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At the Court at Hampton Court

the 2^d day of August 1733

Present

The Kings most Excellent Majesty
in Council -

[Beau
impresarios
papers over
written]

Upon reading this day at the Board,
a Report from the Right Honourable the Lords of the
Committee of Council, upon considering a Draught of
General Instructions, as also of those relating to Trade
and Navigation, prepared by the Lords Commissioners
for Trade and Plantations, for Gabriel Johnston Esq^r
His Majestys Governour of the Province of North Caro-
lina - By which Report it appeared, That there were
no material Alterations made in the said Draughts
of Instructions from those which His Majesty was
pleas'd to Approve for Mr^r Burrington late Governour
of this Province except in the 41st Article, whereby
he was directed to examine into several Complaints
against Sr^t Richard Overard formerly Deputy Go-
vernour of this Province, as also concerning his hav-
ing Issued several Blank Patents for Land which
the possessors were at liberty to fill up with as great
a Number of Acres as they should think fit; but
Sr^t Richard Overard being since Dead, the said
Lords Commiss^{rs} for Trade and Plantations have left

out that part of the Instruction which related personally to him, and have prepared a New one for the present Governor, by which he is directed to make a particular inquiry into the Grants of Land which have been made in the said Province since the Year 1728, and upon Discovery of any fraudulent practices therein, to Order the necessary prosecutions for vacating the same, of all which he is directed to transmit particular Accounts to be laid before His Majesty; and that therefore the said Lords of the Committee were of Opinion the said Draughts were proper for His Majesty's Royal Approbation - And it likewise further appeared by the said Report, that in the List of Councillors named in the Draught of General Instructions, the three following persons have been inserted by the said Lords Commissioners for Trade Viz: Edward Mosely Roger Moore and Cullen Pollock to supply the places of James Janouwe and John Porter Esq: deceased and of Cornelius Harriet Esq: who hath resigned - Which persons the Lords of the Committee were of Opinion might be proper to be appointed Councillors in the said Province: - His Majesty this day took the said Report into consideration, and was thereupon pleased, with the Advice of His Privy Council to approve of the said Draughts of Instructions together with the said three New Councillors, and to Order, as

it is hereby Ordered, that His Grace the Duke of
Newcastle One of His Majestys Principal Secretarys
of State, Do cause the said Draughts (which are
hereunto annexed) to be prepared for His Majestys
Royal Signature -

W. Sharpe

Instructions for Our Trusty and Wellbelov'd Gabriel Johnston Esq; Our Captain General and Governor in Chief in and over Our Province of North Caro-
lina in America. Given at Our Court at Hampton Court the 3^d Day of August 1733. in the Seventh Year of Our Reign

George R.

[added
Latin]

1st With these Our Instructions you will receive Our Commission under Our Great Seal of Great Bri-
-tain constituting you Our Captain General and Go-
-vernour in Chief in and over Our Province and Territory of North Carolina in America; you are therefore to fit yourself with all convenient Speed and to repair to Our said Province of North Caro-
-lina, and being arrived there, you are to take upon you the Execution of the Place and Trust We have reposed in you and forthwith to call together the Members of Our Council in that Province Viz; William Smith, Nathaniel Rice / Robert Hallon, Edmund Porter, John Baptiste Ashe, James Stal-
-lard, Elixer Allers, Mathew Rowan, Richard Eyrans, Edward Moseley, Roger Moore and Cullen Pollock Esq; and the Surveyor General of Our Customs for the South District of America for the time being.

[P. 800]

2^d You are with all due and usual Solemnity;

to cause Our said Commission to be read and published at the said Meeting of Our Council; Which being done you shall then take and also administer unto each of the Members of Our said Council the Oaths mentioned in an Act passed in the first Year of His late Majesty Our Royal Father's Reign, Entituled, An Act for the further Security of His Majesty's Person and Government and the Succession of the Crowns in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors. As also make and subscribe and cause the Members of Our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the [1701] Reign of King Charles the Second, Entituled, An Act for preventing Dangers which may happen from Popish Recusants; And you and every of them are likewise to take an Oath for the due Execution of your and their Places and Trusts, as well as with regard to your and their equal and impartial Administration of Justice; And you are also to take the Oath required to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be observed.

3 You are forthwith to communicate unto Our said Council, such and so many of these Our

Instructions, wherein their Advice and Consent are mentioned to be requisite, as likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

4. You are to permit the Members of Our Council to have and enjoy freedom of Debate and Vote in all Affairs of publick concern. that may be debated in Council.

5. And altho by Our Commission aforesaid, We have thought fit to direct, that any three of Our Council make a Quorum. It is nevertheless Our Will & Pleasure, that you do not Act with a Quorum of less than five Members unless upon Emergencies when a greater Number cannot conveniently be had.

6. And that We may be always informed of the Names and Characters of Persons fit to supply the Vacancies which shall happen in Our said Council. You are to transmit unto Us by One of Our Principal Secretaries of State and to Our Commissioners for Trade and Plantations with all convenient Speed, the Names and Characters of twelve Persons Inhabitants of Our said Province whom you shall Esteem the best Qualified for that Trust, And so from time to time when any of them shall dye, depart out of Our said Province or

become otherwise unfit, you are to nominate so many other Persons in their stead, that the List of twelve Persons fit to supply the said Vacancies may be always complete.

14. Whereas by Our Commission to you, you are empowered in case of the Death or Absence of any of Our Council of Our said Province to fill up the Vacancies in the said Council to the Number of Seven and no more: You are from time to time to send unto Us as aforesaid and to Our Commiss^{rs} for Trade and Plantations the Names and Qualities of any Members by you put into the said Council by the first convenience after you so doing.

8 And in the Choice and Nomination of the Members of Our said Council, as also of the Chief Officers, Judges, Assistants, Justices & Sheriffs, you are always to take care, that they be Men of good Life and well affected to Our Government, and of good Estates and Abilities and not Necessitous Persons.

9. You are neither to augment nor diminish the Number of Our said Council as it is hereby established, nor to suspend any of the Members thereof without good and sufficient Cause, nor without the Consent of the Majority of the said Council. And in case of the Suspension of any of them, you are to cause your Reasons for so doing, together with the

Charges and Proofs against the said Persons and their Answers therunto to be duly entred upon the Council Books, and forthwith to transmit copies thereof to Us as aforesaid and to Our Commissioners for Trade and Plantations. Nevertheless if it should happen, that you should have reason for suspending of any Councillor not fit to be communicated to the Council, you may in that case suspend such Person without their Consent. But you are thereupon immediately to send to Us by One of Our Principal Secretaries of State, and to Our Commiss^{rs} for Trade and Plantations an Account thereof, with your Reasons for such Suspension, as also for not communicating the same to the Council and Duplicates thereof by the next Opportunity.

10. You are to signify Our Pleasures unto the Members of Our said Council, that if any of them shall hereafter Absent themselves from Our said Province and continue Absent above the Space of twelve Months, without leave from you, or from the Commander in Chief of the said Province for the ^[2005] time being first obtained under your or his Hand and Seal, or shall remain Absent for the Space of two Years successively without Our leave given them under Our Royal Signature, their Place or Places in the s^d Council shall immediately thereupon

become void, and that We will forthwith appoint others in their stead.

11. And whereas We are sensible that effectual care ought to be taken to oblige the Members of Our said Council to a due Attendance therein, in order to prevent the many Inconveniences that may happen for want of a Quorum of the Council to transact Business as Occasion may require. It is Our Will and Pleasure, that if any of the Members of Our said Council residing in the Province shall wilfully Absent themselves from the Council Board when duly summoned without a just and lawful Cause, and shall persist therein after Admonition you suspend the said Councillors so absenting themselves till Our further Pleasure be known, giving Us timely Notice thereof. And We do hereby will and require you, that ^[P. 104] this Our Royal Pleasure be signified to the several Members of Our said Council, and that it be entered in the Council Books of Our s^d Province as a standing Rule.

12. You shall take care that the Members of the Assembly be elected only by Freeholders, as being more agreeable to the custom of this Kingdom, to which you are as near as may be to conform yourself in all Particulars.

13. In case you find the usual Salaries or pay

of the Members of the Assembly too high, you shall take care that they be reduced to such a moderate Proportion as may be no Grievance to the Country, wherein nevertheless you are to use your Discretion so as no Inconvenience may arise thereby.

