

JOURNAL OF THE
HOUSE OF COMMONS

OF THE

GENERAL ASSEMBLY OF
NORTH CAROLINA

Second Session of 1777
November 15, 1777 to December 24, 1777

EXTRACTED FROM THE
STATE RECORDS OF NORTH CAROLINA

VOL. XII --- 1777 – '78

COLLECTED AND EDITED BY

WALTER CLARK

ONE OF THE JUSTICES OF THE SUPREME COURT

Winston:
M.I.&J.C. Stewart, Printers to the State
1895

JOURNAL OF THE HOUSE OF COMMONS, NOVEMBER SESSION, 1777.

State of North Carolina.

At a General Assembly begun and held at Newberne on the 15th day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of the said State; being the second session of this Assembly.

Mr. Speaker and the following Members of the House of Commons appeared, to-wit:

Mr. Waightstill Avery, Thomas Benbury, John Green, James Johnston, William Robeson, John Williams, Bruce Williams, William Lord, Henry Rhodes, Jacob Hunter, John Tillman, Nathan Bryan, John Turner, Thomas Owen, Genl. Butler, Jesse Eason, John Sevier, William Courtney, Samuel Swann, Alexander Lillington, William Brown, Andrew Bass, Jesse Cobb, Benjamin Pamerly, Egbert Haywood, Robert Lindsay, Richard Clinton, John Birdsong, Martin Fifer, John Barber, James Smith, Matthew Locke, Willie Jones, Thomas Rifle, William Hooper, Henry Rains.

Mr. John Atkinson and Richard Moore, the Members for Caswell County, Mr. Charles Gordon, one of the Members for Surry County, Mr. Thomas Chadwick, one of the Members for Carteret County, Mr. Nathan Boddie, one of the Members for Edgecombe County, Mr. Phil Alston, one of the Members for Cumberland County, Mr. Ephraim Maclaine, one of the Members for Burke County, appeared and were qualified and took their seats.

On motion, resolved that Mr. Speaker issue a Writ of Election to the County of Chatham to elect a Member of this House in the room of Mr. Mial Shurlock, whose seat is vacated by his acceptance of the Clerk's office for said County, and that the said election be held on the 20th instant.

Also to the County of Wake, to elect two Members, one in the room of Mr. John Rice, whose seat is vacated by his acceptance of the Clerk's office for said County, the other in the room of Mr. Thomas Wooten, whose seat is vacated by his acceptance of the Sheriff's office for said County, and that said election be held on the 24th instant.

Also to the County of Orange, to elect one Member in the room of Mr. Nathaniel Rochester, whose seat is vacated by his acceptance of the Clerk's office for said County, and that the said election be held on the 24th instant.

Also to the County of Pasquotank, to elect one Member in the room of Mr. James Ferebee, deceased, and that the said election be held on the 24th instant.

Also to the County of Camden, to elect two Members for said County, a writ not having been heretofore issued, and that the said election be held on the 26th instant.

Also to the County of Cumberland, to elect one Member in the room of Mr. William Rand, whose seat is vacated by his acceptance of the Clerk's office for said County, and that the said election be held on the 1st day of December next.

Also to the County of Northampton, to elect one Member in the room of Jephtha Atherton, Esquire, whose seat is vacated by his acceptance of the Clerk's office for said County, and that the said election be held on the 29th instant.

Also to the County of Hyde, to elect one Member in the room of Mr. John Jordan, whose seat is vacated by his acceptance of the Clerk's office for said County, and that the said election be held on the 1st day of December next.

Also to the County of Beaufort, to elect one Member in the room of Mr. Alderson Allerson, who is out of the Country, and that the said election be held on the 29th instant.

On motion, Resolved, that the following Message be sent to the Senate to-wit:

Mr. Speaker & Gentlemen of the Senate:

This House inform you that there are a sufficient number of members met to constitute a House, and are ready to proceed upon business.

A. Nash, S. C.

Rec'd from the Senate the following Message to-wit:

Mr. Speaker & Gentlemen of the House of Commons:

This House have appointed Mr. Maclaine, Genl. Rutherford and Genl. Jones, to act jointly with such of your House as you may think proper to act as a Committee to enquire into the conduct

of the officers of the Tenth Regiment and to know their reasons for delaying to march to join His Excellency Genl. Washington when ordered.

Saml. Ashe, S. S.

On motion, Resolved, that Mr. Jones, Mr. Locke, Mr. Johnston and Genl. Butler, be a Committee to act jointly with a Committee appointed of the Senate to enquire into the conduct of the officers of the Tenth Regiment, &c.

Ordered that the following Message be sent to the Senate to-wit:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered your Message appointing Mr. Maclaine, Genl. Rutherford and Genl. Jones, a Committee to act jointly with such of the members of this House as we should appoint to enquire into the conduct of the officers of the Tenth Regiment; and have on their part appointed Mr. Willie Jones, Mr. Locke, Mr. Johnston and Genl. Butler, a Committee for the purposes above mentioned.

A. Nash, S. C.

On motion, Resolved, that Mr. Hooper, Mr. Avery, Mr. Swann and Mr. Willie Jones, be a Committee to correct and revise the Journals of the last session; and that they appoint a proper Clerk for the purpose.

Received from the Senate the following Resolve and Message to-wit:

Resolve that the following Message be addressed to His Excellency the Governor and sent to the House of Commons for concurrence:

Saml. Ashe, S. S.

To His Excellency, Richard Caswell Esq., Capt. Genl. Governor &c., &c., &c.

Sir:

The two Houses of Genl. Assembly being now formed acquaint your Excellency that they are ready to take under consideration the proceedings of the Council of State and to receive such dispatches and other matters as are necessary to be laid before them.

Saml. Ashe, S. S.

The House taking the said Resolve and Message into consideration,

Resolved that they do concur therewith, and that the same be sent to His Excellency the Governor by Mr. Hooper and Mr. Jones.

On motion, Resolved, that Mr. Avery, Mr. Hooper, Mr. Jones, Mr. Locke and Mr. Hunter, be a Committee to prepare and bring, in a Bill for establishing Courts of Justice in this State.

Received from His Excellency the Governor, the following Message to-wit:

To the Hon. General Assembly.

Gentlemen.

I herewith lay before you the proceedings of the Council of State. In pursuance of the advice of that Board I have reprieved a certain John Lewelling, condemned in the District of Edenton to be executed for high treason; and also John Wilson, who was convicted of horse stealing in the District of Salisbury.

The papers respecting those persons are also laid before you to the end that you may take such order thereon as you may think proper.

I send you the Memorial of the officers of the Tenth North Carolina Battalion and the officers of the Artillery Company respecting cloathing for the said Battalion and Company and request that you will be pleased to take the same immediately into consideration.

R. Caswell.

Also the proceedings of the Council of State referred to in the above Message, together with the Memorials, &c.

Ordered that the Memorials of the Officers of the Tenth North Carolina Battalion (referred to in the Governor's Message) be referred to the Committee appointed to enquire into the conduct of the officers of the Tenth Regiment, &c.

Ordered that the proceedings of the Council of State lie over until Monday next.

Ordered that the following Message be sent to the Senate, to-wit:

Mr. Speaker and Gentlemen of the Senate:

This House have appointed Mr. Avery, Mr. Hooper, Mr. Jones, Mr. Locke and Mr. Hunter a Committee to act jointly with such Members of your House as you may think proper to appoint to

prepare and bring in a Bill for the establishment of Courts of Justice in this State.

A. Nash, S. C.

Sent by the Assistant Clerk.

The House adjourned till Monday morning, 10 o'clock.

Monday, 17th November, 1777.

The House met according to adjournment.

On motion, resolved that the House will, tomorrow, resolve itself into a Committee of the Whole to take into consideration the propriety of opening a Land Office in this State.

The House, according to order, proceeded to take into consideration the proceedings of the Council of State when they came to the following resolutions on the reprieve granted by His Excellency the Governor to a certain John Lewelling who was convicted of high treason and sentenced to die for the same, ordered:

That the following Message be sent the Senate, to-wit:

Mr. Speaker & Gentlemen of the Senate:

His excellency the Governor has sent for the consideration of this House several petitions praying that mercy be extended to John Lewelling, now under sentence of death in the gaol of Edenton for the crime of high treason, and having fully considered the same we now send all the papers we are possessed of relative to the subject for the examination of the Senate, and suggest to them that it will be necessary to obtain the sense of the House of Commons and Senate by a joint ballot of both Houses, lest by any possibility the two Houses should divide in sentiment upon the subject, which would produce a manifest inconvenience that is not provided for in the Constitution or any act of Assembly; and the House of Commons propose, if the Senate approve this mode, that the balloting shall begin at 2 o'clock this afternoon, and that every Member who is of opinion that the sentence should be carried into execution should; in his ballot, signify the same, as well as the day on which it should be had. This House beg leave to hint that, in case it should be the opinion of the majority of both Houses that Lewelling should suffer, that the state of Edenton gaol renders it necessary that it should be done without delay;

and that Monday the 24th of this month; between the hours of ten and two o'clock, should be assigned for the execution.

A. Nash, S. C.

Received from the Senate the following resolve and Message, to-wit:

Resolved that the Committee appointed to inquire into the conduct of the 10th Regiment and their reasons of delay, &c., do call upon the Commissary of Stores for an account of all the Continental Stores under his care in the State and in what manner the same are kept and preserved and they make report to the Genl. Assembly what may appear necessary to be done in the future; and that this resolve be sent to the House of Commons for concurrence.

Saml. Ashe, S. S.

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House empowering the Committee appointed to enquire into the conduct of the officers of the tenth regiment, and their reasons of delay &c., to call upon the Commissary of Stores for an Account of all the Continental Stores under his care in this State, and in what manner the same are kept and preserved, and that they make report to the General Assembly what may appear necessary to be done for preserving the stores for the future.

Read & concurred with.

Sam Ashe, S. S.

Received from the Senate the following Message, to-wit:

Mr. Speaker & Gentlemen of the House of Commons:

This House have rec'd your Message respecting a Committee to act jointly with yours in bringing in a bill for the establishing of Courts of Justice, and have mentioned Mr. Maclaine, Mr. Jones, Mr. Coor and Genl. Rutherford for that purpose. This House also appoint the same gentlemen to act in conjunction with such gentlemen as you shall appoint as a Committee to prepare and bring in a Bill for the establishment of a Land Office and regulating the same.

Sam'l Ashe, S. S.

Ordered to lie over until to-morrow for consideration.

Mr. Jonas Johnston presented a petition from a number of the

inhabitants of Edgecombe County, praying to have the same divided. Ordered that he have leave to bring in a Bill for the division of said County.

Mr. Jonas Johnston presented a Bill for dividing Edgecombe County, and other purposes therein mentioned, which was read the third time and passed, and ordered to be sent to the Senate.

Sent by Mr. Pamerly and Mr. Johnston.

Read the petition of Pleasant Skeeter, praying relief in the premises. Ordered that the said petition lie over for consideration.

Mr. George Davidson and William Pickett, the Members for Anson County, Mr. Simson Turner and Zedekiah Stone, the Members for Bertie County, Mr. John King, one of the Members for Onslow County, appeared.

Resolved, that the following Message be addressed to his Excellency the Governor, and sent to the Senate for their concurrence:

To his Excellency Richard Caswell, Esquire, Captain, Genl., Governor, &c., &c., &c.

Sir,

It appearing to the General Assembly that your Excellency has reinstated John Vance in his office as Captain of the Company of Artillery in this State, notwithstanding the said Vance had been broke and declared unworthy of the command of the said Company by the General Assembly, your Excellency is desired to lay before this Assembly the reasons which induced you to take a step so immediately repugnant to their determination respecting the said Capt. Vance.

A. Nash, S. C.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a Message which this House recommend to be addressed to his Excellency the Governor. A. Nash, S. C.

Received from the Senate the following Message, to-wit:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message relative to John Lewelling now under sentence of death in Edenton jail for treason

against the State, and are of opinion that the General Assembly cannot constitutionally intermeddle in the present case, but that the sentence ought immediately to be carried into execution unless something from the Judge who sat on the trial should be laid before the Governor and Council to induce them to think otherwise.

Sam Ashe, S. S.

Ordered that the above Message lie over for consideration.

The House Adjourned till 9 o'clock to-morrow.

Tuesday, 18 November, 1777. The House met according to adjournment.

General Person one of the members from Granville County, Mr. Robert Dickson one of the members for Duplin County, Mr. Howell Edmund, one of the members for Northampton County, and Mr. Green Hill, one of the members for Bute County appeared.

Received from his excellency the Governor the following Message.

To the Honorable the General Assembly.

Gentlemen:

I herewith send you sundry papers which have been laid before the Council of State and which may, in some measure, serve to elucidate their proceedings, now before you.

In pursuance of the advice of the Council, I have issued Commissions to the several persons recommended and in every other instance discharged the duties incumbent on me, in consequence of their determinations.

I also send you sundry resolves of Congress, letters from the delegates of this State and other public papers, for your perusal and consideration.

The Loan office certificates mentioned in Mr. Hillegas's letters I have received and they yet remain in my hands, as no commissioner of the loan office, for this State, has been appointed.

R. Caswell.

Ordered that the above Message together with the letters, papers &c., therein referred to, be laid over for consideration.

The order of the day being read, the House resolved itself into a Committee of the whole to take into consideration the matters referred to them and chose Thomas Benbury Esquire, chairman, and after some time spent therein Mr. Speaker resumed the chair

and Mr. Chairman reported that the Committee had come to the following resolutions on the matter referred to them.

That it is the opinion of the Committee that the land office should be opened to dispose of all vacant lands formerly claimed by the King and Lord Granville.

The House taking the said report into consideration resolved that they do concur therewith.

Resolved that the Committee appointed to prepare and bring in a Bill for establishing Courts of Justice in this State (with the addition of Genl. Person, Genl. Butler, Mr. Johnston and Mr. Tillman) be a Committee to act in conjunction with the Committee appointed of the Senate for the purpose of preparing and bringing in a Bill for the establishment of a Land Office and regulating the same.

Ordered the following Message be sent to the Senate, to-wit:

Mr. Speaker & Gentlemen of the Senate:

This House concur with yours in oppointing the same Committee for preparing a Bill for opening the Land Office, &c., as were appointed to prepare and bring in a Bill for establishing Courts of Justice and have added the following gentlemen: Genl. Persons, Genl. Butler, Mr. Jonas Johnston and Mr. John Tillman. A. Nash, S. C.

The House adjourned till 4 o'clock.

The House met according to adjournment.

On motion, resolved that Mr. James Davis be appointed Public Printer to this State in the room of Mr. John Pinkney, deceased, and that he be allowed the sum of five hundred pounds per annum.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing Mr. James Davis Printer to this State, and allowing him a certain sum therein mentioned per annum.

A. Nash, S. C.

Read the petition of a number of the Justices of New Hanover County, praying to have Mr. Jonathan Dunbibbin appointed Clerk

of the Court of said County, which was ordered to lie over for consideration.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We have rec'd and considered your Message of yesterday respecting Mr. John Lewelling and concur therewith, and request you would prepare a Message for His Excellency the Governor, informing him that it is the opinion of the General Assembly that the sentence ought to be put immediately into execution. We also think it expedient that an express be immediately dispatched to the Commanding Officer of Chowan County, or in his absence to the Sheriff of said County, directing him to keep a strong and sufficient guard over the body of the said John Lewelling.

A. Nash, S. C.

The House adjourned till to-morrow morning, 9 o'clock.

Wednesday, 19 November, 1777.

The House met according to adjournment.

On motion, resolved that Edward Gatlain be allowed the sum of five pounds, four shillings for going express to several Counties, with letters from the Speaker of this House to sundry members who failed to give their attendance according to adjournment of the last session, that the Treasurers, or either of them, pay him the same and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House allowing Edward Gatlain a certain sum therein mentioned for going express, &c. A. Nash, S. C.

Resolved that the following Message be addressed to His Excellency the Governor:

To His Excellency Richard Caswell, Esquire, Captain Gen'l Governor, &c., &c., &c.

Sir:

The General Assembly have considered your Message respecting

the reprieve of John Wilcox, condemned for horse stealing. In answer would inform your Excellency that it does not lie before the General Assembly to take any order thereon.
A. Nash, S. C.

Ordered that the above Message, &c., be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for addressing His Excellency the Governor respecting the reprieve of John Wilcox, condemned for horse stealing, together with the address. A. Nash, S. C.

On motion, resolved that Mr. Johnston, Mr. Locke, Genl. Person and Mr. Cobb be a Committee to re-examine the accounts of Col. Henry Irwin, passed at Halifax Congress, April, 1776.

Rec'd from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House have rec'd your Message and resolve appointing Mr. James Davis Printer to this State in the room of Mr. John Pinkney, deceased, and concur therewith. Saml. Ashe, S. S.

At the same time rec'd the resolve of this House referred to in the above Message.

Endorsed in the Senate 18th November, 1777.

Read and concurred with. Saml. Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House have received and concurred with the Resolve of your House allowing Edward Gatlain, the sum of five pounds four shillings for going express. Sam'l. Ashe, S. S.

At the same received the Resolve of this House referred to in the above Message.

Endorsed in the Senate 19 Nov. 1777.

Read and concurred with. Sam'l. Ashe, S. S.

Rec'd from the Senate the following Message:

We herewith send for your concurrence two Resolves of this House in favor of Mr. John. McNitt Alexander and Mr. John Jarvis.

Sam'l. Ashe, S. S.

At the same time rec'd the Resolves referred to in the above Message one of which was rejected, the one in favor of Mr. John Jarvis, was concurred with.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House cannot concur with yours in granting a new certificate to Mr. John McNitt Alexander as recommended by your House, as they are apprehensive it will be productive of bad consequences especially as the old one is still in his hands. But as Mr. John Jarvis, hath convinced this House that his former certificate is totally destroyed.

We have concurred with your Resolve in his favor. A. Nash, S. C.

On motion, Resolved, that Mr. Waightstill Avery be allowed the sum of one-hundred and thirty pounds fourteen shillings for services done as Commissioner for holding a Treaty of Peace and settling a boundary line with the Overhill Cherokees; and also for money advanced, &c., agreeable to his acc't filed. That the Treasurers or either of them pay him the same and be allowed in their accounts with the public.

Ordered that the above Resolve be sent to the Senate for their concurrence together with the following Message.

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House allowing Mr. Waightstill Avery a certain sum therein mentioned, agreeable to his account herewith sent you.

A. Nash, S. C.

Read sundry letters from our Delegates in Congress to His Excellency the Governor.

Ordered that one from Cornelius Harnett, Esquire, of the 19th October, 1777, be referred to a Committee.

Ordered that Mr. Jones, Mr. Hooper, Genl. Person, Genl. Butler, Mr. Lillington, Mr. Relf and Mr. Johnson be a Committee to take into consideration the above letter.

Received from the Senate:

A Bill for dividing Edgecombe County, and other purposes therein mentioned. Endorsed in the Senate, 19th Nov., 1777. Read the first time and passed.

Ordered that the Bill for dividing Edgecombe County, and other purposes therein mentioned, be read the second time, read the same the second time, amended and passed. Ordered to be sent to the Senate.

Sent by Mr. Barber and Mr. Dixon.

Received from the Senate the Bill for dividing the County of Bute into two distinct Counties, and other purposes therein contained.

Endorsed in the Senate, 19th Nov., 1777. Read the first time and passed.

Ordered that the Bill for dividing the County of Bute into two distinct Counties, and other purposes therein contained, be read, read the same the first time and passed.

Ordered to be sent to the Senate.

Sent by Mr. Barber and Mr. Dixon.

Mr. A very has leave of absence ten days.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House together with an address to His Excellency the Governor relative to John Lewelling. Sam'l Ashe, S. S,

At the same time received the resolve referred to in the above Message, as follows:

On motion, resolved that the following Message relative to John Lewelling be addressed to his Excellency the Governor and sent to the House of Commons for concurrence:

To his Excellency Richard Caswell, Esqr., Governor and Commander-in-Chief, &c., &c.,

Sir,

The General Assembly have considered the petition and other papers laid before them by your Excellency relative to the case of John Lewelling, now under sentence of death for high treason, and

are of opinion that as it doth not appear that there were mitigating circumstances certified by the Judge who presided at his trial, the sentence should have been carried into execution without delay, for which purpose the Constitution hath invested your Excellency with full powers, and hath expressly declared that the Legislative, Judicial and Executive powers of Government ought to be forever separate and distinct from each other.

The General Assembly think it absolutely necessary that an express be immediately sent to the commanding officer, or in his absence to the Sheriff of Chowan County, directing that a strong guard be kept over the body of the said John Lewelling.

Sam Ashe, S. S.

The House taking the said resolve and address into consideration concurred therewith and ordered that Mr. Williams and Mr Bryan wait upon his Excellency the Governor with the address.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have concurred with the resolve of yours and the address to his Excellency the Governor relative to John Lewelling, and have sent the address to his Excellency.

A. Nash, S. C.

On motion, resolved that Mr. Tillman, Mr. Person, Mr. Johnston, Mr. Robeson and Mr. Cobb be a Committee to dispose of the public salt, &c.

On motion, resolved that the following Message, together with the resolve therein referred to, be sent to the Senate for their concurrence, to-wit:

Mr. Speaker & Gentlemen of the Senate:

This House having unanimously voted a monument to be erected to the memory of General Nash, send you a copy of their resolve in which they doubt not that they shall obtain your unanimous concurrence and request that you would appoint one or more Members of your House in conjunction with a committee appointed by this to carry this resolve into execution.

A. Nash, S. C.

This House having received authentick information, that in the battle fought at Germantown on the fourth day of October last between the army of the United States under the command of General Washington and that of the King of Great Britain under

the command of General Howe, Francis Nash, Esquire, Brigadier General in the Continental Army, who was appointed to that office at the special instance of this State and whose command was more immediately over the troops raised in this State as their quota of the Continental Army, at the head of his Brigade bravely maintaining the post allotted him by his General, received a wound from a cannon ball and after languishing some days, during which he supported the extreme torture of it with the firmness of a hero and the composure of a christian, he closed his valuable life.

The testimony to such distinguished worth, that this State by the unanimous voice of its representatives in General Assembly makes, may exhibit to the world the grateful sense they entertain of the signal services rendered by this brave officer, whom they glory to have called their own, during the whole time he was in the Continental Army, but more especially on that day when he sealed with his blood his attachment to his country and gave his life an offering to purchase freedom and independence for his posterity. That the heroick fortitude which marked his military character, and the integrity and honor which were the uniform attendants of his publick and private life; that the humanity and cordial benevolence of heart which to those under his command smoothed the rugged path of duty, and softened the rigour of command, which taught the soldier to look to him as to his friend, and induced an obedience that was more perfect as it was voluntary; that these exalted publick and private virtues may stand indelibly recorded in the breasts of the inhabitants of this State, and may be held forth as patterns for the imitation of the present age and posterity.

This House have unanimously resolved that three hundred pounds current money of the State of North Carolina shall be paid out of the treasury of this State to Mr. Hooper, Mr. Jones and Mr. Avery, who are appointed a Committee by this House to act in conjunction with a Committee to be appointed of the Senate to purchase a marble monument to be erected to the memory of the deceased General Nash in such publick place as the widow and brother of the deceased shall think proper; and that the said Committee shall prepare an English inscription for the said monument descriptive of the virtues of the deceased and which may tend to answer the good purposes intended by this measure.

Received from the Senate the following Message.

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favour of Joseph Hewes.

Saml Ashe, S. S.

At the same time received the resolve referred to in the above Message, as follows:

Whereas Joseph Hewes agreeable to a resolve of last Assembly took the oath of allegiance to this State, in the town of Halifax in May last, and at the same time entered into bond for his appearance before this Assembly and for his further good behavior, and as a true and loyal subject, and whereas the said Hewes has appeared before this Assembly agreeable to his said bond and has, as appears, behaved himself as a good subject, resolved; therefore, that Joseph Hewes stand discharged from his said bond; and that he have free liberty to go about his lawful business. Sam Ashe, S. S.

The House taking the said resolve into consideration. Concurred therewith.

Ordered the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered your Message and resolve relative to Joseph Hewes and concur therewith. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We have received and herewith return the resolve of your House allowing Mr. Waightstill Avery the sum of one hundred and thirty pounds fourteen shilling for services rendered the public.

Concurred with. Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate 19 November, 1777.

Read and concurred with.

Sam Ashe, S. S.

Received from his Excellency the Governor, the following Message:

To the Honorable, the General Assembly,

Gentlemen:

In answer to your Message relative to the Captain of the Artillery Company in this State I acknowledge that I knew the Genl. Assembly had declared Capt. John Vance, should be broke and discharged from the command of the said Company, but that they had declared him unworthy of the command, I do not recollect. If it was so entered in their Journals, it has escaped my observation. A gentleman of your Honorable Body informed me Capt. Vance, was broke and mentioned a gentleman whom he suggested as worthy of that command, I thought him so myself, wrote to him and informed him of the vacancy and desired to know if he would accept of the appointment. He in answer signified his dissent. No other person applied except Capt. Vance, who produced a paper purporting a petition signed by every man of the Artillery Company, except two, desiring he might be reinstated in the command. Previous to this being presented to me I received a letter from Mr. Bradly, the Capt. Lieutenant of the said Company informing of sundry difficulties under which the said Company labored and desired leave to resign his commission.

These papers were handed me upwards of a month after the rising of the General Assembly when I laid them before the Council of State and informed that Board that no other application had been made and they thereupon advised the reinstating Capt. Vance, in his command and in pursuance thereof I issued a commission in the same form as other commissions issue in the vacation when the right of appointing is in the General Assembly.

If the gentlemen of your Honorable Body had condescended to have looked over the Journals of the Council and the files of papers sent them, I flatter myself they would have found the Resolve of the Council respecting this appointment and also the petition and resignation above alluded to. I cannot quit this subject without taking notice to your Honorable Body, that in this instance I conceive I have conducted myself agreeable to the Constitution in pursuing the advice of the Council of State; and although I hope to be able to give sufficient reason for my conduct in every part of my public transaction, I cannot help saying that the manner in

which I am at present called upon, especially when you have the papers before you which would illucidate this matter, to give my reasons for a conduct in which you must know I am supported by the advice of the Council and with which it was my duty to comply, is rather, according to my conception, improper, however, as I wish to give every information and satisfaction within the compass of my power to your Honorable Body, I have now answered your Message in the fullest manner and hope it will meet your approbation.

R. Caswell.

Ordered that the above Message be sent to the Senate.

The House Adjourned till tomorrow morning, 9 o'clock.

Thursday, 20th November, 1777.

The House met according to adjournment.

Mr. Whitmill Hill, one of the members from Martin County, and Mr. Alexander Averet, one of the members for Johnston County, appeared.

Mr. Hooper, from the Committee appointed to prepare and bring in a bill for establishing Courts of Justice in this State, presented a bill for establishing Courts of Law and Justice and for regulating the proceedings therein. Ordered that the said bill be read, read the same the first time and passed. Ordered to be sent to the Senate. Sent by Mr. Swann and Col. Fifer.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We have received your Message and resolve for appointing a Joint Committee and allowing them a certain sum for the purpose of erecting a monument to the memory of General Nash, with which we unanimously concur and have on our part nominated Mr. Speaker, Mr. Maclaine and Genl. Jones to act with the gentlemen by you appointed for the purpose aforesaid.

Saml. Ashe, S. S.

At the same time received the resolve of this House, referred to in the above Message.

Endorsed in the Senate, November 19th, 1777.

Read and concurred with.

Saml. Ashe, S. S.

Mr. Hooper moved for leave to propose and bring in a Bill to make sale of the armed vessels of this State; to fortify the river and harbour of Cape Fear and other purposes. Ordered that he have leave accordingly.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House appointing Mr. Seawell, Mr. Coor and Mr. Exum a Committee, to act jointly with such of the members of your House as you may think proper to appoint to prepare and bring in a bill for erecting a State House, Treasurer's Office, Land Office and Secretary's Office, in the most convenient and central part of this State.

Saml. Ashe, S. S.

At the same, the resolve of the Senate, referred to in the above Message as follows:

Resolved that Mr. Seawell, Mr. Coor and Mr. Exum be appointed a Committee to act jointly with a Committee to be appointed by the House of Commons to prepare and bring in a bill for erecting a State House, Treasurer's office, and Land Office in the most central and convenient part of this State.

Saml. Ashe, S. S.

Ordered that the said resolve lie on the table for further consideration.

Mr. Cobb presented a petition from a number of the inhabitants of Duplin County praying to have part of the said County of Duplin annexed to Dobbs County.

Mr. Cobb, agreeable to the prayer of said petition, moved for leave to bring in a bill for annexing part of Duplin County to the County of Dobbs and for running the dividing lines between the said Counties. Ordered that he have leave accordingly.

Mr. Charles Gordon presented a petition from a number of the inhabitants of Surry County and the District of Washington praying to have a distinct County made by taking part of Surry and part of the said District of Washington.

Mr. Gordon moved for leave to bring in a bill agreeable to the prayer of said petition. Ordered that he have leave accordingly.

Mr. William Pickett presented a petition from a number of the inhabitants of Anson County, praying to have the same divided, and that the River Peedee be the dividing line.

Mr. Pickett moved for leave to bring in a bill agreeable to the prayer of the said petition.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen,

I herewith lay before you the petition of the executors of Richard Blackledge, deceased, respecting the Salt Works at Newport in Currituck County, for your consideration.

R. Caswell.

At the same time received the petition referred to in the above Message which was read and ordered to be referred to a Committee.

On motion, resolved that Mr. Johnston, Mr. Tillman, Mr. Benbury, Genl. Person, Mr. Locke and Mr. Fifer be a Committee to take into consideration the petition of the executors of Richard Blackledge, deceased, and make report thereon to the House.

Mr. Hooper moved for leave to bring in a Bill to call in all the bills of credit heretofore emitted in this State when dependent on Great Britain and to redeem the same by emissions of other monies in lieu thereof.

Ordered that he have leave accordingly.

On motion, resolved that Genl. Butler, Genl. Person, Mr. Whitmill, Hill, Mr. G. Hill and Mr. Tillman be a Committee on the part of this House to act in conjunction with such gentlemen as shall be appointed on the part of the Senate to prepare and bring in a Bill to establish a Loan Office in this State, agreeable to the recommendation of Congress. That the same be signified to the Senate.

