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

Col Moseley proposed further prorogation for 2 days.

M<sup>r</sup> Chief Justice took notice the Assembly had been already prorogued 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 likelihood 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 Animositities 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other part of the Legislature to wait any longer for a lower House when so many of the Burgesses have contemptuously withdrawn themselves that for these Reasons he was for a Dissolution

M<sup>r</sup> 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 dissolved 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 Honoble { Will Smith Math Rowan } Esq<sup>m</sup> Members of Council  
 { Nath Rice Edw<sup>d</sup> Moseley }  
 Rob<sup>t</sup> Halton

Read sundry Petitions for Patents as follows Viz<sup>t</sup>

Moses Prescott 280 Beaufort, Jos Jno Alston 500 Edgcombe, Rob<sup>t</sup> Anderson 300 Tyrril, D<sup>o</sup> 640 D<sup>o</sup>, D<sup>o</sup> 300 D<sup>o</sup>, David Andrews 96 Craven, Warren Andrews 200 Tyrril, Jn<sup>o</sup> Bryant 400 Bertie, Edw<sup>d</sup> Boykin 100 D<sup>o</sup>, Edw<sup>d</sup> Byrd 198 D<sup>o</sup>, Edw<sup>d</sup> Boykin 100 D<sup>o</sup>, Edw<sup>d</sup> Buxton 160 Edgcombe, W<sup>m</sup> Bright 62 Craven, Nevil Bell 200 Carteret, George Carter 200 Edgcombe, Ant Cox 300 Craven, Elias Hodges 140 Edgcombe, Jn<sup>o</sup> Hodges 300 D<sup>o</sup>, Fran<sup>t</sup> Hopton 200 D<sup>o</sup>, Rob<sup>t</sup> Hays 600 Craven, Jn<sup>o</sup> Had-

ler 400 D°, Garrel Hyman 200 D°, George Grahams 100 Craven, Fran<sup>a</sup> Grice 450 Edgcombe, Tho<sup>a</sup> Goodman 500 D°, Nich<sup>a</sup> Harper 87 D°, Arthur Jordan 150 Bertie, Morgan Morgan 320 N. Hanover, Wm. Moor 300 Bertie, Jn<sup>a</sup> Mathews 300 Craven, Jas McCwean 400 D°, W<sup>m</sup> Phipps 150 Beaufort, Edw<sup>d</sup> Poor 540 Edgcombe, D° 200 D°, Jn<sup>a</sup> Perrit 400 D°, Lewis Johnson 100 Craven, Cha King 300 D°, Tho<sup>a</sup> Kirby 300 D°, W<sup>m</sup> Cannady 320 Tyrrel, Jno Lysles 300 Edgcombe, Jos Lane 200 D°, Tho<sup>a</sup> Merrit, 400 D°, Jno Slad 200 Craven, Andrew Wallace 300 D°, Edw<sup>d</sup> Williams 300 D°, W<sup>m</sup> Wiggins 200 D°, Moses Tilman 383 D°, Sam Cannady 200 Edgcombe, Tho<sup>a</sup> Carraway 379 Craven, Jno Dawson 320 Edgcombe, D° 250 D°, Francis Dawson, 600 Craven, Nath Draper 640 Beaufort, Jno Dawson (188 ret<sup>d</sup>) 185 Bertie, D° for a resurvey (Jonas Merritts) 640 D°, Walter Dinon 200 Beaufort, Jno Forbes 320 D°, George Sweeting 200 Edgcombe W<sup>m</sup> Shackleford 500 Carteret, Jno Rainwater 400 Edgcombe, Sam Williams (300<sup>ss</sup> ret<sup>d</sup>) 400 D°, D° 200 D°, Charles Smith 150 D°, Richard Warren 200 Beaufort, Sam Tyndal 370 D°, Tho<sup>a</sup> Salters 300 D°, Jas Swain 640 Tyrrel, Jno Shackleford, 400 Carteret, Tho<sup>a</sup> Stevens 300 Craven, Franc<sup>a</sup> Linsfield 300 D°, (Jno Bass for a resurvey of a tract in Edgcombe between fishing Creek and the Swamp late Jos Lane and the Surplus), W<sup>m</sup> Gardnier for a resurvey of 640 in Tyrrel held by patent passed to him in 1730 Granted

