantations or his Deputy who is to transmit copies thereof to Our Comm^{rs} of Our Treasury or to Our High Treasurer for the time being and that you do every half year or oftener send another copy thereof attested by yourself to our Comm^{rs} of Trade and Plantations and duplicates thereof by the next conveyance In which Books shall be specified every particular sum raised or disposed of together with the names of the persons to whom any payments shall be made to the end we may be satisfied of the right and due application of the revenue of our said Province with the probability of the increase or diminution of it under every head or article thereof.

31. And it is Our express Will and Pleasure that no Law for raising any imposition on Wines or other strong Liquors be made to continue for less than one whole year as also that all other Laws made for the supply and support of the government shall be without limitation of time except the same be for a temporary service and which shall expire and have their full effect within the time prefixed.

32. Whereas Acts have been passed in some of our Plantations in America for striking Bills of Credit and issuing out the same in lieu of money in order to discharge their public debts and for other purposes from whence several inconveniences have arisen It is therefore Our Will and Pleasure that you do not give your assent to or pass any Act in our Province under your Government whereby Bills of Credit may be struck or issued in lieu of money without a clause inserted in such Act declaring that the same shall not take effect until the said Act shall have been approved and confirmed by us our Heirs or Successors It is also our Will and Pleasure that you do immediately send an account to us and our Commiss^{rs} for Trade & Plantations whether any Paper Bills be now current in North Carolina and if any to the amount of what sum and what fund is provided for sinking them as likewise whether the same be at any and what discount and for what time they are current.

33. And whereas an Act of Parliament was passed in the sixth year of the reign of Her late Majesty Queen Anne entitled An Act for ascertaining the rates of Foreign Coins in Her Majestys Plantations in America which Act the respective Governors of all the Plantations in America have from time to time been instructed to observe and carry into due execution and whereas notwithstanding complaints have been made that the said Act has not been observed as it ought to have been in many of our Colonies and Plantations in America by means whereof many indirect practices have grown up and various and illegal currencies have been introduced into several of the said Colonies and Plantations contrary to the true intent and meaning of the said Act and to the prejudice of the trade of our subjects It is therefore Our Royal Will and Pleasure and you are hereby strictly required and commanded under pain of our highest displeasure and of being removed from your government to take the most effectual care for the future that the said Act be punctually and *bona fide* observed and put in execution according to the true intent and meaning thereof.

34. And whereas complaints have been made to us by the Merchants of our City of London in behalf of themselves and of several others of our good subjects of Great Britain trading to our Plantations in America that greater duties and impositions are laid on their ships and goods than the ships and goods of persons who are natives and inhabitants of the said Plantations It is therefore Our Will and Pleasure that you do not upon any pretence whatsoever on pain of our highest displeasure give your assent to any law wherein the natives or inhabitants of North Carolina under your government are put on a more advantageous footing than those of this Kingdom or whereby duties shall be laid on British shipping or upon the product or manufacture of Great Britain upon any pretence whatsoever.

35. You are to examine what rates and duties are charged and payable upon any goods imported or exported within our said Province whether of the growth or manufacture of our said Province or otherwise And you are to suppress the engrossing of commodities as tending to the prejudice of that freedom which trade and commerce ought to have And you are to use your best endeavours for the improvement of the trade of those parts by settling such orders and regulations therein with the advice of our said Council as may be most acceptable to the generality of the inhabitants and to send to our Commiss^{rs} for Trade & Plantations in order to be laid before us yearly or oftener as occasion may require the best and most particular account of any Laws that have at any time been made Manufactures set up or Trade carried on in the

Province under your government which may in any wise affect the trade and navigation of this Kingdom.

36. Whereas Acts have been passed in some of our Plantations in America for laying duties on the importation and exportation of Negroes to the great discouragement of the Merchants trading thither from the coast of Africa And Whereas Acts have likewise been passed for laying of duties on felons imported in direct opposition to an Act of Parliament passed in the fourth year of our late Royal Father's reign for the further preventing robbery burglary and other felonies and for the more effectual transportation of felons It is our Will and Pleasure that you do not give your assent to or pass any Law imposing duties upon Negroes imported into our Province of North Carolina payable by the importer or upon any slaves exported that have not been sold in our said Province and continued there for the space of twelve months It is our further Will and Pleasure that you do not give your assent to or pass any law whatsoever for imposing duties on the importation of any felons from this Kingdom to North Carolina

37. You are to transmit authentic copies of all Laws Statutes and Ordinances which are now made and in force and have not yet been sent or which any time hereafter shall be made or enacted within our said Province each of them separately under the public seal unto Our Commiss^{rs} for Trade & Plantations within three months by the first opportunity after their being enacted together with Duplicates thereof by the next Conveyance upon pain of our Highest displeasure and of the forfeiture of that year's Salary wherein you shall at any time or upon any pretence whatsoever omit to send over the said Laws Statutes & Ordinances as aforesaid within the time above limited as also of such other penalty as We shall please to inflict But if it shall happen that no shipping shall come from our said Province within three months after the making such Laws, Statutes and Ordinances whereby the same may be transmitted as aforesaid then the said Laws Statutes and Ordinances are to be transmitted by the next Conveyance after the making thereof whenever it may happen for our approbation or disallowance of the same.

38. And Our further Will and Pleasure is that Copies and Duplicates of all Acts that shall be transmitted as aforesaid be fairly abstracted in the margins and that the several dates or respective times when the same passed the Assembly the Council and received your assent be particularly expressed and You are to be as explicit as may be in your observations (to be sent to Our Commiss^{rs} for Trade & Plantations) upon every Act that is to say whether the same is introductive of a new Law declaratory

of a former Law or does repeal a Law then before in being And You are likewise to send to our said Commiss^{rs} the reasons for the passing of such Law unless the same do fully appear in the preamble of the said Act.

39. You are to require the Secretary of our said Province or his Deputy for the time to furnish you with transcripts of all such Acts and Public Orders as shall be made from time to time together with a copy of the Journals of the Council and that all such transcripts and copies be fairly abstracted in the margins to the end the same may be transmitted unto Our Commiss^{rs} for Trade and Plantations as above directed in order to be laid before us which he is duly to perform upon pain of incurring the forfeiture of his place.

40. You are also to require from the Clerk of the Assembly or other proper Officer transcripts of all Journals and other proceedings of the said Assembly fairly abstracted in the margins to the end the same may be transmitted as aforesaid.

41. Whereas We have thought fit by our Order in Council dated the 8th day of April in the twenty seventh year of our reign to repeal and declare void and of none effect an Act passed in Our said Province of North Carolina in 1746 entitled an Act to fix a place for the seat of Government and for keeping public Offices for appointing Circuit Courts and defraying the expence thereof and also for establishing the Courts of Justice and regulating the proceedings therein in order therefore to obviate and remove the difficulties and inconveniences which may arise from the want of a proper establishment of the Courts of Justice It is Our Will and Pleasure that you do as soon as possible after your arrival by and with the advice and consent of our Council constitute and establish such and so many Courts of Justice and Judicature within Our said Province as you and they shall think necessary for the hearing and determining of all causes as well criminal as civil according to Law and equity and for awarding execution thereupon with all reasonable and necessary powers fees and privileges belonging thereunto And it is Our further Will and Pleasure that you do likewise forthwith consider of a proper place for the seat of Government and make Report thereof to Our Commissioners for Trade & Plant^s in order to be laid before us for our further directions therein

42. Whereas it is necessary that our rights and dues be preserved and recovered and that speedy and effectual justice be administered in all cases relating to our Province You are to take care that a Court of Exchequer be called and do meet at all times as shall be needful and you are upon your arrival to inform us by our Comm^{rs} of Trade & Planta-

tions whether our service may require that a constant court of *exchequer* be settled & established there.

43. You shall not dissolve any Court or office of judicature already erected or established without our especial order but in regard we have been informed that there is a great want of a particular Court for determining of small causes You are to recommend it to the Assembly of our said Province that a Law be passed if not already done for the constituting such Court or Courts for the ease of our Subjects there.

44. And Whereas frequent complaints have been made of great delays and undue proceedings in the Courts of Justice of several of our Plantations whereby several of our Subjects have very much suffered and it being of the greatest importance to our service and to the welfare of our Plantations that Justice be everywhere speedily and duly administered and that all disorders delays and other undue practises in the administration thereof be effectually prevented We do particularly require you to take especial care that in all Courts where you are authorized to preside Justice be impartially administered and that in all other Courts established within our said Province all Judges and other persons therein concerned do likewise perform their several duties without delay or partiality.

45. Whereas We are above all things desirous that our Subjects may enjoy their legal rights and properties You are to take especial care that if any person be committed for any criminal matters unless for Treason or Felony plainly and especially expressed in the warrant of commitment he have full liberty to petition by himself or otherwise the Chief Baron or any other of the Judges of the Common Pleas for a writ of *Habeas Corpus* which upon such application shall be granted and served on the Provost Marshal Gaoler or other Officer having the custody of such prisoner or shall be left at the Gaol or place where the Prisoner is confined And the said Provost Marshal or other Officer shall within three days after such service (on the petitioner paying the fees and charges and giving security that he will not escape by the way) make return of the Writ and Prisoner before the Judge who granted out the said Writ and there certify the true cause of the imprisonment and the said Baron or Judge shall discharge such prisoner taking his recognizance & sureties for his appearance at the Court where the offence is cognizable and certify the said Writ and Recognizance into the Court unless such offences appear to the said Baron or Judge not bailable by the laws of England.

46. And in case the said Baron or Judge shall refuse to grant a writ of *Habeas Corpus* on view of the copy of commitment or upon oath made of such copy having been denied the prisoner or any person requiring

the same in his behalf or shall delay to discharge the prisoner after the granting of such Writ the said Baron or Judge shall incur the forfeiture of his place.

47. You are likewise to declare Our Pleasure that in case the Provost Marshal or other officer shall imprison any person above twelve hours except by a *Mittimus* setting forth the cause thereof he be removed from his said office.

48. And upon the application of any person wrongfully committed the Baron or Judge shall issue his Warrant to the Provost Marshal or other officer to bring the prisoner before him who shall be discharged without bail or paying fees and the Provost Marshal or other officer refusing obedience to such Warrant shall be thereupon removed and if the said Baron or Judge denies his Warrant he shall likewise incur the forfeiture of his place.

49. You shall give directions that no prisoner being set at large by an *Habeas Corpus* be recommitted for the same offence but by the Court where he is bound to appear and if any Baron Judge Provost Marshall or other officer contrary hereunto shall recommit such person so bailed or delivered You are to remove him from his place and if the Provost Marshall or other officer having the custody of the prisoner neglects to return the *Habeas Corpus* or refuses a copy of the commitment within six hours after demand made by the prisoner or any other in his behalf he shall likewise incur the forfeiture of his place.

50. And for the better prevention of long imprisonments you are to appoint two Courts of Oyer and Terminer to be held yearly, viz: on the second Tuesday in December and the second Tuesday in June the charge whereof to be paid by the Public Treasurer of our said Province not exceeding one Hundred Pounds each Session.

51. You are to take care that all prisoners in cases of treason or felony have free Liberty to petition in open Court for their tryals that they be indicted at the first Court of Oyer and Terminer unless it appear upon oath that the Witnesses against them could not be produced and that they be tryed the second Court or discharged and the Baron or Judge upon motion made the last day of the Sessions in open Court shall discharge the prisoner accordingly and upon refusal of the Baron or Judge or Provost Marshall or other officer to do their respective duties therein they shall be removed from their respective places.

52. Provided always that no person be discharged out of prison who stands committed by debt by any Decree of chancery or any legal proceedings of any Court of Record.

53. And for the preventing of any exactions that may be made upon Prisoners You are to declare Our Pleasure that no Baron or Judge shall receive for himself or Clerks for granting a Writ of *Habeas Corpus* more than two shillings and six pence and the like sum for taking a Recognizance and that the Provost Marshall or other officer shall not receive more than five shillings for every commitment for the Bond the prisoner is to sign one shilling and three pence for every copy of a *Mittimus* one shilling and three pence and for every mile he bringeth back the prisoner one shilling and three pence unless by the laws of that Province there are other fees for the like services already established.

54. And further you are to cause this Our Royal Pleasure signified to you by the ten articles of instructions immediately preceding this to be made public and registered in the Council Books of our said Province.

55. You are to take care that no Man's life member freehold or goods be taken away or harmed in our said Province otherwise than by established and known laws not repugnant to but as near as may be agreeable to the laws of this Kingdom.

56. It is Our further Will and Pleasure that no persons for the future be sent Prisoner to this Kingdom from our said Province without sufficient proof of their crimes and that proof transmitted along with the said Prisoner.

57. You are for the better administration of justice to endeavour to get a law passed if not already done wherein shall be set the value of men's estates either goods or lands under which they shall not be capable of serving as Jurors.

58. You shall endeavour to get a law passed if not already done for the restraining of any inhuman severity which by ill Masters or Overseers may be used towards their Christian Servants and their Slaves and that provision be made therein that the wilful Killing of Indians and Negroes be punished with death and that a fit penalty be imposed for the maiming of them.

59. You are to take care that all Writs be issued in Our Name within Our said Province.

60. Our Will and Pleasure is that You or The Commander in Chief for the time being do in all Civil causes on application being made to you or the Commander in Chief for the time being for that purpose permit and allow Appeals from any of the Courts of Common Law in our said Province unto you or the Commander in Chief and the Council of our said Province and you are for that purpose to issue a Writ in the manner which has been usually accustomed returnable before yourself and the Council of our said Province who are to proceed to hear and

determine such appeal wherein such of our said Council as shall be at that time Judges of the Court from whence such appeal shall be so made to you our Captain General or to the Commander in Chief for the time being and to our said Council as aforesaid shall [not] be admitted to vote upon the said appeal but they may nevertheless be present at the hearing thereof to give the reasons of the judgments given by them in the causes wherein such Appeal shall be made Provided nevertheless that in all such Appeals the sum or value appealed for do exceed the sum of three hundred pounds sterling and that security be first given by the Appellant to answer such charges as may be awarded in case the first sentence be affirmed and if either party shall not rest satisfied with the judgment of you or the Commander in Chief for the time being and Council as aforesaid Our Will and Pleasure is that they may then appeal unto us in our Privy Council Provided the sum or value so appealed for unto us exceed five hundred pounds sterling and that such appeal be made within fourteen days after sentence and good security given by the Appellant that he will effectually prosecute the same and answer the condemnation as also pay such costs and damages as shall be awarded by us in case the sentence of you or the Commander in Chief for the time being and Council be affirmed Provided nevertheless where the matter in question relates to the taking or demanding any duty payable to us or to any fee of office or annual rent or such like matter or thing where the rights in future may be found in all such cases you are to admit an appeal to us in Our Privy Council though the immediate sum or value appealed for be of a less value And it is Our further Will and Pleasure that in all such cases where by your instructions you are to admit Appeals to us in Our Privy Council executions be suspended until the final determination of such appeals unless good & sufficient security be given by the Appellant to make ample restitution of all that the Appellant shall have lost by means of such judgment or decree in case upon the determination of such Appeal such decree or judgment should be reversed and restitution awarded to the Appellant.

61. You are also to admit appeals unto us in all cases of fines imposed for misdemeanors provided the fines so imposed amount to or exceed the sum of One hundred pounds sterling the Appellant first giving good security that he will effectually prosecute the same and answer the condemnation if the sentence by which such fine was imposed in North Carolina shall be confirmed.

62. You shall not appoint any person to be a Judge or Justice of the Peace without the advice and consent of at least three of Our Council signified nor shall you execute yourself or by Deputy any of the said

offices And it is Our further Will and Pleasure that all Commissions to be granted by you to any person or persons to be Judges Justices of the Peace or other necessary Officer be granted during pleasure only.

63. You shall not displace any of the Judges Justices Sheriffs or other Officers or Ministers within Our said Province of North Carolina without good and sufficient cause which you shall signify in the fullest and most distinct manner to Our Comm^{rs} for Trade and Plantations in order to be laid before us by the first opportunity after such removal.

64. You shall not suffer any persons to execute more Offices than one by Deputy.

65. And you are with the advice and consent of Our Council to take especial care to establish and regulate all Salaries and Fees belonging to places or paid upon emergencies that they be within the bounds of moderation and that no exaction be made on any occasion whatsoever As also that Tables of all Fees be publicly hung up in all places where such Fees are to be paid And you are to transmit copies of all such Tables of Fees to Our Commiss^{rs} for Trade and Plantations in order to be laid before us as aforesaid.

66. And whereas by an Act entituled an Act for establishing an Agreement with seven of the Lords Proprietors of Carolina for the surrender of their Title and interest in that Province to his Majesty passed in the second year of Our Reign there is a saving to all Persons claiming any Office or Place under any Grant made before January 1st 172⁷ under the Lords Prop^{rs} common seal of all rights unto such Offices or places as they had at the time of passing that Act or might have been entitled to in case the said Act had not been made, You are immediately upon your arrival in North Carolina to make diligent enquiry what those Offices are their several values how their profits arise in what manner executed for what term they are granted and whether they or any of them are useful or hurtful to the Province And that We may be the better apprized thereof you are to send unto us and to our Comm^{rs} for Trade & Plantations as aforesaid authentic copies of all such Grants together with your explanations and remarks thereon in which you are to be very explicit to the end you may receive our further directions therein. But in the mean time you are to take especial care that no office or place whatever in our said Province be executed but by Commission to be granted by us or by you our Governor under the seal of our said Province.

67. Whereas there are several Offices in our Plantations granted under our great seal of Great Britain and that our service may be very much prejudiced by reason of the absence of the Patentees and by their ap-

pointing Deputies not fit to officiate in their stead You are therefore upon your arrival in North Carolina to inspect such of the said Offices as are in your Government and to enquire into the capacity and behaviour of the persons now exercising them and to report thereupon to our Comm^{rs} for Trade and Plantations what you think fit to be done or altered in relation thereunto and you are on the misbehaviour of the said Patentees or their Deputies to suspend them from the execution of their places till you shall have represented the whole matter and received our directions therein And in case of the suspension of any such Officer It is Our express Will and Pleasure that you take care that the person appointed to execute the place during such suspension do give sufficient security to the person suspended to be answerable to him for the profits arising during such suspension in case We shall think fit to restore him to his place again. It is nevertheless our Will and Pleasure that the person executing the place during such suspension shall for his encouragement receive the same profits as the person suspended (if a Deputy) did or moiety of the profits in case of suspension of the Patentee. And it is Our further Will and Pleasure that you do countenance and give all due encouragement to all our Patent Officers in the enjoyment of their legal and accustomed fees rights privileges and emoluments according to the true intent and meaning of their Patents.

68. You shall not by colour of any authority hereby or otherwise granted or mentioned to be granted unto you take upon you to give grant or dispose of any place or office within the said Proviuce which now is or shall be granted under the Great Seal of this Kingdom or to which any person is or shall be appointed by warrant under our Signet or Sign Manual any otherwise than that you may upon the vacancy of any such office or place or upon the suspension of any such officer by you as aforesaid put in any fit person to officiate in the interval till you shall have represented the matter to Our Commiss^{rs} for Trade & Plantations in order to be laid before us as aforesaid which you are to do by the first opportunity and till the said place be disposed of by us our Heirs or Successors under the Great seal of this Kingdom or until some person be appointed thereto under our Signet and sign manual or that our further directions be given therein.

69. And whereas several complaints have been made by the Surveyors General & other officers of our Customs in our Plantations in America that they are frequently obliged to serve on Juries and personally to appear in arms whenever the Militia is drawn & thereby are much hindered in the execution of their employments Our Will and Pleasure is that you take effectual care and give the necessary directions that the sev-

eral officers of our Customs be excused and exempted from serving on any Juries or personally appearing in arms in the Militia unless in cases of absolute necessity or serving any Parochial offices which may hinder them in the execution of their duties.

70. And whereas the Surveyors General of the Customs in our Plantations are empowered in cases of the vacancy of any of the offices of our Customs by death removal or otherwise to appoint other persons to execute such offices until they receive further directions from our Comm^{rs} of our Treasury or High Treasurer or Commiss^{rs} of our Customs for the time being But in regard the districts of the s^d Surveyors General are very extensive and that they are required at proper times to visit the officers in the several Governments under their inspection and that it might happen that some of the officers of our Customs in the Province of North Carolina may die at the time when the Surveyor General is absent in some distant part of his district so that he cannot receive advice of such officer's death within a reasonable time and thereby make provision for carrying on the service by appointing some other person in the room of such officer who may happen to die therefore that no delay may be given on such occasions to the Masters of ships or Merchants in their despatches it is Our further Will and Pleasure in case of such absence of the Surveyor General or if he should happen to die and in such case only that upon the death of any Collector of our Customs within that our Province you shall make choice of person of known loyalty experience diligence and fidelity to be employed in such Collector's room for the purposes aforesaid until the Surveyor General of our Customs shall be advised thereof and appoint another to succeed in their places or that further directions be given therein by the Commiss^{rs} of our Treasury or our High Treasurer or by the Comm^{rs} of our Customs for the time being which shall be first signified taking care that you do not under pretence of this instruction interfere with the powers and authorities given by the Comm^{rs} of our Customs to the said Surveyor General when he is able to put the same into execution.

71. Whereas it is convenient for our Royal service that all the Surveyors General of our Customs in America for the time being should be admitted to sit and vote in the Councils of the respective Islands and Provinces within their Districts as Councillors extraordinary during the time of their residence there We have therefore thought fit to constitute and appoint the Surveyor General of our Customs for our Southern District and the Surveyor General of our Customs within our said District for the time being to be Councillors extraordinary in our said Province and it is Our Will and Pleasure that he and they be admitted to sit

and vote in our said Council as Councillors extraordinary during the time of his or their residence there but it is our Royal intention if thro' length of time the said Surveyor General or any other Surveyor General should become the senior Councillor in our said Province that neither he nor they shall by virtue of such seniority be ever capable to take upon him or them the administration there upon the death of our Captain General or Governor in Chief for the time being but whenever such death or absence shall happen the Government shall devolve upon the Councillor next in seniority to the Surveyor General unless we shall hereafter think for our Royal service to nominate the said Surveyor General or any other of the said Surveyors General Councillors in ordinary in any of our Governments within their survey who shall not in that case be excluded any benefit which attends the seniority of their rank in the Council.

72. It is Our further Will & Pleasure and you are hereby requested by the first opportunity to move the Assembly of our said Province under your government that they provide for the expence of making copies for the Surveyor General of our Customs in our said district for the time being of all Acts and Papers which bear any relation to the duty of his office and in the mean time you are to give orders that the said Surveyor General for the time being as aforesaid be allowed a free inspection in the public offices within your governm^t of all such Acts and papers without paying any fee or reward for the same.

73. You are to transmit unto Our Comm^{rs} for Trade & Plantations with all convenient speed a particular account of all establishments of Jurisdictions Courts offices and officers powers authorities fees and privileges granted or settled or which shall be granted or settled within our said Province together with an account of all the expences attending the establishments of the said Courts and of such funds as are settled and appropriated for discharging such expences and you are likewise to transmit to Our Commiss^{rs} for Trade and Plantations in order to be laid before us exact and authentic copies of all proceedings in such causes when Appeals shall be made to us in our Privy Council.

74. You shall take care with the advice and assistance of our Council that all Court Houses and other public buildings and especially prisons that want reparation be forthwith repaired and put into and kept in such a condition as is proper and necessary for the holding of Courts keeping Offices and securing the prisoners that are or shall be there in custody.

75. Whereas it hath been represented to us that very irregular methods have been hitherto observed and great frauds and abuses committed within respect to grants of land within our said Province whereby our Revenue hath been greatly prejudiced the property of our subjects affected and the

cultivation & improvement of our said Province obstructed It is therefore our Will and Pleasure that you do as soon after your arrival as you conveniently can cause a proper inspection to be made into the several books of the Land office and of the Secretary's and Surveyors offices within our said Province and that you require and direct the proper officers to lay before you copies or extracts of all the Warrants entered or lodged therein which have been issued for lands and of all Grants that have been made in pursuance thereof and of all surveys and returns that have been made by virtue of such Warrants.

76. You are also to inspect and examine the accounts of the Receivers of our Revenue of Quit Rents arising within our said Province under your government and to order and direct them to lay before you an account of all quit rents which have been received at what time & from whom distinguishing such accounts as have been audited from those which have not and in order to prove the truth of those accounts you are to direct our Deputy Auditors in our said Province and they are hereby required to give you the particulars of such accounts as have been audited and that you may be the better enabled to inform yourself what Grantees within our said Province have paid their quit rents and which of them have not you are to order the said Receivers to lay before you copies or extracts of all Receipts that have been given for the payment of Quit Rents since 1716 and likewise to exhibit to you all Books & Vouchers in their possession that belong to or were kept by any former Receivers of our said Revenue You are likewise to make strict enquiry into the methods used in our said Province in collecting receiving and accounting for our Quit Rents.

77. And when you shall have informed yourself of all and every of the foregoing particulars you are to transmit a full and explicit account thereof and of all your proceedings therein to our Comm^{rs} of our Treasury and to our Commiss^{rs} for Trade & Plantations in order to be laid before us.

78. And when you shall have made a careful and diligent enquiry to find out the present possessors of lands within our said Province claiming to hold the same either by Proprietary Grants or by virtue of Warrants or Grants derived from us You are then to give public notice by Proclamation or such other manner as shall be thought proper summoning and requiring all persons claiming to hold lands under Grants from the Proprietors antecedent to the 1st day of January 1727 to appear within a reasonable time before you and our Council of our said Province in order to make out their legal titles to such land and it is our Will and Pleasure that the titles of all such persons as are in actual possession of lands by

virtue of Patents from the Proprietors before the 1st day of January 1727 and of which lands regular surveys have been made and returned be and are hereby confirmed on condition that they register their patents within six months and likewise take out fresh patents subject to the rents and condition required by these our Instructions for all such land as they shall appear to be in possession of over and above the quantity expressed in their Patents from the Proprietors.

79. And it is our further Will and Pleasure that in the cases of persons in possession of lands which they claim to hold by virtue of Patents under the late Lords Proprietors of Carolina antecedent to the said 1st day of January 1727 which patents they allege to be destroyed by fire or otherwise and of which they may not be able to make full proofs nor of the conditions on which such Patents were passed you do permit such persons to take out new Grants at the accustomed and proper office for the lands subject to the payment of such quit rent and to such conditions of improvement and to cultivation as are required by these our Instructions to you But with respect to persons who shall make full proof of their having had patents from the Lords Proprietors before the said 1st day of Jan^{ry} 1727 and of the conditions on which such patents were granted you are to suffer all such to hold and enjoy their lands according to the terms and conditions of such patents notwithstanding the same may have been destroyed by fire or otherwise.

80. And Our further Will and Pleasure is that you do require all persons claiming Lauds within our said Province by virtue of Patents derived from the said Lords Proprietors since the 1st Jan^{ry} 1727 to produce to you the said Patents and that you do cause a regular endorsement to be put thereon expressing that such Patentee is bound to the payment of such quit rent and to the performance of such conditions of cultivation and improvement as are required by these our Instructions to you and you are to declare to all such Patentees that such your endorsement shall be evidence of their respective rights Provided the same be regularly registered in the office of our auditor within six months next after the date of such endorsement and in case it shall appear to you that any such Patentee is in possession of a greater quantity of land than is contained and expressed in his Patent from the said Lords Proprietors You are to cause the Lands held by such Patentee to be resurveyed It is Our Will and Pleasure that you do in such case certify the same to our Attorney General of our said Province to the end that such Patent may be forfeited by due course of law It is nevertheless our Will and Pleasure that nothing in these instructions shall extend or be construed to extend to establish a right in any person or persons to lands claimed under

Grants from the Proprietors subsequent to the date of our purchase which grants were entered in the Secretary's Books after advice received in the Province of such purchase.

81. And in case it shall appear to you that any of the Grants or Warrants for lands granted or issued by the Governors or Commanders in Chief of our said Province since the date of our purchase were fraudulently obtained or made out in a manner contrary to and inconsistent with our instructions to them in that behalf You are to give public notice by proclamation or in such other manner as you shall think most proper to all persons claiming or holding lands under such Grants or Warrants to appear before you within such reasonable time as you shall appoint in order to take out fresh Grants of such lands subject to the payment of such Quit rents and to such conditions of cultivation and improvement as are required by these our Instructions to you And if any such persons shall neglect or refuse to accept and take out such fresh Grants on the terms and conditions aforesaid You are to certify the same to our Attorney General of our said Province to the end that the forfeiture or invalidity of the Grants or Warrants under which such persons claim may be prosecuted & declared according to the due course of law.

82. You are in like manner to give notice to all persons claiming lands by virtue of Warrants which have not been regularly carried into execution the possessors thereof not having taken out regular Grants for those lands or settled them conformable to our Instructions to Our Governors of our said Province that unless they do forthwith take out such Grants conformably to our said Instructions and in all things comply therewith It is Our Will and Pleasure that the lands so claimed by such Warrants shall be disposed of to such Foreigners or others as shall come to settle in our said Province.