A. Nash, S. C.

Whereas, in the present critical situation of the American Continent it would be dishonorable to this State, highly injurious to the public service and may possibly involve ill consequences of the most serious nature to America at large, that the Officers of the Troops raised as the quota of this State for the Continental Army should quit their posts and resign the several offices to which they have been appointed; and the Assembly from the representation of their delegates having reason to apprehend that many resignations may take place unless some measures are immediately adopted, to prevent the same.

This House, therefore, do in the most positive and express manner resolve and declare that all and every Officer of the Troops raised in the State of North Carolina who shall, unless for good and sufficient reasons certified to the Governor, to be such by the Commander in Chief of the Continental Army, resign his commission at this critical period shall be held and deemed incapable of holding hereafter any office, civil or military, in the gift of this State; and it is further resolved that a copy of this be forwarded by His Excellency the Governor to His Excellency General Washington and that it also be published in the newspapers of this and the neighboring States.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House respecting the officers of the Continental Army furnished by this State.

A. Nash, S. C.

Mr. Green Hill moved for leave to bring in a Bill to prevent abuses in taking up stray horses, cattle and hogs.

Also, a Bill declaring what fences are sufficient, and to provide a remedy for abuses, &c.

Ordered that he have leave accordingly.

Resolved that Mr. James Davis, Printer to the State, be directed to print all the acts of the last session of Assembly not yet printed.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House directing Mr. James Davis, Printer to the State, to print the remaining acts of the last session not yet printed.

The House adjourned 'til to-morrow morning 9 o'clock.

Friday, 21 November, 1777.

The House met according to adjournment.

Mr. James Wilson, one of the members for Burke County, appeared and was qualified. Mr. John Collier, one of the members for Guilford County, appeared.

Rec'd from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return your resolve relative to the officers of the Continental Army furnished by this State, with which this House concur. Sam Ashe, S. S.

At the same received the resolve of this House, referred to in the above Message. Endorsed in the Senate November 20, 1777. Read and concurred with. Sam Ashe, S. S.

Mr. Benbury moved for leave to present a Bill for erecting a prison in the Town of Edenton, &c., &c.

Ordered that he have leave accordingly.

Mr. Benbury presented the said Bill which he read in his place and delivered in at the table where it was again read. Passed and ordered to be sent to the be sent to the Senate,

Sent by Mr. Benbury and Mr. Alston.

Rec'd from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return the resolve of your House for appointing a joint committee to prepare and bring in a Bill for establishing a loan office in this State, with which we concur, and have appointed, on the part of this House, Mr. Hunt, Mr. Maclaine and Mr. Lanier, to act with the gentlemen by you appointed, as a Committee for the purpose aforesaid. Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate 20 Nov., 1777.

Read and concurred with. Sam Ashe, S. S.

On motion resolved that Mr. Jones, Mr. Locke, Gen. Person, Gen. Butler, Mr. Cobb, Mr. Johnston and Mr. Benbury be a Committee on the part of this House to act in conjunction with the

committee appointed on the part of the Senate to prepare and bring in a Bill for erecting a State House, Treasurer's office, Land office and Secretary's office in the most convenient and central part of this State.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

This House have received and considered your Message appointing a committee to act in conjunction with such gentlemen as should be appointed on the part of this House, to prepare and bring in a Bill for erecting a State House, &c.; and have on their part appointed Mr. Jones, Mr. Locke, Gen. Person, Gen. Butler, Mr. Cobb, Mr. Johnston and Mr. Benbury to act with the gentlemen appointed by you for the purpose above mentioned.

A. Nash, S. C.

The House resumed the consideration of the petition of Pleasant Skeler, and ordered that it be referred to the Committee of Claims.

On reading the petition of Mr. James Davis, resolved that a further sum of one hundred pounds be added to his salary as public printer to this State.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House allowing Mr. James Davis, printer to this State, a further sum of one hundred pounds per annum.

A. Nash, S. C.

Read two petitions from sundry persons called Quakers.

Resolved, that the same, together with the Treason Act passed the last Session of Assembly be referred to a committee of both Houses, and that Mr. Courtney, Mr. Hooper, Mr. Green Hill, Gen. Butler, Gen. Person, Mr. Benbury, Mr. Atkinson, Mr. Stone and Mr. Nathan Bryan be appointed on the part of this House for the purposes aforesaid.

A. Nash, S. C.

Ordered that the above resolve, &c., be sent to the Senate:

The House adjourned 'til to-morrow morning 9 o'clock.

Saturday, 22 November, 1777.

The House met according to Adjournment.

Mr. Benjamin Ward, one of the members for Bute County, appeared.

Received from the Senate the Bill for establishing Courts of Law and Justice, and for regulating the proceedings therein mentioned. Endorsed in the Senate 20th November, 1777. Read the first time and passed.

Read the petition of a number of the inhabitants of Bute County praying against the Division thereof.

Resolved, that if any member of this House shall fail to attend according to adjournment without a sufficient excuse, he may, on motion, be sent for in custody and fined one shilling, to be paid to the door-keepers.

Received from the Senate the Bill for dividing Bute County into two distinct Counties and other purposes therein contained. Endorsed, in the Senate 21st November, 1777. Read the second time and passed. Ordered that the said Bill be read the second time, read the same the second time and it was rejected.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House for allowing Mr. James Davis, printer to this State, a further sum of one hundred pounds with which this House concur. Saml Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 21st. Nov., 1777. Read and concurred with. Saml Ashe S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House have received your Message respecting a petition from a number of Quakers in Perquimons County, and have on our part appointed Mr. Battle, Mr. Coor, and Mr. Luke Sumner as a Committee to act with yours to take the same into consideration.

Saml Ashe, S. S.

Received from the Senate the Bill for erecting a prison in the town of Edenton, &c.

Endorsed in the Senate, 22nd Nov., 1777. Read the first time and passed.

Ordered that the said Bill be read the second time, read the same the second time and passed, and ordered to be sent to the Senate.

Sent by Mr. Eason and Mr. Lord.

Mr. Thomas Owen moved for leave to present a Bill for adding part of Anson County to Bladen County. Ordered that he have leave accordingly.

Mr. Owen, according to order, presented the said Bill, which he read in his place, and delivered in at the table, where the same was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Eason and Mr. Lord.

On motion, resolved that Mr. Tillman, Mr. Locke and Mr. Atkinson be added to the Committee of Public Accounts.

On motion, resolved that Mr. Hooper, Genl. Butler, Mr. Johnston, Mr. Locke, Mr. Jones, Mr. Atkinson, Mr. Barber and Mr. Courtney be a Committee on the part of this House to report what Bills of general and public concern it will be necessary to prepare and bring in this session, who will act jointly with such gentlemen of the Senate as shall be appointed for that purpose.

A. Nash, S. C.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have added Mr. Tillman, Mr. Locke and Mr. Atkinson to the Committee of Public Accounts. A. Nash, S. C.

Ordered that the Committee appointed to correct and revise the Journals of the last session of Assembly be empowered to give a Clerk one hundred pounds for transcribing and preparing the said Journals for the press.

Received from the Senate the Bill for dividing Edgecombe County, and for other purposes therein mentioned.

Endorsed in the Senate, 22nd Nov., 1777, read the second time and passed.

Ordered that the said Bill be read the third time. Read the

same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Johnston and Mr. Boddie.

Received the following Message from the Senate:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House in favor of Capt. Ambrose Harper, together with his account. Sam Ashe, S. S.

At the same time rec'd the resolve of the Senate and account referred to in the above Message, which was rejected.

Ordered the same be signified to the Senate by the following Message:

Mr. Speaker and Gentlemen of the Senate:

This House have rec'd and considered your Message respecting an allowance to Capt. Ambrose Harper and cannot concur with it thinking it comes properly before the Committee of Claims.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House recommending to his Excellency the Governor that he immediately supercede Capt. John Vance, of the Artillery Company of this State, now on his march to the northward, who by the last Assembly was declared unworthy of the command of the said Company, but it appears has since been reinstated in his command by the Governor and Council, occasioned, as appears, by their not being thoroughly acquainted with the resolve of the General Assembly relative to said Vance.

Sam Ashe, S. S.

At the same time received the resolve referred to in the above Message, as follows:

Whereas, John Vance, Captain of the Artillery Company, now in Northampton County on their march to join Genl. Washington, was by the General Assembly in their last session broke for misbehavior in office, notwithstanding which he hath been since reinstated by advice of the Council of State, it appearing that the Governor and Council were not acquainted with the reasons of the report of the Committee.

Resolved, that the said John Vance still continues unworthy of holding any military office, and that it be recommended to the Governor to supersede him immediately before the said Company shall march. Sam Ashe, S. S.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return you the resolve of your House relative to John Vance, Captain of the Artillery Company concurred therewith. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received the resolve of yours for appointing a Joint Committee to report what Bills of public concern it will be necessary to prepare and bring in this session and have on their part appointed Mr. Allen, Jones, Mr. Maclaine, Mr. Coor, Mr. Hart and Mr. Speaker, to Act with the Gentlemen by you appointed for purpose aforesaid.

Sam'l Ashe.

At the same time received the Resolve of this House referred to in the above Message.

Endorsed in the Senate Nov. 22d, 1777.

Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have rec'd your Message directing Mr. James Davis, printer to this State, to print all the Acts of the last session of Assembly not yet printed and concur therewith.

Sam'l Ashe, S. S.

At the same time received the Resolve of this House referred to in the above Message.

Endorsed in the Senate 21st Nov., 1777. Read and concurred with. Sam'l Ashe, S. S.

Read the petition of John Smith, of Anson County, praying that a bond he gave to the Justices of the Court of said County (in consequence of his bearing in arms against the State) should not be forfeited.

Ordered that said petition lie over for consideration.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House directing Col. John White, of the State of Georgia, his officers or Soldiers, to deliver up a certain James Rowling, to Capt. Pile, or his order, it appearing to this House from the examination of Col. White and Capt. Pile, that said Rowling, had entered on board the Vessel of said Pile, now lying in this Harbour and has contrary to the articles by him signed quit and is now on his way to South Carolina, in Company with Col. White's Waggons. Sam Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, which was ordered to lie over for consideration.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Capt. Robert Porter, together with the petition of said Porter which induced this House to enter into such resolve.

Saml. Ashe, S. S.

At the same time received the resolve and petition referred to in the above Message, which were rejected.

Read the petition of Felix Kenon, praying to be permitted to collect his arrears of taxes in Duplin County.

Ordered that the same be referred to Mr. Jones, Mr. Person, Mr. Bryan and Mr. Dixon, who are appointed a Committee to take said petition into consideration.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons.

We herewith send for your concurrence a resolve of this House for appointing a Committee to act in conjunction with such gentlemen

as you may appoint for the purpose of ascertaining what sum per ration is sufficient.
Saml. Ashe, S. S.

At the same time received the resolve referred to in the above Message, which was ordered to lie over for consideration.

Resolved that the House will, on Monday next, resolve itself into a Committee of the Whole, to take into consideration the Bill for establishing Courts of Justice in this State, &c., and to make the necessary amendments therein.

On motion, resolved that Genl Thomas Person, Mr. Thomas Owen and Mr. John Spicer be commissioned on the part of this House to act jointly with such gentlemen as shall be appointed by the Senate to settle the accounts of the public with John Wilcox, relative to the Iron Works in Chatham County, &c., it having been left undone the last session of the General Assembly; and also to hire out the slaves that have been employed on the said Works for, or on account of, the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

As the resolve of the last session of General Assembly relative to the Iron Works in Chatham County has not been carried into execution, owing to the two Houses having failed to appoint Commissioners to settle with John Wilcox agreeable to the report of the Joint Committee, and the resolve of the General Assembly, and it being necessary that there should be Commissioners appointed for the purposes aforesaid; this House have nominated Mr. Owen, Mr. John Spicer and Genl. Thos. Person to act jointly with such gentlemen as you shall appoint to settle with the said Wilcox as directed by said report, and also to hire out all the slaves that have been employed on the said Works for or on account of the public.

A. Nash, S. C.

Report of the Committee of Inquiry into the conduct of Colo. Abraham Sheppard and the officers of the Tenth Regiment and the reasons of delay of the march of said Regiment to join Genl. Washington, &c., &c., Mr. Maclaine, Chairman; Mr. Jones, Clerk.

Your Committee having obtained all the information that could be had at present, and having duly considered the same, do find by a resolve of the General Assembly, bearing date 17th of April, 1777, that Abraham Sheppard was appointed to the command of a Regiment (now the tenth) with certain powers and under certain restrictions, that such soldiers as should be inlisted into the said Regiment were to be under continental regulations; and that the Commissary of Stores was directed to supply every soldier so enlisted with a suit of clothes, as directed by the Continental Congress. That His Excellency, the Governor, in consequence of the aforesaid resolve and the directions of the General Assembly, issued recruiting instructions to Colo. Abraham Sheppard, dated the 9th of May, 1777, by the 13th Article of which the said Abraham Sheppard was enjoined to make Kingston the rendezvous of his Regiment and to make return of his success in recruiting on the first day of July this next, and thereafter on the tenth day of every month, or oftener if required, and to hold himself in readiness, with the officers and soldiers under his command, to march, at the shortest notice, to join the Continental Army. That the Council of State, on proof made to them that Colo. Sheppard and the officers under his command had raised 328 privates previous to the first day of July last, recommended to his Excellency (by resolve of 5th of Aug., 1777,) to grant commissions to such officers as were necessary to complete the Battalion. That the Continental Congress, by resolve dated June 17th, 1777, admitted Colo. Sheppard's Battalion of the Continental Establishment, on his compliance with the terms stipulated with the State of North Carolina and directed that as soon as 300 rank and file should be enlisted, Colo. Sheppard should march his Battalion with all possible expedition to join Genl. Washington, only leaving proper officers to recruit; and that, in consequence of the above, His Excellency issued Continental Commissions to Colo. Sheppard and the officers under his command, as many as were necessary to complete the Battalion, but for various reasons, which may appear by His Excellency's letter to the Committee, deferred ordering the said Battalion to the northward until the 15th day of September, when His Excellency issued orders directing Colo. Sheppard to march the Battallion under his command and the Artillery Company under Capt. John Vance (which had also been received on the

Continental Establishment) from Kingston on the 25th day of September with the greatest expedition to Richmond town in Virginia, there to remain until he received further orders, directing a speedy return of such articles as he would actually stand in need of on his march, that His Excellency might make the necessary provision. That the said Battalion and Artillery Company marched accordingly on the 25th of September, and that His Excellency, some few days after, sent further orders to Colo. Sheppard to proceed immediately to headquarters and join Genl. Washington's Army with the utmost expedition. That Colo. Sheppard arrived with the said Battalion and Artillery Company on the north side of Roanoke, in Northampton County, on the 6th of October; and the said Sheppard, after staying there a few days, left the Battalion and returned to Dobbs County, suggesting for reasons, in his letter of the 14th October, to His Excellency, that the Commissary of Stores was not at Halifax, and that Colo. Long had informed him there were neither shoes, breeches, blankets nor stockings for the soldiers, and that His Excellency saw Col. Sheppard soon after, and advised him to return and endeavor to proceed on his march.

Your Committee further find, by return made and information obtained from Mr. Craike Commissary of stores that cloathing &c., to a considerable amount were delivered to the tenth battalion previous to the 7th of October, and that Colo. Long on the said 7th of October, (Mr. Craike being then absent from Halifax, using his endeavors to purchase continental stores) delivered the remaining &c then on hand, that after this there was a considerable deficiency of hats, breeches, shoes, blankets and stockings, quoad the said tenth battalion; but that he, Mr. Craike had furnished the Artillery company with coats, shirts, spatterdashs, breeches and two pair of shoes to a man, lacking 12 pair within 12 months past and had supplied them with eight blankets only they having never applied for any more though there were Blankets on hand, until they reached Kingston, that he had inferred from their conduct, they did not want blankets, but had supplied themselves and wanted to make a claim therefor, but that he did not know whether they had done so or not. Mr. Craike also informed the Committee that he had now provided a sufficient quantity of shoes for the said tenth Battalion and Artillery company. Your Committee further

find that Col. Sheppard did repair from Dobbs County to his Battalion in Northampton County, but instead of proceeding on his march, soon returned again to his Excellency the Governor, with a memorial from his officers and the officers of the Artillery, to which your Committee beg leave to refer. Upon the whole it appears to your Committee that his Excellency the Governor, has by every possible means in his power encouraged the recruiting of the tenth Battallion; that he has endeavored to excite Col. Sheppard and his officers to a discharge of their duty, by urging them on every principle of honor, love of liberty and of their Country; that he ordered the said Col. Sheppard to march, as expeditiously as possible, to headquarters to join General Washington; and that at the time of year, when these orders were given and received, the weather was so moderate that the said Col. Sheppard with the troops under his command might have marched without much inconvenience from whence your Committee conceive that Col. Sheppard and the officers under his command have disobeyed orders on frivolous and insufficient reasons; that their conduct casts a shade not only on themselves but in some measure draws a reflection on this State, and that to do away with this the only proper way is to behave like soldiers in the future, therefore that they may have an opportunity of so doing, resolved that his Excellency the Governor, be desired to order Col. Sheppard, with the tenth Battalion and the Artillery company immediately on to the northward.

Resolved also, That the commanding officer of the said Battalion shall return to his Excellency a list of the names of such officers and soldiers as shall refuse or decline marching according to order, which list shall be published in the newspapers of this and the neighboring States; and that such officers and soldiers shall for the future be deemed deserters of the cause of Liberty, and be held unworthy to hold any office or place of trust or profit in this State, and shall be incapable of bringing suits, or taking by purchase, or otherwise, or disposing of any messuages, lands, tenements, or hereditaments within the same, and shall and may be treated as deserters wheresoever they may be found.

It appearing to your Committee that Benjamin Sheppard, a person strongly suspected of being concerned in passing counterfeit money, has been appointed paymaster to the tenth Battalion, and that Alexander Outlaw, who has long laboured under a bad character,

for practices of the like nature, and was under recognizance to have appeared at the last Court of Oyer at Wilmington (which recognizance he has forfeited by his non-appearance), has been appointed Quartermaster to the said Regiment.

Resolved, that the said Benjamin Sheppard and Alexander Outlaw be declared unworthy of holding the said offices.

Your Committee being informed, by a gentleman called before them, that he had purchased from one of the officers of the tenth Battalion, a certificate to exempt him from militia duty, for which he paid a valuable consideration, but that he did not enlist any person himself, and being further informed that other certificates had been granted in the same manner.

Resolved, as the opinion of your Committee, that such certificates do not come within the meaning of the resolves of the General Assembly which required that the militia men exempted from duty should themselves make the enlistment, and therefore that no militia man should be exempted from duty by virtue of any certificate fraudulently granted.

Your Committee also inquired into the state of the Continental stores now on hand, but could not obtain a particular account, nor can it be had until the Commissary's return to Newbern; however from the information laid before them respecting the manner of keeping the stores, your Committee apprehend there is danger of the gunpowder being lost or spoiled, for that the houses wherein it is lodged in different parts of the State are very improper, and being in places very distant from one another, the Commissary cannot pay the necessary attention to the whole. Your Committee are therefore of opinion that a magazine should be built for the reception of the bulk of the military stores, and that the Commissary be empowered to employ certain persons, paying a reasonable sum for services performed, to receive and deliver out in his absence such detached stores as may be necessarily lodged elsewhere.

Your Committee were informed by the Commissary that blankets might be purchased in Charlestown.

A. Maclaine, Chairman.

The House taking the said report into consideration, resolved that they do concur therewith.

Ordered that the said report be sent to the Senate, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send you the report of the Committee of Inquiry, into the conduct of Colo. Abraham Sheppard and the other officers of the tenth regiment, and the reasons of delay of the march of said regiment to join Genl. Washington, &c., &c.

Concurred with by this House. A. Nash, S. C.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

At the last Session of this General Assembly a certain Joseph Singletary (a soldier in the service of this State) was allowed by this House, twenty pounds, and ten pounds per annum afterwards, until the General Assembly should otherwise direct in consideration of his having lost an arm, by accident when in said service. The resolve of this House in his favour having not been heretofore sent up to the Senate for their concurrence, we now send it and hope it will meet with your approbation.

We also send you the petition of said Singletary for your further information. A. Nash, S. C.

The House adjourned 'til Monday morning 10 o'clock.

Monday, 24th November, 1777.

The House met according to adjournment.

The order of the day being read, for taking into consideration the Bill for establishing Courts of Justice in the State, &c., and to make the necessary amendments therein.

The House resolved itself into a committee of the whole account and chose Thomas Benbury, Esquire, Chairman, and after sometime spent therein came to several resolutions.

Then on motion Mr. Speaker resumed the chair and Mr. Chairman reported that the committee had come to several resolutions thereon but not having time to reduce them to form, desired leave to sit again tomorrow.

Ordered that the said committee have leave to sit again tomorrow.

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

Tuesday, 25 November, 1777.

The House met according to adjournment.

Resolved that it is the opinion of this House that it be recommended to the Committee of Claims to allow the Adjutants of the several Counties in this State at the rate of seven shillings and six pence per day for each day when on actual service.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen:

I have received by the hands of the assistant Clerk of the House of Commons, a resolve of your honorable body, recommending to me to supercede Capt. John Vance immediately, in his command of the Artillery Company. I wish to comply with your resolutions in every instance in which I think the Constitution will support me; in the present case, as the General Assembly is sitting I apprehend the appointment of the officer to command the Artillery Company is in that body, and of course the other officers under his command. Had the General Assembly filled the vacancy by such appointment on their declaring Capt. Vance should be broke last Session, 'tis probable there would not have been occasion for the late inquiry respecting him.

If your Honorable Body will be pleased to appoint the officers in the Artillery Company, I will without delay furnish them with commissions. By the last return which I received of that Company it appears the following persons were officers, viz: John Kingsbury, First Lieutenant; Philip Jones, Second Lieutenant; James Wall, Third Lieutenant, and John Curlew Vance, Lieutenant fire worker. If you think those persons shall rise in regular succession there will then remain a vacancy for the latter office, for which appointment I take the liberty of recommending Robert Douglass, who has acted some time as Adjutant to that Company, and who appeared to me to be very diligent, active and well acquainted with discipline.

R. Caswell.

Resolved, that it be requested of His Excellency the Governor to fill up commissions for the officers in the Artillery Company in regular succession to the vacancy made by the removal of Capt.

John Vance, and grant a commission to Mr. Robert Douglass as Lieutenant fire worker.

Ordered that the above resolve be sent to the Senate for concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

This House recommend to His Excellency the Governor to fill up the vacancies in the Artillery Company, which will be occasioned by the removal of Capt. Vance, agreeable to the recommendations of His Excellency herewith sent you.

A. Nash, S. C.

Received from His Excellency the Governor the following Message:

Gentlemen:—

Capt. Caswell, of the Fifth Batalion of Continental Troops raised in this State, being sent from head quarters for the express purpose of apprehending deserters, from the several Regiments raised here, has produced to me his orders, a copy of which I lay before you, to the end he may be enabled to carry them into execution, by your giving orders that he be supplied from the Treasury with the necessary sum for the purposes aforesaid. Capt. Caswell, informs me there are some other officer who have returned from head quarters with similar orders to those given him. I submit to your Honorable Body, the expediency of passing a resolve which may answer the same purposes for each officer who is appointed to this service.

R. Caswell.

At the same time received a copy of the instructions given Capt. Caswell, referred to in the above Message, which was ordered to be referred to Mr. W. Hill, Mr. Hooper, Mr. Jones and Mr. Edmunds, who are appointed a Committee on the part of this House to act jointly with such Gentlemen as shall be appointed of the Senate to take the said instructions, &c., into consideration and make the necessary provisions therefor.

Ordered the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have appointed Mr. W. Hill, Mr. Hooper, Mr. Jones and Mr. Edmunds a committee on their part, who will act jointly with such gentlemen of the Senate as shall be appointed to take

into consideration the instructions, given Capt. Caswell and make the necessary provision therefor, a copy of which, together with a Message from His Excellency the Governor relative to the said instructions is sent you.

A. Nash, S. C.

Received from the Senate the following Message.

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your perusal several letters from Mr. Robertson, Superintendent of Indian Affairs, the consideration of which this House have referred to a committee of both Houses, and have on their part, appointed Mr. Carter, Mr. Lanier, Mr. Hart, and Mr. McDowell to act in conjunction with such gentlemen as you may appoint to take the same into consideration and make report thereof.

Sam Ashe, S. S.

Ordered the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered your Message with sundry letters from Mr. Robertson, Superintendent of Indian Affairs, also appointing a committee to act jointly with such gentlemen as should be appointed by this House to take the same into consideration, and do on their part appoint Mr. Haywood, Mr. Edmunds, Mr. Sevier, Mr. Maclaine and Genl. Person for the purposes above mentioned.

A. Nash, S. C.

Mr. Thomas Rifle has leave of absence the remaining part of the Session.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House, on reading the Bill for the division of Edgecombe County, propose that the words "it is hereby enacted" be inserted in the ninth line of the first page immediately after the word "and," and the words "Supreme Court of Law and Justice" be inserted in the twelfth line of the third page of the said Bill, if your House approve of the proposed amendment, please send two of your body to see the alteration made.

Sam Ashe, S. S.

The Members sent are Mr. _____

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send the Memorial of John Edge Tomlinson setting forth that he has, contrary to the laws of this State, been dispossessed of a certain Indian slave named Peter, by Alexander Gaston and William Tisdale, Esquires; and a resolve of this House appointing Genl. Rutherford, Mr. Maclaine, Mr. Alexander and Mr. Corrie a Committee to act jointly with such gentlemen as you may appoint to inquire into the matter set forth in said Memorial.

Saml. Ashe, S. S.

At the same time rec'd the resolve referred to in the above Message.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered your Message relative to John Edge Tomlinson with the Memorial of said Tomlinson therein referred to; also appointing a Committee to act jointly with such gentlemen as should be appointed by this House to take the same into consideration, and do on their part appoint Genl. Person, Mr. Benbury and Mr. Swann a Committee for the purposes above mentioned.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received and considered the resolve of yours for appointing Commissioners to act in conjunction with Commissioners from this House for the purpose of settling the public accounts with John Wilcox, and also to hire out the slaves that have been employed on the said Works for or on account of the public, and have appointed Mr. Hart, Mr. Ramsey and Mr. Lanier Commissioners to settle the accounts, but it is the opinion of this House that instead of hiring the negroes out that it would be the most advisable measure to sell the same, and wish your House to take the same into consideration.

Saml. Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have rec'd and considered your Message informing that you have appointed Commissioners to act jointly with the Commissioners already appointed on the part of this House to settle the public accounts with John Wilcox relative to the Iron Works in Chatham Connty, &c., &c. We also observe you recommend to the consideration of this House whether it would not be more expedient to sell the negroes of Thomas McKnight, which have been hired there on account of the public, than to hire them out as recommended by this House in a former Message.

This House do not think it necessary to sell the slaves of the said McKnight at this juncture, and therefore would be excused from concurring with you in this measure.

A. Nash, S. C.

On motion, resolved that Mr. Thomas Rifle be empowered to hire out a certain negro (the property of Thomas McKnight) that is now running at large in the County of Pasquotank.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering Mr. Thomas Rifle to hire out a certain negro, the property of Thomas McKnight.

The order of the day being read for taking into further consideration the Bill for establishing Courts of Justice in this State, &c., and to make the necessary amendments therein, the House resolved itsef into a Committee of the whole accordingly, Thomas Benbury, Esquire, in the chair, and after some time spent therein came to several resolutions.

Then, on motion Mr. Speaker resumed the chair, and Mr. Chairman reported that the Committee had come to several resolutions thereon, but not having time to reduce them to form desired leave to sit again to-morrow.

Ordered that the said Committee have leave to sit again to-morrow.

Mr. Sevier moved for leave to present a Bill for erecting the District of Washington into a distinct County by the name of _____ County.

Ordered that he have leave accordingly.

Mr. Sevier according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Bass and Mr. Boddie.

The House adjourned till to-morrow morning, 9 o'clock.

Wednesday, 26 November, 1777.

The House met according to adjournment.

Resolved that the Commissioners appointed on the part of this House to settle the public accounts of John Wilcox be a Committee to act jointly with such gentlemen of the Senate as shall be appointed, to examine the accounts of the Superintendent of said Iron Works.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for empowering the Commissioners appointed by this House for settling the public accounts of John Wilcox to act in conjunction with such gentlemen as shall be appointed by your House to examine the accounts of the Superintendent of the said Iron Works.

A. Nash, S. C.

On motion, Resolved that Mr. John Council Bryan be appointed Sergeant at Arms to this House.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered your Message informing you have appointed a Committee to act jointly with such gentlemen of this House as should be appointed for the purpose of ascertaining the price of rations, and do on their part appoint Mr. Locke, Mr. Edmunds, Mr. Person, Mr. Bass, Mr. Williams, Mr. W. Hill, Mr. Green Hill, Mr. Tillman, and Mr. Chadwick, for the purposes above mentioned.

A. Nash, S. C.

Read the petition of Jesse Goodwin praying relief, he having lost the use of one of his arms.

On motion, resolved that the said Jesse Goodwin be allowed the sum of ten pounds, and the same sum per annum afterwards until the General Assembly shall otherwise direct, that the Treasurers, or either of them pay him the same, and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of Jesse Goodwin, together with the petition of said Goodwin. A. Nash, S. C.

On motion, resolved that John Doake, who was paroled to the County of Orange in this State, be liberated on his taking the oath appointed to be taken by disaffected persons, and in case the said John Doake refuses to take said oath, that then he be banished the State, agreeable to the laws thereof.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for liberating John Doake. A. Nash, S. C.

Rec'd from the Senate the following Bills:

A Bill for erecting a prison in the town of Edenton, &c. Endorsed in the Senate Nov. 26, 1777, read the second time and passed.

A Bill for adding part of Anson County to Bladen County. Endorsed in the Senate Nov., 24, read the first time and passed.

A Bill for adding part of the County of Duplin to Johnston. Endorsed in the Senate 24th Nov. 1777, read the first time and passed.

