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Georgia Historical Society

VOL. X

The Proceedings and Minutes of the Governor and Council of
Georgia, October 4, 1774, through November 7, 1775, and
September 6, 1779, through September 20, 1780.

Edited by

LILLA M. HAWES



SAVANNAH, GEORGIA

THE GEORGIA HISTORICAL SOCIETY

1952

To
DOLores BOISFEUILLET FLOYD
WHOSE APPRECIATION OF THE
VALUE OF MANUSCRIPTS SAVED
THIS AND OTHERS IN THE
GEORGIA HISTORICAL SOCIETY'S LIBRARY
FOR POSTERITY

INTRODUCTION

One of the most important of the manuscripts in the library of the Georgia Historical Society is "The Proceedings and Minutes of the Governor and Council, from October 4, 1774 through November 7, 1775 and from September 6, 1779 through September 20, 1780," in two books. Much information, hitherto unknown, pertaining to Georgia and Savannah under the Royal government during the Revolution is contained in these minutes.

The manuscript supplements Vol. XII of *The Colonial Records of the State of Georgia*¹ which contains "Proceedings and Minutes of the Governor and Council from August 6, 1771, to February 13, 1782." Many sessions of the Council in 1774, 1775, 1779 and 1780 that are missing in Vol. XII of *The Colonial Records* are in this manuscript and vice versa. It is interesting to note that of the one hundred sessions covered by this manuscript, only fifteen have heretofore been published, and in some instances there are important differences in the two versions. These duplicate sessions and differences are noted in the following pages.

The history of this manuscript is not known, but it has long been in the possession of the Georgia Historical Society. It is mentioned in the minutes of the Society, in a report of the Committee on Printing and Publishing, February 12, 1904.²

The cover of the first book is missing but the second book has a paper cover bearing the notations "No. 2" and "Georgia Papers brought from [illegible] by Mr. Graham, 12 May, 1788." The two books are in different handwriting.

The minutes are published with spelling and capitalization as they are in the original. Certain clarifying changes have been made in punctuation and all raised letters have been lowered.

We are indebted to E. Merton Coulter, Editor of *The Georgia Historical Quarterly*, for permission to reprint these minutes which appeared in the issues of September and December, 1950, and March, June and September, 1951. We are indebted also to Walter C. Hartridge, whose interest and encouragement made this publication possible.

LILLA M. HAWES,
Editor

1. Allen D. Candler, ed., *The Colonial Records of the State of Georgia* (Atlanta, 1907), XII.

2. Minutes of the Georgia Historical Society, Book 3, pp. 55, 58.

PROCEEDINGS AND MINUTES OF
GOVERNOR AND COUNCIL.

Book 1.

GEORGIA At a Meeting of the Council held in the Council Chamber
in Savannah on Tuesday 4th Octr 1774

Present,
His Excellency Sir James Wright Bart.

Honble

James Habersham
Noble Jones
James Mackay
James Edwd Powell
Lewis Johnston

John Graham
Henry Yonge
John Stuart
Anthony Stokes
Clement Martin

Esqrs

His Excellency laid before the Board a Talk which he lately received from some Head Men and Warriors of the Lower Creeks, also a Talk from Emistisego a Principal Head Man in the Esehaws dated the 20th day of last Month Acquainting his Excellency that He Intended coming to Savannah to See his Excellency.

After which his Excellency Informed the Board, that he had been waited upon by Capt. Elbert of the Grenadier Company, and Captain Netherclift of the Light Infantry Company who severally offered to March with a detachment of their Respective Company's as farr as the Ehoopy river to meet the Indians and Escort Them to Savannah, which service his Excellency said he had Accepted, and that they were to leave Town Tomorrow as he expected the Indians would be at the Ehoopy river by Sunday next at farthest: That he had given the necessary orders to Mr Nunas the Interpreter to provide some proper place for Lodging the Indians during their stay, and to Engage Pasturage for their Horses.

At a Council held in the Council Chamber in Savannah the 5th Octr 1774

Present
His Excell Sir James Wright Bart.

Honble

James Habersham
Noble Jones
James Mackay
James Edwd. Powell

Clement Martin
Lewis Johnston
John Graham
Henry Yonge

Esqrs

Agreeable to a resolution of the Board of the 6th day of September last requiring the several Persons having Caveats depending to Attend this day to be heard on their respective Caveats. The following Persons did Attend and being heard the Board resolv'd as follows John McLean agt. the Exrs. of John McLean deceas'd,

Resolved, That one Moyety of 500 Acres of Land on the Southside of Great Satilly heretofore granted to John McLean deceased, and by him Willed to his Sons Andrew McLean and Jervey McLean be granted to John McLean, the said Jervey McLean having died before his Father John McLean.

Perret agt. Grierson,

Perret Attended and was heard, and sundry Affidavits were presented and read in support of Greirsons Claim, and the Board taking the several Vouchers and allegations into consideration, Resolved that 200 Acres of the land in dispute to Include the Mill built thereon by Perret be granted to him in part of 500 Acres Ordered him the 2nd day of March 1773 And that he the said Perret Reimburse and Pay Greirson all Reasonable Expences he has been at in procuring an Order for, Survey, Plat &c of the said Land.

At a Council held in the Council Chamber at Savannah Monday 17th Octr 1774

Present

His Excellency Sir James Wright Bart.

Honble

Noble Jones

John Graham

James Edwd. Powell

James Hume

Lewis Johnston

John Stuart

Henry Yonge, Anthony Stokes, James Hume

Esqrs

His Excellency Acquainted the Board that the Reason of his Calling them together this day was to Consult with them and have their Opinions respecting the demand he should make of the Indian Chiefs now in Savannah on Account of the Murders lately committed by some of their People, As he Intended to meet them tomorrow in the Court House to hear what they had to say, And then His Excellency put the following Questions to the Board— Whether he should Insist upon their Putting the two remaining Murderers Homata and Sofeea who fled to the Cherokees to death, as soon as they could get them in their Power, and whether upon their engaging to do so, the Trade with them should be immediately opened.

The Board taking the same into consideration were Unanimously of Opinion that his Excellency should Insist upon the two remaining Murderers being put to death as soon as they could be found, and

that upon the Head Men engaging to do so his Excellency should promise them that the Trade with them should be immediately Opened. His Excellency then Acquainted the Board, that he had been Inform'd, that one Peter Randon formerly an Indian Trader had settled a Cowpen on the Southside of the Ocony River on the Indian's Lands, and had promised the Indians that as soon as the Trade was opened he would send up a large supply of goods to Trade among them, Whereupon his Excellency desired the Opinion of the Board what should be done to prevent the said Randon from proceeding in so Unlawful a Manner.

The Board taking the Matters aforesaid into consideration Unanimously advised his Excellency, to acquaint the Indians therewith, and desire them to break up the said Settlement themselves and to prevent any Trade being carried on there, as it would draw their People down too near the Settlements and Interfere with their Trade in the Nation. Then his Excellency read to the Board the substance of a Treaty which he had drawn up, as necessary to be Entered into with the Creek Nation, and desired the Opinion of the Board thereupon. And the Board having duly considered the several Stipulations and Agreements contain'd in the said Treaty, Unanimously approv'd the same. His Excellency then laid before the Board a deed or Instrument of writing Signed by sundry Head Men and Chiefs of the Creek Nation conveying to Jonathan Bryan and his heirs a large Tract or Body of Land Situate in the Province of East Florida, and the same being read his Excellency directed Mr Attorney General to Consider of, and report his Opinion on the said Conveyance, and whether Mr Bryan is within the Act of Assembly, for having made the said Purchase of Land from the Indians.

At a Council held in the Council Chamber at Savannah 24th Octr 1774

Present

His Excellency Sir James Wright Bart.

Honble

James Edwd. Powell

Lewis Johnston

John Graham

Henry Yonge

James Hume

John Stuart

Esqrs

His Excellency Acquainted the Board that Peace being now Established between the Inhabitants of this Province and the Creek Indians, He had at the request of the said Indians agreed to permit Traders to carry goods among them as usual, Wherefore his Excellency desired the Opinion of the Board Whether it will not be

proper to Issue a Proclamation Notifying the said Peace being concluded, and requiring all his Majesty's Subjects in this Province henceforward to Treat the said Creek Indians in a kind and Friendly manner; and the better to prevent any further disputes with them, that none of his Majestys Subjects do presume upon any pretence whatever hereafter to settle any Stocks of horses or Cattle, or to hunt upon the Indians Lands. And also Notifying in the said Proclamation that his Excellency will now Grant Licences to such Persons as are properly Entitled to the same, to Trade with the said Creek Indians. His Excellency also proposed for the Consideration of the Board whether it would not be proper that he should also Issue a Proclamation Respecting the Ceded Lands, and that Copies thereof should be Transmitted to the different Provinces to the Northward as far as Pensilvania, And his Excellency laid before the Board draughts of such Proclamations which he had prepared, and the Board taking the same into consideration Unanimously Approv'd the same.

His Excellency then proposed the following Questions for the consideration of the Board respecting the future Regulation of the Indian Trade Viz—

First, whether the Lycences to be Granted in future should give the same Powers as formerly to the Persons Lycenced, to Trade by themselves their Agents or Servants, without Mentioning the Number or Names of such Substitutes or Servants, or, Whether the Names of the several Persons to be Employd as Substitutes should not be Endorsed on the Back of the Lycences. On which the Board was of opinion that the Names should be Endorsed.

Whether the Penalty of the Bond to be given in future by the Traders which was formerly only one hundred Pounds Sterling should not be Enlarged, Whereupon the Board were of Opinion that the Penalty of the Bonds to be given by the Traders in future should be three hundred Pounds Sterling.

His Excellency then desired the Opinion of the Board whether it would not be Improper to grant any General Lycences to the Traders in Future, and Whether the Lycences should not Confine the Traders to Particular Towns. Upon which the Board Unanimously advisd his Excellency to desire the Several Gentlemen at Augusta who are concerned in Carrying on the Indian Trade to agree among themselves upon a division of the Towns for which Each House is desirous of obtaining Licences, and if they will not agree upon an Equal division of the Towns, That Then his Excellency Grant Lycences to them Severally for the Respective Towns they may apply for.

At a Council held in the Council Chamber on Tuesday the 1st
Novr 1774

Present

His Excellcy Sir James Wright Bart

Honble

Noble Jones

James Mackay

John Graham

James Edwd. Powell

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

His Excellency Informed the Board That Moniack the Indian Interpreter, who by Agreement made with him in April last to return with Emistisego to the Creek Nation and to Continue there, in order to Collect and Communicate such Intelligence from Time to Time respecting the disposition and Intentions of the Indians as should he in his power, Untill the differences with them could be settled, and for which Services his Excellency had promised to pay Him fifty pounds Sterling, and had now applied for it. His Excellency also Acquainted the Board that he had received an Account from Capt. Barnard Amounting to Fifty pounds five shillings Sterling the Expence which had Attended the Building of a Fort in the Town of Wrightsborough during the Late disturbances with the Indians, and desired the Opinion of the Board Whether the aforesaid sums should not be paid out of the Money provided by the General Assembly for defraying the Expence Attending the Militia Building Forts &c. And the Board taking the said Accounts into Consideration Unanimosly advised his Excellency to direct the Treasurer to Pay the said Accots of the Money provided as aforesaid.

Ordered That the Consideration of the following Petitions be postponed untill the first Tuesday in december next in order that the petitioners may have full time to Examine whether They or any of Them have had any Land granted them in lieu of any of the Warrants or Precepts by them delivered up and be thereby Enabled to Take the Oath Usually administred to petr in the like Cases.

Jonathan Bryan

Edward Telfair

John McLean

John Fox

John & Wm Fox

William Fox

Ordered That the Clerk do Inform the petitioners aforsaid with the foregoing Resolution, either by writing or in Person as soon as may be.

At a Council held in the Council Chamber at Savannah the Sixth
decr 1774

Present
His Excellency Sir James Wright Bart.

Honble

James Habersham	James Read
James Edwd Powell	Henry Yonge
Clement Martin	James Hume
Lewis Johnston	Esqrs

Sundry petitions for Land which were postponed at the last meeting of the Board, in order to give the petitioners further Time to appear and prove their Respective rights to the Land petitioned for, were now read; And the petitioners not Attending tho' due Notice for their so doing had been given for one Month last past, the said Petitions were Rejected.

Read the petitions of Luke Man, Hepworth Carter, and Thomas Morris, Severally praying that Lands might be granted Them within the Boundary of the Lands lately Ceded to his Majesty by the Creek and Cherokee Indians and lying between the Alatomaha and Ogechee Rivers.

And the Board taking the said Petitions into consideration, and having fully Informed themselves of the Quality and Situation of the lands petitioned for and finding by the Plan that the whole Cession between the aforesaid Rivers contains 674,000 Acres of Land 31,000 Acres only of which is plantable the remaining 643,000 Acres being pine Barren, fit only for feeding Stocks of Horses and Cattle, It was therefore the Opinion of the Board that as the Small Quantity of Plantable Land aforesd cannot Accomodate any Considerable Number of Setlers who may remove into this Province from other Parts, Therefore in order to Encourage the Encrease of Cattle and raising Stocks, that such lands being merely Range and not plantable might be disposed of to such Persons as already have settled in the Province without any Infraction of the General regulations for the Sale of the Ceded Lands, or any Impediment to the Settlement of the Province -----, And it was further the Opinion of the Board, that such of the said Lands as are of a good Quality and fit for Cultivation and Improvement by Settling Plantations thereon ought not to be sold to any Persons who are already Inhabitants of this Province; but only to such as may remove in here agreeable to the Terms settled and Mentioned in his Excellencys Proclamation: and therefore if the Lands petitioned for by the said Man, Carter and Morris, are of the latter Quality

they may be sold and granted to them; but if the same are fit for Settling Plantations upon that then the said Petitions should be rejected as the Petitioners are already Inhabitants of this Province.

The Petition of Moses Nunas Entered in the Minutes of Council of the 16th May last and postponed for the further Consideration of the Board, was this day again read, and the Board taking the same into consideration were Unanimosly of Opinion, that as it appears that no deceit has been used by Nunas in obtaining a Grant of the Land Mentioned in his Petition, the Prosecution Commenced against him in Consequence of a presentmt. of the Grand Jury should cease, and Unanimously advised his Excellency to direct that a Nole Prosequi be granted to Nunas.

His Excellency acquainted the Board that he had been applied to, to Appoint Commissioners of the Road for the Parish of St Philip, in the Room of Isaac Ford, James Eastlake and Richard Burford, who have Removed out of that Parish. Whereupon it was Resolved That William Belcher, Thos Mills and Benjamin Laniere be appointed Commissioners of the Roads in said Parish in the Room of the said, Ford, Eastlake and Burford.

At a Council held in the Council Chamber on Tuesday the 3d Janry 1775

Present

His Excellency Sir James Wright Bart.

Honble

Noble Jones

Lewis Johnston

John Graham

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

His Excellency laid before the Board sundry Accounts of Expences Incurr'd on Account of the Congress lately held with the Creek and Cherokee Indians, Amounting in the whole to £1033 . . 6 . . 1 Sterling, in part of which the Honble John Stuart Esqr his Majestys Superintendant has under taken to pay £455 . . 12 . . 10 which leaves the sum of £577 . . 13 . . 3 unpaid, Whereupon his Excellency desired the Board would consider of the most proper Method for discharginge the aforsaid Sum and give him their Opinion thereon at their next Meeting.

His Excellency also laid before the Board an Order of his Majesty in Council dated at St. James the 19th October 1774 respecting the Non Exportation of Gunpowder or any sort of Arms or Ammunition from Great Britain without leave or Permission in that behalf first obtained from his Majesty or his Privy Council. Also a letter from

the Right Honorable the Earl of Dartmouth Concerning the same, and desired the Opinion of the Board how he could most Effectually carry the said Order into Execution.

