

Law chiefly in their own hands — our late Elections help to prove this Diversion; we carried our Elections for Vestrymen twenty five to one — The consequence of not trying these men subject to Law is wooden shoes and uncombed hair — What sense or reason is there in saying any are prejudiced to our side for what is it we have done — we have labored honestly for our Bread and studied to defraud no man nor live on the spoils of other mens labors nor snatched the Bread out of other mens hands. Our only crime with which they can charge us is vertue in the very highest degree namely to risque our all to save our Country from Rapine and Slavery in our detecting of practices which the Law itself allows to be worse than open Robbery — It is not one in a hundred or a thousand of us who have broke one Law in this our struggle for only common Justice which it is even a shame for any Government or any set of Men in the Law once to have denied us off — Whereas them as has acted the most legally are the most torn to pieces by the Law through malicious prosecutions parried against them.

To sum up the whole matter of our Petition in a few words it is namely these that we may obtain unprejudiced Jurys, That all extortionate Officers Lawyers and Clerks may be brought to fair Tryals — That the Collectors of publick money may be called to proper settlements of their accounts, namely the Sheriffs for the years 1764, 1765, 1766 & 1767 to which time the taxes was generally collected (a small part of the last year excepted) the refusing to settle for which or give us any satisfaction occasioned the past disturbances — If We cannot obtain this that we may have some security for our properties more than the bare humour of officers, we can see plainly that we shall not be able to live under such oppressions and to what extremities this must drive us you can as well judge of as we can ourselves, we having no other determination but to be redressed and that to be in a legal and lawful way — As we are serious and in good earnest and the Cause respects the whole Body of the people it would be loss of time to enter into arguments on particular points for though there is a few men who have the gift or art of reasoning yet every man has a feeling and knows when he has justice done him as well as the most learned.

Therefore that Justice which every man will be ashamed to own that ever he denied us of when in his power to grant is the prayer of our Petition and your Petitioners as in duty bound shall ever pray.

Signed by 174 Subscribers.

[FROM ORANGE COUNTY COURT RECORDS.]

THE HILLSBOROUGH RIOTS.

NORTH CAROLINA }
Hillsborough District }

At a Superior Court of Justice begun and held for the district aforesaid at the Court house in Hillsborough on Saturday the 22nd day of September, 1770.

Present

The Honorable Richard Henderson, Associate Justice.

Adam Whitsett & Henry Whitsett appeared in open court & took the oaths prescribed by Parliament for Naturalization.

Court adjourned till Monday 10 o'clock.

Monday 24th

Court met pursuant to adjournment,

Present

The Hon'able Richard Henderson, Esq, Associate Justice.

The Court appointed Henry Pendleton Esq, Attorney for the Crown.

Samuel Smith, who was last term fined *nisi* etc. for not appearing last term as a juror, was heard and excused.

Several persons stiling themselves Regulators assembled together in the Court Yard under the conduct of Harmon Husbands, James Hunter, Rednap Howell, William Butler, Samuel Devinney, & many others insulted some of the Gentlemen of the Bar, & in a violent manner went into the Court house, and forcibly carried out some of the attorneys, and in a cruel manner beat them. They then insisted that the Judge should proceed to the Tryal of their Leaders, who had been indicted at a former Court, and that the Jury should be taken out of their party.

Therefore the Judge finding it impossible to proceed with honor to himself and Justice to his Country, adjourned the Court till tomorrow morning 10 o'clock, and took the advantage of the night & made his escape, and the Court adjourned to Court in Course.

Trial Causes to Hillsborough Superior Court, September Term A. D. 1770.*

1	John McMund <i>vs.</i> William Courtney	2 C F 4	General Issue	Damn'd Rogues
2	John Childs <i>vs.</i> Richard Thompson	Case 5	Ref ⁿ &c <i>Vide</i> Mem Book	You keep that to yourselves to rogue everybody
3	John Williams Esq <i>vs.</i> Robert Mitchel	Case 6	General Issue	Pay costs and be put in the stocks plaintiffs
4	William Brown <i>vs.</i> John Brown	Detinue 7	General Issue	A shame for name's sake
5	Edmund Fanning <i>vs.</i> James Bynum	Slander 8	Jury find the defendant Guilty. Assessed £5 damages & 6s cost Motion and Arrest	We were certain of that but no — [torn]
	----- <i>vs.</i> George McGoon	Case 12	----- Plea to be entered — narrative to be filed conditions performed & issue	Another Plea — entered
7	Benjamin Drummond <i>vs.</i> John Lambert	Slander 13	Justification — Error	Plaintiff pays cost

* With entries made by the Regulators.

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — Continued.

W 8 P G	Daniel Williams <i>vs.</i> John Williams	Case 15	General Issue	The Elect pays cost
9	Peter Noag <i>vs.</i> Edmund Fanning	Appeal 16	App. by Consent	Fanning must pay
10	Edmund Fanning <i>vs.</i> Abraham Smith	Trover A. B.	Judgment by default	Fanning pays costs but loses noth- ing
11 W	Ezekial Brasfield <i>vs.</i> Phillip -----	Case 19	General Issue	Death by the law for
12 Hoo	Isaiah Hogan <i>vs.</i> Hermon Husbands	Case 21	General Issue	Hogan pays & be damned
F 13	Ezekial Brumfield <i>vs.</i> James Ferrel	Slander 22	Not guilty & Justification	Nonsense let them agree for Ferrell has gone Hellward
W 14 N	Michael Wilson <i>vs.</i> David Harris	T. A. B. 23	Plea in abatement filed general Demd Joinder plea over. Not guilty with leave	All Harris's are Rogues
W 15	John Edwards <i>vs.</i> Phillip Edwards	Case 24	<i>Non assumptit</i>	Damned shame

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — Continued.