83. You are further to give notice to all such persons who having taken out Grants in pursuance of their Warrants have nevertheless neglected to seat their lands or to pay our Quit Rents for the same agreeably to the terms of their Grants that they shall be forthwith prosecuted for such their default unless they immediately comply with and fulfill the conditions of their Grants.

84. And whereas by our Orders in Council dated the 19th day of May 1737 in the tenth year of our Reign we were graciously pleased to direct that one million two hundred thousand acres of land should be set out and granted unto Murray Crymble and James Huey and their Associates in such proportions as should be required by them and upon the following terms and conditions Viz: that they should settle one white person

for every two hundred acres within ten years from the dates of their Grants and also that from and after the expiration of that term they should pay unto us Our Heirs and Successors a quit rent of four shillings proclamation money for every hundred acres so granted to them And whereas it hath been represented to us that in consequence of Our said Orders in Council the associates of the said Murray Cryable and James Huey did in the year 1746 take out ninety six Grants amounting in the whole to one million two hundred thousand acres and whereas it hath been represented to us that the whole of the said Grants have not as yet been settled with white persons in the proportion prescribed by our said Orders, Our Will and Pleasure therefore is that you do upon your arrival enquire what progress hath been made by the said Grantees in settling the said lands and how far the terms and conditions of the said Grants have been complied with and also what quantities of land remain unsettled in the proportion of one white person to every 200 acres and transmit a particular account thereof as soon as conveniently may be to our Comm^{rs} for Trade and Plantations and when the term of ten years to be computed from the dates of the said Grants is fully completed and ended You are to seize and take possession of in our Name and right as forfeited and escheated all such parts and traets of the said lands as shall not at that time be settled according to the terms of the Grants And you are afterwards to govern yourself in relation to the said lands conformable to the 96th Article of these your Instructions relative to forfeitures and escheats Nevertheless it is our Will and Pleasure that you cause proper measures to be taken to secure the payment of our Quit Rents upon all such parts of the said Grantees lands as shall at that time be duly and completely settled by permitting the possessors holding under them by Grants or leases to attorn unto us for the payment of the Quit Rents and to register at the proper office for such quantity of land as they are actually in possession of respective Grants or leases under which they hold their lands.

85. And whereas it hath been represented unto us that complaint hath been made by Henry MacCulloh in behalf of himself and other associates of the late Murray Crymble and James Huey that they have been greatly disturbed and molested in the quiet possession of their said Grants by the late Governor of our said Province and others acting under his authority who took upon them to grant to other persons lands before set out and granted to them pursuant to our said Royal Order Our Will and Pleasure is and you are hereby directed and required to maintain and support the said Grantees in their just and legal rights and in the quiet possession of their lands.

86. And whereas nothing can more effectually tend to the further improving and settling the said Province the security of the property of our subjects and the advancement of the revenue of Quit Rents than the establishing a regular and proper method of proceeding with respect to the passing of Grants of land within the same It is therefore our Will and Pleasure that all and every person and persons who shall for the future apply to you for any Grant or Grants of land shall previous to obtaining the same make it appear before you in Council that they are in a condition to cultivate and improve the same by settling thereon in proportion to the quantity of acres a sufficient number of white persons or negroes And in case you shall upon a consideration of the circumstances of the person or persons applying for such Grants think it advisable to pass the same in such case you are to cause a Warrant to be drawn up directed to the Surveyor General or other proper Officer empowering him or them to make a faithful and exact survey of the lands so petitioned for and to return the said Warrant within six months at furthest from the date thereof with a Plott or description of the Land so surveyed thereunto annexed Provided that you do take care that before any such Warrant is issued as aforesaid a Doequet thereof be entered in the Auditor's Office and when the Warrant shall be returned by the said Surveyor or other proper Officer the Grant shall be made out in due form and the terms and conditions required by these Our Instructions be particularly and expressly mentioned in the respective Grants And it is our further Will and Pleasure that the said Grants shall be registered within six months from the date thereof in our Secretary's Office there and a Doequet thereof be also entered in our Auditor's office there or that in default thereof such Grants shall be void Copies of all which Entries shall be returned regularly by the proper Officer to our Comm^{rs} of our Treasury and to our Comm^{rs} for Trade and Plantat^s six months from the date thereof.

87. And you are to oblige all and every person applying to you for Grants of land as aforesaid to give good & sufficient security that they will not enter upon or begin to cultivate his or their lands until a Patent for the same be finally completed and entered as aforesaid.

88. And whereas great inconveniences have arisen in many of our Colonies in America from the granting excessive quantities of land to particular persons who have never cultivated or settled it and have thereby prevented others more industrious from improving the same in order therefore to prevent the like inconveniences for the future You are to take especial care that in all Grants to be made by you by and with the consent of our Council to persons applying for the same the quantity

of land be in proportion to their ability to cultivate the same and as the number of persons in each Grantee's family will be the most reasonable measure for your judgment in this particular You are hereby directed to observe the following methods in all Grants to be made by you Viz:

That one hundred acres of land be granted to every person being Master or Mistress of a family for himself or herself and fifty acres for every white or black man woman or child of which such person's family shall consist at the actual time of making the Grants subject to the payment of a quit rent of four shillings Proclamation Money for every hundred acres so granted to commence at the expiration of two years from the date of each grant on failure of which the Grant to be void.

That every Grantee upon giving proof that he or she has fulfilled the terms and conditions of his or her Grant shall be entitled to another Grant in the proportion and upon the conditions above mentioned.

That all Grantees of lands be obliged by the terms of their Grants to clear and cultivate at the rate of three acres per year for every hundred acres contained in their Grants in failure of which their grants shall be void.

89. And it is our further Will and Pleasure that in all Grants of land to be made by you as aforesaid regard be had to the profitable and unprofitable acres so that each Grantee may have a proportionable number of one sort and the other as likewise that the length of each tract of land to be hereafter granted do not extend along the banks of any river but into the main land that thereby the said Grantees may each have a convenient share of what accommodation the said river may afford for navigation or otherwise.

90. Whereas We have been at very considerable charge in purchasing the Sovereignty of South & North Carolina together with seven eight parts of the land thereof from the late Lords Proprietors and have actually paid them in consideration of seven eight parts of Quit Rents only alleged to be due and in arrear to them from the inhabitants of our said Province the sum of five thousand pounds, Now as a further mark of our Royal bounty and fatherly indulgence to our people under your government We do hereby empower you to give your assent to a law (if not already done) for remitting the said arrears Provided that by the said law all possessors of land in our Province under your Government do forthwith register their respective Grants in the office of our Auditor General or his Deputy a copy of which Register and of all Grants to be made for the future you are to send as aforesaid to our Commiss^{rs} for Trade and Plantations in order to be laid before us and also that every person possessing land in our said Province by virtue of any Grant from

the late Lords Proprietors do for the future pay to us our Heirs and Successors the annual quit rents reserved upon such Grants respectively in Proclamation money.

91. And it is our further Will and Pleasure that you do make strict enquiry into the method used in our said Province in collecting receiving and accounting for our quit rents and in case you shall find any fraud concealment irregularity or neglect therein you are to use your utmost endeavour for redressing the same and for establishing a proper method whereby the same may be prevented for the future and whereby our Auditor may be enabled more effectually to cheque and control the accounts exhibited by the Receivers. And if it shall appear necessary to apply to the Legislature of the said Province for the more effectually ascertaining and the more speedily and regularly collecting our Quit Rents You are to prepare the heads of such a Bill as you shall think may most effectually conduce to the procuring the good ends proposed and to transmit the same to our Commiss^{rs} for Trade and Plantations in order to be laid before us for our further directions therein.

92. And it is our further Will and Pleasure that the Surveyor General or such other person or persons as you shall think proper to appoint do once in every year or oftener as occasion shall require inspect the state of all Grants of land made by you and make report thereof to you specifying whether the conditions therein contained have or have not been complied or what progress has been made towards fulfilling the same.

93. And whereas We have been graciously pleased by our Letters Patent under our Great Seal of Great Britain bearing date the 17th day of September in the 18th year of our reign to give and grant unto John Lord Carteret now Earl Granville one full eighth part of the Provinces of Carolina in one entire separate district of the Province of North Carolina together with the reversion and-reversions remainder and remainders yearly and other rents issues and profits of and into and out of the said $\frac{1}{8}$ th part of the said Provinces and Territories as by our said recited Letters Patents relation being thereunto had may more fully and at large appear It is therefore Our Will and Pleasure that the Orders Regulations and Directions contained in the 19 foregoing Articles of these Our Instructions do not extend or be construed to extend to such lands as are contained within our said Grant to the said Earl Granville.

94. And whereas for some years past the Governors of some of our Plantations have seized and appropriated to their own use the produce of whales of several kinds taken upon those Coasts upon the pretence that whales are Royal fishes which tends greatly to discourage this branch of fishery in our Plantations and to prevent persons from selling there, it is

therefore our Will and Pleasure that you do not pretend to any such claims nor give any manner of discouragement to the fishery of our subjects upon the coasts of the Province of North Carolina under your government but on the contrary that you give all possible encouragement thereto.

95. You shall not remit any fines or forfeitures whatsoever above the sum of Ten Pounds nor dispose of any forfeitures whatsoever until upon signifying unto Our Comm^{rs} of our Treasury or our High Treasurer for the time being and to our Comm^{rs} for Trade & Plantations the nature of the offence and the occasion of such fine or forfeiture with the particular sums or value thereof (which you are to do with all speed) you shall have received our directions therein But you may in the mean time suspend the payment of the said fines and forfeitures.

96. It is our Will and Pleasure that you do not dispose of any forfeitures or escheats to any person until the Sheriff or other proper officer has made enquiry by a jury upon their oaths into the true value thereof nor until you shall have transmitted to our Comm^{rs} of our Treasury and to our Comm^{rs} for Trade & Plantations a particular account of such forfeitures and escheats and the value thereof and shall have received our directions thereupon and you are to take care that the produce of the said forfeitures and escheats in case we should think proper to give you directions to dispose of the same be duly paid to our Receiver General of our said Province and a full account thereof transmitted to our Comm^{rs} of our Treasury or our High Treasurer for the time being and to our Comm^{rs} for Trade & Plantations with the names of the persons to whom disposed and provided that in the Grants of all forfeited and escheated lands there be a clause obliging the Grantee to cultivate three acres for every fifty acres within three years after the passing of such Grants in case the same was not so cultivated and planted before and that there be proper saving and reservation of quit rents to us our Heirs & Successors.

97. Whereas we have thought it necessary for our service to constitute and appoint a Receiver General of our rights and perquisites of the Admiralty It is therefore our Will and Pleasure that you be aiding and assisting to the said Receiver General his Deputy or Deputies in the execution of the said office of Receiver General and we do hereby enjoin and require you to make up your account with him his Deputy or Deputies of all rights of admiralty Effects of Pirates included as you or your officers shall or may at any time receive and to pay over to the said Receiver General or his Deputy or Deputies for our use all such sums of

money as shall appear on the foot of such accounts to be and remain in your hands or in the hands of any of your officers and whereas our said Receiver General is directed in case the parties charged with any part of such our revenue refuse neglect or delay payment thereof by himself or sufficient Deputy to apply in our name to our Governors Judges Attorneys General or any other our officers or Magistrates to be aiding and assisting to him in recovering the same It is therefore Our Will and Pleasure that you our Governor our Judges our Attorneys General and all other officers whom it may concern do use all lawful authority for recovering and levying thereof.

98. You are to permit a liberty of conscience to all persons except Papists so as they be contented with a quiet and peaceable enjoyment of the same not giving scandal or offence to the Government.

99. You shall take especial care that God Almighty be devoutly and duly served throughout your Government the Book of Common Prayer as by law established read each Sunday and Holiday and the blessed Sacrament administered according to the rights of the Church of England.

100. You shall take care that the Churches already built be well and orderly kept and that more be built as the Province by God's blessing shall be improved and that besides a competent maintenance to be assigned to the Minister of each Orthodox Church a convenient House be built at the common charge for each Minister and a competent proportion of land assigned him for a Glebe and exercise of his industry.

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

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

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

104. You are to enquire whether there be any Minister within your government who preaches and administers the Sacrament in any ortho-

dox Church or Chapel without being in due orders and to give an account thereof to the Lord Bishop of London.

105. And to the end the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place within that our Province so far as may be We do think fit that you give all countenance & encouragement to the exercise of the same excepting only the collating to Benefices granting licenses for marriages and probate of wills which we have reserved to you our Governor and to the Commander in Chief of our said Province for the time being as far as by law we may.

106. And We do further direct that no Schoolmaster be henceforth permitted to come from this Kingdom and to keep school within that our said Province without the license of the Lord Bishop of London and that no person now there or that shall come from other parts shall be admitted to keep school in North Carolina without your license first obtained.

107. And you are to take especial care that a table of Marriages established by the canons of the Church of England be hung up in every Orthodox Church and duly observed And you are to endeavour to get a law passed in the Assembly of that Province if not already done for the strict observance of the said table.

108. The Right Reverend Father in God Edmund late Lord Bishop of London having presented a Petition to his said late Majesty humbly beseeching him to send Instructions to the Governors of all the several Plantations in America that they cause all laws already made against blasphemy, profaneness, adultery fornication polygamy incest prophana-tion of the Lord's Day swearing and drunkenness in their respective Governments to be vigorously executed and we thinking it highly just that all persons who shall offend in any of the particulars aforesaid should be prosecuted and punished for the said offences It is therefore our Will and Pleasure that you take due care for the punishment of the foremen-tioned Vices and that you earnestly recommend to the Assembly of North Carolina to provide effectual laws for the restraint and punishment of all such of the aforementioned vices against which no laws are as yet pro-vided and also you are to use your endeavours to render the laws in being more effectual by providing for the punishment of the aforementioned vices by presentment upon oath to be made to the Temporal Courts by the Churchwardens of the several Parishes at proper times of the year to be appointed for that purpose and for the further discouragement of Vice and encouragement of virtue and good living that by such examples the Infidels may be invited and perswaded to embrace the Christian Religion You are not to admit any persons to public trust and employments in the

Province under your government whose ill fame and conversation may occasion scandal and it is our Will and Pleasure that you recommend to the Assembly to enter upon the proper methods for the erecting and maintaining of schools in order to the training up of youth to reading and a necessary knowledge of the principles of religion and you are also with the assistance of the Council and Assembly to find out the best means to facilitate and encourage the conversion of Indians and Negroes to the Christian Religion.

109. You shall send to our Comm^{rs} for Trade and Plantations by the first conveyance in order to be laid before us an account of the present number of Planters men women and children as well Masters as Servants free and-unfree and of the slaves in our Province as also a yearly account of the increase and decrease of them and how many of them are fit to bear arms in the Militia of our said Province You shall also cause an exact account to be kept of all persons born christened and buried and send yearly fair abstracts thereof to our Comm^{rs} for Trade and Plantations aforesaid.

110. And we do further expressly command and require you to give to our Comm^{rs} for Trade & Plantations an account every half year of what number of Negroes our said Province is supplied with.

111. You shall take care that all Planters Inhabitants and Christian Servants be well and fitly provided with arms and that they be listed under good officers and when and as often as shall be thought fit mustered and trained whereby they may be in a better readiness for the defence of the said Province and for the greater security thereof You are to appoint fit Officers and Commanders in the several parts of that Province bordering upon the Indians who in any Invasion may raise men and arms to oppose them until they shall receive your directions therein.

112. But you are to take especial care that neither the frequency nor unreasonableness of remote marches musterings or training be an unnecessary impediment to the affairs of the inhabitants.

113. And you shall not upon any occasion whatsoever establish or put in execution any Articles of War or other Law Martial upon any of our subjects Inhabitants of our said Province without the advice and consent of our said Council there.

114. And whereas you will receive from Our Comm^{rs} for executing the office of High Admiral of Great Britain and of the Plantations a Commission constituting you Vice Admiral of our said Province you are hereby required and directed carefully to put in execution the several powers thereby granted you.

115. And whereas there have been great irregularities in the manner of granting Commissions in the Plantations to private Ships of war You are to govern yourself whenever there shall be occasion according to the Commission and Instructions granted in this Kingdom copies whereof will be delivered to you But you are not to grant Commissions of Marque Reprisals against any Prince or State or their subjects in amity with us to any person whatsoever without our especial command. And you are to oblige the Commanders of all ships having Private Commissions to wear no other Colours than such as are described in our Order in Council of 7 Jan^r 1730 in relation to Colours to be worn by all ships of war.

116. Whereas We have been informed that during the time of War our Enemies have frequently got intelligence of the state of our Plantations by letters from private persons to their Correspondents in Great Britain taken on board ships coming from the Plantations which has been of dangerous Consequence Our Will and Pleasure is that you signify to all Merchants Planters and others that they be very cautious in time of war whenever that shall happen of giving any account by letters of the public state and condition of our Province of North Carolina And you are further to give directions to all Masters of ships and other persons to whom you may entrust your letters that they put such letters into a Bag with a sufficient weight to sink the same immediately in case of imminent danger from the Enemy And you are always to let the Merchants and Planters know how greatly it is for their interests that their letters should not fall into the hands of the Enemy and therefore that they should give the like orders to Masters of ships in relation to their letters And you are further to advise all Masters of ships that they do sink all letters in case of danger in the manner beforementioned.

117. And whereas the Merchants & Planters in America have in time of war corresponded and traded with our Enemies and carried intelligence to them to the great prejudice and hazard of the British Plantations You are therefore by all possible methods to endeavour to hinder all such trade and correspondence in time of War.

118. Whereas by the 5th and 6th Articles of the Treaty of Peace and Neutrality in America concluded between England and France 16th November 1686 the subjects and inhabitants of each Kingdom are prohibited to trade and fish in all places possessed or which shall be possessed by the other in America and that if any ship shall be found trading contrary to the said Treaty upon due proof the said ship shall be confiscated but in case the subjects of either King shall be forced by stress of weather enemies or other necessity into the ports of the other in America

they shall be treated with humanity and kindness and may provide themselves with victuals and other things necessary for their sustenance and reparation of their ships at reasonable rates Provided they do not break bulk or carry any goods out of their ships exposing them to sale nor receive any merchandize on board under penalty of confiscation of ships and goods It is therefore Our Will and Pleasure that you signify to our subjects under your governm^t the purport and intent of the above said two Articles And that you take particular care that the same be punctually observed and put in execution and that no illegal trade be carried on between our subjects in our Province of North Carolina under your government and the French settlements in America by any of our ships of war attending that Province or by any other ships British as likewise that none of the French subjects be allowed to trade from their settlements to North Carolina or to fish upon the Coast thereof.

119. Whereas Commissions have been granted to several persons in our respective Plantations in America for the trying of Pirates in those parts pursuant to the several Acts for the more effectual suppression of piracy and by a Commission to be given you, you as Captain General and General in Chief of our said Province are empowered together with others therein mentioned to proceed accordingly in reference to the said Province of North Carolina Our Will and Pleasure is that in all matters relating to Pirates you govern yourself according to the said Acts and Commission aforesaid.

120. Whereas it is absolutely necessary that we be exactly informed of the state of defence of all our Plantations in America as well in relation to the stores of war that are in each Plantation as to the Forts and Fortifications there and what more may be built for the defence and security of the same You are as soon as possible to prepare an account thereof with relation to our said Province in the most particular manner and you are therein to express the present state of the arms ammunition and other stores of War belonging to the said Province either in any public Magazines or in the hands of private persons together with the state of all places either already fortified or that you judge necessary to be fortified for the security of our said Province and you are to transmit the said accounts to our Commiss^{rs} for Trade & Plantations in order to be laid before us as also a duplicate thereof to the Master General or Principal Officers of our Ordnance which accounts are to express the particulars of ordnance carriages ball powder and all other sorts of arms and ammunition in the public stores at your said arrival and so from time to time of what shall be sent to you or bought with public money and to specify the time of the disposal and the occasion thereof and other like accounts half yearly in the same manner.

121. Whereas divers Acts have from time to time been passed in several of our Colonies in America imposing a duty of powder on every Vessel that enters and clears in the said Colonies which has been of great service in furnishing the Magazine for the defence of the said Colonies in time of danger, It is our express Will and Pleasure and you are hereby required and directed to recommend to the Assembly of North Carolina to pass a Law for collecting a powder duty and that the Law for that purpose be made perpetual that a certain time in that Act not exceeding twelve months be allowed for giving notice thereof to the several Masters of Vessels trading to North Carolina and that for the more ample notification thereof a Proclamation be also published in your said Government declaring that from and after the expiration of the time limited by the said Act for such notice no commutation be allowed of but upon evident necessity which may some time happen whereof you or the Commander in Chief for the time being are to be the Judge in which case the said Master shall pay the full price Gunpowder sells for there and the money so collected shall be laid out as soon as may be in the purchase of gunpowder And you are also to transmit every six months to our Comm^{rs} for Trade & Plantations an account of the particular quantities of powder collected under the said Act in your government and likewise a duplicate thereof to the Master General or Principle Officers of our Ordnance.

122. You are to take especial care that fit storehouses be settled in the said Province for receiving and keeping of arms ammunition and other public stores.

123. And in case of distress of any other of our Plantations you shall upon application of the respective Governors thereof to you assist them with what aid the condition and safety of our Province under your government can spare.

124. You are from time to time to give an account as before directed what strength your Neighbours have be they Indians or others by sea and land and of the condition of their plantations and what correspondence you do keep with them.

125. Whereas it is highly necessary for the welfare of Carolina that a good understanding should be maintained with the Indians as well for the promoting of trade as for the security of the Frontiers of your Government you are hereby particularly enjoined to use all possible ways & means for regaining the affections of the said Indians and to preserve a good correspondence with such of them as remain faithful to our interests And you are hereby likewise directed to recommend in the strongest terms to the Indian Traders to be just and reasonable in their dealings

with the Native Indians and likewise to propose to the Assembly if you and our Council there shall judge it necessary to pass one or more laws for the better regulation of the said Indian Trade and for the encouragement and protection of such Indians as shall adhere to our interests.

126. You shall cause a survey to be made of all the considerable landing places and harbours in our said Province and with the advice of our Council there erect in any of them such fortifications as shall be necessary for the security and advantage of the said Province which shall be done at the public charge And you are accordingly to move the General Assembly for the passing of such Acts as may be requisite for the carrying on of that work of which we doubt not of their cheerful concurrence from the common security and benefit they will receive thereby.

127. You shall transmit to our Comm^{rs} of Trade and Plantations by the first opportunity in order to be laid before us a Map with the exact description of the whole Province under your government with the several Plantations upon it and of the fortifications as also of the bordering Indian Settlements.

128. You are likewise from time to time to give unto our Comm^{rs} for Trade and Plantations as aforesaid in order to be laid before us an account of the wants and defence of our said Province what are the chief products thereof what are the new improvements made therein by the industry of the inhabitants and planters and what further improvement you conceive may be made or advantage gained by trade and which way we may contribute thereunto.

129. If anything shall happen which may be of advantage and security to our said Province which is not herein or by our Commission provided for We hereby allow unto you with the advice and consent of our said Council to take order for the present therein giving unto our Comm^{rs} for Trade and Plantations speedy notice thereof in order to be laid before us that so you may receive our ratification thereof if we shall approve the same Provided always that you do not by colour of any power or authority hereby given you commence or declare war without our knowledge or particular commands therein except it be against Indians upon emergencies wherein the consent of our Council shall be had and speedy notice given thereof to our Comm^{rs} for Trade and Plantations in order to be laid before us.

130. And whereas great prejudice may happen to our service and to the security of our said Province by your absence from those parts you are not upon any pretence whatsoever to come to Europe without having first obtained leave for so doing from us and under our Sign Manual and Signet or by our Order in our Privy Council yet nevertheless in case

of sickness you may go to New York or any other of our Northern Plantations and there stay for such a space as the recovery of your health may absolutely require.

131. And whereas We have been pleased by our Commission to direct that in case of your death or absence from our said Province and in case there be at that time no person upon the place commissioned or appointed by us to be our Lieut. Governor or Commander in Chief the eldest Councillor whose name is first placed in these our Instructions to you and who shall be at the time of your death or absence residing within our said Province of North Carolina shall take upon him the administration of the Government and execute our said Commission and Instructions and the several powers & authorities therein contained in the manner therein directed It is nevertheless Our express Will and Pleasure that in such case the said eldest Councillor or President shall forbear to pass any Act or Acts but such as shall be immediately necessary for the peace and welfare of our said Colony without our particular order for that purpose and that he shall not take upon him to dissolve the Assembly then in being nor to remove or suspend any of the Members of our said Council nor any Judges Justices of the Peace or other Officers Civil or Military without the advice and consent of at least seven of the Council and the said President is to transmit to our Comm^{rs} for Trade and Plantations by the first opportunity the reason for such alteration signed by himself and by our Council in order to be laid before us.

132. And whereas We are willing in the best manner to provide for the support of the government of our said Province by setting apart a sufficient allowance to such as shall be our Lieut. Governor Commander in Chief or President of our Council within the same for the time being Our Will and Pleasure therefore is that when it shall happen you shall be absent from the said Province one full moiety of the Salary and of all perquisites & emoluments whatsoever which would otherwise become due unto you shall during the time of your absence from our said Province be paid and satisfied unto such Lieut. Governor Commander in Chief or President of our Council who shall be resident upon the place for the time being which we do hereby order and allot unto him towards his maintenance and for the better support of the dignity of that our Government.

133. And you are upon all occasions to send unto our Comm^{rs} for Trade & Plantations only a particular account of all your proceedings and of the condition of affairs within your Government in order to be laid before us Provided nevertheless whenever any occur-

rence shall happen within your government of such a nature and importance as may require our more immediate direction by one of our principal Secretaries of State and also upon all occasions and in all affairs wherein you may receive our orders by one of our principal Secretaries of State You shall in all such cases transmit to our Secretary of State only an account of all such occurrences and of your proceedings relative to such Orders.

The Instructions for Trade given to Arthur Dobbs Esq^{re} were the same *mutatis mutandis* as those given to John Reynolds Esq. Governor of Georgia.

[REPRINTED FROM MARTIN'S HISTORY OF NORTH CAROLINA. VOL. 1. APPENDIX.]

EARLY HISTORY OF THE MORAVIANS IN NORTH CAROLINA.

Succinct history of the settlement of the *Unitas Fratrum*, or the United Brethren, in North Carolina.

The *Unitas Fratrum*, or the Protestant Episcopal Church of the United Brethren, commonly called Moravians, made the beginning of its settlement in North Carolina in the year 1735.

In the year 1735, some members of this church came from Europe, to settle in Georgia, on a piece of land, which was granted unto count Zinzendorf by the trustees of this province, for a settlement of the United Brethren. One of the principal motives for accepting this offer, was the hope, that thereby a way might be opened for the preaching of the gospel to the Indians, especially to the Creeks and Cherokees.

The first colony of brethren arrived in Georgia in the spring of the year 1735, and received in the summer of the same year a considerable increase. They built a large house in the town of Savannah, and made a settlement in the country. God so blessed their industry, that in three years they were able to pay off all the money advanced to them. They likewise erected a school house for the children of the Creek Indians, on the river Savannah, four miles above the town. Many Indians, and with them their king, Tomo Tschatchi, came to see the brethren, and to hear the gospel, or, as they expressed it, *the great word*.

There was a fine prospect, that this settlement of the brethren would prosper, and they would find entrance with the gospel among the Indians, and be blessed with success in the instruction of their children, as some of them had already learned to read English pretty well, and began to write; but, as a war broke out between the British and the Spaniards, in

1737, and was renewed in 1739, the brethren, who were conscientiously scrupulous to take arms, were forced to do it contrary to the promise made unto them, of being exempted from personal military service, they saw themselves necessitated to abandon their well cultivated land and houses, and remove, after having defrayed all the expenses incurred on their account, in 1738 and 1740, to Pennsylvania; where they began the settlements at Bethlehem and Nazareth, and likewise missions among the Indians in different parts of Pennsylvania and New-York. God blessed their labor among these savages, in so eminent a manner, that by his grace many of them turned from darkness to light, and from the power of Satan unto God, and received forgiveness of sin and inheritance among those that are sanctified by faith in Jesus.

The various oppressions which the brethren and their missionaries among the heathen, had to endure, by ill disposed persons and other circumstances, gave occasion to the negotiations of the *Unitas Fratrum* with the British parliament. The result of them was, that after a strict examination into the origin and the present state of the brethren's church, the *Unitas Fratrum*, or United Brethren, were declared by a public act of the parliament of Great Britain, to which the royal assent was given the 12th May, 1749, and which is entitled "an act for encouraging the people known by the name of *Unitas Fratrum* or United Brethren, to settle his majesty's colonies in America," to be an ancient Protestant Episcopal church; that those who were settled in his majesty's colonies in America, had demeaned themselves there as a sober, quiet and industrious people, and that they shall be indulged with full liberty of conscience, and be exempted from personal military service for a reasonable compensation, and be permitted, instead of taking an oath, in cases where the laws require it, to make a solemn affirmation or declaration.