Mr. Green Hill, according to order presented a Bill to prevent abuse in taking up stray horses, cattle, hogs, and sheep and other things therein mentioned, which was ordered to be read, read the same the first time and passed.

Ordered to be sent to the Senate.

Sent by Mr. Owen and Mr. Williams.

Mr. William Slade one of the members of Martin County, appeared.

The order of the day being read for taking into further consideration the Bill for establishing Courts of Justice in this State &c., and to make the necessary amendments therein.

The House resolved itself into a Committee of the whole accordingly, Thomas Benbury Esqr., in the Chair, and after sometime therein came to several resolutions.

Then on motion, Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee had come to several resolutions thereon and was ready to report the same to the House.

Ordered that the same be referred till tomorrow.

Resolved that tomorrow be set apart for reading the Bill for establishing Courts of Justice in this State, &c., and making the amendments therein as proposed by a Committee of the whole House.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House appointing Mr. Coor, Mr. Respass, Mr. Salter and Mr. Maclaine a Committee, to act jointly with such gentlemen as you may appoint, to consider the petition of John Sheppard commander of the scow called the Diamond; together with the petition of said Sheppard which will inform you of the reasons which induced this House to appoint such Committee.

Saml Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message which was read and concurred with.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

This House have received and considered the Message and resolve of yours appointing a Committee to act jointly with such gentlemen of this House as should be appointed, to consider the petition of John Sheppard commander of the scow called the Diamond; and do on their part appoint Mr. Jones, Mr. Hooper, Mr. Person, Mr. Lord and Mr. W. Hill as a Committee for the purpose aforesaid.

A. Nash, S. C.

Received from Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your perusal the petition of William Graham which this House wish to refer to the Committee of claims.

Sam'l Ashe, S. S.

At the same time received the petition referred to in the above Message which was read and ordered to be referred to the Committee of claims.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your message and resolve in respect to the filling up the vacancies in the Artillery, which will be occasioned by the removal of Capt. Vance, and concur with the same, and this House recommend that a Message be sent to his Excellency the Governor for that purpose and are of opinion that the same ought to be sent by some of your members.

Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate 25th Nov. 1777.

Read and concurred with.

Sam'l Ashe, S. S.

On motion resolved, that the following warrant be issued.

Whereas it appears that a certain William Blount has been guilty of a high insult and indignity to, and a breach of the privilege of this House, by committing a violent, deliberate and premeditated outrage on the person of the honorable the Speaker in the streets of Newbern; these are therefore to authorized and command you to take into your custody the said William Blount and him safely keep so that you have him before the House when thereto required.

To John Council Bryan, Sergeant at Arms to execute and return.

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

Thursday, 27th, Nov. 1777. The House met according to adjournment.

Received from the Senate the following Bills:

A Bill for erecting the District of Washington into a distinct County by the name of _____ County. Endorsed in the Senate, 26th Nov. Read the first time and passed.

A Bill to prevent abuses in taking up stray horses, cattle, hogs and sheep and other things therein mentioned.

Endorsed in the Senate Nov. 26th, 1777.

Read the first time and passed.

A Bill for encouraging the settlement of the western part of this State, and other purposes therein mentioned.

Endorsed in the Senate Nov. 26th, 1777.

Read the first time and passed.

A Bill to amend the staple of Tobacco and prevent frauds.

Endorsed in the Senate Nov. 26th, 1777. Read the first time and passed.

The Sergeant at Arms having brought before the Bar of the House, William Blount, who was charged with being guilty of a high insult and indignity to this House and a breach of the privilege thereof, by committing a violent, deliberate and premeditated outrage on the person of the Honorable the Speaker in the streets of Newberne. The said William Blount, was called upon and made acquainted with the charge and acknowledged the outrage, but declared that he had no intention to insult or offend the House, or the Honorable the Speaker, whereupon the House resolved that the said William Blount, be discharged upon asking pardon of the Honorable the Speaker, and the House; and he asked pardon accordingly.

Ordered that he be discharged, paying costs.

Mr Gordon, according to order presented a Bill erecting part of the County of Surry and part of the District of Washington into a separate and distinct County by the name of _____ which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate, sent by Mr. Lord and Mr. Williams.

Mr. Owen, moved for leave to present a Bill for securing lots in Elizabeth Town, in Bladen County.

Ordered that he leave accordingly.

Mr. Owen, according to order presented the said Bill which he read in his place and delivered in at the table where it was again read passed and ordered to be sent to the Senate. Sent by Mr. Lord and Mr. Williams.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received the resolve of yours for allowing Jesse Goodwin, the sum of ten pounds; likewise an annuity of ten pounds till the General Assembly shall otherwise direct, and concur therewith. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message. Endorsed in the Senate Nov. 27th, 1777. Read and Concurred with. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

Ws herewith return you the resolve of your House in favor of Joseph Singletary.

Concurred with by this House. Sam'l Ashe, S. S.

Endorsed in the Senate Nov. 27th, 1777. Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message;

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message respecting John Doake and concur therewith.

Sam Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message empowering the same Commissioners as was appointed to settle with John Wilcox, to

examine the accounts of the Superintendent of said Iron Works in Chatham County, and do concur with the same, and we also empower the same Commissioners that were appointed by this House to act with yours for the above purpose.

Sam Ashe, S. S.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message appointing a committee to act jointly with a committee from this House to take into their consideration the instructions given Captain Caswell and make the necessary provision, &c. We have on our part appointed Gen. Jones, Mr. Hart and Mr. Luke Sumner for the above mentioned purpose.

Sam Ashe, S. S.

Received from the Senate the following Bills:

A Bill for securing lots in Elizabeth Town, in Bladen County.

Endorsed in the Senate 27 Nov., 1777.

Read the first time and passed.

A Bill for erecting part of the County of Surry and part of the District of Washington into a separate and distinct County by the name of —— County.

Endorsed in the Senate, 27 Nov., 1777.

Read the first time and passed.

Mr. Green Hill moved for leave to take out the Bill to prevent abuses in taking up stray horses, &c., &c., &c., to make some amendment therein.

Ordered that he have leave accordingly.

The several matters to this day referred, being postponed.

The House adjourned till tomorrow 10 o'clock.

Friday, 28 November, 1777. The House met according to adjournment.

The House adjourned till 4 o'clock.

The House met according to adjournment.

Mr. Saml. Swann has leave of absence.

On motion, resolved that Mr. John Green and Mr. Lord be added to the joint committee appointed to take into consideration the petition of John Edge Tomlinson.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House recommend to the consideration of the Senate whether it would not be expedient that the Iron Works in Chatham County be delivered up to John Wilcox, he first giving bond with sufficient security to the commissioners appointed by this present Session of Assembly to settle the public accounts with said Wilcox, &c., for the repayment of the money heretofore advanced him by the public. A. Nash, S. C.

Ordered that the Bill to amend the staple of tobacco and prevent frauds, be read, read the same the first time and passed. Ordered to be sent to the Senate.

Sent by Mr. Sevier and Mr. Williams.

Mr. Benbury moved for leave to present a Bill for the regulation of the Town of Edenton.

Ordered that he have leave accordingly.

Mr. Benbury according to order presented the said Bill which he read in his place and delivered in at the table where it was again read. Passed and ordered to be sent to the Senate.

Sent by Mr. Sevier and Mr. Williams.

Ordered that the Bill for erecting the District of Washington into a County by the name of Washington County, be read the second time. Read the same the second time, amended and passed, and ordered to be sent to the Senate.

Sent by Mr. Sevier and Mr. Williams.

Ordered that the Bill for erecting part of the County of Surry and part of the District of Washington into a separate and distinct County by the name of _____ County be read the second time. Read the same the second time and passed.

Ordered to be sent to the Senate.

Sent by Mr. _____

On motion, resolved that this House will not receive any new Bill after Saturday the sixth day of December next.

Ordered that the Bill for securing lots in Elizabeth Town, Bladen County, be read the second time. Read the same the second time. Passed and ordered to be sent to the Senate.

Sent by Genl. Person and Mr. Barber.

Ordered that the Bill for adding part of the County of Duplin to Johnston, be read. Read the first time and passed. Ordered to be sent to the Senate.

Sent by Genl. Person and Mr. Barber.

Ordered that the Bill for adding part of Anson County to Bladen County be read the second time. Read the same the second time and passed. Ordered to be sent to the Senate.

Sent by Genl. Person and Mr. Barber.

Ordered that the Bill encouraging the settlement of the western part of this State, and other purposes therein mentioned, be read. Read the same the first time and passed. Ordered to be sent to the Senate.

Sent by Genl. Person and Mr. Barber.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House in favor of Mr. Robert Lanier, also a deposition of Mr. Lanier, which induced this House to enter into such resolve. Sam Ashe, S. S.

At the same time received the resolve of the Senate, &c., referred to in the above Message as follows:

Read the deposition of Robert Lanier setting forth that a Certificate which was granted him by the last Halifax Congress is either lost or mislaid and should it hereafter come to hand, that he will destroy it.

Resolved that a new Certificate be granted to Mr. Robert Lanier for the sum of thirty-seven pounds and six pence, and that the Treasurers or either of them pay him the same and be allowed in their accounts with the public.

Sam Ashe, S. S.

The House taking the said Message and Resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return you the Resolve of your House in favor of Mr. Robert Lanier concurred with.

A. Nash, S. C.

Received from the Senate the following Message. Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Darcy Fowler now on parole in Duplin county. Sam'l Ashe, S. S.

At the same time received the Resolve of the Senate referred to in the above Message which was read and rejected.

Received from the Senate the following Message: Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House directing the Committee of Claims to allow the Commissaries of the independent and militia companies in this State who are or have been in service since the last session of Assembly the sum of one shilling and two pence per ration. Also a resolve of this House directing the Commissaries appointed in this State for the purpose of purchasing arms to buy no more and directing those who have not accounted with the public to account and settle with the next General Assembly. Sam'l Ashe, S. S.

At the same time received the resolve referred to in the above Message, as follows:

Resolved that the Commissioners appointed in the several Counties in this State to buy up arms, purchase no more, and that such Commissioners as hitherto have not accounted with the publick, do account and settle with the next General Assembly.

The House taking the above resolve into consideration concurred therewith, but cannot concur in allowing one shilling two pence per ration, deeming one shilling per ration sufficient allowance.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered your Message and

resolve thereon for ordering the Commissioners appointed to purchase arms, &c., to account with the Assembly for the money advanced them for such service, which this House concur with; the other for allowing the Commissaries one shilling and two pence for rations delivered the independent and military companies, &c., not concurred with, they thinking one shilling per ration a sufficient allowance. A. Nash, S. C.

The several matters to this day referred being postponed.

The House adjourned till to-morrow morning, 9 o'clock.

Saturday, 29th November, 1777. The House met according to adjournment.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House on reconsidering the resolve of yours relative to hiring out the negroes employed on the Iron Works in Chatham County on account of the public, concur therewith, and have nominated Mr. Hart, Mr. Ramsey and Mr. Lanier to act jointly with the Commissioners by you appointed for that purpose. We also concur with your resolve empowering Mr. Rifle to hire out a negro in Pasquotank County, the property of Thomas McKnight. Saml. Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message, empowering Mr. Thomas Rifle to hire out a negro in Pasquotank, the property of Thomas McKnight.

Endorsed in the Senate, November the 28th, 1777. Read and concurred with.

Saml. Ashe, S. S.

Mr. Benjamin Spruill, one of the Members of Tyrrell County, appeared.

Received from the Senate the following Bills:

A Bill to amend the staple of tobacco and prevent frauds.

Endorsed in the Senate, November 29th, 1777.

Read the second time, amended and passed.

A Bill for erecting the District of Washington into a County by the name of Washington County.

Endorsed in the Senate, 29th November, 1777. Read the second time and passed.

A Bill for the regulation of the Town of Edenton. Endorsed in the Senate, 28th November, 1777. Read the first time and passed.

A Bill concerning titles to lands, and for the limitation of actions. Endorsed in the Senate, November 29th, 1777. Read the first time and passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House think it necessary that the General Assembly proceed to appoint a Judge of the Court of Admiralty for Port Roanoke in the stead of Joseph Blount, Esqr., deceased, and purpose, if it be agreeable to the House of Commons, to ballot for a Judge of said Port on Monday next at 9 o'clock. Sam'l Ashe, S. S.

Ordered the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

This House have received and considered your Message proposing to ballot for a Judge of the Court of Admiralty for Port Roanoke on Monday next at 9 o'clock and concur therewith. A. Nash, S. C.

Received from the Senate the following Bills:

A Bill for encouraging the settlement of the western part of this State and other purposes therein mentioned. Endorsed in the Senate Nov. 29, 1777. Read the second time and passed.

A Bill for securing lots in Elizabeth Town in Bladen County. Endorsed in the Senate Nov. 29, 1777. Read and passed the second time.

A Bill for erecting part of the County of Surry and part of the District of Washington into a separate and distinct County by the name of Wilkes. Endorsed in the Senate Nov. 29, 1777.

Read the second time and passed.

A Bill for adding part of the County of Duplin to Johnston.

Endorsed in the Senate Nov. 29, 1777.

Read and passed the second reading.

Resolved that it is the opinion of this House that there is now no law in force in this State for the regulation of trade that will warrant the seizure of Vessels by the Collector of the Port of Edenton or by the Collector of any other port in this State.

Ordered that the above resolve be sent to the Senate together with the above Message.

Mr. Speaker and Gentlemen of the Senate:

This House have Resolved as their opinion, that there is now no law in force in this State for the regulation of trade and consequently none that will warrant the seizure of any Vessels which are or may be seized by the Collectors of any of the ports in this State.

We herewith send you the resolve above mentioned for your concurrence. A. Nash, S. C.

The order of the day being called for and read, Mr. Benbury, from the Committee of the whole House reported that it was the opinion of the Committee that the following amendments were necessary to be made in the Bill for establishing Courts of Law and for regulating the proceedings therein.

First clause, of three Judges any one or more of whom to hold a Court.

Ditto, matters of law shall not be decided but before two Judges or more.

The House taking the said amendment into consideration, concurred therewith, and

Ordered the same be inserted in the Bill accordingly.

Ordered that the said Bill be read with the amendments.

Read the same the second time with the amendments, passed and ordered to be sent to the Senate.

Sent by Mr. Hill and Mr. Lindsey.

The House adjourned till Monday morning, 10 o'clock.

Monday, 1 December, 1777.

The House met according to adjournment.

Mr. Hooper from the Joint Committee appointed to take into consideration the petition of a number of people called Quakers, and the act of Assembly for declaring what crimes and practices

against the State shall be treason, &c., &c., presented a Bill to amend an act for declaring what crimes and practices against the State shall be treason and what shall be misprision of treason and providing punishments adequate to crimes of both classes, and for preventing the dangers which may arise from persons disaffected to the State.

Ordered that the said Bill be read, read the same the first time and passed. Ordered to be sent to the Senate.

Sent by Mr. Benbury and Mr. Atkinson.

Mr. Hooper, according to order, presented a Bill to empower certain Commissioners therein named to erect fortifications for the defence of the river and harbour of Cape Fear and to make sale of the armed vessels belonging to this State and for other purposes therein mentioned, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to Senate.

Sent by Mr. Benbury and Mr. Atkinson.

The Sheriff of Orange County having certified that Thomas Burke, Esquire, was duly elected a Member of the House of Commons to represent the said County in General Assembly in the room of Nathaniel Rochester, Esquire, whose seat is vacated by his acceptance of the Clerk's Office for said County, whereupon the said Thomas Burke, Esquire, appeared, was qualified and took his seat accordingly.

On motion, resolved that the Commissary of the Tenth Regiment be furnished with thirty-five bushels of the public salt in this town and that the person who has the same in care be ordered to deliver him the same.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for furnishing the Commissary of the Tenth Regiment with a quantity of salt. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons

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Agreeable to your Message of Saturday last, this House propose

balloting immediately for a Judge of the Court of Admiralty for Port Roanoke, and put in nomination John Baptist Beasly, and have appointed Mr. Sam'l Jarvis on the part of this House to see the balloting fairly taken.

Saml. Ashe, S. S.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen,

I have in pursuance of your request issued orders to Colonel Abraham Sheppard to proceed with his Regiment and the Artillery Company immediately on to the northward to join General Washington and have filled up commissions for the officers of the Artillery Company.

I am informed that on the first of December there will be two months' pay due to those troops and that there is at least a probability of some inconveniences happening in case the men are marched before they are paid off. Therefore, as the Regimental Paymaster is discharged, I submit to you the expediency of appointing another, or directing the Deputy Paymaster General in this State to attend and pay the arrears due the said troops at the time aforesaid.

I beg leave to inform your honorable body that Mr. Thomas Williams, Commissary to the aforesaid Regiment, is waiting to have his public accounts settled, and hope his business will be expedited, as any delay in that particular may have a tendency to retard the march of the said troops.

Mr. Williams, at the time he accepted this appointment, suggested that it would be impossible for him to furnish provisions to the troops for the sum formerly allowed to Commissaries, owing to the high price every article had risen to, on which I assured him, when he came to lay his accounts before the General Assembly, a reasonable allowance would be made him. I therefore take the liberty of recommending his case to your honorable body, as a singular one, he not being before a Commissary or having purchased provisions previous to his appointment.

R. Caswell.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have rec'd and considered your Message proposing

to ballot immediately for a Judge of the Court of Admiralty for Port Roanoke, &c., &c., & concur therewith.

This House put in nomination for a Judge of the Court of Admiralty for said Port John Baptist Beasley, and have appointed General Person on their part to see the balloting fairly conducted.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message relative to the allowance for rations, and wish the hon^{bl} the House of Commons to reconsider the matter.

This House having taken into consiperation the present advanced price of provisions are sensible that one shilling and two pence is hardly adequate to the trouble and expense.

Saml. Ashe, S. S.

On motion resolved that Mr. Locke, Mr. Burke, Mr. Stone, Mr. G. Hill, Mr. W. Jones, Mr. J. Johnston, Mr. Bass, Mr. Hunter and Mr. Sevier be a Committee to take into consideration what price shall be allowed the Commissaries for rations, &c., to act jointly with such gentlemen of the Senate as shall be appointed for that purpose.

General Person, who was appointed on the part of this House to see the balotting for a Judge of the Court of Admiralty for Port Roanoke fairly conducted, reported that John Baptist Beasley was appointed, by a majority of votes of both Houses, Judge of the Court of Admiralty for said Port.

The House taking said report into consideration, concurred therewith.

Ordered that the above Message be referred to the Committee appointed to take into consideration what price shall be allowed the Commissaries, &c.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have appointed Mr. Burke, Mr. Jones, Mr. Green Hill, Mr. Stone, Mr. Johnston, Mr. Bass, Mr. Hunter and Mr. Sevier, to act with such gentlemen as may be appointed by your House as a Committee to consider what price shall be allowed the Commissaries for rations. A Message from His Excellency respecting

the Commissaries, &c., we herewith send you which we propose to refer to the same Committee. A. Nash, S. C.

General Butler from the Committee appointed to prepare and bring in a Bill for the establishment of a land office, &c., present a Bill for ascertaining the method to be pursued in taking up and granting lands in this State and for ascertaining the duty of the Surveyor General, County Surveyors, entry takers and other officers and persons who may be concerned therein which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate, sent by Mr. G. Hill and Mr. Chadwick. Mr. Hooper moved for leave to present a Bill for establishing fairs in the town of Wilmington, New Hanover county, ordered that he have leave accordingly.

Mr. Hooper according to order presented the said Bill which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate, sent by Mr. G. Hill and Mr. Chadwick.

Ordered that the Bill concerning Titles to Lands and for the limitation of actions be read, read the same the first time and passed. Ordered to be sent to the Senate, sent by Mr. G. Hill and Mr. Chadwick.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House for furnishing the commissary of the tenth regiment with a quantity of salt.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the Resolve of this House referred to in the above Message. Endorsed in the Senate Dec. 1st 1777.

Read and concurred with. Sam'l Ashe, S. S.

Ordered that the Bill to amend the staple of tobacco and prevent frauds, be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate. Sent by Mr. G. Hill and Mr. Chadwick.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House cannot agree to your resolve, relative to the seizure

of vessels, as it now stands, but propose the following amendment be inserted after the word trade to-wit: "nor any Law or resolve that will warrant the seizure of any vessel sailing from any of one the United States to this State by any Naval officer within the same."
Sam Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House cannot adopt the alterations proposed by you as an amendment of their Message to your House relative to any seizures which have been or may hereafter be made of any vessel or cargo under any supposed act of trade in force in this State but beg leave to propose that the following be declared as the opinion of both Houses:

"That there is now no Law in force in this State that authorizes any collector or Naval Officer within the same to make seizure of any vessel or cargo whatever."

This House are desirous to adopt the mode of expression rather than that which is proposed by you as the latter declares the incapability of the naval Officer and Collector in a particular case and may by some possible construction imply a right of seizure by Collectors or Naval Officers in instances by you not specially described.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House in favor of the Rev. Mr. Pettigrew.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message which was read and rejected.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message appointing a Committee to act with a Committee to be appointed by this House to fix on a certain price to be allowed the Commissaries for rations, also referring a Message from his Excellency the Governor to said

Committee with which this House agree, and have on our part appointed Mr. Jones, Mr. Lanier, Mr. Coor, Mr. Russell, Mr. Hart and Mr. Hunt a Committee to act with the gentlemen by you appointed for the above mentioned purposes.
Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

This House have received and considered the Message of yours in favor of the Rev. Mr. Pettigrew and cannot concur therewith.

The House Adjourned till to-morrow morning 9 o'clock.

Tuesday, 2 December, 1777. The House met according to Adjournment.

Mr. Green Hill who had leave to take out the Bill to prevent abuses in taking up stray horses, cattle, hogs and sheep and other things therein mentioned brought in the said Bill amended and then moved that the same be read the second time with the amendments; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Edmunds and Mr. Williams.

Received from the Senate the following Bills:

A Bill to empower certain Commissioners therein named to erect fortifications for the river and harbour of Cape Fear, and to make sale of the armed vessels belonging to this State, and for other purposes therein mentioned.

Endorsed in the Senate, December 1st, 1777. Read the first time and passed.

A Bill to amend an act for declaring what crimes and practices against the State shall be treason, and what shall be misprision of treason, and providing punishments adequate to crimes of both classes, and for preventing the dangers which may arise from persons disaffected to the State.

Endorsed in the Senate, December 1st, 1777.

Read the first time and passed.

Mr. Spruill moved for leave to present a Bill for empowering certain Commissioners therein mentioned to sell the Glebe house and land in Tyrrell County.

Ordered that he have leave accordingly.

Mr. Spruill according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate. Sent by Mr. Edmunds and Mr. Williams.

Mr. Burke moved for leave to present a Bill for levying an additional tax. Ordered that he have leave accordingly.

Mr. Burke according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate. Sent by Mr. Edmunds and Mr. Williams.

Gen'l Person moved for leave to present a Bill to prevent burning the woods at unseasonable times of the year. Ordered that he have leave accordingly.

Gen'l Person according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate. Sent by Mr. Edmunds and Mr. Williams.

Mr. Courtney moved for leave to present a Bill to enforce the attendance of the Members of Assembly. Ordered that he have leave accordingly.

Mr. Courtney according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Edmunds and Mr. Williams.

Ordered that the Bill for encouraging the settlement of the western part of the State, and other purposes therein mentioned, be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. _____.

Mr. Sevier from the Committee of Claims reported as follows:

In the Committee of Claims, Dec. 1st, 1777.

The petition of Colonel William Graham being referred to this Committee by the General Assembly, and the claims of the said Colonel William Graham on behalf of the Brigade under his command, which was allowed in Congress at Halifax, being re-examined by your Committee, report as follows, viz:

That it appears to your Committee that the said Colonel William Graham hath in every respect conducted himself with integrity and

honor, and that the money received by him for the officers and men in said brigade has been punctually paid to the proper officers, as by receipts and vouchers produced to this Committee, and that the said Col. William Graham hath manifestly made it appear that by the certificates of the Pay Master General the sum of £4, 16 shillings, hath been overcharged the public in that service, and that the said William Graham hath detained that sum in his hands for the use of the State.

Resolved therefore, as the opinion of your Committee, that the said Colonel William Graham be directed to pay the said sum of £4, 16 shillings, into the public Treasury and take a discharge for the same, and that for such conduct, he is justly intitled to the approbation of the public, which is submitted,

Griffith Rutherford.

The House taking into consideration the above report concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee of Claims to whom was referred the petition of Colonel William Graham.

Concurred with by this House. A. Nash, S. C.

Whereas, it appears to this House that John Kennedy was allowed the sum of nine pounds for a cart and two horses carrying guns to Cape Fear, by the Committee of Claims, this last Session of Assembly, and he having made it appear to the satisfaction of this House that he hath lost the certificate granted him for the above sum.

Resolved that another certificate be granted him agreeable to the report of the Committee of Claims the last Session of Assembly.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of John Kennedy together with the deposition of said Kennedy.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Mr. Wilcox.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message which was rejected.

On motion resolved that John Wilcox be put into immediate possession of the Iron Works which formerly belonged to him in Chatham County, and that he be impowered to draw on either of the Treasurers for the sum of one thousand pounds, first giving bond and security to His Excellency to account for the same when thereto required.

Resolved also that the Commissioners appointed by the General Assembly to settle with the said John Wilcox concerning the aforesaid Iron Works, be impowered to call on Robert Rowan, Phill Alston and Col. Jeduthun Harper, late Commissioners of said Iron Works for a settlement of those accounts and after making such settlement, and the said Wilcox giving them sufficient security for payment of whatever sum may appear to be due from him to the State be, and they are hereby, impowered and directed to relinquish and give up to the said John Wilcox all right and title claimed by, or on behalf of the State to the said Iron Works, and all mortgages and contracts made or entered into by the said John Wilcox with the State, or any person in behalf of the State, binding on the premises shall be thenceforth void.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House relative to the Iron Works in Chatham County, which this House recommend instead of the one entered into by you relative to said Iron Works, &c.

A. Nash, S. C.

Mr. Bass has leave of absence for the remaining part of the session.

Mr. Green Hill moved for leave to present a Bill to encourage the building of public mills and directing the duty of millers.

Ordered that he have leave accordingly.

Mr. Hill, according to order presented the said Bill which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Edmunds and Mr. Williams.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send the report of the joint Committee appointed to take into consideration what price shall be allowed the Commissaries for rations; concurred with by this House.

Sam'l Ashe, S. S.

At the same time received the report of the Joint Committee referred to in the above Message as follows:

A report of the Committee appointed to take into consideration what prices shall be allowed the Commissaries per ration, Mr. Hunt, Chairman; Mr. Willie Jones, Clerk.

The Committee appointed to take into consideration what should be allowed for rations to the Commissaries of the Tenth Regiment and William Amis who acted as Commissary to several detachments under the command of Col. Williams met accordingly and are of opinion that in the settlement of their accounts the Committee of Claims allow to Mr. Amis one shilling and four pence per ration from the 21st of April past and that they allow Mr. Williams one shilling and three pence per ration and that the Treasurers advance one thousand pounds to Mr. Williams to enable him to march the troops to the Northward. They further report that they are of opinion that the Commissaries who have found the Independent Companies on the sea coast and the militia companies that have been in service since last session of Assembly be allowed in their settlement with the public one shilling and one penny per ration.

Mr. Hunt,
Chairman,

The House taking the said report into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received the report of the Joint Committee

relative to the price of rations, &c., and concur therewith.

On motion, resolved that it be recommended to the Deputy Paymaster General in this State to attend the Tenth Regiment, and pay up all arrears that may be due the officers and men belonging thereto.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House recommending to the Deputy Paymaster General in this State to attend and pay the arrears due the officers and men of the Tenth Regiment. A. Nash, S. C.

On motion, resolved that Mr. James Mills, former manager of the Iron Works in Chatham County, be allowed the sum of one hundred and forty-six pounds, thirteen shillings and five pence for services, &c., rendered the public in superintending said Iron Works, &c., as per account rendered, that the Treasurers or either of them pay him the same, and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House in favor of Mr. James Mills, also the account of Mr. Mills, which induced this House to enter into such resolve. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House for discharging the independent companies on the sea coast, and likewise for discharging the militia companies stationed on the frontiers of this State.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

On motion, resolved that the independent companies on the sea coast, and the militia companies on the frontiers of this State be

discharged. That those on the sea coast be discharged the 15th of this instant, and that General Rutherford discharge those on the frontiers of this State as soon as conveniently he can.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the resolve of your House for discharging the independent companies and the militia companies stationed on the frontiers of this State.

Concurred with. A. Nash, S. C.

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

Wednesday, 3rd Dec., 1777. The House met according to adjournment.

Mr. Turner moved for leave to present a Bill for adding parts of Brunswick County to Bladen, and part of Bladen and New Hanover to Brunswick County.

Ordered that he have leave accordingly.

Mr. Turner according to order presented the said Bill which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Turner and Mr. Owen.

Mr. Joseph Winston, one of the Members for Surry County, appeared and took his seat.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House of the 24th Nov. last, recommending to the Committee of claims to allow the adjutants of the several Counties in this State a certain sum therein mentioned per day when on actual service. A. Nash, S. C.

On motion ordered that the Bill for the regulation of the Town of Edenton, be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate:

Sent by Mr. Green and Mr. Hill.

On motion ordered that the Bill to amend an act for declaring what crimes and practices against the State shall be treason and what shall be misprision of treason and providing punishments adequate to crimes of both classes and for preventing the dangers which may arise from persons disaffected to the State, be read the second time, read the same the second time, amended and passed. Ordered to be sent to the Senate. Sent by Mr. Green and Mr. Hill.

Read the petition of Balaam Thompson, praying, &c:

On motion resolved that Balaam Thompson be allowed the sum of five hundred pounds for a certain tract of land contiguous to the Iron Works in Chatham County purchased of him in behalf of the State by certain Commissioners and that the Treasurers or either of them pay him the same and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House in favor of Balaam Thompson together with the petition of said Thompson. A. Nash, S. C.

Ordered that the Bill for adding part of the County of Duplin to Johnston, be read the second time, read the same the second time and passed.

Ordered to be sent to the Senate.

Sent by Mr. Green and Hill.

Ordered that the Bill for securing lots in Elizabeth Town, Bladen County, be read the third time, read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Green and Mr. Hill.