14. And whereas the Members of several Assemblies in the Plantations have frequently assumed to themselves Privileges no ways belonging to them, especially of being protected from Suits at Law during the Term they remain of the Assembly to the great Prejudice of their Creditors and the Obstruction of Justice. / And some have presumed to adjourn themselves at Pleasure without leave from Our Governour first obtained, and others have taken upon them the Sole framing of Morry Bills, refusing to let the Council alter or amend the same; All which are very detrimental to Our Prerogative. If upon your calling an Assembly in North Carolina, you find them insist upon any of the above-said Privileges, you are to signify to them, that it is Our express Will and Pleasure, that you do not allow any Protection to any Member of the Council or Assembly, further than in their Persons, and that only during the sitting of the Assembly; And that you are not to allow them to adjourn themselves otherwise than de Die in Diem except

Sundays and Holydays without leave from you or the Commander in Chief for the time being first obtained: And that the Council have the like Powers of framing Money Bills as the Assembly. And you are hereby expressly enjoined not to allow the ^{sa} Assembly nor any of the Members thereof any Power or Privilege whatsoever, which is not allowed by Us to the House of Commons or the Members thereof in Great Britain.

[800]

15.

You are to observe in the passing of all Laws, that the Style of Enacting the same, be by the Governor, Council and Assembly. You are also as much as possible to observe in the passing of all Laws, that whatever may be requisite upon each different Matter, be accordingly provided for by a different Law, without intermixing in one and the same Act, such things as have no proper relation to each other. And you are more especially to take care, that no clause or clauses be inserted in, or annexed to any Act which shall be foreign to what the Title of such respective Act imports: And that no perpetual clause be made part of any Temporary Law; And that no Act whatever be suspended, altered, revived, confirmed or repealed by general Words, but that the Title and Date of such Act so suspended, altered, revived, confirmed or repealed,

be particularly mentioned and expressed.

16. You are to take care, that in all Acts or Orders to be passed within that Our Province in any case for levying Money or imposing Fines or Penalties, ^[p. 809] express mention be made that the same is granted or reserved to Us, Our Heirs, and Successors for the publick Uses of that Our Province, and the Support of the Government thereof, as by the said Act or Order shall be directed. And you are particularly not to pass any Law, or do any Act by Grant, Settlement or otherwise, whereby Our Revenue may be lessened or impaired, without Our especial Leave or Command therein.

17. You are not to permit any Clause whatsoever to be inserted in any Law for levying Money or the Value of Money whereby the same shall not be made liable to be accounted for unto Us and to Our Commis^{rs} of Our Treasury, or to Our High Treasurer for the time being, and audited by Our Auditor General of Our Plantations or his Deputy for the time being. And We do hereby particularly require and enjoin you upon pain of Our highest Displeasure, to take care that fair Books of Accounts of all Receipts and Payments of all publick Monys be duly kept, and the truth thereof attested upon Oath, and that all such Accounts

be audited and attested by Our Auditor General of Our
[P. 110] Plantations or his Deputy, who is to transmit Copies
thereof to Our Commissioners of Our Treasury or to
Our High Treasurer for the time being, and that you
do every half Year or oftner send another Copy thereof
attested by your self to Our Commissioners for Trade
and Plantations, and Duplicates thereof by the
next Conveyance: In which Books shall be specified
every particular Sum raised or disposed of, together
with the Names of the Persons to whom any Payment
shall be made, to the end We may be satisfied
of the right and due Application of the Revenue
of Our said Province, with the probability of the
increase or diminution of it under every Head or
Article thereof.

18. Whereas We have been at a very consi-
derable Charge in purchasing the Sovereignty of
the Provinces of South and North Carolina, together
with seven eighth Parts of the Land thereof from
the late Lords Proprietors and have actually paid them
in Consideration of seven eighth Parts of Quit Rents only
alledged to be due and in Arrear to them from the
Inhabitants of Our said Provinces, the Sum of five
[P. 111] Thousand Pounds. Now as a further Mark of Our
Royal Bounty and Fatherly Indulgence to Our People
under your Government, We do hereby empower you

to give your Assent to a Law (if not already done) for remitting the said Arrears, Provided that by the same Law all Possessors of Land in Our Province under your Government do forthwith Register their respective Grants, by which they claim such Lands, in the Office of Our Auditor Gen^l or his Deputy, a Copy of which Register and of all Grants to be made for the future you are to send to Us as aforesaid and to Our Commissioners for Trade and Plantations; And that every Person possessing Land in the said Province, by virtue of any Grant from the late Lords Proprietors do for the future Pay to Us, Our Heirs and Successors the annual Quit Rents reserved upon such Grants respectively in Proclamation Money; and that the Salaries and Fees payable to all Officers under your Government be for the future likewise paid in Proclamation Money.

19. And it is Our Express Will and Pleasure, that no Law for raising any Imposition on Wines or other strong Liquors be made to con-^[P. 812] tinue for less than one whole Year: As also that all other Laws made for the Supply and Support of the Government shall be indefinite and without Limitation, except the same be for a Temporary Service, and which shall expire and have their full Effect within the time therein prefixed.

20 And whereas several Laws have formerly been Enacted in several of Our Plantations in America for so short a time that Our Assent or Refusal thereof could not be had thereupon before the time for which such Laws were enacted did expire; You shall not therefore give your Assent to any Law that shall be Enacted for a less time than two Years, except in the Cases mentioned in the foregoing Article. And Our further Will and Pleasure is, That you do not re-enact any Law to which the Assent of Us, or Our Royal Predecessors has once been refused, without express Leave for that Purpose first obtained from Us, upon a full Representation by you to be made to Us, and to Our Commission^{ers} for Trade and Plantations, of the Reason and Necessity for passing such Law, nor give your Assent to any Law for repealing any other ^[2013] Law passed in your Government whether the same has or has not received Our Royal Approbation, unless you take care that there be a Clause inserted therein suspending and deferring the Execution thereof until Our Pleasure shall be known concerning the same.

21. Whereas Acts have been passed in some of Our Plantations in America for striking Bills of Credit, & issuing out the same in lieu of Money, in order to discharge their publick Debts and for other Purposes, from whence several Inconveniencies have

arisen. It is therefore Our Will and Pleasure, that you do not give your Assent to, or pass any Act in Our Province under your Government whereby Bills of Credit may be struck or issued in lieu of Money, without a Clause be inserted in such Act declaring that the same shall not take Effect until the said Act shall have been approved and confirmed by Us, Our Heirs or Successors. It is also Our Will and Pleasure, that you do immediately send an Account to Us, and to Our Commissioners for Trade and Plantations, whether any Paper Bills be now Current in North Carolina? and if any, to the Amount of what Sum? And what Fund is provided for sinking them? as likewise whether the same be at any and what Discount? and for what time they are Current?

22. And whereas great Mischiefs may arise by passing Bills of an unusual and extraordinary Nature and Importance in the Plantations / which Bills remain in force there, from the time of Enact-^[p. 512]ing until Our Pleasure be signified to the contrary; We do hereby will & require you, not to pass or give your Assent to any Bill or Bills in the Assembly of Our said Province of unusual and extraordinary Nature and Importance, wherein Our Prerogative or the Property of Our Subjects may be prejudiced or

the Trade and Shipping of this Kingdom any ways affected, until you shall have first transmitted unto Us the Draught of such a Bill or Bills and shall have received Our Royal Pleasure thereupon: Unless you take care in the passing of any Bill of such Nature as before mentioned, that there be likewise a Clause inserted therein suspending and deferring the Execution thereof until Our Pleasure shall be known concerning the same. And whereas Complaint has been made to Us by the Merchants of Our City of London, in behalf of themselves & of several others of Our good Subjects of Great Britain trading to Our Plantations in America, that greater Duties and Impositions are laid on their Ships and Goods, than on the Ships and Goods of Persons who are Natives and Inhabitants of the said Plantations. It is therefore Our Will and Pleasure, that you do not upon any Pretence whatsoever on pain of Our Highest Displeasure give your Assent to any Law wherein the Natives or Inhabitants of the Province of North Carolina under your Government are put on a more Advantageous footing than those of this Kingdom. It is Our further Will and Pleasure, that you do pay due Obedience to the foregoing part of this Instruction, whereby you are expressly forbid to pass any Law by which the Trade or Navigation

of this Kingdom may be any ways affected hereby declaring it to be Our Royal Intention, that no Duties shall be laid in the Province under your Government upon British Shipping or upon the Product or Manufacture of Great Britain, upon any Pretence whatsoever.