M ^c G 16	Thomas Trannell <i>vs.</i> William Dunnigan	Case 29	Ref ^d Rule set aside for Trial next Court	Dunnigan pays
M ^c G 17	Same <i>vs.</i>	T. A. B.	Same rule	Do
W 36 F	Thomas James <i>vs.</i> Dennis McCaron	T V A R 22	Not guilty with leave	Agreed for £2 7 stay execution to Inf Court anything for money Fees paid by Johnston & Shack- ston to Jno Cook
F 55 Mo	Thomas Cain <i>vs.</i> John Pearson	T. V. A. 44	Not guilty with leave. Damned roguey	
Mo 56 F	Thomas Richardson <i>vs.</i> Robinson York	Case &c 46	General Issue by mistake. Gen- eral issue not but Plea of abatement	Plaintiff pays all and gets his body scourged for Blasphemy
F 57 M	Mary Humphries <i>vs.</i> Phillip Jackson Jun ^r	T. A. B. 47	Not Guilty with leave	Judgment by Default
F 59 M	Mary Humphries <i>vs.</i> Phillip Jackson Jun ^r	J. A. B. 52	Not guilty with leave	Judgment by default the money must come to officers

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — Continued.

W 60 Ho	Hermon Husband <i>vs.</i> Joseph Mattocks	63	Ex in the hands of Francis Nash and he served a Garnishee. Garnishee sworn saith he has in his hands £54. 4s. 9d. Judgment by default	Right enough
F 61 Mc	Nathaniel Walton <i>vs.</i> Jeremiah Horton	Ejectment 64	The Defendants common Rule &c not Guilty	Discontinued
F 62 M	Charles Rust Eaton <i>vs.</i> Fernand Laws	Case 65	General issue with leave	Plaintiff pays cost
F 63 Hoo	Robert Reid & Co. <i>vs.</i> Nancy Husbands	Debt 71	<i>Non est factum.</i>	Plaintiff pays cost
W 64	Abner Nash <i>vs.</i> John Rooker	Case 74	Judgment by default	Nash gets nothing
M 65 N	Abraham Moore <i>vs.</i> Richard Benjamin Bell	Debt 80	Payment — Replication &c issue	Plaintiff pays cost
M 66 J L	Young Miller & Company <i>vs.</i> Armistides Administrators	Case 81	<i>Non assumpsit</i> and <i>plene admin- istravit.</i> Replication and issue	Plaintiff pays cost

TRIAL CAUSES TO HILLSBOROUGH SUPERIOR COURT — *Continued.*

F 67 H	Valentine Braswell <i>vs.</i> Duncan McNeal, Admr. of Hector McNeal	Case 86	Declaration plea to be filed	File it & be darned
F 68	Sales Brown <i>vs.</i> William Lewis	Case 91	Judgment by default	The Man was sick. It tis damned roguey
W 69 N	John Kimbrough <i>vs.</i> William Alston	Case 97	Ent ^d Joseph Briant Bail	Executed by a damned Rogue & Bill not sufficient
F 70	Solomon Turvil <i>vs.</i> James Turvil		Ec ^d on 2 negroes	Negroes not worth a damn Cost exceeds the whole
W 71	William Roberts <i>vs.</i> John Howard	App ^l		Plaintiff pays costs
P 72 W	Thomas Person <i>vs.</i> William Todd	App ^l		Persons dead

Letter from Judge Henderson to Governor Tryon.

GRANVILLE Sep^r 29th 1770.

SIR,

With the deepest concern for my Country I have lately been witness to a scene which not only threatened the peace and well being of this Province for the future, but was in itself the most horrid and audacious insult to Government, perpetrated with such circumstances of cruelty and madness as [I believe] scarcely has been equaled at any time. However flattering your Excellency's prospects may have been with respect to the people called Regulators, their late conduct, too sufficiently evince that a wise, mild and benevolent administration comes very far short of bringing them to a sense of their duty. They are abandoned to every principle of virtue and desperately engaged not only in the most shocking barbarities but a total subversion of the Constitution.

On Monday last being the second day of Hillsborough Superior Court, early in the morning the Town was filled with a great number of these people shouting, hallooing & making a considerable tumult in the streets. At about 11 o'clock the Court was opened, and immediately the House filled as close as one man could stand by another, some with clubs others with whips and switches, few or none without some weapon. When the House had become so crowded that no more could well get in, one of them (whose name I think is called Fields) came forward and told me he had something to say before I proceeded to business. The accounts I had previously received together with the manner and appearance of these men and the abruptness of their address rendered my situation extremely uneasy. Upon my informing Fields that he might speak on he proceeded to let me know that he spoke for the whole Body of the People called Regulators. That they understood that I would not try their causes, and their determination was to have them tryed, for they had come down to see justice done and justice they w^d have, and if I would proceed to try those causes it might prevent much mischief. They also charged the Court with injustice at the preceding term and objected to the Jurors appointed by the Inferior Court and said they would have them altered and others appointed in their room, with many other things too tedious to mention here. Thus I found myself under a necessity of attempting to soften and turn away the fury of this mad people, in the best manner in my

power, and as much as could well be, pacified their rage and at the same time preserve the little remaining dignity of the Court. The consequence of which was that after spending upwards of half an hour in this disagreeable situation the mob cried out "Retire, retire, and let the Court go on." Upon which most of the regulators went out and seemed to be in consultation in a party by themselves.

