

THE
COLONIAL RECORDS

OF

NORTH CAROLINA,

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COLLECTED AND EDITED

BY

WILLIAM L. SAUNDERS,

SECRETARY OF STATE.

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RALEIGH, N. C.

COLONIAL RECORDS.

1775.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

Transcript of the Minutes of a Court of Oyer and Terminer for the Salisbury District.

NORTH CAROLINA—To wit:

June 1st, 1775.

Proclamation being made and silence being commanded, the King's commission of Oyer & Terminer was publicly read, in which commission Alex. Martin, Esquire, was nominated one of the Judges of a Court of Oyer & Terminer appointed by act of Assembly of said province, to be held at Salisbury, on the first day of June in the XV year of the reign of Our Sovereign Lord, George third, King of Great Britain &c, for the Counties of Rowan, Anson, Mecklenburg, Tryon, Surry and Guilford.

The Honorable Alexander Martin, Esq^r took the oath prescribed by law for the qualification of public officers and an Oath of office and repeated and subscribed the Test, took his seat and proceeded to business.

The Court appointed Adlai Osborne Esq^r Clerk of the Court, who qualified according to law.

Benjamin B. Boote Esq^r produced a Deputation from Thomas McWire Esq^r his Majesty's Attorney General for the Province of North Carolina, appointing the said B. B. Boote, Deputy Attorney for the Crown for the District of Salisbury, who qualified by taking the oath prescribed by law for the qualification of public officers, an oath of office and subscribing the Test.

The Sheriffs of the several Counties of the District of Salisbury, being called and required to make return of the several *venires* and other process from the said Counties and returnable here this day, Thomas Harris high sheriff of Mecklenburg failed to appear and make return of the process to him directed—

Therefore ordered by the Court, that the said Thomas Harris be fined £50 for his not attending and that he be cited to show cause &c next Court.

The Sheriff of Mecklenburg returns the *venire*.

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Owen Craney,	W ^m Daldum,	Richard Williams,
Abraham Belcher,	Peter Rieves,	Thomas Mercer,
Peter Cartwright,	John Tison,	Nathaniel Moore,
David Hines, Jr.,	Benjamin Brown,	George Sugg,
Jesse Proctor,	Jonathan Jolly,	Solomon Albertson,
Abner Eason,	John Jolly,	Trustrum Rodgers,
Hugh Craney,	Solomon Charry,	J ^o Baptist Cartwright
Elige Ward,	Thomas Carson,	George Spell,
Christopher Ward,	Daniel Buntin,	Jesse Summerlin,
Christopher Mercer,	Phillip Pipkin,	John Houed,
James Lanier,		

[B. P. R. O. AM. & W. IND. VOL. 222.]

* An Address to the Ministers and Presbyterian congregations in North Carolina.

REVEREND AND RESPECTED FRIENDS AND BRETHREN:

In this day of trouble and rebuke, it greatly adds to our distresses, to hear that you are somehow led aside from the cause of freedom and liberty, by men who have given you an unfair representation of the debate now subsisting between the parent country and her Colonies. We are neither disloyal to our King, nor attempting, nor desiring to set up Governments independent of Britain, as they assert; we only desire to maintain the rights and privileges of Englishmen, but not to be their slaves, nor obliged to give them our money as oft as, and in what quantity, they please to demand it. And if any persons inform you, that this is not the great cause of our struggle at this critical juncture, they are guilty of falsehood and misrepresentation.

Our Continental Congress, in their Address to the King and the People of England, declare, "That we want no new Priviledges; let us continue connected with them as we were before the Stamp-Act, and we demand no more."

And our Synod, in their last meeting in New-York, published a pastoral letter to all the congregations under their care, which we earn-

* See *ante* page 86.—EDITOR.

estly recommend to your serious perusal. In it, they declare in the sixth page, that the opposition to the present administration "does not in the least arise from disaffection to the King, nor from a desire of separation from the parent State."

As you and we are under the Pastoral Care of that venerable Body, we doubt not but you will pay all due regard to their directions, and to this their public testimony, w^{ch} we send you herewith, and to our friendly exhortations.

You may be easily informed by the Parliamentary debates, and by many Public Papers, that the grand debate is, whether the English Parliament in which we have no representation, has a power to tax us, or to have and dispose of our money without our consent. The tax they laid upon tea was but a trifle, but, if they have a right to lay three pence a pound on tea, they have the same right to lay as much on salt, and soap and candles, as is done in some oppressed countries; they have the right to tax our windows, and our lands, as in England, and our hearttes as in Ireland. Nay, they claim a right to tax us as much, and in what manner they please, without knowing whether we are able to bear these burdens, and without having any representatives to plead for us, or to mitigate our grievances.