23. You are also to take care that no Private Act whereby the Property of any Private Person may be affected be passed, in which there is not a saving of the Right of Us, Our Heirs & Successors, all Bodies Politick and Corporate and of all other Persons except such as are mentioned in the said Act, and those claiming by from or under them. And further you shall take care that no such Private Act be passed without a clause suspending the Execution thereof until the same shall have received Our Royal Approbation. It is likewise Our Will & Pleasure, that you do not give your Assent to any Private Act until proof be made before you in Council (& entered in the Council Books) that publick Notification was made of the Party's Intention to apply for such Act in the severall Parish Churches where the Premises in Question lye for three Sundays at least successively, before such Act was brought into the Assembly.

24. And that We may the better understand what Acts and Laws are in force in Our said Province of North Carolina; you are with the Assistance

of the Council, to take care that all Laws now in force there, be revised and consider'd; And if there be any thing either in the Matter or Style of them which may be fit to be retrenched or altered. You are to represent the same unto Us, with your Opinion touching the said Laws now in force (whereof you are to send a compleat body unto Us and to Our Commissioners for Trade and Plantations, at the end of the first Session of Assembly after your Arrival there) as they now are, together with such Proposals for Alterations as you shall think requisite to the end Our Approbation or Disallowance may be signified thereupon.

[25] 25. And you are likewise to transmit Authentick Copies of all Laws, Statutes and Ordinances which at any time hereafter shall be made or Enacted, within Our said Province, each of them Separately under the publick Seal, unto Us as aforesaid, and to Our Commissioners for Trade and Plantations, within three Months or sooner after their being Enacted together with Duplicates thereof by the next Conveyance, upon pain of Our Highest Displeasure, and of the forfeiture of that Years Salary, wherein you shall at any time or upon any pretence whatsoever omit to send over the said Laws, Statutes and Ordinances as aforesaid, within the time above limited; As also of such other Penalty as We shall please to inflict. And you are

5
hereby directed to take care that the Copies and
Duplicats of the said Acts be fairly Abstracted in the
Margins; But if it shall happen that no Shipping
shall come from Our said Province, within three
Months after the making such Laws, Statutes and
Ordinances, whereby the same may be transmitted
as aforesaid, then the said Laws, Statutes and Or-
-dinances are to be transmitted by the next convey-
-ance after the making thereof, whenever it may
happen for Our Approbation or Disallowance of the same.

26. And Our further Will and Pleasure is,
that in every Act which shall be transmitted, the
several Dates or respective times when the same
passed the Assembly, the Council and received your
Assent be particularly expressed. And you are to ^[write]
be as explicit as may be in your Observations (to be
sent to Our Commis^{rs} for Trade and Plantations)
upon every Act, that is to say, whether the same
is introductive of a new Law, declaratory of a former
Law, or does repeal a Law then before in being. And
You are likewise to send to Our said Commis^{rs} the
reasons for the passing of such Law unless the same
do fully appear in the Preamble of the said Act.

27. You are to require the Secretary of Our
said Province or his Deputy for the time being, to
furnish you with transcripts of all such Acts and

publick Orders as shall be made from time to time together with a copy of the Journals of the Council, and that all such Transcripts and Copies be fairly Abstracted in the Margins, to the end the same may be transmitted unto Us and to Our Commiss^{rs} for Trade and Plantations as above directed, which he is duly to perform upon pain of incurring the Forfeiture of his Place.

28. You are also to require from the Clerk of the Assembly or other proper Officer transcripts of all Journals and other proceedings of the said Assembly fairly Abstracted in the Margins, to the end the same may be in like manner transmitted as aforesaid.

[p. 97]

29. Whereas several Inconveniencies have arisen to Our Governments in the Plantations by Gifts & Presents made to the Governors by the General Assemblies, you are therefore to propose unto the said General Assembly and to use your best endeavour that an Act be passed for raising and settling a publick Revenue, for defraying the necessary charge of the Government of the said Province, and that therein Provision be particularly made for a competent Salary to yourself as Cap^t General and Gov^r in Chief of Our said Province and to any other succeeding Cap^t General or Gov^r in Chief, for supporting the Dignity of the said Office, as likewise due provision for the contingent

charges of Our Council and Assembly and for the Salaries of the respective Clerks and other Officers thereunto belonging as likewise of all other Officers necessary for the Administration of that Government, and when such Revenue shall so have been settled, and Provision made as aforesaid, It is Our Express Will and Pleasure, that neither you the Gov^r nor any Gov^r Lieut^t Governor Commander in Chief or President of the Council of Our said Province of North Carolina for the time being do give you or their consent to the passing any Law or Act for any Gift or Present to be made to you or them by the Assembly, and that neither you nor they do receive any Gift or Present from the Assembly or others on any Account or in any manner whatsoever, upon pain of Our Highest Displeasure and of being recalled from that Government.

30. And We do further direct and require that ^[p. 520] this Declaration of Our Royal Will and Pleasure, contained in the foregoing Article, be communicated to the Assembly at their first meeting after your Arrival in that Province, and entered in the Journals of the Council and Assembly, that all persons whom it may concern may govern themselves accordingly.

31. And whereas for some years past the Governors of some of Our Plantations have seized and

appropriated to their own use the Produce of Whales of several kinds taken upon those coasts upon pretence that Whales are Royal Fishes, which tends greatly to discourage this Branch of Fishery in Our Plantations and prevent persons from settling there. It is therefore Our Will and Pleasure, that you do not pretend to any such claim nor give any manner of Discouragement to the Fishery of Our Subjects upon the coasts of the Province of North Carolina, under your Government; but on the contrary that you give all possible encouragement thereto.

32. And whereas great prejudice may happen to Our Service and to the Security of Our said Province by your Absence from those parts, you are not upon any pretence whatsoever to come to Europe without ^[p. 82.] having first/ Obtained leave for so doing from Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council. Yet nevertheless in case of Sickness, you may go to New York, or any other of Our Northern Plantations, and there stay for such a Space as the recovery of your health may absolutely require.

33. And whereas We have thought fit by Our Commission to direct, that in case of your Death or Absence from Our said Province, and in case there be at that time no Person upon the Place commissioned

or appointed by Us to be Our Lieut: Gov: or Commar:
-der in Chief, the Eldest Councilor whose Name is
first placed in these Our Instructions to you, and who
shall be at the time of your Death or Absence resid-
-ing within Our said Province of North Carolina,
shall take upon him the Administration of the
Government and execute Our said Commission and
Instructions and the several Powers and Authorities
therein contained in the manner therein directed. It
is nevertheless Our Express Will and Pleasure, that
in such case the said President shall forbear to pass
any Acts but what are immediately necessary for
the Peace and Welfare of Our said Colony without
Our particular Order for that Purpose. And that he
shall not take upon him to dissolve the Assembly
then in being, nor to remove or suspend any of the
Members of Our said Council, nor any Judges, Jus-
-tices of the Peace or other Officers Civil or Military ^[p. 117]
without the consent of at least / Seven of the Council
And the said President is to transmit to Us and to
Our Commis^{rs} for Trade and Plantations by the first
Opportunity the reasons for such Alterations Signed
by himself and by Our Council.

34. And whereas We are willing in the best
manner to Provide for the Support of the Government
of Our said Province by setting apart a Sufficient

allowance to such as shall be Our Lieut: Governor, Com-
mander in Chief or President of Our Council for the
time being within the same. Our Will and Pleasure
therefore is, that when it shall happen that you shall
be Absent from Our said Province one full Moiety of the
Salary and of all Perquisites and Emoluments whatso-
ever, which would otherwise become due unto you, shall
during the time of your Absence from Our said Province
be paid & satisfied unto such Lieut: Gov: Commander
in Chief or President of Our Council, who shall be resi-
dent upon the Place for the time being, which We do
hereby Order and Allot unto him, towards his main-
tenance, and for the better Support of the Dignity of
that Our Government.

35. You are not to suffer any publick Money
whatsoever to be issued or Disposed of otherwise than
by Warrant under your hand / by and with the Ad-
vice and consent of Our Council. But the Assembly
may nevertheless be permitted from time to time to
view and examine all Accounts of Money or Value
of Money disposed of by Virtue of Laws made by them,
which you are to signify unto them as there shall
be Occasion.

36. Whereas it is necessary that Our Rights and
Dues be preserved and recovered, and that Speedy &
effectual Justice be Administered in all Cases relating

to Our Revenue. You are to take care that a Court of Exchequer be called and do meet at all such times as shall be needful; And you are upon your Arrival to inform Us and Our Commiss^{rs} for Trade and Plantations whether Our Service may require, that a constant Court of Exchequer be settled and Established there.