The little hopes of peace derived from this piece of behaviour were very transient, for in a few minutes Mr Williams an Attorney of that Court was coming in and had advanced near the door when they fell on him in a most furious manner with Clubs and sticks of enormous size and it was with great difficulty he saved his life by taking shelter in a neighbouring Store House. Mr Fanning was next the object of their fury, him they seized and took with a degree of violence not to be described from off the bench where he had retired for protection and assistance and with hideous shouts of barbarian cruelty dragged him by the heels out of doors, while others engaged in dealing out blows with such violence that I made no doubt his life would instantly become a sacrifice to their rage and madness. However Mr Fanning by a manly exertion miraculously broke holt and fortunately jumped into a door that saved him from immediate dissolution. During the uproar several of them told me with oaths of great bitterness that my turn should be next. I will not deny that in this frightful affair my thoughts were much engaged on my own protection, but it was not long before James Hunter and some other of their Chieftains came and told me not to be uneasy for that no man should hurt me on proviso I would set and hold Court to the end of the term.

I took advantage of this proposal and made no scruple at promising what was not in my intention to perform for the Terms they would admit me to hold Court on were that no Lawyer, the King's Attorney excepted, should be admitted into Court, and that they would stay and see justice impartially done.

It would be impertinent to trouble your Exc^y with many circumstances that occurred in this barbarous riot, Messrs. Thomas Hart, Alexander Martin, Michael Holt, John Litterell (Clerk of the Crown) and many others were severely whipped. Col. Gray, Major Lloyd, Mr Francis Nash, John Cooke, Tyree Harris and sundry other persons timorously made their escape or would have shared the same fate. In about four or five hours their rage seemed to subside a little and they permitted me to adjourn Court and conducted me with

great parade to my lodgings. Col^o Fanning whom they had made a prisoner of was in the evening permitted to return to his own House on his word of honour to surrender himself next day. At about ten o'clock that evening, I took an opportunity of making my escape by a back way, and left poor Col. Fanning and the little Borough in a wretched situation.

Thus far may it please your Excellency with respect to what came within my own knowledge, since my departure many different & authentick accounts say that the mob not contented with the cruel abuse they had already given Mr Fanning in which one of his eyes was almost beaten out, did the next day actually determine to put him immediately to death, but some of them a little more humane than the rest interfered & saved his life. They turned him out in the street and spared his life on no other condition than that of his taking the Road and continuing to run until he should get out of their sight. They soon after to consummate their wicked designs, broke and entered his Mansion House, destroyed every article of furniture and with axes & other instruments laid the Fabrick level with its foundation, broke and entered his Cellar and destroyed the contents, his Papers were carried into the streets by armfulls and destroyed, his wearing apparel shared the same fate; I much fear his Office will be their next object. Have not yet heard where Col. Fanning has taken shelter, the last advice was that he was a mile or two from Town on horseback, but the person by whom this came says that the Insurgents have scouting Parties constantly traversing the several roads and woods about Town and should he unfortunately fall into their hands the consequences perhaps would be fatal. The merchants and Inhabitants were chiefly run out into the Country & expect their Stores and Houses without distinction will be pillaged and laid waste.

The number of Insurgents that appeared when the Riot first began was, I think, about one hundred and fifty, tho' they constantly increased for two days and kept a number with fire arms at about a mile distance from Town ready to fall on whenever they were called for. This amount is contradicted by some and believed by others; certain it is that a large number of men constantly lay near the Town, whether they had arms or not is not yet sufficiently determined.

As the burden of conducting Hillsborough Superior Court fell on my shoulders alone, the Task was extremely hard and critical. I

made every effort in my power consistent with my Office and the Duty the Publick is entitled to claim to preserve peace and good order, but as all attempts of that kind were ineffectual, thought it more advisable to break up Court than sit and be made a mock Judge for the sport & entertainment of those abandoned wretches.

This Express has been delayed two days in expectation of obtaining from M^r Fanning a more particular account of the damage done him as well as the rest of the Inhabitants of that desolate Borough, but as the persons whom I sent for that purpose are not yet returned, think it my duty to forward this with the utmost expedition. Should my conduct through the transactions merit your approbation it will greatly add to the felicity of Sir,

Your Excell^{ty}s most obedient
and obliged humble servant

RICHARD HENDERSON.

To his Excellency Governor Tryon.

P. S. My Express has this instant arrived from Hillsborough with the following accounts, Colonel Fanning is alive and well as could be expected. The Insurgents left the Town on Wednesday night having done very little mischief after spoiling M^r Fanning's House except breaking the windows of most of the Houses in Town, among which M^r Edward's did not escape. The merchants and others are taking possession of their shattered Tenements. M^r Fanning's House is not quite down, a few timbers support the lower story, but they are cut off at the sills and a small breeze of wind will throw down the little that remains. Everything else that we heard respecting M^r Fanning is true with this addition that he lost upwards of two hundred pounds in cash.

Inclosed is a Petition [For petition see page 231 *ante*—EDITOR] presented me on Saturday by James Hunter, that being the first day of the Court, the Answer was deferred till Monday. Your Excellency will best judge if that Paper may not be of service at a future day. There are many subscribers who are all without dispute Regulators.

I am as before

R. H.

Deposition of Ralph M^cNair.