While these negotiations with the British parliament were pending, several lords and gentlemen became more intimately acquainted with the brethren, and made offers unto them of settlements on the continent of America and on the islands. Among all these offers, none came to effect but the purchase of a hundred thousand acres of land in North Carolina, in the territory of the earl of Granville, the president of the privy council. The view of this colony was, to give to such of the brethren's church and others, as should desire it, an opportunity of settling at a cheap rate, in a country as yet but little cultivated, to serve both in a temporal and spiritual sense the inhabitants, who were already settled there, and who should settle in their neighborhood, and to preach the gospel to them as well as to the Cherokees, Creeks and other Indians. The purchase of the land was made in the year 1751. August Gottlieb Spangenberg, one

of the Bishops of the *Unitas Fratrum*, who then resided at Bethlehem, and had the superintendence of all the settlements and missions of the brethren in Pennsylvania, was commissioned to go with some brethren to North Carolina, in order to seek out, and survey the land. They departed in August, 1752, from Bethlehem for Edenton, and from thence with Mr. Churton, the general surveyor, to the headwaters of the rivers Catawba, New river and Yadkin, where they spent several months before they could obtain their aim; during which time they suffered much by sickness, cold and hunger, till the end of the month of December. After having surveyed several small pieces of land on Catawba and New rivers, and at the Mulberry fields, on the Yadkin, they were led by the good hand of the Lord to a large tract of land on the east side of the Yadkin, full of springs, rivulets and creeks, well timbered, and, for the greatest part, good for agriculture and raising cattle.

Bishop Spangenberg and the other brethren returned in January, 1753, to Bethlehem, having finished the survey of 73,037 acres, in fourteen numbers: to these, an additional survey was made by Mr. Churton, of 25,948 acres, in five numbers, in the same tract; making the total sum of 98,925 acres.

In conformity with an agreement made heretofore, between the right honorable John, earl of Granville, lord president of his majesty's most honorable privy council, sole proprietor of a certain district, territory or parcel of land, lying in the province of North Carolina in America, on one part, and the count Zinzendorf, lord advocate, chancellor and agent of the *Unitas Fratrum*, or United Brethren, on their behalf, on the other part; the aforesaid tract of land, in consideration of a certain sum of money to him, the said John, earl of Granville, to be paid, was granted and conveyed to James Hutton, gentleman, secretary of the *Unitas Fratrum*, or United Brethren, his heirs and assigns, in trust and for the use, benefit and behoof of the said *Unitas Fratrum*, to be set out and surveyed in convenient tracts and parcels, according to the option and direction of such person or persons, as should be employed for that purpose by the lord advocate, chancellor and agent aforesaid, to hold the same to the said James Hutton, his heirs and assigns, at and under a yearly rent to be annually paid to the said John, earl of Granville, his heirs or assigns, &c.

The general deed for the whole tract was sealed and signed the 7th August, 1753. Besides it, nineteen special deeds were made for each number of the said tract. As count Zinzendorf had also the title of lord of the valley Wachau, in Austria, the aforesaid tract of 98,985 acres, was named Wachau, or WACHOVIA.

In order to facilitate the improvement of the land, to furnish a part of the purchase money, and to defray the transport, journey and other expenses of the first colonists, a society was formed, under the name of *The Wachovia Society*, consisting of members of the brethren's church and other friends. The directors of it were bishop Spangenberg and Cornelius Van Laer, a gentleman residing in Holland. The members of it, who were about twenty, received in consideration for the money which they advanced, two thousand acres of the land. This society was again dissolved, in the year 1763, having proved very beneficial, and answered the intended purpose. In the Autumn of the year 1753, the first colonists, twelve single brethren,* or unmarried men, came from Bethlehem to settle upon the land. They had a waggón, six horses, cattle and the necessary household furniture and utensils for husbandry with them. After a very tedious and fatiguing journey, by way of Winchester, Evan's Gap and Upper Sauratown, on which they spent six weeks, they arrived on the land the 17th of November, and took possession of it. A small deserted cabin, which they found near the Mill creek, served them for a shelter, or dwelling house, the first winter.† They immediately began to clear some acres of land, and to sow it with wheat. In the year 1754, seven new colonists, likewise single brethren, came from Bethlehem. It was resolved, that on the same spot, where the first settlers had made already a small improvement, a town should be built, which was named *Bethabara*, (the house of passage) as it was meant only for a place of sojourning for a time, till the principal town, in the middle of the whole tract, could be built, at a convenient time. Bishop Bohler, who was here on a visit from Bethlehem, laid, on the 26th of November, the corner stone for the first house in this town, which was appointed for a church and dwelling house of the single brethren, with prayer and supplication to our Lord, that he might prosper the work. He likewise examined more accurately the greatest part of the Wachovia tract, divided it into proper parts for improvement, and gave names to several creeks, which are yet sometimes used, and are to be found in deeds and public records.

The *Mill creek*, on which Bethabara, or Old town, is built, was called *Johanna*, the *Muddy creek*, or Gargales, on which Bethany was after-

* Their names are: The reverend Bernhard Adam Grube, minister, Jacob Lash, warden, Hans Martin Kalberlahn, surgeon, Jacob Pfeif, shoemaker, Erich Ingelretsen and Henry Feldhousen, carpenters, Hans Petersen, taylor, Christoph Merkle, baker, Herrman Lash, miller, Jacob Lung, John Beroth and John Lisher, farmers.

† On the spot where this cabin stood a monument was erected in the year 1806, with the inscription, *Wachovia settlement, begun the 17th November, 1753.*

wards built *Dorothy*, the *Middlefork*, on which now Salem, the principal town, stands, *Wach*, and the *Southfork*, which waters the Friedberg and Friedland settlements, *Ens*. In the year 1755, a mill was began to be built, on Mill creek, near Bethabara, which proved a great benefit to the settlement, and the circumjacent country, as more inhabitants soon settled in the neighborhood. In the month of May, bishop David Nitsehmann came on a visit from Bethlehem, and on the 11th of the same month, the first meeting house was consecrated, which solemn transaction was attended with a gracious feeling of the divine presence. Many travellers and neighbors have heard afterwards, in this house, the word of life, with joy and gratitude. The physician, or surgeon, soon acquired an extensive practice, which was a great benefit to this infant settlement. In the autumn of the same year, Wachovia was declared by an act of assembly a separate parish, and after the name of their governor, called *Dobb's parish*. The reverend Christopher Thomas Benzien, from Bethlehem, was commissioned to transact this business with the assembly. This regulation lasted to the year 1756. The reverend Jacob Rogers, who came in the year 1758, from England, was the first minister, or rector, of Dobb's parish. His ministry, as the preaching of the gospel by the brethren in general, was attended with great blessing to many hearers in the different places, on Muddy creek, Southfork, &c. where they used to preach, and particularly to a great number of people, who, on account of the war with the Shawanoes and Delaware Indians, in 1756, and the following years, sought, and found, refuge with the brethren. The latter enclosed their town, Bethabara, and the adjacent mill, near which some of the fugitives built houses, with palisadoes. As there was at the same time a great scarcity of corn in North Carolina and Virginia; for the crop of Indian corn, which is the chief support of the inhabitants, had failed, the brethren, who had reaped a great quantity of wheat and rye, were enabled to supply the wants, not only of the fugitives, but also of many other people.

In the year 1758, the Cherokees and Catawbans, who went to war against the Indians on the Ohio, often marched through Bethabara, in large companies, sometimes several hundreds at once, and the brethren were obliged to find them quarters and provisions for several days. The Cherokees were much pleased with the treatment which they met, and gave to their nation the following description of Bethabara: *The Dutch fort, where there are good people and much bread.*

As several of the fugitives, who had constantly attended the preaching of the gospel, and felt the power of it, asked leave of the brethren to stay with them and to settle on their land, it was resolved in the year

1759, when bisbop Spaugenberg and the reverend Mr. John Etwein, from Bethlehem, were present, to lay out another town, three miles to the north from Bethabara, on Muddy creek, in the northwest corner of Wachovia tract. This was done in the month of July, and two thousand five hundred acres of land assigned to the town lot, which the inhabitants of the town should hold for a certain yearly rent, after three years rent free for the first settlers. The town was called *Bethany*. It was laid out into thirty lots, fifteen of which in the upper part were assigned to the fugitives, and fifteen in the lower town were appointed for such families in Bethabara, (which settlement of late had received an increase of ten families from Bethlehem,) who might be inclined to begin husbandry and housekeeping for themselves; for, hitherto, everything at Bethabara had been done and laid out for the common good, as was the case in Bethlehem, in the first beginning of that settlement. Bethabara was visited in the autumn of 1759, with an epidemical disorder, of which eleven persons died, and among them the German minister of the place, the reverend Christian Seidel, and the surgeon, Mr. Kalberlahn.

In the year 1760, the devastations and cruelties of the Cherokees, who had now joined the northern Indians in their war against the white people, put the inhabitants of Bethabara and Bethany under the necessity of being day and night continually upon their guard. Hostile Indians came often very near their towns, with an intention to destroy them, and to kill the inhabitants or make them prisoners, but never ventured to make an attack. Often times, they were frightened by the ringing of the bell for the meeting at church, which meetings the brethren in both places kept regular on Sundays and every evening in the week. Many soldiers, marching against the Indians, attended divine services in both places. In Bethany, about four hundred were present at it, on Easter Sunday. Besides the meeting house, ten dwelling houses were, in April, 1760, already built and inhabited, in this new town.

When peace was established, in the year 1761, with the Cherokees, the settlements increased in the following years in numbers, by new colonists from Pennsylvania, and trade and commerce began to flourish. At the end of the year 1765, the number of inhabitants in Bethabara was 88, and in Bethany 78. The greatest part in the latter place were farmers, and in the former tradesmen, as taylor, shoemakers, carpenters, potters, tanners, milwrights, gunsmiths, &c. In the year 1766, the beginning was made to build *Salem*, the principal settlement of the *Unitas Fratrum* in North Carolina, five miles to the south east from Bethabara. Hitherto, all the brethren and sisters who settled in North Carolina, came from Pennsylvania. But in this year, the first company, consisting of

ten persons, came from Germany, by way of London and Charleston. As bishop Spangenberg, who with unremitting zeal and diligence had superintended the affairs of these settlements, returned, in the year 1763, to Europe, Frederick William von Marshall, *senior civilis* of the *Unitas Fratrum*, was appointed in his place, in the year 1764. He laid out, in 1765, the town of Salem, went in 1766 to Europe, to transact there the necessary business concerning this new settlement, and returned in 1768, with several brethren and sisters. In the conferences, which he had during his stay in Europe with the elders of the brethren's unity, it was resolved, that Salem should be built in the same manner, and have the same regulations as Herrnhut, Niesky, Bethlehem, and other settlements of the United Brethren, wherein the unmarried men and boys, and the unmarried women and girls, live in separate houses by themselves. The house for the unmarried men, or single brethren, was built in the years 1768 and 1769.

In this and the following years, several families, chiefly farmers, from different parts of Pennsylvania, and the province of Maine, in New England, settled on the Wachovia tract, and in the neighborhood of it, with a desire that they and their children might be under the care of the brethren's church, and instructed by them in their way of life. Most of them were before in the connexion of the brethren, and had heard from them the gospel of our salvation through Christ's atoning blood and death, with a blessing for their souls. A part of the German families, who came from Pennsylvania, settled in the neighborhood of Bethany, where they attended regularly the meetings on Sunday; most of them having joined in the following time the brethren's church. Another part of said German families settled on the waters of the Southfork, in the southwest part of Wachovia. Several of these new, and some of the old, settlers in these parts, to whom the brethren had preached the gospel, since the year 1758, in the house of Adam Spach, were formed into a society of the brethren, and put themselves under their care in spiritual things. A meeting and school house was built on a piece of ground, consisting of seventy-seven acres, and consecrated for divine service on the 12th March, 1769. This settlement received the name of *Friedberg*. Another settlement in the south east part of Wachovia land, on the headwaters of Southfork and on the Middlefork was begun in 1770, by about fourteen German families, who in this and the year before arrived from Broad bay, now York county, in Maine, in the state of Massachusetts. The first company, consisting of six families, was shipwrecked on their voyage from Broad bay to Wilmington, in North Carolina, near the island of Roanoke, but no lives were lost, and most of their goods saved. They

found for the first, winter quarters and provisions in Salem, and assisted in building several houses in the new town. When the second company, consisting of eight families, accompanied by their minister, the reverend Mr. Soelle, arrived, the farm lots of the new settlement were laid out, in November, 1770, and the settlement called *Friedland*. In the middle of it, a lot of thirty acres was reserved for a meeting and school house. In the year 1771, the inhabitants in all the Wachovia settlements, and especially those in Bethabara, were in great danger, on account of the regulators, who were very numerous in these parts, and several times threatened to destroy the settlements of the brethren, as they would not join them in their opposition to government. Governor Tryon, after having obtained a complete victory over them, and re-established order and peace, came with his army to Bethabara, to receive the oath of allegiance, and take the arms of all people in the neighborhood, who had opposed government. He and his army were highly gratified by the treatment they met from the brethren, and by their improvements and progress in agriculture and the mechanical arts. The brethren, on their part, acknowledged, with heartfelt gratitude, the mercy of God, in averting from them all evil in these perilous times, and in strengthening the arm of government for their protection.

In order to promote the internal and external welfare of the settlements of the brethren in North Carolina in general, and especially to assist in the regulations concerning the principal settlement at Salem, a deputation arrived this year from Europe, which was sent in conformity to a resolution, made in the general synod of the *Unitas Fratrum*, which was held in the year 1769, in Marienburg, in Germany. The deputies were two members of the elder's conference of the *Unitas Fratrum*, Christian Gregor and John Lorez, the first of whom was afterwards consecrated a bishop, and the latter a *senior civilis* of the brethren's church. Hans Christian von Schweinitz, Mr. von Marshall's son in law, one of the directors of the brethren's settlements in Pennsylvania, also assisted in this service. They arrived in September, 1771, from Pennsylvania, and having finished the work committed to their care, to the satisfaction of all the brethren and sisters, to whom this visit gave much joy and encouragement, they returned in November to Bethlehem. On the 13th of that month, the congregation and meeting house in Salem, to which the corner stone had been laid on the 17th April, 1770, was consecrated.

In the year 1772, several English families, who lived in Carrollsmannor, in Frederick county, Maryland, and had been many years in connexion with the brethren's church, came to North Carolina, and began a set-

tlement in the southwestern part of Wachovia tract, on the waters of Muddy creek. This settlement, which in the following year was increased by several other families from Maryland, received afterwards the name of *Hope*. A number of English families, living on the Yadkin river and Muddy creek, had the gospel preached unto them, since the year 1758, by the Rev. John Ethvein, Rogers, Usley, and Soelle, and other ministers of the brethren's church, at stated times, in the houses of Christopher Elrod and Isaac Douthil, whereby they became connected with the brethren's church, and attended several years the meetings in Bethabara, Salem and Friedberg. Some of them became members of the latter congregation, the meeting house of which being the nearest to them. As these English families had a desire to have the gospel regularly preached unto them, in their own language, they, in conjunction with the English families arrived from Maryland, formed themselves into a society, with the intent to become in time a settled congregation of the church of the United Brethren, and to build a meeting house in the new settlement, wherein divine service might be held, and the holy sacraments administered unto them in their own language. Salem received this year an increase of above sixty persons from Bethabara and Pennsylvania; and Friedberg, its settlement and regulations as a congregation of the brethren's church, and the holy communion was held for the first time in the meeting house, which had been built in this settlement as early as the year 1769.

In the year 1773, Wachovia, formerly a part of Anson, and afterwards of Rowan county, became a part of Surry county. By an act of assembly, made in this year, it was confirmed to be a separate parish. A vestry was elected in April, consisting of twelve persons, and two church wardens were appointed. The Rev. John Michael Graff, minister of the congregation in Salem, to whom the Rev. Paul Tiersch, who came last year from Pennsylvania, was associated in this office, was on the 6th June consecrated in Bethlehem, a bishop of the *Unitas Fratrum*. He ordained, on the 17th October, in Salem, Ludolph Gottlieb Bachhoff and John Jacob Ernst, deacons of the brethren's church: this was the first act of ordination performed in Wachovia. The general direction of all the settlements and congregations of the brethren in North Carolina, was now committed to Frederick William von Marshall, *senior civilis*, and John Michael Graff, *ep. for.*, to whom were associated Paul Tiersch, presbyter, and Richard Usley, deacon. They had to superintend all the general concerns, as well internal as external, and to deliberate on them in conference, under the name of the *General Helpers' Conference for Wachovia*.

The special direction of the three congregations in Salem, Bethabara and Bethania, was vested in an elders' conference, consisting of the above named persons and all the ministers and elders of said congregations who met regularly once a week in Salem. Committees, elected by the church members, were anew appointed in every place to assist the elders' conference, in keeping good order, and in transacting the external affairs of their congregations. Similar committees were afterwards constituted in Friedberg, Friedland and Hope.

In the years 1774 and 1775, two faithful gospel ministers entered into the joy of their Lord, viz: the Rev. Paul Tiersch on the 16th October, 1774, and the Rev. Richard Usley on the 9th October, 1775. In the beginning of the latter, Frederick William von Marshall went to Europe, accompanied by his wife, and attended the general synod of the *Unitas Fratrum* in Barbey, in Saxony, as *senior civilis* and deputy of all the brethren's congregations in North Carolina. He took his way through South Carolina and Georgia, and visited the missionary settlement of the brethren, which in the preceding year had been commenced on general Habersham's estate, in Georgia, for the conversion of the negroes, and conducted unto the missionaries an assistant from Salem.

During the revolutionary war, which commenced in 1776, the settlements of the brethren in North Carolina, suffered great hardships and losses, but experienced at the same time many signal proofs of the gracious providence and powerful protection of the Lord, to whom alone they ascribed their preservation in these perilous times, and who inclined the hearts of superior and inferior magistrates, and officers of the armies on both sides, to interpose in their favor, oftentimes when they found themselves in the greatest distress and anxiety.

In 1778, several brethren were drafted for military service in the army, and each of them had to pay £25 North Carolina currency for a substitute: ill disposed persons took out warrants on the lands of the brethren. The system of parishes being abolished, the name of Dobbs' parish ceased of course. In the new county of Wilkes, the court house was built on a tract of land on Yadkin river, near the Mulberry fields, which had been granted in the year 1754 by lord Granville to Henry Cossart, in trust for the *Unitas Fratrum*, and on which certain persons had settled without leave. This occasioned in the following time a law suit, between the *Unitas Fratrum* on one side, as plaintiffs, and the persons who settled on the land as defendants.

In January, 1779, the Rev. Gottfried Prezel and Christian Heckwælder, were sent to the general assembly, then sitting at Halifax, with a petition, signed by the greatest part of the brethren in Salem, Bethabara,

Bethania and Friedberg, praying to be exempted from taking the oath of abjuration, and for protection in the quiet possession of their land, as several persons had entered in the new established land office several parts of the Wachovia lands, and even the town lots of Salem, Bethabara and Bethania. Upon this petition, the general assembly made a law, that the brethren, if they should take the affirmation of allegiauce and fidelity to the state of Carolina, and the United States, should remain in the quiet possession of their property, and be exempted from all personal military duties; provided they pay a triple tax. In conformity to this law, the brethren took the affirmation of allegiance and fidelity before a justice of the peace, and remained from that time undisturbed in the possession of their property, and of those privileges granted unto them by the before mentioned act of the British parliament and the assembly of this state.

A troop of light horse, belonging to general Pulaski's corps, were quartered in May of the same year, several days in Salem, and attended public worship, with great satisfaction. Their deportment was very civil, and they paid all their expenses. As one of them had lately recovered from the small pox, the town of Salem was infected, and forty persons got the disorder, of whom two died. Frederick William von Marshall returned, with his wife, from Europe, after an absence of nearly five years, being there so long detained on account of the war. They made the voyage from London to New York in company with bishop John Frederick Reichel, a member of the Unity's elders' conference, who was deputed by it to hold a visitation of all the brethren's settlements and congregations in the United States of America, and arrived, with his wife, in Salem, in June, 1780, with some assistants for the service of the congregations in North Carolina. During his stay, from the 15th June to the 5th October, he published the resolutions of the last general synod of the *Unitas Fratrum*, which was held in Barbey, in 1755, made the necessary regulations in conformity to them, ordained three deacons, baptised several adult persons, and strengthened the congregations and their divisions according to the different ages and sexes, by his public and private discourses to them in faith, love and hope. The Lord blessed his labor in a particualar manner.

On the 20th August, he held the first holy communion, in *Hope*, in the meeting house in this settlement, which was built in 1779, and this congregation was now settled and regulated according to the tenets, rules and rights established in the brethren's church. The same was done by him in Friedland, on the 4th September, in which settlement the meeting house had been built already, in the year 1775. These transactions were

blessed in both places with a gracious feeling of the presence of the Lord, and the members of the new formed congregations pledged themselves mutually, in a solemn manner, by grace to walk worthily their high calling in Christ Jesus, in truth and love. As the legislature of North Carolina had resolved to meet in November, in Salem, the governor, and several members of both houses, stayed there several weeks, but no quorum was formed. These gentlemen were much satisfied with the reception and treatment which they met. Salem became more known, and the brethren were regarded as a peaceable, industrious and benevolent society. In the year 1782, an act was passed by the general assembly of North Carolina, entitled, "An act to vest in Frederick William Marshall, esq., of Salem, in Surry county, the lands of the *Unitas Fratrum*, in this state, for the use of the said United Brethren, and for other purposes."*

On the 29th of August of the same year, bishop John Michael Graff, entered into eternal rest and joy. The ministry of this meek and humble follower and faithful servant of Christ was blessed by his Lord in a particular manner to the congregation in Salem, and to all the brethren's congregation in North Carolina. The 4th of July in the year 1783, being set apart by the legislature of the state of North Carolina, as a day of prayer and thanksgiving, on account of the treaty of peace and amity between the United States and Great Britain, was celebrated in a very solemn manner in all the brethren's congregations in this state, with

*It is as follows: "Whereas Frederick William Marshall, esq., of Salem, in Surry county, hath made it appear to this general assembly, that all the tracts of land in this state, belonging to the lord advocate, the chancellor and agent of the *Unitas Fratrum*, or United Brethren, have been transferred to him from the former possessors, in trust for the *Unitas Fratrum*, or United Brethren; and whereas doubts have arisen whether the said tracts do not come within the description of the confiscation act, and to quiet the minds of those to whom conveyances have been, or are to be, made, or any part, or parts, thereof:

"Be it, therefore, enacted, by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that a certain deed of lease and release, dated the 27th and 28th of October, 1778, from James Hutton, conveying the tract of Wachovia, in Surry county, be hereby declared valid in law, and to be admitted to probate in the county of Surry, and registered in the register's office, agreeable to the testimonials thereunto pertaining; and that all lands which by a deed of bargain and sale of the 20th April, 1764, between William Churton and Charles Medcalf, registered in the county of Orange, in book No. 1, p. 106, and in Rowan county, in book 8, No. 5, p. 452. &c., were then conveyed to said Charles Medcalf, be hereby vested in the said Frederick W. Marshall, in trust as aforesaid, and all conveyances of the above mentioned lands, or any of them, made, or which shall be made, by the said Frederick W. Marshall, shall be as good and valid, to all intents and purposes, as if the confiscation act had never passed.

"And be it further enacted, by the authority aforesaid: that the power of attorney of Christian Frederick Cossart, dated the 31 November, 1773, empowering said Frederick W. Marshall to sell his lands, be admitted to probate and registry in the county of Wilkes, and be as good and valid in law, as it could or might have been, had the act of confiscation never passed."

heartfelt gratitude towards the Lord, for his protecting care and help which they had enjoyed during the war, in hours of danger and affliction, and with fervent prayers for the welfare and prosperity of the United States in general, and the state of North Carolina in particular, to the glorification of His name, and the propagation of the Redeemer's kingdom

On the 31st of January, 1784, the tavern in Salem took fire by accident, and the whole building was reduced to ashes. This, and a similar accident in Bethabara, where, in December, 1802, the distillery house was consumed by fire, were the two only cases of distress by fires in the settlements of the brethren in North Carolina. Salem received, in the year 1785, two fire engines from Europe, and a fire regulation was made in this town. Bishop Johannes von Wattewille, a member of the Unity's elders' conference, was deputed by the synod of the *Unitas Fratrum*, held in the year 1782, in Herrnhut, on a visitation of all the brethren's congregations in North America, and arrived, with his company, in May, 1784, in Bethlehem. They had a very tedious and dangerous voyage, and suffered shipwreck, on the rocks on the coast of the small island of Barbuda, near Antigua. The reverend Daniel Kœhler, appointed minister of the congregation in Salem, in place of the late bishop Graff, was in his company, and arrived, with his wife, and some assistants, in the month of October, in Salem.

In the same month of the next year, bishop Johannes von Wattewille came, with his lady, (daughter of the late count Zinzendorff,) to Salem, and returned to Bethlehem in May, 1806. His visitation of this and the other brethren's congregations in North Carolina, was attended with a particular blessing of the Lord. During his stay, the general helper's conference for the superintendence of all the brethren's congregations in North Carolina, was anew regulated, and the Baron Frederick W. von Marshall, John Daniel Kœhler, Godfrey Prezel and Christopher Lewis Benzien became members of it.

In the year 1787, a society was formed, under the name of "A society of the United Brethren, for propagating the gospel among the heathen." The members of this society, who reside in Pennsylvania, New-York, New-Jersey, Rhode Island and Maryland, had their first general meeting on the 1st November, 1787, in Bethlehem, and those who reside in North Carolina, on the 19th June, 1788, in Salem.

In the synod of the *Unitas Fratrum*, which was held in the year 1789, in Herrnhut, and which the reverend John Ettwien and Jacob van Vleck attended as deputies from the brethren's congregations in Pennsylvania, and the adjacent states, and the reverend Christopher Lewis

Benzien, as deputy from the brethren's congregation in North Carolina, the reverend John Daniel Kœhler, minister of the congregation in Salem, was elected a bishop of the brethren's church, and consecrated to this office on the 9th of May, 1790, in Litiz.

His excellency, general Washington, president of the United States, honored Salem, in the year 1791, on his tour through the southern states, with a visit, where he stayed two days, to the great joy and satisfaction of all the inhabitants, who paid him their regard in a respectful address, which he answered in an affectionate manner.

In the year 1792, Salem was afflicted by a malignant fever, of which fourteen persons died, all under thirty years of age, and wherby, for a time, all intercourse with the neighborhood was stopped. On the 9th of November, 1800, the consecration of a new church, in Salem, the corner stone of which was laid in 1798, was performed, in a very solemn manner. Most all of the brethren and sisters from the other settlements of the brethren in Wachovia, and a great number of neighbors and strangers, attended. All the transactions were accompanied with a gracious feeling of the divine presence.

On the 11th February, 1802, Frederick William von Marshall, *senior civilis*, was called into the eternal rest and joy, after a very laborious and useful life, of eighty-one years, of which he had spent more than fifty in the service of the *Unitas Fratrum*, and more than forty years in the service of the brethren's congregation in North Carolina, with great zeal and faithfulness, and under the blessing of the Lord, who crowned his undertakings with good success. By his last will, he devised to the reverend Christian Lewis Benzien the Wachovia and other tracts of land, which he possessed in trust for the *Unitas Fratrum*. As bishop Kœhler, who went, with his wife, at the end of the year 1800, to Europe, and attended the general synod of the *Unitas Fratrum*, which was held in the year 1801, in Herrnhut, as deputy of the brethren's congregations in North Carolina, received, in the synod, another appointment, the reverend Charles Gottheld Reichel, from Nazareth, in Pennsylvania, was called, in his place, to be minister of the congregation in Salem, and being elected, in said synod, a bishop of the brethren's church, he was consecrated to his office on the 6th December, 1801, in Bethlehem. At the end of May, 1802, he came with his family, and some assistants, to Salem.

In the year 1803, the general direction of the brethren's congregation in North Carolina was committed by the Unity's elders' conference to the brethren Charles Gottheld Reichel, Christian Lewis Benzien and Simon Peter.

On the 17th November of said year, fifty years were completed since the arrival of the first twelve brethren from Bethlehem, who began the settlement of Wachovia. On this account, the day was celebrated as a jubilee by all the brethren's congregations in North Carolina, whose members met in Salem and united in solemn praises and thanksgiving to our gracious Lord and Saviour, for all the favors and blessings which he had bestowed, in such a rich measure, during this period of fifty years, and in fervent prayers and supplications for a new outpouring of the spirit of grace, love and truth upon each congregation.

From the 25th October, 1806, to the 11th February, 1807, the reverend John Renatus Verbeck, presb., and Charles von Forestier, *senior civilis*, two members of the Unity's elders' conference, were on a visitation in Salem, and the other brethren's congregations in North Carolina. The Lord blessed their labor abundantly, and strengthened thereby the bond of love and union between the brethren's congregations in America and Europe, and other parts of the world, in a particular manner. Having visited all the congregations of the brethren's church in the United States, and likewise the mission settlements at Goshen and Pattquatting, in the state of Ohio, and at Fairfield, in Upper Canada, they returned, in October, 1807, to Europe. On their voyage from Philadelphia to Hamburg, they were detained in England, from whence they went, by way of Gottenburg and Copenhagen, to Hamburg, where they arrived at the end of May, 1808, safe and well, in Berthelsdorf, a village near Herrnhut, in Upper Lusatia, where at present the elders' conference of the *Unitas Fratrum* doth reside.