37. You shall not remit any Fines or Forfeitures whatsoever above the Sum of ten Pounds nor dispose of any Forfeitures whatsoever until upon Signifying unto Our Commiss^{rs} of Our Treasury or Our High Treasurer for the time being and to Our Commiss^{rs} for Trade and Plantations the Nature of the Offence and the Occasion of such Fines and Forfeitures, with the particular Sums or Value thereof (which you are to do with all Speed) you shall have received Our Directions thereon. But you may in the mean time Suspend the Payment of the said Fines and Forfeitures.

38. It is Our Will and Pleasure that you do not dispose of any Forfeitures or Excheats to any person until the Sheriff or other proper Officer has made enquiry by a Jury upon their Oaths into the true Value thereof, and you are to take care that the produce be duly paid to Our Receiver General of Our said Province and a full Account thereof transmitted

to Our Commiss^{rs} of Our Treasury or Our High Treasurer
for y^e time being and to Our Commiss^{rs} for Trade &
Plantations with the Names of the persons to whom dis-
posed. And Provided that in the Grants of all Forfeited
and Escheated Lands; there be a Clause obliging the
Grantee to Plant and cultivate three Acres for every
fifty Acres within three Years after the passing of such
Grant in case the same was not so cultivated and
Planted before. And that there be proper Savings and
reservations of Quit Rent to Us Our Heirs and Successors.

39. Whereas We have been inform'd that several
Frauds have been committed in Our said Province by
issuing Out Grants for Land without previous Surveys
wherein the Number of Acres granted have been left in
blank. Our Will and Pleasure is, that you inquire
what Grants have been made by any Governors of North
Carolina Since the Year 1728, for what consideration
such Grants have been made/ and in what manner,
and for what Number of Acres and what quantity of
Lands are now held by Virtue of such Grants whether
they were issued previous or subsequent to Surveys, Whe-
ther the Tracts of Land now claimed under such Grants
or any of them were particularly described in the said
Grants when they were first signed? And if upon
Examination you shall find that they have not
passed thro' the Essential and Requisite Forms you

shall cause prosecution to be made by Our Attorney General for Vacating such of them as have been fraudulently Obtained. And you are as soon as may be to send to Us and to Our Commiss^{rs} for Trade and Plantations a particular Account of your proceedings herein.

40. Whereas great inconveniencies have arisen in many of Our Colonies in America from the Granting excessive Quantities of Land to particular persons which they have never cultivated, and have thereby prevented others more industrious from improving the same, more particularly in North Carolina where several persons claim a right to many thousand Acres, which they have not yet taken up, and many others pretend a right to many more Acres of Land than are expressed in their said Grants.

It is therefore Our Will and Pleasure that you do not suffer any person to possess more Acres of uncultivated Lands than are mentioned in their respective Grants. And you are hereby directed to recommend to the Assembly of Our said Province to pass an Act or Acts, whereby the owners of all Lands already granted by the late Lords Proprietors shall be Obliged within a reasonable time to take Possession of and cultivate the Lands by them

claimed on penalty of forfeiture of such right of Claim. And to prevent the like inconveniencies for the future in all Grants of Lands to be made by you by and with the Advice and Consent of Our Council, you are to take especial care that no Grants be made to any person but in proportion to his Ability to cultivate the same, and that proper clauses be inserted for Vacating the said Grants on failure of Cultivation or Payment of the Quit Rents reserved thereon. And as the most probable measure for your Judgment in this particular will be to proportion the Quantity of Land to the Number of Persons and Slaves in eachs Grantees Family, you are hereby directed not to Grant to any person more than Fifty Acres for every White or Black Man, Woman or Child of which the Grantees Family shall consist at the time the Grant shall be made, But in the laying out of all Lands for the future, where such Lands shall be contiguous to Rivers you are to take care that not above one fourth part of the Land Granted shall border upon the River, that is to say, there shall be four chains in Depth backwards to every chain in front upon the said River respectively, and so in proportion for any larger quantity and that a free Passage to and from the said River be reserved for the use of all Our Subjects.

41. And whereas by Our Commission you are

impowered to settle and agree (by and with the Advice and Consent of Our said Council) with the Inhabitants of Our said Province for such Lands, Tenements and Hereditaments as now are or hereafter shall be in Our Power to dispose of, and them to grant to any person or persons upon such Terms and under such Moderate Quit Rents, Services and Acknowledgements to be thereupon reserved unto Us as you by the Advice aforesaid shall think fit. It is nevertheless Our Will and Pleasure that you do not make any Grants of Land to any person whatsoever under a less Quit Rent than four Shillings Proclamation Money for every hundred Acres.

42. You shall not displace any of the Judges, Justices, Sheriffs or other Officers or Ministers within Our said Province without good and sufficient cause to be signified unto Us and to Our Commiss^{rs} for Trade and Plantations, and to prevent Arbitrary removals of the Judges and Justices of the Peace, you are not to express any Limitation of time in the Commissions which you are to grant with the Advice and con-^[p. 28.]sent of the Council of Our said Province to persons fit for those Employments nor shall you execute by yourself or by Deputy any of the said Offices nor suffer any person to execute more Offices than one by Deputy.

43. You shall not erect any Court or Office of Judicature, not before Erected or Established, nor dissolve any Court or Office already Erected or Established without Our especial Order.

44 You are to transmit unto Us, and to Our Commission^{ers} for Trade and Plantations, with all convenient Speed a particular Account of all Establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees and Privileges granted and Settled within Our said Province. As likewise an Account of all publick Charges relating to the said Courts and of such Funds as are Settled and appropriated to discharge the same together with exact and Authentick Copies of all proceedings in such Causes where Appeals shall be made to Us in Our Privy Council.

^[E. 27] 45. And whereas by an Act Entituled, An Act for Establishing an Agreement with severall of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province to His Majesty, passed in the Second Year of Our Reign there is a Saving to all persons claiming any Office or Place under any Grant made before January 1st 1727⁸ under the Lords Proprietors common Seal, of all Rights to such Offices or Places as they had at the time of passing that Act or might have been Entituled to in case the said Act

had not been made. You are immediately upon your Arrival in North Carolina to make dilligent enquiry what those Offices are, their several Values? How their Profits arise? in what manner executed? for what term they are granted, And whether they or any of them are useful or hurtful to the Province; and that We may be the better apprized thereof you are to send unto Us, and to Our Commiss^{rs} for Trade and Plantations as aforesaid Authentick Copies of all such Grants together with your Explanations and remarks thereon, in which you are to be very Explicit to the end you may receive Our further directions therein. But in the mean time you are to take especial care that ^[p. 52] no Office or Place whatever in Our said Province be executed but by Commission to be granted by Us, Or by you Our Governor under the Seal of Our said Province

46. And you are with the Advice & Consent of Our Council to take especial care to regulate all Salaries and Fees belonging to Places or paid upon Emergencies, that they be within the bounds of Moderation, and that no Exaction be made on any Occasion whatsoever. As also that Tables of all Fees be publickly hung up in all Places where such Fees are to be paid, and you are to transmit Copies of all such Tables of Fees to Us and to Our Commiss^{rs} for Trade and Plantations as aforesaid.

47. And whereas frequent Complaints have been made of great delays and undue proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much Suffered. And it being of the greatest Importance to Our Service, and to the Welfare of Our Plantations that Justice ^{in p. 117} be every where Speedily and duly Administred, and that all disorders delays and other undue Practices in the Administration thereof be effectually prevented. We do particularly require you to take especial care that in all Courts, where you are Authorized to preside, Justice be impartially Administred, and that in all other Courts Established within Our said Province, all Judges and other persons therein concerned, do likewise perform their several Duties without delay or partiality.

48. You are to take care that no Court of Judicature be adjourned but upon good Grounds; As Also that no Orders of any Court of Judicature be Entred or Allowed, which shall not be first read and Approved of by the Magistrates in Open Court; which Rule you are in like manner to see observed with relation to the proceedings of Our Council of North Carolina; And that all Orders there made be first read and approved in Council, before they are Entred upon the Council Books.

49. Whereas We are above all things desirous,
that all Our Subjects may enjoy their Legal Rights
and Properties, you are to take especial care that if
any person be committed for any criminal matter
(unless for Treason or Felony plainly and especially
expressed ^[p. 22] in the Warrant of Commitment) he have
free Liberty to Petition by himself or otherwise, the
Chief Baron or any one of the Judges of the Common
Pleas for a Writ of Habeas Corpus, which upon such
application shall be granted and served on the
Provost Marshal, Goalers or other Officer, having the
custody of such Prisoner or shall be left at the Goal
or Place, where the Prisoner is confined. And the said
Provost Marshal or other Officer shall within three
Days after such Service (on the Petitioners paying the
Fees & Charges and giving Security, that he will not
escape by the way) make return of the Writ and
Prisoner before the Judge who granted out the said
Writ; And there certify the true cause of the Impri-
sonment. And the said Baron or Judge shall dis-
charge such Prisoner, taking his Recognizance &
Sweries for his appearance at the Court, where the
Offence is cognizable; and certify the said Writ and
Recognizance into the Court, unless such Offences
appear to the said Baron or Judge not Bailable by
the Laws of England.