His Excellency then addressed himself to the Board on the Subject of the Unhappy differences Subsisting bet[w]een Great Britain and the Colonies, and after making some observations on the Proceedings of the Congress held at Philadelphia and the General disposition which appeared amongst the Inhabitants of this Province to Approve the same; desired the Board would seriously Consider, Whether it would be proper in the present Posture of Affairs to permit the General Assembly of this Province to meet on the 17th Instant Agreeable to Prorogation, or whether the Assembly should be further Prorogued, And added that as this is a Matter of Moment, he desired the Board would Consider of it Untill Monday next when he Intended to meet them again in Council.

His Excellency Informed the Board that he had received a letter from David Tait Esqr the Commissary in the Creek Nation Acquainting him that the People belonging to Tuskegee Town had not received their Proportion of the Presents ordered Them in June 1773, And desired their Opinion Whether it would not be necessary he should send up Presents to them in proportion to what the other Towns had received and that the Expence there of should be paid out of the Monies Arising by the Sale of the Ceded Lands; Which proposal the Board Unanimously Approvd.

Read a petition of Thomas Brown and James Gordon praying a further Reserve of the Lands Ceded to his Majesty in Addition to the Lands Already Ordered them, And the Board taking the prayer of the said petition into Consideration were Unanimously of Opinion that the same should be rejected.

Read a postponed petition of Wm Moss of Savannah Merchant praying that a Small Island of March [Marsh] opposite to Savannah may be granted him for the purpose of Erecting a Wharf and other Buildings thereon, Read also a Petition of James Mossman Respecting the said Island setting forth that it had a Communication at Low Water with his plantation on Hutchison Island wherefore it would be very Injurious to him should it be granted to Mr Moss or any other Person for the purposes set forth in Mr Moss's Petition, Therefore praying that the said Island should be granted to him. The Board having duly considered the prayers of the said petitions It was Resolved that the same be rejected.

Read a postponed petition of George Prissick setting forth that he had serv'd as Masters Mate in his Majestys Service during the late Warr in America, therefore prayed That 2000 Acres of Land may be granted him on Bounty Agreeable to His Majestys Royal

Proclamation, The Board taking the said petition into consideration, were divided in Opinion, as to the Quantity of Land a Masters Mate is Intituled to under his Majestys Proclamation, and therefore requested his Excellency would write to his Majesty's Secretary of State for an Explanation of that part of his Majestys Proclamation wch respects Non Commission[e]d Officers.

At a Council held in the Council at Savannah Tuesday 9th. Janry 1775

Present

His Excellency Sir James Wright Bart.

Honble

Noble Jones

James Edwd Powell

Clement Martin

Lewis Johnston

John Graham

James Read

Anthony Stokes

James Hume

Esqrs

His Excellency desired the Opinion of the Board whether the Surveyor General should not be directed in the future Surveys on the Ceded lands, to Cause not less than two hundred Acres to be left Vacant betwixt the Tracts to be laid out, and the Board taking the same into Consideration, Advised that the Surveyor General should be ordered to give directions to his deputys Accordingly.

The Presentments of the Grand Jury at last december Sessions were presented and read, but contained nothing which it is in the Power of this Board to redress.

Mr Attorney General was directed to prepare the form of a proper Grant to be given the Purchasers of Ceded Lands, to be laid before the Board for Consideration.

His Excellency then Addressed himself to the Board upon the subject Matter proposd to them for their Consideration at the last Meeting respecting the unhappy differences still subsisting between Great Britain and Her Colonies, and desired the Opinion of the Board whether they now thought it would be proper and expedient to permit the General Assembly to Meet on the 17th Instant agreeable to Prorogation, or whether it would be more Elegeable to prorogue the Assembly to a further Time. Whereupon the Board Unanimously advised his Excellency to prorogue the General Assembly untill a further time.

His Excellency proposd to the Board that some Person or Persons should be Appointed to Examine Adjust and Settle the Accounts of all Merchants, Traders and others, haveing any Claim and demand on the Creek and Cherokee Indians, and Recommended Alexander Wylly and Andrew Robinson Esqrs for that purpose.

The Board taking the same into consideration Approved of the above Gentlemen, and it was resolved that they should be paid at the Rate of One and a half percentum on the several Sums so adjusted and allowed, out of the Sales of the Ceded Lands, for their Trouble therein.

Read a petition of William Manson, praying that 7100 Acres of the lands lately Ceded to his Majesty might be Granted to him upon Reserve for twelve Months. Whereupon it was the Opinion of the Board that no Reserve can be made, but that it may be recommended to the Commissioners, that they avoid allowing any Entries for the said 7100 Acres of Land if they can Conveniently do so, Untill Accounts are received from Manson.

Resolved that all future Surveys of Ceded Lands on Rivers and Navigable Creeks be run four Chains back for one Chain in front.

Read a petition of Rebecca Lee and others praying that 45 Acres of Land heretofore ordered to Isaac Terrian deceased, may be granted them.

Resolved that the said Petition be referred to Mr Attorney General to Report his Opinion thereon what is proper to be done.

At a Council held in the Council chamber at Savannah the 7th Febyr 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Edwd Powell

Clement Martin

Lewis Johnston

John Graham

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

Read a petition of George Walton Esqr Complainant, against Robert Knox, Lessee of George Dresler for a Writ of Error.

His Excellency thereupon observed upon the Nature of Writs of Error, and how and where they lie by different Acts of Parliament, and that there is no Act of Parliament, or Provincial Law, for allowing Writs of Error to the Governor and Council, but that by his Majestys fifty second Instruction to him, he is directed to Admit of an Appeal to him and the Council from any of the Courts of Common Law, and that such Appeals may be petitioned for to be heard and determined by his Excellency and the Council, provided that the Sum or Value Appealed for is upwards of three hundred pounds Sterling. And the said Instruction being read and Con-

sidered, It was the Opinion of the Board That a Writ of Appeal be framed and Issued as nearly as possible Agreeable to the said Instruction.

Read a petition of James Greirson setting forth that he had demanded from John Perret Reimbursement of the Moneys Expended by him in procureing an order for and Surveying 300 Acres of Land 200 Acres of which was since ordered to the said Perret, but that the said Perret absolutely refused to repay him Notwithstanding the Order of the Honble Council Whereupon it was ordered that the Clerk do give notice in writing to the said Perret, that unless he do forth comply with the former Order of Council respecting the land in dispute between him and Greirson, a grant of the land will be passed to Greirson.

Also Resolved, That if Perret do Comply with the Order of Council aforsaid, Then Greirson shall have a Warrant to survey 300 Acres of land Elsewhere in lieu of the land ordered to Perret.

On a Caveat depending between George Galphin and James Gray respecting a Tract of Land in St Pauls Parish, and both Parties Attending and being heard, It was Ordered that the Several Tracts of Land granted or Claimed by Galphin and in dispute between the party's in the Parish aforsaid, be resurveyd by Edward Barnard Esqr and James Brown Surveyors Named by the said Galphin and Gray, and that they return the said resurveys and report to this Board within three Months, Whether the land Claimed by Gray was Vacant at the time it was ordered Gray, or Whether the same was under grant to Galphin or to any Person from whom he purchased it.

At a Council held in the Council Chamber at Savannah the 10th Feby 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Edwd Powell

Lewis Johnston

John Graham

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

His Excellency acquainted the Board that by the Publick Papers received in the last Packet from England it appeared that the House of Commons had addressed his Majesty in Answer to his speech to both Houses on the State of Resistance and disobedience to the Laws which had prevaild in the Province of the Massachusetts Bay and of the unwarrantable Attempts in that and other Provinces to obstruct the Commerce of the Kingdom, and that his

Faithfull Commons will use every means in their Power to Assist his Majesty in Maintaining entire and inviolate the Supreme Authority of the Legislature of Great Britain, over all the dominions of his Crown, and his Excellency also added that from a letter he received from the Earl of Dartmouth and from Several private Letters, he was positively assured that the King Lords and Commons would all Unite and were fully determined to support maintain and enforce their Authority over all their Dominions in America; and his Excellency further observed that as he was apprehensive that the Commons House of Assembly would enter into Similer resolutions with some other Provinces to Adopt the proceedings and Association of the Continental Congress, and also confirm the resolution of a Provincial Congress lately held and unlawfully Assembled at Savannah which measures he thought would greatly Injure the Interest and welfare of this Province, and might bring them under the same Predicament as some other of the Provinces to the Northward of us, by their Unlawfull Combinations. And therefore propos'd to the Board for their Consideration, whether it is not necessary and Expedient at this Time to prevent the Commons House Entering into such Proceedings by Adjourning them to a future day.

And the Board having Maturely considered the several matters laid before them by his Excellency Unanimously Approved of his Excellency's Adjourning the General Assembly, Whereupon his Excellency sent the following Message, by the Clerk, to the Commons House

Mr Speaker and Gentlemen of the Commons House of Assembly,

I do hereby Adjourn the Commons House of Assembly Untill Thursday the Ninth day of May next, then to Meet for the dispatch of Business. And it is Accordingly Adjourned Untill Tuesday the Ninth day of May next.

Given under my hand at Savannah the tenth day of February 1775

Ja: Wright

To the Honble. Speaker and Members
of the Commons House of Assembly

At a Council held in the Council Chamber at Savannah 21st. February 1775

Present

His Excellency Sir James Wright Bart.

Honble

Noble Jones
James Edwd Powell
Lewis Johnston
Clement Martin

John Graham
James Read
Anthony Stokes
James Hume

Esqrs

His Excellency Informed the Board That the reason of his Calling them together this day was to lay before them sundry depositions taken by Mr Chief Justice Stokes, Concerning a Riot which hapned on Wednesday Night last on the Wharf of Andrew Elton Wells, about a Quarter of a Mile from Town, in which James Adgar a Tide Waiter was Stripped Tarr'd and feathered, and one David Martin a Sailor belonging to his Majesty's Armed Schooner the St John was thrown into the Water and is Supposed to be drown'd, And eight hogsheads of Mallosses and Six hogsheads of French Sugars which had been seized the day before by the Collector of his Majesty's Customs for being landed without Entry or Payment of his Majesty's Duty's forcibly taken and Carried away: which several depositions being read his Excellency desired the Opinion of the Board Whether he should not Issue a Proclamation Offering a Reward for discovering the Persons concerned in the said riot and rescue, in order that they may be brought to Trial for the said Offences, and to deter Persons in future from Committing the like Crimes. Also his Majesty's Pardon to anyone Concerned who will discover and give Evidence against any other of the Offenders. After which his Excellency sent for Mr Thompson the Collector, who Attended Accordingly. His Excellency Asked him whether he had any Authority to pay a Reward to any Person who would give Information against the Person or Persons concerned in Assaulting the Waiter and Rescuing the Sugars and Mallosses aforesaid, upon Conviction of the Offender or Offenders; And being Answerd in the Negative, his Excellency and the Board recommended it to the Collector to offer a Reward of Fifty pounds Sterling, and to Acquaint the Commissioners of his Majesty's Customs that he had done so on the Recommendation of the Governor and Council. Whereupon Mr Thompson agreed to Offer a Reward of Fifty pounds for the purposes Aforesaid.

Mr Robertson and Mr Wylly laid before the Board a State of James Greirsons Accounts against his Traders to the Creek and Cherokee Nations, which they had Examined and deducted therefrom every article which appeared to them, not to be goods, usually sent to those Nations to Trade amongst them; And also a State of the debts due by the said Indians to the respective Traders of the said Greirson Severally Sworn to, and which they had Assigned over to the said James Greirson; And the said Accounts being carefully Examind by the Board his Excellency [requested] their Opinion thereon.

Whereupon the Board were Unanimosly of Opinion, That as the Traders Expend part of the Goods which they Carry among the Indians in presents to Head Men and others, and in purchasing pro-

visions during their Residence in the Indian Country, that therefore a deduction of ten p[er] Centum should be made from the Merchts Accounts against the Traders for Indian Goods.

At a Council held in the Council Chamber at Savannah on Tuesday 7th March 1775

Present

His Excellency Sir James Wright Baronet

Honble

James Habersham

Noble Jones

James Mackay

James Edwd Powell

Clement Martin

John Graham

James Read

Anthony Stokes

James Hume

Esqrs

His Excellency acquainted the Board that he had received Answers to his Letters from the Governors of East and West Florida, respecting the Trade now opened and to be Carried on with the Indians; and also produced a Copy of the Instructions and regulations he had received from Patrick Tonyn Esqr Governor of East Florida which he had Adopted and settled for that Purpose, which was read and approvd of by the Board.

His Excellency also Communicated to the Board a Letter which he lately received from John Thomas and Peter Shand Justices for the Parish of St George, Setting forth that the Business of that Parish being very Troublesome to them on Account of the few Acting Justices in that Parish, they found themselves under the necessity of requesting his Excellency to Appoint some additional Justices and recommended Stephen Smith and Joel Walker as proper Persons to be put in the Commission of the Peace being Men of Ability, and well attached to Government.

Whereupon it was Resolved That Stephen Smith and Joel Walker be appointed Justices of the Peace to Act as such in and for the Parish of St George.

Ordered, that the Clerk do deliver a Copy of the foregoing Resolution to Preston and Pryce the Clerks of the Crown and Pleas with whom the Commission of the Peace is lodged, in order that they may enter the Names of the said Stephen Smith & Joel Walker therein.

His Excellency laid before the Board an Affidavit of James Herbert of St. Georges Parish respecting an Engagement entered into by a Number of Persons there, not to suffer any Writ or Process to be served against them; and also an Affidavit of James Barran

Marshals Bailiff to the same Purpose, and that he had been prevented by them from serving several Writs he had Sent him by the Provost Marshall.

His Excellency then laid before the Board a Carolina News Paper Published by Peter Timothy in which was Contained a Copy of the Association of a Provincial Congress held at Savannah in January last, which was read to the Board. Whereupon his Excellency desired the opinion of the Board, Whether it would not be necessary and proper for him to take due Notice of the same.

The Board taking this Matter into Serious Consideration, were of Opinion that as this Copy of the Association sent to Charlestown for Publication, did not appear to be by Order of the Committee of the said Congress nor even Signed by their Clerk, No Notice should be taken at present respecting the Affair.

Ordered, That the hearing of the Appeal of George Walton, against Robert Knox Lessee of George Dresler, which was to have come on this day, be further postponed 'till the 4th day of April next.

An Account of John Nutt Esqr Merchant of London and Assignee of John Tinckler late of Augusta Merchant deceased for sundry Goods sent for Sale into the Creek and Cherokee Nations was this day Carefully examined by the Board and it appeared that the sum of Four thousand and forty five pounds eleven shillings and ten pence Current Money of Georgia is justly due to the said John Nutt as Assignee aforesaid and payable out of the Monies arising by the Sale of the Lands Ceded to his Majesty by the Creek and Cherokee Indians.

At a Council held in the Council Chamber at Savannah the 9th day of Marh. 1775

Present

His Excellency Sir James Wright Bart.

Honble

Noble Jones

James Mackay

James Edwd Powell

Lewis Johnston

John Graham

James Read

Anthony Stokes

James Hume

Esqrs

In Consequence of two Affidavits which were read at this Board at the last Meeting, respecting the Unlawfull Assembly of Several Persons in the Parish of St. George who opposed and prevented the Serving of Writs in that Parish, His Excellency Produced a Letter he had wrote to John Thomas and Peter Shand Justices in

the said Parish recommending it to them, all other Majestrates and such reputable Inhabitants as were well disposed to Order and Government to prevent as much as their Power such riotous and disorderly Meetings &c. in Future, which Letter the Board Unanimously Approvd of.

His Excellency then proposed to the Board that the Provost Marshall should be furnished with Bench Warrants and Immediately go and Apprehend Humphrys and one or two more of the Ring Leaders Concerned in the late Tumult in Order to bring them to Justice, which Measure the Board Approv'd of.

At a Council held in the Council Chamber at Savannah the 21st March 1775.