The following table shows the number of persons under the care of the brethren's church in each of their settlements in North Carolina, children included, at the end of every decennium, from the 17th November 1753, to the 31st December, 1807.

SETTLEMENTS.	BEGUN.	1753	1763	1773	1783	1793	1803	1807
Salem,	1766			132	185	241	290	316
Betabara,	1753	12	77	54	73	94	81	92
Bethany,	1759		73	108	230	187	293	306
Friedberg,				57	232	280	331	346
Friedland,				32	133	173	135	183
Hope,				21	151	170	175	199
Total,		12	150	404	1004	1145	1305	1442

The beginning of the first settlement was made on the 17th November, 1753, with twelve persons:

Increase in the 1st ten years, from 1753 to 1763, 138 persons						
"	2d	"	"	1763	" 1773, 254	"
"	3d	"	"	1773	" 1783, 600	"
"	4th	"	"	1783	" 1792, 141	"
"	5th	"	"	1793	" 1803, 160	"
Increase in fifty years, from 1753 to 1803, 1305 persons						
"	four years, from 1803		"	1807,	137	"
Increase in fifty-four years, from 1753 to 1807, 1442 persons						

By the church registers, which are kept regular in each settlement, it appears, that in the period of fifty years, from the 17th November, 1753, to the 17th November, 1803, 1357 births and baptisms of children, and 665 deaths were entered; so that the number of births exceeds that of deaths by 692, which is more than one half: besides about 1300 births and baptisms of children, whose parents do not belong to the brethren's church are entered during the same period in the register.

Now follows a description of each settlement.

Salem, the principal settlement of the United Brethren in North Carolina, is situated in Stokes county, eighteen miles to the south from Germantown, the county town, and 110 miles to the south-east from Raleigh, in 36 deg. 10 min. north lat. and 3 deg. 15 min. lon. west from Washington. The town was laid out in 1765, after a regular plan, on a piece of elevated but broken ground, near the Middlefork or Wach, over which a bridge was built in 1771. The principal street in it is sixty feet wide, in a direction from south to north, leading from the south-eastern parts of the state to Virginia. This is intersected by a street 56 feet in width, from east to west, leading to the Shallowford of the river Yadkin, which is at a distance of 18 miles. The other streets are 40 feet wide. Nearly in the centre of the town is a square, 300 by 170 feet, surrounded with large catalpa, sycamore, poplar and other trees. On the west side of this square, adjoining the main street, is a neat brick market house, which was built in 1803, and wherein also the fire engines of the town are kept in a separate apartment. The town lots are 96 in number, from 66 to 85 in front, and from 170 to 280 in depth. Some are larger. The public buildings are:

1. *The church*, an elegant brick building, 92 by 45 feet, on the north-east corner of the square. It was built in the years 1798 to 1801, and consecrated on the 9th November, 1801, for divine service, which is held not only on Sundays, but every evening of the other days, chiefly in the German language. On the gallery, to the west side in the church, is a beautiful organ of fourteen stops: it is supposed to be at present the largest organ in the whole state of North Carolina. In the steeple, on the west end of the church, is the town clock, which strikes hours and quarters.

2. *The congregation house*, to the south of the church, wherein the ministers reside. In the upper story was the first meeting hall of the congregation at Salem, which is now used for children's and other private meetings. The house was built in 1771.

3. *The single brethren's house*, on the west side of the square, opposite the congregation house, wherein the large boys and unmarried men live and board. The northern part of this spacious house, which in front is two, and the back three stories high, was built in 1768, and the southern part, wherein apartments are for dining and sleeping, and for family worship, in 1786.

4. *The single sisters' house*, on the east side of the square, was built in 1785. The regulations are the same as in the single brethren's house. Some of the unmarried women and girls, who live and board in this house, get their livelihood by needlework, spinning, &c. The greater part of them are, in the day time, employed in the families with washing and other work.

5. *The school house for the boys*, on the north-west corner of the square, was built in 1794. The male children of the inhabitants of the town and of other members of the congregation, living in the neighborhood, receive from their sixth to their twelfth or fourteenth year, instruction in reading and writing German and, English, cyphering, history, geography and some of them in the rudiments of the Latin language, drawing and music.

6. *The school house for the girls*, on the east side of the square, between the congregation and single sisters' houses, a neat and elegant brick building, 62 feet long and 42 feet deep, which was erected in the years 1803 and 1804. In the lower story are, besides a spacious entry, two large and some smaller apartments. In one of the first, the school for the female children in town is kept; the other is a dining room, for the young ladies who board in the house. In the upper story are three large apartments; in each of which, from fourteen to sixteen young ladies have room to live under the care of two tutoresses; a fourth apartment in this story, is to accommodate such as may become sick. Over and above these rooms, is a large hall, 60 feet long, 30 feet wide, and 14 feet high, wherein the young ladies sleep with their tutoresses. This seminary, which commenced in the year 1804, is under the direction of the minister and elders of the congregation in Salem, and under the special care and superintendence of an inspector, to whom all parents and guardians, who intend to put young ladies in this school for education, have to apply. The branches taught are, reading, grammar, arithmetic, history, geography, German if desired, plain needlework, &c. Music and fine

needlework, such as tambour and embroidery, including drawing, are two extra branches, in which instruction is given, if expressly desired. From the beginning of the institution, in May, 1804, to the end of the year 1807, about one hundred and twenty young ladies from North and South Carolina, Virginia, Kentucky, Tennessee and Georgia, received their education in it, of whom, at the end of 1807, forty-one remained in the seminary.

7. *The store*, contains a good assortment of merchandise. The goods are partly imported from Europe, partly taken from the merchants in Fayette, Petersburg, and chiefly in Philadelphia. This house was built in 1774, on the south-west corner of the square, opposite to the single sisters' house.

8. *The house of entertainment, or public tavern*, at the south-west end of the principal street, was built in 1772. In the year 1784, it was destroyed by fire, the only accident of this kind in Salem, and rebuilt of brick, as most all the public buildings are.

Besides these public buildings, the following are to be noted, viz: the post-office; the house of the doctor, with an apothecary shop, an elegant building on an eminence; the pottery; toy shop; the tannery and leather dressery: a great quantity of deer skins cured and dressed here, are annually exported by way of Philadelphia to Hamburg. The other tradesmen and mechanics in the town are: shoemaker, taylor, baker, carpenter, cabinetmaker, glover, hatter, saddler, wheelwright, turner, tinner, gunsmith, blacksmith, silversmith, watch and clockmaker, tobaccoist, &c. In the neighborhood of the town are several mills, built on the Middle or Brushy fork and other small branches, as paper, oil, saw, grist and merchant mills, and a cotton machine. The whole number of persons, belonging to the Salem congregation, children included, was at the end of the year 1807, 316, whereof 233, besides 41 young ladies in the boarding school, lived in the town, and 83 in the neighborhood on their farms; the greatest part of them are of German extraction. The number of dwelling houses in the town was about 40; the town lot belonging to Salem, contains 3440 acres. The town is provided with water from several springs, about a mile distant from it, the water of which is conducted through wooden pipes into the town, and distributed in such a manner, that the greatest part of the inhabitants are supplied with it: there are also wells of good water in the town.

Bethabara, the first settlement of the United Brethren in North Carolina, was begun in 1753. It is situated in Stokes county, five miles to the north-west from Salem, near the Mill creek. It has a handsome church, with a steeple, built of stone in 1788; a store, tannery and dis-

tillery, and several other houses, inhabited by tradesmen, viz: hatter, shoemaker, potter, turner, &c. The street on which the houses are built, in a direction from south-east to north-west, is 66 feet wide. On the Mill creek is a merchant and saw mill. The congregation at Bethabara consisted, at the end of the year 1807, of ninety-two persons, children included, all Germans; thirty-nine of whom lived in the town, and fifty-three on their farms, in the neighborhood, from a half to four miles distant. The town lot, belonging to Bethabara, contains 2118 acres.

Bethania, or Bethany, is situated in Stokes county, near Muddy creek, nine miles to the north-west from Salem, and three miles from Bethabara. The town which was laid out in 1759, of thirty lots, consists of a single street, 56 feet wide, in a direction from south south-west to north north-east. The houses are frame or log houses, most of them two stories high, and inhabited by farmers and tradesmen, viz: blacksmith, gunsmith, wheelwright, hatter, tanner, taylor, shoemaker, &c. As the church, or meeting house, in the middle of the town, which was built in 1771, began to be too small for the congregation, a new neat brick church, 62 feet long and 42 feet deep, with a steeple on it, was built in 1807 and 1808. There is also a good store, tavern and apothecary shop in the town, and near it a saw and grist mill. The congregation at Bethania consisted, at the end of the year 1807, of 306 persons, children included, all Germans; of whom 130 lived in the town and 176 on their farms in the neighborhood, from a half to ten miles distant. The town lot contains 2500 acres.

Friedberg settlement is situated partly in Rowan and partly in Stokes county. The meeting house, which was built in 1768, is in Rowan county, near the line of Stokes county, nine miles from Salem to the south-west, on a lot of seventy-seven acres, belonging to it. The number of persons under the care of the brethren's church, in this settlement, children included, were at the end of the year 1807, 346: they live on their farms, from one quarter to ten miles distant from the meeting house, where they attend divine service on Sundays, which is held in the German language.

Friedland, or Broadbay settlement, is situated in Stokes county. The meeting house, which was built in 1774, on a lot of thirty acres belonging to it, is five miles from Salem, to the east. At the end of 1807, the number of persons in this settlement, under the care of the brethren's church, was 183, children included. The most distant live five to six miles from the meeting house, where divine service is held every Sunday, in the German language.

Hope, or Maryland settlement, is situated in Stokes and Rowan counties. The meeting house, wherein divine service is held every Sunday, in the English language, was built in 1779, and is eight miles from Salem, to the west, near Muddy creek, on a lot of thirty acres, belonging to it. The number of persons under the care of the brethren's church, were, at the end of 1807, 199, children included. The greatest part live on Muddy creek and its branches, and some on Yadkin river, into which Muddy creek empties itself about eight miles below the meeting house. Near the latter is a merchant mill, on said creek, and a toll bridge over it, and five miles from this, a bridge over Yadkin river.

About eight miles above the Hope meeting house, and ten miles from Salem, on the west side of Muddy creek, a meeting house was built in 1782, by a German Lutheran and Reformed congregation, wherein since the year 1797 divine service is held, by one of the ministers of the brethren's church, every fourth Sunday, in the German language.

The foregoing was received from the late major R. Williams, of Raleigh, and is believed to have been written by bishop REICHEL.

[FROM BENEDICT'S HISTORY OF THE BAPTIST DENOMINATION IN AMERICA. P. 681.]

EARLY BAPTIST SETTLEMENTS IN NORTH CAROLINA.

SECTION I.

Early History of the Baptists in the State—The first company, in 1727—Second company, in 1742—Third company, in 1756—The early movements of the New England New-Lights, or Separates—Sandy Creek Church—Do. Association.

The increase of our denomination in the North State by periods, was as follows: About the middle of the 18th century, there were sixteen churches of *General Baptists*; the amount of membership is not named; these original institutions, as we shall see, in process of time, either became extinct or were moulded to the Particular plan.

In 1790, according to Asplund's Register, the number of churches was 94; the preachers, ord., 77; lic., 45; and members, a little over 7,000.

In 1812, according to my tables, the churches amounted to about two hundred, and the membership to thirteen thousand. At that time, there were eleven Associations; the number of these bodies at present is a little over thirty, and the churches of both the missionary and anti-missionary parties are about six hundred.

The Associations I shall describe in my usual manner, after I have given an account of the early movement of our denomination in this State.

FIRST COMPANY IN THE LOW COUNTRY.

According to Morgau Edwards' account, there were some individual Baptists in this State as early as 1695; but it appears that the first church which ever existed within its bounds, was gathered by one Paul Palmer, about the year 1727, at a place called Perquimans, on Chowan river, towards the northeast corner of the State. Mr. Palmer is said to have been a native of Maryland, was baptized at Welsh Tract, in Delaware, by Owen Thomas, the pastor of the church in that place; was ordained in Connecticut, but was some time in New Jersey, and then in Maryland; he at last moved to North Carolina, where he gathered the church above mentioned, with which he continued, not, however, without some difficulties, until his death. He appears to have been the instrument of doing some good, but was not so happy as to leave a good character behind him. Mr. John Comer, of Newport, R. I., maintained a correspondence with him for a number of years, and frequently makes mention of him in his MS. Journal, in respectful terms.*

Not long after Palmer settled in North Carolina, one Joseph Parker,† who was probably one of his disciples, began to preach in the same region, and though Palmer died before, yet Parker lived and continued on his old plan till after the formation, and also the renovation of the Kehukee Association, which will soon be described.

SECOND COMPANY, IN 1742, AT KEHUKEE.

About the year 1742, one William Sojourner, who is said to have been a most excellent man and useful minister, removed, with many of his brethren, from Berkley, in Virginia, and settled on Kehukee Creek, in the county of Halifax, about one hundred and twenty miles northwest

*I found one of Mr. Palmer's letters to Mr. Comer, dated 1729, among Mr. Backus's papers, which, with Mr. Comer's journal, have helped me to a number of dates and articles, which I could not find elsewhere.

†I find, in Mr. Comer's journal, mention made of one of Mr. Palmer's letters, which was dated 1729; which stated that the church which was gathered there two years before, at that time consisted of thirty-two members. This letter was signed by twelve brethren, by the names of Parker, Copeland, Brinkley, Parke, Darker, Welch, Evans, and Jordan. There were three Parkers at this time, two by the name of John, and one of Joseph, who were probably the men above referred to.

of Newbern, and the same year planted a church in that place, which continues to the present day. This church has seen prosperous days, and has been a mother to many others, the number and names of which I am not able to give.

Most of the Baptists in North Carolina are said to have emigrated from the church of Burley, in Virginia; but by the labors of Palmer, Parker, and Sojourner, and some other preachers who were raised up in the parts, so many were brought to embrace their sentiments, that they, by about the year 1752, had increased to sixteen churches.

These churches had an annual interview, or yearly meeting, in which they inspected or regulated the general concerns of their community. These people were all *General Baptists*, and those of them who emigrated from England came out from that community there.

Although this people maintained a strict adherence to Baptist principles, so far as baptism was concerned, yet in process of time they fell into a loose and neglectful manner as to their rules of church discipline, and so continued until more orthodox opinions and a more rigid economy in their ecclesiastical affairs were introduced among them, which took place about the year 1751, and was caused partly by the preaching of Robert Williams, of Welsh Neck, S. C., and partly by the conversation and efforts of a layman, commonly called the sley-maker, whose name was William Wallis, but chiefly by the labors of Rev. John Gano, who visited them in the summer 1754, and of Benjamin Miller, and Peter P. Vanhorn, who went amongst them some time in the year after. Mr. Gano was sent out by the Philadelphia Association, with general and indefinite instructions, to travel in the Southern States, &c. He, on his return, represented the melancholy condition of this people to the Association, who appointed Messrs. Miller and Vanhorn for the purpose of instructing and reforming them. Mr. Gano appears to have shaken the old foundation, and began the preparation of the materials which Messrs. Miller and Vanhorn organized into regular churches. This visit is thus described by Mr. Edwards:—

“Mr. Gano, on his arrival, sent to the ministers, requesting an interview with them, which they declined, and appointed a meeting among themselves to consult what to do. Mr. Gano hearing of it, went to their meeting, and addressed them in words to this effect: ‘I have desired a visit from you, which, as a brother and a stranger, I had a right to expect, but as ye have refused, I give up my claim and am come to pay you a visit.’ With that, he ascended into the pulpit and read for his text the following words: ‘*Jesus I know, and Paul I know, but who are ye?*’ This text he managed in such a manner as to make some afraid of him,

and others ashamed of their shyness. Many were convinced of errors touching faith and conversion, and submitted to examination. One minister hearing this (who stood well with himself), went to be examined, and intimated to his people, he should return triumphant. Mr. Gano heard him out, and then turning to his companion, said, 'I profess, brother, this will not do; this man has the one thing needful to seek.' Upon which, the person examined hastened home, and, upon being asked how he came off? replied, 'The Lord have mercy upon you, for this northern minister has put a *mene tekel* upon me!'"

By the labors of Mr. Gano, and also of Messrs. Miller and Vanhorn, a great work was effected among this people, which consisted not merely in the important business of reforming their creed and purifying their churches, but also in reviving the power of godliness amongst the erroneous and lukewarm professors, and in the conviction and conversion of many others. And what was left unfinished by them was undertaken and carried on with a laudable zeal by the ministers among themselves, some of whom were converted by their means, and most of whom caught, in a good degree, their spirit, and imitated their examples; insomuch, that before the year 1765, all the ministers (and they were considerably numerous), except the two Parkers, Joseph and William, and a Mr. Winfield, and all the churches, excepting those under their care, which were not more than two or three, had embraced the principles of the reformation.

THIRD COMPANY OF SEPARATES FROM NEW ENGLAND.

In the account of the Virginia Baptists an incidental reference is had to Stearns and his company passing through the State on their way to the south. It may be proper here to observe that most of the Separates had strong faith in the immediate teachings of the spirit in special instructions as to the path of duty.

"Stearns, listening to some of these instructions from heaven, as he esteemed them, conceived himself called upon to move far to the westward, to execute a great and extensive work. Such were the impressions under which this distinguished man left his New England home for the long and laborious journey which resulted in such abundant usefulness."

Mr. Stearns was a native of Boston, Mass., but was baptized after he joined the New Lights, in 1751, by Wait Palmer, and soon after was ordained by Palmer and Joshua Morse, in Tolland, Conn.

In 1754, he and a few of his members commenced the important mission. He halted first at Opeckon, in Berkley Co., in the upper part of

Virginia, where he found a Baptist church under the care of Rev. John Garrard, who received him kindly. Here also he met his brother-in-law, Rev. Daniel Marshall, who was also a Separate, but as yet in the pedo-Baptist connection, and of whom much will be said in the history of the southern Baptists, just returned from his mission among the Indians, and who, after his arrival at this place, had become a Baptist. They joined companies, and settled for a while on Cacapon, in Hampshire Co., about thirty miles from Winchester. Here, Stearns not meeting with his expected success, felt restless. Some of his friends had moved to North Carolina; he received letters from these, informing him that preaching was greatly desired by the people of that country; that in some instances they had rode 40 miles to hear one sermon. He and his party once more got under way, and traveling about 200 miles, came to Sandy Creek, in Guilford county, North Carolina. Here he took up his permanent residence. The number of families in Stearns' company were eight, and the number of communicants 16, viz.: Shubeal Stearns and wife, Peter Stearns and wife, Ebenezer Stearns and wife, Shubeal Stearns, Jun., and wife, Daniel Marshall and wife, Joseph Breed and wife, Enos Stimson and wife, Jonathan Polk and wife.*

As soon as they arrived, they built them a little meeting-house, and these 16 persons formed themselves into a church, and chose Shubeal Stearns for their pastor, who had, for his assistants at that time, Daniel Marshall and Joseph Breed, neither of whom were ordained.

The inhabitants about this little colony of Baptists, although brought up in the Christian religion, were grossly ignorant of its essential principles. Having the form of godliness, they knew nothing of its power. Stearns and his party of course brought strange things to their ears.

The doctrine of the new birth, as insisted on by these zealous advocates for evangelical religion, they could not comprehend. Having always supposed that religion consisted in nothing more than the practice of its outward duties, they could not comprehend how it should be necessary to feel conviction and conversion; and to be able to ascertain the time and place of one's conversion, was, in their estimation, wonderful indeed. These points were all strenuously contended for by the new preachers. But their manner of preaching was, if possible, much more novel than their doctrines. The Separates in New England had acquired a very warm and pathetic address, accompanied by strong gestures and a singular tone of voice. Being often deeply affected themselves when preaching, corresponding affections were felt by their pious hearers, which was frequently expressed by tears, trembling, screams, and exclamations

*Semple's History of the Virginia Baptists.

of grief and joy. All these they brought with them into their new habitation, at which the people were greatly astonished, having never seen anything on this wise before. Many mocked, but the power of God attending them, many also trembled. In process of time some of the inhabitants became converts and bowed obedience to the Redeemer's sceptre. These uniting their labors with the others a powerful and extensive work commenced and Sandy Creek church soon swelled from 16 to 606 members.

Daniel Marshall, though not possessed of great talents, was indefatigable in his labors. He sallied out into the adjacent neighborhoods and planted the Redeemer's standard in many of the strongholds of Satan. At Abbott's Creek, about thirty miles from Sandy Creek, the gospel prospered so largely that they petitioned the mother church for a constitution and for the ordination of Mr. Marshall as their pastor. The church was constituted; Mr. Marshall accepted the call and went to live among them. His ordination, however, was a matter of some difficulty. It required, upon their principle, a plurality of elders to constitute a presbytery. Mr. Stearns was the only ordained minister among them. In this dilemma, they were informed that there were some Regular Baptist preachers living on Pedee river, (S. C.) To one* of these Mr. Stearns applied, and requested him to assist him in the ordination of Mr. Marshall. This request he sternly refused, declaring that he held no fellowship with Stearns' party; that he believed them to be a disorderly set, suffering women to pray in public, and permitting every ignorant man to preach that chose; and that they encouraged noise and confusion in their meetings. Application was then made to Mr. Leadbetter, who was then pastor of the church on Lynch's Creek, Craven county, South Carolina, and who was a brother-in-law of Mr. Marshall. He and Mr. Stearns ordained Mr. Marshall to the care of this new church. The work of grace continued to spread, and several preachers were raised in North Carolina. Among others was James Read, who was afterwards very successful in Virginia. When he first began to preach he was very illiterate, not knowing how to read or write. His wife became his instructor, and he soon acquired learning sufficient to enable him to read the Scriptures.

While Marshall and Harris bent their courses, one to the north and the other to the south, Stearns maintained his station at Sandy Creek, where his labors were greatly blessed; he, however, often traveled a considerable distance in the country around, to assist in organizing and

*This minister was probably Rev. Nicholas Bedgegood, at that time pastor of the church at Welsh Tract.

regulating the churches which he and his associates were instrumental in raising up. Thus the Separate Baptists were headed by three most distinguished men; distinguished not for human acquirements, but for purity of life and godly simplicity which they, amidst the shipwrecks of many, maintained to the end; and for a pious ardor and invincible boldness and perseverance in their Master's service. Other preachers were soon raised up under their ministry, whose zealous and abundant labors were crowned with great success; so that the Separates in a few years became truly a great people, and their churches were scattered over a country whose whole extent from north to south was about 500 miles; and Sandy Creek church, the mother of them all, was not far from the centre of the two extremes.

"Very remarkable things (said Morgan Edwards in 1775) may be said of this church, worthy a place in *Gillis'* book, and inferior to no instance he gives of the modern success of the gospel in different parts of the world. It began with 16 souls, and in a short time increased to 606, spreading its branches to Deep River and Abbott's Creek, which branches are gone to other provinces, and most of the members of this church have followed them; insomuch that in 17 years, it is reduced from 606 to 14 souls.

"The cause of this dispersion was the civil commotions with which the State was affected at that time."

The church at Little River was no less remarkable than the one already mentioned; for this was constituted in 1760, five years after the Sandy Creek, and in three years it increased from 5 to 500, and built five meeting-houses; but this church was also reduced by the provincial troubles and consequent dispersion of the inhabitants mentioned above.

"But to return,—Sandy Creek church is the mother of all the *Separate Baptists*. From this Zion went forth the word, and great was the company of those who published it. This church, in seventeen years, had spread her branches southward as far as Georgia; eastward, to the sea and Chesapeake bay; and northward, to the waters of the Potomac. It, in seventeen years, became mother, grand-mother, and great-grand-mother to 42 churches, from which sprung 125 ministers, many of which are ordained, and support the sacred character as well as any set of clergy in America; and if some have turned out bad, where is there a set of clergy that can throw the first stone, and say, 'we are all good.'"*

This statement was made by a very accurate historian, almost eighty years ago.

*M. Edwards' History of the Baptists in North Carolina.

SANDY CREEK ASSOCIATION.

As this is the oldest Association in the State, and the fourth in the order of time in this country, it may be proper to go more into detail as to its history than we shall be able to do in the other bodies of this kind in this extensive State.

In the year 1758, three years after Stearns and his company settled at Sandy Creek, a few churches having been constituted, and these having a number of branches, which were fast maturing for churches, Stearns conceived that an Association composed of delegates from them all, would have a tendency to forward the great object of their exertions. For this purpose he visited every church and congregation, explained to them his contemplated plan, and induced them all to send delegates to his meeting-house in January, 1758, when an Association was formed which was called *Sandy Creek*, and which continues to the present time; but it has experienced many vicissitudes of prosperity and adversity; and at one time, on account of exercising too much power over the churches, it became embarrassed in its movements, and very near to extinction.

For twelve years, all the Separate Baptists in Virginia and the two Carolinas continued in connection with this Association, which was generally held at no great distance from the place where it originated. All who could traveled from its remote extremities to attend its yearly sessions, which were conducted with great harmony and afforded sufficient edification to induce them to undertake with cheerfulness these long and laborious journeys. By the means of these meetings the gospel was carried into many new places where the fame of the Baptists had previously spread; for great crowds attending from distant parts, mostly through curiosity, many became enamored with these extraordinary people and petitioned the Association to send preachers into their neighborhoods. These petitions were readily granted, and the preachers as readily complied with the appointments. These people were so much engaged in their evangelical pursuits that they had no time to spend in theological debates, nor were they very scrupulous about their mode of conducting their meetings. When assembled, their chief employment was preaching, exhortation, singing, and conversation about their various exertions in the Redeemer's service, the success which had attended them, and the new and prosperous scenes which were opening before them. These things so inflamed the hearts of the ministers that they would leave the Association with a zeal and courage which no common obstacles could impede.

“At our first Association” (says the MS. of James Read, who was present), “we continued together three or four days. Great crowds of people attended, mostly through curiosity. The great power of God was among us. The preaching every day seemed to be attended with God’s blessing. We carried on our Association with sweet decorum and fellowship to the end. Then we took leave of one another, with many solemn charges from our reverend old father, Shubeal Stearns, to stand fast unto the end.”

At their next Association they were visited by Rev. John Gano, who at that time resided in North Carolina, at a place called the Jersey Settlement. Mr. Gano was received by Stearns with great affection, but as there was at that time an unhappy shyness and jealousy between the *Regulars* and *Separates* by the others, he was treated with coldness and suspicion; and they even refused to invite him into their Association. But Mr. Gano had too much knowledge of mankind, humility and good nature, to be offended at this treatment. He continued awhile as a spectator of their proceedings, and then retired with a view of returning home. Stearns was much hurt and mortified with the shyness and incivility of his brethren, and, in the absence of Mr. Gano, expostulated with them on the matter, and made a proposition to invite him to preach with them. All were forward to invite him to preach, although they could not invite him to a seat in their Assembly. With their invitation he cheerfully complied, and his preaching, though not with the *New Light* tones and gestures, was in demonstration of the spirit and with power. He continued with them to the close of their session, and preached frequently much to their astonishment as well as edification. Their hearts were soon opened towards him, and their cold indifference and languid charity were, before he left them, enlarged into a warm attachment and cordial affection; and so superior did his preaching talents appear to them that the young and illiterate preachers said they felt as if they could never attempt to preach again.

“This Association, in its early movements, held many sentiments of a peculiar nature, and which do not prevail among their brethren even here at the present time. In their laudable endeavors to carry out, to the letter, all suggestions of the New Testament as to Christian duties, they discovered, in their estimation, the nine following rites, viz.: *Baptism—the Lord’s Supper—love-feasts—laying-on-of-hands—washing feet—anoointing the sick—right hand of fellowship—kiss of charity—and devoting children.* They also retained the offices of *ruling elders, elderesses, and deaconesses.* And, to close the whole, they held to *weekly* communion.

"The nature and design of all the above enumerated rites and offices will be easily comprehended, except that of *devoting children*. This rite they founded on the circumstance of parents bringing little children to Christ, &c. It was thus performed: As soon as circumstances would permit, after the birth of the child, the mother carried it to the meeting, when the minister either took it in his arms, or laid his hands on it, and thanked God for His mercy, and invoked a blessing on the child, at which time it received its name. This rite, which was by many satirically called a *dry-christening*, prevailed, not only in the Sandy Creek Association, but in many parts of Virginia."*

It must not be understood that all the churches in this body were strenuous, or even uniform, in the observance of this long list of rites, all of which, however, appear to be suggested by the Scriptures, and some of them, as *love-feasts* and *deaconesses*, were unquestionably maintained among the early Christians. Nor did those who maintained the whole of them refuse communion with their brethren who neglected a part.

Mr. Stearns finished his course at Sandy Creek Nov. 20, in 1771, and was buried near his meeting-house. He was a man of small stature, but good natural parts and sound judgment. His voice was musical and strong, and many stories are told respecting the wonderful and enchanting influence which was exerted on his hearers by his vocal powers and the glances of his eyes. His character was indisputably good as a man, a Christian, and a preacher.†

The Regulars and Separates, all of whom were, in early times, included in the two Associations of Sandy Creek and Kehukee, by a similar, though somewhat longer and more tedious process, in due time, effected a reunion similar to the one in Virginia, which we have already described. A brief account of this transaction will soon be given.