NORTH CAROLINA }
Newbern }

This day came Ralph M^cNair before me Robert Palmer Esq^re one of the Members of His Majesty's honourable Council for the Province aforesaid and made oath upon the Holy Evangelists of Almighty God, that on Monday the 24th day of September last in the Town of Hillsborough in the Province aforesaid he saw Hermon Husbands, James Hunter, William Butler, Ninian Bell Hamilton, Jeremiah Fields, Matthew Hamilton, Ely Branson, Peter Craven, John Frint, Abraham Teague, and Samuel Parks, amongst a number of men called regulators who were chiefly armed with wooden cudgels or cow skin whips wherewith they assaulted and beat John Williams Esq^re. That some of the number attempted to strike Richard Henderson Esq^re Associate Judge of the Province aforesaid, while he endeavoured from the Bench window to moderate their fury; that soon after they had run to surround the Court House he saw them return beating and pursuing Colonel Edmund Fanning till he took shelter in the Store of Messrs Johnston and Thackston which they instantly beset, demolishing the windows and threw dirt and stones or brickbats into the House in order to force him thence. That they also beat several other Gentlemen on the same day. That on the following night he heard a Party or Parties of the said People called Regulators patrolling the streets to the terror of the Inhabitants, That the Deponent's House was assaulted by Persons unknown, his windows broke, and he also heard the windows of several other Houses broke about the same time, and as he supposes by the same people; that Richard Henderson Esq. not thinking his person safe did as he believes depart the Town the same night, although the Court stood adjourned only till next day, and not till Court in Course, and that the Regulators exasperated thereat, did, as he was informed on Tuesday the 25th day of September aforesaid, assault the House of Col. Fanning aforesaid, break and destroy a considerable part of his household furniture, drink & spill the liquors in his Cellar, and almost totally demolished his house, the ruins whereof he the Deponent saw the day following.

RALPH McNAIR

Sworn before me this 9th day of October 1770.

ROBERT PALMER.

Deposition of Robert Lytle of 20th October 1770. (4.)

NORTH CAROLINA }
Orange County }

This day personally appeared before me one of His Majesty's Justices of the Peace for the County aforesaid, Josiah Lyon, and made oath on the Holy Evangelists of Almighty God that on Tuesday the 25th of this instant in Hillsborough he the said Josiah Lyon heard a number of people who were assembled together, assuming to themselves the Title of Regulators, and committing the most unheard of Acts of violence and riot, drunk damnation to King George (thereby meaning as he apprehended the King of England) and success to the Pretender.

Sworn before me the 30th of September 1770.

ROBERT LYTLE.

Letter from James Watson Robert Lytle and others to Governor Tryon

HILLSBOROUGH Sept^r 30th 1770.

MAY IT PLEASE YOUR EXCELLENCY,

SIR,

We doubt not that you have before this time heard of the distressed situation of our affairs here, the unheard of insolence offered by a Body of the Regulators, to His Maj^{ty}'s Superior Court sitting, and of the many outrages committed by them against the Persons, liberties and properties of many of our fellow subjects for the particulars of which we beg leave to refer you to the Bearer M^r M^cNair.

These are a set of men may it please your Excellency whom we have long considered as dangerous to society and as pursuing every measure destructive of Peace and good Government And their conduct on this occasion has we think, to a demonstration proved, that they only want time and a larger Body of their disaffected Fools of Faction, to effect purposes of the most dangerous and dismal Tendency, and which we apprehend must (unless timously prevented by the wise interposition of Government) end in the ruin and destruction of the Province.

Government has, may it please your Excellency, we doubt not for very wise and prudent purposes been pleased hitherto to deal with great clemency and tenderness towards this set of people under a presumption that they would see through their infatuation,

reclaim and become good and useful members of Society, but as they have now laid aside their disguise and discovered themselves lost to every sense of humanity as well as obedience to Laws under which we are governed by committing the most open and daring Acts of violence, we do most humbly pray your Exe^c that you will take the matter under your consideration and adopt such measures as in your wisdom shall seem most proper. At the same time begging leave to assure your Excellency that we think ourselves hourly in the most imminent danger not only of losing our lives and fortunes but of every connection which we esteem valuable. Our worthy friend Colonel Fanning who has been a great sufferer on this occasion is not in Town, therefore does not join in this our Memorial

We shall with impatience wait your Excellency's orders and beg leave to assure you that We are

Your Excellency's most obedient

most faithful humble servants,

JAMES WATSON
ROBERT LYTLE
THO^s HART
FRANCIS NASH
WILLIAM JOHNSTON
JAMES THACKSTON
JAMES MONRO.

[B. P. R. O. AM. & W. IND. VOL. 217.]

Letter from Earl Hillsborough to Governor Tryon,

WHITEHALL 3^d October 1770.

The state of the outstanding paper-currency inclosed in your Letter N^o 56, and your remarks upon it are very satisfactory, and the only observation I have to make upon it is, that the sum appears to be large, and will I trust be fully sufficient to answer the purpose of circulation, until the prejudices of the People shall admit, and the circumstances of the Colony induce, a currency of better credit and greater stability.

I am &c^a
HILLSBOROUGH.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hillsborough.

NEWBERN the 7th October 1770.

I have the honor to receive your Lordships dispatches, containing the original and duplicate of N^o 33, with his Majestys warrant for my leave of absence from this government: Also a copy of the memorial of the merchants trading to North Carolina and importers of naval stores, with a letter for Mr Chief Justice Howard; As that gentleman had my leave of absence to go to Boston last Summer, I shall not have an opportunity of delivering the letter myself to him, till he attends the Superior Court in this town the eighth of next month.

Mr Samuel Cornell has produced to me his Majestys mandamus for his seat in Council, and took the oaths for the qualification of public officers, and at the next sitting of the Council will take the oath of office and his seat at the Board. He entertains a perfect sense of the honor his Majesty has conferred on him,

On my arrival yesterday evening from an excursion I made for the recovery of my health, and to view the sea coast between Beaufort and Portsmouth, dispatches were delivered from Hillsborough, acquainting me of an insurrection of the regulators in that town on the 24th & 25th of last month during the setting of the Superior Court. After they had offered many insults to the dignity and proceeding of the court, they committed such outrages in the town that Mr Henderson the associate judge was forced to put an end to the court by making his escape in the middle of the night.