Present

His Excellency Sir James Wright Baronet

Honble

James Edwd Powell

Lewis Johnston

John Graham

James Read

Anthony Stokes

James Hume

Esqrs

His Excellency Signed Seven Grants for Lands sold being part of the Lands Ceded to his Majesty by the Creek and Cherokee Indians.

Stephen Smith Esqr of the Parish of St George who was Nominated a Justice of Peace for the said Parish on the 11th Instant, now Attended and was Qualified to Act by Taking the Usual Oaths.

His Excellency laid before the Board a letter which he received from Henry Hunt Esqr respecting the Valuation of Sundry Tracts of the Ceded Lands heretofore ordered and surveyed for him.

The Board having duly considered the purport of the said Letter and the proposals thereby made, were of Opinion that the Commissioners are the proper Persons for Ascertaining the Value of the said Lands, but as Mr Hunt Mentions the price set upon the Lands laid out for Harris, Coleman, and Downs, directions may be given to the Commissioners to have in View the Quality and Valuation of the Lands of the said Harris, Coleman and Downs at the Time they Value the Lands for Mr Hunt.

Sundry Accounts were this day laid before the Board by Capt Edward Barnard for Houses Built and other Work done at Fort James and for Building a Stockade Fort at Hogeche which were severally Read Examined and approv'd Amounting in the whole to One hundred and Eleven pounds thirteen shillings Current Money of Georgia.

At a Council held in the Council Chamber at Savannah on Monday 27th March 1775.

Present

His Excellency Sir James Wright Baronet

Honble

James Habersham
James Edwd Powell
Lewis Johnston
John Graham

James Read
Anthony Stokes
James Hume

Esqrs

A Memorial of Sundry Merchants and Traders having demands against the Creek and Cherokee Indians and the Lands lately Ceded by them to his Majesty, was received and read in the words following viz

To his Excellency, Sir James Wright Baronet, Captain General Governor and Commander in Chief in and Over his Majestys Province of Georgia, Chancellor Vice Admiral and Ordinary of the Same, And to the Members of his Majestys Honorable Council,

The Memorial of Sundry of the Merchants and Traders having demands upon the Lands Ceded to his Majesty on the first day of June 1773 by the Creek and Cherokee Indians for the payment of their debts to the said Merchants and Traders.

Humbly Sheweth, That your Memorialists truly Thankfull to your Excellency for the Indefatigable pains you have Taken, to promote the Means of their obtaining from the said Creek and Cherokee Indians that Justice and relief, which their Circumstances required, from their having been many Years engaged in Carrying on a precarious and Expensive Trade to the Countries of the said Indians the Ballance of which they have found to be greatly against them.

Have taken into their Serious Consideration the Numberless Obstacles that have already Accrued and which still present themselves, to retard the Sale and Settlement of the Ceded Lands Agreeable to his Majestys directions, Your Excellency's Plan, and the Expectations of your Memorialists; And your Memorialists from their Extreme Necessity of some Speedy and Substantial relief from the aforesaid Cession of Lands, to Enable them to Satisfy their Creditors both in this Country and Great Britain, beg Leave to make the following proposals to your Excellency

1st. That having good reason to believe that the Generality of People who have applied for the said Lands are either Unable or find it Inconvenient to Comply with the Terms of Payment, directed by your Excellency, your Memorialists propose, that you will be

pleased to Grant unto Each of them, so much of the said Lands, in Tracts not less than five thousand Acres, as may be Equal to the Respective Sums which shall appear due and owing to them upon the Liquidation of their Accompts.

2nd. That the said Lands when Granted to your Memorialists as aforesaid be Valued According to the Quality, such Value to be Agreed upon between your Excellency and them.

3dly. That in Consequence of Lands being Granted to your Memorialists they will engage to Settle or procure the Settlement of them as Speedily as they possibly Can, and to Comply with such Conditions as your Excellency shall be pleased to Stipulate with them for, Within Five years from the date of the Grants.

These proposals, your Memorialists Conceive, will put it in their power to make such Conditional Sales to Persons inclineable to become purchasers and Setlers of those Lands, as may be Attended with an Immediate Advantage to Them, and at the same time easie to such Setlers.

Should you Approve of and Comply with the request of your Memorialists, They Submit it to your Excellency and Honors, Whether the Views of Government will not be more Effectually Answered, as well as the Expectations and Necessities of your Memorialists, by Permitting them as soon as possible to obtain Warrants of Survey for Lands in proportion to their Liquidated debts as aforesaid. In Consequence of their being possessed of Grants, they can Adopt and pursue the most eligeable Method of procuring Setlers, and on Contracting with such Setlers, be Enabled immediately to Convey to them.

14th. March 1775 Signed,
Roger Kelsal for Self & Co
John Caldwell
Edward Wilkson & Co
Robert Mackay & Co
Wm. Goodgion, for
Martin Campbell & Son
James Greirson
George Galphin
John Jameison

Robert Gouedy
George Baillie, Atty
for Edward Keating
Andrew McLean for
James Jackson & Co
David Holmes, for
Spalding Holmes & Co
Roger Kelsal for
Spalding & Kelsal,

After which his Excellency made Several remarks and observations to the Board on the Nature of the propositions and requests contained in the said Memorial, and desired the Gentlemen would Consider the same, and give him their Opinion at the next Meeting of the Board.

At a Meeting of the Council held in the Council Chamber at Savannah 4th April 1775

Present

His Excellency Sir James Wright Baronet

Honble

James Habersham
James Mackay
James Edwd Powell
Clement Martin
Lewis Johnston

John Graham
James Read
Henry Yonge
Anthony Stokes

Esqrs

The Memorial of Sundry of the Merchants and Traders having demands against the Creek and Cherokee Indians and the Lands Ceded by them to his Majesty, which was postponed at the last Meeting of the Board for further Consideration, was again read, After which his Excellency Asked the Gentlemen; Whether they had fully Considered the Several Matters Contained in the said Memorial, and were ready to give their Opinions thereupon, and on the Several Questions proposed by Him, And being Answered in the Affirmative, the Board Unanimously gave their Opinions on the Several Matters as follows Vizt

1st That the Commissioners Appointed or to be Appointed for that Purpose, do Value the Several Tracts of Land which may be laid out to the Memorialists respectively, at the same price or Value, and in the same Manner as has been Customary in Valuing such of the Ceded Lands as have been heretofore disposed of, such Valuation being Nevertheless Subject to Alteration by this Board.

2nd That only three years be allowed for Settling the said Lands, and that the Memorialists respectively shall bring into this Province, and Settle so many Families on their respective Tracts of Land within one year, after the Lands shall be laid out as will be Sufficient to settle one third part of the same agreeable to the Tenor of his Excellency's Proclamation of the 24th of October 1774, and also shall bring in and settle the like Number of Persons within the Second Year and also the like Number of People within the third Year, so that the whole shall be Compleatly Settled agreeable to the Proclamation aforesaid within three years, And that such of the said Lands as are not so settled within the time Aforesaid, shall then revert to the Crown Subject nevertheless to the Claims of the Party's for such ballance as may remain due them respectively.

3dly. That the Prayer of the Memorialists cannot be Granted or Recommended unless each and Every of the Claimants or Persons having demands as aforesaid do agree to take Lands for the whole of their demands.

4thly. That in order to defray the Expences of the Congress &ca on taking the Cession and other Expences Incurr'd and to be Incurr'd, Each of the Persons having demands as aforesaid shall pay into the hands of the Person Appointed to receive the Money's Arising by the Sale of the Ceded Lands at the Rate of Ten pounds per Centum on their Respective demands and shall take Lands in payment for the same, Subject to the same Conditions of Settlement as the Lands to be Granted them in payment of their debts; And that the said ten p[er] Cent shall be paid as follows Vizt.

Five p[er] Centum at the Time of the Warrant Issuing to Survey the Lands for each Person, and the other five p[er] Cent within Six Months after that Time.

5thly. In order to prevent any Inconveniencies to the Publick by not Complying with the Terms of Settlement, or otherwise, It is proposed that the Grants do not pass absolutely to the Partys themselves, but that the same be granted to Trustees for the purposes aforesaid, and that they reconvey to the Crown all such part of the said Lands, as are not settled agreeable to the aforesaid Proclamation within Three years.

And it was the Unanimous Advice and Opinion of the Board, that it will be for his Majesty's Service and the Interest of this Province if such Lands as may be Sufficient to Satisfy the Several demands thereupon be granted to the Several Party's on the Terms and Conditions above Mentioned and that if the Several Partys agree to the Terms aforesaid that then his Excellency do Transmit a Copy of the said Memorial and of the Proceedings thereupon to his Majesty's Secretary of State, and humbly request his Majesty's Royal Permission to Grant the said Lands on the Terms and Conditions above Specified. Whereupon his Excellency Ordered that the Attorney General do forthwith Prepare a Fiat for a Grant of Lands in Trust as aforesaid, and that the Memorialists have a Copy of the same, and of the above, that they may Give their Answer thereto without delay.

At a Council held in the Council Chamber at Savannah on Tuesday the 2nd May 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Mackay

James Edwd Powell

Lewis Johnston

John Graham

James Read

Anthony Stokes

Esqrs

His Excellency Informed the Board that he had heard it was doubted Whether the Members of the Commons House of Assembly would meet agreeable to the late Adjournment; And then desired the Opinion of the Board, Whether it would not be proper for Him to Issue a Proclamation requiring their Attendance in General Assembly on Tuesday the Ninth Instant agreeable to Adjournment in order to proceed upon and finish the several Matters Recommended to them at their last Meeting.

The Board taking this Matter into Consideration Unanimously Advised his Excellency to Issue his Proclamation requiring the Attendance of the General Assembly Agreeable to Adjournmt.

The Clerk laid before the Board sundry Accounts of demands against the Creek and Cherokee Indians which have been Examined by Mr Robertson and him and the proper deductions made therefrom, and which Accounts were Afterwards reexamined by Mr Powell and Mr. Read.

And the Board again Carefully Examining the said Accounts Resolved as follows Vizt

That there is due George Galphin for himself and sundry other Persons who have Assigned over their debts to him and Impow- ered him to receive the same the Sum of	£9791 .. 15 .. 5
To Robert and John Hannah	44 .. 10 .. 1
" Estate of James Cussins	275 .. 1 .. 1
" Job Wiggin	347 .. 1 .. 7
" Stephen Forrester	149 .. 0 .. 9
" Estate of Lewis Surnam	179 .. 10 .. 5
" Estate of Richard Strickland	50 .. 9 .. 1

At a Council held in the Council Chamber at Savannah on Tuesday the 11th May 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones	Henry Yonge
James Edwd Powell	James Read
Lewis Johnston	Anthony Stokes
John Graham	

Esqrs

His Excellency desired the Opinion of the Board, Whether he should not Immediately Prorogue the General Assembly of this Province as the Members of the Commons House have Neglected to Meet According to Adjournment, and his Excellency's late Proclamation requiring Their Attendance to proceed upon the Publick

Business. The Board taking the same into Consideration Unanimously Advised his Excellency to Prorogue the General Assembly untill Tuesday the Seventh day of November next.

The Clerk laid before the Board sundry Accounts of demands of Edward Keating agt the Creek and Cherokee Indians which have been Carefully Examined by Mr Robertson and him and the proper deductions made therefrom, and since re-examined by Mr Powell and Mr Read and approv'd by them. The Board taking the said Accounts under Consideration.

It was the Unanimous opinion, that only two thirds of the Indians debts to him be Allow'd as they Amount to above one third more than other Merchants or Traders Accounts do upon an Average for goods supplied the Indians, And as the Trade with the Indians has always been represented as a losing Trade, therefore unless the Party's Claiming the same, shall produce better Evidence of their demands within Six Months, only two thirds is to be allow'd and that James Butlers and such other demands for which the said Keating has not produced any Assignment or power of Attorney to receive, be settled Separately, and the Ballances Entered as due to the respective Party's; and remain untill proper powers are produced, and that when any of the Party's are dead their Wills must be produced, or letters of Administration taken out; And with respect to the Accounts not Vouched one third must be deducted as Usual, the deductions made by the Examiners not Amounting to one third part thereof.

At a Council held in the Council Chamber at Savannah on Friday, the 12th. May 1775

Present

His Excellency Sir James Wright Baronet

Honble

James Habersham

Noble Jones

James Edwd Powell

Lewis Johnston

James Read

Henry Yonge

Anthony Stokes

Esqrs

David Montaignut Esqr the Powder receiver Acquainted his Excellency and the Board, that the Publick Magazine was broke open and robb'd last Night of the Powder remaining, all but about 500 lb. which was not taken away.

Whereupon his Excellency desired the Opinion of the Board, Whether or not a proclamation should be Issued Offering a Reward to any Person who would discover the Offender or Offenders And

the Board taking the Matter into Serious Consideration, Unanimously Advised His Excellency to Issue his Proclamation Offering a Reward of One hundred and fifty pounds Sterling to any Person who will give Information of the Person or Persons Concerned in the said Robbery to be paid upon Conviction of the Offender or Offenders.

His Excellency then proposed to the Board that the Patrole be ordered to do duty in the Town of Savannah during this Time of publick disputes, in order to prevent as much as may be the Violent and unwarrantable behavior of Riotous and disaffected Persons to Government. To which the Board Unanimously agreed, and advised that the Patrol duty should be done while the present disturbances continue.

At a Council held in the Council Chamber at Savannah the 22nd day of May 1775

Present

His Excellency Sir James Wright Baronet

Honble

James Habersham
Noble Jones
James Edwd Powell
James Read

John Graham
Anthony Stokes
James Hume

Esqrs

His Excellency laid before the Board a report from Mr Attorney General relating to the Information of Samuel Thomas, against Francis Lewis and others for Trading with the Creek Indians without Licence, and also on the Matter Stated in a letter from John Walton and John Howard Esqrs Recommending the Appointment of Justices and the Establishment of Inferior Courts within the Lands Ceded to his Majesty by the Indians.

Resolved, That James Gordon Andrew Robertson John Douglas and William Downs be Justices of the Peace and Enabled to Act as such within that part of the Ceded Lands, Situate from the Mouth of Little River to the line on the North Fork, thence to the Line Tree on Savannah River; the Court to be held at Dartmouth. And that Samuel Harris, Henry Graybell, William Harris and James Harris be Justices and Qualified to Act as such within that part of the said Lands beginning at Ogeechee Fort and Extending from the line on the Southside of the North fork of Little River, to the line down Ogeechee, and along the Old Boundary line And that the Court be held at Ogeechee Fort.

At a Council held in the Council Chamber at Savannah the Sixth day of June 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Mackay

James Edwd Powell

Clement Martin

Lewis Johnston

John Graham

James Redd [Read]

Henry Yonge

Anthony Stokes &

James Hume

Esqrs

His Excellency Acquainted the Board that He had reason to believe, a Considerable Quantity of Gunpowder, the property of Merchants here would soon Arrive here in some Ships which were soon Expected from London, and therefore desired their Opinion, whether it would be proper to have the same lodged in the Publick Magazine, Agreeable to the Act of the General Assembly, or Whether (as the Magazine has been lately Robbd and may again) the Persons to whom the Powder belongs may not be permitted to receive the same and keep it themselves.

The Board taking this Matter into serious Consideration Were Unanimously of Opinion, that as Matters are at present Circumstanced in this Province it will be Adviseable to permit the Merchants to receive their powder into their own Charge and Care, untill further Orders be given respecting the same.

A Petition of Sundry Persons Inhabitants of the Parish of St George who were Charged with having Entered into an Association to Stop the Course of Law Proceedings, and on which Account Bench

Warrants had been Issued Against them and Several of Them taken into Custody and Bound over to appear at the next Court of Sessions, was Read Setting forth that the Petitioners had been Unwarily Engaged in the said Association by some designing Men, that they had not considered the Unlawfulness of the Act, but were now Convinced of their Error and truly Sorry for what they had done, and therefore praying that his Excellency will order the proceedings of Court against them to be Stopt.