This ancient community has now existed 92 years, and has been the nursery of many ministers, churches, and Associations. The late Dr. Brantley, who, in his day, occupied a number of important stations, and died pastor of the First Church, Charleston, S. C., and Dr. Manly, president of the Alabama University, originated in this body; I believe they were members of the same church.

I was in this region in 1810, and visited a number of the pastors of the churches of this old body; among them was *John Culpepper*, sometime a member of Congress, who was one of its most efficient ministers,

*Leland's Virginia Chronicle, p. 42.

†I visited the grave of this venerable man in 1810.

and George Pope, under whose pastoral charge Mr. Brantley commenced his religious and ministerial course, and from him I received the account of the remarkable revival of religion which prevailed within the bounds of this community, and in all the surrounding country in the commencement of the present century; it is related somewhat in detail in my 2d Vol.; a few items respecting it I will repeat:—

“Two extensive revivals had been experienced in this Association, after the death of Mr. Stearns, before the mighty movement now under consideration; but, by deaths and removals, this old body, at the close of the 18th century, was in every respect much reduced.

“The ministers had become few in number, and the churches small and languid; iniquity greatly abounded in the land, and the love of many had waxen cold. But towards the close of the year 1800, that astonishing work which had been prevailing a short time in Kentucky and other parts made a sudden and unexpected entrance amongst them, and was attended with most of the new and unusual appearances, which, in many places, it assumed. This work was not confined to the Baptists, but prevailed at the same time amongst the Methodists and Presbyterians, both of which denominations were considerably numerous in the parts. These two last denominations, soon after the commencement of the revival, united in their communion and camp-meetings. The Baptists were strongly solicited to embark in the general-communion scheme; but they, pursuant to their consistent principles, declined a compliance. But they had camp or field-meetings amongst themselves, and many individuals of them united with the Methodists and Presbyterians in theirs. The Baptists established camp-meetings from motives of convenience and necessity, and relinquished them as soon as they were no longer needful. Their meeting-houses are generally small, and surrounded with groves of wood, which they carefully preserve, for the advantage of the cooling shade which they afford in the heat of summer. In these groves the stages were erected, around which the numerous congregations encamped; and when they could be accommodated in the meeting-houses, to them they repaired. A circumstance which led the people to come prepared to encamp on the ground was, that those who lived adjacent to the place of meeting, although willing to provide for the refreshment, as far as they were able, of the numerous congregations which assembled, yet, in most cases, they would have found it impracticable; and furthermore, they wished to be at the meetings themselves what time they must have stayed at home for the purpose. The people, therefore, would be advised by their ministers, and others, at the first camp-meetings, to come to the next and all succeeding ones prepared to accommodate and refresh

themselves. In this way camp-meetings were instituted amongst the Baptists.

“In nearly the same way meetings of a similar nature were established by the united body of Methodists and Presbyterians in these parts; but like many other things produced on extraordinary occasions they continued after the call for them had ceased. Their efficacy was by many too highly estimated. They had witnessed at them, besides much confusion and disorder, many evident and remarkable displays of Divine power; and their ardor in promoting them, after the zeal which instituted them had abated, indicated that they considered them the most probable means of effecting a revival. * * * * *

Some accounts follow on the apparent genuineness of the revivals, notwithstanding the unusual manner in which the meetings were conducted.

“In the progress of the revival among the Baptists, and, especially, at their camp-meetings, there were exhibited scenes of the most solemn and affecting nature; and in many instances there was heard at the same time, throughout the vast congregation, a mingled sound of prayer, exhortation, groans, and praise. The fantastic exercise of jerking, dancing, &c., in a religious way, prevailed much with the united body of Methodists and Presbyterians, towards the close of the revival; but they were not introduced at all among the Baptists in these parts. But falling down under religious impressions was frequent among them. Many were taken with these religious epilepsies, if we may so call them, not only at the great meetings where those scenes were exhibited which were calculated to move the sympathetic affections, but also about their daily employments, some in the fields, some in their houses, and some when hunting their cattle in the woods. And in some cases people were thus strangely affected when alone; so that if some played the hypocrite, with others the exercise must have been involuntary and unaffected. And besides falling down there were many other expressions of zeal, which, in more moderate people, would be considered enthusiastic and wild.

“The above relation was given me by Rev. George Pope, the pastor of the church at Abbott’s Creek, who is a man of sense and moderation, and who, with many of his brethren, was much tried in his mind and stood aloof from the work at its commencement, but it spread so rapidly and powerfully that they soon discovered such evident marks of its being a genuine work of grace, notwithstanding its new and unusual appearances, that their doubts subsided and they cordially and zealously engaged in forwarding and promoting it. Mr. Pope, in the course of the revival,

baptized about 500 persons. Large numbers were also baptized by John Culpepper, William McGregore, and many others. But as the Minutes of the Association were not printed at this time the total number cannot now be ascertained, yet it must have been very large."

We have seen that, according to Morgan Edwards' account, the *Sandy Creek* fraternity of New England *New Lights*, or *Separate Baptists*, nearly one century ago, spread its branches to the utmost bounds of Virginia on the north, and to South Carolina and Georgia on the south. The Holston Association, which arose in Eastern Tennessee in 1786, in part originated from this spiritual and prolific mother; the institutions which have gone out from it in this State will of course be noticed in the details of their history.*

As the account of this ancient community constitutes a part of the old history of North Carolina, as to Baptist operations, it seemed necessary to introduce it in this place. I shall now continue the history of the State, by Associations, under two divisions—*eastern* and *western*; my line of demarcation will not be very definite. This arrangement I have made for my own convenience. I do not find that the people here are accustomed to any formal divisions of their longitudinal territory which stretches from the seaboard to far beyond the mountains, to Tennessee and the upper end of Georgia. The *Low Country*, the *High Lands*, the *Mountains*, and *beyond* them, as near as I can learn, are all the distinctions commonly employed in their local and geographical descriptions.

SECTION II.

Kehukee Association—Portsmouth—Neuse—Cape Fear—Goshen—Chowan—Tar River—Raleigh—Beulah, and others.

KEHUKEE ASSOCIATION.

As this old body, which bears date from 1765 for about half a century held an important rank in this and the surrounding States, and spread its branches in most of the low countries, and from it went out directly or indirectly most of the associations now in existence in this region, its history requires some extra attention.

This body arose out of the churches which had been reformed to an orthodox standard by the labors of Messrs. Gano, Miller, Vanhorn, &c.,

*As I have no late Minutes of this body, I cannot give my usual account of its pastors, &c. In the B. Almanac, it is reported to have had, in 1845, twenty churches, and 1,760 members. *N. Richardson*, Cor. Sec'y.

as has already been related. It was organized in 1765, at Kehukee Creek, in Halifax county, on the northern side of the State. Soon after its formation it opened a correspondence with the Charleston Association in S. C., with which some of the churches had united after their renovation. Jonathan Thomas, John Thomas, John Moore, John Burgess, William Burgess, Charles Daniel, William Walker, John Meglamre, James Abbington, Thomas Pope, and Henry Abbott, were the principal, if not all the ministers belonging to this Association at the time of its constitution.

Rev. Isaac Backus, the Baptist historian, was present in the session of this body, held at the Isle of Wight, in Virginia, in 1789.

The churches of which this Association was at first composed, according to Burket and Read, who wrote its history in 1803, were, besides the one from which it was named, those called Tosnoit, Falls of Tar River, Fishing Creek, Reedy Creek, Sandy Run, and Camden.* For many years this was a very efficient and prosperous community; a considerable number of its ministers were among the most able and active in the State, and its bounds were so greatly enlarged that in twenty-five years it had increased to sixty-one churches, and upwards of five thousand members. In 1790, by a mutual agreement, nineteen churches were dismissed to form the Portsmouth Association, in Virginia, and in four years after, the Neuse Association went off from this prolific community. It was now reduced to 26 churches. But soon after, so remarkable was the spirit of revival among them, that in the course of two years, fifteen hundred converts were baptized within its bounds.

Union of the Regular and Separate Baptists in N. C.

We must bear in mind that the Kehukee Association does not trace its pedigree from the New England *New Lights*, but from a company of *General Baptists*, who came hither from the mother country, *via* the colony of Virginia, which had been moulded to the orthodox standard, by the men and means which we have already described; most of whom, not early, but in process of time, adopted the strong views of hyper-Calvinism. About the time this Association was formed the Separate party had become numerous and were rapidly increasing in the upper regions of the colony; the ministers of both companies in their evangelical exertions were often brought in close contact, and had frequent interviews with each other; and although they differed in some small

*Burket and Read's History of Kehukee Association, p. 27.

matters, yet they united their zealous labors in their evangelizing efforts and a growing fellowship for each other produced an increasing desire to be more closely united.

The Kehukee body made the first advances towards the union, and in 1772 sent two of their elders, viz., Meglamre and Thomas, as deputies to the Separate, or Sandy Creek Association, for the purpose of making overtures to effect it. This led to a friendly discussion of the points of difference between them, and, after considerable delay, the union of the two parties was effected.

The principal difficulty in the way of the proposed union arose from the fact, which was not denied, that in some of the Kehukee churches members were found who had been baptized before their conversion by the careless Arminian preachers, under whose pastorship they had formerly been. This circumstance had been for a long time a source of trouble and embarrassment to the ministers at home, and the discussions which now arose on the subject threw the body into commotion, and finally ended in its division. The arguments on both sides, which I shall denominate *Reformers* and *anti-Reformers*, were as follows:—

Reformers. Adult persons have no better claim to baptism before their conversion than infants have.

Anti-Reformers. We admit the correctness of your doctrine, but say, in reply, this is an evil which we found in the churches when the Association was formed; all of us have submitted to it a number of years—the reformation you propose will unavoidably produce confusion and division; but if the thing is let alone, as the members complained of are advanced in years, it will soon vanish away.

But the Reformers persevered and remodeled their body to the true Baptist standard, and after this the union with the Separates was easily effected.

The latest Minutes I have of this ancient body are those of 1842; then it had forty churches, and upwards of fourteen hundred members.

The KEHUKKEE CHURCH, 1755, was then the largest in this Association; it reported 125; all the others are under 100.

The churches called *Fishing Creek*, 1755; *Falls of Tar River*, 1757; *Flat Swamp*, 1776; *Cross Road*, 1786; are the oldest in old Kehukee.

The churches are in the counties of Halifax, Edgecombe, Martin, Washington, Pitt, Beaufort, Carteret, Hyde, Tyrrell, Currituck, Camden, &c. Halifax, near the Virginia line, was in old times a central position for this body, but at present it seems to be on its western edge, and the churches are spread over most of the eastern and northeastern part of the State. This ancient body has for many years been decidedly

hostile to all benevolent institutions, and is probably the strongest Association in the State of this character; its churches, instead of occupying a particular location, as is commonly the case, are intermixed with those whose principles on missionary and all other societies they wage a fierce warfare against, through a wide range of territory.

The Portsmouth Association, which is now one of the strong Virginia communities, was the first company which colonized from the mother body; it took off all the churches on the Virginia side of the line, and was set off in 1790, as has already been related.

NEUSE ASSOCIATION.

This was formed by a second colony from this fruitful nursery, in 1794; it contained at the time of its organization twenty-three churches, which were situated on both sides of the river whose name it assumed, and extended from *Tar River* nearly to the southern boundary of the State. It embraced, in its early movements, a number of the oldest churches in the country.

Rev. John Thomas, and his two sons, *Jonathan* and *John*, were among its most distinguished ministers at its commencement.

This community shared largely in the great revival which spread through all the country, which has already been referred to in the early part of this century. In my table for 1812 it contained a thousand members. As I have none of its late Minutes, of course I must omit my usual account of its churches.

Allen's Register for 1836 makes its membership between 6 and 7 hundred. Its churches were in the counties of Pitt, Lenoir, Jones, Craven and Carteret.

The Baptist Almanac represents it about half that size in 1842; it symbolizes, I believe, with what are called the *old school* party, if it still maintains its visibility.

CAPE FEAR ASSOCIATION

Was formed from the Neuse, in 1805; it is situated in the southern corner of the State, in the counties of Cumberland, Robeson, Columbus, Bladen, and Brunswick. Some of them are in the adjoining parts of S. C., in the districts of Marion and Horry.

This Association has adopted the commendable practice of affixing the dates of their churches to their Minutes, by which I learn that most of them have been constituted within the present century, and generally they are of recent origin.

The FAYETTEVILLE CHURCH, 1837, is the largest in this body.*

GOSHEN ASSOCIATION

Was formed by a colony from Cape Fear, in 1827. This fact I obtained from Allen's Register, and it constitutes my whole stock of information relative to this community. I have no Minutes since 1842, in which there is no distinction between the ministers and the other delegates. It then had 24 churches; most of them, however, were small.†

The WILMINGTON CHURCH was then the largest in this body.‡ This is a town of much importance in the neighborhood in which the churches are probably situated. Sampson is the only county named on the Minutes above referred to.

CHOWAN ASSOCIATION.

This was another branch of the old Kehukee, and was organized with 18 churches, containing upwards of eighteen hundred members in 1806.

The Roanoke River became the dividing line, and all the churches of which this body was at first composed in the beginning lay to the east of it. This is the largest Association in this State, having about double the membership of any other, although the churches are not as numerous as the Cape Fear, but they are large compared with associational fraternities in this government; but unfortunately no historical sketches of any of them have come to hand, except some additional items relative to the church founded by Paul Palmer in 1727, now called Shiloh, of which some account has already been given. This old society now be-

*In 1845, it reported 320; Bear Swamp, S. Dusenberry, 184; Cape Fear, —, 181; Beaver Dam, 179; Ashpole, W. Ayres, 160; Spring Branch, 156; Antioch, 124; Cross Roads, —, 119; Beaver Dam (Columbus Co.), 118; Iron Hill Cross Roads, 114; Mount Pisgab, 108; Porter's Swamp, 106.

†On these Minutes, I find the following item:—a question came up respecting ordaining Elder Lewis F. Williams, who had come over to them from the Free Will Baptists; this they decided to be unnecessary, as he had been regularly ordained by the society to which he formerly belonged.

‡In 1842, it reported 177; Bear Marsh, 118; Moore's Creek, 116; Well's Chapel, 98.

longs to this Association; a few of the peculiarities of its rules of discipline in early times are thus described by a correspondent who lives near it:—

“I have procured the Records, which go back to 1758, when John Burgess was pastor, and the business of the church was managed by ‘elders or overseers,’ while the private secular matters of the members was under the direction of the ministers, and six members who were constituted the ‘Court of Union.’ The churches had several arms or branches in the adjoining counties, to which the ministers, attended by the overseers, and the clerk, regularly repaired. In a few years the ‘Court of Union’ was dispensed with—but the churches being dissatisfied with its extinction, nine members were chosen, who were to be considered permanent elders, if found faithful, while the former overseers or elders were elected annually. Lemuel Burket, who afterwards became a minister of much distinction in this region, was once a member of this ancient society.”* * * * *

Such was the complex machinery in ecclesiastical affairs at that early period with this well-meaning people.

The Minutes of this Association are well got up in general, but the dates of the churches are not given, nor is there any reference to the counties in which they are situated. This deficiency is supplied by a tabular view of this large community, which was compiled by Dr. Wheeler, its clerk, for my use. From this I learn when each body arose, and who are their present pastors. A few are of great age, but a majority of them have been formed within the present century.

The COLERAINE CHURCH, *Jno. Nowell* pastor, appears to be the largest in this body; † it bears date from 1789.

*Communication of Dr. Wheeler, of Murfreesboro', 1845. Dr. W. thinks Mr. Edwards' statement is incorrect, in saying that this old church was called Perquemans, on Chowan river. The seat of it is now on the river Pasquotank, in the county of Camden. This is a question in geography which I cannot settle; the space between these rivers is indeed considerable, but the original planters of the Baptist cause in this region occupied an extensive field—the branches of their growing communities were established at different points—sometimes one of them, and then again another, would give name to the whole fraternity. This is the only way I can account for this apparent discrepancy. I have met with a number of such cases in my historical investigations.

†In 1846, it reported 481; Murfreesboro', G. M. Thompson, 343; Ballards, Wm. White, 339; Ahsokie, 322; Cashie, 292; Ross, M. H., P. Noggard, 281; Smith Chh., 280; Sandy Cross, Q. H. Trotman, 279; Shiloh (1757), E. Forbs, 258; Potecasi, 252; Condaritsa, 215; Bethel, 211; Sawyer's Creek, 209; Elizabeth, J. Nash, 190; Cool Spring, H. Speight, 180; Cape Hearts, 183; Edenton, T. Waff, 184; Sandy Run, A. M. Craig, 176; Middle, 148; Piney Grove, Ed. Howell, 122; Ramoth Gilead, M. W. Jones, 115; Bethlehem, 115.

 TAR RIVER ASSOCIATION.

This body bears date from 1831; it is on the ground formerly occupied by old Kehukee, and probably originated, wholly or in part, from that body, but I have no historical information of its commencement or progress. Its name indicates the important stream on which it is situated. The Minutes do not distinguish the ministers from the other delegates, neither do they specify the counties where their churches are found, but I have ascertained that a part of them, at least, are in those of Warren, Franklin, Nash, and Edgecombe.

The POPLAR SPRING CHURCH is the largest in this body.*

 CONTENTNEA ASSOCIATION.

I learn from Allen's Register, of 1833, that this community was organized in 1830, by the union of two small bodies by the name of Toisnot and Nawhuny; in 1844, it contained 17 churches in the counties of Edgecombe, Green, Pitt, Wayne, and Lenoir; none of the churches amounted to 100.

 BAPTIST ADVISORY COUNCIL.

This singular name is given to a very small Association which was formed about 1840. Its Minutes of 1844, exhibit four churches, containing in the aggregate 155 members. It is situated in the counties of Green, Lenoir, and Duplin.

 WHITE OAK ASSOCIATION.

This is a small body in the lower part of the State, adjoining S. C., and was probably formed about 1840. I have no account of its origin, or any items of its history, except what is contained in a copy of its Minutes for 1842, in which I find the following article in their constitution:

"We, as an Association, declare a non-fellowship with Masonry, Missionary, Bible, and Tract Societies, Campbellism, State Conventions,

*In 1845, it reported 354; Peachtree, 304; Sandy Creek, 203; Browne's, 149; Reedy Creek, 146; Tanner's, same; Perry's Chapel, 129; Flat Rock, 128; Haywood's, 120.

Theological Seminaries, and all other new institutions that have the appearance of a speculation on the gospel; we know of but two societies, viz.: *Civil* and *Religious*.”

The churches are all small, and contain in the aggregate about 400 members; they are situated in the counties of Jones, Duplin, New Hanover, Onslow, and Carteret.

RALEIGH ASSOCIATION.

This is a community of forty years standing, having been organized in 1805, with but four churches which were dismissed from the Neuse.

The clerk of this ancient body has sent me an account of its annual doings, from near the time of its commencement, which shows, for each year, the *preachers of the first sermon—the names of the moderators and clerks—the No. of churches—the total do. baptized—do. of members*. In 1831 they received by baptism 466, which appears to be the largest number in one year.

The moderators for different periods of time, for about forty years, have been M. Thomas, J. Gulley, B. Fuller, Geo. Nance, J. Purify, J. Southerland, S. Senter, and J. Dennis. The clerks have been R. T. Daniel, S. Stephenson, J. Gulley, Thos. Crocker, J. Britt, Geo. W. Purify, Wm. Roles, and S. P. Norris. Crocker has performed the clerkship more years than any other member; Norris has filled that office for a number of years past.

The seat of this community is in the Capital of the State, whose name it bears; *Wake Forest College*, a Baptist institution, is situated but 16 miles from it, and has been got up by this and other Associations, which are friendly to the cause of education.

The HEPZIBAH CHURCH appears to be the largest in this body; it is, I believe, near to the seat of government.*

The Raleigh Association stands the third in the State for numerical strength; Chowan and Cape Fear are the only ones before it.

*In 1845, it reported 353; Raleigh, J. J. Fink, 288; Wake Cross Roads, 237; Cedar Fork, 199; Hollyspring, 162; Smithfield, 135; Shady Grove, 130; Wake Union, 128; Johnston Liberty, same; Rolesville, 101; Neals Neck, 100.

This Association does not place the names of the pastors against the churches; of course, I cannot add them, as I do in other cases.

LITTLE RIVER ASSOCIATION

Was formed in 1826, by a seceding colony from the one last named, because, in the estimation of the seceders, they were doing too much for missions and other objects of the kind. It of course is on the same ground. All the information I have respecting it is contained in Mr. Norris' details of the Raleigh Association.*

FLAT RIVER ASSOCIATION.

This is one of the old communities of the North State; it was formed in 1794, by a division of the *Roanoke*, which is now confined to the Virginia side of the line. The division was made by mutual agreement, as such movements generally were at that time.

With materials for the history of this ancient fraternity I am very amply supplied, by the efforts of Thomas B. Barnett, who has been its clerk for a number of years past, and from historical sketches of the churches which are found on the Minutes for 1845. This body is on the ground occupied by the old *Separate* Baptists, about a century ago.

GRASSY CREEK CHURCH, 1765, is the oldest in this body; it arose out of the labors of James Read and Daniel Marshall. Mr. Read was its first pastor. After him, they have had in succession for their spiritual guides, S. Harris, H. Leister, T. Vase, R. Picket, E. Battle, R. T. Daniel, W. B. Warrell, Thomas D. Mason, and Samuel Duty.

Rev. James King, the present incumbent, has occupied this station about 15 years.

This church has been the seat of operations for the denomination in this region; it was here that the wide-spread *Separate Association* agreed on its division in 1770.

In 1829, a missionary society was formed in this church, and about \$100 were collected for the mission cause. The State Convention for N. C. held its annual session with this body in 1839.

*In the records of this body for 1827, are the two following queries:

1. "Is it orderly for any of the churches of this Association to invite any of the preachers who call themselves *The Reformed Conference*, (its name at first), to preach in any of their churches, or sit with them in conference?"

Answer. We, as an Association, do not believe it orderly for any of the churches, or individual members of the church, to *invite* them or *prevent* them.

2. "What course shall we pursue in future towards those churches, who have *rent off* from the Association?"

Answer. Endeavor to pursue a course of brotherly love, and Christian affection." A third query was to the same effect, and was answered with similar mildness and forbearance.

The BUFFALO CHURCH, 1778, was also founded by Read, Harris, and their evangelical associates.

“This is a church of happy standing, and has been blessed with several revivals; many years ago there were 90 added as the fruits of one of these refreshing seasons; in 1843, Rev. Jas. King baptized 93 into the fellowship of this church.”*

The BETHEL CHURCH, 1823, stands on the Minutes for 1845, as the largest in this body.†

The churches in this Association are situated in the counties of Person, Orange, Wake, and Granville; most of them are in the one last named. The N. C. University is in the bounds of this Association, at Chapel Hill, Orange county, but this, I believe is wholly under the control of the Presbyterians.

COUNTRY LINE ASSOCIATION

Was formed by a division of the Flat River in 1806; it was divided by a line running north and south, and the churches to the west of the line united in the new organization. This community is also on old ground for Baptists, and some of its churches, as it stood at the time of its commencement, were those which were gathered by S. Harris, J. Read, Thomas Mullins, Dutton Lane, &c.

The EXO CHURCH, *James Terrell* pastor, is the largest in this body.‡

BEULAH ASSOCIATION

Was formed in 1834, with only three churches, which, in the aggregate, contained but 157 members; it has since increased to thirteen churches, and upwards of 1,000 communicants. This young community is in the same counties of the *Country Line* fraternity, from which they were driven out by the passage of a set of stereotyped resolutions by the old body, which proscribed all the societies of the day, religious news-

*Minutes of the Association for 1845.

†At that time, it reported 308; Grassy Creek, 260; Buffalo, 254; New-light, 189; Olive Branch, 170; Concord, 143; Island Creek, 142; Bethel, 133; Brassfield, 132; Tabb's Creek, 130; Mount Moriah, 118; Corinth, 102. The pastors are not put down against the churches as they were in former years; of course, I cannot insert them in my usual style.

‡I have no Minutes later than 1843; then, it reported 181; Upper South Hico, R. McKee, 135; Flat River, —, 112; Lickfork, —, 109; Arbor, John Stadler, 106; all the others are under 100.

papers, &c., as being incompatible with what they called *old school* principles. This growing interest supports an itinerant minister, who acts as a colporteur and missionary among the feeble churches, and in the destitute parts of their own bounds.

Rev. Stephen Pleasant, with whom the trouble began, as to the cause of benevolence, and who was the principal means of getting up this institution, has been its moderator from the time of its organization.

CANE CREEK CHURCH is the largest in this body.*

In the bounds of the Beulah Association, in the county of Caswell, are two High Schools, which are well spoken of; one is under the tuition of *Rev. J. J. James*, pastor of one of the churches. The other, which is for females, is at Milton; both, I believe, are Baptist institutions.†

We have now gone over about half the State, so far as the Baptist population is concerned, and shall probably find that the largest portion of the communicants are contained in the Associations whose affairs have come under review. I shall now attempt my usual historical sketches of the remaining associational communities which lie scattered over the long range of territory which stretches beyond the mountains, to Tennessee on the west, and South Carolina and Georgia on the south.

SECTION III.

Pedee Association—Abbot's Creek do.—Liberty—Catawba—Green River—Yadkin—Mountain—Mayo—Brier Creek—Three Fork—French Broad—Big Ivey—Tuckasiege—Salem—Valley, and others.

PEDEE ASSOCIATION

Bears date from 1815; it is an offspring of the old Sandy Creek fraternity, from which it colonized at the date above given. The *Deep River*, one of the head waters of Cape Fear, became the dividing line; the churches to the south and west of it went off in the new connection. John Culpepper and Bennet Solomon appear to have been the leading men among them in their early movements. This body, from its commencement, has been identified with missionary and other benevolent operations.

*In 1845, it reported 237; Ephesus, —, 137; all the others are under 100.

Rev. Elias Dodson was the domestic minister for 1844-5, and was 13 months in the field. His account of his travels, ministerial and colporteur service, is published in the Minutes, and exhibits a commendable activity in his peculiar vocation.

†My sketches of this community are taken partly from the Minutes, but mostly from communications from its clerk, Rev. G. W. Purify, of Chapel Hill, Orange county.

A very full history of the doings of this Association, from the beginning, have been supplied me by Alex. N. Nicholson, its clerk; from his communication I learn that the three churches called Forks of Little River, 1760, Rocky River, 1776, and Pedee, 1785, are the oldest in this community; all the others have been formed within the present century; most of them are of recent origin. This Association, business-like, gives the dates of its churches in its statistical table; they are situated in the counties of Montgomery, Stanley, Anson, and Richmond; it joins South Carolina on the south.

Some extensive revivals have prevailed in this region in modern times; in the course of three years, from 1830, this then small interest received by baptism upwards of seven hundred members.

The PEDEE CHURCH, *J. M. Thomas*, was the largest in this body in 1844.*

ABBOT'S CREEK ASSOCIATION

Was formed from the Pedee, in 1825, which greatly reduced it, as to its numerical strength, and, what was worse, the seceding party who went off because the old institution was too much identified with benevolent operations.† It is situated in the counties of Davidson, Randolph, &c.

The ABBOT CREEK CHURCH, 1777, was the largest in 1842, which is the latest account I have had from it. Its number then, was 106; all the other churches were small, and the whole body contained but about three hundred members. Abbot's Creek was a famous place for Baptists in this region more than a century ago, as we have seen in the history of the Separate Baptists. It had pastors of much efficiency, and enjoyed revivals of religion of uncommon power and interest.

LIBERTY ASSOCIATION

Arose in 1832, out of churches which withdrew from the community last named, on account of their opposition to all benevolent institutions. It is situated, mostly, in the county of Davidson; Stokes, Guilford, and Montgomery, embrace one church each.

The JERSEY CHURCH, *W. Turner* pastor, is the largest in this body.‡

*I have no Minutes later than the date given above; then, it reported 236; Forks of Little River, —, 149; Saron, —, 124; Brown Creek, —, 102. The colored members were reported but in part. Pedee had 40, some of the churches none.

†These facts I gather from Mr. Nicholson's communication above referred to.

‡In the Minutes of 1845 it reported 201; all the others were below 100.

CATAWBA RIVER ASSOCIATION

Was formed in 1826, of churches which, in part at least, had belonged to the Broad River Association, in South Carolina. It is situated on the stream whose name it bears; this same river takes the name of Wateree, after passing into the South State. The churches are not generally large, but are somewhat numerous, and are situated in the counties of Wilkes, Iredell, Burke, Lincoln, Rutherford, and Mecklenburg. As I have none of its late Minutes, I am not able to give my usual notices of its churches and pastors.

GREEN RIVER ASSOCIATION

Was formed in 1840. This young interest also came, in part, from the old Broad River, in South Carolina, that prolific parent of kindred institutions. This and the Catawba lie contiguous to each other, and Rutherford county appears to embrace a considerable portion of the churches belonging to them both. Its Minutes for 1845, exhibit 25 churches, but none of them amount to 100.