Ordered that the Bill for erecting a prison in the Town of Edenton &c., &c., be read the third time, read the same the third time amended and passed.

Ordered to be sent to the Senate.

Sent by Mr. Green and Mr. Hill.

On motion Mr. Thomas Chadwick has leave of absence.

Mr. Green Hill according to order presented a Bill declaring what fences are sufficient and to provide a remedy for abuses

which he read in his place and delivered in at the table where it was again read and passed, ordered to be sent to the Senate. Sent by Mr. Green and Mr. Hill.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House in favor of James Mills.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, December, 2, 1777. Read and Concurred with. Sam'l Ashe, S. S.

On motion Mr. Phil. Alston, has leave of absence.

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

Thursday, Dec. 1777. The House met according to adjournment.

Received from the Senate the following Bills:

A Bill to encourage the building of public mills and directing the duty of millers. Endorsed in the Senate 3, Dec. 1777. Read the first time and passed.

A Bill to enforce the attendance of the Members of Assembly. Endorsed in the Senate Dec. 3, 1777. Read the first time and passed.

A Bill for encouraging the settlement of the western part of this State and other purposes therein mentioned. Endorsed in the Senate Dec. 3, 1777.

Read the third time and passed.

A Bill for adding part of Brunswick County to Bladen and part of Bladen and New Hanover to Brunswick County.

Endorsed in the Senate Dec. 3, 1777. Read the first time and passed.

A Bill for laying an additional tax.

Endorsed in the Senate Dec. 3, 1777.

Read the first time and passed.

A Bill for empowering certain Commissioners therein mentioned to sell the Glebe House in Tyrrell County.

Endorsed in the Senate Dec. 3, 1777.

Read the first time and passed.

A bill to prevent abuses in taking up stray horses, cattle, hogs and sheep and other things therein mentioned.

Endorsed in the Senate Dec. 3, 1777.

Read the second time and passed.

A Bill to prevent burning the woods at unseasonable times of the year in several Counties therein mentioned.

Endorsed in the Senate Dec. 3, 1777.

Read the first time and passed.

The Sheriff of Beaufort County having certified that Nathan Keas, Esq., was duly elected as a member of the House of Commons to represent the said County in General Assembly in the room of Alderson Ellison, whose seat is vacated by his being out of the country, thereupon the said Nathan Keas, Esq., appeared was qualified and took his seat accordingly.

The Sheriff of Pasquotank County having certified that Thomas Harvey, Esq., was duly elected as a member of the House of Commons to represent the said County in General Assembly in the room of Mr. James Fereby, deceased, thereupon the said Thomas Harvey, Esq., appeared, was qualified and took his seat accordingly.

Mr. Benjamin Harvey, one of the Members for Perquimans County appeared was qualified and took his seat accordingly.

Mr. Courtney, moved for leave to take out the Bill to inforce the attendance of the Members of Assembly to make some amendments therein.

Ordered that he have leave accordingly.

Ordered that the Bill for adding part of Brunswick County to Bladen and part of Bladen and New Hanover to Brunswick County be read the second time, read the same the second time, passed and ordered to be sent to the Senate, sent by Mr. Green and Mr. Hill.

Received from the Senate the following Message.

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House in favor of Mr. John Wilcox. Concurred with by this House. Sam'l Ashe, S. S.

At the same time received from the Senate the Resolve of this House referred to in the above Message. Endorsed in the Senate 3, Dec. 1777. Read & concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return the resolve of your House in favor of Balaam Thompson. Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate Dec. 3, 1777. Read and concurred with. Sam'l Ashe, S. S.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House for recommending to the Deputy Paymaster General in this State to attend and pay off the arrears due the 10th Regiment.

Concurred with by this House. Sam'l. Ashe S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate December 3, 1777, read and concurred with.

Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return you the resolve of your House for allowing

John Kennedy the sum of nine pounds for services rendered the public.

Concurred with by this House. Saml. Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate Dec. 3, 1777. Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return you the report of the Committee of Claims respecting Col. William Graham.

Concurred with by this House. Sam'l Ashe. S. S.

Ordered that the Bill to empower certain Commissioners therein named to erect fortifications for the defence of the river and harbour of Cape Fear and to make sale of the armed vessels belonging to this State and for other purposes therein mentioned be read the second time, read the same the second time and rejected.

Ordered that the Bill to encourage the building of public mills and directing the duty of millers be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Courtney and Mr. Winston.

On motion, Mr. Cobb has leave of absence till Monday next.

Ordered that the Bill to prevent abuses in taking up stray horses, cattle, hogs and sheep and other things therein mentioned be committed to Mr. G. Hill, Mr. Johnston, Mr. Burke and Mr. Boddie to amend.

Mr. Hooper moved for leave to present a Bill to make sale of the armed vessels of this State and to apply the monies arising therefrom to the defence of the sea coast.

Ordered that he have leave accordingly.

Mr. Hooper, according to order, presented the said Bill which he read in his place and delivered in at the table, where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Courtney and Mr. Winston.

Mr. Moore moved for leave to bring in a Bill for letting fish pass up County Line Creek in Caswell County.

Ordered that he have leave accordingly.

Mr. Moore, according to order, presented the said Bill, which he read in his place and delivered in at the table, where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Courtney and Mr. Winston.

Ordered that the Bill for erecting part of the County of Surry and part of the District of Washington into a separate and distinct County by the name of Wilkes be read the third time, read the same the third time, amended, passed and ordered to be sent to the Senate. Sent by Mr. Courtney and Mr. Winston.

Mr. Bryan moved for leave to present a Bill to prevent hunting for and killing deer in the manner therein mentioned. Ordered that he have leave accordingly.

Mr. Bryan, according to order, presented the said Bill, which he read in his place and delivered in at the table, where it was again read, passed and ordered sent to the Senate.

Sent by Mr. Courtney and Mr. Winston.

Mr. Hooper moved for leave to bring in a Bill to establish a Court of Chancery and to regulate the mode of proceeding therein. Ordered that he have leave accordingly.

Received from the Senate a Bill for the better regulation and ease of the Militia in the lower end of Hyde County. Endorsed in the Senate, December 4, 1777, read the first time and passed.

Ordered that the said Bill be read, read the same the first time and passed and ordered to be sent to the Senate. Sent by Mr. Courtney and Mr. Winston.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House for keeping a guard on the frontiers of this State. Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate in answer to the above:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered the Message and

resolve of yours for keeping up a guard in the frontier Counties in this State, and have appointed Mr. Burke, Mr. Maclaine and Mr. Locke a Committee on their part to act jointly with such gentlemen of your House as you may think proper to appoint to take into consideration the expediency thereof.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House directing Mr. John Humphreys to sell the boats, &c., belonging to the public, purchased for the use of the Independent Companies, stationed at Currituck, &c.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

On motion resolved that Mr. John Humphreys be directed to sell all the boats belonging to the public purchased for the use of the Independent Company stationed at Currituck Inlet, and that he account with the public for the same. Also that he take into his possession all the guns that are now in possession of the said Company belonging to the public, and keep them till otherwise directed.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the resolve of your House empowering Mr. John Humphreys to sell the boats, &c., belonging to the public which have been in possession of the Independent Companies, also to take into his possession the guns belonging thereto.

Concurred with by this House.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House directing Mr. James Miller of Tryon County to detain in his possession an Indian boy taken prisoner from the Cherokee Nation, till otherwise directed.

Sam Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

On motion, resolved that Mr. James Miller, of Tryon County be directed to detain in his possession an Indian boy taken prisoner from the Cherokee Nation which he now has, until the Commissioners who shall be hereafter appointed by the General Assembly to treat with the said Nation shall otherwise direct. Sam Ashe, S. S.

The House taking the said resolve into consideration concurred therewith.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the Commons:

We herewith send for your concurrence a resolve of this House for allowing James Davis, Esquire, the sum of five hundred pounds to revise the Acts of Assembly in this State. Sam. Ashe, S. S.

At the same time received the resolve referred to in the above Message which was rejected.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House directing the Treasurers or either of them to pay to Mr. John Montgomery a certain sum therein mentioned. Sam Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message which was rejected.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return you the resolve of your House directing James Miller, of Tryon County, to keep in his possession a certain Indian boy taken from the Cherokees.

Concurred with by this House. A. Nash, S. C.

Read the petition of a number of the inhabitants of Carteret County praying to have Topsail Inlet fortified.

Ordered that the said petition lie over for consideration.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

In a former Message from this House to yours requesting you would send some of your members to see an amendment made in the Bill for dividing Edgecombe county, and as those amendments have not yet been made; we now request that you will send some of your members to see them made, with the following one to wit: in the first page in the 11th line the words "to the falls of Tar River" instead of "the mouth of Stoney Creek."

Sam'l Ashe, S. S.

The Members sent were Mr. Johnston and Mr. Boddie.

The House adjourned til tomorrow morning 9 o'clock.

Friday, 5th December, 1777.

The House met according to adjournment.

The Sheriff of Wake county having certified that John Rand and Tignall Jones were duly elected as members of the House of Commons to represent the said county in General Assembly in the room of John Rice and Thomas Wooten whose seats were vacated by their acceptance of lucrative appointments upon motion of John Rand, Esq., they appeared, were qualified and took their seats accordingly. Mr. Jones moved for leave to present a Bill for making provisions for the poor and for other purposes. Ordered that he have leave accordingly.

Mr. Jones according to order presented the said Bill which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate, sent by Mr. Rand and Mr. Rhodes.

Mr. Hooper, according to order presented a Bill to establish a Court of Chancery and to regulate the mode of proceeding therein which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Read by Mr. Rand and Mr. Rhodes.

Read the petition of Frederick Ister and John Gilliard, of Craven County, praying to have an Act of Assembly passed to alter the name of John Gilliard to John Ister.

Mr. Bryan moved for leave to bring in a Bill agreeable to the prayer of the said petition.

Ordered that he have leave accordingly.

Mr. Bryan according to order presented a Bill for altering the name of John Gilliard to the name of John Ister, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Rand and Mr. Rhodes.

Received from the Senate the following Bills:

A Bill for ascertaining the method to be pursued in taking up and granting lands in this State, and for ascertaining the duty of the Surveyor-General, County Surveyors, Entry Takers and other officers and persons who may be concerned therein.

Endorsed in the Senate, December 4th, 1777. Read the first time and passed.

A Bill for adding part of the County of Duplin to Johnston.

Endorsed in the Senate, Dec. 4th, 1777. Read the second time and passed.

A Bill to amend the staple of tobacco and prevent frauds. Endorsed in the Senate, December 4th, 1777. Read the third time and passed.

In consequence of a letter from a certain Sam'l Cornell and John London to his Excellency the Governor, laid by Mr. Speaker before this House, purporting that the said Sam'l Cornell and John London are come into this State with a flag of truce from General Sir Henry Clinton and Commodore Hotham, two of his Britannick Majesty's officers.

Resolved, that his Excellency the Governor be informed as the sense of this House that a proper officer should be sent to the said Sam'l Cornell and John London, to inquire whether they are come with any such flag; and if such officer shall report that they are, his Excellency shall proceed agreeable to the Law of Nations and this State.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We propose, if agreeable to your House, to express the sense of the General Assembly on the subject of Mr. Cornell and Mr. London's letter addressed to his Excellency, in the manner contained in the resolve herewith sent for your concurrence.

A. Nash, S. C.

Received from his Excellency the Governor the following Message:

To the Honorable the General Assembly,

Gentlemen,

I herewith lay before you a letter this day received from Colonel John White, of the 4th Georgia Battalion in the Continental service, with the papers he therein referred to, and request you will take the same into consideration, and enable me to give Major Eustace that dispatch the importance of his business requires. R. Caswell.

At the same time received the letter, &c., referred to in the above Message in consequence whereof:

Resolved, that Mr. Henry Toomer be and he is hereby empowered to furnish the regiment of Continental Troops commanded by Col. John White with provisions, as he hath heretofore done, for twentyfour days after notice of this resolve: and that Thomas Craike, Esqr., Commissary of Stores, furnish the said regiment with such articles of clothing as the men may be in absolute need of for pursuing their immediate march.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering Mr. Henry Toomer to furnish Col. White's regiment with provisions during their march through this State, together with sundry papers from his Excellency, which induced us to enter into this measure. Also, desiring the Commissary of Stores to furnish the said regiment with some articles of clothing.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message and resolve relative to Sam'l Cornell and Mr. London, and concur therewith. Sam'l Ashe, S. S.

Mr. Sevier moved for leave to take out the Bill for erecting the District of Washington into a County by the name of Washington County to make some amendments therein.

Ordered that he have leave accordingly.

Mr. Avery moved for leave to present a Bill for laying a tax to defray the expence of the public buildings in the County of Burke and other purposes therein mentioned.

Ordered that he have leave accordingly.

Mr. Avery according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Rand and Mr. Rhodes.

On motion resolved that General Person, Mr. Hill and Mr. Rand be a committee to examine the accounts of Capt. John Dickerson of the Light Horse passed at Halifax and Newberne Session, it appearing to this House that there is a fraud in said accounts.

Ordered that Mr. Robertson, Mr. Clinton and Mr. Edmunds be added to the committee appointed to take into consideration the petition of Felix Kenan.

The House adjourned till 5 o'clock.

The House met according to adjournment.

On motion Mr. Slade has leave of absence.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen,

In consequence of your resolve of this day respecting Sam'l Cornell and John London, I sent Major John Tillman, on board the brigantine Edwards with a letter addressed to the said Sam'l Cornell and John London of which I send you a Copy. Major Tillman is returned and informs that he delivered the letter as directed, that they produced a paper dated at New York with the names of General Clinton and Commodore Hotham subscribed thereto permitting the said Sam'l Cornell and John London to pass to North Carolina to settle their affairs there, and return with their property or effects, and requiring all officers Civil and Military to take notice thereof.

As this information by no means answers the expectation I had of these gentlemen coming with a flag of Truce, as I was led to believe from their letter to me, which you have had before you, I request that you will be pleased to take the matter into consideration

and advise the necessary measures to be pursued with the said Sam'l Cornell and John London and the vessel in which they came which is now in this harbour, as it plainly appears from their own shewing they consider themselves subjects of the King of Great Britain.
R. Caswell.

At the same time received the copy of a letter referred to in the above Message, as follows:

Gentlemen,

Your letter of yesterday I received but previous to my granting you permission to come on shore 'tis necessary that your bringing a flag from His Britanick Majestys officers by you mentioned, to me should be ascertained; to that end I send Major John Tillman to whom you will give proper information.

I am Gent'n
Your most obedt, Servt
R. Caswell.

Samuel Cornell and John London Esqrs., on Board the Brig. Edwards.

(Copy)

Resolved that it is the opinion of this House that Sam'l Cornell and John London mentioned in his Excellency's Message having produced no paper, letters, or instrument from the officers of his Britannick Majesty to any officer of this State but only a paper purporting to be a permission to the said Sam'l Cornell and John London to come into this State and settle their affairs and return with their property and effects, the said Sam'l Cornell and John London having come hither under a permission from a Prince in open War with the United States of America, and without the requisities required by the Law of Nations to secure persons passing under such permissions between Nations at war with each other they ought to be considered as enemies, their persons seized as prisoners, and their property as prize of war to the use of the State.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House respecting the application of Sam'l Cornell and John London to

his Excellency and also a letter from his Excellency to the General Assembly.

Should your House concur therewith we hope you will draw up a Message to the Governor relative thereto and send by two of your members. A. Nash, S. C.

Received from his Excellency the Governor the following Message:

To the honorable the General Assembly,

Gentlemen:

I herewith send for your perusal and consideration a letter from the delegates for this State in Congress, which came to hand this day. You have also sundry papers received with the said letter and to which that refers.

R. Caswell.

At the same time received the letter &c., referred to in the above Message which were read and ordered to be sent to the Senate as also the above Message.

Mr. Hooper moved for leave to bring in a Bill to empower the Court of admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said Court in cases of capture and for other purposes therein mentioned.

Ordered that he have leave accordingly.

The House adjourned 'til to-morrow morning 9 o'clock.

Saturday, 6 December, 1777. The House met according to adjournment.

The Sheriff of Northampton County having certified that Robert Peoples, Esquire, was duly elected a member of the House of Commons to represent the said County in General Assembly in the room of Jephtha Atherton, Esquire, whose seat was vacated by his acceptance of the clerk's office for said County whereupon, the said Robert Peoples, Esquire, appeared, was qualified and took his seat accordingly.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have appointed Mr. Hunt and Mr. Coor, a Committee

to act jointly with a Committee from your House to re-examine the accounts of John Davidson, passed by the last Halifax Congress.
Sam'l Ashe, S. S.

Ordered that Mr. Locke, Genl. Person and Mr. Atkinson, be a Committee to act jointly with the gentlemen appointed of the Senate to re-examine the accounts of John Davidson.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered the Message of yours appointing a Committee to act jointly with such gentlemen of this House as should be appointed to re-examine the accounts of John Davidson; and have appointed Mr. Locke, Genl. Person and Mr. John Atkinson, on their part for the purpose above mentioned. A Nash, S. C.

Mr. Courtney, who had leave to take out the Bill to enforce the attendance of the Members of Assembly to amend, brought in the same amended, and then moved that that it be read the second time, read the same the second time and it was rejected.

Received from the Senate the following Bills:

A Bill declaring what fences are sufficient and to provide a remedy for abuses, &c.

A Bill to prevent hunting for and killing deer in the manner therein mentioned.

A Bill to make sale of the armed vessels of this State and to apply the monies arising therefrom to the defence of the sea coast.

A Bill to empower the Inferior Courts for the Counties of Tryon and Guilford to lay a tax by assessment for finishing the Court Houses, Prisons and Stocks and other purposes.

A Bill for letting fish pass up county line creek in Caswell County.

Endorsed in the Senate 5th Dec. 1777.

Read the first time and passed.

A Bill for the regulation of the Town of Edenton.

A Bill for the better regulation and ease of the Militia in the lower end of Hyde County.

A Bill to encourage the building of public mills and directing the duty of millers.

A Bill for adding part of Brunswick County to Bladen and part of Bladen and New Hanover to Brunswick.

Endorsed in the Senate 5th Dec., 1777.

Read the second time and passed.

A Bill for establishing fairs in the town of Wilmington in New Hanover County.

Endorsed in the Senate 5th Dec., 1777.

Read the first time and passed.

Mr. Jones moved for leave to take out the Bill to amend the staple of tobacco and prevent frauds to amend. Ordered that he have leave accordingly.

Mr. Tignall Jones, one of the members for Wake County appeared, was qualified, and took his seat accordingly.

Ordered that the Bill for empowering certain Commissioners therein mentioned to sell the Glebe House and land in Tyrrel County be read the second time, read the same the second time, passed and ordered to be sent to the Senate, sent by Mr. Lord and Mr. Ward.

Ordered that the Bill for establishing fairs in the town of Wilmington in New Hanover County be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Mr. Twiner moved for leave to take out the Bill for adding part of Brunswick County to Bladen and part of Bladen and New Hanover to Brunswick County to amend.

Ordered that he have leave accordingly.

Ordered that the Bill for the better regulation and ease of the Militia in the lower end of Hyde County be read the second time, read the same the second time, passed and ordered to be sent to the Senate. Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill for adding part of the County of Duplin to Johnston be read the third time, read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill to prevent hunting for and killing deer in the manner therein mentioned, be read the second time, read the same second time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Mr. Hooper, according to order, brought in a Bill to empower the Courts of Admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and Subjects of Great Britain, to establish the trial by jury in the said Court in cases of capture and for other purposes therein mentioned, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill for letting fish pass up County Line Creek in Caswell County be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill to empower the Inferior Courts for the Counties of Tryon and Guilford to lay a tax by assessment for furnishing the Court House, prisons and stocks and other purposes be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill declaring what fences are sufficient and to provide a remedy for abuses, &c., be read the second time, read the same the second time, passed and ordered to be sent to the Senate. Sent by Mr. Lord and Mr. Ward.

Mr. Hooper moved for leave to present a Bill to ratify an act entitled an act for the regulation of the Town of Wilmington, also to revise an act entitled an act to amend an act entitled an act for the regulation of the Town of Wilmington.

Ordered that he have leave accordingly.

Mr. Hooper, according to order, presented the said Bill which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

Your Message appointing a committee to act in conjunction with a committee to be appointed by this House to consider the expediency of keeping a guard on the frontiers of this State; we have received and have appointed Mr. Lanier, Mr. Carter and Mr. MacDowell

to act with the gentlemen by you appointed for the above mentioned purpose.
Sam'l Ashe, S. S.

Received from the Senate the following Bills:

A Bill for building a Court House in the Town of Salisbury for the District of Salisbury.

A Bill to regulate the pilotage of Cape Fear and Ocracock Bars, and the rivers leading from the same to Brunswick, Wilmington, Newberne, Bath and Edenton.

A Bill for regulating the duty of officers, seamen and mariners in the merchants service.

A Bill for vesting in this State the estates of certain persons therein mentioned.

A Bill for establishing the salaries of the Justices of the Superior Court and of the Attorney General.

A Bill to establish a Court of Chancery and to regulate the mode of proceeding therein.

A Bill for levying a tax for defraying the contingencies of the several Counties in this State, and other purposes.

A Bill for altering the name of John Gilliard to the name of John Ister.

A Bill for making provisions for the poor, and for other purposes.

A Bill for laying a tax to defray the expence of the public buildings in the County of Burke, and other purposes therein mentioned.

Endorsed in the Senate, 6th December, 1777. Read the first time and passed.

A Bill concerning the titles of land for limitation of actions.

Endorsed in the Senate 6th December, 1777, read the second time and passed.

Ordered that the Bill to encourage the building of public mills and directing the duty of millers be read the third time, read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Harvey and Mr. Moore.

Mr. Bruce Williams moved for leave to present a Bill for the ease and convenience of the militia on the west side of Newport in Carteret County.

Ordered that he have leave accordingly.

Mr. Bruce Williams according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Harvey and Mr. Moore.

On motion, ordered that Doctor Burke be added to the Committee appointed to take into consideration a letter from Cornelius Harnett, Esquire, to his Excellency the Governor, of the 19th October, 1777.

Mr. Burke moved for leave to present a Bill to enable the Governor to send an aid from the militia to oppose the enemies of the United States, if the same shall be required by Congress.

Ordered that he have leave accordingly.

Mr. Burke according to order presented the said Bill, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Harvey and Mr. Moore.

Mr. Burke moved for leave to present a Bill for amending an act entitled an act for levying a tax by assessment, and other purposes, passed the last Session of the Assembly.

Ordered that he have leave accordinly.

Mr. Burke according to order presented the said Bill, which he read in his place and delivered in at the table where the same was again read, passed and ordered it be sent to the Senate.

Sent by Mr. Harvey and Mr. Moore.

Mr. Burke moved for leave to bring in a Bill for enabling the County Courts to make a final settlement with all the Sheriffs and other collectors of public taxas who are in arrears.

Ordered that he have leave accordingly.

Mr. Tillman moved for leave to bring in a Bill to ratify an act entitled an act for the better regulation of the town of Newbern and for securing the titles of persons who hold lots in said town; also, to ratify an act entitled 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; also, to ratify an act intitled an act amending an act entitled 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.

Ordered that he have leave accordingly.

On motion, Mr. John King has leave of absence till Tuesday.

Ordered that the Bill for the regulation of the town of Edenton be read the third time, read the same the third time, amended, passed and ordered to be sent to the Senate. Sent by Mr. Harvey and Mr. Moore.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message and resolve empowering Henry Toomer to furnish Colo. White's Battalion with provisions; also, empowering Mr. Craike to furnish them with cloathing with which this House concur. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message. Endorsed in the Senate 5th Dec., 1777. Read and concurred with. Sam'l Ashe, S. S.

Ordered that the following Message be sent to His Excellency the Governor:

To His Excellency Richard Caswell, Esquire, Captain General Governor, Commander in Chief, &c., &c., &c.

Sir,

The General Assembly, on considering your Message of yesterday relative to Col. White, have entered into the resolve we herewith send you, to which we beg leave to refer your Excellency.

A. Nash, S. C.

Mr. Avery moved for leave to present a Bill for appointing Commissioners to lay off and make a road from the Court house in the County of Washington through the mountains into the County of Burke. Ordered that he have leave accordingly.

Mr. Avery, according to order, presented the said Bill, which he read in his place and delivered in at the table, where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Harvey and Mr. Moore.

Rec'd from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

On reading the Bill for erecting a prison in the town of Edenton

the third time, we propose that Charles Bonfield, Esquire, be appointed one of the Commissioners instead of Thomas Bonner, Esqr. If your House approve of the alteration, you'll please send some of your Members to see it done.
Sam'l Ashe, S. S.

The Members sent were Mr. Benbury and Mr. Green.

The House adjourned till 5 o'clock. The House met according to Adjournment.

Mr. Sam'l Swann, who had leave of absence for a few days, appeared and took his seat.

Mr. Turner, who had leave to take out the Bill for adding part of Brunswick County to Bladen and part of Bladen to Brunswick to amend brought in the said Bill amended and then moved that it be read the third time, read the same the third time, passed and ordered to be sent to the Senate, sent by Mr. Eason and Mr. Stone.

Ordered that the Bill for establishing the salaries of the Justices of the Superior Courts and of the Attorney General be read the first time, read the same the first time, passed and ordered to be sent to the Senate, sent by Mr. Eason and Mr. Stone.

Rec'd from the Senate the following Bills:

A Bill for empowering certain Commissioners therein mentioned to sell the Glebe House and land in Tyrrell County.

A Bill for establishing fairs in the town of Wilmington in New Hanover County.

A Bill declaring what fences are sufficient and to provide a remedy for abuses, &c.

Endorsed in the Senate 6 Dec., 1777. Read the second time and passed.

A Bill to ratify and confirm an act entitled an act for the regulation of the town of Wilmington, also to revise an act intitled an act to amend an act entitled an act for the regulation of the town of Wilmington.

A Bill for establishing a Loan Office in this State.

A Bill to empower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the Ships and other Vessels of the inhabitants and subjects of Great Britian, to establish the Trial by Jury, &c., &c., &c.

Endorsed in the Senate, 6 Dec., 1777.

Read the first time and passed.

A Bill for the better regulation and ease of the Militia in the the lower end of Hyde County.

Endorsed in the Senate, 6 Dec., 1777. Read the third time passed.

Resolved that the House will on Tuesday next take into their consideration the case of Sam'l Cornell and John London, Esquires, &c.

Resolved that the time for bringing in Bills be extended until Monday evening; that none be brought in during that time only such as are of general concern to the State.

Resolved that the Committee appointed to take into consideration the petition of Felix Kenan, be dissolved, and that they take no further notice thereon.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Lewis Averitt.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message as follows:

Read the petition of Lewis Averitt, shewing that he was enlisted by an officer of Capt. McRee's Company into the continental service for the term of six months with which enlistment he complied, but at the expiration of that time failed to get a discharge and is on that account liable to be taken up as a deserter, the above being corroborated by the testimony of indifferent persons.

Resolved that it is the opinion of this House that the said Averitt be discharged from any further service as a soldier which his said enlistment might tend to subject him to.

The House taking the said Resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return the Resolve of your House in favour of Lewis Averitt.

Concurred with by this House. A. Nash, S. C.

The House adjourned till Monday morning, 10 o'clock.

Monday, 8 December, 1777.

The House met according to Adjournment.

General Person from the Committee of accounts reported that there is due to Nicholas Long, Esquire, deputy quarter Master General of this State the sum of six hundred and sixty-six pounds one shilling and nine pence as appears by report of the said Committee filed.

The House taking the said report into consideration. Concurred therewith.

Then on motion resolved that the Treasurers or either of them pay the said Nicholas Long, Esquire, the above sum of six hundred and sixty-six pounds one shilling and nine pence and be allowed in their accounts with the public.

Ordered that the above Resolve, &c., be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee of accounts in favour of Nicholas Long, Esquire, Deputy Quarter Master of the State; also a Resolve of this House directing the Treasurers or either of them to pay him a certain sum therein mentioned agreeable to said report.

A. Nash, S. C.

General Person from the Committee of accounts reported that there is due to Mr. Thomas Williams Commissary to the Tenth North Carolina Battalion the sum of three hundred and ninetyfour pounds ten shillings and one penny as appears by report of said Committee filed.

The House taking the said report into consideration.

Concurred therewith.

Then on motion resolved that the Treasurers or either of them pay the said Thomas Williams the above sum of three hundred and ninety-four pounds ten shillings and one penny, and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee

of accounts in favor of Mr. Thomas Williams; also a resolve of this House directing the Treasurers, or either of them, to pay them a certain sum therein mentioned, agreeable to said report. A. Nash, S. C.

Mr. James Garrett, one of the members for Hertford County, appeared and took his seat accordingly.

On motion, resolved that the Treasurers, or either of them, be, and they are hereby authorized and empowered to advance to Nicholas Long, Esquire, Deputy Quarter-Master-General in this State, the sum of one thousand pounds to enable him to provide wagons, &c., for marching the tenth regiment on to the northward; to be hereafter accounted for by the said Nicholas Long, Esquire.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering the Treasurers, or either of them, to advance Nicholas Long, Esquire, Deputy Quarter-Master-General in this State, a certain sum herein mentioned, &c. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House have received your message and resolve in favor of Nicholas Long, Esquire, and concurred therewith. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate 8 December, 1777.

Read and concurred with. Sam'l Ashe, S. S.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your message and resolve in favor of Mr. Thomas Williams, with which this House concur. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate 8th December. Read and concurred with. Sam Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House directing the Treasurers, or either of them, to advance to Nicholas Long, Esquire, Deputy Quarter-Master-General of this State, a certain sum therein mentioned.

Concurred with by this House. Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate 7th December, 1777. Read and concurred with.

Sam'l Ashe, S. S.

The House adjourned till 4 o'clock.

The House met according to adjournment.

Received from the Senate the Bill for establishing courts of law and justice, and for regulating the proceedings therein.

Endorsed in the Senate Dec. 8, 1777, read the second time; amended and passed.

Ordered that the Bill for ascertaining the method to be pursued in taking up and granting lands in this State, and for ascertaining the duty of the Surveyor-General, &c., &c., be read the second time, paragraph by paragraph, read the same the second time, paragraph by paragraph, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Atkinson and Mr. Rand.