The Board taking the said petition into Consideration, Unanimously advised his Excellency to direct that a Nole Prosequi should be granted, and that all further proceedings against the said petitioners should be Stopped.

His Excellency then Acquainted the Board that William White the Commander of a Vessell now in this Harbour had Informed him, that Several Persons had Called upon him that he must depart from this Province within Seven days, or abide by the Consequence which would Attend his Noncompliance; his Excellency also Informed the Board that he had been Informed that Letters had been sent to Capt Law, and others to the above Effect, but not Signed by any Person—Whereupon his Excellency desired the Opinion of the Board what ought or could be done to Punish such Offenders, and to deter others from the like practices.

Whereupon the Board Unanimously advised his Excellency, that the Matters Complained of be referred to Mr Chief Justice and Mr Attorney General for Consideration and such proceedings be had thereupon against the partys Complained of as the Law will Warrant.

Read the Applications of the Several Persons whose Names are after Mentioned, made to the Commissioners appointed to receive Applications for the Ceded Lands the following Warrants of Survey were Ordered to be Issued Vizt

To	Acres	Acres	
Nicholas Smith	100,	Abner Segal	150
Thomas Richard	100,	Joel Sanders	100
John Philson	200,	Silas Pace	100
Ceaser Hoskin	300,	William White	200
Edward McGeary	100,	Lewis Powell Junr	100
Thomas Wadsworth	100,	Jesse Tew [Pew?]	200
James Germany	300,	Henry Curl	500

At a Council held in the Council Chamber at Savannah on Monday the 12th day of June 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones	John Graham
James Mackay	James Read
James Edwd Powell	Anthony Stokes
Lewis Johnston	James Hume
Clement Martin	John Stuart

Esqrs

His Excellency and the Board resumed the further consideration of the Memorial of the Merchants and Traders having demands on the Creek and Cherokee Indians and Mr. Attorney General presented the form of a Grant which he had prepared, agreeable to Order, and the same being taken into Consideration, and some Alterations made, it was postponed for further Consideration.

The following Accounts of demands against the Creek and Cherokee Indians which have been Examined by Mr Robertson & Mr Wyly were this day presented to the Board, and the same being Carefully Re examined the following Sums were Allowed to be justly due and owing by the said Indians Vizt.

To

Robert Goudy	£940..19	Robert Mackay	
Thomas Kelly	45..14	& Co	£4681..9..10
Henry Lucas	14..6..4	Williams & Mackay	2434..13..8
John Bench	96..10	Theophilus Perryman	464..2..6
Joseph Cornell	50..5..2	Stephen Smith	107..1..6

At a Council held in the Council Chamber at Savannah on Friday the 16th day of June 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones	John Graham
James Mackay	James Read
James Edwd Powell	James Hume
Lewis Johnston	

Esqrs

The Clerk presented the following Accounts of demands against the Creek and Cherokee Indians which have been Examined by Mr Robertson and him, and every proper deduction made therefrom,

and the same being Severally Carefully re examined by the Board,
the following Sums were Allowed to be due Vizt

To	
James Jackson & Co. £7791..3	Nicholas Black £593..14..2
Andrew McLean	Robert Anderson 715..14..10
Admr of Daniel Grant 83..0..8	James Jervis 51..6..7
Samuel Candy 129..1..2	Robert Ferguson 46..6..11
William Burgess 4..18..10	Isaac Atwood 486..10..4
Christopher Smith 46..15..1	Edward Keating 3010..18..1
Hallat & Hallat 79..14..9	John Tally 73..9..2
John Hallat 44..19	Gray and Kidd 54..1..10
Abraham Norman 33..10..2	John Payne 18..10..4
Tally, and Tapley 80..11..8	Rae & Compny 1272..4..7
Jno. Adam Tapley 102..9..2	Rae Elbert & Co. 2688..18..6
Francis Steeds 161..15..3	Isaac Atwood 58..10
Thomas Waters 1262..17	

At a Council held in the Council Chamber at Savannah on Tuesday the 4th July 1775¹

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones	John Graham
James Mackay	James Read
James Edwd Powell	Anthony Stokes
Clement Martin	James Hume
Lewis Johnston	

Esqrs

Sundry Accounts for Contingencies were this day laid before the Board and the same was Audited and passed.

His Excellency laid before the Board a letter which he received from Governor Tonyn of East Florida in Answer to a letter which he wrote him sometime since "desiring he would lend him one thousand pounds weight of Gun powder for the Use of this Province," wherein Governor Tonyn says, "He has not more than Eight hundred pounds weight in Store, for which reason he cannot spare any at present, but Adds that he expects a Store Ship will Soon Arrive there from England and then he will lend his Excellency as much as he can spare, he further says that the Merchants there are in daily Expectation of receiving a Quantity of powder from England, and to purchase as much as his Excellency may require. Whereupon his Excellency desired the Opinion of the Board, Whether he should

1. The minutes of this session are also in Allen D. Candler, ed., *The Colonial Records of the State of Georgia* (Atlanta, 1907), XII, 411-14. This account is fuller.

write to Governor Tonyn to purchase any and what Quantity of Powder for the use of this Province, and how the same should be paid for. The Board taking the same into consideration Unanimously advised his Excellency to write to Governor Tonyn and request he will be pleased to Order five hundred pounds of Gunpowder to be bought for the Use of this Province and to give a Certificate for the Cost of the same.²

An Affidavit of James Kitchen Esqr Collector³ . . . and also and Affidavit of Isaac Antrobus Comptroller for the Port of Sunbury⁴ were Severally read Setting forth that they had Seized a Sloop from the West Indies for having on Board upwards of one hundred Cases of Jyn, that on the day following the seizure a Party of Armed Men Entered on Board the said Sloop and forcibly put the Officer who had possession of her on Shore, after which they Conducted the Vessell to Sea.⁵ Whereupon his Excellency desired the Opinion of the Board what steps he should take to punish the Persons Concerned in the Rescue Aforsaid. And the Board taking the Several Matters set forth in the said Affidavits into Consideration were Unanimously of Opinion, That as the powers of Government are at present Totally Unhinged, that therefore prosecutions would be Useless, And recommended that his Excellency would Immediately Transmit Copys of the said Affidavits together with this Minute to Great Britain.

George Baillie Esqr the Commissary General Attended and Informed his Excellency and the Board, that a Number of Men were now removing the Cannon⁶ and other Stores belonging to his Majesty from the place where the same were Stored, Whereupon His Excellency directed Mr Baillie to Acquaint them that the Kings Stores,⁷ and to forbid them at their Peril to remove any part of them, and if they Persisted therein, to take a list of the Persons Concerned.

Mr Baillie withdrew, and having returned Acquainted his Excellency that he had delivered his Message but that the People still continue to remove the Cannon Carriages and shot, and that they told him when they were done, they would give him a list of their Names, and of what Stores they had taken. Whereupon his Excellency desired the Opinion of the Board what could be done to put a Stop to such Lawless Proceedings. And the Board taking the same into Consideration, were of Opinion, that as his Excellency has

2. The foregoing two paragraphs are not contained in the minutes for this session. *Ibid.*

3. Reads "Collector of his Majesty's Customs for the Port of Sunbury." *Ibid.*, 411.

4. Reads "Comptroller and Searcher of his Majesty's Customs for the said Port." *Ibid.*, 411-12.

5. Details of affidavit not given, *Ibid.*, 412.

6. Reads "Cannon Carriages, Shot." *Ibid.*

7. Reads "That the Guns and other Articles were the Kings Property." *Ibid.*

no Force at all to prevent such daring and Unlawfull Proceedings nothing more can be done at present but to take Affidavits of the Matters aforsaid and to Transmit them to his Majesty's Secretary of State to be laid before his Majesty.

A Letter from William Bennet a deputy Provost Marshal directed to Joseph Farley Esqr Acting Provost Marshall, also an Anonimus letter directed to said William Bennet were read, Whereby it Appears that the said Bennet has been threatned with Punishment if he serves any Writ or process against any of the Persons Concerned in rescuing the Vessell and Cargoe lately seized at Sunbury or any other Process whatever.

His Excellency also Acquainted the Board that he was a few days ago Informed by a Person of Credit that he lately had met with Mr Barnard Elliot of South Carolina, at a place Called Buck Creek in this Province, distant about Sixty Miles from Savannah, that he was Informed Elliot was a Captain in one of the Regiments now raising in South Carolina, and that the said Elliot told him that he had Come into this province to Enlist Men for that Service, that he saw four Recruits which Mr. Elliot had Enlisted who wore ribbons in their Hatts of Blue and Orange Colours, that Mr Elliot further told the Informant that he was going up among the People Lately settled on the Lands Ceded to his Majesty where he expected to get a good many Men.

The Informant further Acquainted his Excellency that he had lately seen a Commission from the General Committee in Charlestown Appointing three Persons to Superintend and regulate the Trade Carried on with the Creek Indians. And the Board taking these Several Matters into Serious Consideration Unanimously advised his Excellency to Transmit a State of such Extraordinary proceedings to his Majesty's Secretary of State to be laid before his Majesty.

The Clerk of the Crown Attended with the presentments of the Grand Jury made at last June Sessions, and the same were received and read.

The Board taking the same into Consideration were of Opinion that there is nothing therein Containd which this Board can remedy.

His Excellency Acquainted the Board that he had been Informed by the Clerk of the Crown, that there is not room in the Commission of the Peace to add the Names of any more Justices of the Peace should any be nominated- Whereupon the Board advised his Excellency to give orders for preparing a New Commission.

His Excellency Communicated to the Board a letter he received from David Tait Commissary in the Creek Nation Enclosing an Information agt. Baillie for having Carried on a Pernicious & Unlaw-

full Trade. Whereupon the Board Advised his Excellency to Withdraw his license from said Bailly.⁸

At a Council held at his Excellencys House in Savannah on Friday the 7th July 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

Lewis Johnston

James Edwd Powell

James Hume

Esqrs

His Excellency Communicated to the Board an Application which he this day received, dated in Provincial Congress the Seventh day of July 1775, Signed Archibald Bulloch President.

Praying that his Excellency will be pleased to Appoint a day of Fasting and Prayer, to be observed throughout this Province, that a happy Reconciliation may soon take place between America and the Parent State, and that under the Auspicious Reign of his Majesty and his descendants, both Countries may remain United, Virtuous, Free and happy untill Time shall be no More.

Whereupon his Excellency desired the Opinion of the Board with respect to the said Application And the Board taking the same into Consideration, were Unanimously of Opinion; that tho' they cannot Consider the People now met in Congress to be Loyally or Constitutionally Assembled - yet as their request is Conceived in very dutifull and Loyal Terms; They Unanimously Advised his Excellency to Comply therewith. And his Excellency Appointed Wednesday the Nineteenth Instant as a day of Fasting and Prayer for the Purposes Mentioned in the Aforsaid Request.

At a Council held at his Excellency's House in Savannah on Monday the 17th July 1775⁹

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Read

James Edwd Powell

Anthony Stokes

Lewis Johnston

James Hume

John Graham

Esqrs

His Excellency Communicated to the Board an Address which he

8. Foregoing four paragraphs not in minutes for this session. *Ibid.*, 411-14.

9. The minutes of this session have been published (*Ibid.*, 414-19), which account is fuller than the above. Affidavit of Joshua Smith and opinion of the board not in this version.

received from the Provincial Congress which was read and is as follows Vizt

To His Excellency,
Sir James Wright Bart.
Captain General and Governor in Chief in
and over his Majesty's Province of Georgia,
Chancellor and Vice Admiral of the same.

May it please your Excellency

We his Majestys dutiful and Loyal Subjects the delegates of this Province in Provincial Congress met, beg leave to Address your Excellency.

In these very Critical and Alarming times the good People of this Province found Themselves under an Absolute necessity to take some measures for the Security and Preservation of their Liberties and every thing that is near and dear to them and they have Accordingly Chosen a large Number of Persons to meet together at Savannah to consult on the Means to obtain redress under our many and very heavy Grievances, these being Accordingly met (to distinguish from the Usual Representatives¹⁰) have Stiled themselves a Congress, and from the Number and Character of the Names which your Excellency may see in Our last Gazette, Your Excellency will be Convinced the Province never was more fully represented in any Assembly, tho' possibly this Measure never would have taken place, had we not from Several Successive Prorogations or Adjournments had too much reason to fear your Excellency had received very Strong Instructions not to suffer the Assembly to enter into any Measures to Secure the rights of America, or even to petition for Relief, unless in Terms which would have been giving up the rights, and fixing lasting disgrace on the Petitioners.

Altho' there is no doubt but a great Majority of the Inhabitants of this Province, always look'd upon the Claim of the Parliament to take away the property of Americans as Illegal and Oppressive, yet from a Variety of causes, not unknown to your Excellency, this Province in the American Chain has hitherto been the defaulting link. We have now joynd with the other Provinces in the Continental Congress. We have sent a petition to his Majesty, Appointed Delegates to the American Congress, and Entered into such Resolutions, which we mean inviolably to adhere to, as will Convince the Friends and Foes of America, that we would not live Unworthy of the Name of Britons, or labour under the Suspicion of being unconcerned for the rights and Freedom of America.

Extracts of some Letters which are Inserted in Parliamentary Proceedings, widely differ from what must appear to every unpre-

10. Reads "Representation." *Ibid.*, 416.

judged Person the real State of this Province. We are not Acquainted with an Individual in Georgia, who looks upon the Claims of Parliament as just, and all Men Speak with abhorrence of the measures made use of to enforce them; Our fellow Subjects who formerly entered a dissent which we find was transmitted to the Minister in Terms that Bespeak the great pleasure it gave the Transmitter now generally say they never differed with America as to the reality of Grievances, but only in the Mode of obtaining redress.

Tho' Candor must Allow these Mutilated Extracts laid before Parliament were probably rather destin'd by the Minister to Screen himself and justify his own Measures, than to give a just and true Account of what information he might have received, yet we cannot help observing the General Purport of these Letters, seem to have a much greater regard to the designs of the Minister than to give an Impartial Account of the Real State of things. Other Provinces no doubt if they find themselves mentioned in any part of them, will view them in what light they may think fit, but as to any prejudicial informations they may contain against many Person in this Province, while its not to be expected they will give up their Feelings as private Men, Your Excellency may be assured we shall always pay due respect to his Majesty's representative, and shall with great pleasure acknowledge every Service your Excellency may hereafter render to Great Britain and America, whose Interest we know, and whose Connections we wish to be forever inseparable.

Your Excellency may be assur'd these are objects we have greatly at heart, and shall ever do what in us lies towards a reconciliation with our Parent State on Constitutional Principles, as well as endeavour to preserve the Peace and good Order of this Province.

By Order of the Congress

Archibald Bulloch Presidt

Whereupon his Excellency observed to the Board that the said Address Contained sundry Charges against him which he thought were without any just foundatn. And desired their Opinions whether the Charges against him in the said Address were Sufficiently founded or not And the Board taking the several Matters contained in the said Address respecting his Excellency into Consideration were Unanimously of Opinion that the Charge against his Excellency for not permitting the General Assembly to Sit, is not justly founded, for the following Reasons:

For that the House did meet on the 17th day of January last when it was hoped the two Branches of the Legislature would have agreed to Petition his Majesty and the Parliament relative to the Unhappy disputes, between Great Britain and America, that Petitions were given in to the Lower House by Several Parishes for that purpose,

That a Message was also sent by the Upper House to them on the Subject, and desiring a Conference, all which prov'd ineffectual, and that it was well known they meant to take up the Matter of the Resolves &ca. of the Continental Congress in September and October last, and there was great Reason to believe that those proceedings and the proceedings here in January last would have been Approvd of, which made it adviseable to Adjourn them at that time to the Ninth of May. And that for some days before the time to which the Assembly was last Adjourned, a report prevailed, which was generally Credited, that the Members of the Commons House did not intend to Meet, which induced his Excellency with the Advice of the Council to Issue a Proclamation requiring their Attendance; Notwithstanding which, the three first days there was not a sufficient Number of Members to make a House, and then they Adjourned over from the Eleventh to the fifteenth, and it then being generally understood that they did not Intend to make a House or to do Business, it was the Opinion and Advice of the Board that his Excellency should prorogue Them.