Having arrived to the neighborhood of the mountains, on the southern side of the State, I will now go up to an old Baptist region and give the best account I can of a cluster of Associations which are spread over an extensive territory in the middle and northern portions of the State.

YADKIN ASSOCIATION

Bears date from 1790, and is the oldest institution of the kind in this part of North Carolina. The following account of its origin and progress during its early movements is found in my 1st Vol. As I was on the ground in 1810, and collected my information from some of its originators, who were then alive, the presumption is, that it is essentially correct.

“The Yadkin was so called, from a river which rises in the Alleghany mountains, and is one of the head streams of the *Great Pedee*, one of the most important rivers in South Carolina. It lies to the westward of Sandy Creek, and originated as follows:

“In the year 1786, eleven churches, which had been previously gathered about the head of the Yadkin and its waters, began to hold yearly Conferences, as a branch of the Strawberry Association in Virginia. The proceedings of this Conference were annually submitted to the As-

sociation to which it had attached itself, for their inspection, and were borne thither by delegates appointed for the purpose. But in 1790, the churches, composing this Conference, were, upon their request, dismissed, and formed a distinct Association. The ministers belonging to this body at its commencement, were George M'Neal, John Cleaveland, William Petty, William Hammond, Cleaveland Caffee, Andrew Baker, and John Stone. This Association, like Sandy Creek, transacted its business, or at least held its sessions, for a number of years without a moderator. Some of their scrupulous brethren, it seems, were opposed to order, or formality, as they esteemed it, in their religious proceedings, and pleaded that it was an infringement of Christian liberty, and too much like worldly assemblies, to have a moderator at their head, whom they must address when they spoke, and whose liberty they must request, &c. In 1793, Mr. John Gano, who then lived in Kentucky, visited this Association, and found many difficulties among them on account of these things. But he knew very well how to manage prejudices so whimsical and absurd, and prevailed on them to choose a moderator and establish rules, by which their business was afterwards conducted with much decorum.

"The church in the Jersey settlements in Rowan county is the oldest in the Yadkin Association, and was gathered by Mr. Gano, in 1758, three years after the Sandy Creek church was established. Mr. Gano resided there about two years, when the church was broken up by the incursions of the Indians, and he returned to New Jersey, from whence he had removed hither. But the church was re-gathered after the Indian war was over.

"Dr. Richard Furman, now of Charleston, South Carolina, resided and preached in the bounds of this Association, during a part of the Revolutionary war.

"Joseph Murphy, the pastor of the church on Deep Creek, in the county of Surry, has been, in most respects, the most distinguished minister among the churches in this body. He and William Murphy, whose name frequently occurs in the history of the Virginia Baptists, were brothers. They were both baptized by Shubael Stearns, and began to preach while very young, and were called, by way of derision, *Murphy's boys*. William, who had the most conspicuous talents, removed to Tennessee, about 1780, and was one of the most active ministers in the Holston Association, which he assisted in raising up, and in which he was very useful and much esteemed until his death, the exact time of which is not known, but it is believed to have been about 1800."

I have no late Minutes of this ancient community, and, of course, must omit my usual account of its pastors and churches.

 MOUNTAIN ASSOCIATION.

This was formed by a division of the Yadkin, in 1799; it was situated near the line of Virginia, in which State a few of its churches were situated in its early movements, and such, I believe, is the fact at the present time. It was situated, at first, in the counties of Burke, Wilks, Surry, and Ashe, in the obtuse angle of N. C., which is bounded by Tenn. on the west, and Va. on the north. Its locality, probably, does not vary materially from its former bounds. The same remark will apply to this body as to that of the Yadkin, relative to its late Minutes, pastors, and churches.

 MAYO ASSOCIATION

Was formed in 1827; it is contiguous to the Mountain, in the county of Rockingham, and probably some neighboring ones near to, and partly over the line of Virginia.

The CASCADE CHURCH, is the largest in this body; according to the Minutes of 1845 it contained 142 members; the others were generally small.

 BRIER CREEK ASSOCIATION

Was formed in 1821; but I have no information as to its rise and progress; it contains sixteen churches, most of them are in the county of Wilks; of course it is in the midst of the Mountain and Mayo communities, a thing very common in this region of country, where they split up and multiply their small concerns, about equal to the Scotch seceders. They are all on ground which is in suffering need of missionary aid; and yet no where is the opposition to all benevolent institutions more resolutely maintained than is done by some of the small and famishing bodies, which here drag out a lingering existence. This Association, I should judge from the details of its Minutes, espouses the mission cause.

The BRIER CREEK CHURCH, *Jesse Adams* pastor, is the largest in this body.*

 THREE FORK ASSOCIATION

Was formed in 1840; it has seven pastors, and thirteen churches; all except one are in the county of Ashe, which joins Tenn. on the west, and Virginia on the north.

*In 1845, it reported 104; all the others are under 100.

The COVE CREEK CHURCH, *B. McBride* pastor, is the largest in this body.*

There are three other small associational communities in the upper country, of which I have not acquired sufficient information for the construction of my usual historical accounts; the names are *Bear Creek*, *Lewis Fork*, and *Fishing River*.

BEAR CREEK is dated 1833; its clerk, a few years since, resided in the county of Cabarrus. A church by this name formerly belonged to the Yadkin Association.

LEWIS FORK, is said to have been formed in 1836.

FISHING or FISH RIVER, is a very small body; it is no doubt of recent origin. All these institutions, I should judge, belong to the *non-effort* class, and are situated in the hilly regions of the State this side the mountains.†

I shall now bring under review the five remaining Associations in this State, all on the mountains and in the mountain valleys, the history of which, by the aid of good correspondents, and my own personal researches many years since, I am much better prepared to relate than of many whose affairs I have attempted to describe.

FRENCH BROAD ASSOCIATION

Bears date from 1807; at the time of its formation, the region in which it arose was regarded as the *ne plus ultra* of the white population in this part of the State. The following description of this fraternity is thus given in my 2d Vol., published in 1812:

The French Broad Association is a small body, situated mostly in the county of Buncombe, in a mountainous region in the western part of the State. This county was formerly large enough for a small State, and extended to the Tennessee line.‡ The county of Haywood has not long since been taken from it. It is, however, very large, and encompasses a number of everlasting hills, and some fruitful valleys. Through it runs a river called the French Broad, which gave name to the Association we are about to describe.

It was at first composed of six churches, viz.: Little Ivey, Locust, Old Fields, Newfound, Caney River, French Broad, and Cane Creek. The

*In 1845, it reported 118; Three Forks, N. F. —, 102; all the others were under 100.

†All my ideas respecting the three bodies above named, have been gained from the Minutes of the B. S. Convention, for 1843, and Allen's Register.

‡A number of other counties have since been formed from this extensive territory.

three first were dismissed from the Holston Association in Tennessee, and the others from Broad River, in South Carolina. Four churches have been added to this body since its formation. The ministers which it contained at its beginning, were Thomas Snelson, Thomas Justice, Sion Blithe, Benjamin King, Humphrey Posey, and Stephen Morgan.

From this old community, a number of the neighboring ones have originated, as their history will show.

This old fraternity now extends to the county of Yancy, and probably some of the other shires into which old Buncombe has been divided.

The LITTLE IVEY CHURCH is now the largest in this old Association.

BIG IVEY ASSOCIATION

Is an immediate offspring of the one last named; it was organized in 1829, and appears to have been the first colony which went off from this mother body, and not in the most agreeable manner. This has been called a *Free Will Baptist* institution; how it came to be so denominated, is explained by one of my correspondents for this region.

"About the year 1828, an unhappy split took place in the French Broad Association, on principles; the one party inclining to the Calvinistic, and the other to the Arminian side of the controversy. The Arminian party *went off* and formed themselves into a *Free Will* or *Liberty* Association; since that time, it has changed its name to the one it now bears."*

The ministers of this body at the time of its formation, were G. De-weese, H. Masters, and M. Peterson. The Minutes for 1846, exhibit a list of 19 churches; none of them, however, amount to 100. The counties are not named on the Minutes; the last session was held in that of Yancy, in which I conclude most of the churches are situated.

TUCKASIEGE ASSOCIATION

Was formed in 1829, and is another branch of the old French Broad. It is about the same size of the Big Ivey; the churches are also small, compared with many in the low counties, where the colored population abounds; very few of them are found in the high lands and mountains.

The Minutes of this community are arranged in business-like style, as to dates, counties, pastors, &c.

*Letter of James Blythe to the author, 1846. H. Posey, who lived and labored in this region when I was there, in 1810, has given me valuable information relative to the Baptist cause in all this end of the State. Mr. P. afterwards removed to Georgia, where he died a short time since.

The LOCUST OLD FIELD CHURCH, 1803, *W. Haynes* pastor, is the oldest and largest in this body,* which is situated mostly in the counties of Haywood and Mason.

SALEM ASSOCIATION

Bears date from 1838; it came from the old mother of Baptist interests in this region. This community came into being with unusual strength, for a new and mountainous country; it began with nine ordained ministers, viz.: R. Jordan, J. Cantrell, T. Stradley, J. Blythe, B. Bruce, M. Pickman, W. Mince, J. Evans, and Jos. Kendall, and about 400 members. Two of the Salem churches are in the county of Buncombe, all the others are in Henderson. A portion of the ministers just named, still officiate as pastors in this body. This is a fraction in advance as to numerical strength of any of the five Associations in this western group.

VALLEY ASSOCIATION

Was formed in 1839, by the name of *Notley* river, which it retained but one year, when it assumed the one by which it is now distinguished. This is still a very small body, but is very efficient for its men and means; it employs two domestic missionaries a part or all the time, to supply their feeble churches, and labor in destitute regions. Indeed all the Associations in this interesting group, seem to be the decided friends of the mission cause.

James Whitaker, Esq., the clerk of the Valley Association, has given me historical sketches of most of the churches of which it is composed, which I regret my limits will not permit me to insert.

The Valley Association occupies the gore of N. C., which runs down between Tenn. on the west, and Ga. on the east; a few of the churches are in the last named State, but it is regarded as a N. C. institution. The churches are 20 in number, all small and situated in the new county of Kehukee; those on the Ga. side are in the county of Polk. This portion of the State was but lately inhabited by the Indians, and one of the ordained ministers in this body is a *full-blooded* Cherokee.†

*None of them come up to 100.

†To James Blythe, one of the founders of this new interest, and James Brevard, its clerk in 1845, I am indebted for the above details. Mr. B. has given me an account of the colored members in each church. They amount, in the aggregate, to 33, out of between 7 and 800.

†Communication of James Whitaker, Esq., of Jamesville. The Valley Association, small as it is, at its session, in 1846, agreed to divide, and form a new one, by the name of Notley River.

[CONDENSED FROM FOOTE'S SKETCHES OF NORTH CAROLINA.]

EARLY PRESBYTERIAN SETTLEMENTS IN NORTH CAROLINA.

[Page 77.]

The Presbyterian race, from the north of Ireland, is not found in Virginia and North Carolina, till after the year 1730, except in scattered families, or some small neighborhoods on the Chesapeake. About the year 1736, Henry McCulloch persuaded a colony from Ulster, Ireland, to occupy his expected grant in Duplin county, North Carolina. Their descendants are widely scattered over the lower part of the State, and the south-western States, with an influence that cannot be easily estimated.

The loss of the early records of Orange presbytery has left us without the means of ascertaining the precise year the Presbyterian colonies in Granville, Orange, Rowan, Mecklenburg, and, in fact, in all that beautiful section extending from the Dan to the Catawba, began to occupy the wild and fertile prairies. But it is well known, that, previously to the year 1750, settlements of some strength were scattered along from the Virginia line to Georgia. On account of the inviting nature of the climate and soil, and the comparative quietness of the Catawba Indians, and the severity of the Virginia laws in comparison with those of Carolina, on the subject of religion, many colonies were induced to pass through the vacant lands in Virginia, in the neighborhood of their countrymen, and seek a home in the Carolinas. As early as 1740, there were scattered families on the Hico, and Eno, and Haw—and cabins were built along the Catawba.

The time of setting off the frontier counties is known, but is no guide to the precise time of the first settlements. These dates show the progress of emigration and increase of population, but do not fix the time when the cabins of the whites began to supplant the wigwams of the Indians. The dates of the land patents do not mark the time of emigration, as in some cases the lands were occupied a long period before grants were made, and the lands surveyed; and in others, patents were granted before emigration. Some of the early settlements of Presbyterians were made before the lands were surveyed, particularly in the upper country.

Emigration was encouraged and directed very much in its earliest periods, by the vast prairies, with pea-vine grass and cane-brakes, which stretched across the States of Virginia and Carolina. There are large

forests now in these two States, where, a hundred years ago, not a tree, and scarce a shrub could be seen. These prairies abounded with game, and supplied abundant pasturage, both winter and summer, for the various kinds of stock that accompanied the emigrants, and formed for years no small part of their wealth.

While the tide of emigration was setting fast and strong into the fertile regions between the Yadkin and Catawba, from the north of Ireland, through Pennsylvania and Virginia, another tide was flowing from the Highlands of Scotland, and landing colonies of Presbyterian people along the Cape Fear River.

In the upper part of the State, between the Virginia and Carolina line, along the track traversed by the army of Cornwallis in the war of the Revolution, there were above twenty organized churches, with large congregations, and a great many preaching-places. In Caswell county, McAden, the first minister that became permanently settled in North Carolina, had his dwelling and his congregation; in Granville, and in Orange, along the Eno, the eloquent Pattillo taught impressively the wonder-working truths of the gospel of Christ; in Guilford, was the school and seminary of Caldwell, the nursery of so many eminent men; in Rowan, the elegant scholar, McCorkle, preached and taught; in Iredell, Hall led his flock both to the sanctuary and the tents of war; in Mecklenburg, Craighead cherished the spirit of independence which broke out in the declaration in Charlotte, May, 1775; and Balch, McCaule, and Alexander, fanned the flame of patriotism in their respective charges; and Richardson, the foster uncle of Davie, ministered in holy things. All of these with the exception of Craighead, who was removed by death, were at ONE TIME teaching the principles of the gospel independence, and inculcating those truths that made their hearers choose liberty, at the hazard of life, rather than oppression with abundance; all were eminent men, whose influence would have been felt in any generation, all saw the war commence, and most of them saw its end, and not a man of them left his congregation, not a man of them faltered in his patriotism, and two of them actually bore arms. Their congregations were famous during the struggle of the Revolution, for skirmishes, battles, loss of libraries, personal prowess, individual courage, and heroic women.

THE SCOTCH ON THE RIVER CAPE FEAR.

[Page 125.]

The time of the settlement of the first Scotch families upon the river Cape Fear, is not known with exactness. There were some at the time

of the separation of the province into North and South Carolina, in the year 1729. In consequence of disabilities in their native land, the enterprising Scotch followed the example of their relations in Ireland, and sought refuge and abundance in America; and some time previous to the emigration from the province of Ulster to the Yadkin, numerous families occupied the extended plains along the Cape Fear, in that part of Bladen county, now Cumberland. From records in possession of the descendants of Alexander Clark, it appears that he came over and took his residence on the river in the year 1736, and that a "ship load" of emigrants came over with him. It also appears that he found "a good many" Scotch settled in Cumberland at the time of his arrival, amongst whom was Hector McNeill, called Bluff Hector, from his residence near the bluffs above Cross Creeks, or Fayetteville, and John Smith, with his two children, Malcolm and Janet, his wife, Margaret Gilchrist, having died on the passage up the river.

Some of the smaller clans in the Highlands unanimously raised the standard for the Pretender; and many of the young men of the clans of the McDonalds, the McLeods, the Makenzies, and others whose leaders would not favor the enterprise, gave way to the impulse of national enthusiasm and chivalric enterprise, and joined his ranks. For a time it is well known that he was successful, and on his march towards the capital of the kingdom, spread terror through the country, and struck alarm in the cabinet of King George. On the 16th of April, 1746, he fought, a few miles north of Inverness, against the Duke of Cumberland, the disastrous battle of Culloden; and with his defeat his hopes of empire vanished. The men were hunted down like wild beasts, and shot on the smallest resistance; the huts were burned over the heads of the women and children, and the cattle and provisions were carried away or destroyed.

On the return of the army under the Duke of Cumberland, a large number of prisoners were taken along, and after a hasty trial by a military court, publicly executed. Seventeen suffered death at Kennington Common, near London; thirty-two were put to death in Cumberland; and twenty-two in Yorkshire. This was probably done by way of vengeance and alarm. But kinder thoughts prevailed with his Majesty George II.; and a large number were pardoned, on condition of their emigrating to the plantations, after having taken the solemn oath of allegiance. *This is the origin of the large settlements of Highlanders on Cape Fear River.* For a large number who had taken arms for the Pretender, preferred exile to death, or subjugation in their native land; and during the years 1746 and 1747, with their families and the families of many of their

friends, removed to North Carolina and settled along the Cape Fear River, occupying a large space of country of which Crosscreek, afterwards Cambelton, now Fayetteville, was the centre. This wilderness become a refuge to the harassed Highlanders; and shipload after shipload landed at Wilmington in 1746 and 1747. The emigration once fairly begun by royal authority and clemency, was carried on by those who wished to improve their condition, and become owners of the soil upon which they lived and labored; and in the course of a few years large companies of industrious Highlanders joined their countrymen in Bladen county, North Carolina. Their descendants are found in the counties of Cumberland, Bladen, Sampson, Moore, Robeson, Richmond and Anson, all of which were included in Bladen at the time of the first emigration. Their present descendants are to be found everywhere in the South and West.

No minister of religion accompanied the first emigrants in 1746 and 1747; nor is it known that any came with any succeeding company till the year 1770, when the Rev. John McLeod came direct from Scotland and ministered to them for some time, though he was not the first preacher. This fact, that no minister of religion came with these people, many of whom were pious, and all of whom were accustomed to attend on public worship, cannot easily be accounted for; and it had an unhappy effect upon the emigrants and upon their children. The wonder is that in the circumstances of these colonists the sense of religion was so well maintained under the ministrations and labors of one solitary preacher, James Campbell, who pursued his laborious course alone among the outspreading neighborhoods in what is now Cumberland and Robeson, from 1757 to 1770.

This worthy evangelist, the Rev. James Campbell, was born in Cambelton, on the peninsula of Kintyre, in Argyshire, Scotland. Of his early history little is known; and too little has been preserved of his pioneer labors in later life. About the year 1730 he emigrated to America, a licensed preacher in the Presbyterian Church, and landed at Philadelphia. His attention being turned to his countrymen on the Cape Fear, Mr. Campbell emigrated to North Carolina in the year 1757, and took his residence on the left bank of the Cape Fear, a few miles above Fayetteville, nearly opposite to the Bluff church.

For a long time he held his Presbyterial connection with a Presbytery in South Carolina, which was never united with the Synod of Philadelphia. About the year 1773 his connection with Orange Presbytery was formed, and in that connection he continued till his death in the year 1781.

His preaching places appear to have been three, for regular congregations, on the Sabbath, besides, occasional and irregular preaching, as the necessities of the country required. For ten or twelve years he preached on the southwest side of the river below the Bluff, in a meeting-house near Roger McNeill's, and called "Roger's meeting-house." Here Hector McNeill (commonly called Bluff Hector) and Alexander McAlister, acted as Elders. After the death of Mr. Campell, and about the year 1787, the "Bluff Church" was built, and Duncan McNeill (of the Bluff, Hector being dead) and Alexander McAlister, and perhaps others, officiated as Elders.

Soon after his removal to Carolina, Mr. Campbell commenced preaching at Alexander Clark's, and continued his appointments for a number of years. About the year 1746, John Dobbin, who had married the widow of David Alexander in Pennsylvania, and had resided in Virginia, near Winchester, about a year, removed to Carolina; and, while the Alexander families that came with him took their abode on the Hico or the Yadkin, he fixed his residence on the Cape Fear, somewhat against the inclinations of his wife and step-daughter. The situations on the river being esteemed less healthy than those more remote, Mr. Dobbin and others took their abode on Barbacue; and about the year 1758 Mr. Campbell began to preach at his house, and continued so to do till the "Barbacue Church" was built, about the year 1765 or 1766. The first Elders of this church were—Gilbert Clark, eldest son of Alexander Clark, and step-son of John Dobbin (having married Ann Alexander), one of the first magistrates of Cumberland county, under the Colonial Government,—Duncan Buie, who early in the Revolutionary war removed to the Cape Fear River, nearly opposite the Bluff Church,—Archibald Buie of Green Swamp,—and Daniel Cameron of the Hill. These men were pious, and devoted to the cause of religion and their duties as Elders; and for their strict attention to their duties got the name of "*the little ministers of Barbacue.*"

Barbacue church was the place of worship of Flora McDonald while she lived at Cameron's Hill, and though the congregation is less extended and flourishing than in former years, it is still in existence. May it revive and flourish!

Mr. Campbell also began to preach soon after his coming to Carolina, at McKay's, now known as Long Street, one of the places visited by Mr. McAden in his first journey through Carolina. A church was built about the year 1765 or '66, the time at which Barbacue was built. The first elders were Malcom Smith, Archibald McKay, and Archibald Ray. This congregation is still in existence, and though much curtailed in extent and numbers, flourishes.

These three congregations were the principal places of Mr. Campbell's preaching, and for a time accommodated the greater part of the Scotch settled in Cumberland. As the emigration continued new neighborhoods were formed, and the limits of these congregations contracted: and one after another the numerous churches in Cumberland, Robeson, Moore and Richmond, and Bladen, were gathered, some of which now surpass in numbers these ancient mothers.

Mr. Campbell, for a few years, had an assistant in the ministry. The Rev. John McLeod came from Scotland some time in the year 1770, accompanied by a large number of families from the Highlands, who took their residence upon the upper and lower Little Rivers, in Cumberland county. Barbacue and Long Street were part of the places in which he preached during the three years he remained in Carolina. In the year 1773, he left America with the view of returning to his native land; being never heard of afterwards, it is supposed that he found a watery grave. He was a man of eminent piety, great worth, and popular eloquence.

With this exception it is not known that he had any ministerial brother residing in Cumberland, or the adjoining counties, that could assist him in preaching to the Gaels. McAden, who preached in Duplin, could give him no assistance where the language of the Highlanders was the vernacular tongue.

THE CHURCHES IN DUPLIN, NEW HANOVER AND CASWELL, AND REV.
HUGH M'ADEN.

[Page 158.]

The first ordained minister that took his abode among the Presbyterian settlements in North Carolina, was the Rev. James Campbell, on the Cape Fear river. The first missionary whose journal, or parts of journal, has been preserved, is Hugh McAden (or as sometimes spelled McCadden), who was also the first missionary that settled in the State.

The first Presbyterian minister that preached in North Carolina of whom we have any knowledge, was William Robinson, famous in the annals of the Virginia churches, of whom the Rev. Samuel Davies says: "that famous man, Mr. Robinson, whose success, whenever I reflect upon it, astonishes me." This eminent missionary passed through Virginia to North Carolina, and spent a part of the winter of 1742 and 1743, among Presbyterian settlements.

We are not able to ascertain the places with precision, which he visited, but as the Presbyterian settlements in the county of Duplin and New Hanover were the oldest in the State, and there were none others

at that time of much strength, the probability is that Duplin and New Hanover were the places that he visited, and the scattered settlements then commenced in the upper part of the State also received some attention.

Supplications were sent from Carolina to the Synod of Philadelphia as early as the year 1744. The records speak of them as having come "from many people," but do not tell us from what section of the State they were sent. In the year 1753, two missionaries were sent by the direction of the Synod to visit Virginia and North Carolina, Mr. McMor-die and Mr. Donaldson; but there is no mention made of the settlements they were to visit, further than they were "to show special regard" to the vacancies of North Carolina, especially betwixt Atkin (Yadkin) and Catawba rivers. In the year 1754 the Synod of New York directed four ministers, Messrs. Beatty, Bostwick, Lewis, and Thane, to visit the States of Virginia and North Carolina, each three months, but no particular places are specified. In 1755, the same Synod appointed two other missionararies, and named some places in the upper part of the State; but owing to the disturbances in the country from the depredations of the Indians, this mission was not fulfilled.

The settlement of Presbyterians in Duplin county is probably the oldest large settlement of that denomination in the State. About the year 1736, or perhaps 1737, one Henry McCulloch induced a colony of Presbyterians from the province of Ulster, in Ireland, to settle in Duplin county, North Carolina, on lands he had obtained from his majesty, George II. The descendants of these emigrants are found in Duplin, New Hanover, and Sampson counties—the family names indicating their origin. The Grove congregation, whose place of worship is about three miles southeast of Duplin court-house, traces its origin to the church formed from this, the oldest Presbyterian settlement in the State, whose principal place of worship was at first called Goshen.

Nearer Wilmington was a settlement on what was called the Welch Tract, on the northeast Cape Fear.

This was composed at first of Welch emigrants, but after a short period other families were located on the tract, and then were associated families enough to form a congregation sufficiently large to invite the services of a minister.

These two settlements, one in Duplin and the other in Hanover, formed the field of labor in which McAden passed the first part of his settled ministry. As you pass rapidly on the cars from Richmond, Virginia, to Wilmington, North Carolina, after crossing the Tar River, and entering upon the extended sandy level that stretches, without an elevation of

an ordinary hill, through the State, abounding in the species of pine that pours forth the turpentine of commerce, you enter upon the country roamed over by McAden, in his ministry in Duplin. Passing on, with scarce an elevation or a turn, through that country, and the unchanging groves of pine in New Hanover, till you cross the Cape Fear, you have measured the space allotted to him for the existence of his ministry.

Hugh McAden was born in Pennsylvania; his parentage is traced to the North of Ireland. His Alma Mater was Nassau Hall; his instructor in Theology, John Blair, of New Castle Presbytery. He was graduated in 1753, and was licensed in 1755, by the Presbytery to which his instructor belonged, and ordained by the same Presbytery in 1757; and dismissed in 1759 to join Hanover Presbytery, whose limits extended indefinitely south. Comparatively little is known of his early life, as his papers were almost entirely destroyed by the British soldiers, in January, 1781, while the army of Cornwallis, in the pursuit of Green, was encamped at the Red House, in Caswell county. Of the few papers that escaped was the Journal of his first trip through Carolina, and is the only document of the kind known to be in existence. As it contains many facts, incidentally stated, that will now be useful, all the important and interesting parts of this brief document will be presented, either verbatim, or in a condensed form, leaving out repetitions, and things that are likely to be in a journal not intended for the public, and which are not of lasting importance.

M'ADEN'S JOURNAL.

"Tuesday June 3d, 1755.—Took my journey for Carolina from Mr. Kirkpatrick's in the evening; came to Mr. Hall's, where I tarried all night. Next day crossed the river in company with Mr. Bay and his wife. Spent the day in visiting her friends on both sides,"—that is, the old and new sides into which the church was then divided. "Thursday we set off and came to York, forty miles, with some difficulty, the weather being extremely hot, and no food for our horses. A very bad prospect of crops appears everywhere, the ground being quite burned up with drought, and the corn much hurt by the frost; the green wheat and meadows, in some places, entirely withered up from the roots as if they had been scorched by fire. Here I left Mr. Bay and his wife, rode out in the afternoon and lodged in the congregation. Next day set off in the morning and came to his house, where I stayed for breakfast." This Mr. Bay was a Presbyterian minister, of New Castle Presbytery, of the new side, and he speaks as if it were remarkable that he visited both sides with Mrs. Bay. York is the first town mentioned; and the bear-

ing of his journey, and crossing "the river," would seem to fix the location of Mr. Kirkpatrick in Lancaster county.

The second Sabbath [8th] of June, he was at Rock Spring, and continued till the Friday after; the people making preparations to attend the administration of the Lord's Supper in the two congregations, that lay on each side, of one of which the Rev. JAMES CAMPBELL, who was the next year in Carolina, was the pastor.

"Monday, June the 16th, set out from Connegocheg, upon my journey for Carolina, crossed the Potomac, and lodged at Mr. Caten's, where I was very kindly entertained, and civilly used. Next day (Tuesday) set off about 12 o'clock, and came to Winchester, forty miles, and tarried all night. In the morning rode out to Robert Wilson's, where I was kindly entertained. Spent the day with Mr. Hogg" (or Hoge).

On Thursday, the 19th, he set off up the valley of the Shenandoah, of which he says: "Alone in the wilderness. Sometimes a house in ten miles, and sometimes not that." On Friday night he lodged at a Mr. Shankland's, eighty miles from Opécquon, and twenty from Augusta court-house. On Saturday he stopped at a Mr. Poage's—"stayed for dinner, the first I had eaten since I left Pennsylvania."

From Staunton he went with Hugh Celsey to Samuel Downey's at the North Mountain, where he preached on the fourth Sabbath of June, according to appointment, and being detained by his horse, preached there the fifth Sabbath also. The same cause detaining him another week, he consented to preach in the new court-house on the first Sabbath of July. "Rode to widow Preston's Saturday evening, where I was very kindly entertained, and had a commodious lodging." This is probably the widow of John Preston, whose family have since been so famous in Virginia. The North Mountain congregation has long since given place to Bethel and Hebron. On Monday he rode out to John Trimble's, more encouraged by the appearances at North Mountain than in Staunton. On Tuesday he passed on to the Rev. John Brown's.