50 And in case the said Barron or Judge, shall refuse to grant a Writ of Habeas Corpus, on view of the copy of Commitment, or upon Oath made of such copy having been deny'd the Prisoner, or any Person requiring the same on his behalf, or shall delay to discharge the Prisoner after the granting of such Writ, the said Barron or Judge shall incur the Forfeiture of his Place.

51. You are likewise to declare Our Pleasur, that in case the Provost Marshal or other Officer shall imprison any Person above twelve hours, except by a *Mittimus*. setting forth the cause thereof he be removed from his said Office.

^[B. 17] 52. And upon the Application of any Person, wrongfully committed, the Barron or Judge shall issue his Warrant to the Provost Marshal or other Officer to bring the Prisoner before him, who shall be discharged without Bail or paying Fees. And the Provost Marshal or other Officer refusing Obedience to such Warrant, shall be thereupon removed; and if the said Barron or Judge denies his Warrant He shall likewise incur the Forfeiture of his Place.

53 You shall give Directions, that no Prisoner being Set at large, by any Habeas Corpus, be recommit- ted for the same Offence, but by y^e Court where he is bound to appear. And if any Barron, Judge, Provost Marshal, or other Officer, contrary hereunto,

shall recommit such Persons so Bailed, or delivered, You are to remove him from his Place. And if the Provost Marshal or other Officer having the custody of the Prisoner, neglects to return the Habeas corpus, or refuses a copy of ye commitment, within six Hours after demand made, by ye Prisoner or any other in his behalf, he shall, likewise incur the Forfeiture of his Place.

54. And for the better prevention of long Imprisonments, You are to appoint two Courts of Oyer & Terminer, to be held Yearly. Viz^t - on the Second Tuesday in Decemb^r & the Second Tuesday in June, the Charge whereof to be paid by ye publick Treasury of Our said Province, not exceeding One Hundred Pounds each Sessions.

55 You are to take care, that all Prisoners in Cases of Treasons & Felony, have free Liberty to Petition in open Court for their Tryals: That they be Indicted at ye first Court of Oyer & Terminer, unless it appears upon Oath, that the Witnesses against them, could not be produced; and that they be tried the Second Court or Discharged. And ye Barron or Judge, upon motion made ye last Day of the Sessions, in open Court, shall discharge the Prisoner accordingly. And upon the refusal of ye said Barron or Judge & Provost Marshal or other Officer, to do their respective

Duties herein, they shall be removed from their Places.

56. Provided always that no Person be discharged out of Prison who stands committed for Debt, by any Decree of Chancery or any legal proceedings of any Court of Record.

57. And for y^e preventing of any Exactions that may be made upon Prisoners. You are to declare Our Pleasure that no Barron or Judge shall receive for himself or clerks for granting a Writ of Habeas Corpus, more than Two Shillings & Six pence, and y^e like Sum for taking a Recognizance. And that y^e Provost-Marshal, or other Officer, shall not receive more than five Shillings for every Commitment. For the Bond the Prisoner is to sign, One Shilling & three pence; For every Copy of a Writimus One Shilling & three pence. And for every Mile he bringeth back the Prisoner One Shilling & three pence, unless by the Laws of that Province there are other Fees, for the like Services already Established.

58. And further you are to cause this Our Royal Pleasure signified to you, by the ten Articles of Instructions immediately preceding this, to be made publick & Registered in the Council Books of Our said Province.

59. You are to take care, that no mans Life, Member, Freehold or Goods be taken away or harmed in Our said Province, otherwise than by Established & known Laws not repugnant to, but as near as may

be agreeable to the Laws of this Kingdom. And that
no Persons be sent Prisoners to this Kingdom from Our
said Province, without sufficient proof of their Crimes
and that proof transmitted along with the said Prisoners. [296]

60. You are for the better Administration of Justice,
to Endeavour to get a Law passed (if not already done)
wherein shall be set the Value of Men's Estates, either in
Goods or Lands, under which they shall not be capable
of Serving as Jurors.

61. You shall endeavour to get a Law passed
(if not already done) for the restraining of any Inhumane
Severity, which by all Masters or Overseers may be used
towards their Christian Servants, & their Slaves. And that
Provision be made therein, that y^e wilful killing of In-
dians & Negroes, may be punished with Death, and that
a fit Penalty be Imposed for the Maiming of them.

62. You are to take care, that all Writs within
Our said Province, be issued in Our Name.

63. You shall take care, with y^e Advice and
Assistance of Our Council that all Court Houses and
other publick Buildings & especially Prisons that want
reparation be forthwith repaired, & put into, & kept in,
such a condition as is proper, & necessary for y^e hold-
ing of Courts, keeping Offices & Securing y^e Prisoners,
y^e are or shall be there in Custody.

64. Our Will & Pleasure is, that Appeals

be permitted to be made in Cases of Error from y^e Courts
[237] in Our said Province, unto you, & the Council there, in
civil Causes. Provided the Value Appealed for, do exceed
the Sum of One hundred Pounds Sterling, & Security be first
duly given by the Appellant, to Answer such Charges, as
shall be awarded, in Case the first Sentence shall be af-
-firmed. Provided also that if any of y^e said Council
shall at that time be Judges of the Court, from whence
such Appeal shall be made to you Our Governor & Council,
or to y^e Commander in Chief for the time being & Council,
such Council, or Councilors shall not be admitted to Vote
upon y^e s^d Appeal. But he or they may nevertheless be
present at y^e hearing thereof, to give the Reasons of y^e
Judgment given by him or them in y^e Cause wherein
such Appeal shall be made.

65. And if either Party shall not rest satisfied,
with the Judgment of you, or the Commander in Chief
for the time being, & Council as aforesaid. Our Will &
Pleasure is, that they may then Appeal unto Us, in Our
Privy Council. Provided the Sum or Value so appealed
for unto Us, do exceed y^e real Value and Sum of three
Hundred Pounds Sterling. And that such Appeal be
made within fourteen Days after Sentence, and good
Security be given by y^e Appellant that he will Effectually
prosecute y^e same, & Answer the Condemnation, as also
pay such Costs & Damages as shall be awarded by Us,

in case the Sentence of you, or y^e Commander in Chief ^[2150]
for y^e time being, and Council be Affirmed. / And it is
Our further Will & Pleasure, that in all cases, where
by yo^r Instructions, you are to admit Appeals unto Us,
in Our Privy Council, Execution be Suspended until
the final Determination of such Appeal, unless good &
Sufficient Security be given by y^e Appellee to make ample
Restitution of all that the Appellant shall have lost
by means of such Judgment or Decree, in case upon
the Determination of such Appeal, such Judgment or
Decree should be reversed, & Restitution awarded to y^e
Appellant. And you shall cause this Declaration of
Our Will & Pleasure, to be forthwith Entered upon
the Council Books of Our said Province, that all parties
may Govern themselves accordingly.

66 You are also to permit Appeals unto Us in
Council, in all cases of Fines imposed for Misdemean-
ours. Provided the Fines so imposed amount to,
or exceed the Sum of One hundred pounds Sterling;
the Appell^t first giving good Security, that he will
Effectually prosecute the same, & Answer y^e Con-
demnation if the Sentence, by which such Fine was
Imposed, in North Carolina, shall be confirmed.