His Excellency then read the Extracts of his several Letters to the Earl of Dartmouth respecting the State of Affairs in this Province as Published, dated the 25th July, 13th and 24th August, 13th October, and 13th december 1774, and on Each Letter as it was read, desired the Opinion of the Board, Whether the Matters therein Mentioned were true or not, and whether he had Misrepresented any thing therein;

And the Board duly considering the said Extracts and the several dates thereof, were Unanimously of Opinion, that the Accounts Transmitted by his Excellency respecting the State of Affairs, and the then disposition of the People of this Province, were founded on Facts, are True, and that no Misrepresentation appears therein.

At a Council held in the Council Chamber at Savannah on Tuesday the 25th day of July 1775¹¹

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Mackay

James Edwd Powell

Clement Martin

Lewis Johnston

John Graham

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

11. In the other version of the minutes of this session, only that portion relating to General Gage's letter is included. *Ibid.*, 420.

His Excellency Communicated to the Board a letter which he lately received from Mr Andrew McLean of Augusta, Acquainting him that the Creek Indians are in general much discontented at not being supplied with Gunpowder as Usual, and that he was very apprehensive, that when they come to know that the powder which was lately Imported into this Province for the Indian Trade is Stopt in Savannah Numbers of them will come down to know the reason of it's being Stopt. Whereupon his Excellency desired the Opinion of the Board what can be done in this Matter and how it would be possible to get a Supply of Powder for the Indians; the Board taking the same into Consideration, were of Opinion that it is not possible at present to get a Supply of Gunpowder at present for the Indians and Unanimously advised his Excellency to send a Talk to the Creek Indians, Acquainting them that there is very little Gunpowder in Savannah, and that the greatest part of what has come in, is Stopt by some People here on Account of a difference between them and the People in England, but that more Ships are soon Expected, and he hopes they will bring Powder and if they do he will endeavour that they shall be Supplied by the Traders as Usual, and in the meantime all other goods will be Carried among them sufficient to supply them.

The Board also recommended it to his Excellency to write to Mr Tait the Commissary in the Creek Nation to use his Utmost Endeavours to prevent any Number of the Creek Indians from Coming to Savannah in Case he should hear that any Intended to Come, and that he should Acquaint Governor Tonyn with the present State of Indian Affairs. His Excellency also Informed the Board that he had received an Order from General Gage to the Commanding Officer at St Augustine to send an hundred Soldiers with the proper Officers to Command them, from St Augustine to Savannah; And thereupon desired the Opinion of the Board, Whether as Matters have been for sometime and are at present Circumstanced, he should send for the said Soldiers. The Board taking the Matter into Consideration were Unanimously of Opinion, as formerly, that one hundred Men are by no Means a Sufficient Number to Support Government, or reestablish Peace and good Order in this province, but on the Contrary so small a Number of Men most probably would Inflamm the people and that they would be subject and Exposed to Insult and danger.

His Excellency Acquainted the Board that he had been waited upon by the Reverend Mr Smith the Rector of this Parish, who Informed him that a Committee of five Persons from the provincial Congress had Called upon him on Saturday last and read a Paper to him sent from the Congress, Setting forth, That in Consequence of his having refused to preach a Sermon on Thursday the 20th

Instant agreeable to an order of the Continental Congress, he should not be permitted to preach in the Church of Savannah or Officiate as a Clergyman, and further added that the Committee to ring the Church Bells, as he would Answer the Contrary at his Peril; that in Consequence thereof the Bells were not rung nor the Church doors opened which prevented him from doing his duty. His Excellency thereupon desired the Opinion of the Board what can be done in this Matter. After sometime Mr Smith was sent for and Attended Accordingly, and produced sundry letters which had passed between him, and the Committee which were read, he also related some Conversations which had passed between them, and the Board taking the whole into Consideration Unanimously advised that Affidavits of these Extraordinary proceedings may be taken to fix the Facts, as the only Step that can be taken, all powers of Governmt. being obstructed.

At a Council held in the Council Chamber at Savannah on Tuesday the 1st August 1775

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Mackay

James Edwd Powell

Clement Martin

Lewis Johnston

John Graham

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

The Honorable John Graham Esqr receiver of the Monies Arising by the Sale of the Lands Ceded to his Majesty by the Creek and Cherokee Indians, laid before the Board an Account of the Sums received by him, and also an Account of the Application and Expenditure thereof, and of other Monies of his own advanced towards the payment of the demands of sundry Persons against the said Ceded Lands; which Accounts with the Vouchers being Carefully examined it appeared to the Board that Mr Graham has only received three thousand eight hundred eighty eight pounds eight shillings and eleven pence from the Sale of the said Lands, and that he has paid the sum of Four thousand four hundred and Sixty two pounds four Shillings and eleven pence by which he is now in Advance on that Account the Sum of five hundred and Seventy three pounds Sixteen shillings Lawfull Money of this Province Exclusive of his Charge of Commissions on the aforesaid Sum of £4462..11. And the said Accounts were passed Accordingly, and Ordered to be Entered in the Book or Minutes Relative to the Proceedings on the Ceded Lands.

His Excellency Communicated to the Board a Letter which he received from John Stirk, late a Captain of one of the Town Companys of Militia, the Commd of which he resignd on the 28th Ulto. and requesting his Excellency will appoint him to the Command of the EbenEzar Company, and also to Appoint John Flerl a Lieut. and Jenkin Davis Ensign in the said Company which letter was read and is as follows vizt

Savannah 29th July 1775

Sir:

The Men who belong to the fifth Company of Foot have often Solicited me to Command them, as their present Capt neither knows or ever Attempts to Train them in the Militia Art, and lately they understood that the Provincial Congress had resolved to recommend it to the different Company's to Elect their own Officers, if those Already appointed should be thought Incapable or Unfit; Not doubting but that your Excellency would Confirm such Election by Granting Commissions, more especially as your Excellency has made frequent declarations of being Continually disposed to Serve the People of this Province. The People of that Company, therefore did Assemble and Elected me to be their Captain, John Flerl Lieut, and Jenkin Davis their Ensign, and directed me to Apply for Commissions; from these considerations therefore I am Emboldned to Solicit your Excellency to Grant us Commissions.

If it should be thought Necessary I, Affirm to your Excellency that the People will, Almost to a Man, back the Application; I have the Honor to be

Your very humble Servant
John Stirk

To his Excellency,

Sir James Wright Bart.

Whereupon his Excellency Informed the Board that the present Officers are Jacob Myer Capt, John Wertch Lieut and the said John Flerl Ensign, and that he does not know of any Vacancy or Want of Officers in the said Company, nor has he received any Complaint against the said Capt or Lieut, other than in the above Letter and therefore he Considered this Application as very Singular, and desired the Opinion of the Board upon the Same and what Notice he should take thereof.

The Board taking the said Letter into Consideration, observed that it is mentioned, that the Provincial Congress had resolved to recommend it to the different Companys to Elect Officers to Command Them, if those Already Appointed should be thought Incapable or unfit, and this Application seems grounded on the said Resolution of the Congress and therefore very Irregular and Improper, But if it was regular and Proper, yet they are Unanimously of Opinion that as no Complaint has been made against any of the

Present Officers of the Eben Ezar Company of Militia, His Excellency Cannot Comply with Mr Stirks request.

His Excellency then Acquainted the Board, that Mr William Stephens a Lieut and Mr William Johnston an Ensign in one of the Savannah Company's of Militia had waited upon him on Friday last, and Informed him that the Company to which they belong had been drawn out on that day, and that they were Asked whether they had, or, would assign an Association to abide by the orders and direction of the Continental and Provincial Congress, and that upon their Answering in the Negative, they were told that they would not be Allowed to Act any Longer in that Company as Officers, and that then such of the Company as were present proceeded to the Choice of other Officers in their Stead. Whereupon it was Ordered that the Clerk of the Council wait upon those Gentlemen and desire them to reduce the said Information into Writing and that the same be laid before the Board.

At a Council held in the Council Chamber at Savannah on Tuesday 15th August 1775¹²

Present

His Excellency Sir James Wright Baronet

Honble

Noble Jones

James Mackay

James Edwd Powell

Lewis Johnston

John Graham

Clement Martin

James Read

Henry Yonge

Anthony Stokes

James Hume

Esqrs

His Excellency laid before the Board an Application he received dated the 8th Instant signed by Several Persons Members of what they Call the Council of Safety which was read in the Words following Vizt

May it please your Excellency,

Sir

In times, like the present, when the powers of Government seem to be greatly relaxed and Legal Proceedings diverted from their Accustomed channel, it behoves every good Member of the Society, to Unite,¹³ with his fellow Citizens for the preservation of Peace and good order, and the General protection and defence of the whole. Influenced Sir by Motives like these, and reflecting upon the present distracted and disorderly state of the Province, and fearfull of the Consequences which a continuance of such unhappy

12. The minutes of this session have been published. *Ibid.*, 421-37. The texts are almost identical, but the order of business is reported differently in the two accounts.

13. Reads "write." *Ibid.*, 421.

times may produce, we beg leave to lay our Sentiments and this Application, before your Excellency; not doubting but that the Ordinary Modes and forms of Address will be forgot in the Contemplation of the Important Ends proposed.

We have been Informed Sir, that many of the Commissioned Officers in the Militia, are disagreeable to the People over whom they Command; and if this be true, we conceive that such Officers, in respect of the danger of the times, ought to be removed; as no set of Men could be Expected to fit under Banners, for which they had no good Opinion or respect.

Probably it may Occur to your Excellency, that Delicacy alone should forbid the dismissal of any Officer without regular Complaint and Legal Tryal, a proceedure which we think only to be Justified by Necessity, a principle which we would wish to Convince your Excellency should govern upon this Occasion.

This is a Frontier Province, bordering upon the Indian and too near the Spanish Settlements both of which e'er long may be our declared Enemies.

It is extensive, without Populous Habitation, and a dreadful Enemy within its Bosom, and an Assault from Either of these might be an excitement to the others, and would reduce the Inhabitants to the Miserable Alternative, either of being Sacrificed or evacuating the Province; Hence we Conceive the Necessity of putting the province in the most secure State of defence possible; and to this End we think some Military regulations will greatly Contribute.

The people throughout the Province desire to be Commanded by Officers of their own chusing, a measure which your Excellency has heretofore expres'd your Approbation of; and in the Name, and in the behalf of the People, we intreat that your Excellency will be pleased to grant Commissions to such Persons as they shall recommend to you.

We beg leave to Assure your Excellency, that in this Application we exclude every the most distant Idea of an Attack upon the prerogatives of our most gracious Sovereign; It is grounded upon a mere principle of Necessity; upon Apprehensions of danger to the lives and properties of the Inhabitants of this Province. Nor do we mean to Impeach the Courage Conduct or Integrity of any Officer now in Commission having nothing to object against them but the Voice of the People.

We are, Sir with the greatest respect,
Your Excellencys most
Obedient Serwants

Savannah

8th August 1775

(Signed)

George Walton
William Le Conte
Francis H. Harris
William Young
George Houstoun

William Ewen
John Glen
Samuel Elbert¹⁴
Basil Cowper
Joseph Clay

To his Excellency, Sir James Wright Baronet, Captain General, Governor &c of his Majesty's Province of Georgia.

His Excellency observed to the Board that this Application appears to him to be of a very extraordinary Nature and to have a dangerous Tendency, that the whole is founded on the resolution and direction of the Provincial Congress, That it seems Calculated, to wrest the Power and Command of the Militia from the Crown, and out of his hands and to Vest it in the Congress and Committees; As Signing the Association is the only Test, and not the characters and abilities of the Officers. And that all who sign the Association bind themselves to do whatever the Continental, or Provincial Congress may think proper to direct or Recommend, by which those people would have the Entire direction of the Militia; And he further observed that altho' the Executive powers of Government are relaxed, and wrested out of his hands, and exercised in a most Arbitrary and Tyrannical Manner by Committees as they call themselves yet it is these very people who now Apply, that have been the Cause of the whole, and who are now themselves Committing and Encourageing many Acts of Violence and oppression. That saying Several of the Militia Officers are disagreeable to the People is a mere pretence; for the only Test is Signing the Association as Appears by Several Letters from the Officers Objected to. That he sees no necessity for any reform in the Militia now, and if any thing should happen from Indians or domesticks, he thinks it will proceed intirely from their own Misconduct or Imprudence, and that these very people will bring it upon the Province. And if there was any real danger; he does not know better Men, than those objected to. It may have been thought proper and very right when a New regiment was forming, or a large Company divided into two Company's to permit the People to recommend Officers, but that is not the Case at present, and the well known reason of this Application is what he has before Mentioned. How farr it may be meant as an Attack on the Kings Prerogative, his Majesty will be the best Judge, when these Matters are Transmitted and laid before him; And that he is of Opinion, that it does not Appear to be the Voice of the People but the Voice of the Congress. Because he is Informed that the Men declared they had no objections to their Officers if they would sign the Association: And then his Excellency

14. Reads 'J. Elbert.' *Ibid.*, 423.

desired the Opinion of the Board upon the said Application. After sometime the Board (Mr Chief Justice Excepted) Unanimously gave their Opinion and Advice as follows¹⁵

We have Maturely considered the several papers laid before us this day by your Excellency one purporting to be an Application from Several Persons whose Names are thereunto Subscribed, who we apprehend are part of a Body of Men appointed by the Provincial Congress under the Title of a Council of Safety, others, Letters from Several of the Militia Officers. With respect to the Application made to your Excellency for appointing other Officers in lieu of those said to be disagreeable to the People, We cannot Avoid observing, that we agree with the Applicants, that the powers of Government are greatly relaxed, and we must add almost totally Annihilated in this Province, But cannot think the remedy proposed of Superseding Officers, who hold Commissions under his Excellency is an Adequate one, especially as no Charge of Misconduct is Alleged against those Gentlemen, and that they are to our Knowledge at least equally well Qualified to serve their Country as Officers of Militia as those said to be chosen by the People. It further appears, Clearly to us from the Letters to his Excellency from those Officers that the true reason for rejecting them was their refusing to sign a paper called an Association, which we Apprehend they could not sign consistently with their Allegiance to our Most Gracious Sovereign, as the Associates bind themselves by the most Solemn Ties, to Abide by, and Carry into Execution as farr as they can, whatever may be recommended by the Continental, or Resolved on by the Provincial Convention; some of those Resolutions already Entered into being in our Opinion Inconsistent with that Allegiance. Upon the whole we Conceive the Tendency of the Application is to wrest the Command of the Militia out of the hands of Government, to lodge it in the Continental and Provincial Congresses. We are therefore Unanimously of Opinion that the Commissions desired of his Excellency for those Gentlemen said to be Chosen by the People should not be granted.

After which Mr Chief Justice Stokes gave his Opinion and Advice as follows.¹⁶

“I have Maturely considered Several Papers laid before the Board by your Excellency, one of them purporting to be an Application, from several Persons who I apprehend are part of a Body of Men in this Province Called a Council of Safety, the Intent of which application, is to obtain from his Excellency Commissions in the Militia, for several Persons who have been chosen Officers by the Companies of Militia in order to oust the Officers appointed by

15. This sentence is not in the other version. *Ibid.*, 429.

16. This sentence is not in the other version. *Ibid.*, 430.

his Excellency, the other papers are letters to his Excellency from Several Militia officers (in the Room of whom others have been Elected) who do not think themselves displaced by such Illegal Elections. With respect to the application I do readily Agree with the Applicants, "That the powers of Government are greatly relaxed, and Legal Proceedings diverted from their Accustomed Channel, nay further that the powers of Government have in a great Measure wrested out of the hands of his Majesty's Officers, by Several Bodies of Men Unlawfully Convened; who are known by the Names of a Provincial Congress; a Council of Safety, and parochial Committees: and as if it was not thought Sufficient to overturn the Civil Establishment, the Rector of Christ Church hath been Silenced by the Authority of the Provincial Congress, for refusing to perform divine Service, on the day appointed to be kept as a Fast, by the People called the Continental Continental [sic] Congress, and if I am not misinformed a Layman has been appointed to Preach in Christ Church, by the Committee of Christ Church Parish, of which I apprehend some of the Members are Persons professing the Jewish Religion, and others Members of the Independent Meetings in Savannah.

