prevent making a house—Whereupon he desired the opinion and advice of the Council

Col Moseley proposed further prorogation for 2 days.

Mr Chief Justice took notice the Assembly had been already pro-
rogued twice and that [no] more Members have assembled, the Second
time than before that the Wind is against those other Members that are
expected from Pasquotank and other parts thereabouts so that there is
no likehood of making a House if it should be Prorogued and that they
were they to set the end of his Excellencys calling them together is not
like to be answered by reason of the Heats and Animosities that reign
among the Members whom he alledged were not a proper Representative
of the People few of the Electors having come to the last Election by
reason a former Election had turned out so ill that they thought it
would be to no purpose and therefore were indifferent who were sent

That he thought twas beneath the Dignity of the other part of the
Legislature to wait any longer for a lower House when so many of the
Burgesses have contemnuously withdrawn themselves that for these Rea-
sons he was for a Dissolution

Mr Rowan observed that the Members in Town did as good as say
they did not expect Members enou[gh] would come to make a House and
therefore was for a Prorogation to February or a Dissolution and the
question being put whether the Assembly should be prorogued or dis-
solved the Majority was for a Dissolution and accordingly it was ordered
that the Present Assembly be Dissolved and that a Proclamation issue
to that effect

Ordered that Writts issue for a new Assembly returnable at Newbern
on Tuesday the fifth of February next and that the day of Election be
the fifteenth of January and that Proclamation be made accordingly

At a Council held at Newbern Tuesday 20 November 1739

Present His Excellency

The Honourable { Will Smith  Math Rowan }
{ Nath Rice  Edw Moseley  Esq Members of Council
  Rob Halton }

Read sundry Petitions for Patents as follows Viz

Moses Prescott 280 Beaufort, Jos Jno Alston 500 Edgcombe, Rob
Anderson 300 Tyrril, D 640 D, D 300 D, David Andrews 96 Craven,
Warren Andrews 200 Tyrril, Jn Bryant 400 Bertie, Edw Boykin 100
D, Edw Byrd 198 D, Edw Boykin 100 D, Edw Buxton 160 Edg-
combe, Wm Bright 62 Craven, Nevil Bell 200 Carteret, George Carter
200 Edgcombe, Ant Cox 300 Craven, Elias Hodges 140 Edgcombe, Jn
Hodges 300 D, Fran Hopton 200 D, Rob Hays 600 Craven, Jn Had-
ler 400 D$, Garrel Hyman 200 D$, George Grahams 100 Craven, Fran* Grice 450 Edgecombe, Tho* Goodman 500 D$, Nich* Harper 87 D$, Arthur Jordan 150 Bertie, Morgan Morgan 320 N. Hanover, Wm. Moor 300 Bertie, Jn* Mathews 300 Craven, Jas McCwean 400 D$, Wm Phipps 150 Beaufort, Edw* Poor 540 Edgecombe, D* 200 D$, Jn* Perrit 400 D$, Lewis Johnson 100 Craven, Cha King 300 D*, Tho* Kirby 300 D*, Wm Canady 320 Tyrrell, Jno Lysles 300 Edgecombe, Jos Lane 200 D*, Tho* Merrit, 400 D*, Jno Slad 200 Craven, Andrew Wallace 300 D*, Edw* Williams 300 D*, Wm Wiggins 200 D*, Moses Tilman 383 D*, Sam Canady 200 Edgecombe, Tho* Carraway 379 Craven, Jno Dawson 320 Edgecombe, D* 250 D*, Francis Dawson, 600 Craven, Nath Draper 640 Beaufort, Jno Dawson (188 ret*) 185 Bertie, D* for a resurvey (Jonas Merritts) 640 D*, Walter Dinon 200 Beaufort, Jno Forbes 320 D*, George Sweeting 200 Edgecombe Wm Shackleford 500 Carteret, Jno Rainwater 400 Edgecombe, Sam Williams (300* ret*) 400 D*, D* 200 D*, Charles Smith 150 D*, Richard Warren 200 Beaufort, Sam Tyndal 370 D*, Tho* Salters 300 D*, Jas Swain 640 Tyrrell, Jno Shacleford, 400 Carteret, Tho* Stevens 300 Craven, Franc* Linskfield 300 D*, (Jno Bass for a re- survey of a tract in Edgecombe between fishing Creek and the Swamp late Jos Lane and the Surplus), Wm Gardnier for a resurvey of 640 in Tyrrel held by patent passed to him in 1730 Granted

Read the petition of Math Rowan Esq* praying a Patent for 500 acres between the Lands of Morgan Morgan and Thomas Merrick Survey returned which being opposed by Col Moseley after some debate it was ordered peremptorily that the said dispute which has now depended some Courts be determined February next and to that end that all necessary papers be then produced at this place.