67. Whereas there are, or may be, Sect^r Offices
within Our said Province granted under y^e Great
Seal of Great Britain, and that Our Service may be

very much prejudiced by reason of the Absence of y^e
 Patentees, and by their Appointing Deputy's not fit to
 Officially in their Steads. You are therefore to Inspect y^e
 Said Offices, and to Enquire into y^e Capacity & Beha-
 viour of y^e Persons Exercising them, and to Report
 thereupon to Us & to Our Commissioners for Trade &
 Plantations what you think fit to be done, or altered
 in relation therunto. And you are upon the Misbeha-
 viour of any of y^e s^d Patentees or their Deputies, to sus-
 pend them from y^e Execution of their Places, till you
 shall have represented the whole Matter unto Us, & re-
 ceived Our Directions therein. And in case of the
 Suspension of any such Officer, it is Our express
 Will & Pleasure that you take care that the Per-
 son Appointed to Execute the Place during such Sus-
 pension, do give sufficient Security to y^e Person sus-
 pended, to be answerable to him for y^e Profits accruing
 during such Suspension, in case We shall think fit,
 to restore him to his Place again. It is nevertheless
 Our Will & Pleasure, that y^e Person Executing the
 Place, during such Suspension, shall for his Encou-
 ragement receive y^e same profits, as the Person
 suspended (if a Deputy) did, or a M^ortly of y^e Profits,
 in case of Suspension of the Patentee. But you shall
 not by Colour of any Power or Authority hereby or
 otherwise granted or mentioned to be granted unto you,

Take upon you to give, grant or dispose of any Place or Office, within the s^d Province, which now is, or shall be granted under the Great Seal of this Kingdom, any further than that you may upon the Vacancy of any Such Office or Place, or upon the Suspension of any such Officer by you as afores^d, put in any fit Person to Officiate in y^e Interval, till you shall have represented y^e Matter unto Us, and to Our Commissioners for Trade & Plantations, as aforesaid, (which you are to do, by y^e first Opportunity) and till the said Office or Place be disposed of, by Us, Our Heirs or Successors under the Great Seal of this Kingdom, or that Our further Directions be given therein. And it is Our Express Will & Pleasure, that you do bountenance and give all due Encouragement to all Our Patent Officers in the Enjoyment of their Legal & Accustomed Fees, Rights Privileges and Emoluments, according to y^e true Intent and meaning of their Patents.

68. And whereas Orders have been given, for commissionating fit Persons to be Officers of Our Admiralty & Customs in Our several Plantations in America. And whereas it is of great Importance to y^e Trade of this Kingdom, & to y^e Welfare of Our Plantations, that all illegal Trade be prevented & suppressed, you are therefore to take especial Care, that y^e Acts of Trade & Navigation be duly put in

Execution, & in Order thereunto, you are to give constant protection & all due Encouragement, to y^e said Officers of Our Admiralty & Customs, in a due Execution of their respective Offices and Trusts, in Our said Province under y^e Government.

[201.]

69. And whereas sev^{al} Complaints have been made by y^e Survey^r Gen^l & other Officers of Our Customs in Our Plantations in AMERICA. That they are frequently Obliged to serve on Juries & Personally appear in Arms, when ever the Militia is drawn out, and thereby are much hindered in y^e Execution of their Employments. Our Will & Pleasure is, that you take Effectual care & give y^e necessary Directions that y^e sev^{al} Offic^{rs} of Our Customs be excus^d & exempted from serving on any Juries, or personally appearing in Arms in the Militia, unless in cases of absolute necessity, or serving any Parochial Offices, which may hinder them in y^e Execution of their Duties.

70. And whereas the Survey^r Gen^l of Our Customs in y^e Plantations are impowrd in cases of y^e Vacancy of any of y^e Officers of Our Customs by Death, Removal or otherwise to Appoint other Persons to Execute such Offices, until they receive further Directions, from Our Commissioners of Our Treasury, Or Our High Treasurer, or Comm^{rs} of Our Customs for the time being. - But in regard y^e Districts of y^e said Surveyors General

are very extensive, and that they are required at proper times, to visit y^e Officers in y^e several Govern-
ments under their Inspection, and that it might happen, that some of the Officers of Our Customs in y^e Province of North Carolina may dye, at y^e time when y^e Survey^r Gen^l is absent in some distant part of his District, so that he cannot receive Advice of such Officer's Death, within a reasonable time, & thereby make Provision for carrying on y^e Service by Appointing some other Person in y^e room ^[2542] of such Officer who may happen to dye; therefore, that there may be no Delay given on such Occasions, to the Masters of the Ships, or Merchants in their Dis-
patches. It is Our further Will & Pleasure, in case of such Absence of the Survey^r Gen^l, or if he should happen to dye, and in such Cases only, that upon the Death of any Collector of Our Customs within that Our Province; You shall make choice of a Person of known Loyalty, Experience, Dilligence & Fidelity to be Employ'd in such Collectors room for the purposes afores^d until y^e Survey^r Gen^l of Our Customs shall be advised thereof, & Appoint another to succeed in their Places, or that further Directions be given therein, by Our Commis^{rs} of Our Treasury, or Our High Treasurer, or by y^e Commis^{rs} of Our Customs for y^e time being, which shall be first signified; taking care that You

do not under pretence of this Instruction, interfere wth y^e Powers & Authorities given by y^e Com^{ms} of Our Customs to y^e said Sur^v General when he is able to put y^e same in Execution.

71. You shall Administer or cause to be Adminis-
-tered the Oaths Appointed in the aforesaid Act Entitled
An Act for the further Security of His Majesty's Person &
Government, & the Succession of y^e Crown in the Heirs
of y^e late Princess Sophia being Protestants, & for Extin-
-guishing y^e hopes of y^e p^{re}lended Prince of Wales, & his
open & secret Abettors, to y^e Members & Offic^{rs} of Our
Council & Assembly, & to all Judges Justices & other
Persons that hold any Office or place of Trust/or Profit
in Our said Province, whether by Virtue of any Patent
under Our Great Seal of Great Britain, or the publick
Seal of Our said Province of North Carolina, or other-
-wise; And you shall also cause them to make and
subscribe the aforesaid Declaration, without the doing
of all which you are not to admit any Persons whatso-
-ever into any publick Office, nor suffer those that have
been Admitted formerly to continue therein.

72. You are to permit a Liberty of Conscience to
all Persons (except Papists) so as they be contented with
a quiet and peaceable Enjoyment of the same, not giving
Offence or Scandal to the Government.

73. You shall take especial care that God Almighty

be devoutly and duly served throughout Your Govern-
ment, the Book of Common Prayer, as by Law Estab-
lished, read each Sunday and Holiday, and the Blessed
Sacrament Administered according to the Rites of the Church
of England.

74. You shall take care that the Churches already
built there be well and Orderly kept, and that more be
built as the Province shall by Gods blessing be improved;
And that besides a competent Maintenance to be assigned
to the Minister of each Orthodox Church, as convenient
House be built at the common Charge, for each Minis-
ter, and a competent proportion of Land assigned him
for a Glebe and exercise of his Industry. —

75. And You are to take care that the Parishes be
so limited and settled as you shall find most convenient
for accomplishing this Good Work —

76. You are not to preferre any Minister to any
Ecclesiastical/Benefice in that Province without a ^[P. 204]ben-
diction from the R^t Rev^t Father in God the L^d B^p of London,
of his being conformable to the Doctrine and Discipline of
the Church of England, and of a good life & conversation;
& if any person already preferred to a Benefice shall ap-
pear to you to give scandal, either by his Doctrine or
manner, you are to use the proper & usual means for
y^e removal of him, and to supply the Vacancy in such
manner as we have directed —

77. You are to give Orders forthwith (if ye same be not already done) that every Orthodox Minister within your Government be one of ye Vestry in his respective Parish, and that no Vestry be held without him except in case of Sickness, or that after Notice of a Vestry Summoned he omit to come —

78. You are to enquire whether there be any Minister within your Government who preaches and Administers the Sacraments in any Orthodox Church or Chappel, without being in due Orders, and to give an Accot thereof to the Lt Bp of London. —

79. And to ye end the Ecclesiastical Jurisdiction of the sd Lt Bp of London may take place in that Our Province, so far as conveniently may be, We do think fit that you do give all countenance and Encouragemt to the Exercise of the same, except only ye bollating to Benefices granting Licences for Marriages and Probate of Wills, which We have reserved to you Our Gov: and to the Commander in Chief of Our said Province for the time being

Having been graciously pleased to grant unto ye sd Rt Revd Father in God Edmund Lt Bp of London a Commission under Our Great Seal of Great Britain whereby he is impowered to exercise Ecclesiastical Jurisdiction by himself or by such Commissarys as he shall appoint in Our several Plantations in America. It is

Our Will and Pleasure that you give all countenance and due Encouragem^t to the said B^p of London or his Commissarys in y^e Legal Exercise of such Ecclesiastical Jurisdiction according to the Laws of the Province under your Governm^t and to the Honour of the said Commission a copy whereof is hereunto annexed, and that you do cause the said Commission to be forthwith registred in the Publick Records of that Our Province. -

80. And We do further Direct that no School Master be henceforward permitted to come from this Kingdom and to keep School in that Our said Province without the Licence of the said Lord Bishop of London, and that no other Person now there or that shall come from other parts shall be admitted to keep School in North Carolina without your Licence first obtained. -

81. And you are to take especial care that a ^[p. 82.] Table of Marriages established by the Canons of the Church of England be hung up in every Orthodox Church and duly observed. And you are to endeavour to get a Law passed in the Assembly of that Province (if not already done) for the strict Observation of the said Table.