The Sheriff of Camden County having certified that Mr. Thomas Humphries and Caleb Grandy were duly elected as Members of the House of Commons to represent the said County in General Assembly; whereupon, the said Thomas Humphries and Caleb Grandy appeared, were qualified and took their seats accordingly.

On motion, resolved that the House will on Wednesday next proceed to read for the third time the Bill for establishing Courts of Law and Justice, &c.

Mr. Burke moved for leave and presented a Bill for enabling the County Courts to make a final settlement with all the Sheriffs and other Collectors of public taxes who are in arrears, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Atkinson and Mr. Rand.

Mr. Burke moved for leave and presented a Bill for authorizing such persons as shall be chosen by ballot of both Houses of the General Assembly to enter upon and discharge the several offices therein mentioned until the next session of Assembly, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Atkinson and Mr. Rand.

Mr. Burke moved for leave and presented a Bill for regulating dealers in salt and for other purposes, which he read in his place and delivered in at the table where it was again read, passed and ordered to be sent to the Senate. Sent by Mr. Atkinson and Mr. Rand.

The House adjourned 'til to-morrow morning 9 o'clock.

Tuesday, 9th December, 1777. The House met according to adjournment.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

On reading the Bill to encourage the building of public mills and directing the duty of millers, the third time, we propose the following amendment, to-wit:

“And one-fourteenth for chopping any grain of any kind.”

If your House approve of the proposed amendment, you'll please to send some of your Members to see it done. Sam'l Ashe, S. S.

The Members sent were Mr. Hill and Benbury.

Received from the Senate the following Bills:

A Bill for the ease and convenience of the militia of the west side of Newport in Carteret County.

A Bill to encourage the destroying vermin in the several Counties therein mentioned.

Endorsed in the Senate, 6th Dec., 1777. Read the first time and passed.

A Bill for preventing tedious and illegal imprisonments, and for the better securing the liberty of the freemen of this State.

A Bill for appointing Naval Officers in this State, and for directing their duty in office.

A Bill to enable the house-holders therein mentioned to vote for Senators to represent them in General Assembly.

A Bill to prevent the distillation of wheat and corn for the purpose of making a spirit therefrom commonly called whiskey.

The Bill for ascertaining the oath of allegiance and abjuration.

A Bill to enforce the statute laws.

A Bill for appointing Commissioners to lay off and make a road from the Court House in the County of Washington thro' the mountains into the County of Burke.

A Bill to facilitate the navigation of Port Currituck.

A Bill to enable the Governor to send an aid from the militia to oppose the enemies of the United States, if the same shall be required by Congress.

A Bill for empowering Commissioners to build a prison and stocks in the County of Duplin.

Endorsed in the Senate 8 December, 1777, read the first time and passed.

A Bill for establishing the salaries of the Justices of the Superior Courts and the Attorney General.

Endorsed in the Senate 8 December, 1777, read the second time and passed.

A Bill for preventing the obstruction of fish from passing up County Line Creek in Caswell County. Endorsed in the Senate 6 December, 1777, read the second time and passed.

A Bill for amending an act intituled an act for levying a tax by assessment and other purposes, passed the last session of this Assembly.

Endorsed in the Senate 6 December, 1777, read the first time and passed.

Ordered that the Bill for changing the name of John Gilliard to the name of John Ister be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Johnston and Mr. Bryan.

Resolved that the Clerk of this House make out a certificate of the attendance at last session of Assembly of William Robeson, Esquire, representative in this House for the County of Pitt, it appearing to this House that the same never was made out, and that no money has been paid for the said attendance.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for granting William Robeson, a Member of this House, a new certificate for his attendance at the last session of Assembly, it sufficiently appearing to this House that he never received the same.

A. Nash, S. C.

Resolved that the Committee of Claims be instructed to allow two shillings a day to the several jailors in this State for victualing each prisoner who has been confined in their custody since the end of last session of Assembly.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House directing the Committee of Claims to allow the several jailors in this State two shillings a day for victualing each prisoner who have been confined in their custody since the end of the last session of Assembly.

A. Nash, S. C.

Read the petition of Alexander Campbell, praying to be exempted from taking the State oath, he having a considerable interest in Jamaica which would be forfeited was he to take said oath.

Ordered that the said petition lie over fer consideration.

Ordered that the Bill to facilitate the navigation of Port Currituck be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Rhodes and Mr. Rand.

Ordered that the Bill for appointing Commissioners to lay off and make a road from the Court house in the County of Washington

thro' the mountains into the County of Burke be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Rhodes and Mr. Owen.

Ordered that the Bill to enforce the Statute Laws be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Rhodes and Mr. Owen.

Ordered that the Bill for empowering Commissioners to build a prison and stocks in the County of Duplin and other purposes therein mentioned, be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Rhodes and Mr. Owen.

Ordered that the Bill to regulate the pilotage of Cape Fear and Ocracock Bars, and the rivers leading from the same to Brunswick, Wilmington, New Berne, Bath and Edenton, be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Rhodes and Mr. Owen.

Ordered that the following Message be sent to the Senate.

Mr. Speaker & Gentlemen of the Senate:

On reading the Bill to amend the staple of tobacco and prevent frauds for the third time.

We propose the following amendments be inserted immediately after the first clause in the Bill, "Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.

That the inspectors of tobacco appointed by the county courts since the last session of Assembly, at any public warehouses in this State, be, and they are hereby continued and declared to be inspectors at the respective warehouses for which they were appointed until appointments can be had agreeable to this Act; and shall have the powers, authorities and emoluments, and be subject to the rules, regulations and restrictions hereinafter mentioned;" and that instead of the words, "Be it enacted by the General Assembly of the State of North Carolina and it is accordingly enacted by the authority of the same" in the second clause as it now stands in the Bill, the following words be inserted: "Be it enacted by the authority aforesaid," and that the following

clauses be inserted immediately after the sixth clause as it now stands in the Bill: "Be it further enacted by the authority aforesaid that the inspectors at Jones' warehouse and the Pitch Landing in Northampton County, respectively, shall pay and satisfy to the arrears of the same the sum of one shilling and six pence for every hogshead of tobacco received, inspected and delivered out of the said warehouses, to be deducted out of the eight shillings a hogshead directed to be received for the use of the County; the owners of such warehouses keeping the same in repair." If you should approve of these amendments, be pleased to send two of your Members to see the alterations made.

A. Nash, S. C.

General Jones and Mr. Seawell, two of the Members of the Senate, came to see the above-mentioned alterations made, which being done.

Ordered that the said Bill be read the third time with the amendments, read the same the third time with the amendments, passed and ordered to be engrossed.

The Chairman of the Committee appointed to re-examine the accounts of Capt. John Dickerson, of the Light Horse passed at Halifax and Newberne.

Reported as follows:

Your Committee appointed to re-examine the accounts of Capt. John Dickerson, passed at Halifax and Newbern, for horses purchased by him as Commissary for the District of Hillsborough, have inspected the same and find that from the papers and information of the Clerk of the House said John Dickerson was allowed in his account passed with the public at Halifax in November last sixty pounds for two horses of his own and twenty-four pounds for a horse purchased of John Reaves, amounting in the whole to eighty-four pounds, and that the said John Dickerson, was also allowed in his account exhibited to the General Assembly by Lieutenant Ashe afterwards (to-wit:) in April last past, sixty pounds for two horses of his own and twenty-two pounds for one purchased of John Reaves, as per receipt, amounting in the whole to eighty-two pounds in money which is now deposited in the hands of the Clerk of the House.

Your Committee are therefore of opinion that the last mentioned sum of eighty-two pounds is an overcharge in Capt. Dickerson's

first allowance for the horse purchased of John Reaves, and ought to be refunded; and that the money now in the possession of the Clerk of the House should be returned to the Treasury.

Thomas Person,
Chairman.

The House taking the said report into consideration, concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee appointed to re-examine the accounts of Capt. John Dickerson of the Light Horse concurred with by this House. For your further information we send you the accounts of said Dickerson.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House for empowering certain Commissioners therein mentioned to dispose of the guns, boats, &c., belonging to the public in possession of the Independent Companies stationed at Ocracock, Beaufort and Deep Inlet.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

On motion, Resolved, That Mr. John Eason of Carteret County do take and keep in his possession until otherwise directed all guns, the ammunition and all other arms belonging to the public in the hands or possession of the officers and soldiers of the Independent Companies lately stationed at Ocracock and Beaufort Inlet and that he shall sell all the public boats lately in possession of the said companies and account for the same with public, and Resolved also that Mr. John Hollinsworth, of New Hanover County do sell the public boats lately in the use of the Independent Companies stationed at Deep Inlet and account for the same with the next General Assembly.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We have received herewith and do herewith return you the resolve of your House empowering Mr. John Eason to take into his possession all the guns ammuntion &c., belonging to the public now in the hands of the late independent companies stationed at Ocracock, Beaufort Inlet &c., &c., &c.,

Concurred with by this House. A. Nash, S. C.

Received from the Senate the followiug Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House for granting a new certificate to Mr. Nathaniel Williams in the room of one granted him last Session which by the deposition sent you it appears is either lost or mislaid.

Sam Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message which was rejected.

The order of the day being read for taking into consideration the case of Sam Cornell and John London Esquires whereupon Major John Tillman laid before the House a flag of truce brought by the said Sam'l Cornell and John London from the commanding officers of the King's forces at New York as follows:

By his Excellency sir Henry Clinton, knight of the most honorable order of the Bath, Lieutenant General and Commander in Chief of his Majesty's forces in the province of New York &c., &c., &c.

Permission is given to Messrs. Sam'l Cornell and John London of North Carolina, merchants, to pass and repass without let or molestation whatever with a flag of truce, in the Brig. Edwards, navigated by John Pender and the seamen named in the margin to Newbern in North Carolina, to settle their affairs in that province, and withdraw their property from thence:

Stuart, Presley, Peterson, Thomas, Loyd, Pender, Bradford, Dick, Negro.

And therefore due faith and credit is to be paid, given to these presents, and to the said Sam'l Cornell and John London, the bearers hereof, of which all officers, civil and military, are hereby required to take notice and govern themselves accordingly.

Given under my hand and seal at headquarters in the city of New York, the 22 day of Nov., in the Eighteenth year of His Majesty's reign, Anno. Dom., 1777.

H. Clinton, Lt. Gen'l. (seal).
W. Hotham.

(A copy.)

Then on motion resolved that the House resolve itself into a Committee of the whole House, to take the propriety of said Flag of Truce into consideration; the House resolved itself into a Committee of the Whole accordingly and chose Thomas Benbury, Esquire, Chairman, and after some time spent therein came to a resolution thereon; then on motion Mr. Speaker resumed the chair, and Mr. Chairman reported that the committee had come to the following resolution on the matter referred to them (to-wit):

Resolved as the opinion of the committee that the Flag of Truce brought by Sam'l Cornell and John London, Esquires, from the commanding officers of His Britannick Majesty's forces at New York is a proper one; and that His Excellency, the Governor, be informed as to the sense of the General Assembly.

The requisitions of said Flag of Truce ought not to be granted.

The House, taking the said report into consideration, concurred therewith.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House relative to Sam'l Cornell and John London, Esquires; also a copy of the Flag of Truce brought by said Cornell and London from the commanding officers of His Britannick Majesty's forces at New York.

A. Nash, S. C.

Mr. John Tillman, according to order, presented a Bill to ratify an act entitled an Act for the better regulation of the town of New Bern, and for securing the titles of persons who hold lots in the said town; also to ratify 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; also to ratify an act intituled an Act for amending an act intituled an act for the better

regulation of the town of New Bern, and for securing the titles of persons who hold lots in the said town, which he read in his place and delivered in at the table, where it was again read, passed and ordered to be sent to the Senate.

Sent by Mr. Rhodes and Mr. Owen.

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

Wednesday, 10 December, 1777. The House met according to adjournment.

Received from the Senate the following Bills:

A Bill for altering the name of John Gilliard to the name of John Ister.

A Bill for adding part of Anson County to Bladen County.

A Bill to empower the Courts for the Counties of Tryon and Guilford to lay a tax by assessment for furnishing the Court Houses, prisons and stocks and other purposes. Endorsed in the Senate 9 December, 1777. Read the second time and passed.

A Bill to amend a part of an act for levying of a tax in the County of Caswell for defraying the expenses of the public buildings. Endorsed in the Senate 9 December, 1777. Read the first time and passed.

A Bill for directing the method of electing Members of the General Assembly and other purposes. Endorsed in the Senate 8 December, 1777.

Read the first time and passed.

A Bill for fixing the seat of Government in this State and for appointing and empowering Commissioners for purchasing lots of land whereon to erect the public buildings necessary for that purpose.

Endorsed in the Senate 6 December, 1777.

Read the first time and passed.

Whereas, large quantities of public stores lie dispersed thro' different parts of this State, which, from want of being collected into places of safety and due attention being paid to them, are liable to perish.

Resolved therefore that three persons shall be appointed in each County of this State, whose business it shall be to enquire what

public stores, Military or other, the property of this State remain within their respective Counties and shall collect such stores into places of safety, and as near to each other as consists with public convenience and utility; and of such stores so collected the said County Commissioners shall make up a perfect and particular list and shall return the same to Thomas Craike, Esquire, Commissary of the public stores of this State, who is hereby required to inform himself of the nature and situation of the place where such public stores are deposited and shall, from the several lists which shall be returned from the several Commissioners, make up one complete list of the whole; the place where such stores are deposited and any other particulars that relate to them, and the Governor and Council are hereby empowered to make such disposal of the stores as to them shall seem best, having regard to the security of the said stores and there being placed convenient for use in case of public invasion or internal insurrection.

And, whereas, monies have been at different times received from the public treasury for the purpose of purchasing stores or other articles, which monies have not been applied agreeable to their true intention, but detained in the hands of those who received them, without account rendered thereof; and,

Whereas, certain persons have made sale of horses, waggons and other articles without duly accounting for the same, or paying the monies received into the treasury, and as from the manner in which such sales have been conducted, it is difficult to ascertain what persons stand indebted to the public and to what amount, and it becomes necessary to obtain information from persons in the vicinity of those places where such sales have been had.

Resolved therefore that it be recommended to the said Commissioners to inquire and obtain all possible information with respect to such transactions and in whose hands such monies received for the public use remain and that they make report thereof to the Governor and Council as soon as may be with all such circumstances relating thereto as may tend to do justice to the public against such fraud and abuses and put it in their power to bring such defaulters to account.

Resolved that the members who represent the respective Counties of this State in this present General Assembly be, and they

are hereby, appointed Commissioners for their respective Counties to carry the above resolve into execution.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We have received and herewith return the resolve of your House appointing Commissioners in the respective Counties in this State for certain purposes therein mentioned. A. Nash, S. C.

The House Adjourned till 4 o'clock.

The House met according to adjournment.

Dr. Burke desired to enter his reasons of dissent against the Ninety-Second Section of the Bill for establishing Courts of Law and Justice, &c., which are as follows: Because bonds for considerable sums where the credits do not appear on them, may involve questions relating to property of very considerable consequence, which by the constitution ought not to be tried otherwise than by a jury.

The several matters to this day referred being postponed,

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

Thursday, 11 December, 1777.

The House met according to adjournment.

On motion resolved that Mr. Isaac Bryan be, and he is hereby appointed paymaster to the tenth regiment in the room and stead of Benjamin Sheppard the former paymaster to the said regiment whom the General assembly have declared unworthy of the said office.

On motion resolved that William Cox be, and he is hereby appointed paymaster to the seventh regiment in the room of James Harvey deceased; and that he act under the bond formerly given by him to His Excellency the Governor for that purpose.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence two resolves of this House

appointing paymasters to two of the regiments raised by this State in which there are at present vacancies.

A. Nash, S. C.

The Sheriff of Chatham County having certified that Alexander Clark, Esquire, was duly elected a member of the House of Commons to represent the said County in General Assembly in the room of Mial Shurlock, Esquire, whose seat is vacated by his acceptance of the Clerk's office for said County, whereupon the said Alexander Clark, Esqr., appeared, was qualified and took his seat accordingly.

Received from the Senate the following Bills:

A Bill to amend an act intituled an act for establishing a Militia in this State.

A Bill to ratify 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 Town of New Bern. Also to ratify 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, &c., &c., &c.

Endorsed in the Senate 10 December, 1777.

Read the first time and passed.

A Bill to regulate pilotage of Cape Fear and Ocracock Bars and the rivers leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton.

A Bill to facilitate the navigation of Port Currituck.

A Bill for appointing Commissioners to lay off and make a road from the Court House in the County of Washington thro' the mountains into the County of Burke.

Endorsed in the Senate, 10th December, 1777.

Read the second time and passed.

Ordered that the Bill for vesting in this State the estates of certain persons therein mentioned be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Locke and Mr. Ward.

Ordered that the Bill for establishing a Loan Office in this State be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Locke and Mr. Ward.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return the resolve of your House directing the Committee of Claims to allow the Jailors of this State two shillings per day for the prisoners whom they have victualled since the last Session of Assembly.

Concurred with by this House. Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 9th December, 1777. Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House have received your Message and resolve in favor of Mr. Robeson, and concur therewith. Sam'l Ashe, S. S.

At the same time received the resolve of this House, referred to in the above Message.

Endorsed in the Senate, 9th Dec., 1777. Read and concurred with.

Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House for appointing Commissioners to receive the guns belonging to the public from James Ransom, Esquire.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

On motion, resolved that Mr. Seawell, Mr. Robert Goodloe and Mr. Daniel Slade be appointed Commissioners to examine and receive the guns manufactured by James Ransom, Esquire, of the Commissioners appointed for manufacturing guns for the use of the public at Halifax Congress, 1776, and that they make report under their hand and seals to the next General Assembly, and also that the said Mr. Ransom be desired to attend at the same place, in

order to settle and account with the public for the money by him received for the purpose aforesaid.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the resolve of your House appointing certain commissioners therein mentioned to receive the public guns manufactured by James Ransom, Esquire, &c.

Concurred with by this House.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House appointing William Amis, contractor for furnishing the Troops which may occasionally rendezvous at Halifax with provisions, &c.; also a resolve directing the discharge of the Militia Companies stationed at Halifax, &c.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

Resolved, That William Amis, be appointed contractor to lay in provisions for the invalids and other detachments of the Continental Army which may rendezvous at Halifax during their stay there and that he receive the allowance made by the Continental Congress for such services and that upon his giving bond to the Commander for the time being for the faithful application of such money as he shall receive, the Treasurers or either of them be directed to advance him the sum of five-hundred pounds and the Treasurer so advancing shall be allowed the same in the settlement of his accounts with the public.

On motion, Resolved, That General Jones, discharge the Guard of Militia at Halifax and that the Commissary officers in the Town of Halifax for the time being take care for the future to mount a guard sufficient for the security of the Magazine at the said place.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return you two resolves of your House, the one appointing William Amis, contractor, &c., the other empowering Gen'l Jones, to discharge the Guard of Militia at Halifax, &c.

Concurred with by this House.

A. Nash, S. C.

The order of the day being read, the House proceeded to the reading the Bill for establishing Courts of Law &c., for the third time when Mr. Hooper moved to amend the same by inserting a clause empowering the Governor to administer the oaths of qualification to the Clerks of the respective Superior Courts and publishing the same by proclamation and by striking out that part of the Bill which required the Clerks to take the oath of qualification in open Court which proposed amendments were received in the House. This being objected to, the question was put and carried in the affirmative thirty-six to twenty two, then on motion of Gen. Person,

Resolved that the yeas and nays be taken down on the said question which are as follows:

Yeas.

W. Avery, T. Benbury, J. Green, J. Johnston, W. Robeson, J. William, B. Williams, W. Lord, H. Rhodes, J. Atkinson, T. Owen, Gen. Butler, Jesse Eason, W. Courtney, S. Swan, W. Brown, Jesse Cobb, B. Parmela, W. Jones, W. Hooper, L. Stone, S. Turner, R. Dixon, G. Hill, E. Maclaine, W. Hill, J. Collier, Alexr. Averitt, B. Spruill, T. Burke, T. Harvey, B. Harvey, N. Keaise, J. Rand, J. Garrett, Caleb Grandy.

Nays.

R. Moore, F. Boddie, J. Hunter, J. Sevier, E. Haywood, R. Lindsey, J. Birdsong, M. Fifer, J. Barber, J. Smith, M. Locke Charles Gordon, H. Rains, Wm. Picket, Tho. Person, J. King, Jas. Wilson, B. Ward, R. Peoples, J. Winston Alexr. Clark, J. Twiner.

Ordered the said Bill be read with the amendments, read the same the third time with the amendments, passed and ordered to be sent to the Senate.

Sent by Mr. Hooper and Mr. Benbury.

Ordered that the Bill for building a Court house in the Town of Salisbury for the district of Salisbury be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Locke, and Mr. Ward.

Ordered that the Bill for directing the method of electing members of the General Assembly and other purposes be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Senate by Mr. Locke and Mr. Ward.

Ordered that the Bill for making provision for the poor and for other purposes, be read the second time, read the same the second time amended, passed, and ordered to be sent to the Senate.

Sent by Mr. Locke and Mr. Ward.

The House adjourned till 4 o'clock. The House met according to Adjournment.

The Sheriff of Hyde County having certified that Joseph Hancock Esquire was duly elected as a member of the House of Commons to represent the said County in General Assembly in the room of Mr. John Jordan whose seat was vacated by his acceptance of the Clerk's office for said County whereupon the said Joseph Hancock Esquire appeared was qualified and took his seat accordingly.

Ordered that the Bill to amend an act intituled an act for establishing a militia in this State be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill to ratify 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; also to ratify an act intituled an act for the better regulation of the town of New Bern &c., be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill for the better regulation and ease of the Militia in the lower end of Hyde County be read the third time, read the same the third time, passed and ordered to be engrossed.

Ordered that the Bill to empower the Courts for the Counties of Tryon and Guilford to lay a tax by assessment for finishing the

Court House, prisons and stocks and other purposes be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate. Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill for levying a tax for defraying the contingencies of the several Counties in this State and other purposes be read the first time, read the same the first time, passed and ordered to be sent to the Senate. Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill for appointing naval officers in this State and directing their duty in office be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill for ascertaining the oath of allegiance and abjuration be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill for laying a tax to defray the expense of the public buildings in the County of Burke and other purposes therein mentioned be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

On motion, resolved that Mr. Benbury, Mr. Tillman, Mr. Kease, Mr. Lord, Mr. Humphries and Mr. Hooper be a Committee to take out and amend the Bill to regulate the pilotage of Cape Fear and Ocracock Bars, &c., &c., &c.

Ordered that the Bill to facilitate the navigation of Port Currituck be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill for regulating the duty of officers, seamen and mariners be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill to amend part of an act for levying of a tax in the County of Caswell for defraying the expense of the public buildings be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill to enable the Governor to send an aid from the Militia to oppose the enemies of the United States if the same shall be required by Congress, be read the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

Ordered that the Bill to enable the householders in the Counties therein mentioned to vote for Senators to represent them in General Assembly be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Barber.

The House adjourned till tomorrow morning, 10 o'clock.

Friday, 12 December, 1777. The House met according to adjournment.

On motion, resolved that the orphans of John Fifer, deceased, be allowed the sum of eight pounds for money advanced by said John Fifer in his lifetime to George Alexander for going express to the treasury for money for the use of the public; that the treasurers, or either of them, pay the said orphans the aforesaid sum of eight pounds and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House allowing the orphans of John Fifer, deceased, a certain sum therein mentioned. A. Nash, S. C.

Received from the Senate the following Bills:

A Bill for the declaring the method of electing Members of the General Assembly and other purposes.

A Bill for building a Court House in the town of Salisbury for the District of Salisbury.

A Bill for making provision for the poor and for other purposes.

A Bill for vesting in this State the estates of certain persons therein mentioned.

A Bill for establishing a loan office in this State.

Endorsed in the Senate 11 December, 1777, read the second time and passed.

A Bill to regulate and ascertain the fees of Clerks of the Pleas in the Superior and County Courts, Justices of the Peace and attorneys in this State and directing the method of paying the same.

Endorsed in the Senate 8 December, 1777, read the first time and passed.

On motion resolved that Mr. Thomas Benbury and Mr. William Hooper be empowered to make sale of the vessels which have been sunk in Cape Fear River for the purpose of obstructing the same and to execute a bill of sale to any persons who shall pay into their hands the sum of one thousand pounds, which sum so received they shall pay into the public treasury. The said Commissioners are to make sale of the vessels in the condition they now are, and the public are to incur no expense in weighing the same.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering certain commissioners therein mentioned to make sale of the vessels which were sunk in Cape Fear River, &c.

A. Nash, S. C.

Read the remonstrance of John Wilcox setting forth that he cannot accept of the Iron Works in Chatham County on the terms proposed by the General Assembly, and praying that he may be paid the purchase money due him on account of the said Iron Works, agreeable to contract.

Resolved that the Treasurers, or either of them, pay to the said John Wilcox the sum of five thousand two hundred and eightysix pounds as the balance due him on the contract aforesaid; and the further sum of two hundred pounds as a recompence for the prospect he had of obtaining the premium offered by the public to any person who should make one hundred ton of iron in the space of two years from the time of such offer.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

John Wilcox having refused to accept of the Iron Works in

Chatham County, on the terms offered by the General Assembly, and prayed to be paid the sum due him on the contract entered into by the Commissioners with him, this House in order to be freed from any further solicitations and trouble on this head, have come to the resolutions herewith sent for your concurrence.

A. Nash, S. C.

Whereas, it appears to this House that Col. Folsom did take into his possession, in pursuance of an order of the Council of State, a quantity of salt belonging to the merchants of Cross Creek for the purpose of distributing the same among the soldiery who went out on the expedition against the Tories to Moore's Creek, for which he had given his bond payable to Peter Mallett and Robert Rowan, the persons who delivered the salt.

Resolved, therefore, that Col. Ebenezer Folsom pay to the merchants to whom the salt belonged the money for the same at the rate the Congress heretofore directed, and that the said Mr. Mallett and Mr. Rowan deliver to Col. Folsom his said bond.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this house directing Col. Folsom to pay the merchants of Cross Creek for salt, &c., delivered the soldiery who went on the expedition to Moore's Creek.

A. Nash, S. C.

On motion resolved that the Commissioners appointed to direct and superintend the Salt Petre Works at Halifax Town, be directed to desist from any further attempt to make salt petre on account of the public, and that they sell the materials on hand, and receive the money advanced to them by the public, and account with the next General Assembly.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House directing the Commissioners of the Salt Petre Works at Halifax to desist from making any further attempts on account of the public, &c.

A. Nash, S. C.

Resolved, that the Executors of Richard Blackledge, Esquire, deceased, be released from the contract made by the said Richard with the public for the delivery of salt to be made at works by him erected, on condition that the said executors deliver one thousand bushels of good salt at the price by the said contract stipulated, to such persons as shall be appointed to receive the same within three months from this day, and also pay into the public Treasury within twelve months from this date the balance due on the bond of the said Richard. Credit being given for the salt aforesaid, without interest.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for releasing the executors of Richard Blackledge, Esqr., deceased, from a contract entered into by said Blackledge with this State for furnishing a quantity of salt, the said executors complying with the terms expressed in the resolve. If you should concur with this resolve, be pleased to appoint Commissioners to receive the salt which is to be delivered for the public use, agreeable to said resolve.

A. Nash, S. C.

Ordered that the Bill for establishing the salaries of the Justices of the Superior Courts and of the Attorney General be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Stone and Mr. Moore.

Ordered that Mr. Hooper, Mr. Johnston and Gen'l Person be a Committee to hire persons to engross Bills:

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received and considered the resolve of yours relative to a flag of truce brought into this State by Messrs. Cornell and London, and cannot concur with it, being of the opinion that the same is not a proper flag.

Sam'l Ashe, S. S.

Read the memorial of Sam'l Cornell and John London, praying the indulgence of the General Assembly, to be permitted to return to New York with the family, fortune and house negroes of said

Sam'l Cornell. John London praying to be allowed time to hear from his friends at Cape Fear, &c.

Ordered that the said memorial be referred to his Excellency the Governor.

Ordered the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House are of the opinion that the papers which have been referred to them relative to Sam'l Cornell and John London, who do suggest that the vessel in which they arrived here in is a flag of Truce and intitled to the same protection and privileges as flags of Truce by the law and practices of nations, are a proper subject for the executive powers of this State to consider and determine. They also propose that a Message be sent to His Excellency the Governor, advising him of this resolution, and assuring him that it is with the most perfect confidence that they submit the matters to his decision. A. Nash, S. C.

Ordered that the Bill for the destroying vermin in the several counties therein mentioned, be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill to prevent the distillation of wheat and corn for the purpose of making a spirit therefrom, commonly called whiskey, be read the first time, the same being read the first time was rejected.

General Person, who had leave to take out the Bill to prevent the burning woods, &c., to amend, brought in the same amended and moved that it be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Ordered that the Bill to regulate and ascertain the fees of Clerks of the Pleas in the Superior and County Courts, Justices of the Peace, Attorneys in this State and directing the method of paying the same, be read the first time, read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Ward.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We have received and herewith return you two resolves of your

House, one for allowing John Wilcox, a certain sum therein mentioned, the other empowering Thomas Benbury and William Hooper, Esquires, to sell all the vessels that have been sunk in Cape Fear; with which this House concur.

Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 12 Dec., 1777. Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return your resolve for appointing Commissioners to collect the public stores, &c.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 11 Dec., 1777. Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message.

Mr. Speaker & Gentlemen of the House of Commons:

We have received and herewith return you the resolve of your House appointing pay-masters, &c., and concurred therewith. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate 11 Dec., 1777. Read and concurred with.

Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons.

This House have received your Message together with the report of the Committee appointed to examine the acc'ts of John Dickerson and concur therewith.

Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Capt. Thomas Whitson. Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message as follows:

As it appears to this House that a certain Captain Thomas Whitson, received a wound in his arm some time ago by the Cherokees, and has since lost the use of it,

Resolved therefore that the sum of ten pounds be annually allowed to the said Thomas Whitson, for three years and no longer unless ordered by the General Assembly.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the resolve of your House in favor of Capt. Thomas Whitson.

Concurred with by this House. A. Nash, S. C.