I shall not here enter minutely into their savage conduct, having ordered of Majestys Council to be summoned to meet me on the 16th instant to consult on the properest measures to be taken in the exigency of the case; when resolved upon his Majesty shall be particularly informed.

Your Lordship may depend I shall exert my warmest endeavours to obtain your wish that some better regulation may be established in the Treasurers office as well as to suppress the disorders which now threaten the general peace of this government.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber at Newbern 16th October 1770.

Present,

His Excellency the Governor
The Honorable { John Rutherford and Lewis DeRosset Robert Palmer } Esquires

Samuel Cornell Esq^r appeared at this Board, and produced His Majestys *Mandamus* appointing him a Member of this province, bearing date at St James's the 10th day of May last, And also a Certificate from His Excellency the Governor, that the said Samuel Cornell Esq^r had taken the Oaths for the Qualification of Publick Officers — And at the same time the said Samuel Cornell took the Oath for the due execution of his Office, and took his seat at this Board accordingly.

His Excellency acquainted this Board that the reason of his calling the Council at this time, was in consequence of dispatches he had received on the 6th Instant from Richard Henderson Esq^r one of His Majestys Associate Justices of this Province (inclosing a Memorial from the regulators to the Chief Justice, and his Associates) And also from the Inhabitants of the Town of Hillsborough setting forth the Insults and indignities offered to His Majestys Government, the Superior Court of Justice of that district, and the injuries done to the inhabitants of the said Town, with the Depositions of Ralph M^cNair Esq^r and Josiah Lyon relative to the same All which His Excellency laid before this Board, and desired their opinion and advice on the present exigency. Ordered that the several papers be read — It is the unanimous advice of this Board that the several papers now read, be referred to the Attorney General, for his opinion on the several matters and offences set forth therein, And that he be directed to give his Opinion at full on these subjects in writing, and point out to His Excellency and this Board the most Effectual steps to bring the offenders to condign punishment.

His Excellency informed this Board that in consequence of information made to him, that large sums of the Certificates in 1768 were counterfeited and circulating in this Province, had thereupon

consulted with four of the Gentlemen of His Majestys Council (by letter) relative thereto, and agreeable to their Opinion and advice, he had issued the following proclamation Viz

A PROCLAMATION.

Whereas I have received information that the Certificates made & signed in pursuance of an Act of Assembly passed in December, One Thousand Seven hundred & Sixty Eight, payable out of the public Treasury, have been counterfeited and forged and such Counterfeits are now circulating in this Province to a Considerable Sum, to the great Damage and Injury of the Inhabitants, To the end therefore that the persons concerned in forging or uttering the said Certificates may be brought to condign punishment, I have thought fit, by and with the Advice & Consent of His Majesty's Council, to issue this my Proclamation, hereby Offering a reward of Two hundred pounds proclamation Money to such person (except the Offender) as shall discover any of the parties concerned payable on Conviction thereof. And I do also Offer His Majesty's most Gracious Pardon to such Offender as shall first appear and make a discovery of his Accomplices, so that they may be prosecuted according to due Course of Law.

Given under my hand & the Great Seal &c, at New Bern 27th August 1770.

By Command

JOHN LONDON, D. Sec'y.

W^m. TRYON.

His Excellency was pleased to lay before this board several letters of correspondence that passed between him, Mr Stewart the Superintendant of Indian Affairs, and one from Mr Cameron the Deputy Superintendant (with a letter from Mr Mitchell Merchant in Salisbury) and desired the opinion of this Board whether any measures can be taken to prevent Richard Paris from settling the Cherokee Lands on the Western Frontiers of this Province — It is the opinion of this Board that as Richard Paris is not an inhabitant of this province, they are at a loss to know what steps to recommend to remedy the matter complained of by Mr Stewart, But that this Government will take effectual care that no settlement shall be formed on the said Lands but under Grants from the Crown.

Then His Excellency desired the Opinion of this Board, as the suggestions in Mr Stewarts and Mr Camerons above Letters intimate a dissatisfaction of his conduct towards the Cherokees, whether in the behaviour to the said Indians he has at any time been wanting in attention and regard to their interest — It is the unanimous opinion of this Board, that the suggestions set forth are false and frivolous, and that the discontent of the said Indians appears to have been excited by the Traders settled amongst them.

His Excellency informed this Board, that in pursuance of a petition from the Freeholders in the Town of Hillsborough, he thought fit to Grant a Charter of Incorporation to the said Town, bearing date the 9th day of July last, with a power of returning a Burgess to the General Assembly — Ordered that the said Charter be read, and recorded in the Secretary's Office.

At a Council held at the Council Chamber at New Bern 18th October 1770.

Present

His Excellency the Governor

The Honble	{	John Rutherford	Robert Palmer	} Esquires
		Lewis DeRosset	and	
		Alex. M ^c Culloch	Samuel Cornell	

The proceedings of the preceeding day were read to Mr M^cCulloch, he approved of the same.

Mr Attorney General having delivered in his Opinion at this Board agreeable to the Order of Council the 16th of this Instant in the following words, Viz^t,

In obedience to the Commands of your Excellency in Council requiring my opinion upon the several Offences set forth in Mr Henderson's letter, Mr Moore's and Mr Lyon's Affidavits together with the petition of the Insurgents, I have attentively perused them, and I am of opinion, to consider them in a distinct and separate view.

That the pulling down Mr Fanning's house and the assaulting of several persons in the Town of Hillsborough, amount only to a riot.