"If the State of this Province is distracted and disorderly, and if there is any prospect of an "Indian War, or an "Insurrection of the Negroes, the Applicants have themselves and their Coadjutors to thank for it, by taking into their hands the Powers of Government, Giving a loose to the Inferior orders of People, Fitting out an armed Vessell to Board a British Ship on the High Seas, and afterwards Seizing the Gunpowder on Board of Her, which was Intended for the Indian Trade; by which means the Indians will not have their Usual Quantity of Ammunition; a Circumstance that may greatly enrage them, and bring on an Indian Warr.

I apprehend that the Officers of the Militia, Intended to be displaced, are Gentlemen of more distinction and better reputation, than those Elected by the People, and the Allegation "That they are disagreeable to the People they Command is founded on a proceeding Notorious in the Province; the Provincial Congress entered into an Association and directed the same to be presented to the Inhabitants to be signed. By this Association the Subscribers thereto, "Associate to Endeavour to Carry into Execution, whatever may be recommended by the Continental Congress, or Resolved on by the Provincial Convention, and in all things to follow the Advice of the General Committee respecting the purposes (in the Association Mentioned)" the Preservation of Peace and good order, and the Safety of Individuals, and of Private Property." How farr Peace and good Good [sic] order, and the Safety of Individuals have been pre-

served, will appear from the Fate of Those who have undergone the Severe discipline of being Tarrd and Feathered, from the Threats of using others in the like Manner, and from other Enormites [sic] well known. The Officers intended to be displaced, have refused to Sign the Association, and therefore others have been Chosen in their Room out of those Men who have signed the Association "Whereby they engage to endeavour to Carry into Execution whatever may be recommended by the Continental Congress, and one of their Recommendations, is the Taking up Arms against his Majesty's Authority: I therefore consider the Association as a Test to distinguish those who are ready to take up Arms against his Majesty, from those who are not; to evince which it may be proper to observe that when I lately refused to Bail a Man who appeared to be inlisting recruits for the Carolina Service (as it is called) a Number of People broke open the Goal, and let out the Prisoner, and the next day he openly went about the Town of Savannah beating up for Recruits, I therefore apprehend that the only reason why the officers Intended to be displaced are said to be disagreeable to the People they Command "is that they are not willing to take up Arms against his Majesty, and upon the whole I am perswaded that the Application made to his Majesty notwithstanding the Clumsey Artifice and Misrepresentation with which it is penned is intended to obtain from his Excellency Commissions from¹⁷ Men who are ready to take up Arms against the King, whenever they are Called upon by their Leaders, and to give a Sanction to such Conduct.

To say "that I advise his Excellency not to grant Commissions to Officers who are Elected by the People, in prejudice of Men whose only Crime, (in the Idea of the Applicants) is Loyalty to their Sovereign," would be almost an Affront to his Excellency, as he has already given his Opinion of the Application, and expressed his disapprobation of it. As in the course of my Office of Chief Justice, some things have come to my knowledge which the Gentlemen of the council may not be Acquainted with; I have presumed to give my Opinion Separately, with the reasons on which it is ground'd And I flatter myself that his Excellency, and the Gentlemen of the Council, will pardon the Liberty I have taken.

Anthony Stokes.

After which it was ordered that the Clerk do write a a [sic] letter in Answer to the said application in the following words, Vizt¹⁸

17. Reads "for." *Ibid.*, 433.

18. This sentence and letter following are not in the other version of these minutes. *Ibid.*, 421-37.

Gentlemen,

I am directed by his Excellency the Governor to Acquaint you, that he laid your Application before his Majestys Council on Tuesday last, and that for many very Substantial reasons, he cannot comply with your request to Grant commissions to such Persons as the People may Elect, and recommend as Militia Officers. Savannah 17th. August 1775,

To William Ewen Esqr and the other
Gentlemen who signed the
Application to the
Governor the 8th Instant.

Savannah 3d August 1775

Sir

Agreeable to your desire, We beg leave to Inform your Excellency, that on Friday the 28th Ulto, the Drum belonging to the first Company in the first Regiment of Foot Militia, was by order of the Commander Quintin Pooler Esqr, beat to Arms. Agreeable to our Duty as Commissioned Officers in the same, We repaired to the usual place of Parade, and was there told by Mr Pooler "that he had Called out his Company by order of the Council of Safety, that the Men might Elect their Officers, and that no Person was Qualified for, or could hold a Command in that Company, unless he had sign'd an Association entered into, by the Provincial Congress, and Subscribed by many of the Inhabitants of this Province." As it was known that we were not so Qualified, William Jones and Peter Lavein were Recommended to the Men, and were by them Elected to Act in the Station to which we are Appointed, and Mr Pooler was continued their Captain.

As we are no way Sensible of having misbehaved in any respect as Officers, shall therefore continue to look on ourselves as Lieutenant and Ensign to the said Company, and will always be ready as far as in our Power to do our duty as such We are

Your Excellencys
Most Obedt Servants,
John Charles Lucena
John B. Randall

Sir,

Mr Wyly having Informed us that it was your Excellencys pleasure that we Commit to writing, what we thought our Business personally to acquaint you, respecting our duty, holding Commissions under your Excellency, as Lieut. and Ensign of the fourth Company of Militia under the Command of Capt. Stirr; Observing that the Company was ordered to Appear on the 28th

day of July last, as was our duty we repaired to the place of Parade and after some few Manoeuvres, the Captain Informed the Company It was the direction of the Congress and Council of Safety "that they the company Elect their Officers, and that those officers, be Men, who had signed, or would sign the Association, he Informed them that for his part it was not convenient for him longer to remain in a Company in Town and Intended resigning his Commission, he being Elected Captain of a Company at Ebenezer, and Recommended the Lieut as a person proper to Succeed him in Command of that Company, also the Ensign to be raised to a more elevated post or Continued in his present Station; Being severally asked by the Captain and several of the Company Whether We had signed the Association, We Answered in the Negative, and being further asked whether we would sign it made no direct Answer yea or nay upon which the Company proceeded by Ballot to Elect other Officers, and a Number of Candidates appearing the Majority were in favour of Messrs John Martin, William Moore and William Evans, as Capt. first, and Second Lieutenants. This happening, and knowing the Captains Intention to resign his Commission, we thought it proper to Apprize your Excellency of it, least any reflection might have fallen upon Us, had any duty been ordered, and we not have it in our power to Command the Men, as we from such measures only enjoyed an Ideal Authority and naturally concluding the Men would not be Commanded by any other Officers but those of their own Choosing.

Thus Sir have we Stated the Facts as they happened; at the same time assuring your Excellency, that since we had the honor of holding your Commissions, we have not failed to do the duty's required therein.

We are with Respect,
Your Excellency's,
Most Obedt Servts
William Stephens
William Johnston

Savannah 9th Augt 1775

To His Excellency,
Sir James Wright Bart.
Sir

Having the Honor to hold your Excellencys Commission as Captain of the Light Infantry company of this Province, I think it my duty to lay before you some proceedings of the Men under my Command on Friday last the 4th. Instant which was the Monthly Muster day. The Company being assembled, one of the Men produced a paper which he called an Association; he addressed me, and said that he was directed by the Congress, or Council of Safety, (I do

not recollect which) to offer the same to me to approve of and
Subscribe. my reply to this proposition was, that I declined sign-
ing the Association, because it was contrary to my political Prin-
ciples and that I was determined not to serve in a Military Capacity
under any other Authority than that of the Kings representative,
and that I held it as Incompatible, to be an Associate at the same
time I bore your Excellencys Commission. I was then told that
some of them had orders from the Congress or Council of Safety,
in case of my refusal to become one of them, as they term'd it,
to Elect a person of their own choice to supersede me in the Com-
mand, and was further Informed that the few Men who joynd me
in opinion, as well as myself, were no longer considered as a part
of the Light Infantry Company; since which time the revolters
as I stile them, have made choice of Mr Francis Harris to Com-
mand them, as Captain, but under what Authority I do not know.

I shall recruit my Company as fast as I can, in which I have
made Considerable progress,

Savannah 10th Augt 1775

I am very respectfully

Sir

Your Excellencys most Obedt Servt
Thomas Netherclift

To his Excellency

Sir James Wright Baronet.

May it please

Your Excellency,

Agreeable to your desire I take the Liberty
to inform you that on the Eleventh day of August, Instant the
Eighth Company of Foot Militia under the Command of Captain
George Walton being met agreeable to Summons, the Captain Ac-
quainted the Company he had called them together by direction
of the Council of Safety in order to approve of the present, or
choose other officers Agreeable to themselves, which they accord-
ingly did by ballot, and made choice of Mr Walton for their Cap-
tain, Doctor David Brydie for their first Lieutenant and Mr Seth
John Cuthbert for their second Lieutenant to the exclusion of Mr
James Ross and myself who hold Commissions under your Excel-
lency as Ensign and Lieutenant of that Company.

the Men under Arms declared they could not make Choice of us
as we had not entered into and signed the Association recommended
by the Provincial Congress Notwithstanding the above Transaction
Mr Ross and myself will continue to hold our Commissions unless
your Excellency gives orders to the Contrary

His Excellency,

Governor Wright

Savannah 14th August 1775

I am very Respectfully

Your Excellencys Most Obedt Servt
Jas. Robertson

After which his Excellency laid before the Board a letter he received from James Greerson Lieutenant Colonel of the Augusta Regiment dated the 6th August relating to some disturbances, which lately hapned there, with an Application made to him from the Committee to order out the Regiment of Militia to their Assistance.¹⁹

Upon which his Excellency observed that he thought Coll. Greirson had Acted very properly and that he proposed in Answer to the said Letter, to direct him not to take Notice of any such applications or to order out the Militia on any such occasion as mentioned, without his Express direction, and that whenever his Excellency shall receive proper Application and Information of any Matter that may be thought to require the Aid of the Militia, he shall consider of the same and give such orders thereupon as may appear proper and Necessary. Which the Board approv'd.

His Excellency then laid before the Board a letter he received from Mrs Haven in Behalf of her Son Stephen Haven a Minor about Sixteen years of Age, who had received his Majesty's Sign Manuet to appoint him Naval Officer of this Province, and requesting to Appoint William Brown Esqr to act as Naval Officer during the Minority of her Son. Whereupon the Board Unanimously advised his Excellency to direct Mr Attorney General to prepare such Commissions or Appointnts as²⁰

[Here the manuscript breaks off, as some pages are lost. The volume contains no proceedings between August 15, 1775 and October 31, 1775.]

and Her Colonies, and we may possibly receive some Assistance, and be able to Support Government and good order again.

At a Council held at his Excellency's House in Savannah on Tuesday the 31st Octr 1775

Present

His Excellency Sir James Wright Baronet

Honble

James Edward Powell

Lewis Johnston

John Graham

James Read

Anthony Stokes

James Hume

Esqrs

His Excellency Acquainted the Board that he had lately received several letters from Augusta and the back Settlements relating to the Situation of Affairs with the Indians, with some Talks from them and that in General they complain of the obstruction Given

¹⁹. Col. Grierson's letter is printed. *Ibid.*, 434-35

²⁰. The foregoing paragraph is not in the other version of these minutes. *Ibid.*, 421-37.

to their Trade, by not being supplied as Usual with Powder, Ammunition, and Trading goods as was repeatedly promised them, and agreed upon in October last, And his Excellency observed fully on the Conduct of the Congress, in obstructing the Usual Course of the Trade with the Indians, and the dangerous Consequences attending it; And Acquainted them, that as the whole Gunpowder and Ammunition was in the hands and power of the Committee People here, and as he had reason to believe that if some was not immediately sent to the Indians the Province might probably be Involved in a Warr with the Indians, he had sent for two of the Committee People as Private Persons, and Stated the whole Matter to them in presence of Messrs Johnston and Graham two of his Majesty's Council, and that the said Persons said they were clearly of opinion, that the Trade with the Indians should be Immediately Opened and the Supply's go as usual, which was approv'd of by the Board.

His Excellency also Acquainted the Board that he had received Information that a Party of the Inhabitants near Wrightsborough and the Ceded Lands had gone out against an Indian Town on the Oakmulgee River Called the Standing Peach Tree on Pretence that those Indians had Stolen some Horses from them, and declared that if they did not get Satisfaction, or restitution of their Horses from the Indians, they intended to take it by force, and would kill the Indians, if any opposition was given them.

His Excellency observed on the great danger Attending a Step of this kind, and that as things are at present Circumstanced he does not see any thing in his power to do to prevent it, the Powers of Government being Unhinged and Usurped by Councils and Committees of the People own Chusing. And the Board were Unanimous in Opinion that his Excellency could not do any thing in the case.

At a Council held at His Excellencys House at Savannah the Seventh day of Novembr 1775

Present

His Excellency Sir James Wright Baronet

Honble

James Mackay

James Edwd. Powell

Lewis Johnston

John Graham

James Read

Henry Yonge

James Hume

Esqrs

A Memorial of Sundry Persons having demands against the Creek and Cherokee Indians was received and read in the words following Vizt

Georgia

To his Excellency, Sir James Wright Baronet, Governor and Commander in chief of his Majestys Province of Georgia.

The Memorial of sundry Persons who have claims against the Lands Ceded by the Creek and Cherokee Indians, Sheweth,

That your Memorialists having no prospect of receiving the respective sums due them from the Sale of the lands as at first expected, by reason of the Slow Sale of them to Inhabitants coming into this Province as purchasers; would propose as follows—

To take Lands within the said Cession to the Amount of their respective debts, to be Valued by Persons who shall be Sworn for that Purpose.

That for the payment of the expences already Incurr'd in and about the Cession of the said Lands they are willing to take Lands to the Value of Ten p[er] Cent upon their debts for which they will make payment in a reasonable time,

That grants shall be made out to the respective Claimants in Separate Tracts not Exceeding 5000 Acres in one Tract.

And your Memorialists shall pray &ca.

Samuel Elbert, for Rae's Elbert & Company and Rae Whitfield & Co

T. Netherclift for John Gordon & James Grierson

Robert Mackay & Co.

James Jackson & Co.

John Graham, Attorney for John Nutt

Spalding & Kelsal.

The General Assembly being prorogued to meet on this

[End of this Volume of the Manuscript.]

BOOK 2.

At a Council held at His Excellency's House, in Savannah, on Monday, the 6th Day of September, 1779.

Present:

His Excellency Sir James Wright, Baronet, Governor;
The Honorable John Graham, Esquire, Lieutenant Governor;
The Honorable Lewis Johnstone,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency represented to the Board, that it was necessary there should be a further Supply of Negroes to work at the Fortifications of Savannah; and that it appearing several of Those formerly ordered to send Negroes for that Purpose, had omitted doing so; therefore recommended the Same to their Consideration, and proposed that an Order of Council should issue to those Persons, to enforce a further Supply. The Board having fully considered the Matter agreed unanimously that an Order should be immediately issued to that Effect, and a Summons to each Person, having charge, as Owners or otherwise, of the several Plantations from which Negroes had not been sent.

And the Clerk was ordered to issue the Order and Summons according to the following Forms:

Order of Council,

Whereas the Negroes who have been employed on the public Works in and about the Town of Savannah, have not yet completed the Same: And whereas, it is absolutely necessary that the Fortifica-

tions in particular should immediately be put in Repair and Finished: And whereas the several Persons undermentioned have neglected to send the Negroes formerly ordered, they are therefore hereby directed and required to send the Number of Negroes mentioned [in] the underwritten List; who are to appear at the Barracks on Tuesday Morning the 7th Instant at Sunrise, to follow the Orders of His Majesty's Chief Engineer for six working Days; and to bring with them Hoes, Axes, and Spades, also cooking Utensils; — which Work will be accepted in Liew of working on the Roads this Season. Provisions will be found them.