"Came to Mr. Boyer's, where I tarried till Sabbath morning, a very kind and discreet gentleman, who used me exceedingly kindly, and accompanied me to the Forks, twelve miles, where I preached the second Sabbath of July, to a considerable large congregation, who seemed pretty much engaged, and very earnest that I should stay longer with them; which I could by no means consent to, being determined to get along in [my] journey as fast as possible; and proposed to preach at Round Oak next Sabbath. Rode home with Joseph Lapsley, two miles, from meeting, where I tarried till Wednesday morning.

“Here it was I received the most melancholy news of the entire defeat of our army by the French at Ohio, the General killed, numbers of the inferior officers, and the whole artillery taken. This, together with the frequent account of fresh murders being daily committed upon the frontiers, struck terror to every heart. A cold shuddering possessed every breast, and paleness covered almost every face. In short, the whole inhabitants were put into an universal confusion. Scarcely any man durst sleep in his own house—but all met in companies with their wives and children, and set about building little fortifications, to defend themselves from such barbarians and inhuman enemies, whom they concluded would be let loose upon them at pleasure. I was so shocked upon my first reading Col. Innes’s letter, that I knew not what to do.”

This was the defeat of Gen. Braddock. The consternation that followed through all the frontiers of Virginia, which were then all in the valley, is well described in the few lines given above. The difficulties and dangers increased till many of the inhabitants of Augusta fled to the more quiet frontiers of North Carolina, as will be seen in the progress of this journal. Among others who fled, and in a few years took his residence on Sugar Creek, was the Rev. Mr. Craighead, who had been some years in Virginia, residing on the cow pasture. His congregation was not in the track of Mr. McAdeu’s journey, which left Mr. Craighead’s residence to the right, and Mr. Craig’s to the left.

After much consideration whether he should remain where he was, or return to Pennsylvania, or go on to his destined field of labor in Carolina, he determined, in the fear of God, to go on. “I resolved to prosecute my journey, come what will, with some degree of dependence on the Lord for His divine protection and support, that I might be enabled to glorify Him in all things, whether in life or in death, though not so sensible as I could wish for and earnestly desired.”

On Wednesday, the 16th of July, he left Mr. Lapsley’s, in company with a young man from Mr. Henry’s congregation, in Charlotte, who had been at the Warm Springs, and was fleeing from the expected inroads of the savages. Giving up the appointment at Round Oak, he took the route by Luny’s Ferry, which was distant about twenty-six miles—“because it was now too late to cross the mountains, nor did I think it quite safe to venture it alone: but here I thought we might lodge with some degree of safety, as there were a number of men and arms engaged in building a fort, round the house, where they were fled with their wives and children.”

The next day Major Smith sent a guard with them across the mountains; and after riding thirty-two miles they reached Mr. I. Sable’s, about

three miles from Bedford court-house. Here he was out of danger from the Indians, but found the same oppressive drought he left in Pennsylvania. The next day he reached "Mr. Thomas Dickson's, at Falling River, twenty-three miles, a place where Mr. Henry preached once a month. The people insisted very much upon my staying here till Sabbath day: as it was now Friday evening, it was impossible to get over to Dan River (which was the first vacancy I could preach at) in time to warn a congregation before Sabbath day, therefore I tarried and preached at Falling River."

On Wednesday, 23d of July, he left Mr. Henry's, rode ten miles, and preached at a Mr. Cardwall's, in Halifax county, and passed on that night to Ephraim Hill's, five miles. The country was then thinly settled, and the people appeared to Mr. McAden as sheep without a shepherd. On the next day rode twenty miles to Capt. Moore's, on Dan River, where he remained and preached the Sabbath, July 27th. On Tuesday he left Capt. Moore's, proceeded five miles up the Dan, crossed over, and preached at Mr. Brandon's; and on the same evening, riding twelve miles, came to Solomon Debow's, on Hico, an emigrant from Bucks county, Pennsylvania. Here he remained, and preached the first Sabbath of August. "Having now got within the limits prescribed me by the Presbytery, I was resolved not to be so anxious about getting along in my journey, but take some more time to labor among the people, if so be the Lord might bless it to the advantage of any. May the Lord, of His infinite mercy, grant His blessing upon my poor attempts, and make me in some way instrumental in turning some of these precious souls from darkness unto light, and from the power of Satan unto God, that the power may be known to be of God, and all the glory redound to His own name."

Mr. McAden was now out of the sphere of alarm occasioned by Braddock's defeat; and he was also now beyond the southern bounds of any settled minister of the Presbyterian denomination in connection with the Synods of New York and Philadelphia. There were some Presbyterian churches built in North Carolina, and many worshipping assemblies, but few, if any, organized churches at this time, and no settled minister. Mr. McAden was of the New Side, as they were termed. This is discoverable from a few sentences in his journal which occasionally appear, when he meets with some opposing circumstance from the other side; for through Virginia and in the settlements in North Carolina the difference of opinion had spread, and the fierceness of the dispute had yet scarcely passed away.

We shall follow him with interest from this first Sabbath in Carolina, August 3, 1755, at Solomon Debow's, on Hico, through the settled part of the State. Some of his preaching-places can be identified, and others with difficulty conjectured; as they were at private houses generally, or in the open air. As might be expected, some became permanent preaching-places and others gave way to more convenient locations.

On Tuesday, 5th, he preached at Mr. Debow's; on Wednesday, rode ten miles to the chapel on South Hico, where—"I preached to a number of church people and some Presbyterians. After sermon they seemed exceedingly pleased, and returned abundance of thanks for my sermon, and earnestly entreated me by all means to call upon them as I came back, and showed a very great desire that all our ministers should call upon them as they travel back and forward." He went home with Mr. Vanhook, five miles, and preached at his house on Thursday; and on Friday was conducted by Mr. Vanhook "to Eino" (Eno), about twenty miles, to a Mr. Anderson's. The second Sabbath of August, the 10th day, he preached at Eno—"to a set of pretty regular Presbyterians," who appeared to him to be in a cold state of religious feeling. "In the evening returned to Mr. Anderson's; here I tarried till Tuesday, the 12th of August; preached again to the same company." From these expressions it would seem there was a house for public worship on the Eno.

"Being sent for, and very earnestly entreated to go to Tar River, I took my journey the same evening, with my guide, and rode to Bogan's, on Flat River, twenty miles. Next morning, set off again, and rode to old Sherman's, on Tar River, and preached that afternoon to a small company, who seemed generally attentive, and some affected." Next day he went to Grassy Creek, sixteen miles, where was a Baptist meeting-house, and preached to a people "who seemed very inquisitive about the way to Zion." The next day he accompanied his host, old Mr. Lawrence, to Fishing Creek, to the Baptist Yearly Meeting; and on Saturday and Sabbath preached to large and deeply interested audiences. "Here I think the power of God appeared something conspicuous, and the word seemed to fall with power." Being earnestly pressed, he preached again on Sabbath afternoon, with some hope of success. On Monday he preached again with greater appearance of usefulness. The inhabitants, he was informed, were principally from Virginia, and some from Pennsylvania and Jersey. "I was obliged to leave them after I had preached to and exhorted them with many words, that they should carefully guard against taking shelter under the shadow of their own righteousness, committing themselves to God, who, I know, is able to

make them wise unto salvation." On Monday, P. M., the 18th, he rode to Granville court-house, twenty-five miles. On Tuesday he rode to Mr. Sherman's, on Tar River, at about 11 o'clock, twenty miles; and preached in the afternoon "to a middling congregation, who appeared very devout, and some of them much affected." On Wednesday, returned to Mr. Anderson's, on Eno. On Friday evening he rode "to the Hawfields, where I preached the fourth Sabbath in August, to a considerable large congregation, chiefly Presbyterians, who seemed highly pleased, and very desirous to hear the word. Preached again on Tuesday; the people came out to hear quite beyond expectation. Wednesday, set out upon my journey, and came to the Buffalo Settlement, about thirty-five miles; lodged at William Mebane's till Sabbath day; then rode to Adam Michel's, where I preached; the people seemed solemn and very attentive, but no appearance of the life of religion. Returned in the evening, about a mile, to Robert Rankin's, where I was kindly received and well entertained till Tuesday; then returned to the former place, and preached; no stir appeared, but some tears." On Wednesday, September 3d, he set out for the Yadkin, having Robert Rankin as his guide, and having ridden forty-five miles, lodged at John Vannoy's. "Next morning, came to Henry Sloan's, at the Yadkin Ford, where I was kindly entertained till Sabbath day; rode to the meeting-house and preached to a small congregation." Here there appears to have been a congregation of some strength that had a meeting-house, but had become divided,—“Many adhere to the Baptists that were before wavering, and several that professed themselves to be Presbyterians; so that very few at present join heartily for our ministers, and will in a little time, if God prevent not, be too weak either to call or supplicate for a faithful minister. O may the good Lord, who can bring order out of confusion, and call things that are not as though they were, visit this people!” One cause of the divisions in this congregation arose from the labors of a Baptist minister among them by the name of Miller.

After preaching, he visited some sick people, and went home with James Smith, about four miles. On Tuesday, he preached again at the meeting-house, and went home with Cornelius Anderson, about six miles—“a judicious, honest man, I hope, who seems to be much concerned for the state of the church and perishing souls.” On Wednesday, 10th, he visited Captain Hunt, who was sick with an intimitting fever, and found his visit welcome; and returned to Mr. Sloan's. On Friday, 12th, he crossed the Yadkin, and rode about ten miles to James Alison's. On Saturday, he went three or four miles to Mr. Brandon's—“one of my own countrymen.” On Sabbath, 14th, he preached at “the meeting-

house to a considerable congregation of professing people;" and on Monday rode to John Luckey's, about five or six miles. "Preached again on Wednesday, being appointed as a day of fasting and prayer, to entreat the Lord for deliverance from these sad calamities, with which the land seems in general to be threatened, being in very great danger both of sword and famine." In the evening he paid a faithful visit to a man, about to die, from a fall from his horse, in a very unprepared state of mind. "Went home with John Andrew, a serious, good man, I hope, with whom my soul was much refreshed, by his warm conversation about the things of God. How sweet to meet one in the wilderness who can speak the language of Canaan! The next day, he rode to Justice Carruth's about eight miles, and remained till Sabbath, 21st, and then preached at the meeting-house about two miles off, "to a pretty large congregation of people, who seemed generally pretty regular and discreet." The next day, he set out for Mr. David Templeton's, about five miles from Mr. Carruth's; on his way—"came up with a large company of men, women and children, who had fled for their lives from the Cow or Calf pasture in Virginia; from whom I received the melancholy account, that the Indians were still doing a great deal of mischief in those parts, by murdering and destroying several of the inhabitants, and banishing the rest from their houses and livings, whereby they are forced to fly into desert places." Rode on that evening to William Denny's, four miles further; who presented him with what he considered a great present, "a pair of shoes, made of his own leather, which was no small favor." On Tuesday, he returned to David Templeton's, and on Wednesday, a day appointed for fasting and prayer, went home with Captain Osborne, about six miles; here, he remained till Sabbath, the 28th, when he preached "at the new meeting-house, about three miles off;"—and "again on Wednesday, being appointed for fasting and humiliation." In the evening he rode home with William Reese, about seven miles, and remained till Sabbath, the 5th of October, when he preached at Captain Lewis's, about three miles distant—"to as large a congregation as any I have had since I came to these parts." The whole of the succeeding week he lodged at Captain Lewis's. On Wednesday, he preached again, it being the day appointed by the governor and council, for humiliation, fasting and prayer, on account of the distress upon the land.

On the Sabbath, the 12th of October, he rode seven miles to Justice Alexander's, "when I preached in the afternoon, a considerable solemnity appeared." Though it was now near the middle of October, the drought was still so great that he says—"I have not seen so much as one patch of wheat or rye in the ground." On Wednesday, he went over to

Major Harris's, about three miles, and preached; on Friday, he preached at David Caldwell's, about five or six miles, to a small congregation, and went on to William Alexander's, and tarried till Sabbath, the 19th, and then rode about twelve miles to James Alexander's, on Sugar Creek, and preached—"where there are some pretty serious, judicious people—may the Lord grant His blessing!" That evening, he rode home with Henry Knealy (or Neely, as he spells the name both ways), six miles; and on Monday, the 20th, took his journey for Broad River—"sixty miles to the southward, in company with two young men, who came thus far to conduct me thither—a place where never any of our missionaries have been."

On this journey, he passed through the lands of the Catawba Indians. On the first night, they prepared to encamp in the woods, about three miles south of the Catawba—"there being no white man's house on all the road." This was his first night "out of doors." On the next day, they passed one of their hunting camps unmolested; but when they stopped to get their breakfast, they were surrounded by a large number of Indians, shouting and hallooing, and frightening their horses and rifling their baggage. Accordingly they moved off as fast as possible, without staying to parley; and to their great annoyance, in a little time they passed a second camp of hunters, who prepared to give them a similar reception, calling them to stop, from each side the path. Passing on rapidly, they escaped without harm; and after a ride of twenty-five miles, were permitted to get their breakfasts in peace.

[Here some leaves of the journal are missing.]

On Sabbath, the 2d of November, he preached "to a number of those poor baptized infidels, many of whom I was told had never heard a sermon in all their lives before, and yet several of them had families." This seems hardly credible. But he relates an anecdote told him here of an old gentleman, who said to the governor of South Carolina, when he was in those parts, in treaty with the Cherokee Indians, that he "had never seen a shirt, been in a fair, heard a sermon or seen a minister, in all his life." Upon which the governor promised to send him up a minister, that he might hear one sermon before he died. The minister came and preached; and this was all the preaching that had been heard in the upper part of South Carolina before Mr. McAden's visit.

How far he penetrated the State is not known, on account of the loss of a few leaves of the journal. "On Monday, the 10th of November, returned about twenty miles, to James Atterson's, on Tyger river; preached on Tuesday, which was the first they had ever heard in these parts,

but I hope it will not be the last, for there are men in all these places (blessed be God), some at least, that have a great desire of hearing the gospel preached. Next day rode to James Love's, on Broad River: Thursday, preached." On Broad River his congregation was effected under his preaching. It is not unlikely that some latitude of expression was used by those who gave him the statements he records. It is very likely that he was the first minister the people heard in those neighborhoods; but those who had never heard a sermon were comparatively few, as the mass of the early settlers were of a parentage that taught their children the way to church. There were, however, some settlers from the older parts of the State that had not been much accustomed to any religious forms.

"Friday, the 14th, took my leave of these parts, and set out for the Waxhaws, forty-five miles, good; that night reached Thomas Farrel's, where I lodged till Sabbath day; then rode to James Patton's, about two miles, and preached to a pretty large congregation of Presbyterian people. Wednesday, preached again in the same place, and crossed the Catawba river and came to Henry White's." Here he remained till Sabbath; part of the time sick of the flux, but was able to preach on Sabbath, the 23d, at "the meeting-house" five miles off; and went home with Justice Dickens. On the Monday following he set out for the Yadkin, retracing his steps; lodging that night at Henry Neely's, where his disorder returned upon him, and kept him till Sabbath, when he rode six miles, to James Alexander's, and preached. From thence he proceeded to Justice Alexander's on Rocky River, twelve miles; thence on to Captain Lewis's, in the Welch settlement, and there tarried some days as before, and preached the first Sabbath of December (the 7th); thence to William Reece's; and on the next Sabbath (the 14th) he preached in the "new meeting-house," near Mr. Osborne's; the next, at Coddle Creek; and passing on he called on David Templeton, William Denny, Justice Carruth, and John Andrew, and preached on Sabbath, the 28th, at Cathey's meeting-house, now called Thyatira, to a large audience. Here he was urged to remain and divide his time with that congregation and Rocky River. The congregation, however, was divided in their preference, some for the old side, and some for the new; and the movements to settle a minister unfortunately became a party question. Being urgently solicited, he preach the next Sabbath at the same church, and his friends made out their subscription. On the whole, he thought it unadvisable to prosecute the matter. After visiting Second Creek, and preaching at Captain Hampton's, he passed on to the Yadkin, and having crossed it with difficulty, he lodged with his former host, Mr. Sloan, and preached

in "the meeting-house" on the second Sabbath of January, the 11th day, in company with Mr. Miller, the Baptist minister, from Jersey, of whom as a Christian man he speaks favorably.

On Tuesday, January 13th, 1756, he set out on a journey down the Cape Fear river, to Wilmington, in company with a Mr. Van Clave, and reached Huary, thirty miles, and preached the next day, Wednesday. The next day he reached Smith's, at the Sand Hills, and remained till Sabbath; in public worship he could find no one to join in singing a part of a psalm. On Monday, the 19th, set off in company with Mr. Smith, who was going to court, and rode fifty miles to McKay's. Next day rode thirty miles to Anson court-house. Here he met with an old acquaintance, James Stewart, and went home with him and remained till Saturday, and preached at the court-house, and rode to the New Store. On Sabbath, the 25th, he rode to Hector McMeill's, "and preached to a number of Highlanders,—some of them scarcely knew one word that I said,—the poorest singers I ever heard in all my life. Next day rode to David Smith's, on the other side of Little River, fourteen miles: on Tuesday, preached to a considerable number of people who came to hear me at Smith's. Wednesday, rode up to Alexander McKay's, upon the Yadkin road, thirty miles; Thursday, preached to a small congregation, mostly of Highlanders.

On Friday he "set off down the river, thirty miles, to Neill Beard's;" then he preached on Sabbath, 1st of February, to a "mixed multitude, some Presbyterians, some church people, some Baptists, and don't know but some Quakers." However, they expressed themselves highly pleased with his visit. On Monday, the 2d, he rode to a Mr. James Semes's, about five miles, a sick family whom he visited, and preached in their house to the neighbors assembled; and in the evening rode on to Mr. Robinson's, "a very affable gentleman," with whom he tarried till Wednesday, and then accompanied to the court-house in Bladen county, where he preached to a considerable congregation; and "in the evening went home with old Justice Randle, about two miles." On Thursday he preached at George Brown's, three miles off, and went on three miles further to Neal Shaw's, and the next day to Duncan McCoulsky's; and on Sabbath, the 8th, rode to Esquire McNeill's, where he preached to a small congregation, the day being wet. "After the sermon a proposal was made to get me to come and settle among them; and I think I never saw people more engaged, or subscribe with greater freedom and cheerfulness in my life. May the Lord, in much mercy, prepare me for some usefulness in the world, and direct me to what will be most for His own glory, and the good of precious souls!"

“On Monday, 9th, crossed the swamp and came to Baldwin’s, on the Whitmarsh, about five miles, where I tarried all night, and preached the next day to a very few irregular sort of people, who, I believe, know but little about the principles of any religion.” In the evening he rode home with Mr. Kerr, four miles. On Wednesday he set out for Wilmington, and rode thirty miles to young Mr. Granger’s, “a very discreet gentleman, who entertained me with a great deal of courtesy;” on Thursday he rode fifteen miles to President Roan’s; and on the next day fifteen miles further to the ferry, and then crossed by water, four miles, to Wilmington.

Here he preached, Sabbath, the 15th, “in the A. M., to a large and splendid audience, but was surprised when I came again in the P. M., to see about a dozen met to hear me.” This small number greatly depressed his spirits, and probably hastened his departure from the place on the Tuesday following. On that day he rode twenty-five miles, to Cowen’s, up the Northeast Cape Fear, and on the next day to old Mr. Evans’s, in the Welch Tract.

There he preached on Sabbath, 22d, designing to move on homeward, “but I was detained by the affection and entreaties of this people, who earnestly pressed upon me to tarry with them another Sabbath; their design herein was that they might have time to get a subscription drawn up, that they might put in a call for me.” On Sabbath, the 29th, he preached again to the same people, who expressed great desire for his return, and made out a call for him as their pastor.

On Tuesday, March 2d, he rode to Mr. Bowen’s, about ten miles, on Black River; and on the next day six miles further, and preached, then crossed the river and rode about five miles to South River, where he lodged with Mr. Anderson. On Thursday crossed Collie’s Swamp, then in a bad condition—“lodged at old Mr Grife Jones’s;” on the next day crossed the Northwest, and lodged at George Brown’s, where he preached on Sabbath, March 7th.

On Monday, the 8th, crossed the Northwest, and being detained by the rain, and some other business, he rode but about ten miles, to Mr. Isaac Jones’s, “a good, honest Quaker, and an assemblyman.” The next day, crossed Collie’s Swamp again, which was now overflowed, and caused much trouble by swimming the horses—“and got to Mr. Anderson’s again about 12 o’clock;” that same day, he rode on to Mr. Lewis’s, on Black River, about twenty-five miles. On Wednesday, he went fifteen miles, to John James’s, and preached. By the high waters he was detained in the Welch Tract till after the second Sabbath in March. On Thursday, 18th, he rode to Jeremiah Holden’s, about twenty miles; and

on the next morning, about three miles, to Mr. Dickson's, the clerk of Duplin county, where he preached on Sabbath, the 21st, to a considerable congregation, most of whom were Irish.

"The people here being very desirous to join with the Welch Tract, in putting in a call for me, and many of their best friends being abroad upon business, they insisted so strongly upon me, that I was forced to consent to stay with them another day. Tuesday, rode up to Goshen in company with Mr. Dickson, and several more. Came to Mr. Gaven's, twelve miles, where we tarried all night; next day preached, and returned to Mr. Dickson's." On Sabbath, 28th, he preached at John Miller's, about two miles distant. The people seemed all very hearty in giving him a call, and making a proper support for him.

On Monday, the 29th, he set out from Mr. Dickson's homeward; tarried that night at Mr. Gaven's, twelve miles; next day crossed Neuse, and tarried with Joshua Herring, about thirty miles. This man was out early in the morning, and assembled his neighbors, and detained him to preach to them at noon. In the evening, rode to Mr. Herring's Senior, about twelve miles. "The next morning, set out upon my journey for Pamlico, and rode about ten miles, to Major McWain's, where I had opportunity of seeing and conversing with Governor Dobbs, who is a very sociable gentleman." That night he lodged at Peter's Ferry, on Cuttentony, about twenty miles, it being too late to go farther. The next day, he rode about forty miles, to Salter's Ferry, on Pamlico. The next day, being Saturday, he came to Thomas Little's, where he remained over Sabbath, April 4th. This man had not heard a Presbyterian minister in the twenty-eight years he had lived in Carolina, and took the opportunity of sending round for his neighbors, and collected a congregation; and kept Mr. McAden till Wednesday, to preach again. "I found some few amongst them, that I trust are God's dear children, who seemed much refreshed by my coming."

On the 7th day of April, Wednesday, after sermon, he rode to Mr. Barrow's, about five miles; and the next day, about five or six miles, to the Red Banks, "where I preached to a pretty large company of various sorts of people, but few Presbyterians. In the evening, rode up the river, ten miles, to Mr. Mace's, who is a man of considerable note, and a Presbyterian." Here he remained till Sabbath, the 11th, and preached in the neighborhood.

On Tuesday, April 13th, he set out homeward, and rode twenty miles, to Mr. Toole's, on Tar River. On Wednesday, he rode thirty miles, to Edgecomb court-house; the next day he reached Fishing Creek, about twenty-five miles; and on Friday, he rode about ten miles up the creek,

and was kindly received by the Baptist friends he made on his journey through the country the last fall. On Sabbath, 18th, he preached at their meeting-house. Here many came to converse with him about their experience. On the next day, he went home with Joseph Linsey, who had heard him preach.

“He insisted very hard upon me to stay at Nut Bush, and give them a sermon, as they were very destitute and out of the way. I went home with him, about twenty-two miles, it being pretty much in my way, and preached.” He found them a cheerful people, without the regular preaching of the gospel, and in a situation as might be expected, with abundance of wealth, and full leisure for enjoyment.

On Wednesday he reached Captain Hampton’s, about 35 miles; and on Thursday got to John Anderson’s,—“who seemed very joyful to see me return so far back again;” tarried till Sabbath, and preached. On Tuesday, 27th, he preached at Hawfields; on Wednesday at Eno; on Thursday rode down to Aaron Vanhook’s; and next day to McFarland’s, on Hico; and there preached, Sabbath, the 2d of May.

“Got ready to take my journey from Carolina, Thursday, the 6th of May, 1756; that day rode in company with Solomon Debow, who came to conduct me as far as John Baird’s, on Dan River, twenty miles from Hico.” From thence he set off alone. Passing through Amelia, we find him, on Sabbath, the 9th of May, at the house of Mr. Messaux, on James River. Here the journal abruptly closes.

The time, and distances from place to place, have been given for the purpose of enabling those in the region of his route to trace his track. These data are left with those who may feel interested in searching out the “beginning of things.”

M’ADEN’S LABORS AS A PASTOR IN NORTH CAROLINA.

Mr. McAden returned to Carolina, and became the settled minister of the congregations in Duplin and New Hanover. He was ordained by the Presbytery of New Castle, in 1757; and in 1759 was dismissed to join Hanover Presbytery, which then included a greater part of Virginia, and extended indefinitely south. He presented his credentials at a meeting of the Presbytery on Rockfish, July 18th, 1759, having previously sat as a corresponding member.

With these people he remained about ten years; when, believing that the influence of the climate upon his health was too unfavorable to justify his remaining longer in the lower part of the State, he removed to Caswell county, and there finished his days.

THE CHURCHES IN ORANGE AND GRANVILLE.

[Page 213.]

In the year 1744, in compliance with a "representation from many people in North Carolina—showing their desolate condition, and requesting the Synod to take their condition into consideration, and petitioning that we would appoint one of our number to correspond with them,—Mr. Thompson, of Donegal Presbytery, was appointed by the Synod to correspond with them. He was at this time on a visit to these petitioners, and others in Carolina."

Providence, 26th April, 1758. Petitions for supplies were considered. One from Hico—"formerly under the care of the Philadelphia Synod—particularly for Mr. Pattillo." Calls came in for him also from Albemarle, Orange and Cumberland. The Presbytery agreed to give him till the next meeting to consider them.

Cumberland, 12th July, 1758. "Rev. Henry Pattillo and Wm. Richardson have been set apart to the work of the holy ministry, by fasting, prayer, and imposition of hands,"—a certificate ordered. At the same meeting he was appointed Stated Clerk.

Hanover, Sept. 27th, 1758. Mr. Pattillo accepted a call from Willis, Bird and Buck Island. With these congregations he remained about four years. At a meeting of Presbytery, Providence, Oct. 7, 1762, he was dismissed from this charge, the people "being unable to give him a sufficient support." In 1763, May 4th, at Tinkling Spring, he agreed to supply Cumberland, Harris Creek and Deep Creek. With these congregations he continued about two years. At a meeting of Presbytery, Hico, 2d October, 1765, a call for his services was presented from Hawfields, Eno and Little River. This call he accepted, and removed to the State of North Carolina, and there served the church about thirty-five years in Orange and Granville counties.

At a meeting of Presbytery, Buffalo, Rowan county, N. C., March 8th, 1770, Messrs. David Caldwell, Hugh M'Aden, Joseph Alexander and Henry Pattillo, and Hezekiah Baleb and James Criswell, united in a petition to Synod to be set off as a Presbytery by the name of *Orange*,—"where two of our ministers reside," is given as the reason for the name. This year the counties of Guilford, Wake, Chatham and Surrey, were set off to counteract the influence of the regulators.

Mr. Pattillo continued with the congregation of Hawfields, Eno and Little River, till the year 1774, when he removed.

In the year 1775 he was selected for one of the delegates for the county of Bute (now Warren and Franklin) to attend the first Provincial Congress of North Carolina. Its sessions commenced August 20th, in Hills-

borough. There were two other ministers in the Congress, Green Hill, a Methodist, from Bute, and William Hill, the father of the present Secretary of State of North Carolina, a Baptist from Surrey.

The last resolution on the first day was, "that the Rev. Henry Pattillo be requested to read prayers to the Congress every morning; and the Rev. Charles Edward Taylor every evening during his stay."

On the 29th of that month Rev. Mr. Boyd presented to the Congress 200 copies of the Pastoral letter of the Synod of Philadelphia on the subject of the war. They were distributed among the members, and a sum of money appropriated to the use of Mr. Boyd, by an order on the treasurers, from the public funds.

It will be borne in mind that Mr. Pattillo lived in the midst of the Regulators; that some of their largest assemblages were in the bounds of his field of labor. And while there was more ignorance, than he wished to see, among his charge, could they be an ignorant, uninformed people?

In the year 1780, Mr. Pattillo became the pastor of Nutbush and Grassy Creek, in Granville county, and gave to them his last labors, ripened by age and experience. These two congregations were composed at first of emigrants from Hanover, New Kent, and King and Queen, in Virginia, converts under the preaching of Rev. Samuel Davies and his coadjutors. Howel Lewis, Daniel Grant, and Samuel Smith, were the leading persons in Grassy Creek. Mr. Lindsey, Mr. Simms and Mrs. Gilliam, the leading ones in Nutbush.