82. The Right Reverend Father in God Edmund Lord Bishop of London having Presented a Petition to His s^d late Majesty humbly beseeching him to

send Instructions to the Gov^{rs} of all the several Planta-
-tions in America, that they cause all Laws already
made against Blasphemy, Prophaness, Adultery
Fornication, Poligamy, Incest, Prophanation of the
Lords Day, Swearing and Drunkenness in their
[P 866] respective Governments, to be vigorously Executed;
And We thinking it highly just that all Persons who
shall Offend in any of the particulars aforesaid
should be Prosecuted and Punished for the said
Offences: It is therefore Our Will and Pleasure
that you take due care for the Punishment of the
forementioned Vices, and that you earnestly recom-
-mend to the Assembly of North Carolina to provide
effectual Laws for the Restraint and Punishment
of all such of the aforementioned Vices against which
no Laws are as yet Provided; And also you are to
use your Endeavours to render the Laws in being
more Effectual, by Providing for the Punishment of
the aforementioned Vices, by Presentment upon Oath
to be made to the Temporal Courts by the Church-
-wardens of the several Parishes at proper times
of the Year to be appointed for that purpose. And
for the further Discouragement of Vice & Encour-
-agement of Virtue and good Living, that by
such Example the Infidels may be invited and
perswaded to embrace the Christian Religion;

[P. 107]

You are not to admit any Person to publick Trusts and Employments in the Province under your Government whose ill Fame and Conversation may occasion Scandal And it is Our further Will & Pleasure that you recommend to the Assembly to enter upon proper methods for the erecting and maintaining of Schools in order to the training up of youth to reading, and to a necessary knowledge of the Principles of Religion. And you are also with the Assistance of the Council and Assembly to find out the best Means to facilitate and encourage the Conversion of Negroes and Indians to the Christian Religion.

83. And whereas it is highly necessary for the Welfare of Carolina that a good understanding should be maintained with the Indian Nations as well for the promoting of Trade as for the Security of the Frontiers of your Government, you are hereby particularly enjoined to use all possible Ways and Means for regaining the Affections of the said Indians, and to preserve a good Correspondence with such of them as remain faithful to Our Interest, And you are likewise hereby directed to recommend in the strongest Terms to the Indian Traders to be just and reasonable in their dealing with the Native Indians and likewise to propose to the Assembly

if you and Our Council there shall judge it necessary
to Pass one or more Laws for the better regulation of the
said Indian Trade, and for the Encouragement &
Protection of such Indians as shall adhere to Our Interest.

84. You shall send to Us and to Our Commis-
sioners for Trade and Plantations by the first Convey-
-ance an Account of the present Number of Planters
and Inhabitants Men, Women and Children as well
Masters as Servants, free and unfree, and of the Slaves,
in Our said Province. As also a yearly Account of the
Increase or Decrease of them & how many of them are
fit to bear Arms in the Militia of Our said Province.

85. You shall also cause an exact Account
to be kept of all Persons, Born, Christened and Buried;
And send yearly fair Abstracts thereof to Us and to
Our Commissioners for Trade and Plantations
as aforesaid.

86. You shall take care that all Planters,
Inhabitants and Christian Servants be well and
fitly provided with Arms, and that they be Listed
under good Officers and when and as often as shall
be thought fit Mustred & Trained whereby they may
be in a better readiness for the Defence of the said
Province. And for the greater Security thereof; you
are to appoint fit Officers and Commanders in the
several Parts of that Province bordering upon the

Indians / who upon any Invasion may raise Men
& Arms to oppose them, until they shall receive your
directions therein. [P. 204]

87. But you are to take especial Care that nei-
ther the frequency nor unreasonableness of remote
Marches Murders or Trainings be an unnecessary
Impediment to the Affairs of the Inhabitants

88. And you shall not upon any Occasion
whatsoever Establish, or put in Execution any Arti-
cles of War or other Law Martial upon any of Our
Subjects Inhabitants of Our said Province, without
the Advice and Consent of Our said Council there.

89. And whereas you will receive from Our Com-
missioners for Executing the Office of High Admiral
of Great Britain and of the Plantations a Commission
constituting you Vice Admiral of Our said Province,
You are hereby required & directed carefully to put
in Execution the several Powers thereby granted You

90. Whereas great inconveniences have happen'd
by Merchant Ships and other Vessels in the Plantations
wearing the Colours borne by Our Ships of War, under
pretence of Commissions granted to them by the Gover-
nors of the said Plantations, & that by Trading under
those Colours not only among Our own Subjects, but
also those of other Princes & States; And committing [P. 205]
divers Irregularities they did very much dishonour

Our Service; For prevention whereof, you are to oblige the Commanders of all Ships to whom you shall grant Commissions to wear no other Jack than according to the Sample here described, that is to say, such as is worn by Our Ships of War with the Distinction of a White Escutcheon in the middle thereof; And that the said Mark of Distinction may extend it self to one half of the Depth of the Jack, & one Third of the Fly thereof.

91. And whereas there have been great Irregularities in the manner of granting Commissions in the Plantations to Private Ships of War; you are to govern your self, whenever there shall be occasion according to the Commissions and Instructions granted in this Kingdom, Copies whereof will be herewith delivered to you.

92. But you are not to grant Commissions of Marque or Privateering against any Prince or State or their Subjects in Amity with Us, to any Person whatsoever, without Our Especial Command.

[285]
93. You are to demand an Account from all Persons concerned of the Arms, Ammunition and Stores sent unto Our said Province from hence as likewise

what other Arms, Ammunition, and Stores have been bought with the Publick Money for the Service of Our said Province, and how the same has been Employed; And whether any of them, and how many of them have been Sold, spent lost, decayed or disposed of, and to whom and to what uses, which Account is to commence from the time of the Date of the Act of Surrender of the late Proprietors of that Province to Us. And you are to transmit the said Account to Us and to Our Commissioners for Trade and Plantations.

94. You shall take an Inventory of all such Arms, Ammunition and Stores as are remaining in any of Our Magazines or Garrisons in Our said Province under your Government, and transmit the same to Us and to Our Commissioners for Trade and Plantations with all convenient speed and the like Inventory afterwards half yearly, as also a Duplicate thereof to Our Master General or principal Officers of Our Ordnance, which Accounts are to express the particulars of Ordnance, Carriages, Ball, Powder and all other sorts of Arms, & Ammunition in Our Publick Stores, and so from time to time of what shall be sent to you, or bought with the Publick Money, and to specify the time of the Disposal & the Occasion thereof.

95. You are to take especial care that fit Storehouses be settled in the said Province for receiving and

keeping of Arms, Ammunition and other Publick Stores.
96 And whereas it is absolutely necessary that
We be exactly informed of the State of Defence of all
Our Plantations in America, in every respect, and
more especially with relation to the Forts & Fortifi-
cations that are in each Plantation, & what more
may be necessary to be built for the Defence & Secu-
rity of the same. You are so soon as possible after
your Arrival in North Carolina to prepare an Ac-
count thereof with respect to Our said Province in
the most particular manner and to transmit the
same to Us and to Our Commissioners for Trade
and Plantations and the like Accounts afterwards yearly.

97. You shall cause a Survey to be made of
all the considerable Landing Places & Harbours in Our
said Province, and with the Advice of Our Council there,
erect in any of them such Fortifications as shall be
necessary for the Security and Advantage of the
said Province which shall be done at the Publick
Charge. And you are accordingly to move the General
Assembly to the Passing of such Acts as may be requi-
sitive for the carrying on of that Work; in which We
doubt not of their chearful Concurrence from the
common Security & Benefit they will receive thereby.

98. You are from time to time to give an Ac-
count as before directed what Strength your Neighbours

have (be they Indians or others) by Sea and Land,
& of the condition of their Plantations & what corres-
-pondence you do keep with them

99. And in case of Distress of any other of Our
Plantations you shall upon application of the respec-
-tive Governours thereof to you, assist them with what
Aid the condition & safety of Our Province under your
Government can spare.

100. You shall transmit unto Us and to Our
Commissioners for Trade & Plantations by the first
Opportunity a Map with the exact Description of
the whole Province under your Government with
the several Plantations upon it and of the Fortifica-
-tions; As also of the bordering Indian Settlements.