This House adjourned till to-morrow morning, 9 o'clock.

Saturday, 13 Dec., 1777. The House met according to adjournment.

Ordered that the Bill for adding part of Anson County to Bladen County, be read the third time, read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Hill.

Mr. John Hooker, one of the Members of Tyrrel County appeared and took his seat accordingly.

Ordered that the Bill for vesting in this State the estates of certain persons therein mentioned, be read the second time, the same being read the second time was rejected.

Ordered that the Bill to regulate the pilotage of Cape Fear and Ocracock Bars and the rivers leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton, be read the second

time, read the same the second time, amended passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Hill.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen,

I herewith lay before you the petition of Whitmell Tuffdick and and other chiefs of the Tuscarora Indian Nation, which, came to my hands only this day; and although 'tis late in the Session, I persuade myself the distresses these people complain of will be an inducement to you to take the same into consideration and grant them that relief the nature of their case requires.

R. Caswell.

At the same time received the petition referred to in the above Message, the same being read was ordered to be referred to Mr. Jones.

Ordered that the Bill to amend an act intitled an act for levying a tax by assessment and other purposes, passed the last Session of this Assembly, be read the second time, read the same the second time, amended passed and ordered to be sent to the Senate. Sent by Mr. Owen and Mr. Spruill.

On motion ordered that Mr. William Brown have leave to absent himself from the service of this House.

Received from the Senate the following Bills:

A Bill for appointing Naval Officers in this State and for directing their duty in office.

A Bill to enable the Governor to send an aid from the Militia to oppose the enemies of the United States if the same shall be required by Congress.

A Bill to amend an act intitled an act for establishing a militia in this State.

A Bill to facilitate the navigation of Port Currituck.

A Bill to ratify an act intitled an act for the better regulation of the town of New Bern and for securing the titles of persons who hold in the said Town, also to ratify an act intitled an act for the better regulation of the Town of New Bern and for securing the titles of persons who hold lots in the said Town, &c., &c., &c.

A Bill to amend part of an act for laying a tax in the County of Caswell for defraying the expence of the public buildings.

A Bill for levying a tax for defraying the contingencies of the several Counties in this State and other purposes,

A Bill for levying a tax to defray the expence of the public buildings in the County of Burke and other purposes therein mentioned.

A Bill for ascertaining the oath of allegiance and abjuration.

A Bill to enable the householders in the Counties therein mentioned to vote for Senators to represent them in General Assembly.

A Bill for regulating the duty of officers Seamen and mariners in the merchants service.

A Bill to enforce the statute Laws, &c.

Endorsed in the Senate, 12 December, 1777, read the second time and passed.

On motion resolved that a reward of ten dollars for the future be paid by this State for each and every deserter from the continental Army who shall be apprehended and delivered to any officer thereof, the person apprehending such deserter or deserters producing a receipt from such officer of the delivery of such deserter or deserters.

Resolved also that the paymasters of the continental troops in this State, be and they are hereby directed not to allow or pay wages to any deserter from the Continental service for the time of his desertion, unless such deserter shall of his own free will return to the service.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House allowing a certain sum therein mentioned for apprehending deserters from the continental army, &c.

A. Nash, S. C.

Ordered that the Bill to empower the Court of Admiralty of this State to have Jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britian, to establish the trial by Jury, &c., &c., &c., be read the second time;

read the same the second time amended, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and Mr. Spruill.

Ordered that the Bill to enforce the statute laws, &c., be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and Mr. Spruill.

Ordered that the Bill to amend an act, intituled an act for levying a tax in the County of Caswell for defraying the expence of public buildings, be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and Spruill.

Ordered that the Bill for levying a tax for defraying the contingencies of the several counties in this State and other purposes, be read the second time; read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Spruill and Mr. Owen.

Ordered that the Bill to enable the householders in the counties therein mentioned to vote for Senators to represent them in General Assembly, be read the second time; the same being read the second time was rejected, whereupon, on motion, ordered that yeas and nays be taken down on the said question, which are as follows:

Yeas—Gen'l Butler, J. Sevier, R. Lindsay, M. Fifer, J. Smith, M. Locke, C. Gordon, E. Maclaine, J. Wilson, J. Collier, Tho. Burke, Tho. Humphries, Jos. Winston, John Hooker.

Nays—W. Jones, J. Johnston, Wm. Robeson, J. Williams, B. Williams, N. Boddie, H. Rhodes, J. Hunter, J. Atkinson, J. Turner, Tho. Owen, Jesse Eason, W. Courtney, E. Haywood, Rd. Clinton, J. Barber, W. Hooper, H. Rains, Geo. Davidson, L. Stone, S. Turner, Jesse Cobb, H. Edmunds, Gen'l Person, J. King, G. Hill, A. Averitt, B. Ward, B. Spruill, Thos. Harvey, B. Harvey, J. Rand, J. Garrett, R. Peoples, Caleb Grandy, Alex'r Clark.

Ordered that the Bill to prevent abuses in taking up stray horses, cattle and sheep, and other purposes therein mentioned, be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and M. Spruill.

The House adjourned 'til 4 o'clock.

The House met according to adjournment.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House appointing Mr. Hunt, Mr. McDowell, Mr. Carter and Mr. Lanier, a committee to act jointly with such gentlemen as you may think proper, to settle the accts. of James Stuart and Andrew Greer. Sam Ashe, S. S.

On motion, resolved that Mr. Benbury, Mr. Sevier, Mr. Johnston, Mr. Rand and Mr. Jones, be a committee on the part of this House for the above-mentioned purposes.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received your message appointing a committee to settle the accts. of James Stuart and Andrew Greer; and have on their part appointed Mr. Benbury, Mr. Sevier, Mr. Johnston, Mr. Rand and Mr. Jones to act jointly with the gentlemen appointed of the Senate for the purpose above-mentioned. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House concur with yours as to your message relative to Messrs. Cornell and London, with this difference, that the words "who do suggest" instead of the words "upon a suggestion," be inserted in the third line. Sam Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House agree to the amendments proposed by you in their Message relative to Messrs. Cornell and London, and have made the same conformable. A. Nash, S. C.

Ordered that the Bill for ascertaining the oath of allegiance and abjuration be read the second time; read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Moore.

Ordered that the Bill concerning titles to land, and for limitation of actions, be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Moore.

Ordered that the Bill to make sale of the armed vessels of this State, &c., be committed to Mr. Burke, Mr. Hooper, Mr. Benbury and Mr. Jones to amend.

Ordered that the Bill for fixing the seat of government in this State, and for appointing and empowering Commissioners for purchasing lots of land whereon to erect the public buildings necessary for that purpose be read the first time; the same being read the first time was rejected.

Ordered that the Bill for preventing the obstruction of fish from passing up County Line Creek in Caswell County be read the third time; the same being read the third time was rejected.

Ordered that the Bill for altering the name of John Gilliard to the name of John Ister be read the third time, read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Turner and Mr. Locke.

Ordered that the Bill to ratify and confirm an act entitled an act for the regulation of the Town of Wilmington, also to revise an act entitled an act to amend an act entitled an act for the regulation of the Town of Wilmington be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Turner and Mr. Locke.

Ordered that the Bill for establishing Fairs in the Town of Wilmington in New Hanover County be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Turner and Mr. Locke.

Ordered that the Bill declaring what fences are sufficient, and to provide a remedy for abuses, &c., be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Turner and Mr. Locke.

Ordered that the Bill for empowering certain Commissioners therein mentioned to sell the Glebe House and Land in Tyrrel County be read the third time; the same being read the third time was rejected.

Ordered that the Bill to ratify an act entitled an act for the better regulation of the Town of New Bern, and for securing the titles of persons who hold lots in the said town, also to ratify an act entitled an act for the better regulation of the Town of New Bern, &c., &c., &c., be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and Mr. Lord.

Ordered that the Bill for establishing a Loan Office in this State be read the second time; read the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and Mr. Lord.

Ordered that the Bill for preventing tedious and illegal imprisonments and for the better securing the liberty of the free men of this State be read the first time; read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Owen and Mr. Lord.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We have received and herewith return the resolve of your House directing the Commissioners appointed to erect and superintend the Salt Petre Works at Halifax, to desist from any further attempt to make Salt Petre, &c.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 13 Dec., 1777.

Read and concurred with. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We have received your resolve for releasing Richard Blackledge, executor, from a former agreement made by Mr. Blackledge, with this State on certain conditions therein mentioned, and concur therewith.

Read and concurred with. Sam'l Ashe, S. S.

At the same time received the Resolve of this House referred to in the above Message.

Endorsed in the Senate, 13 Dec., 1777. Read and concurred with. Sam'l Ashe, S. S.

Ordered that the Bill for making provision for the poor and for other purposes, be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Kease and Mr. Rhodes.

Ordered that the Bill for appointing Naval officers in this State and for directing their duty in office, be read the second time; read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Kease and Mr Rhodes.

Ordered that the Bill for directing the method of appointing Jurors, in all cases civil and criminal, be read the first time; read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Kease and Mr. Rhodes.

The House adjourned till Monday morning 10 o'clock.

Monday, 15 Dec., 1777. The House met according to adjournment.

Mr. James Ryan, one of the Members for Currituck County appeared and took his seat accordingly.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen:

Herewith you will receive sundry copies of the articles of Consideration of the United States of America, transmitted to me by the delegates of this Congress, together with their letters and other letters of a public nature which I lay before you for consideration,

These papers were received by express on Saturday last; and yesterday by a private hand I received sundry resolves of Congress and accounts of the United States against this State. They have been long on their passage and some of them appear to me to require your immediate consideration, I therefore take the earliest opportunity of laying them before you.

R. Caswell.

At the same time received the letters, papers, &c., &c., referred to in the above Message.

The same being read are ordered to be referred to a joint Committee of both Houses and sent to the Senate for their perusal.

On motion, resolved that Mr. Burke, Mr. Tillman, Mr. Jones and Genl. Butler be a Committee on the part of this House for the purpose above mentioned.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith send you a Message from His Excellency the Governor, together with sundry letters, papers, &c., &c., &c., which this House propose referring to a joint Committee of both Houses; and for that purpose have on their part appointed Mr. Burke, Mr. Tillman, Mr. Jones and Genl. Butler. A. Nash, S. C.

Received from the Senate the following Bills:

A Bill to regulate the pilotage of Cape Fear and Ocracock Bars, &c., &c., &c.

A Bill for establishing the salaries of the jurors of the Superior Courts, &c.

A Bill to amend an act for levying a tax in the County of Caswell, &c.

A Bill for levying a tax for defraying the contingencies of the several Counties, &c.

Endorsed in the Senate 13, December, 1777, read the third time and passed.

A Bill to prevent burning woods, &c.

A Bill for empowering Commissioners to build a prison and stocks in the County of Duplin and other purposes.

A Bill to regulate and ascertain the fees of Clerks of the Pleas in the Superior and County Courts and attorneys, &c.

A Bill to encourage the destroying vermin, &c.

Endorsed in the Senate 13, December, 1777, read the second time and passed.

On motion, resolved that the delegates of Congress from this State be allowed at the rate of fourteen hundred pounds per annum each from this date.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of our delegates in Congress.

A. Nash, S. C.

On motion, resolved that James Biggleston, Esquire, be released from his present confinement and be paroled to such place as His Excellency the Governor shall think proper, the town of Newberne excepted, he first giving bond with sufficient security to His Excellency the Governor for his good behavior, or be subject to the general laws of the State relative to the taking the State oaths or leaving the State.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for releasing James Biggleston, Esquire, from his present confinement, upon certain conditions therein mentioned. A. Nash, S. C.

On motion, resolved that the delegates for this State in Congress be instructed to nominate Colo. Jethro Sumner and Thomas Clark of the troops raised by this State as its quota for the Continental Service to be elected Brigadier Generals, provided that such instructions shall not preclude the delegates from nominating any other officer of the same corps who may eminently distinguish himself before this instruction shall come to hand in Congress.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering our delegates in Congress to elect certain persons therein mentioned to the office of Brigadier General, under certain proviso.

A. Nash, S. C.

On motion resolved that Mr. Rand and Mr. Edmunds be added to the Committee to re-examine Accts. of Col. Henry Irwin passed at Halifax Congress 1777.

Ordered that the Bill to amend an act for levying a tax in the County of Caswell for defraying the expence of the public buildings be read the third time, read the same the third time and and ordered to be engrossed.

On motion resolved that the Treasurers or either of them be empowered to pay into the hands of his Excellency the Governor any sum of money not exceeding twenty-five thousand dollars, he giving a draught to the continental Treasury for such sum or such part thereof as he shall receive from any of the said Treasurers.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House, empowering the Treasurers or either of them to pay into his Excellency the Governor's hands any sum not exceeding twenty five thousand dollars &c.

Ordered that the Bill to regulate the pilotage of Cape Fear and Ocracock Bars, and the rivers leading from the same to Brunswick, Wilmington, Newbern, Bath, and Edenton be read the third time, read the same the third time, amended by consent of both Houses and ordered to be engrossed.

The House Adjourned till 4 o'clock.

The House met according to Adjournment.

On motion resolved that a certificate be granted to Capt. Robt. Peoples for five pounds twelve shillings and six pence, the amount of his claim allowed at Halifax Congress, November and December session, 1776; also to Samuel Johnston for thirty pounds, the amount of his claim allowed at the same time, it appearing to the satisfaction of this House that there never were certificates delivered to either of those persons.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message.

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House in favor of Capt. Robert Peoples and Sam'l Johnston.

A. Nash, S. C.

Ordered that the Bill empowering Commissioners to build a prison and stocks in the County of Duplin, and other purposes therein mentioned, be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Stone.

Ordered that the Bill for building a Court House in the Town of Salisbury for the District of Salisbury be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Stone.

Ordered that the Bill to encourage the destroying vermin in the several counties therein mentioned be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Stone.

Ordered that the Bill to establish a Court of Chancery, and to regulate the mode of proceeding therein, be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Stone.

Ordered that the Bill for the ease and convenience of the militia on the west side of Newport in Carteret County be read the second time, read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Stone.

Ordered that the Bill for regulating the duty of officers, seamen and mariners in the merchant's service be read the second time, read the same the second time, passed and ordered to be sent to the Senate.

Sent by Mr. Cobb and Mr. Stone.

On motion, ordered that the Bill to amend an act entitled an act to establish a militia in this State be committed to Mr. Burke, Mr. Clinton, Gen'l Butler, Gen'l Person, Mr. Locke, Mr. Johnston and Mr. Cobb, to amend.

Ordered that the Bill to facilitate the navigation of Port Currituck be read the third time; read the same the third time, passed and ordered to be engrossed.

Ordered that the Bill for encouraging the settlement of the western

part of this State, and other purposes therein mentioned, be read the third time; the same being read was rejected.

Ordered that the Bill to prevent burning woods, be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Hunter and Mr. Clark.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

The resolve of this House for instructing the Delegates of this State to nominate Colonels Jethro Sumner and Thomas Clark, of the quota of troops raised by this State to be elected Brigadier Generals, we herewith send you concurred with. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate, 15 December, 1777. Read and concurred with. S. Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return the resolve of your House directing the Treasurers, or either of them, to pay into the hands of His Excellency, the Governor, any sum of money not exceeding twenty-five thousand dollars, &c.

Concurred with by this House. Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate, 15 Dec., 1777. Read and concurred with.

Sam'l Ashe, S. S.

Received from the Senate the following Message;

Mr. Speaker & Gentlemen of the House of Commons:

This House have received the resolve of yours allowing the delegates of Congress from this State, at the rate of fourteen hundred pounds per annum from this date, with which this House concur,

and we propose that this allowance take place from the time of their last appointment.
Sam Ashe, S. S.

At the same time received the resolve referred to in the above message.

Endorsed in the Senate, 15th December, 1777. Read and concurred with. Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

Your message appointing a committee to act with a committee to be appointed by this House for the purpose of considering certain resolves of Congress, &c., we have received, and have on our part appointed Mr. Maclaine, Mr. Salter, Mr. Coor and Mr. Seawell to act with the gentlemen by you appointed for that purpose. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House in favor of Mr. Peoples and Mr. Johnston.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to to in the above message.

Endorsed in the Senate, 15th December, 1777. Read and concurred with.

Sam'l Ashe, S. S.

The House adjourned till to-morrow morning 9 o'clock.

Tuesday, 16 December, 1777. The House met according to adjournment.

Received from the Senate the Bill for ascertaining the method to be pursued for taking up and granting lands in this State, and for ascertaining the duty of the surveyor-general, County surveyor,

entry takers, and other officers and persons who may be concerned therein.

Endorsed in the Senate, December 15th, 1777. Read the second time, amended and passed.

Received from the Senate the following Bills:

A Bill to ratify and confirm an act intituled an act for the regulation of the Town of Wilmington. Also to revise an act intituled an act for the regulation of the Town of Wilmington.

A Bill for preventing tedious and illegal imprisonments, and for the better securing the liberty of the freemen of this State.

A Bill for the ease and convenience of the militia on the west side of Newport, in Carteret County.

Endorsed in the Senate, 15th December, 1777. Read the second time and passed.

A Bill to empower the Courts for the Counties of Tryon and Guilford to lay a tax by assessment for finishing the Court Houses, prisons, stocks and other purposes.

A Bill for appointing Naval officers in this State and directing their duty in office.

A Bill for building a court house in the town of Salisbury for the District of Salisbury.

A Bill for empowering Commissioners to build a prison and stocks in the County of Duplin and other purposes therein mentioned.

A Bill to encourage the destroying vermin in the several counties therein mentioned.

Endorsed in the Senate, 15 Dec., 1777. Read the third time and passed.

A Bill for directing the method of appointing Jurors in all cases civil and criminal.

Endorsed in the Senate, 15 Dec., 1777.

Read the first time and passed.

Ordered that the Commissary accounts of William Gilbert be referred to the joint committee appointed to settle the acc'ts of James Stuart and Andrew Greer.

Mr. William Jones from the joint committee appointed to settle the accounts of James Stuart and Andrew Greer, reported as follows:

Your Committee appointed to examine the charges made by

James Stuart and Andrew Greer Commissaries of the Militia stationed in Washington District for expenses of wagoning provisions for said Militia,

Report as follows:

That it appears to your Committee that the said James Stuart, paid and has obliged himself to pay to sundry persons for wagon hire the sum of thirteen-hundred and ninety-two pounds three shillings, and for allowing to each wagon one shilling and eight pence per mile, each wagon carrying 16 hundred wt. It also appears to your Committee that the said allowance and loads for wagons was the common rule of hiring wagons in that part of the State and that they could not be had at the time the service was performed on any other terms.

It further appears to your Committee by vouchers produced by the above mentioned Andrew Greer, that the sum of seven-hundred and fifty-four pounds including wagon master's pay for Robert Lucas, is due for wagoning provisions for the Militia aforesaid, during the time of his said Greer's acting as Commissary, which sum of seven-hundred and fifty-four pounds is exclusive of a charge which Mr. Greer has for waggon belonging to himself.

Your Committee are of opinion that the same aforementioned charge for waggon hire ought to be allowed, and they submit to the Assembly whether, in that case the said Commissaries ought to be allowed thirteen pence per ration or a smaller sum.

William Jones,
Chairman.

The House taking the said report into consideration,

Resolved that the Committee of claims be directed to allow the claims charged for waggon hire by the aforesaid Stuart and Greer, disallowing however, the whole of Robert Lucas' claim as waggon master.

Resolved, also that the Committee aforesaid be directed to allow in settlement with the said Commissaries eleven pence per ration and no more.

Ordered that the above resolve together with the foregoing report be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for yhour concurrence the report of the Joint

Committee appointed to settle the accounts of James Stuart and Andrew Greer, together with the resolve of this House.

A. Nash, S. C.

On motion, resolved that James Davis, Esquire, be allowed the sum of five hundred pounds for printing the acts and journals of the last session of this present General Assembly, and for printing one copy of the Articles of Confederation of the United States for each Member of this present General Assembly and finding paper for the same.

That the treasurers, or either of them, pay him the same and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House allowing James Davis, Esquire, a certain sum for performing certain services therein mentioned. A. Nash, S. C.

Received from His Excellency the Governor the following Message:

To the Honorable the General Assembly:

Gentlemen,

I have the honor of laying before you the under mentioned copies of minutes and resolves transmitted by Congress.

1, of Articles of Confederation and perpetual union between the United States of America.

2, of address from Congress to the States, respectively, recommending the consideration of that plan of compact.

3, of minutes and resolves, urging the necessity for taxation in each State, and recommending confiscation and sale of the estates of persons who have forfeited the right of protection.

These papers, so expressive of the meaning and views of Congress, appear to me to require your immediate consideration.

R. Caswell.

At the same time received the papers, &c., referred to in the above Message. The same being read were ordered to be sent to

the Senate for their perusal, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your perusal a Message from His Excellency the Governor, with sundry papers, &c., therein referred to.

A. Nash, S. C.

The House adjourned till 4 o'clock.

The House met according to adjournment.

Received from the Senate the following Bills:

A Bill for enabling the County Courts to make a final settlement with all the Sheriffs and other collectors of public taxes who are in arrears.

Endorsed in the Senate, 12 December, 1777; read the first time and passed.

A Bill to enforce the Statute Laws.

A Bill for ascertaining the oath of allegiance and abjuration.

Endorsed in the Senate, 12 and 16 December, 1777; read the third time and passed.

A Bill to empower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said Court in cases of capture and for other purposes therein mentioned.

Endorsed in the Senate, 16 Deccmber, 1777; read the second time and passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We have received and herewith return the resolve of your House allowing the premium of ten dollars to any person who shall apprehend a deserter from the Continental Army.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 13 Dec., 1777. Read and Concurred with. Sam'l Ashe, S. S.

Ordered that the Bill for ascertaining the method to be pursued in taking up and granting lands in this State and for ascertaining the duty of the Surveyor General, County Surveyors, entry takers and other officers and persons who may be concerned therein, be read the third time, read the same third time, paragraph by paragraph, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Lord and Mr. Stone.

The House adjourned till to-morrow morning, 9 o'clock.

Wednesday, 17 December, 1777. The House met according to adjournment.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House propose that the following amendments be inserted in the resolve of yours for liberating James Biggleston (to-wit) after the word proper. "The town of Newbern excepted" and after the word behavior the words "or instead of and."

Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House concur with yours in the amendments in their resolve relative to Jame Biggleston and have made the same comformable.

Ordered that the Bill for building a Court House in the town Salisbury, for the district of Salisbury, be read the third time; read the same the third time, passed and ordered to be engrossed.

Ordered that the Bill for empowering the Commissioners to build a a prison and stocks in the County of Duplin, and other purposes therein mentioned, be read the third time; read the same the third time, passed and ordered to be engrossed.

Mr. Sevier, who had leave to take out and amend the Bill for erecting the District of Washington into a County by the name of Washington County, brought in the same amended. Then, on motion, ordered that the said Bill be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Sevier and Mr. Moore.

Mr. John Rand, from the Committee appointed to re-examine the accounts of Colonel Henry Irwin passed at Halifax in April, 1776, reported as follows:

Your Committee appointed to re-examine the accounts of Colonel Henry Irwin as referred to and passed at Halifax in April, 1776, report as follows:

That it appears to them from the accounts passed at Halifax and from other testimony that there is an overcharge in the time of rations of Capts. Johnston's and Horn's Companies, on the expedition to Moore's Creek, of forty-one pounds, nineteen shillings and six pence; and an error in extending the time of pay in the said accounts of nine pounds, eighteen shillings and five pence; and an overcharge of one pound, ten shillings for getting guns, said to be paid for by Captain Johnston.

It also further appears to your Committee that there is an overcharge in the rations of Captains Johnston's, Horn's, and Hart's Companies on the Expedition to Wilmington, and for getting guns and one broke, for an error in extending the price of barrels, for salt allowed and for pork and flour kept by Colonel Irwin, of fiftyeight pounds, fourteen shillings; the said several sums amounting in the whole to one hundred and twelve pounds, one shilling and eleven pence, which appears to your Committee to be due from Colonel Irwin to the public, and ought if received by him to be refunded by his executors.

J. Rand,
Chairman.

The House taking the said report into consideration concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee appointed to re-examine the accounts of Colonel Henry Irwin passed at Halifax in April, 1776.

Concurred with by this House.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send a resolve relative to an allowance to Mr. Davis for services rendered the public, which we wish to adopt instead of the one proposed by your House. Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We have received your Message and resolve relative to authorizing James Davis, Esquire, to print the Articles of Confederation of the United States and the Laws and Journals of the last Assembly, and cannot concur therewith, having been made sensible that the sum proposed by you to be allowed to Mr. Davis for said service will not make him an adequate satisfaction for said service. We therefore hope that you will take this necessary business again into consideration. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your resolve, together with the report of the Committee appointed to examine the charges made by James Stuart and Andrew Greer, and concur therewith.

Sam'l Ashe, S. S.

At the same time received the resolve of the House referred to in the above Message.

Endorsed in the Senate, 16th Dec., 1777.

Read and concurred with.

Sam'l Ashe, S. S.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House directing Mr. James Council to pay a certain sum of money into the Public Treasury of this State. Also a resolve empowering certain persons therein named to dispose of the effects taken from certain Tories of Bladen County. Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

Oh motion, resolved that Mr. James Council be directed to pay into the Public Treasury of this State all monies which may be in his hands arising from the sale of the estates of John Kersey, deceased.

Resolved also, that Messrs. William McRee and George Brown be impowered to sell the effects taken from certain Tories of Bladen County, to-wit: Robert Mylene, Alexr. McLean and ——— McArthur, and also a hogshead of molasses taken out of a boat at Elizabethtown, for which there appears to be no owner, and that they, after satisfying the persons who took said effects, for their trouble, do account with the next General Assembly for the remainder of the money arising from such sales.

The House taking the above resolve into consideration, Concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return the resolve of your House directing Mr. James Council to pay a certain sum of money into the public Treasury of this State, &c.

Concurred with by this House. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

Herewith you will receive a resolve of this House in favor of Mr. James Green Jr., for correcting and making a fair transcript of the last Journals of the Senate and desire your concurrence.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read was rejected.

Ordered that the Bill to regulate and ascertain the fees of the Clerks of the Pleas in the Superior and County Courts, Justices of the Peace and Attorneys in this State and directing the method of paying the same be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by General Butler and Mr. Courtney.

Mr. Johnston moved that the Justices of the peace in certain Counties might be exempted from receiving fees for granting warrants &c., this being objected to, ordered that the yeas and nays be taken down, which are as follows.

YEAS.

W. Avery,
J. Johnston,
J. Williams,
B. Williams,
N. Boddie,
H. Rhodes,
J. Tillman,
N. Bryan,
J. Atkinson,
J. Eason,
J. Sevier,
E. Haywood,
W. Jones,
H. Edmunds,
Gen'l Person,
J. King,
C. Hill,
B. Ward,
Theo. Harvey,
N. Keaise,
J. Rand,
J. Garrett,
R. Peoples,
B. Harvey,

NAYS.

W. Robeson,
R. Moore,
W. Lord,
J. Hunter,
J. Turner,
Theo. Owen,
Gen'l Butler,
W. Courtney,
Jesse Cobb,
B. Parmela,
R. Lindsey.
J. Birdsong,
M. Fifer,
J. Barber,
J. Smith,
M. Locke,
C. Gordon,
W. Hooper,
G. Davidson,
L. Stone,
S. Turner,
R. Dixon,
Ephraim McLaine,
J. Wilson,
J. Collier,
B. Spruill,
T. Burke,
Tho. Humphries,
Caleb Grandy,
Tignall Jones,
Jo's Winston,
Alex'r Clark,
J. Hancock,

T. Ryan,
R. Clinton.

Ordered that the Bill to encourage the destroying vermin be read.

Read the same the third time, amended by consent of both Houses, passed and ordered to be engrossed.

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

Thursday, 18th Dec., 1777. The House met according to adjournment.

Ordered that the Bill for ascertaining the oath of allegiance and abjuration be read the third time; read the same the third time, passed and ordered to be engrossed.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

The House have directed their Clerk to make out the estimate of allowance to include Sunday next. A. Nash, S. C.

Ordered that the Bill appointing Naval officers in this State, and for directing their duty in office be read the third time; read the same the third time, passed and ordered to be engrossed.

On motion, ordered that Mr. Benjamin Ward have leave to absent himself from the service of this House.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send you a resolve of this House appointing a committee to act jointly with a committee of your House to take into their consideration sundry resolves of Congress, &c., and to make report to the General Assembly to-morrow of their determination thereon.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above message, as follows:

On motion, resolved that Mr. Speaker, Mr. Maclaine, Mr. Seawell, Mr. Hart, Mr. Coor and Mr. Ramsey be a committee to act in conjunction with such gentlemen as the House of Commons may appoint for that purpose to consider and make report to-morrow what measures it may be necessary to adopt, for the purpose

of carrying the several resolves of the Continental Congress, now before the General Assembly, into execution.

The House taking the said resolve into consideration,

Concurred therewith.

On motion, resolved that Mr. Speaker, Mr. Benbury, Mr. Edmunds, Mr. Jones, Gen'l Person, Mr. Locke, and Doctor Burke, be a Committee on the part of this House for the purpose above mentioned.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have received and considered the message and resolve of yours appointing a committee to act jointly with such gentlemen of this House as should be appointed to consider and make report to-morrow what measures it may be necessary to adopt for the purpose of carrying the several resolves of the Continental Congress, now before the General Assembly, into execution, and have on their part for that purpose appointed Mr. Speaker, Mr. Benbury, Mr. Edmunds, Mr. Jones, Gen'l Person, Mr. Locke, and Doctor Burke, a Committee. We also appoint the same gentlemen a Committee to act jointly with such gentlemen of the Senate as shall be appointed to prepare and bring in a Bill for confiscating the estates of the enemies of the United States within this State.

A. Nash, S. C.

Read the Memorial of Alexander McAllister on behalf of many of the inhabitants of Cumberland County, praying, &c.

Ordered that the said Memorial lie over for consideration.

Ordered that the Bill to impower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said Court in cases of capture and for other purposes therein mentioned.

Also, to establish a Court of Chancery and to regulate the mode of proceeding therein be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Avery and Mr. Bryan.

