

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 27<sup>th</sup> August 1770.

By Command

JOHN LONDON, D. Sec'y.

W<sup>m</sup>. 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 9<sup>th</sup> 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 18<sup>th</sup> October 1770.

Present

His Excellency the Governor

The Honble	{	John Rutherford	Robert Palmer	} Esquires
		Lewis DeRosset	and	
		Alex. M <sup>c</sup> Culloch	Samuel Cornell	

The proceedings of the preceeding day were read to Mr M<sup>c</sup>Culloch, he approved of the same.

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

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. 18<sup>th</sup> 1770.

THOS. M'GUIRE.

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 13<sup>th</sup> 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 30<sup>th</sup> 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<sup>t</sup>.

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esq<sup>r</sup> &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 24<sup>th</sup> & 25<sup>th</sup> 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 30<sup>th</sup> 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 18<sup>th</sup> October 1770.

W<sup>m</sup>. TRYON.

By his Excellency's 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<sup>d</sup> March 1745 and assigned the same to His Excellency by deed bearing date 29<sup>th</sup> 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<sup>c</sup>Culloh Esq<sup>r</sup>, 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 Secretary's 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<sup>r</sup> 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<sup>r</sup> Clerk of the Pleas, William Palmer Esq<sup>r</sup> to Officiate as Naval Officer and Charles Heron Esq<sup>r</sup> 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 20<sup>th</sup> 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.

William Pickett Esq<sup>r</sup> Sheriff of Anson County for the year of our Lord, One Thousand, Seven Hundred and Sixty Nine, came into Court and produced his Account, in order to settle the same for the said year 1769, which was admitted by the said Justices as follows, to wit,

W <sup>m</sup> . Pickett to said County	Dr.		per Contra, Cr.
To 896 Taxables as per list of Taxables for the said year 1769, @ 1s. 3d. each	£56	0 0	By 184 Insolvents and Run-aways @ 1s. 3d, £11 10 0
Balance due from the said County to William Pickett	2	13 8	By 177 Insurgents @ 1s. 3d. each 11 1 3
			By several Claims answered as per Tickets and Vouchers appears to the amount of 33 8 9
			By Commissions @ 8 per Cent on the above Sum of £33 8 9 collected 2 13 8
	£58	13 8	£58 13 8

The said William Pickett the Sheriff of Anson County aforesaid, having produced the above Account, made Oath that the same is just and true, as above stated, and that the above 184 Taxable Persons are either insolvent or moved out of this County, and that the above mentioned 177 Taxable Persons, are Insurgents, and such as do resist and hinder him the said Sheriff and his Deputies, with Force and Arms, from collecting the Taxes due from them; of which 177 Insurgents, and 184 Insolvents and Runaways, he has received no Part of the Taxes due from them for the year aforesaid, which is allowed by the above mentioned Justices of the said Inferior Court as a true and just Settlement of the said Sheriff, for the said Year, 1769.

CHA<sup>s</sup> MEDLOCK  
SAM<sup>r</sup> SNEAD  
J<sup>as</sup> PICKETT  
JOHN COLLSON  
W<sup>m</sup> BLEWET  
W<sup>m</sup> MASK

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

Letter from Samuel Johnston Esq to Alexander Elmsley.

EDENTON 7<sup>th</sup> Nov<sup>r</sup> 1770.

DEAR SIR,

I have just rec<sup>d</sup> yours of the tenth of August inclosing Mr Turner's Deputation and an Invoice of sundries shipped to Norfolk in the Neptune Capt. White am<sup>ts</sup> with charges to £143 18s. 20d. Ster<sup>s</sup> for which sum I shall take care to Credit your acc<sup>t</sup> as also for the £25 Ster<sup>s</sup> p<sup>d</sup> you. The Goods are not yet come to hand but make no doubt they are safe and have sent in for them. I am truly sensible of your friendship in the trouble you have taken to procure me the Deputation to the Naval Office, I like it because tho' it is not so lucrative as some of the other Offices M<sup>r</sup> Heron held yet it will be attended with less trouble. I shall be careful that you are in Cash to pay the sums you stand bound for on that acc<sup>t</sup> and request the favour of you to make the payments regularly as they become due out of any Monies of mine you may have in hand.

I have often thought of the scheme of Buying and selling Bills you mention and the only difficulty and what I could never get over was that no person would draw for proc. whom I could venture to trust. Granberry always refused to draw at any rate and there are very few others whom I should care to trust for a large sum so long as a twelve month. However as you and M<sup>r</sup> Barker proposed being concerned I will endeavour to do something in that way tho' I am afraid it will be too late for this season as I am to set out for New Bern in a day or two to the Court and shall not return till after the Assembly which meets the 30<sup>th</sup> and should not care to draw without a certainty of being able to dispose of the Proc.

You do not say anything of my old Aunt. I had lately a letter from her acquainting me of your having paid my fathers Debt and also £100 in part of her Legacy, I have since that sent her a larger sum. I would be glad to know the amount of what you paid her on acc<sup>t</sup> of my father's Debt that I may Credit you and charge his Estate.

The Orange Mob has again been in Arms they broke up the Court beat the Lawyers and threatened Judge Henderson who was the only one present, Fanning's House was torn to pieces and his furniture destroyed after they had beat and insulted him most inhu-

manly, every body flew from the Town 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<sup>l</sup> 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<sup>o</sup> Fenier, his mother writes me he is just about to be married, pray make my Compts. to him when you write next. M<sup>rs</sup> Johnston is much obliged to M<sup>rs</sup> 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 19<sup>th</sup> 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 9<sup>th</sup> 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<sup>t</sup> That on the night of Monday the 12<sup>th</sup> 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 14<sup>th</sup> 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<sup>t</sup>

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 12<sup>th</sup> 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 14<sup>th</sup> 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 19<sup>th</sup> November 1770.

By His Excellency's command

WILLIAM PALMER, D. Sec'y.

W<sup>m</sup>. TRYON.