101. And in order to prevent any Disputes
that may arise about the Southern Boundaries of
Our Province under your Government, We are gra-
-ciously pleased to signify Our Pleasure that a
Line shall be run (by Commissioners appointed
by each Province) beginning at the Sea Thirty Miles
distant from the Mouth of Cape Fear River on the ^[2554]
South West thereof, keeping the same distance from
the said River as the course thereof runs to the
main Source or Head thereof, and from thence the
said Boundary Line shall be continued due West
as far as the South Seas; But if Waggamau River

lies within Thirty Miles of Cape Fear River, then that River to be the Boundary from the Sea to the Head thereof, and from thence to keep the distance of Thirty Miles Parallel from Cape Fear River to the Head thereof, and from thence a due West course to the South Seas

102. You are to Examine what Rates and Duties are charged and payable upon any Goods Exported & Imported within Our said Province whether of the Growth or Manufacture of Our said Province or otherwise. And you are to suppress the Engrossing of Commodities as tending to the prejudice of that Freedom which Trade & Commerce ought to have and to use your best Endeavours in the Improving the Trade of those Parts by settling such Orders and Regulations therein with the Advice of Our said Council, as may be most acceptable to the generality of the Inhabitants.

103 You are to give all due Encouragement & Invitation to Merchants & others who shall bring ^[p. 825] Trade into Our said Province / or any way contribute to the Advantage thereof, & in particular to the Royal African Company and others Our Subjects Trading to Africa and as We are willing to recommend unto the said Company & others Our Subjects that the said Province may have a constant

and sufficient Supply of Merchantable Negroes at Moderate Rates in Money or Commodities: So you are to take especial Care that Payment be duly made & within a competent time according to their respective Agreements.

104. And whereas the said Company and other Traders having frequently great Sums of Money owing to them in Our Plantations in America have been much hindered in the recovery of their just Debts there & discouraged in their Trade by the too frequent Adjournment of Courts; And it being absolutely necessary, that all Obstructions in the course of Justice be effectually removed; You are to take care that Courts of Justice be duly & frequently held in Our Province under Your Government, so that all Our Subjects in the said Province & particularly the Royal African Company & others Trading to Africa may enjoy the Benefit thereof & not receive any undue hindrance in the recovery of their just Debts.

105. Whereas Acts have been Passed in some of Our Plantations in America for laying Duties on the Importation or Exportation of Negroes to the great discouragement of the Merchants Trading thither from the Coast of Africa; And whereas Acts have likewise been Passed for laying of Duties on Felons Imported, in direct opposition to An Act of

Parliament Passed in the 4th Year of Our late Royal
Father's Reign for the further preventing Robbery, Bur-
-glary and other Felonies and for the more effectual
Transportation of Felons It is Our Will and Plea-
-sure, that you do not give your Assent to or Pass
any Law imposing Duties upon Negroes Imported
into Our Province of North Carolina payable by the
Importer, or upon any Slaves Exported that have not
been Sold in Our said Province & continued there
for the Space of Twelve Months, It is Our further
Will and Pleasure that you do not give your
Assent to or Pass any Act whatsoever for imposing
Duties on the Importation of any Felons from this
Kingdom into North Carolina.

106 And We do further expressly command and
require you to give unto Us and to Our Commissioners
for Trade & Plantations, an Account every half Year
of what Number of Negroes Our said Province is
supplied with, that is, what Number by the Apri-
-can Company & what by the separate Traders and
at what Rates Sold

[257]

107. Whereas We have been informed, that dur-
ing the time of War Our Enemies have frequently
got Intelligence of the State of Our Plantations by
Letters from private Persons to their Correspondents
in Great Britain taken on Board Ships coming

from the Plantations which has been of dangerous
consequence Our Will and Pleasure is that you
signify to all Merchants Planters and others, that
they be very cautious in time of War, whenever that
shall happen, in giving any Account by Letters of
the publick State and Condition of Our Province of
North Carolina, and you are further to give Directions
to all Masters of Ships or other Persons to whom you
may intrust your Letters that they put such Letters
into a Bagg with a sufficient Weight to sink the same
immediately in case of imminent danger from the
Enemy. And you are always to let the Merchants &
Planters know how greatly it is for their Interest that
their Letters shall not fall into the Hands of the Enemy:
And therefore that they should give the like Orders to
Masters of Ships in relation to their Letters. And you
are further to advise all Masters of Ships, that they
do sink all Letters in case of danger in the manner
beforementioned.

108. And whereas in the late Wars the Mer-
-chants & Planters in America did Correspond & Trade
with Our Enemies & carry intelligence to them to the
great prejudice & hazard of the British Plantations: ^[2008]
You are therefore by all possible Methods to endeavour
to hinder all such Trade and Correspondence in
time of War.

109. Whereas by the 5th & 6th Articles of the Treaty of Peace and Neutrality in America Concluded between England and France the 6th Day of November 1686, The Subjects & Inhabitants of each Kingdom are prohibited to Trade and Fish in all Places Possessed, or which shall be Possessed by the other in America. And that if any Ships shall be found Trading contrary to the said Treaty, upon due Proof, the said Ship shall be Confiscated. But in case the Subjects of either King shall be forced by Stiers of Weather, Enemies or other necessity into the Ports of the other in America they shall be treated with Humanity & Kindness, & may provide themselves with Victuals & other things necessary for their Sustainance & Reparation of their Ships at reasonable Rates: Provided they do not break Bulk, nor carry any Goods out of their Ships, exposing them to Sale nor receive any Merchandize on Board under Penalty of Confiscation of Ship & Goods. It is therefore Our Will and Pleasure that you signify to Our Subjects under your Government, the Purport and Intent of the abovesaid Two Articles, and that you take particular care, that none of the French Subjects be allowed to Trade from their said Settlements to North Carolina or to Fish upon the Coasts thereof

[P. 859.]

110. Whereas Commissions have been granted unto several Persons in Our respective Plantations in

America for the Tryeing of Pirates in those Parts pursuant to the several Acts for the more effectual Suppression of Pirates; And by a Commission to be given you; You as Captain General & Governour in Chief of Our said Province are Empowred, together with others therein mentioned, to Proceed accordingly in reference to the said Province of North Carolina. Our Will & Pleasure is that in all Matters relating to Pirates you govern your self according to the Intent of the said Acts & Com^{rs} aforementioned.

111. Whereas We have thought it necessary for Our Service to constitute & appoint a Receiver General of Our Rights & Perquisites of the Admiralty It is therefore Our Will & Pleasure that you be aiding and assisting to the said Receiver General his Deputy or Deputies in the Execution of the said Office of Receiver General & do hereby enjoin and require you to make up your Accounts with him his Deputy or Deputies of all Rights of Admiralty (Effects of Pirates included) as you or your Officers shall or may at any time receive, & to pay over to the said Receiver General his Deputy or Deputies for Our use all such Sums or Sums of Money as shall appear upon the Foot of such Accounts to be & remain in your hands, or in the hands of any of your Officers. And whereas Our said Receiver General is directed in and ^[p. 62]

the Parties chargeable with any part of such Our Revenue refuse neglect or delay Payment thereof by himself or sufficient Deputy to apply in Our Name to Our Governors Judges Attornies General, or any other Our Officers or Magistrates, to be aiding or assisting to him in recovering the same: Now you Our Governor, Our Judges, Our Attornies General & all other Our Officers whom the same may concern, are hereby required to use all Lawful Authority for the recovering and levying thereof.

112. — You are likewise from time to time to give unto Us and to Our Commissioners for Trade & Plantations as aforesaid an account of the wants and defects of Our said Province: What are the chief Products thereof. What new Improvements are made therein by the Industry of the Inhabitants or Planters & what further Improvements you conceive may be made or advantages gained by Trade and which way We may contribute therunto.

113. If any thing shall happen which may be of Advantage & Security to Our said Province which is not herein or by Our Commission provided for; We hereby allow unto you with the Advice & Consent of Our said Council, to take order for the present therein/ giving unto Us by One of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations speedy Notice thereof, that so you may receive

Our Ratification thereof if We shall approve the same.
Provided always that you do not by Colour of any Power
or Authority hereby given you commence or declare
War, without Our knowledge or particular Commands
therein Except it be against Indians upon Emergen-
cies, wherein the Consent of Our Council shall be had,
and speedy Notice given thereof to Us as aforesaid

114. And you are upon all Occasions to send
unto Us by One of Our Principal Secretaries of State
and to Our Commissioners for Trade and Plantations
a particular Account of all your Proceedings and
of the Condition of Affairs within your Government.

G R

Endorsed. Draught of Instructions to ^[P. 162.] Gabriel Johnston
Esq. Governor of North Carolina —