It is the tradition that the first sacramental occasion held by Presbyterians in Granville was in 1763, by William Tennant, Jun. By order of the Synod of New York and Philadelphia the Presbytery of New Brunswick ordained him for a southern mission in 1762. His reasons for not going that year were sustained. He made a visit the next year, 1763, in obedience to the direction of Synod—"to go and supply in the bounds, and under the direction of Hanover Presbytery six months at least." The place in which the ordinance was administered was an unoccupied house belonging to Howel Lewis, about one mile and a half from where Grassy Creek Church now stands. The congregation were, it is said, regularly organized by James Criswell, who was licensed by Hanover Presbytery in 1765, and supplied these congregations for some years. Mr. Pattillo was his successor.

Settlements of the Scotch-Irish Presbyterians began along the Eno and the Haw rivers, about the time that the colonies settled in that part of Lunenburg county, Virginia, now called Charlotte, on Cub Creek and the adjacent streams, which was about the years 1738 and 1739. It is posed that these settlements, and those in Duplin and New Hanover,

were the places visited by Robinson, who is supposed to be the first Presbyterian missionary sent from Pennsylvania and New Jersey, that visited North Carolina. No other notice remains of his visit, but the fact that he did visit these parts, and underwent great hardships, from which his constitution scarcely recovered. In all probability the "supplications" for ministerial visits that were laid before the Synod of Philadelphia, then the only Synod of Presbyterian clergy in the United States, came, in part, from the bounds of Orange county, North Carolina. The troubles and distractions that attended the divisions of the Synod soon after, prevented, or interrupted for a time, missionary operations to any extent, and then increased their number and their energy.

Mr. John Thomson, who was appointed to correspond with the supplicants, a member of Donegal Presbytery, visited them in person in 1751. On his journey to Carolina, the arrangement was made with Mr. Pattillo and another young man, to return with him to Pennsylvania, and commence their studies in preparation for the ministry. Mr. Thomson made a long stay, and in the meantime the young man relinquishing his design of study, and Mr. Davies giving Mr. Pattillo an invitation to his house, the design of going to Pennsylvania was abandoned. There remain no memoranda either of the correspondence of Mr. Thomson with those desirous of ministerial labor, or of his visit to them. Neither is there any document that may give any particular account of the visits that were made by the various missionaries sent out by the two Synods of New York and Philadelphia, till the years 1755 and 1756, when Hugh M'Aden, a licentiate of New Brunswick Presbytery, made a tour of a year, a concise journal of whose journeyings and preaching is still preserved, and makes part of another chapter.

These congregations on the Eno and the Haw appear to have been not altogether regular in their ecclesiastical matters, for, according to the statement of an old elder of the Eno church, Mr. James Clark, who died a few years since, Mr. Spencer and McWharter, in their mission to Carolina to organize and regulate the congregations, attended to the organization of Eno. However, this might refer only to their boundaries and separate action. The first elders were Thomas Clark, John Tinnier, and Carus Tinnier. The names of the first elders of Hawfields have not been preserved. Mr. Pattillo was the first settled minister of these two congregations, which have been the mothers of those now surrounding them, Little River, New Hope, Fairfield, and Cross Roads. He came in 1765, and left them in 1774.

The second pastor, the Rev. John Debow, from the Presbytery of New Brunswick, began to preach in these two congregations, as a licentiate,

about the year 1775, and was ordained about the year 1776. His remains were interred in the grave-yard that surrounds the Hawfields meeting-house. Under his ministry there was a revival of religion, and a goodly number were added to the churches. His death took place in the month of September, 1783.

The next regular minister that remained with these congregations for a time, was Jacob Lake, the brother-in-law of Mr. Debow. During his ministry the congregation of Cross Roads was organized, being made up of parts of Hawfields, Eno, and Stony Creek. He left the congregation about the year 1790.

His successor was the Rev. William Hodges, who is said to have been a native of Hawfields. Becoming hopefully religious under the ministry of Mr. Debow, he commenced preparations for the ministry. After the death of his spiritual father, he became discouraged, turned his attention to other things, and married and settled in the congregation of Hawfields. During the excitement which prevailed under the preaching of James M'Gready, on Stony Creek, and along the Haw River, in 1789, 1790, and 1791, Mr. Hodges felt his desire to preach the gospel revive and spring up with greater force than ever. Being licensed by the Presbytery of Orange, he went heart and hand with Mr. M'Gready in the work; differing, however, so much in his manner of preaching, that the people styled him the "Son of Consolation," and M'Gready, Boanerges. In 1792 he was ordained pastor of Hawfields and Cross Roads, by Orange Presbytery. During his ministry many were gathered to the church. About the year 1800 he removed to Tennessee, and was there an active agent in the "*Great Revival*" that spread over the South and West.

The Eno and Hawfields congregations, extending from Hillsborough to the Haw River, were the scene of many of the doings of the Regulators. Not a few of the people were engaged in the proceedings of these slandered, yet brave men. Understanding their rights of person and property, they could not restrain their indignation under the complicated and long-continued impositions of those who, acting under the protection of the crown, exacted unheard of taxes from honest, unsuspecting men; selling the same piece of land to different individuals, and receiving the pay from all, without redress; exacting pay over and over again from the same individuals for the same tract, under various pretexts; and setting at defiance all law and order. If these people had not resisted, they would have been unworthy of their ancestors and the religion they professed. That many base and unprincipled men took advantage of the disturbance and distress, to commit heinous offences

against the peace of society, and in defiance of all law, is a thing to be lamented, but not to be charged too severely upon men who were willing to live peaceably, and would have been loyal had not "oppression driven them mad."

Tryon's march the day before the Regulation battle, was through these congregations; and the heavy oath of allegiance was exacted as the price of their property and lives, after the governor's victory. Upon the conscientious part of the community, that oath sat with a galling weight; although many felt themselves relieved by the fact that the king could neither enforce his laws nor defend his subjects; yet some suffered under its influence during the whole war—not daring to take arms for their country, and not disposed to enlist among her enemies. Such people often suffered the ill-deserved odium of being tories, and felt the ill-effects of a bad name. Few real tories were found in the Presbyterian population of Orange. The most vehement enemies that Cornwallis met, had been under the instruction of Presbyterian ministers. The first settled minister of Hawfields and Hico sat in the first Provincial Congress of Carolina, and on alarms, met with his people, to encourage them by precept and example, to defend their country and their religion. Cornwallis found Hillsborough and its neighborhood little less inviting than Charlotte, which he named "the Hornets' Nest;" and very few grown men from Hillsborough to the Haw, were unacquainted with service in the camp, and marches, and plunderings, while his lordship remained in Orange. And in the future history of Carolina, the war of the Regulation will stand prominent as the struggle of liberty and justice against oppression, not less glorious than Lexington or Bunker Hill, for the principles displayed, though less honored for the immediate effects.

THE CHURCHES IN GUILFORD COUNTY.

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The congregations of Buffalo and Alamance, the two eldest and largest of the Presbyterian denomination, and probably of any other, in the county of Guilford, have had the singular privilege of enjoying the regular ministrations of the gospel, with little intermission, for more than eighty years in conjunction with each other, dividing the Sabbaths—and from two men. The time of the ministerial relation of the Rev. Messrs. David Caldwell and Eli W. Caruthers with these congregations, extends from about the time of the organization of Alamance, in the year 1764, to the present day; an incontestible evidence of their stability, and the irreproachable lives of their pastors.

After supplying various vacancies in the bounds of the Presbytery, from the time of his licensure till the following summer, Mr. Caldwell visited North Carolina. The records of the Synod of New York and New Jersey have the following minute at their meeting in Elizabethtown, May 23d, 1764: "Several applications from North Carolina were presented, earnestly praying for supplies, which were read and urged with several verbal relations representing the state of the country." After speaking of the appointment of Mr. Charles Jef. Smith and Mr. Amos Thompson as missionaries, the minute proceeds—"Mr. David Caldwell, a candidate, of New Brunswick, is appointed to go as soon as possible, but not to defer it longer than next fall, and supply under the direction of the Hanover Presbytery." The Presbytery at that time was the only one south of the Potomac in connection with the Synod, and its boundaries on the south were indefinite. There was an independent Presbytery in South Carolina.

While Mr. Caldwell was in the course of his preparatory studies for college, a company of his friends emigrated to North Carolina, and took their residence on Buffalo Creek and Reedy Fork; and before their departure from Pennsylvania, made overtures to him, that, upon his being licensed, he should visit them in their new abode for the purpose of becoming their preacher. In about a year after he commenced preaching, he was sent as a missionary by the Synod to the south, and passed through the congregations and settlements in the upper part of Carolina, and, among others, the settlements of his old friends. The emigration had been continued, and many pious people having come to the wilderness, the congregation of Buffalo, whose place of worship is about three miles from Greensborough, had been organized according to the rules of the Church. Settlements had been formed on the Alamance, and in 1764, the year of his visit, the Rev. Henry Pattillo, who was afterwards the minister of Hawfields and Little River, organized a church called Alamance, whose preaching-place is about seven miles from Greensborough, and about the same distance from Buffalo.

These two congregations united in desiring Mr. Caldwell for their minister; though of different sentiments about the late divisions in the Presbyterian church, both were orthodox in their creed, and firmly attached to the Presbyterian forms; but the Buffalo church was composed of members that were of the *Old Side*, as they were termed, and the Alamance of those who sided with *New Light* or *New Side*, or as they sometimes distinguished themselves, *followed Whitefield*.

Mr. Caldwell's appointment as a missionary was renewed next year by the Synod. Philadelphia, May 20th, 1765. "In consequence of

sundry applications from North Carolina for supplies, the Synod appoint Messrs. Nathan Kerr, George Duffield, William Ramsay, David Caldwell, James Latta, and Robert McMordie, to go there as soon as they can conveniently, and each of them to tarry half a year in those vacant congregations, as prudence may direct." The Presbytery of New Brunswick held a meeting in Philadelphia, and took the necessary steps preparatory to the ordination of Mr. Caldwell; and received a call from the churches of Buffalo and Alamance for his ministerial labors. July 5th, 1765, at Trenton, New Jersey, he was ordained to the full work of the gospel ministry, and dismissed to join the Presbytery of Hanover; and as the congregations making the call were under the care of that Presbytery, he was directed to make known to it his determination respecting the acceptance. He proceeded forthwith to Carolina, and entered upon his labors as minister of the two congregations; was a corresponding member of Hanover Presbytery at its meeting at the Red House, Caswell county, June 4th, 1766. He neither joined the Presbytery at that time, nor accepted the call of the two churches; and it was not till the 11th of October, 1767, he was received as a member, and not till the 3d of March, 1768, that the installation services were performed, in compliance with a request made the preceding fall. The Rev. Hugh McAden of the Red House, preached the installation service, and performed the services prescribed by the form of government. In the latter part of the year 1766 he was married to Rachel, the third daughter of Rev. Alexander Craighead, the minister at Sugar Creek, and became a house-keeper in that part of his congregation then within the bounds of Rowan county, previous to the formation of Guilford from Rowan and Orange, the place of his residence till his death, in 1824.

As the congregations had promised him but two hundred dollars salary, he felt the necessity, from the first, of making provision for his family, and accordingly purchased a small farm, on which through life he depended in part for the comforts of his household. He commenced, too, at his house a classical school, which, with some few short interruptions, he continued till the infirmities of age disqualified him for the duties of teacher. This was the second classical school of permanence, and perhaps the first in usefulness, in the upper part of Carolina; that in Sugar Creek being probably the first; and that of Mr. Pattillo, in Granville, being the third. Delighting in the employment of teacher, having a peculiar tact for the management of boys, and being thorough in his course of instruction, his school flourished, and was the means, during the long period of its continuance, of bringing more men into the learned professions than any other taught by a single individual or by a succes-

sion of teachers during the same period of time. Five of his scholars became Governors of States; a number were promoted to the bench, of whom were Murphy and McCoy; a larger number, supposed about fifty, became ministers of the gospel, of whom were Dr. McCorkle, of Thyatria, Dr. Matthews, of New Albany, Indiana, Dr. Brown of Tennessee, and many others that were shining lights; a large number were physicians and lawyers. Of those whose names have been mentioned as eminent, most, if not all, received their entire classical education from him, and the ministers of the gospel, in addition to that, their theological education; so that, for a time, his school was academy, college, and theological seminary. The number of students attending was generally from fifty to sixty; and, assembled from different parts of the State, put his powers of government to the test. These must have been extraordinary; as it is not recollected by any of his family, or any of his pupils living, that any student was ever expelled, or sent away for improper conduct. His students loved, revered, and obeyed him. And such was the impression made upon the minds of those under his discipline, that an instance was known of a student, with whom the Dr. was compelled to be very severe, in after life riding more than two hundred miles, for the sole purpose of revisiting the scenes of his school days, and once more taking the Dr. by the hand.

CHURCHES IN MECKLENBURG COUNTY.

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The first Presbyterian minister that took his residence in Western Carolina, and the third in the State, was Alexander Craighead. In what part of Ireland he was born, or in what year he emigrated to America, is not a matter of record. The name of Craighead is of frequent occurrence in the history of the Church of Scotland and of Ireland, and holds an honorable place among the ministry. The tradition in the family of Mr. Craighead, as related by Mr. Caruthers, was, that his father and grandfather, and perhaps his ancestors further back, were ministers of the gospel, strongly attached to the church, and reputed as truly pious. A Mr. Thomas Craighead was among the first ministers of Donegal Presbytery,—a native of Scotland, ordained in Ireland,—emigrating to New England, and there remaining from 1715 to 1721,—uniting with the Presbytery of New Castle in 1724,—he finished his course in 1738.

His name does not appear on the list of either Synod of New York or Philadelphia until the year 1753, when he appears upon the roll of the Synod of New York as an absentee. From the records for 1755, he

appears as member of New Castle Presbytery. During the interval from 1745 to 1753, he was for a time an associate with the Cameronians.

Previous to the time that Mr. Craighead's name appears upon the roll of the Synod of New York, 1753, he removed to Virginia, probably about the year 1749, and took his residence in the county of Augusta, on the Cow Pasture river, in the bounds of the present Windy Cove congregation. There is upon the minutes of the Philadelphia Synod, in the year 1752, a mention of a Mr. Craighead, the Christian name not given, and the Presbytery with which he held his connection not mentioned.

Mr. Alexander Craighead's name was enrolled among the members set off for the formation of the Presbytery of Hanover, as appears from the following extract from minutes of the Synod of New York for 1755: "A petition was brought into the Synod setting forth the necessity of erecting a new Presbytery in Virginia, the Synod therefore appoint the Rev. Samuel Davies, John Todd, Alexander Craighead, Robert Henry, John Wright, and John Brown, to be a Presbytery under the name of the Presbytery of Hanover, and that their first meeting shall be in Hanover, on the first Wednesday of December next, and that Mr. Davies open said meeting by a sermon; and that any of their members settling to the southward and westward of Mr. Hogge's congregation, shall have liberty to join said Presbytery of Hanover."

Owing probably to the troubles in the country, Mr. Craighead did not meet with the Presbytery for some two years after its formation.

The defeat of Braddock on the 9th of July, 1755, had thrown the frontiers of Virginia at the mercy of the Indians. The inroads of the savages were frequent and murderous. Terror reigned throughout the valley. Mr. Craighead occupying a most exposed situation, his preaching-place being a short distance from the present Windy Cove church, and his dwelling on the farm now occupied by Mr. Andrew Settlington—in a settlement on the Virginia frontier, and open to the incursions of the savages, fled with those of his people who were disposed and able to fly, and sought safety in less exposed situations, after having lived in Virginia about six years. Crossing the Blue Ridge, he passed on to the more quiet regions in Carolina, and found a location among the settlements along the Catawba and its smaller tributaries, in the bounds of what is now Mecklenburg county. Mr. Craighead first met with Hanover Presbytery at Cub Creek, Sept. 2d, 1757. At a meeting of the Presbytery in Cumberland, at Capt. Anderson's, January, 1758, Mr. Craighead was directed to preach at Rocky River, on the second Sabbath of February, and visit the other vacancies till the spring meeting. At the meeting of the Presbytery in April, a call from Rocky River was

presented for the services of Mr. Craighead. He accepted the call, and requested installation. "Presbytery hereby consent that Mr. Craighead should accept the call of the people of Rocky River, in North Carolina, and settle with them as their minister, and they appoint Mr. Martin to preside at his installation at such time as best suits them both." This appointment Mr. Martin failed to fulfill, and in September, Mr. William Richardson, on his way to the Cherokees, was appointed to perform the duty. This appointment was fulfilled, though the day of the services is not given. From this record it appears that the name of the oldest church in the upper country was Rocky River; and it included Sugar Creek in its bounds. In 1765, the bounds of all the congregations were adjusted by order of the Synod.

He was ahead of his ministerial brethren in Pennsylvania in his views of civil government and religious liberty, and became particularly offensive to the Governor for a pamphlet of a political nature, the authorship of which was attributed to him. This pamphlet attracted so much attention, that in 1743 Thomas Cookson, one of his Majesty's justices, for the county of Lancaster, in the name of the Governor, laid it before the Synod of Philadelphia. The Synod disavowed both the pamphlet and Mr. Craighead; and agreed with the Justice that it was calculated to foment disloyal and rebellious practices, and disseminate principles of disaffection.

In Carolina, he found a people remote from the seat of authority, among whom the intolerant laws were a dead letter, so far divided from other congregations, even of his own faith, that there could be no collision with him, on account of faith or practice; so united in their general principles of religion and church government, that he was the teacher of the whole population, and here his spirit rested. Here he passed his days; here he poured forth his principles of religious and civil government, undisturbed by the jealousy of the government, too distant to be aware of his doings, or too careless to be interested in the poor and distant emigrants on the Catawba.

About the time the emigration from Ireland, through Pennsylvania, began to occupy the beautiful valley of Virginia, and the waters of the Roanoke, some scattered families were found following the Indian traders' path to the wide prairies on the east of the Catawba, and west of the Yadkin. These in Virginia were commenced about the year 1737; those in Carolina must have been soon after. By means of the memoranda preserved by the Clark family, that have lived more than a century along the Cape Fear river, it is ascertained that a family, if not a company, of emigrants went to the west of Yadkin, as all the upper country was then

called, as early as the year 1746, to join some families that were living sequestered in that fertile region. This, the oldest positive date that is now known, indicates a previous settlement, the time of whose arrival cannot be found out, as the records of courts are all silent, and the offices of the foreign landowners were not then opened for the sale of these remote fields and forests.

The emigrants from Ireland, holding the Protestant faith, the first to leave the place of their birth, for the enjoyment of freedom, in companies sufficient to form settlements, sought the wilds of America by two avenues, the one, by the Delaware River, whose chief port was Philadelphia, and the other, by a more southern landing, the port of Charleston, South Carolina. Those landing at the southern port, immediately sought the fertile forests of the upper country, approaching North Carolina on one side, and Georgia on the other; and not being very particular about boundaries, extended southward at pleasure, while, on the north, they were checked by a counter tide of emigration. Those who landed on the Delaware, after the desirable lands east of the Alleghanies, in Pennsylvania, were occupied, turned their course southward, and were speedily on the Catawba: passing on, they met the southern tide, and the stream turned westward, to the wilderness long known as "*Beyond the Mountains;*" now, as Tennessee. These two streams, from the same original fountain, Ireland, meeting and intermingling in this new soil, preserve the characteristic difference, the one, possessing some of the air and manner of Pennsylvania, and the other, of Charleston. These are the Puritans, the Roundheads of the South, the Blue-stockings of all countries; men that settled the wilderness on principle, and for principle's sake; that built churches from principle, and fought for liberty of person and conscience as their acquisition, and the birthright of their children.

Previous to the year 1750, the emigration to this beautiful but distant frontier was slow, and the solitary cabins were found upon the borders of prairies, and in the vicinity of canebrakes, the immense ranges abounding with wild game, and affording sustenance the whole year, for herds of tame cattle. Extensive tracts of country between the Yadkin and the Catawba, now waving with thrifty forests, then were covered with tall grass, with scarce a bush or shrub, looking at first view as if immense grazing farms had been at once abandoned, the houses disappearing, and the abundant grass luxuriating in its native wildness and beauty, and the wild herds wandering at pleasure, and nature rejoicing in undisturbed quietness.

From about the year 1750, family after family, group after group, succeeded in rapid progression, led on by reports sent back by the adventurous pioneers of the fertility and beauty of those solitudes, where conscience was free, and labor all voluntary. By the time that Mr. McAden visited the settlements in 1755 and 1756, they were in sufficient numbers to form a congregation in the centre spot. The pious and moral united in the worship of God, and formed the congregation of Sugar Creek, which knew no other bounds than the distance men and women could walk or ride to church, which was often as much as fifteen miles, as a regular thing, and twenty for an occasional meeting.

About the year 1765, by order of the Synod of New York and Philadelphia, the congregations that surround Sugar Creek were organized by the Rev. Messrs. Spencer and M'Whorter, as appears from the Records of Synod as follows:—viz., Elizabethtown, May 23d, 1764,—“Synod more particularly considering the state of many congregations to the southward, and particularly North Carolina, and the great importance of having those congregations properly organized, appoint the Rev. Messrs. Elihu Spencer and Alexander M'Whorter, to go as our missionaries for that purpose; that they form societies, help them in adjusting their bounds, to ordain elders, administer sealing ordinances, instruct the people in discipline, and finally direct them in their after conduct,” &c. On the 16th of May, 1765, this committee reported to the Synod that they had performed their mission; this report, however, has not been preserved. But we are not left at a loss for the names of part of the congregations whose bounds they adjusted, as, in that and the succeeding year, calls were sent in for pastors from Steel Creek, Providence, Hopewell, Centre, Rocky River, and Poplar Tent, which entirely surrounded Sugar Creek, besides those in Rowan and Iredell.

These seven congregations were in Mecklenburg, except a part of Centre, which lay in Rowan (now Iredell),—and in their extensive bounds comprehended almost the entire county. From these came the delegates that formed the celebrated convention in Charlotte.

The immediate successor of Mr. Craighead was Joseph Alexander, a connexion of the McKnitt branch of Alexanders, a man of education and talents, of small stature, and exceedingly animated in his pulpit exercises. Licensed by New Castle Presbytery in 1767, in October of that year he presented his credentials to Hanover Presbytery at the Bird church, in Goochland, and accepted a call from Sugar Creek. His ordination took place with that of Mr. David Caldwell on March 4th, 1768, at Buffalo. He read his lecture on John, 3d chapter, 3d to 5th verse, on the third of March, and also his trial sermon on the words—“There

is one mediator between God and man, the man Christ Jesus." Mr. Pattillo presided at the installation. On the third Friday in May, Mr. Caldwell performed the services of his installation as pastor of Sugar Creek.

A fine scholar, he, in connection with Mr. Benedict, taught a classical school of high excellence and usefulness. From Sugar Creek he removed to Bullock's Creek, South Carolina, and was long known in the church as a minister and teacher of youth for professional life. A volume of his sermons was given to the public after his death.

While the Presbyterians were laboring in vain to get a charter for a college, in Charlotte, confirmed by the king, the notorious Fanning offered to get a university of which he himself should be chancellor, and Mr. Joseph Alexander, who was noted as a teacher, should be first professor. But much as the people desired a college and loved Alexander, they could not take one with such a chancellor.

Hopewell and Sugar Creek are cotemporaries in point of settlement, though, in church organization, Sugar Creek has the pre-eminence. The families were from the same original stock in the North of Ireland; some were born in Pennsylvania, and some only sojourned there for a time; they were connected by affinity and consanguinity; and more closely united by mutual exposures in the wilderness, and the ordinances of the gospel, which were highly prized.

Scattered settlements were made along the Catawba, from Beattie's to Mason's Ford, some time before the country became the object of emigration to any considerable extent, probably about the year 1740. As the extent of fertility of the beautiful prairies became known, the Scotch-Irish, seeking for settlements, began to follow the traders' path, and join the adventurers in this southern and western frontier. By 1745, the settlements, in what is now Mecklenburg and Cabarrus counties, were numerous; and about 1750, and onward for a few years, the settlements grew dense for a frontier, and were uniting themselves into congregations, for the purpose of enjoying the ministrations of the gospel in the Presbyterian form. The foundations of Sugar Creek, Hopewell, Steel Creek, New Providence, Poplar Tent, Rocky River, Centre, and Thyatira, were laid almost simultaneously: Rocky River was most successful in obtaining a settled pastor. The others received the church organization and bounds during the visit of Rev. Messrs. McWhorter and Spencer, sent by the Synod of Philadelphia for that purpose, in the year 1764. Missionaries began to traverse the country very early, sent out by the Synod of Philadelphia, and the different Presbyteries of New Brunswick, New Castle, and Donegal.

The enterprising settlers, inured to toil, were hardy and long lived. The constitutions that grew up in Ireland and Pennsylvania seemed to gather strength and suppleness from the warm climate and fertile soil of their new abodes. Most of the settlers lived long enough to witness the dawning of that prosperity that awaited their children. They sought the union of liberty, and property, and religious privilege for their posterity. Year after year were "supplications" sent to Pennsylvania and Jersey for ministers, or missionaries, and effort after effort was made to retain these visitors as settled pastors, but all in vain, previously to 1756; when the troubles from the Indian war, called Braddock's war, united with the wishes of the people, and three Presbyterian ministers were settled in Carolina in that year, or preparations were made for their settlement—Craighead, and M'Aden, and Campbell. Those were days of log cabins and plain fare, when carriages were unknown, and the sight of wheels was an era in the settlements. "That man was the first that crossed the Yadkin with wheels," designated the man in whose house the first court in Mecklenburg was held.

About twelve miles south of Charlotte, on one of the routes to Camden, you will find in a beautiful oak grove, through which the great road passes, the place of assemblage for the worship of God, of the church and congregation of New Providence, or Providence, as it is now commonly called.

Settlements in the bounds of this congregation were made about the same time as those in Sugar Creek, and Steel Creek, and Rocky River, and by the same kind of emigrants. The first ministerial labors the settlement enjoyed, beside what they could receive from Mr. Craighead, were from the Rev. William Richardson, who was licensed by Hanover Presbytery, at a meeting at Capt. Anderson's, in Cumberland, Virginia, Jan. 25th, 1758. On the 18th of July following, at the first meeting of the Presbytery after the union of the Synods of New York and Philadelphia, held in Cumberland, Mr. Richardson and Mr. Pattillo were ordained. He was appointed to attend at Rocky River on the 27th of the September following, to perform the installation services for Mr. Craighead, being on his way to the Cherokees. How long he remained with the Cherokees is not known. In 1761, he is reported as having left Hanover Presbytery, and joined the Presbytery in South Carolina, not in connection with the Synod. In 1762, the Presbytery sustained his reasons for joining that Presbytery without dismissal from his own, with which he was in regular connection.

Mr. Richardson was the maternal uncle of the famous Wm. Richardson Davie, so noted in the southern war, adopted him as his son, super-

intended his education, and made him heir of an estate, every shilling of which Davie expended in equipping the corps of which he was made Major in 1780.

Rocky River congregation is prior in point of time to Sugar Creek, and the first of all the churches of Concord Presbytery. Poplar Tent was organized about the year 1764 or 1765, when the resolution of Synod was carried into effect by Messrs. Spencer and McWhorter, and the boundaries of the congregations ascertained and agreed upon.

Poplar Tent Meeting-house may be found about seven miles from Concord town, in Cabarrus, on the road leading to Beattie's Ford, and about fourteen miles eastwardly of Davidson's College. From the papers of a venerable old lady, who was born, lived all her days in the bounds of the congregation, and died at the age of 90, in the year 1843, the following is an extract: "I had a brother born April 25th, 1764, and I was ten years old on the March before he was born; and I do not remember of hearing, at that time, of any other place of public worship but at Rocky River." (Rocky River Church is about 9 or 10 miles east from P. T.) "But I had another brother, born October 25th, 1766, and I remember very well of being at a meeting at Poplar Tent the summer before he was born; and at that time there was a more *elegant Tent* than I ever saw on that ground since, but no meeting-house. But between '66 and '70, there was a good meeting-house built and tolerably well seated. And the Rev. Hezekiah (J). Balch was a placed minister between Rocky River and Poplar Tent."

Another tradition related by Dr. Robinson, adds to this account without contradicting it—and says a Tent was erected and an occasional service was obtained from the missionaries and other ministers, for some years before regular preaching was obtained.

By *tent*, was meant a place for the preacher to occupy during public worship, very similar to the *stands* that are erected for the convenience of congregations in summer, in places where there are no church-buildings, or where the conveniences for seating a congregation in summer are not sufficient.

The name of the Ridge, the meeting-house, and the congregation, originated in the following manner, according to the manuscript of Mr. Alexander:—"That hill, on which the meeting-house now stands, was called Poplar Ridge, long before there was any tent there, from some very extraordinary large trees, that grew a small distance west from where the meeting-house now stands. But after the tent was built some time, there were some men collected, for some purpose, at that place, and, as I understood, there was some proposition made, '*what are we to call*

this place?' One said, call it Poplar Springs; another standing by, having a cup of water in his hand, threw the water against the tent, and cried out, 'Poplar Tent!' And I do not remember that I heard of any one making objection at that time, against the name; and it has been called Poplar Tent ever since, and was taken by that name on the missionary papers into the northern States." Now Poplar Tent went on regularly, friendly, and religiously; no dispute nor discontent between them and their minister, he taught them carefully, both in his preaching and examinations, and they appeared to hearken with attention.