Ordered that the accounts of Capt. John Dickerson of the Light Horse passed at Halifax and Newbern be recommitted.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We have received your Message informing that the gentlemen by you appointed to act with the Committee appointed by this House to take into consideration the resolves of Congress now before the General Assembly, &c., would likewise act in conjunction with a Committee to be nominated by this House to prepare and bring in a Bill for confiscating the property of the enemies of the United States within this State, and have for that purpose nominated the gentlemen appointed on the above mentioned Committee.

Sam'l Ashe, S. S.

Ordered that the Bill for appointing Commissioners to lay off and mark a road from the Court House in the County of Washington thro' the mountains into the County of Burke, be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Barber and Mr. Moore.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have thought proper to accompany the Bill intituled a Bill to empower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain and to establish the trial by jury in the said Court in case of capture.

Also, to establish a Court of Chancery and to regulate the proceedings therein with this Message, the purpose of which is to explain to the Senate the motives that induced this House to propose and annex as an amendment to the Bill constituting a Court of Admiralty; a regulation for constituting a Court of Chancery.

First, the Commons are of opinion that injustice may be done in many instances by the determination of a Court of Common Law unless a Chancery jurisdiction should be created to correct and soften the rigor of the Common Law.

Secondly, that there are certain matters of trust and confidence deeply interesting to the good people of this State which a Common Law jurisdiction cannot reach, where by manifold abuses of

trust would happen without any authority to shift the trust or compel restitution.

Thereby, thirdly, that unavoidable accidents without a Chancery institution cannot be provided for and human misfortune or oversight become incurable evils.

4, That many judgments heretofore had in the Courts of Common Law have been and still remain hung upon a suggestion of equity which must remain undecided and great injury happen to the recoveries at Common Law in case the equity set forth does not bona fide exist.

5, That the estates of deceased persons, widows and orphans are deeply interested in the trial of matters heretofore begun in the Court of Chancery as they wait decrees of such Court to prevent waste, compel performance of trusts and prevent abuses which if not stayed immediately may induce the entire ruin of those concerned.

This House, too, have been informed that the Bill for constituting a Court of Chancery went from this House to the Senate different in substance from that which passed this House. This refers to the salary of the Judge of that Court which by the vote of this House passed for three-hundred pounds each Court or six-hundred pounds for both the Courts held in one year, whereas, the Bill as you received it entitled the Judge to six-hundred pounds each Court, or twelve-hundred pounds for both Courts, in each year.

This last the Commons never intended and from the real importance of the Bill and the sense which you must entertain of its necessity they are induced to conclude that the high salary thro' mistake mentioned in the Bill was a principal if not the sole reason with your House to reject it, and will be a convincing proof of the propriety of the method which this House now precluded from the introduction of a new Bill, have pursued to introduce this subject to your further consideration.

A. Nash, S. C.

The House adjourned till 4 o'clock.

The House met according to adjournment.

Ordered that the Bill for establishing the salaries of the Justices of the Superior Courts and of the Attorney General be read the third time; read the same the third time, amended by consent of the Senate, passed and ordered to be engrossed.

Ordered that the Bill to empower the Courts for the Counties of Tryon and Guilford to lay a tax by assessment for finishing the Court Houses, prisons, and stocks in the said Counties; and also to empower the several Counties in the District of Wilmington to lay taxes for building a District Gaol and Gaolers' House in the town of Wilmington and other purposes be read the third time; read the same the third time, passed and ordered to be engrossed.

Ordered that the Bill to ratify and confirm an act intituled an act for the regulation of the town of Wilmington; also to revise an act intituled an act to amend an act intituled an act for the regulation of the town of Wilmington, be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Locke and Mr. Turner.

Ordered that the Bill for laying a tax to defray the expences of the public buildings in the County of Burke and other purposes therein mentioned be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Locke and Mr. Turner.

Ordered that the Bill for the ease and convenience of the militia on the west side of Newport in Carteret County be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Locke and Mr. Turner.

On motion, resolved that it be recommended to His Excellency the Governor to order any militia now in array within this State to be disbanded, unless he has some special reason to the contrary.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House

recommending to His Excellency the Governor to disband such of the militia now in array in this State as he shall think proper.

A. Nash, S. C.

Ordered that the Bill for amending an act intituled an act for levying a tax by assessment and other purposes, passed the last session of the Assembly, be committed to Mr. Burke, Mr. Hooper, Mr. Jones, Mr. Johnston and Mr. Rand, with such gentlemen of the Senate as may be appointed for that purpose, to amend.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have committed the Bill for amending an act intituled an act for levying a tax by assessment, &c., to Mr. Burke, Mr. Hooper, Mr. Jones, Mr. Johnston and Mr. Rand, with such gentlemen of the Senate as may be appointed for that purpose, to amend.

A. Nash, S. C.

Ordered that the Bill for directing the method of appointing jurors in all cases, civil and criminal, be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate. Sent by Mr. Barber and Mr. Lord.

The House adjourned till tomorrow morning, 9 o'clock.

Friday, 19 December, 1777. The House met according to adjournment.

On motion, ordered that Mr. Egbert Haywood have leave to absent himself from the service of this House after Saturday.

On motion, ordered that Mr. John Birdsong have leave to absent himself from the service of this House after Saturday.

On motion ordered that Mr. John Green and Mr. Thomas Benbury have leave to absent themselves from the service of this House tomorrow.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have directed the Clerks, in making out the estimate, to insure the sum of twenty shillings per day for the Members' attendance and have sent this Message for your concurrence to that measure.

A. Nash, S. C.

On motion, ordered that Mr. Thomas Owen, Mr. William Lord and Mr. William Pickett have leave to absent themselves from the service of this House after Saturday.

On motion, resolved that if any member of this House shall absent himself from the service thereof without leave, such member shall forfeit his wages.

Read the petition of James Salter, Joseph Green and Thomas Amis, Commissaries, praying to have leave to resign their appointments, &c.

On motion, resolved that it be recommended to His Excellency the Governor to discharge all the Commissaries and Paymasters employed in the service of this State, except such as he shall think absolutely necessary to be continued.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House recommending to His Excellency the Governor, to discharge the Commissaries and Pay Masters in the service of this State except such as he shall think absolutely necessary to be continued. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House on reconsidering the resolve of yours, directing the Committee of claims to allow the adjutants of the Militia of this State a certain sum therein mentioned, when on actual service, think it equitable and concur therewith. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House concur with yours empowering His Excellency the Governor, to disband such of the Militia in this State as he thinks proper. Sam'l Ashe, S. S.

At the same time received the resolve of this House empowering His Excellency the Governor to disband said Militia.

Endorsed in the Senate, 18 Dec. 1777. Read & concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have appointed Mr. Coor, Mr. Hunt and Mr. Seawell, a Committee to act with a Committee appointed by your House for the purpose of amending a Bill intituled a Bill for levying a tax by assessment. Sam'l Ashe, S. S.

Received from the Senate the following Message.

Mr. Speaker & Gentlemen of the House of Commons:

This House have received your Message and resolve recommending to His Excellency the Governor, to discharge the Commissaries and Pay Masters of the Continental Troops appointed by this State, except such as he thinks necessary to be continued, which this House concurs with.

Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate. 19 Dec., 1777.

Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House concur with yours for allowing the Members of the General Assembly the sum of twenty shillings per day for their attendance.

Sam'l Ashe, S. S.

On motion ordered that Mr. Robert Peoples, have leave to absent himself from the service of this House.

Mr. Jones moved that the following amendment be made in the Bill for ascertaining the method to be pursued in taking up and granting lands in this State, &c., &c., &c., after the said Bill had been read the third time in this House, viz:

Provided, also, that nothing in this act contained shall be construed to prevent or bar any persons, being subjects of this State and claiming property in any lands therein by conveyance or grant from any nation of Indians, from the right of Trial, by Jury, or a hearing before the General Assembly of the State at a future

day; this being objected to, ordered that the Yeas and Nays be taken on the said question, which are as follows:

<u>Yeas.</u>	<u>Nays.</u>
Thos. Benbury,	J. Williams,
J. Johnston,	N. Boddie,
Wm. Robeson,	J. Hunter,
B. Williams,	J. Tillman,
Rd. Moore,	N. Bryan,
W. Lord,	Jesse Eason,
J. Atkinson,	M. Fifer,
J. Turner,	J. Barber,
T. Owen,	J. Smith,
Genl. Butler,	M. Locke,
J. Sevier,	C. Gordon,
W. Courtney,	W. Rains,
Jesse Cobb,	Geo. Davidson,
R. Lindsay,	H. Edmunds,
R. Clinton,	Genl. Person,
W. Jones,	J. King,
W. Hooper,	R. Dixon,
L. Stone,	B. Spruill,
S. Turner,	J. Hooker.
G. Hill,	
E. McLaine,	
J. Wilson,	
J. Collier,	
Alex. Averitt,	
Thos. Burke,	
Thos. Harvey,	
N. Keaise,	
J. Garrett,	
R. Peoples,	
Thos. Humphries,	
J. Winston,	
J. Hancock,	
Jas. Ryan.	

Gen. Person on behalf of himself and others moved for leave to enter their reasons of dissent against the above amendments which are as follows:

1st, because the member who proposed the amendment did it upon a Message from the Senate to the House of Commons after that Bill had been three times read and passed in the same, which we apprehend is contrary to the usual and ancient mode of doing business in this or any Legislative body.

Secondly, because perpetuities and monopolies are contrary to the genius of a free State and that the granting thereof is a direct violation of our constitution which ought not to be allowed.

Thirdly, because the property of the soil in a free State is one of the essential rights of the collective body of the people.

Fourthly, because it was twice, nearly the unanimous voice of the House not to recognize or take notice of the Indian purchases except the lease from the Tuscarora Indians.

Fifthly, because we have reasons to believe that the protection of the people within the County of Washington and the acquisition of land by conquest and treaty from the Indians has cost this State two hundred thousand pounds and because by the constitution and Law of this State ample provision is already made for trial by Jury.

The House Adjourned till 4 o'clock.

The House met according to Adjournment.

Ordered that the Bill to amend an act intituled an act establishing a militia in this State be read the second time; read the same the second time, amended, passed and ordered to be to the Senate.

Sent by Mr. Williams and Mr. Johnston.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send you the report of the Committee appointed to re-examine the accounts of John Davidson Pack Horse Master.

Concurred with by this House.

Sam'l Ashe, S. S.

At the same time received the report referred to in the above Message, as follows.

The Committee appointed to re-examine the accounts of John Davidson Pack Horse Master to the second Battalion of Rowan in the late Indian Expedition, find an error in the addition of three hundred and eighty pounds twelve shillings in favor of the State and are of opinion that the said sum ought to be allowed which is submitted.

M. Hunt, Chairman.

The House taking the said report into consideration. Concurred therewith.

Resolved therefore that the Treasurers or either of them pay the said John Davidson the afore said sum of three hundred and eighty pounds twelve shillings agreeable to said report, and be allowed in their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the report of the Committee appointed to re-examine the accounts of John Davidson.

Concurred with by this House.

You will also receive a resolve of this House directing the Treasurers or either of them to pay the said John Davidson a certain sum therein mentioned agreeable to report of the said Committee which we hope will meet your approbation.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send you the report of the Committee appointed to take into their consideration sundry resolves, &c., from Congress; and also to prepare and bring in a Bill for confiscating the estate of persons who have withdrawn themselves from the protection of this State.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the report of the Committee referred to in the above Message, as follows:

The Committee appointed to consider and make report what

measures it may be necessary to adopt for the purpose of carrying the several resolves of the Continental Congress, now before the General Assembly, into execution.

Report that a tax of two pence in the pound, on all the taxable property in this State, ought to be laid for the year 1778, and that the same is as near as the circumstances of the State will permit a compliance with the recommendation of Congress relative to raising money.

That the act for establishing a Loan Office in this State is as near a compliance with the resolution of Congress respecting loans as it is at present expedient.

That it is not expedient for the State to appoint Commissioners to meet the Commissioners from other States to regulate prices.

That a Commissioner should be appointed in every County to purchase in the most expeditious manner, and for the lowest prices he can, all the stockings, linens and woolens which can be procured, to be delivered to the Clothier-General, or his order, and charged to the United States.

That it is expedient to pass a law for confiscating the estates of all persons who have withdrawn themselves from this or any of the United States during the present war, and all who are absent from the same with our enemies, and not under restraints or disabilities which render their return impossible; unless such person or any of them shall within a certain time return into the State and give satisfactory reasons why they should be received as citizens thereof and restored to their property; and in such case no confiscation to take place with respect to the person received.

That the first, second, third, eighth and twelfth articles, the second and third sections of the fourth, and the last sections of the ninth articles of the Confederation recommended by Congress ought to be immediately ratified; and the Delegates for this State ought to be instructed and empowered accordingly; and that the remaining classes, articles and sections thereof, containing matters highly important and interesting to the future people of this State, and involving what may very materially affect the internal interest and sovereign independence thereof, and not immediately essential to the success of the present war, ought not to be ratified until there shall be full time and leisure for maturely and deliberately considering

the same, and until upon such mature and deliberate consideration the same shall be approved.

A. Maclaine,
Chairman.

The House taking the said report into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the report of the Committee appointed to take into consideration sundry resolves of Congress, concurred with by this House.

Ordered that the Bill to enforce the Statute Laws, &c., be read the third time; read the same the third time, amended by consent of the Senate, passed and ordered to be engrossed.

Ordered that the Bill to regulate and ascertain the fees of the clerks of the Pleas in the Superior and County Courts, Justices of the Peace and Attorneys in this State, and directing the method of paying the same, be read the third time; read the same the third time, amended by consent of the Senate, passed and ordered to be engrossed.

The House adjourned 'til to-morrow morning, 9 o'clock.

Saturday, December 20, 1777.

The House met according to adjournment.

On motion, ordered that Mr. Tignall Jones have leave to absent himself from the service of this House to-morrow.

On motion, resolved that Mr. Jones, Mr. Burke, and Mr. Rand be a committee to examine the accounts of Henry Toomer for supplying Colo. White's regiment with provisions as directed by this Assembly; and that they report on Monday next.

Mr. Burke moved for leave, and presented a Bill for confiscating the property of all such persons as are inimical to the United States, and of such persons as shall not within a certain time therein mentioned, appear and submit to this State, whether they shall be received as citizens thereof, and of such persons as shall be admitted as citizens, and for other purposes therein mentioned.

Ordered that the said Bill be read; read the same the first time, passed and ordered to be sent to the Senate.

Sent by Mr. Bryan and Mr. Tillman.

Read the petition of John Hulgon, praying that he might be intitled to the premium offered by the Congress at Hillsborough to the first person who made a certain quantity of paper in a certain time on his producing a certificate of his having made the quantity stipulated by said Congress in eight months from this time.

The House, taking the said petition into consideration, resolved that the prayer thereof be granted; and that the said petition, together with the determination of this House therein, be sent to the Senate for their concurrence; also the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send you the petition of John Hulgon; also the determination of the House thereon, which we hope will meet your ready concurrence.

On motion, resolved that the Committee of Claims be directed to settle with Mr. C. Neale for taking plans of Cape Fear and Cape Lookout Harbours; and to allow him the sum of four dollars per day, exclusive of his expenses while on the service.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House, directing the Committee of Claims to settle with Mr. C. Neale, &c.

A. Nash, S. C.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House propose, if agreeable to the Senate, to ballot at four o'clock this evening for Judges of the Superior Courts of Justice in this State, Attorney General, Delegates to represent this State in Congress, a Treasurer for the Northern District, and BrigadierGeneral for the District of Edenton, and have put in nomination for Judges of the Superior Courts: Sam'l Ashe, John Williams, Sam'l Spencer and Jasper Charlton, Esquires; for Attorney General, Mr. James Iredell and Mr. Waightstill Avery; for Delegates to represent this State in Congress, Thomas Burke, John Penn and Cornelius Harnett, Esquires; for a Treasurer of the Northern District,

William Skinner, Esquire; Brigadier-General, William Skinner and Thomas Benbury, Esquires.

If you should concur in this measure please signify the same by Message, also such gentlemen as you would wish to put in nomination for the above mentioned office.

A. Nash, S. C.

The House adjourned till 4 o'clock.

The House met according to adjournment.

On motion, ordered that Mr. Benjamin Parmela have leave to absent himself from the service of this House to-morrow.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House propose to ballot this evening for a Naval Officer and Marshall of the Court of Admiralty for Port Currituck, at the same time of balloting for the other public officers; and put in nomination John Humphries for Naval Officer, and Taylor Jones for Marshall of the said Court. We also propose balloting for a Treasurer of the Loan Office for this State, and put in nomination for that office Mr. James Green, Junior.

This House have appointed Gen'l Person and Mr. Jesse Cobb to see the balloting for the public officers, now to be appointed, fairly conducted.

A. Nash, S. C.

On motion, ordered that Mr. John Atkinson and Mr. Sam'l Swann have leave to absent themselves from the service of this House.

On motion, ordered that Mr. John Turner have leave to absent himself from the service of this House after to-morrow.

Ordered that the Bill for directing the method of electing Members of the General Assembly, and other purposes, be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. King and Mr. Pickett.

On motion, ordered that Gen'l Person and Gen'l Butler be a Committee on the part of this House to examine the Land Bills, &c.

On motion, ordered that Mr. Hooper and Mr. Jones be a Committee to compare the Court Bill after engrossment.

On motion, resolved that Mr. Hunt be appointed to settle and adjust the public accounts of this State, to commence from the last settlement with the Treasurers of this State in the year 1771 to the present time; and also that he adjust and settle the accounts of this State against the United States, and lay the same before the General Assembly as soon as the same shall be completed.

Resolved also, that the Secretary of the State be directed to deliver him a sufficient number of bound books for that purpose.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing John Hunt to settle and adjust the public accounts, &c.

On motion, resolved that Mr. Robert Bignall, of Tarborough, be directed to deliver such quantities of the ammunition delivered him by Col. Irwin to the Commanding Officers of Edgecombe and Nash Counties, or their orders, as they may occasionally require.

Ordered that the following Message be sent to the Senate, together with the above resolve:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House empowering the Commanding Officer of Edgecombe and Nash Counties to call on Mr. Bignall for ammunition delivered into his care by Col. Irwin.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House concur with you as to balloting this afternoon for Judges of the Superior Courts, Attorney-General, a Treasurer for the Northern District, and a Brigadier-General for the Northern District of Edenton, and have put in nomination the following persons:

Sam'l Ashe, Sam'l Spencer, James Iredell, Esqrs., Judges; Waightstill, Avery, Attorney General; Treasurer for the No. District, Wm. Skinner; Brigadier-General for the District of Edenton, Wm. Skinner and Thomas Benbury.

At the same time we propose to ballot for a Naval Officer for port Currituck in the room of Sam'l Jarvis, Esq., resigned, and put in nomination for that office John Humphries, and for Marshall of said port we nominate Taylor Jones.

We likewise propose balloting for a Treasurer of the Loan Office and put in nomination James Green, Jr.

We propose balloting for the place where the next General Assembly is to be held and nominate for that purpose the towns of New Bern and Hillsborough.

This House do not think it necessary to ballot for delegates for the Continental Congress at this time.

Sam'l Ashe, S. S.

General Person and Mr. Cobb, who were appointed on the part of this House to see the balloting for Judges of the Superior Courts, Attorney General, a Treasurer for the Northern District, a Brigadier General for the District of Edenton, &c., &c., &c., fairly conducted, returned from the conference room and reported to the House that Sam'l Ashe, Sam'l Spencer and James Iredell, Esquires, were appointed Judges of the Superior Courts; Waightstill Avery, Esqr., Attorney General; William Skinner, Esquire, Treasurer of the Northern District and Brigadier General for the District of Edenton; John Humphries, Esqr., Naval Officer, and Taylor Jones, Marshall of the Court of Admiralty for Port Currituck; Mr. James Green, Junior, Treasurer of the Loan Office, and that New Bern was the place for holding the next General Assembly by a majority of votes of both Houses.

The House taking said report into consideration concurred therewith.

The House adjourned till tomorrow morning, 10 o'clock.

Sunday, 21 December, 1777.

The House met according to adjournment.

Received from his Excellency the Governor the following Message:

To the Honorable the General Assembly,

Gentlemen,

I lay before you a return of the military stores; and also a

return of the cloathing in the public stores in this State. By the former you will observe that there is a considerable quantity of powder in several of the magazines; and I am to inform you that at Wilmington, Kingston, Edenton and Halifax, I have, by the advice of the Council of State, ordered a guard from the militia for the immediate security of the magazines at those places. Whether the General Assembly intend, by their resolve handed me this day, recommending the disbanding the militia now in array, that those guards shall be discharged, I request you will inform me.

R. Caswell.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return you the petition of John Hulgon; also the determination of your House therein, with which this House concur. Sam'l Ashe, S. S.

At the same time received the determination of this House referred to in the above Message.

Endorsed in the Senate, 20 December, 1777.

Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return you the resolve of your House directing the Committee of Claims to settle with Mr. Neale.

Concurred with by this House.

Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 20 Decr., 1777. Read and concurred with.

Doctor Burke from the Joint Committee, appointed to take into consideration the expediency of keeping up a guard in the frontier Counties in this State, reported as follows:

The committee to whom was referred to consider of the expediency of keeping up a guard on the frontiers of this State, report that the frontiers of the Counties of Burke and Tryon are still in danger from sudden incursions of the Indians inhabiting the vallies,

commonly called the middle towns; that in the County of Washington, a space of about forty miles, which constitutes a gap in the great ridges of mountains, is also subject to the incursions of the Indians, commonly called the Overhills. That this latter County is already in such a state of defence that there is no apparent danger of their suffering any depredations during the present winter, but it is expedient that the commanding officers there have power to employ some horsemen, not exceeding five, occasionally to watch the motions of the said Indians.

That it is also expedient that in each of the first mentioned Counties, one stockade fort should be garrisoned by twenty-five men under the command of a lieutenant and ensign; that to each of such garrisons should be appointed five horses for the purpose of scouting; and that the men should be allowed three shillings and six pence for every days' service without rations or further allowance of any kind. That the officers should be allowed the militia pay, and one shilling each every day in lieu of rations, and for the hire and forrage for the horses two shillings each, every day.

That, to prevent frauds on the public, the commanding officers of each garrison should every morning and evening cause a roll to be called, and mark down all who shall not appear thereon, and return the same on oath to the commanding officers of the District, and that no pay should be allowed to any officer or soldier who shall not be present at the calling of both rolls, for any day on which such officers or soldier shall be so absent, except it be on necessary duty.

That the Governor should issue warrants for the pay of such garrison once every three months as the same shall appear by the rolls aforesaid which for that purpose the Commanding Officer of the District ought to return, certifying that the same was sworn to as above mentioned.

That there should be kept in each of such garrisons one hundred weight of gunpowder, and lead in proportion, for which the Commanding Officers respectively should be accountable, and be strictly enjoined that no part of it be used except on necessary public duty, and that he should make regular monthly returns thereof and of the several commands on which the soldiers of each garrison have been ordered, that such garrisons should be considered

as a part of the militia of this State, and under the command of the officers thereof agreeable to the militia Law; all which is submitted to the House.

Tho. Burke, Chairman.

The House taking the said report into consideration,

Concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Joint Committee appointed to inquire into the expediency of keeping up a guard on the frontiers of this State.

Concurred with by this House.

Whereas, it appears to this House that Joshua Hampstead late Commander of the armed Brigantine Pennsylvania Farmer has grossly abused the trust reposed in him by this State on a voyage which he lately performed to the West Indies by order of this State, by refusing to deliver the articles which he brought in for public purposes to the persons authorized to receive them and that he has in some instances made sales thereof and applied the monies to a very considerable amount to his own use and has retired to some other State beyond the operation of the Laws of this State.

Resolved therefore that it be recommended to the Delegates of this State to make inquiry after the said Joshua Hampstead and make application to the Executive power of the State where he may be found that he be delivered up to this State, where he may be prosecuted for so gross a breach of confidence or a prosecution instituted against him elsewhere if our delegates shall think proper.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message.

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for calling to account a certain Joshua Hampstead.

A. Nash, S. C.

On motion, Resolved, That Joseph Hewes and Robert Smith, Esquires, be appointed Commissioners for procuring arms and woolen clothing for the use of this State and for that purpose that they be impowered to dispose of all the public salt except two-hundred bushels and invest the proceeds thereof in Commodities to be loaded on board the Pennsylvania Farmer and King Tamminy and sent to some Foreign port to be exchanged for arms for the use of the State and for woolen clothing for the use of the soldiers raised by this State for the Continental Service.

Resolved, That the Washington Armed Brigantine belonging to this State, her guns, tackle, apparel and furniture be sold by public sale to the highest bidder; and that William Hooper, Esq., and Mr. Henry Toomer, be appointed Commissioners for that purpose, and that the said Commissioners shall give forty days' notice in the Gazettes of South Carolina, Virginia and this State previous to the day of such sale, and that the said Commissioners pay the monies arising from such sale to the Commissioners for procuring arms aforesaid which monies the said Commissioners are hereby required to apply for that purpose.

Resolved also that the Commissioners appointed for the sale of the Washington immediately discharge all the officers and men belonging to her except such as may be sufficient to take care of her, first paying them their wages for which purpose the said Commissioners shall be empowered to draw on the Treasury for the amount of such wages.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing Joseph Hewes and Robert Smith, Esquires, to load and fit out the Pennsylvania Farmer and King Tamminy to procure arms, woolens, &c.

A. Nash, S. C.

Ordered that the Bill to enable the Governor to send an aid from the Militia to oppose the enemies of the United States if the same shall be required by Congress be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senale.

Sent by Mr. Keaise and Mr. Moore.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House relative to the ammunition delivered Mr. Bignall.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 21 Dec., 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House in favor of John Davidson.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 20 Dec., 1777. Read and Concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return your resolve appointing Mr. John Hunt, to settle the public accounts, concurred with by this House. Sam'l Ashe. S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 21 December, 1777, read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House directing the Treasurers or either of them to pay a certain sum therein mentioned to Mrs. Deborah Smith. Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read was rejected.

On motion, Resolved, That Mr. Rand, Mr. Cobb, Mr. Keaise and Mr. Jones, be a Committee on the part of this House to act with the Gentlemen appointed of the Senate to examine the Engrossed Bills.

Ordered that the Bill for amending an act intituled an act for levying a tax by assessment and other purposes passed the last session of this Assembly, be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate. Sent by Mr. Harvey and Mr. Stone.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House relative to Joshua Hampstead.

Concurred with. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above.

Endorsed in the Senate, 21 Dec., 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return your resolve appointing Messrs. Hewes and Smith, for certain purposes therein mentioned; also appointing William Hooper, Esq., and Henry Toomer, to sell the Washington, &c.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate, 21 December, 1777. Read and concurred with.

The House adjourned 'til 5 o'clock. The House met according to adjournment.

On motion, Resolved, That the public stores be removed from Edenton to Halifax and from Wilmington and Newbern to Kingston,

reserving only fifteen-hundred weight of gun powder and lead in proportion at Wilmington in some secure store, and fivehundred weight at Newbern and the same at Edenton; and that a guard of twenty men under the command of one Lieutenant, one Sergeant and one Corporal be stationed at Halifax for the protection of such stores and the same number of men and officers at Kingston for the same purpose and that such men shall be raised and officers appointed for three years, unless sooner discharged, upon the Continental pay, but shall be supplied with provisions upon contract with any person who will undertake to furnish the same at the rate which this State hath directed to be paid to persons supplying rations, and that the Governor be empowered to appoint a proper person at Kingston and Halifax to make such contract in behalf of this State; and that the Governor shall also appoint the officers of the said guards, which together shall constitute and be considered as one company, and such men shall be raised upon the faith of this State, pledged that they shall not be marched without the limits of this State during the time of their enlistment.

Resolved further, that Thomas Craike, the commissary of stores be directed to carry this resolve into execution so far as it relates to the removal of public stores and their lodgement in a place of safety, and that he proceed to Charlestown in South Carolina, and there purchase blankets and woolens for the use of the troops of this State to the amount of thirty thousand dollars and be empowered to draw on the Treasury for such sums of money as shall be necessary to perfect the engagements he may make by virtue of this resolve.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House directing the removal of the military stores, &c., and directing the commissary of public stores to proceed to Charlestown in South Carolina to purchase blankets, &c.

Orderd that the Bill for enabling the County Courts to make a final settlement with all the Sheriffs and other collectors of public taxes who are in arrears, be read the second time; read the same

the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Bryan and Mr. Ryan.

Ordered that the Bill for laying a tax for the year 1778 be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Hill and Mr. Turner.

The House adjourned till to-morrow morning 9 o'clock.

Monday, 22 December, 1777. The House met according to adjournment.

Gen. Person, from the Committee appointed to reconsider the accounts of Capt. John Dickerson of the Light Horse, passed at Halifax and New Bern, have reconsidered and examined the same and upon information by him given on oath, and other reasons, are inclined to think that the allowances made him at Halifax and New Bern, were not for one and the same, but different and distinct horses.

It is therefore the opinion of your Committee that the resolve of this House entered into in concurrence with a former report, be rescinded, and that the Clerk of this House in whose hands the money allowed him by this last Assembly is deposited, be directed to retain the whole sum in his hands and apply it for the use of the said Dickerson without any deduction, all of which is submitted.

Thomas Person, G. Hill.

The House taking the said report into consideration.

Concurred therewith.

Ordered that the above report be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence the report of the Committee appointed to reconsider the accounts, of Capt. John Dickerson, &c.

Concurred with by this House.

Ordered that the Bill for confiscating the property of all such persons as are inimical to the United States and of such persons as

shall not within a certain time therein mentioned appear and submit to this State whether they shall be received as citizens thereof and of such persons as shall so appear and shall not be admitted as citizens and for other purposes therein mentioned, be read the second time; read the same the second time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Spruill and Mr. Barber.

On motion, resolved that the several Entry Takers and Collectors of public taxes in this State, having public monies in their hands, be and they are hereby authorized and empowered to pay off and take up the certificates of the Members for their allowances during their attendance on this present General Assembly, &c., and that such certificates shall be allowed them in the settlement of their accounts with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a Resolve of this House empowering the Entry Takers and other Collectors of public monies to pay off and take up the certificates of Member's allowances for their attendance on this present Assembly.