Read the petition of Math Rowan Esq<sup>r</sup> 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<sup>r</sup> for a Warrant for 450 Acres S<sup>o</sup> side of trent below the mouth of Lime Stone branch Warrant returned

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

Mr Caldorn petitioned for two Patents both dated 16 December 1735 to be altered in the name of the County the one being for 500<sup>ss</sup> to Jacob Blount said to be lying in Beaufort whereas it should be Craven and the other for 640 to Churchill Caldorn 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



21<sup>st</sup> November 1739 Present as before

Read Sundry Petitions for Patents Viz<sup>t</sup>

Thos Bird 200 Bertie, Thos Tyson 450 Beaufort, Frederick Jones 2239 Craven, D<sup>o</sup> 413 D<sup>o</sup>, Jno Smith 400 Craven, Jas McCwean 640 D<sup>o</sup>, William Brice 200 D<sup>o</sup>, Jno Hollingsworth 284 D<sup>o</sup>, Stephen Calvert 200 D<sup>o</sup>, Jno Altherton 100 Craven, Thos Howard 100 D<sup>o</sup>, Jno Williams 300 D<sup>o</sup>, Jno Smith 300 D<sup>o</sup>, Peter Prevatt 390-Craven, Thos Carrold 300 D<sup>o</sup>, Charles Wilks 200 D<sup>o</sup>, Corn<sup>s</sup> 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<sup>ac</sup> 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<sup>ac</sup> and another of 500<sup>ac</sup> 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 shal 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 patent for 640 Acres on the S<sup>e</sup> side of Pamplico in Beaufort being on the W<sup>e</sup> side of Nevil's Creek the Courses whereof contained no more than 420 Acres thō 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<sup>t</sup>

Jno Masters, Jno Fonvielle, Jno Herring, Jno Smith

D<sup>o</sup> for Beaufort—Thos Williams, Rowland Porter Finch, Rich<sup>d</sup> Evans, Josiah Jones

D<sup>o</sup> for Chowan—Abraham Blackhall, Saban Plumer

22 November Present as before.

Read the Sundry Petitions for Patents Viz<sup>t</sup>

Hugh Stanilands 200 Craven, Jno Marshall 300 N. Hanover, Jeremiah Bigfurd 320 N. Hanover

Rich<sup>d</sup> 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 Honoble	{	Nath Rice	Rob <sup>t</sup> Halton	} Esq <sup>r</sup> Members
		Math Rowan		

Read Sundry Petitions for Patents as follows.

Edw<sup>d</sup> M<sup>c</sup>Agrahs 400 Bertie, Thos Evans 400 D<sup>o</sup>, George Brewer 300 D<sup>o</sup>, Jno Cox 300 Onslow, W<sup>m</sup> Lewis 200 N. Hanover, Rob<sup>t</sup> Taylor 100 Craven, W<sup>m</sup> Herritage 300 D<sup>o</sup>, Lewis Bryan 275 D<sup>o</sup>, Jno Carroway 100 D<sup>o</sup> 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 Majestie's reign.

	Present		
The hon <sup>ble</sup>	Nath: Rice	Math: Rowan	Esq <sup>r</sup> Members of the Upper House
	Robert Halton	Edw <sup>d</sup> Moseley	
	Roger Moor		

This House was pleased to appoint Edward Moseley and Roger Moor Esq<sup>r</sup> Members of this Board to administer the Oaths by Law appointed for the qualification of Publick Officers, to the severall 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<sup>ble</sup> W<sup>m</sup> Smith Esq<sup>r</sup> President.

The hon <sup>ble</sup>	Nath: Rice	Math: Rowan	Esq <sup>r</sup> Members of the Upper House.
	Rob <sup>t</sup> Halton	Edw <sup>d</sup> Moseley	
	Eleaz: Allen	Roger Moore	

And adjourned untill tomorrow morning ten of the clock.