If they have this right, will they not use it with the utmost severity? They will easily persuade the People of England that we are rich, and able to bear the heaviest burdens, and they will certainly believe it; since the more we are taxed, the lighter will be their burdens; and while we are worth a great, a rapacious Minister, with a band of needy Dependants and Pensioners, will find reason and pretences to strip us of everything, and to make us their hewers of wood and drawers of water, And when our oppression becomes intolerable, to whom shall we complain, or who will redress our grievances? not the British Parliament, for they will be our oppressors: nay, they do plead that they have a right to be our oppressors; not our King, because he will, probably, be led to ratify all the Acts of Parliament, to tax us; and to resist will be counted rebellion: and what shall we do? Shall we now admit that they have a right thus to tax, and to enslave us? God forbid: and this occasions our present struggle for liberty, which we are fully persuaded you will contend for, as firmly as we do, when you are rightly informed, and will not give up your property to such as have no right to demand it.

That we have no Representatives in Parliament is evident beyond contest—and if we must give our money as oft as it is demanded by them, where is our English liberty? To take any man's money, without his consent, is unjust and contrary to reason and the law of God, and the Gospel of Christ; it is contrary to Magna Charta, or the Great Charter and Constitution of England; and to complain, and even to resist such a lawless power, is just, and reasonable, and no rebellion.

But it is said, that the Parliament of England has supreme power, and that no one ought to resist. This we allow, while they make Acts that are reasonable, and according to the British Constitution; but their power has bounds and limits, that they must not exceed: they are limited by the Laws of God and of reason; they are limited by the fundamental laws of the Constitution, and by the Great Charter of England. They may not enact that the King shall take the money of his English subjects without their consent. They may not enact that English Subjects shall be deprived of a trial by Juries. Would they adventure to pass such unconstitutional Acts, all England would complain and remonstrate; and if they did not repeal them, they would pull down the parliament house over their ears. And have we not the same rights and privileges? and are we such dupes or slaves, that we dare not plead for them and endeavour by every lawful way to preserve them? That we have those rights and that we are now wronged and injured by a tyrannical Minister, and a pensioned and corrupt house of Commons, is strongly affirmed by many of the greatest and best men in England, by many of the greatest and best men in the House of Lords and Commons; that we are wronged and injured, is believed and insisted on by the greatest and best men of all religious denominations on the Continent of America, who are firmly united in this glorious struggle for liberty: and shall it be said that you, our friends and brethren, shall desert us in the mighty contest, and join with our enemies; will you strengthen the enemies of the British Constitution, and join with them to fasten on our chains, and to enslave us forever? If we are now wrong in our conduct, our forefathers that fought for liberty at Londonderry and Enniskillen in King James' time, were wrong; nay, they were rebels, when they opposed, and set aside that bigotted Prince, and the Stewart family, and set the Brunswick family on the throne of England. But we hope such language will never be heard from the mouth of a

Protestant, or from an English subject, and much less from anyone of our denomination, that have ever maintained the Revolution Principles, and are firmly devoted to the present reigning family, as the assertors of the British privileges and English liberty.

It is said, that the Minister has given up the claim of taxing us, and offers to the Colonies, that if we will give all our Governors and subordinate Officers, as great salaries as the Parliament think proper, which is one way to oppress; and if every Province will offer them as much money as they think sufficient, they will leave us the privilege of taxing ourselves to pay it. This is their pacific scheme, and their great favour. But if they have a right to our money on all occasions, till they say they have enough, where is our right, or what property have we more than slaves? If they demand a million from the Colonies this year, they have the same right to ask two next year; and to double that sum the next time, and so as long as they please, and if we refuse to pay it, they will extort it by all manner of Taxes; and if we remonstrate, we will be counted seditious; and if we resist this lawless power we will be voted rebels; and fleets and armies be sent (as at present) to burn our cities, to destroy our commerce, to seize our lands, and to put us to death. This is our mournful condition at present, notwithstanding all our prayers and remonstrances; and either we must offer our necks to the yoke, and give up all to the minister, as the traveller does to the armed highwayman, as oft as he asks it; or thus be involved in misery and distress. They also claim a power to make Laws to bind us in all cases whatsoever; by virtue of this Power they have established popery in Quebec and the arbitrary Laws of France; and why may they not do the same in Pennsylvania or North Carolina? By this power they have stopped the port of Boston, and ruined that once flourishing city, for the offence of a few rioters, without having heard those injured citizens in their own defence; and why may they not easily find pretences to destroy by the same power, the trade and buildings of New-York and Philadelphia, or Charlestown in South Carolina? By this power they have made an act to prevent the Northern provinces from fishing; and why may they not (by the same) destroy all our manufactories, and make it unlawful to weave linnen or woolen cloth, or to make anything for our home consumption? This power they have claimed and exercised respecting our hats and slitting mills &c. They have broken in part (by this power) the