That the menaces thrown out against, and the insult offered to Mr Justice Henderson when in the execution of his Office, and the Insurgents preventing him from holding out the Term there will

be construed in Law only a misdemeanour, though of the highest nature.

That words (though doubtful heretofore has been the Law, and various the determinations of the Courts at different periods of Time whether they amount to Treason or not) substantively taken are not I think at this day sufficient to convict a man of high treason; but if there is any Act of Violence, or declared intention of acting, consequent thereupon, then they clearly come within the purview of that offence; and therefore the words mentioned in Lyon's Affidavit, when a more minute inquiry can be made into the conduct of the Offenders, will probably turn out to be treason; but it appears to me that the tenor of that Affidavit is too inconclusive to issue warrants for that offence.

As to pointing out to your Excellency and Honours the most effectual steps to bring the offenders to condign punishment, I am apprehensive there is no process that can issue in the present situation of Affairs that would bring about that great end; as no obedience has been paid for some time past to any process whatever by the Insurgents; and who, if apprehended, must under the present Court Law be tried in the district where the offences was committed; a circumstance which, when the recent instances of their conduct are considered, leaves room to apprehend the inefficacy of every measure that may be derived from that source.

I therefore humbly conceive that it would be expedient for your Excellency to convene the Assembly as soon as possible, as it would discover to the Insurgents the activity of Government, contribute to check the progress of any future violence, and give the Representatives of the people the earliest opportunity of making such Laws, and providing for the vigorous execution of them, as may effectually bring the offenders to Justice — And in the mean time if your Excellency should think proper, it might not be inexpedient to direct the Colonels of the Militia in particular Counties to Muster their Regiments; in order to discover what number of Men would act as Volunteers, upon whose conduct when called out some dependence might be placed; and who would be ready to Act upon the most early notice.

These are the steps that appear to me most likely to bring the offenders to condign punishment, and as such are humbly submitted to your Excellency's and Honours Consideration.

Oct. 18th 1770.

THOS. M^cGUIRE.

The same was taken into mature consideration, and His Excellency was pleased to take the opinion of this Board relative to the calling of the Assembly immediately. This Board taking the same into consideration are of opinion that as Col. Fanning has advised His Excellency of the 13th Inst that it is his belief that every thing will remain quiet, till the meeting of the Assembly, and on account of the late severe and present sickness in the province, in order to have a full house, it would be most advisable not to call the Assembly sooner than the 30th of November, to which time at present it stands prorogued.

This Board also recommend to His Excellency that he give orders to the Commanding Officers of the several regiments of Militia in this Province, to call an immediate Muster of their said Regiments, And that His Excellency direct the said Commanders to report to him as soon as possible the number of volunteers, that are willing to turn out in the service of their Country, and also the number of effective men that can be ordered out in case of an emergency.

Ordered that a proclamation issue in the following words, Viz^t.

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esq^r &c. &c.

A Proclamation.

Whereas I have received information that a great number of outrageous and disorderly persons did tumultuously assemble themselves together in the Town of Hillsborough, on the 24th & 25th of last month, during the sitting of the Superior Court of Justice of that district, to oppose the just measures of Government, and in open violence of the Laws of their Country, audaciously attacking his Majestys Associate Justice in the Execution of his Office, and barbarously beating and wounding several persons in and during the sitting of said Court, and offering other enormous indignities and insults to his Majestys Government, committing the most violent outrages on the persons and properties of the inhabitants of the said Town, drinking damnation to their lawful Sovereign King George, and success to the pretender, To the end therefore that the persons concerned in the said outrageous Acts may be brought to Justice, I do by the advice and consent of His Majesty's Council issue this my Proclamation, hereby requiring and strictly enjoining all his Majestys Justices of the Peace in this Government to make diligent

inquiry into the above recited Crimes, and to receive the deposition of such Person or Persons as shall appear before them to make information of and concerning the same; which depositions are to be transmitted to me in order to be laid before the General Assembly at New Bern on the 30th day of November next, to which time it stands prorogued for the immediate dispatch of Publick business.

Given under my hand and the Great Seal &c. at New Bern 18th October 1770.

W^m. TRYON.

By his Excellencys Command

JOHN LONDON, Secretary.

His Excellency the Governor having accepted of Doctor William Houston a tract of Land for 12,500 acres situate in Anson County for which the said Houston obtained a Grant dated 3^d March 1745 and assigned the same to His Excellency by deed bearing date 29th of April 1768, Proved and recorded in the registers office for Anson County which said Tract of Land is one of those contained in Grants to Henry M^cCulloh Esq^r, and was allowed of by His Majesty in Council, to be surrendered for want of being seated agreeable to the conditions of the said Grants and Whereas the said tract of 12,500 Acres of Land being found to be very poor and barren, His Excellency never having received any benefit therefrom, Therefore makes a Deed of Surrender to His Majesty of the same in Council, in expectation that His Majesty will be graciously pleased to remit to him the arrears of Quit Rents due on the said tract, at the time of the surrender— Which surrender was accepted of in Council and His Excellency released from all future Quit rents on account of the said Lands and both the Patent and Conveyance to be struck off the rent-roll, and recorded in the Secretarys Office.

P. M. Present as in the Morning

His Excellency informed the Board that as he had received Authentick Accounts of the death of Benjamin Heron Esq^r Secretary &c, of this province, He thought proper to appoint John London to Officiate in the Offices of Secretary and Clerk of the Crown, John Hawks Esq^r, Clerk of the Pleas, William Palmer Esq^r to Officiate as Naval Officer and Charles Heron Esq^r to officiate as Auditor— Which Commissions were produced at the Board, and the above mentioned Gentlemen, (except Mr Heron who was sick) appeared and took the Oaths appointed for the qualification of Publick Officers

subscribed the Test, and took the Oath for the due execution of their offices.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough

NEWBERN 20th October 1770.