Resolved that Henry Montford and Charles Bonfield, Esquires, be appointed Commissioners for loading and fitting out the Brigantine Pennsylvania Farmer as soon as possible for some foreign port, for the purpose of purchasing arms, clothing, &c., for the use of this State; and for this purpose the said Commissioners are hereby authorized and empowered to sell all the public salt at Edenton (one hundred bushels excepted) and to invest the proceeds thereof in tobacco and other commodities to be shipped on board said Brigantine.

Resolved, also, that Robert Bignall and Nathan Keaise, Esqrs., be appointed Commissioners for loading and fitting out the Brigantine King Tamminy, so soon as she shall return from the voyage she is now on, for some foreign port for the purpose of purchasing arms, clothing, &c., for the use of this State; and for this purpose the said Commissioners are hereby authorized and empowered to sell all the public salt at New Bern (one hundred bushels excepted) and to invest the proceeds thereof in tobacco and other commodities to be shipped on board said Brigantine.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering certain Commissioners therein mentioned to sell a part of the public salt at Edenton and New Bern, and to invest the proceeds thereof in tobacco, &c., to be shipped on board the Pennsylvania Farmer and King Tamminy, to be sent to some foreign port for certain purposes therein mentioned.

We are informed that Messrs. Hewes and Smith are agents here for the United States, and would not wish to be concerned in fitting and loading out the above mentioned vessels, which hath induced us to send you this resolve.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send you a resolve of this House for allowing James Davis, Esq., a certain sum therein mentioned.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

On motion, resolved that James Davis, Esquire, be authorized to print the Articles of Confederation of the United States proposed to be laid before the Legislatures of the respective States; and that he be obliged to send twelve copies thereof to each County in this State and one copy to every Member of this present General Assembly, and that for printing and sending the Confederation and for printing and sending the Acts and Journals of the last session of this General Assembly to the Justices and Representatives of the several Counties, he be allowed the sum of five hundred and fifty pounds, and that the said Articles, Journals, Acts and the Acts and Journals of this session be delivered to the several County Court Clerks, within three months after expiration of this session of the General Assembly.

The House taking the said Resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return the resolve of your House directing James

Davis, Esqr., to print and send twelve copies of the Articles of Confederation, the Acts and Journals of this and the last session of Assembly to the several Counties in this State, and for allowing him a certain sum therein mentioned for the same.

Concurred with by this House.

The House Adjourned till 4 o'clock.

The House met according to adjournment.

Resolved that all persons be and they are hereby prohibited from making entries in the Tuscarora Lands in Bertie County.

Resolved, also, that William Williams, Thomas Pugh, Zedekiah Stone, Sinior Turner be and they are hereby constituted and appointed Commissioners for the Tuscaroras, being in the County aforesaid, with power to superintend and take care of their affairs, and they, or a majority of them, shall and may demand and receive any rents now due or which may become due to said Tuscaroras, and in case of default of payment, may issue warrants of distress against the persons indebted for rents, and cause the same to be delivered and applied to the proper use and behoof of the said Tuscaroras, and the said Commissioners, or a majority of them, shall take such measure as shall seem good to them to prevent ill disposed persons from bringing spirituous liquors for sale on the lands now in the possession of the said Tuscaroras.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing certain Commissioners therein mentioned to superintend the affairs of the Tuscarora Indians in Bertie County. We also send you the petition of said Indians, &c.

Resolved that Mr. Thomas Person, Mr. Thomas Owen, Mr. John Spicer, Mr. Thomas Hart, Mr. Ambrose Ramsey and Mr. Robert Lanier be appointed Commissioners to sell the Iron Works on Deep river in the County of Chatham, with their appurtenances; and they, the said Commissioners, or any three of them, shall and may sell the said Iron Works with everything thereto belonging, to the highest bidder, on twelve months' credit with sufficient security; such Commissioners shall give at least forty days'

notice in the Gazettes of Virginia, South Carolina and this State previous to the day of such sale; and any three of the said Commissioners shall be empowered to hire out the slaves which have been employed on the said Works for or on account of the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing certain Commissioners therein mentioned to make sale of the Iron Works in Chatham County, &c.

Mr. James Green, Jr., having informed this House that he hath in his possession the Records and papers relative to the late Assemblies of this State; also a great number of commissaries and paymasters bonds, &c., the robes of the former Speakers and a gown for the Clerk, and requested that the Assembly would discharge him from that trust.

Resolved, therefore, that the said Mr. Green deliver over such Records, papers, bonds, the robes and gown in his possession to the Secretary of the State, who is hereby directed to receive the same.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House, directing Mr. James Green, Jr., to deliver to the Secretary of the State all the papers, &c., belonging to the former Assemblies, &c.

Ordered that the Bill concerning Sheriffs and other purposes, be read the third time; read the same the third time, amended, passed and ordered to be sent to the Senate.

Sent by Mr. Rand and Mr. Sevier.

Ordered that the Bill for levying a tax for defraying the contingencies of the several Counties in this State and other purposes, be read the third time; read the same the third time, passed and ordered to be engrossed.

Ordered that the Bill for directing the method of appointing jurors in all cases, civil and criminal, be read the third time; read

the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Collier and Mr. Hunter.

The House adjourned til to-morrow morning 9 o'clock.

Tuesday, 23 December, 1777. The House met according to adjournment.

Ordered the list of Justices added to the Commissioners of Peace in the several Counties in this State, &c., be sent to the Senate for their concurrence.

Sent by Mr. Hunter and Mr. Collier.

Ordered that the Bill for preventing tedious and illegal imprisonments, and for the better securing the liberties of the freemen of this State, be read the second time; read the same the second time, passed and ordered to be sent to the Senate. Sent by Mr. Rand and Mr. Cobb.

Ordered that the Bill for levying a tax for the year 1778, be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Edmunds and Mr. Moore.

Gen'l Person moved to amend the said Bill by inserting a tax of one penny half penny instead of two pence, which being objected to, ordered that the yeas and nays be taken down on the said question, which are as follows:

Yeas.	Nays.
J. Williams,	J. Johnson,
N. Boddie,	W. Robeson,
J. Hunter,	B. Williams,
R. Clinton,	R. Moore,
C. Gordon,	N. Bryan,
H. Rains,	Gen'l Butler,
G. Davidson,	Jesse Eason,
S. Turner,	W. Courtney,
H. Edmunds,	Jesse Cobb,
Gen'l Person,	R. Lindsey,
G. Hill,	M. Fifer,
J. Wilson,	J. Barber,
Alex. Averett,	M. Locke,

Tho. Harvey,	H. Jones,
Benj. Harvey,	W. Hooper,
J. Rand,	L. Stone,
Tho. Humphries,	J. King,
Caleb Grandy,	E. Maclaine,
Jos. Winston,	J. Collier,
Alex. Clark.	Tho. Burke,
	N. Keaise,
	Jos. Hancock.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House concur with the resolve of yours relative to the entry takers and other collectors of public taxes, paying of the allowances of the Members of the present Assembly. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 22 December, 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the report of the committee appointed to reconsider the accounts of Capt. John Dickerson. Concurred with by this House. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return the resolve of your House directing the Secretary of State to receive of Mr. James Green, Junior, sundry articles therein mentioned.

Concurred with by this House. Sam'l Ashe, S. S

At the same time received the resolve of this House referred to in the above message.
Endorsed in the Senate, 22d December, 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House agree to the resolve of yours appointing Commissioners to sell part of the public salt at Edenton and New Bern, and applying the net proceeds as therein directed. Sam'l Ashe, S. S.

At the same time received the Resolve of this House referred to in the above Message.

Endorsed in the Senate, 23d Dec., 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return your resolve appointing Commissioners to superintend the affairs of the Tuscarora Indians.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above message.

Endorsed in the Senate, 22d December, 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House relative to a boundary line and treaty between this State and the Indians. Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We have received and considered the Message and resolve of yours, relative to running a boundary line with the Overhill Cherokees, and do not concur therewith; but concur with the subsequent part of your resolve empowering the Governor to appoint Commissioners to treat with the middle and valley towns, and to draw on the treasury agreeable to the tenor of your resolve. If you accede to these alterations, please make the resolve conformable and send it down for concurrence. A. Nash, S. C.

Ordered that the Bills to amend an act for declaring what crimes and practices against this State shall be treason and what shall be misprision of treason, and providing punishments adequate to crimes of both classes, &c., &c., &c., be read the third time; read the same the third time, amended passed and ordered to be sent to the Senate.

Sent by Mr. Tillman and Mr. Rhodes.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send you a resolve of this House respecting the unappropriated lands being on the frontiers of this State and joining South Carolina. Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message:

The same being read was rejected.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House which we propose as an addition to the resolve of your House appointing Commissioners to sell part of the public salt.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read was rejected.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House empowering the Governor to appoint Commissioners on the part of this State to act with Commissioners to be appointed by the State of Virginia to extend the dividing line between the two States.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read was rejected.

Ordered that the Bill for confiscating the property of all such persons as are inimical to the United States, and of such persons as shall not within a certain time, therein mentioned, appear and submit to this State, &c., &c., &c., be read the third time; read the same the third time, passed and ordered to be sent to the Senate.

Sent by Mr. Hill and Mr. Jones.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have taken into consideration the allowances made to the Governor, and to the Members of the Council of State, by an act of the last Assembly, which expires with this present session, and being of opinion that the same is altogether insufficient for such officers, have entered into a resolve for allowing them a further sum, until the next respective elections of such officers, and send the same for your concurrence.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read, the purport thereof was ordered to be referred to a Joint Committee of both Houses as also the allowances to the delegates of this State in Congress.

On motion, resolved that Mr. Person, Mr. Hooper and Mr. Jones be a Committee for the purposes above mentioned.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Capt. James Robertson.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read, the purport thereof was ordered to be referred to the Committee appointed to take into consideration the allowances to His Excellency the Governor, Council of State, Continental delegates, &c., &c.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House have appointed Mr. Person, Mr. Hooper and Mr. Jones a Committee to act jointly with such gentlemen of the Senate as shall be appointed for that purpose to take into consideration the allowances made to His Excellency the Governor, Secretary, Treasurer, Council of State, delegates of this State in Congress and Mr. James Robertson Superintendent of Indian Affairs; and for that purpose have referred the resolves of your House in their favour to the Committee.

Resolved that Mr. Charles Forbes be allowed fifty pounds current money to defray his expences in traveling from this State to headquarters, and that either of the Treasurers pay the same and charge it to the public.

Ordered that the above resolve, together with the following Message, be sent to the Senate for their concurrence:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of Mr. Charles Forbes.

A. Nash, S. C.

Read the petitions of William Caswell and John Wilkes, praying to be relieved from the penalties of a former resolve of this Assembly respecting the resignation of officers in the Continental Army.

Resolved that the prayer of said petition be granted.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message, &c.:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of Capt. Caswell and Major Walker, together with their petitions.

Ordered that the Bill for preventing tedious and illegal imprisonment and for the better securing the liberty of the freemen of this State be read the third time; the same being read the third time was rejected.

The House adjourned till 4 o'clock.

The House met according to adjournment.

Whereas, in the act for erecting the County of Nash there is no provision made for the qualification of the Justices of the Peace who shall be nominated and appointed for said County, or for the nomination and appointment of any person to act as Sheriff within the same, until the Court which is directed to be held for the said County on the first Monday in April next; and,

Whereas, it is necessary that the Justices to be nominated and appointed as aforesaid, should have the same powers and authorities in said County, previous to the said County Court, as Justices have in other Counties.

Be it therefore Resolved that the Justices who shall be nominated and appointed for said County of Nash, be and they are hereby directed and impowered to meet at the House of Micajah Thomas, in said County on the twentieth day of January next, then and there to take the oath of allegiance and the oath of a Justice, and the persons so qualifying shall and may nominate some person to act as sheriff of the said County, and shall have the same powers and authorities in the County aforesaid as Justices of the Peace in other counties in this State; and the person so nominated to act as Sheriff shall be commissioned by the Governor, and thereafter have the same powers and authorities as other Sheriffs with regard to preservation of the peace, holding elections and executing process, provided nevertheless that the person so qualifying as Justices, and the person so nominated and commissioned as Sheriff shall not be authorized to act as Justices and Sheriff of the said County of Nash after the Court directed to be held for the same on the said first Monday in April, unless the said Justices and Sheriff shall qualify therein agreeable to the Law or Laws in such case made and provided.

Ordered that the above resolve be sent to the Senate for their concurrence together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House empowering the Justices of the Peace for Nash County to meet and qualify before the time of holding a Court in April next, &c., &c.

Received from the Senate:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return you a resolve of your House in favor of Mr. Charles Forbes.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 23 Dec., 1777. Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We have received your resolve relative to Capt. Caswell and Major Walker, with which this House concur; and on reconsidering the resolve of the 20th November, entered into by your House and concurred with by the Senate relative to the resignation of the officers of the Continental Army, furnished by this State, we are of opinion that it will not answer the salutary purposes intended thereby, and therefore propose rescinding it.

Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 23 Dec., 1777. Read and concurred with.

Mr. Speaker and Gentlemen of the Senate:

Ordered that the following Message be sent to the Senate:

This House cannot concur with yours in rescinding the resolve of the Assembly relative to the resignation of the officers.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of the judge of Oyer, &c., &c.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, the same being read, was rejected.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have appointed Gen. Rutherford, Mr. Maclaine and Mr. Coor a Committee to act jointly with the Committee appointed by your House to take into consideration sundry matters &c., as mentioned in your Message.

Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House cannot concur with that part of the resolve of yours, relative to the quantity of powder to be left at Wilmington. Thinking the quantity mentioned insufficient, they propose that fifteen hundred wt. at least, remain at that place; as to the other parts of the resolve we concur.

Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House concur with yours in the proposed amendments in their resolve relative to the removal of the military stores and have made the same conformable.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House concur with the report of the Committee appointed to consider the expediency of garrisoning the frontiers of this State, in every part except that which respects the quantity of powder to be kept in each garrison as they are of opinion that twenty five pounds weight is sufficient quantity for that purpose. Sam'l Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

This House concur with yours in the proposed amendments in

their resolve relative to the quantity of powder to be kept in each garrison, and have made the same conformable.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return the resolve of your House relative to the Iron Works, concurred with, together with a resolve of this House which we propose as an addition thereto.

Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 22 December, 1777.

Read and Concurred with.

Also the resolve of the Senate referred to in the above Message as follows:

Resolved that a sufficient quantity of the unappropriated lands adjoining to the Iron Works in Chatham County be reserved for the use of the said Works, and that none of the said lands shall be entered or surveyed by any person or person whatever until the said Works shall be sold, and the Commissioners appointed for selling the said Iron Works shall at the same time sell and dispose of so much of the said unappropriated lands as may be necessary to supply the said Works with ore, coal, timber and stone.

The House taking the said resolve into consideration!

Concurred therewith.

Ordered that the following Message be sent to the Senate:

We herewith return the resolve of your House empowering the Commissioners to sell the Iron Works in Chatham County, to sell and dispose of so much of the unappropriated lands adjacent thereto, as may be necessary to supply said Iron Works with the necessaries therein mentioned.

Concurred with by this House.

The House adjourned 'til to-morrow morning 7 o'clock.

Wednesday, 24th December, 1777.

The House adjourned 'til 9 o'clock. The House met according to adjournment.

Read the reports of the Committee of Accounts, which were concurred with and ordered to be sent to the Senate.

Sent by Mr. Harvey and Mr. Eason.

Resolved, that Mr. Thomas Harvey be appointed Commissioner to sell any effects belonging to Josiah Martin, Esq., which may be found in Perquimans County, at public sale to the highest bidder for ready money; and that he be and is hereby directed to return an account of his proceedings with regard to the premises, together with the money which may arise from the sale, to the General Assembly.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing Mr. Thomas Harvey a Commissioner for certain purposes therein mentioned.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House empowering the Justices of the Peace for Nash County to meet and qualify before the time of holding Court in said County.

Concurred with.

Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 23d Dec.

Read and concurred with.

Resolved, that Mr. Willie Jones, Mr. Green Hill and Mr. Thomas Person be authorized to demand and receive from all and every person and persons in the Counties of Halifax and Bute any public papers which properly belong to the late Land Office in this State, of the Right Honorable Earl Granville, and to give receipts

for the same; and that they be directed to employ proper persons to sort all such papers, and make inventories thereof, and transmit to the respective counties; and that the said Willie Jones, Green Hill and Thomas Person return a copy of such inventories and an account of their proceedings in the premises to the next General Assembly, that a proper allowance may be made for the services aforesaid.

Ordered that the above resolve be sent to the Senate, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House appointing certain persons therein mentioned to demand and receive the papers, &c., belonging to the late Land Office in this State of the Right Honorable Earl Granville.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence the report of the Joint Committee appointed to take into consideration the salaries which for the future it will be necessary to allow the several State officers, concurred with by this House in every respect, except the allowance to the Delegates, which we propose to fix at fifteen hundred pounds per annum.

Sam'l Ashe, S. S.

At the same time received the report of the Committee referred to in the above Message, as follows:

Your Committee appointed to report what allowances are necessary to be given to the Governor, Secretary, Council of State, Treasurer, Delegates in Congress and the Superintendent in Indian affairs, have come to the following resolutions:

Resolved, That the Governor have the yearly salary of two thousand pounds to commence from this time.

That the Secretary have from this time at the rate of four-hundred pounds yearly.

That the Members of the Council of State have for the future at the rate of forty shillings per day they shall attend on the public service.

That the Treasurers for the future be allowed the sum of six hundred pounds yearly.

That each of the delegates from this State in the Continental Congress be allowed the yearly sum of sixteen-hundred pounds.

That the Superintendent of Indian affairs be allowed the yearly sum of four-hundred pounds.

The House taking the said report into consideration concurred therewith so far as relates to the Governor, Secretary, the Members of the Council of State and the delegates from this State in the Continental Congress and propose that salaries of three-hundred pounds be allowed to the Superintendent of Indian affairs and that the Treasurers be allowed no more than five-hundred pounds per year.

On reading the report of the Joint Committee appointed to take into consideration the salaries which for the future it will be necessary to allow the several State officers.

Mr. Person objected to the salary recommended to be allowed to His Excellency the Governor two-thousand pounds and it being carried for that sum.

Then on motion, ordered the Yeas and Nays be taken down which are as follows, to-wit:

Yeas.	Nays.
Mr. Avery,	Mr. Robeson,
Mr. Johnston,	Mr. J. Williams,
Mr. B. Williams,	Mr. Boddie,
Mr. R. Moore,	Mr. Hunter,
Mr. Tillman,	Mr. Eason,
Mr. Bryan,	Mr. Lindsey,
Genl. Butler,	Mr. Barber,
Mr. Sevier,	Mr. Locke,
Mr. Courtney,	Mr. Jones,
Mr. Cobb,	Mr. Davidson,
Mr. Clinton,	Mr. Stone,
Mr. Hooper,	Mr. Edmunds,
Mr. Rains,	Mr. Person,
Mr. McLaine,	Mr. King,
Mr. T. Harvey,	Mr. Dixon,
Mr. B. Harvey,	Mr. G. Hill,

Mr. Rand,	Mr. J. Wilson,
Mr. Humphries,	Mr. Collier,
Mr. Grandy,	Mr. Spruill,
Mr. Clark,	Mr. Winston,
Mr. Hancock,	Mr. Ryan.
Mr. Speaker.	

Ordered the following Message be sent to the Senate?

Mr. Speaker & Gentlemen of the Senate.

This House have received your Message with the report of the Committee of allowances proposed to the Governor, Secretary, &c., and concur with you in the allowance proposed to the Governor and Secretary and the Council of State; but we cannot concur in the allowance proposed for the Continental Delegates, the Treasurers and Superintendent of Indian affairs; but propose that the Delegates be allowed at the rate of 1600 pounds per annum from this time, the Treasurers the sum of 500 pounds per annum and the Superintendent of Indian affairs at the rate of 300 pounds per annum to commence from the date of his appointment by the Indian Commissioners.

On motion, resolved that Mr. Charles McAnnelly be allowed the sum of sixty-seven pounds, eleven shillings and eight pence for sundry rations, &c., as per acct. filed; that the Treasurers, or either of them, pay him the same and be allowed in their accts. with the public.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of Charles McAnnelly.

On motion, resolved that James Davis, Esqr.. be requested to print the act passed this present session of Assembly for confiscating the estates, &c., of certain persons therein mentioned, &c.

On motion, resolved that Darcey Fowler be discharged from his parole in Duplin County.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House in favor of Darcey Fowler.

Resolved that the delegates from this State in Congress, or any one of them, be hereby empowered, by their consent or the consent of any one of them, to bind this State at any time until a new appointment, duly authenticated, shall be declared in Congress, notwithstanding the time for which they have been elected may be previously expired.

Provided, that such consent be not inconsistent with such instructions as they have or may have at any time received from the Legislature of this State.

Ordered that the above resolve be sent to the Senate for their concurrence, together with the following Message:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House relative to the delegates in Congress.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return your resolve in favor of Darcey Fowler.

Concurred with by this House. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 24 Decr., 1777. Read and concurred with.

Rec'd from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith return a resolve of your House appointing Mr. Thomas Harvey for purposes therein mentioned.

Concurred with. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 24 December, 1777.

Read and concurred with.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House for allowing a bounty to seamen.

Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

Resolved, that the Governor for the time being be and he is hereby impowered to make such additional allowance to the wages of the seamen of the ship Caswell, as may be sufficient to induce men to enter into the service, so that such allowance does not exceed twenty dollars per month to each man; and that he be further impowered to give the Commander of the said ship such assistance as may be necessary and he shall think proper.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return the resolve of your House allowing a bounty to seamen, &c.

Concurred with.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We propose that in a resolve which had the assent of your House this session relative to empowering Thomas Craike to purchase blankets, &c., &c., &c., in Charlestown, the following amendments take place: that the said Thomas Craike shall be impowered to borrow money out of the Loan Office in case there shall not be sufficient in the public treasury to answer the sum which he is impowered to take up for the above purpose.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House agree to allow the Delegates the sum of sixteen hundred pounds per annum, the other part of the report we adhere to. Sam Ashe, S. S.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

This House cannot recede from their proposed allowance to Mr. Robertson, the Superintendent of Indian affairs. A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return the resolve of your House appointing Mr. Willie Jones, Mr. Thomas Person and Mr. Green Hill for certain purposes therein mentioned.

Concurred with by this House. Sam Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate, 24 December, 1777. Read and concurred with.

The House adjourned till 4 o'clock.

The House met according to adjournment.

Read the report of the Committee of Claims which was concurred with and ordered to be sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We have received your Message proposing an amendment of the Resolve of the General Assembly directing Mr. Craike to purchase blankets in Charles Town and agree thereto.

Sam Ashe, S. S.

Received the following Message from the Senate:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith send for your concurrence a Resolve of this House in favor of Colo. Luttrell, together with his memorial. Sam Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

Read the Memorial of Colo. Luttrell, sitting forth the improbability of his being able to render this State any material service in a military capacity, and therefore praying that the resolve of the General Assembly, relative to the resignation of the officers of the Continental Army furnished by this State, might not, in case of his resignation, operate against him.

The House taking the said Memorial into consideration,

Resolved that the prayer thereof be granted.

This House taking the said resolve into consideration, concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the House of Commons:

We concur with your resolve in favor of Mr. Luttrell.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House have allowed Mr. Luttrell forty shillings for engrossing a Bill.

The House taking the said Message into consideration, concurred therewith.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

We herewith return you the resolve of your House in favor of Mr. Charles McAnelly.

Concurred with. Sam'l Ashe, S. S.

At the same time received the resolve of this House referred to in the above Message.

Endorsed in the Senate 24th December, 1777.

Read and concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Commons:

This House agree that Mr. Robertson, Superintendent of Indian Affairs, be allowed agreeable to the Message of your House relative thereto.

Sam'l Ashe, S. S.

Resolved that an election shall be held for the several Counties and Towns in this State of Members to sit in the House of Commons and Senate at the next General Assembly, to be held at New Bern on the first Monday of April next, which election shall be held on the tenth day of March next, unless it should happen on a Sunday; then and in that case on the succeeding day, and at the several places in the Counties and Towns where the last elections were had, and under the same rules and regulations and consistent with the Constitution; and that in the new Counties they shall be held at the places directed for holding the County Courts, and under the above rules and regulations.

Ordered that the above resolve together with the following Message be sent to the Senate, to-wit:

Mr. Speaker and Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House for holding the next election in March next.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House in favor of Capt. John Sheppard.

Sam'l Ashe, S. S.

Together with the following resolve referred to in the above Message:

It appearing by the petition of Captain John Sheppard that sundry persons being near Ocracock Bar have certainly fully possessed

themselves of a large quantity of goods, the property of the said Sheppard, and a part of the cargo of the Scow Diamond, lately wrecked therein, therefore in order to prevent such practices and punish the perpetrators agreeable to the laws of this State.

Resolved that his excellency the Governor be requested to issue a proclamation offering a reward of fifty pounds to any white freeman who will on oath inform the Attorney General of this State of the names and places of abode of all or any of the aforesaid persons.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We herewith return the resolve of your House in favor of Capt. John Sheppard.

Concurred with.

A. Nash, S. C.

Rec'd from the Senate the following Message:

Mr. Speaker & Gentlemen of the Senate:

We herewith send for your concurrence a resolve of this House relative to the meeting of the next General Assembly. Sam'l Ashe, S. S.

At the same time received the resolve of the Senate referred to in the above Message as follows:

Resolved that the next General Assembly do meet on the first Monday in April next at the town of New Bern agreeable to the vote of this present Assembly.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We herewith return the resolve of your House appointing the time for the next Assembly to meet.

Concurred with.

A. Nash, S. C.

Ordered that the Bill to amend an act intitled an act to establish a militia in this State be read the third time; read the same the third time, amended by Consent of the Senate, passed and ordered to be engrossed.

Ordered that the Bill for the directing the method of electing members of the General Assembly and other purposes, be read the third time; read the same the third time, amended, by consent of the Senate, passed and ordered to be engrossed.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen of the Senate:

We propose that those sections of the articles of the Confederation that were agreed to be ratified in Congress should be fairly transcribed and signed by the Speakers of both Houses of this Assembly and transmitted to Congress by Mr. Burke to be there ratified.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen of the House of Common:

We have received your Message relative to the resolve of this House empowering the Governor to appoint Commissioners to run and mark a boundary line with the overhill Cherokees &c., and have made the resolve conformable thereto which we now send for your concurrence.

At the same time received the resolve of the Senate referred to in the above Message.

The same being read was rejected.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate:

We do not perceive that you have made the resolve of your House relative to the treaty with the Cherokees agreeable to the Message of this House in answer to the former Message from your House on that subject. It is the opinion of this House that a treaty may be held but no line run before the next session of the General Assembly; and that in all public writings and instruments the lands divided from the rest of this Territory for the peculiar use of Indians should be denominated their hunting grounds pursuant to the provision in the constitution.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We herewith send for your concurrence a resolve of this House relative to holding a treaty with the Indians, &c. A. Nash, S. C.

At the same time received the resolve of the Senate referred to in the above Message, as follows:

Resolved, that his Excellency the Governor be requested to appoint and commissionate proper persons to hold a treaty with the Indians inhabiting the towns in the middle settlements and valleys; and that the Governor be empowered to draw on either of the Treasurers of this State for a sum not exceeding one thousand pounds to enable the Commissioners to hold said treaty.

The House taking the said resolve into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen of the Senate.

We herewith return the resolve of your House empowering the Governor to appoint Commissioners to treat with the Indians, &c., concurred with by this House.

A. Nash, S. C.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We have received your Message proposing that those sections of the Articles of Confederation that were agreed to be ratified in Congress, should be transcribed and signed by the Speakers of both Houses of this Assembly and transmitted to Congress by Mr. Burke, to be there ratified: with which we concur. Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

This House, as a compensation for Mr. Neal's services in engrossing Bills this present session, propose making him an additional allowance of ten pounds, and request your concurrence thereto.

Sam'l Ashe, S. S.

On motion, the above mentioned allowance to Mr. Neal was rejected.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We have received your Message and resolve investing the Delegates from this State to the Continental Congress, with certain powers therein mentioned, with which we do not concur.

Sam'l Ashe, S. S.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

On reconsidering the resolve of the General Assembly relative to the Entry Takers, &c., paying off and taking up the certificates of the Members of the present Assembly, we are of opinion that it may be attended with bad consequences, and therefore propose rescinding it; and request the concurrence of your House.

Sam'l Ashe, S. S.

The House taking the said Message into consideration, resolved that they do not concur with the Senate in rescinding the resolve referred to in the above Message.

Resolved, that the thanks of this House be given to the Honorable Abner Nash, Esqr., for his able, faithful, and public-spirited services as Speaker of this House.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen of the House of Commons:

We cannot concur with your resolve for holding the next election. A Bill for regulating elections in which, as we conceive, are many salutary regulations, has passed a third reading in this House, and now lies before you for your approbation. If you should think proper to reject it, we have not anything to charge ourselves with, having in every respect discharged our duty to our constituents, and are still ready to consent to your proposed alterations, if the the Continental Delegates and the officers of the Courts of Admiralty and Courts of Equity are excluded from seats in the General Assembly.

Sam'l Ashe, S. S.

A Bill for the better regulation and ease of the militia in Hyde County.

A Tobacco Bill. R. S.—

A Bill, navigation of Port Currituck. R. L.—

A Bill, pilotage of Cape Fear, &c.

Ditto.

A Bill for building a Court House in Salisbury.

Ditto, empowering Commissioners to build prison and stocks in Duplin, and other purposes.

A Bill for appointing Naval Officers in this State.

A Bill for ascertaining the Oath of Allegiance, &c.

A Bill to encourage the destroying vermin.

A Bill to establish the Justices of the Superior Court.

A Bill to empower the C. Courts of Tryon and Guilford.

A tax, by assessment, for finishing the Court Houses, prisons and stocks in said Counties, &c., also to empower the several Counties in the District of Wilmington to levy taxes for building a district gaol in Wilmington, and other purposes.

A Bill to enforce the Statute Laws—

A Bill for regulating Clerks' fees. T. J.—

A Bill, contingencies of the Counties.

10 o'clock—adjourned.

B. Exum, Clerk.

Acct. No. 323, ret'd.