	Negroes
Mrs. Morell, and the Executors of the Estate of John Morell	30.
Nathaniel Hall	10.
William Fox	5.
John Fox	5.
The Executors of Benjamin and George Fox	10.
Mrs. Joseph Gibbons and Thomas Gibbons	25.
Mrs. William Gibbons and Sons	25.
William Strothers and William Jones	20.
James Deveaux	20.

Summons.

Savannah, 6th September, 1779.

You are hereby required forthwith to send thirty (and so on *mutatis mutandis*) working Negroes, at least two thirds Males, to work on the Fortifications for six working Days agreeable to an Order of Council, herewith shewn You.

To Mrs. Morell and Executors of John Morell (and so on <i>mutatis mutandis</i>).	G. D. A. C. C.
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At a Council held at His Excellency's House in Savannah, on Wednesday the 8th Day of September, 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Lewis Johnstone,
John Hume,
Martin Jollie, Esquires.

His Excellency desired the Opinion of the Board, on the Expediency of declaring Martial Law, in the present Situation of Public Affairs, there being no Communication with the Country, and the Town blocked up by the Enemy, both by Sea and Land.

The Board having maturely considered the Matter, were unanimously of Opinion, that as the Powers consequent on declaring mar-

tial Law could only respect the Militia within the Lines, who were already embodied and under Arms; and that as the Powers usually exercised in Time of Martial Law, were wholly in the Hands and Command of the General of His Majesty's Troops in this Province; they therefore thought for these Reasons, the declaring the Same, was unnecessary at this Time.

His Excellency then thought proper to order the following Copy of a Letter, wrote by Him to the General commanding His Majesty's Troops in this Province, to be entered on the Minutes.

Savannah, 10th September 1779.

Sir,

I have this Morning had a Conversation with the Gentlemen of the Council on the Situation of Affairs here, and we are all clearly of Opinion, that it is absolutely Necessary, and for His Majesty's Special Service, that Information be given Immediately to the Admiral or Commander in Chief of His Majesty's Ships in the West Indies of the French Fleet being at this Place; and also to Sir Henry Clinton and Admiral Arbuthnot, at New York: And as we are informed there is a Privateer at Sunbury under the Direction of Colonel Moore, which is ready for the Sea; and also a very good Vessel here, We are of Opinion that they ought to be Forthwith pressed into the King's Service to carry Intelligence as Above. And the Gentlemen of the Council desired me to acquaint Your Excellency of their Opinion, and that they apprehend Intelligence of this Importance, Ought not to depend on One Conveyance: It is not with Respect to Affairs in this Province, but to His Majesty's Service, and the General Cause of Great Britain.

I am, &c

J. W.

P. S. A Copy of this is wrote for Capt. Henry, which is now sent to Your Excellency, and I request that it be forwarded to him the first opportunity.

At a Council held at His Excellency's House, in Savannah, on Thursday, the 23d Day of September, 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
Martin Jollie, Esquires.

His Excellency acquainted the Board that Mr. McCulloh, the Collector of the Customs, had waited upon Him, and represented to Him: That he had received upwards of £400 for Duties due to His Majesty; That he did not think it safe to keep so large a Sum by

him, at this particular Juncture, and therefore had requested the Liberty of issuing it in Payment, of Money then due to His Majesty's Provincial Troops, to whom he is Paymaster; and that he might be allowed, to place the amount in Bills of Exchange, on the Paymaster at New York, in the Hands of such Persons as to His Excellency should seem proper.

The Board having maturely considered the Matter unanimously approved of what Mr. McCulloh requested and advised that Bills should be taken for such Monies as he may be answerable for as Collector; and that the Bills should be drawn as proposed, in equal Sums, payable to His Excellency the Governor, and the Honorable John Graham, Esq. Lt. Govr. the Honble Lewis Johnstone and Martin Jollie, Esquires, and delivered to them respectively.

Ordered the Clerk to send an Extract of this Minute to Mr. McCulloh.

At a Council held at His Excellency's House in Savannah on Friday, the 22d Day of October, 1779.¹

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency observed to the Board, that He considered the late Deliverance and Preservation of this Town, Garrison, and Inhabitants, from the formidable combined Force of French and Rebel Enemies who came against us, as an act of divine Providence, and therefore desired the Opinion of the Board, Whether it be not proper to appoint a Day of Public Thanksgiving on that Occasion; which the Board unanimously approved of, and advised His Excellency, that a Day of Public Thanksgiving be appointed for that purpose.

And Friday the 29th Instant was ordered accordingly, for a Day of public and General Thanksgiving; the Clerk to notify the Secretary to prepare a Proclamation to that Effect.

His Excellency then acquainted the Board that He had been informed, that several persons who on the Reduction of this province in December last, and who were before in Rebellion, then surrendered themselves to Colonel Campbell, took the Oaths of Allegiance, and obtained Protection, had since taken up arms against His Majesty and been guilty of other Treasonable Practices; and there-

1. The minutes of this session have been published in Allen D. Candler, ed., *The Colonial Records of the State of Georgia* (Atlanta, 1907), XII, 449-51. The texts are almost identical.

upon desired the opinion of the Board what Method should be taken to punish and make Examples of such Offenders; And proposed for the Consideration of the Board whether Depositions should not be forthwith taken, and Prosecutions commenced against all such Offenders: Which the Board unanimously approved of and advised should be done.

His Excellency further informed the Board, That several of the Inhabitants, who were absent, previous to the late Investiture of the Town, tho' their Residence is near it, were now, after the Defeat and Retreat of the Enemy, coming into Town; as were also Inhabitants and other persons residing at a greater Distance, but under the Circumstance of being absent at that particular Period: On which conduct He² proposed that all such Persons without Distinction should be examined upon Interrogatories before the Attorney General, or some other Magistrate, to discover, whether they had aided or assisted the Enemy during the Siege; that any suspected of Rebellion, or other Treasonable Practices should be committed to Prison, in order to be brought to Trial; or bound over to their Good Behavior, themselves in £100 and Two Securities in £50 each; And that all such Persons should take the oaths of allegiance &c and Sign the Tests, on which they may be allowed to go at large.

Which Matters the Board taking into Consideration unanimously approved of, and advised to be done.

It was then proposed that Mr. Isaac Baillou should be put into the Commission for keeping His Majesty's Peace, in the parish of Christ Church, which was agreed to, and ordered accordingly.

At a Council held at His Excellency's House, in Savannah, on Monday, the 25th Day of October, 1779.³

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency ordered the following Petition received by Him, to be read, and desired the Opinion of the Board thereon:

To His Excellency Sir James Wright, Baronet, Governor and Commander in Chief of His Majesty's Province of Georgia.

The Petition of sundry Inhabitants of Savannah, [an]d⁴ Parish of Christ Church, humbly sheweth, [tha]t a Number of Slaves ap-

2. Foregoing four words not in other version. *Ibid.*, 450.

3. The minutes of this session have been published. *Ibid.*, 451-52. The texts are almost identical.

4. Corner of manuscript torn off and parts of words missing.

pear in Arms and behave [with great Insolence, joined by some white persons who [do not] appear to act under any legal Authority, commit great Outrages and plunder in and about the Town.

Your Petitioners thinking it unnecessary to point out the dreadful Evils that must arise, if such Proceedings are not checked, without the least Loss of Time, and convinced that the Consequences must be obvious to every Person of Thought and Property, humbly pray, That all Slaves may be immediately disarmed, and no white person be suffered to trouble or molest any other without legal Authority.

And Your Petitioners as in Duty bound will ever pray.
23d October, 1779.

J. J. Zubly.
James Mossman.
Th. Gibbons.
James Graham.
Philip Moore.
R. W. Powell.
Alex. Wyly.
John Wallace.
Owen Owens.

Benjamin Farley.
Ja. Buchanan.
Thomas Tallemache.
I. Baillou.
George Fox.
Wm. Ross.
Jo. Murray.⁵
Wm. R. Kelsall.
Wm. Jones.

The Board having maturely considered the Petition unanimously advised His Excellency to send a Copy of it, to the General, in Order that He may give such Satisfaction to the Petitioners as to Him shall seem proper: Which was ordered accordingly.

At a Council held at His Excellency's House, in Savannah on Wednesday the 27th Day of October, 1779.⁶

Present,

His Excellency Sir James Wright, Baronet, Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency informed the Board that three Negroes belonging to Mr. William Fox⁷ had got the Small Pox, and were then at Bowen's plantation; that He had examined the Small Pox Act, and found the 6th Clause thereof, directs "that the Master of a plantation, where this Disease may break out shall notify the Same, by fixing in the Public Road nearest to the Plantation, an Advertisement signifying that the Small pox is at such Plantation; and fix a white Cloth at the Gate or Entrance to the Plantation; and an-

5. Reads "Js. Murray; Wm. Kelsall." *Ibid.*, 452.

6. Minutes of this session have been published. *Ibid.*, 453-54. The texts are almost identical.

7. Reads "a Mr. Fox." *Ibid.*, 453.

other Advertisement at the Church or Chapel nearest; on pain of forfeiting £10 Sterling for each Neglect."

The Board having considered the Matter, unanimously advised that the Clerk⁸ should be ordered to write to the Owner of said Plantation, acquainting him or her with the Above, and ordering that strict Attention be paid to the Clause aforesaid on the Penalty therein mentioned. And the same was ordered accordingly.

His Excellency then acquainted the Board He had received Information, that as soon as the French were gone from the Coast, the Carolinians intended sending some Gallies or Armed Vessels thro' Augustine Creek, and along the Rivers as far as Sunbury, in Order to plunder, and carry off Negroes, &c.

On mature Consideration of the Same, the Board unanimously advised His Excellency to write to Capt. Henry commanding His Majesty's Naval Force here, to know what Assistance he could give to counteract any Attack that may be made or attempted by the Rebels.

The Honorable Anthony Stokes, Esquire, proposed Mr. David Montaigut to be put into the Commission for keeping His Majesty's peace in the Parish of Christ Church; which was approved of, and ordered accordingly.

At a Council held at His Excellency's House, on Friday, the 29th Day of October, 1779.⁹

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency laid before the Board a petition received by Him, as follows, on which He desired their opinion.

Georgia. To His Excellency Sir James Wright, Baronet, Governor and Commander in Chief, in and over the Province of Georgia, and Vice Admiral of the Same, and the Honorable the Council of the said Province.

The Humble Petition of Abigail Minis of Savannah, in the said Province, widow, and her Daughters, Leah, Hester, Judy, Hannah, and Sarah Minis.
Sheweth,

That your Petitioner Abigail Minis is seized and possessed in her

8. Reads "Clerk or Assistant Clerk of the Council, should write." *Ibid.*

9. The minutes of this session have been published. *Ibid.*, 454-56. The texts are almost identical.

own Right of a small Plantation near the Town of Savannah, and of a House in said Town, some Negroes and other personal Property. And your other Petitioners are seized and possessed of some Lots of land and Premises in said Town, and Personal Property.

That some prosecution of late has been entered against your Petitioners, are desirous the same may be withdrawn, and be permitted to go to Charles Town South Carolina, to reside for some time, and that they may carry with them this personal property.

That your Petitioners desire Permission to appoint one or more Attorneys or attorney to rent out or otherwise manage their Said Real property in Georgia for their sole Use and Benefit.

That Your Petitioners hope by Means of removing to Charles Town the same will not be deemed or looked upon as a Forfeiture of any Part of their said Real Property.

Your Petitioners therefore most humbly pray Your Excellency, and Your Honorable Board, will be pleased to grant them the several Matters stated and set forth, in this their Petition, and that You will be further pleased to grant or Order, a proper Vessel to convey them and their personal Property, with a Flag by Water to Charles Town.

And your Petitioners as in Duty bound will ever pray.

Abigail Minis.

Leah Minis.

Esther Minis.

Judy Minis.

Anna Minis.

Sally Minis.

The Council having maturely considered the said Petition advised unanimously, that with the Consent of the Attorney General, the Petitioners may be permitted to go to Charleston there to remain untill the Rebellion is over, and may carry with them such personal Property as they can make appear to be Bona Fide their own: That they may appoint any Person or persons, who have taken the Oaths and are well affected to Government as their Attorney or Attorneys, for looking after their Real Property while absent: That such Removal to Charlestown will not work a Forfeiture of the same: That they must provide a Vessel to carry them to Charlestown at their own Expence: That this Matter be referred to the Attorney General, to agree to the Same, if he has no Objection in Point of Law, or in the Execution of his Duty: And that they may have a Flag of Truce to enable them to depart from this Province. And the Clerk was ordered to copy this Minute & the petition referred to for the Attorney General.

At a Council held at His Excellency's House in Savannah, on Saturday the 30th Day of October, 1779.¹⁰

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
Martin Jollie,
James Wright, Junior, Esquires.¹¹

His Excellency represented to the Board, that Great Complaints were made of the present high Price of Merchandize and the Articles of Provision; and proposed that the same should be inquired into, that Redress in the Premisses should be given as far as possible.

The Board having taken the same into Consideration unanimously advised that the Prices of Beef, Pork, Bread, Flour, Butter, Merchantable Rice, Rough Rice, Indian Corn, Rum, Wine, and Lumber, be settled in a just and equitable Manner; and proposed the Revd. Mr. Edward Jenkins,¹² Mr. Porteus, Mr. Paumier, Mr. Mossman, Mr. John Simpson, Mr. McCulloh, Coll. Mulryne, and Mr. James Graham, as Persons fully competent to the Performance of this Business, and against whom no Objection would lay. Also that a Proclamation be issued as soon as possible, declaring the Prices of the articles aforesaid according to the Determination of the Said Gentlemen, if the Same shall be approved of: And at the same Time that the Proclamation strictly enjoin all Merchants and others to sell such Goods as are not above mentioned, at just and reasonable Rates: And that all who extort or demand Exorbitant Prices for such Goods, will do it at the Peril of being prosecuted to the utmost Rigor of the Law: And to this End all Persons whatever, who shall purchase any Goods,¹³ and may think themselves aggrieved should be requested to lodge an Information with the Attorney General. Ordered that the aforementioned Gentlemen be requested to act accordingly, and with all convenient Expedition.