I have the honor to transmit to your Lordship the Minutes of the Council Journal, with copies of the several papers referred to therein, respecting the outrages and high crimes committed by the regulators during the last Superior Court at Hillsborough. Mr Attorney General's opinion and advice was taken in Council on this occasion and entered on the Journal. I have in pursuance of the advice of the Council sent circular letters to the commanding officers of the respective regiments of militia, and by their returns as required of the number of volunteers willing to turn out on the first call, in the service of their King and country, and also of what number of men can be ordered out upon an emergency. I shall be able to form a near guess of the strength of the government and the affections of each part. This information will likewise direct me in the choice of the number of men the approaching Assembly shall think expedient to be raised for suppressing these riots, collecting the taxes, and bringing the offenders to the justice of their country. It must be by the spirited aid of the Legislature only that I can expect success in my endeavours to extinguish this dangerous flame.

Inclosed, my Lord, is a copy of the Charter I granted to the inhabitants of Hillsborough on their petition for the same.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA }
Anson County } Ss.— Anson Inferior Court, October Term 1770

Present— His Majesty's Justices, to wit John Collson, William Blewet, William Mask, Charles Medlock, Samuel Snead and James Pickett Esquires.

manly, every body flew from the Tqwn the Merchants are afraid to send any goods to that part of the Country and some have actually deserted their stores. The Governor has ordered Gen^l Musters of the Militia all through the Country and I suppose there will be another expedition to Hillsborough and a new emission of Currency of course. I should be glad to hear from Col^o Fenier, his mother writes me he is just about to be married, pray make my Compts. to him when you write next. M^{rs} Johnston is much obliged to M^{rs} Elmsley for her advice with regard to the Chaise, she and my sisters desire to be remembered by her.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber at Newbern 19th November 1770.

Present

His Excellency the Governor

The Honble { Robert Palmer } Esquires
 { Samuel Cornell }

Martin Howard Esquire appeared and produced His Majestys *Mandamus*, bearing date at St James' the 9th day of May last appointing him a member of Council for this Province, pursuant to which the said Martin Howard took the Oaths for the Qualification of Publick Officers and repeating and subscribed the Test, He then took the Oath for the due execution of the above Office, and his seat at the Board accordingly.

His Excellency informed the Board that Richard Henderson Esquire had waited on him last night and acquainted His Excellency that he had received an Express from Granville County of his stables, corn crib, and late dwelling house being set on fire and destroyed by persons yet unknown and was now attending with his brother who came express, to give information of the same, Ordered that Mr Henderson and his brother be called in —

Thomas Henderson being first sworn gave information as follows, Viz^t That on the night of Monday the 12th Instant the barn and stables belonging to his brother Richard Henderson Esquire in Granville County were set fire to and consumed together with sev-

eral horses and a quantity of corn. And also that on the night of the Wednesday following being the 14th Instant a house which was lately the dwelling house of said Richard Henderson, was set on fire to and consumed.

And the said Richard Henderson and Thomas Henderson both further acquainted the Board that they had reason to suspect, that the said deeds were committed maliciously and clandestinely by some evil minded persons unknown. The Board taking the same into consideration are of opinion — That a proclamation be issued for the discovering and apprehending the persons guilty of or concerned in committing the said offences.

Ordered that a proclamation issue in the following words, Viz^t

NORTH CAROLINA — Ss.

By His Excellency William Tryon Esq., &c. &c.

A Proclamation.

Whereas, information having been received that some evil minded and ill disposed persons did in the night of Monday 12th Instant in the County of Granville, maliciously and clandestinely set fire to and consumed the barn and stables of Richard Henderson Esquire one of His Majestys Associate Justices of the said Province, together with several horses and a large quantity of corn therein, and also in the night of Wednesday the 14th Instant did maliciously and clandestinely set fire to and consume the late dwelling house of the said Richard Henderson in the County aforesaid, In order therefore to bring the offenders to Justice, I have thought fit, by and with the advice and consent of his Majestys Council to issue this my Proclamation, hereby requiring all Civil Officers within this Government to be aiding and assisting in discovering and apprehending the said offenders. And I hereby also promise the sum of one hundred pounds proclamation money to any one who shall apprehend the said offender or offenders — And also his Majestys most Gracious Pardon to any one of the said offenders who shall make a discovery of his accomplice or accomplices, so that he or they may be prosecuted to conviction.

Given under my hand and the Great Seal &c. at Newbern 19th November 1770.

W^m. TRYON.

By His Excellencys command

WILLIAM PALMER, D. Sec'y.

The above mentioned Richard Henderson Esquire and Thomas Henderson further informed this Board that it was generally believed in the County of Granville that a large body of those who call themselves Regulators would come down to Newbern at the ensuing Sessions of Assembly in order to intimidate and over-awe the assembly in their proceedings, Whereupon His Excellency asked the opinion of the Board whether any and what measures were necessary to be taken in this conjuncture.

It is the unanimous opinion and advice of this Board that His Excellency write to the Colonels of the Militia of those Counties through which the said Regulators may pass in their way to New Bern, to hold themselves and their respective Regiments in readiness and to march and obstruct any of the said People in case they should attempt to come down, And that His Excellency be requested to take such other defensive measures as he shall think proper to preserve order and Peace during the ensuing session of Assembly.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Whereas we The Regulators About the Head or forks of Haw river have heard a Report that we have Clandestantly Taken some considerable quantity of money Belonging to M^r Edmund Fanning At the time when his house & goods were Destroy'd.