Charter of the Government of the Massachusetts Bay; and why may they not do the same by all the chartered Governments, and destroy the Charters of Pennsylvania, Connecticut, Maryland, and all the Charters in any of the other Provinces? And then what security can we have for our lands and improvements, and privileges which we hold under these Charters? Certainly if they can disannul Province Charters, they can disannul all our deeds and patents for lands or for any other privileges: and if we shall be thus oppressed, as many thousands are at this instant, to whom shall we complain, or what shall we do? If complaints, petitions and remonstrances, could have done us any service, we had not been involved in all the calamities that we feel, and that we fear. For all the united Provinces have (by their Congress) petitioned our King, desiring his friendly interposition with the Parliament in our favour, and a redress of our grievances; he did not deny that the people might (by their delegates) make their distresses known, he graciously received the petition of our Congress, and laid it before the Parliament, but they were deaf to our cries. The Assembly of Jamaica laid our grievances in a most manly, rational and pathetic manner, before the throne and Parliament; for which we owe them our most hearty thanks; but they were disregarded: and many merchants and manufacturers and London (one of the foremost cities in the world) interposed in our favour, but without success. By the advice of the Minister, our Governors invited our different Assemblies to lay our grievances before the King and Parliament, assuring them that they would be graciously received. The Assembly of New York did so in very humble terms, but their complaints were rejected by the British Parliament; transports, men of war and new forces were sent to oblige the Colonies to swallow the bitter pill.

What shall we then do in these days of trouble and distress? We must put our trust in God, who is a present help in time of trouble, but we must depend on Him in the use of means; we must unite, if possible, as one man, to maintain our just rights, not by fire and sword, or by shedding the blood of our fellow subjects, unless we be driven to it in our own defence; but by strictly observing such resolutions neither to export nor import goods, as may be recommended by our General Congress. This honour^{ble} body of Delegates are highly applauded by some of the greatest and wisest men in England and France, for their wisdom, firmness and moderation; though they may be abused by some men that depend on the favour

of the prime Minister, and his wicked Associates. And you are now called to strengthen their hands by sending your delegates to your own Provincial Congress, and to every County Association, and to act on all occasions that part which you think most just & reasonable. But above all, we exhort & beseech you, not to imbue your hands in the blood of your fellow-subjects in the same Province; lest you bring an everlasting reproach on yourselves, and posterity, and on us, who, we hope, you esteem as your brethren. If you be deluded and led into these rash and bloody measures, which God in His infinite mercy forbid, you will effectually prevent our missionaries from visiting you, as ministers of the Gospel of peace. If you now desert the cause of liberty; if you suffer yourselves and your children, and children's children, to be stript of all the well earned fruits of honest industry, at the will of a Minister or his placemen and friends; if you will offer yourselves to voluntary slavery, and desert the loyal sons of liberty of all denominations in this most honourable and important contest, we can have no fellowship with you; our soul shall weep for you in secret, but will not be able any longer to number you among our friends, nor the friends of liberty, and of the house of Hanover, nor among the friends of the British Constitution.

We heartily and affectionately recommend you to God for light and direction, and entreat you to join with us in prayer, that the Most High may turn the hearts and overrule all the determinations of those who now contend with the American Colonies. Join with us in humiliation and repentance, for our sins, that have provoked God to give us up to the counsels of wicked men; and join with our General Congress in taking such measures as may convince our adversaries that their ways are unjust and destructive to the liberty, and the peace, and happiness of Great Britain and her Colonies.

Believe no man that dares to say that we desire to be independent of our Mother Country; we honor and esteem them as our brethren and our friends and fellow subjects, but refuse to be their servants or slaves.

Listen not to them who abuse our General Congress, or our poor distressed brethren at Boston, who are contending for American liberty, and now bear the burden and heat of the day; but above all listen not to their bloody Counsels who would excite you to draw your sword to enslave your fellow subjects in North Carolina and

make your Province a field of blood. We conclude with hearty prayers for your temporal and everlasting welfare, and for a speedy and honorable decision of our contests with Great Britain on constitutional principles: and beg leave to subscribe ourselves, with great respect, your friends and brethren in the Lord Jesus Christ.

Signed at Philadelphia this 10th day of July, 1775, by

FRANCIS ALISON
JAMES SPROUT
GEORGE DUFFIELD
ROBERT DAVIDSON.

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

Proceedings of the Safety Committee in Surry County.

LIBERTY OR DEATH.

GOD SAVE THE KING.

August 25th 1775.

NORTH CAROLINA }
Surry County. }

Committee met according to appointment 25th August 1775.

Present: Benjamin Cleaveland, John Hamlin, Jesse Walton, Samuel Freeman, Benjamin Herndon, Charles Lynch, John Armstrong, James Hampton, Richard Gorde, Augustus Blackburn, James Doke, Matthew Brooks, John Hudsbeth, George Lash, John Snead, Malcom Curry.

Benjamin Cleaveland was elected Chairman.

Resolved, We think proper to Declare our disapprobation and Abhorrence of certain papers by the name of Protests &c., signed and transmitted to Gov^r Martin in opposition to the common cause of Liberty; some of which Papers contain many Falsehoods and matters of Encouragement to the most wicked Ministers and Tools of Government in their most wicked Measures and designs; the said papers being calculated to Divide the good People of this Province and destroy its internal peace and Occasion the Effusion of Blood.

Resolved, We Determine by all Lawful ways and means to Discountenance and suppress such mischievous and baneful Papers and all such combinations against the common cause of American Lib-