Read the Petition of William Smith Esq* for a Warrant for 450 Acres S* side of trent below the mouth of Lime Stone branch Warrant returned

Ordered that Martin Francks tract of 10,000 Acres be first surveys and another tract of 3,000 that he had his Excellencies Warrant for and then if it appears that the said Land does not fall within that Survey a Patent to issue as prayed

Mr Caldom petitioned for two Patents both dated 16 December 1735 to be altered in the name of the County the one being for 500* to Jacob Blount said to be lying in Beaufort whereas it should be Craven and the other for 640 to Churchill Caldom in Craven which should be Beaufort

Ordered that they are altered accordingly and this order endorsed upon them as also recorded in the patent Book Granted
21st November 1739 Present as before
Read Sundry Petitions for Patents Viz:
Thos Bird 200 Bertie, Thos Tyson 450 Beaufort, Frederick Jones
2239 Craven, Dn 413 Dn, Jno Smith 400 Craven, Jas McCwean 640.
Dn, William Brice 200 Dn, Jno Hollingsworth 284 Dn, Stephen Calvert
200 Dn, Jno Altherton 100 Craven, Thos Howard 100 Dn, Jno Williams
300 Dn, Jno Smith 300 Dn, Peter Prevat 390-Craven, Thos Carrol 300
Dn, Charles Wilks 200 Dn, Corn' Tyson 640 Beaufort Granted

Ordered that no Surveyor Deputy Surveyor or others presume to
mark trees in running out Lines and Surveying Lands without an order
of Council where there has been no lines run and marked before

Ordered *nemine contradicente* that the Chief Justice be appointed
publick Treasurer for the Northern Counties and that Security be taken
as the law directs and that his Commission be made out accordingly

Read the Petition of Esther O'Brian for a patent for 300° Warrant
returned being in the name of her late Husband George Carter Granted
to the Heir at Law

Read Jno Creel's petition for a tract of 200° and another of 500° on
tar river contested by Captain Bryan

Ordered that John Barron be appointed Sheriff for Beaufort

Ordered that no lands lapsed and forfeited in consequence of the Act
of Assembly for settling his Majesty's Quit Rents shall be granted till
they are regularly found to be forfeited after Inquisition and return
made in due form by the Escheator

Ordered that all necessary papers as the Warrant for Resurvey former
order of Court or Patent to Bryan (if any) be produced next Court at
this place

Read the Petition of Col Turner shewing that he has the Kings pat-
ent for 640 Acres on the S' side of Pamlico in Beaufort being on the
W' side of Nevil's Creek the Courses whereof contained no more than
420 Acres thò the plot has the full compliment he prays the courses may
be made agreeable to the plot

Ordered that the Land be resurveyed and that Mr Peyton have notice
in order to rectify the Courses as prayed

Ordered that the Secretary make out a Dedimus for Craven for the
following to be Justices Viz:

Jno Masters, Jno Fonvielle, Jno Herring, Jno Smith
Dn for Beaufort—Thos Williams, Rowland Porter Finch, Rich'd Evans,
Josiah Jones
Dn for Chowan—Abraham Blackhall, Saban Plumer

#2849
22 November Present as before.
Read the Sundry Petitions for Patents Viz`
Hugh Stanilands 200 Craven, Jno Marshall 300 N. Hanover, Jere-
miah Bigford 320 N. Hanover
Richd Lovit for a resurvey of the Plantation whereon he lives on
trent river in Craven Granted.

The 23 November 1739 Present His Excellency the Governour

The Honble { Nath Rice Robt Halton } Esq" Members
{ Math Rowan } of Council

Read Sundry Petitions for Patents as follows.
Edw^d M^s Agrahs 400 Bertie, Thos Evans 400 D^s, George Brewer 300
D^s, Jno Cox 300 Onslow, Wm Lewis 200 N. Hanover, Robt Taylor 100
Craven, Wm Herritage 300 D^s, Lewis Bryan 275 D^s, Jno Carroway 100
D^s Granted.

[B. P. R. O. Am: and W. Ind: Vols. 23 and 25.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA—ss.

At a General Assembly begun and held at Newburn on Tuesday the
sixth day of February in the year of our Lord one thousand and seven
hundred and thirty eight [1739] and in the twelfth year of His Majes-
tie’s reign.

Present

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<tr>
<th>Nath: Rice</th>
<th>Math: Rowan</th>
<th>Esq&quot; Members of the Upper House</th>
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<tr>
<td>Robert Halton</td>
<td>Edw^d Moseley</td>
<td>Roger Moor</td>
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This House was pleased to appoint Edward Moseley and Roger Moor
Esq" Members of this Board to administer the Oaths by Law appointed
for the qualification of Publick Officers, to the several Members of the
House of Burgesses.

Then the House adjourned until tomorrow morning at ten of the clock.

Wednesday the seventh The House met according to Adjournment.

Present The hon^b| Nath: Rice | Math: Rowan | Esq" Members of the Upper House |

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<th>Wm Smith Esq&quot; President</th>
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<td>Robt Halton</td>
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<td>Eleaz: Allen</td>
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And adjourned untill tomorrow morning ten of the clock.