And as We have Also heard that A Certain Number have sworn to it, We Don't design to lye under Such shame & as we Allways count ourselves Amongst the Number of Loyal Subjects We Desire & Insist that E^d Fanning would Authourise some Lawfull officer to come & Bring the person or persons Accused to Justice, & further we will Not Molest but rather Assist in taking Such Felons, given under our hands this 20th Day of Nov^r 1770.

Capten JAMES PORTER
SAM^l BUCHANAN } Comm
THOMAS FLACK }

JOHN CORRY Moderator

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A PROCLAMATION.

Whereas a sufficient Number of Members of the General Assembly of this Province have not appeared to Constitute a House, I do therefore issue this my Proclamation, hereby Proroguing the said Assembly untill Monday the 3rd of Dec. next, then to meet at New Berne for the dispatch of Public business.

Given under my hand & the Great Seal &c. at New Bern 30th
Nov. 1770. W^m TRYON.

By Command JOHN LONDON, D. Sec'y

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

PORT BATH IN N^o CAROLINA.

Duties Received Between the 10th of October 1769 and the 5th of January Following being the Quarter Ending at Christmas.

WHEN RECEIVED.	MASTERS NAMES.	VESSELS NAMES.	N ^o . OF GN ^y .	£	s.	d.
8 th Jan'y 1770	Thomas Daily	Ship Friends Assist.	250	4	3	4
Lady day Quarter Ending 5 th April 1770						
Jan'y 18 th	John Layton	Sloop Mary	180	3	0	0
Jan'y 26 th	Francis Wooton	Harrison Sloop	204	3	9	8
Feb'y 7 th	Silvanus Snow	Schooner Dolphin	515	8	11	8
Feb'y 17 th	Samuel Harding	Schooner Dolphin	550	9	3	4
Feb'y 19 th	Sam ^l Adams	Schooner Bushiba	210	3	10	0
M ^{ch} 9 th	Paule White	Sloop Juno	150	2	10	0
M ^{ch} 21 st	Ebenezer Ellinwood	Schoo ^r Elizabeth	230	3	16	8
M ^{ch} 24 th	John Barry	Schoo ^r Barbadoes	720	12	0	0
				50	14	8
				3	10	3
				46	14	5
	Commissions @ 7 p Ct. deducted					

RICHARD ELLIS T. P.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber at New Bern 4th December 1770.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Robert Palmer	
		Alexander M ^c Culloch	Samuel Cornell	

His Excellency laid before this Board a letter he received this morning from John Simpson Esquire, Colonel of the Pitt Regiment of Militia in the following words, Viz^t,

PITT Dec^r 3^d 1770.

SIR,

Yesterday Mr Robert Salter came here from Tarborough, and informed me of a number of Regulators coming down from Bute, Johnston &c, to New Bern, in order to prevent Col. Fanning's taking a seat in the House of the Assembly, &c, &c. I have on this information issued orders for the several Companys in the Pitt Regiment to meet me at the Court House in Pitt on Wednesday next in order to march to New Bern to protect the Legislative Body of this Province there assembled. I have sent William Moore Esq^r express to acquaint you, of my proceedings and to receive your further orders.

I am,

Your Excellency's humble serv^t

JN^o SIMPSON, Col^o.

His Excellency William Tryon, Esq^r.

And desired the opinion and advice of the Council on the same. This Board taking the same into consideration recommended to His Excellency to give Orders to the Commanding Officers of the Craven Regiment of Malitia now under Arms in this Town at a General Muster; that part of the said Regiment remain in Town, for the protection of the Legislative Body and the peace of this Government till further orders.

[FROM MS. RECORDS IN THE OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA }
Craven County }

The Deposition of Bexley John Lambden of Anson County in the Province aforesaid, Planter, about Thirty Nine Years of Age, who being sworn upon the Holy Evangelists, deposeth & saith, that in the Morning of the Thirtieth Day of November last, as this Deponent was riding the Road from Blunt's Ferry on Great Peedee to Cole's Bridge on Drowning Creek, he discovered in the Road aforesaid, near an old deserted Cabbin on the said Road, said to be formerly inhabited by John Bounds, between the said Cabbin and a Branch of Hitchcock's Creek, commonly called the Chalk Fork, a great Number of the Tracks of Men's Feet; in so much that from the Ford & Bridge of the said Chalk Fork, the Road appeared to be much trod & trampled with Men's Feet for many Yards, and near to the said Cabbin; and that this Deponent likewise saw from thence the Track of a large Man's Foot along the said Road to one Isaac Brigman's House, about Seven Miles from the said Cabbin; and that on calling at the said Brigman's, no Body came to the Door to this Deponent but a Woman, but that this Deponent saw the said Brigman toward the further side of the Room, and asked if M^r Jarman was gone by? and that the said Brigman answered, that he went by about Midnight, and rode a large Bay Horse, and that he the said M^r Jarman thought they were all abed and asleep at his the said Brigman's House, but that he the said M^r Jarman was mistaken; and this Deponent further saith, that the said Brigman did not come to the Door during the Time of this Deponent's stay at the said House, but that in the Time of the Discourse this Deponent had with the said Brigman, he saw another Man in the Room with Brigman, which other Man only discovered himself partly, shily peeping at this Deponent, and that at the same Time there appeared to be some others in the said Room which this Deponent could not distinctly discover; that this Deponent has long understood the said Brigman's House to be a House of very evil Repute, where Horse Thieves and other Malefactors are frequently harbored and entertained, and where it is dangerous for any well disposed Person to stay at Night,—That this Deponent understands and has been informed, that no Person inhabits or lives on the said Chalk Fork,