His Excellency then laid before the Board the following State or Representation for their mature Consideration: That by His Commission He is authorised to call an Assembly of the Freeholders in Order to join in the making of Laws and Ordinances for the better Government of the Province, &c: That by His 12th Instruction, He is empowered to issue Writs in the King's Name directed to the Provost Marshal, or other proper Officer in the several Towns and

10. Minutes of this session have been published. *Ibid.*, 457-60. The texts are almost identical.

11. John Hume listed among those present. *Ibid.*, 457.

12. Reads "the Reverend Mr. Jenkins," *Ibid.*

13. Foregoing five words not in other version. *Ibid.*, 458.

Districts, requiring them to summon the Freeholders in the said Towns and Districts¹⁴ to meet at some convenient Place within the Same, to choose and elect such Persons as shall be thought proper by the Majority of the said Freeholders to be their Representative in a General Assembly to be held at such Time and Place, as He with the Advice of the Council shall judge proper and convenient for the King's Service, and for the Convenience of the Inhabitants: That the 13th Instruction directs, that the Assembly shall consist of 19 Representatives: viz. 4 by the Freeholders of Savannah including the Villages of Highgate and Hamstead, and the Settlements¹⁵ on the East and West of the Town; 1 by the Freeholders of Vernonburg; 1 by the Freeholders of Acton; 1 by the Freeholders of Abercorn and Goshen; 3 by the Freeholders of Ebenezer; 1 by the Freeholders of Halifax; 2 by the Freeholders of Augusta; 2 by the Freeholders of Great and Little Ogeechee; 1 by the Freeholders of Medway River; 1 by the Freeholders of Darien; 1 by the Freeholders of Frederica; and 1 by the Freeholders of the Islands of Skidoway, Willington, Tybee, and Green Island: That in Governor Ellis's Time by Leave from Home the Number was increased He thinks to 24 or 25 and so stood when He came: That after the Extension of the Province from the River Alatomaha to St. Mary's, which was by Law declared to contain 4 new Parishes; He wrote for Leave to issue Writs for Members to represent them, and was permitted to do so, for 1 in each Parish, so that the last Assembly consisted of 28 or 29 Members: That He had examined the Election Acts the 1st Section of which directs the Manner of issuing Writs; the 2d the Qualification of the Voters; the 3d is to prevent Frauds in Elections; the 4th when Votes are to be taken; the 5th what persons are qualified to serve in Assembly;¹⁶ the 6th how Vacancies are to be filled up, the 7th what Oaths the Provost Marshal may administer to Persons offering to vote; the 8th the provost Marshal not to return himself; the 9th no Force or overawing on the Day of Election; the 10th no Process to be executed, &c; the 11th declares that this Act shall not take away any Privilege any General Assembly before had, &c: That He thinks this Law only directs the Mode of Election and Qualifications of the Electors and Elected: That the Powers depend intirely on His Commission and Instructions; and He well remembers that this Law was only made in Aid of those; but proposed that it should be looked into more at large: And that on this State of the Matter He would put the following Queries for the Consideration and Report of the Chief Justice and Attorney General, viz:

14. Foregoing twelve words not in other version. *Ibid.*

15. Reads "Settlements on the River to the East and West of the Town." *Ibid.*

16. 5th section not in other version. *Ibid.*, 459.

1st. Whether an Assembly can be called without issuing Writs of Election for all the Parishes and Districts?

2nd. If the Provost Marshal returns for one or more Parishes or Districts, that he gave the Notice required of the Election, and on going there, he did not find any Inhabitants in the Parish or District; or that None appeared to him; or came to the Place, and at the Time appointed, to make such Election,¹⁷ and therefore none could be made; or if he should return, that a Number of Rebels had assembled at or near the Place appointed, and therefore he durst not venture to the Place, to receive the Suffrages of the Electors; or that for any other Reasons which he may give, it was not in his Power to proceed to take the Election, &c: on a Supposition that this might happen to be the Case, and that Members are only returned for part of the Parishes and Districts say 3/4ths or 2/3ds, and None for the Rest; Then whether an Assembly consisting of Members from Part of the Parishes or Districts only, will be a Lawful Assembly or Representation of the Inhabitants of the whole Province?

3d. And whether such a Partial Assembly or Representation of the People may *legally* proceed on Business in Assembly, and join in making Laws, &c?

The Board having attentively considered the said State or Representation, unanimously agreed, That it was of the utmost Consequence and Utility to both the Crown and People, to have an Assembly: That His Excellency had clearly represented in his State of the Matter, every Point on which any Difficulty could occur in accomplishing so desirable an object; and advised the Same be referred as soon as may be to the Chief Justice and Attorney General for their Opinions; how far it may be practicable under the Queries therein set forth. And the same was ordered Accordingly.

At a Council held at His Excellency's House, in Savannah, on Wednesday, the 3d Day of November, 1779.

Present:

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie,
James Wright, [Junior] Esquires.

His Excellency laid before the Board the following Report of the Attorney General, on the Petition of the Minis's, &c.

May it please Your Excellency,

17. Foregoing four words not in other version. *Ibid.*, 480.

I have attentively perused the Petition of the Mrs. Minis and her five Daughters, as also the Minute of Your Excellency in Council thereon, and considering thereof, and the Circumstances of their Case, I have no Objection in point of Law, or in the Execution of my Duty against the Determination of Your Excellency and Council thereon - And do consent and agree to the same.

I have the Honor to be

Your Excellency's

most obedt hble Serv.

J. Robertson, Atty. Genl.

Savannah, 31st Oct. 1779.

The Time of their Departure I have fixed at ten days exclusive of the Day of Notification which was given on Saturday last the 30th of October.

Govr. Sir James Wright, Bart.

Ordered thereon that the clerk notify to the Secretary to make out a Passport under the Great Seal of the Province, for the Passage of the said Minis and her Daughters, in the Schooner General Brown, Robert Farquhar, Master.

His Excellency acquainted the Board, that Application had been made to Him, by Elizabeth Wright, and Margaret McDonald and Margaret Meurong, for Leave to depart this Province and go to South Carolina; And refered the same to the Board for their opinions thereon.

Ordered that a Common pass, be issued, for them to proceed without Delay to Purrysburg, in South Carolina.

At a Council held at His Excellency's House, in Savannah on Friday the 5th Day of November, 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable John Hume,

James Wright, Junior, Esquires.

His Excellency acquainted the Board, that Levi Abrahams of St. Eustatius, had applied to Him for Leave to be included in the Passport, ordered to be issued to the Minises.

Ordered that the Clerk notify to the Secretary to include the said Levi Abrahams, in the Passport for the Minises.

His Excellency then informed the Board, that several of the Bridges in the Public Roads near the Town having been destroyed by the Rebels the Public Service required that the Same be repaired without Delay; and proposed that orders be given in that Behalf, to such as would undertake that work, and that the Charge thereof be disbursed out of monies arising by Duties.

The Board highly approved of the Same, and recommended to His Excellency to pursue such Measures therein, as might best effect that End, in the present Juncture.

His Excellency then acquainted the Board, that He had received several Complaints of Armed Negroes going about the Country, to the Terror and Distress of the Inhabitants; and proposed that Orders be given to the officers of the Militia for suppressing all Disorders of that Nature, in Conformity to the Patroll and Negro Laws.

The Board unanimously approved thereof and advised that Orders be given to carry the Same into Execution.

At a Council held at His Excellency's House in Savannah, on Tuesday the 9th Day of November, 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency acquainted the Board, that Representations had been made to Hlm, relating to the present unprotected State of this Province, and requesting something might be done by the Government thereof, in that Behalf; on which, he proposed whether the Horse Patrolls formerly agreed upon in Council, as necessary to be established, (and which were interrupted from being carried into Execution, by the Intervention of the late Invasion, and Siege of the Town), Should not on the present occasion be re-established, as far as the Circumstances of the Case require and desired they would fully consider the same, against a future Meeting.

At a Council held at His Excellency's House in Savannah, on Monday, the 15th Day of November, 1779.¹⁸

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency laid before the Board the following Report of the Chief Justice and Attorney General, on his Representation concern-

¹⁸. Minutes of this session have been published. *Ibid.*, 463-66. Texts not identical; some proceedings omitted in this account.

ing the calling an Assembly of the Province which was read as follows:

We have considered the several Queries stated to Us by His Excellency the Governor, as fully as we could, without the Assistance of Books, that treat on the Subject (all the Chief Justice's Law Books, except 4 volumes, being burnt during the Siege, and the Attorney General's being chiefly at St. Augustine); and we are of opinion, that when His Excellency with the Advice of His Council thinks fit to call the General Assembly, Writs of Election ought to be issued in the usual Form, for all the Parishes and Districts, that sent Members to the last Assembly, which was lawfully convened under the King's Writs; and if there should be any Parish or District without Freeholders qualified to elect, or if thro' the Invasion, or Vicinity of the Rebels, the Provost Marshal cannot venture, to proceed to an Election, then he must return such Special Matter along with the Writ of Election, and Verify it by Affidavit: Such a Commons House of Assembly convened with the precautions above mentioned, we conceive would be a lawful Representation of the whole Province, and might proceed to join in making Laws: For when the Executive Branch of Government has done every Thing it could to obtain a complete Representation of the whole Province, if for want of Inhabitants in some Districts, or of the Vicinity of the Rebels to others, Elections cannot be held there; the Representatives convened under such Circumstances, form, as Complete a Representation, as the Nature of Things will admit of; and must therefore of Necessity be a lawful Representation of the Whole province. But as fast as Districts become peopled, or the Rebels remove to a Distance, it is the Duty of the House of Representatives to petition the Governor to issue Writs for such Districts. In the Meantime as many of the Inhabitants of Savannah, and of other Places in the province, may have Freeholds in those Districts which are either in the Possession of Rebels or so near them that no Election can be held: In the meantime untill the Rebels retreat, an Act of Assembly may be passed to enable the Provost Marshal to hold the Election, for such disturbed Districts, and the Freeholders to vote, in some District that is in Peace, upon giving proper Notice in the Gazette.

Anthony Stokes,
James Robertson.¹⁹

Savannah, 11 November 1779.

After reading the Report which was intirely approved of, His Excellency observed that He apprehended, the present²⁰ Situation of

19. The foregoing report is not in other version. *Ibid.*, 464.

20. Reads "accepted." *Ibid.*

Affairs in this province would not admit of carrying this Measure into Execution immediately; but that He thought a more favorable opportunity might be soon expected, particularly when a Reinforcement should arrive; at which Time He did not doubt, but the attention of the Enemy would be wholly taken up; and that the Province would be rendered more secure, and the Measure more effectually²¹ carried into Execution.

Which was unanimously approved of by the Board, who advised that the Issuing Writs of Election should be postponed for some-time. His Excellency then mentioned that the present List of Justices of the Peace is very deficient, from Some refusing to serve, and Objections arising against others; it was therefore very difficult to convene a sufficient Number to transact the Necessary Business. When after Consideration the following Persons were proposed to be added to the Commission: Basil Cowper, William Jones, Samuel Farley, Robert McCulloch, William Ross, and the Revd. Mr. Zubly, for the Parish of Christ Church;²² on which the Clerk was ordered to notify to the Secretary to insert the Same in the Commission and the Same was ordered accordingly.

His Excellency then laid laid Before the Board the following Memorial of the Deputy Provost Marshal, which was read as follows.

To His Excellency Sir James Wright Baronet,
Governor, &c of the Province of Georgia, the
Honorable the Lieutenant Governor, and the Hon-
orable Council.

The Memorial of Pinkethman Hawkins who is appointed Goaler.
Humbly sheweth,

That at this Time Bread at the Bakers is Sixpence per pound, and Beef at Market three pence; That the Law of this province allows two pounds of Bread and one pound of Flesh to every prisoner; And allows only ten pence three farthings per Day; Wherefore Your Memorialist prays Your Excellency and Honors will take the Same into Your wise Consideration, and give him such Relief as You in Your wisdom shall think meet and convenient; And Your Memorialist as in Duty Bound shall ever pray.²³

The Board approved of the prayer of the said Memorial, and advised, that what was necessary for the purpose mentioned, should be charged and paid out of Monies arising by Duties.

His Excellency also informed the Board that the Clerk of the Council had made application to Him, concerning his attendance on the Parties, (examined on Interrogatories in Consequence of an Order of Council), to administer to them the State Oaths and take

21. Reads "eventually." *Ibid.*

22. Isaac Baillou also on list in other version. *Ibid.*

23. Foregoing memorial is not in other version. *Ibid.*, 465.

their Subscription to the Declaratory Tests; that no Provision for such Duty was made in the Fee Act; and that he prayed it might be considered.

The Board were unanimous the Request was reasonable and recommended that the Clerk should be directed to charge in his account with the Public for each person attended in that Manner a Fee of two Shillings.²⁴

At a Council held at His Excellency's House in Savannah, on Thursday, the 18th Day of November, 1779.²⁵

Present.

His Excellency Sir James Wright, Baronet, Governor.

The Honorable John Graham, Esquire, Lieutenant Governor,

The Honorable Anthony Stokes,

John Hume,

Martin Jollie, Esquires.

His Excellency laid before the Board the following Letter,²⁶ addressed to Him.

Sir,

The Small pox having unhappily broke out in my Plantation, and altho' I have taken every Method in my Power to prevent the spreading of that Disorder, yet I find the Infection is communicated to so many of my Negroes, that I have Reason to apprehend it will be impossible to keep it out of my Family of six small Children. I therefore request the favor of Your Excellency's Permission to make use of Inoculation, as the most probable Method of preserving the Lives of my Children.

I understand that the Law, relative to the Small Pox is expired, but I would not on any Consideration, take a Step on this Occasion, which might be disapproved of by Your Excellency.

The Situation of my Place of Abode being very remote (there being no Thoroughfare, or public Road within a considerable Distance) may be a Means of confining the Small Pox to my own Family and Negroes, than if it was more exposed.

I am most respectfully

Sir

Your Excellency's very obedient
Servant, T. Nethercliff.

Savannah 18th Nov. 1779.

His Excellency Sir James Wright Baronet.

On reading which Letter and examining the Law for preventing²⁷

24. Blank in other version. *Ibid.*, 466.

25. Minutes of this session were published under date of 8 November, 1779. *Ibid.*, 461-63. Texts not identical.

26. Text of this letter not included in other version. *Ibid.*, 461.

27. Reads "examinations the Law for Procuring." *Ibid.*

Inoculation &c. His Excellency proposed that the Clerk of the Council should answer the Same, and acquaint Mr. Nethercliff, that he was at Liberty to inoculate his Family under the Circumstances mentioned by him in his Letter, provided he regulated his Conduct agreeably to the Laws of the province respecting the spreading of the Small Pox and other Contagious Disorders; which Laws were yet in Force.

The Board approved thereof, and advised that the Clerk be ordered to write to that purpose: And the same was Ordered accordingly.

His Excellency then informed the Board He had received many applications from People in the Country in Favor of certain Persons, whom they pray may have Commissions as Militia Officers, being Men of Character and welaffected to Government: That He had made Inquiry concerning the Characters²⁸ of both the Petitioners and the Persons proposed for Officers, but without obtaining so full and clear Satisfaction as He wished: But yet He thought it was very necessary to commission some officers without Delay, such being much wanted in several Parts of the Province, to collect the Inhabitants, many of whom are well disposed and willing to act in Defence of Government: And on considering the Petitions of these people, and the Exigency²⁹ of Affairs, it was advised that Captains Commissions be forthwith made out for the following Districts: viz.

Edward Pilcher³⁰ to command as Captain of the Militia from Brier Creek in St. George's parish, to extend 5 Miles above Macbean's Creek, and across Southerly to Ogeechee River.

Daniel Howel to command in like Manner, from the Mouth of Horse Creek on Ogeechee River, and from thence on the North Side of Buckhead, up to James Black's, and from thence across to Brier Creek, and from thence down to the old Court House.

Charles Creech, to command in like Manner, from the Fork between Buckhead and Ogechee, and on both Sides of the River, as far up as Bark Camp.³¹

And the Clerk was Ordered to notify to the Secretary accordingly. His Excellency next acquainted the Board that Lieutenant Colonel More of the North Carolina Loyalists, had made proposals to Him that if he was commissioned as a Lieutenant Colonel of the Militia the upper Districts in this province, where he was under a Necessity of going on other Military Duty, that he conceived with the

28. Reads "Conduct." *Ibid.*, 462.

29. Reads "Grievancy." *Ibid.*

30. Reads "Pitcher." *Ibid.*

31. Assignments of districts in foregoing three paragraphs not in other version. *Ibid.*

well affected Militia, he should be able to do considerable Service in seizing upon or driving away the Rebels.

Whereupon the Lieut Colonel was sent for, and examined in Council, and having given a very satisfactory account of his Views and Intentions: The Board were unanimously of Opinion that the Proposals of Lt Coll More might prove greatly for His Majesty's Service and the Public Good, and advised that a Commission should be given him to command as Lieut. Coll. the Militia from Reister's plantation near Ogeechee River, and to extend from thence across to Mount pleasant on Savannah River, and from thence to Augusta and the Keokas.³²

And the Clerk was ordered to notify to the Secretary accordingly.³³

His Excellency then informed the Board that David Swanson³⁴ the Deputy Prevost of the Garrison had applied to Him for Payment of the Expences he had been at, in maintaining sundry Prisoners committed to the prevost³⁵ prison by warrant from the Chief Justice, and for which Expences, His Excellency had promised at the Time to be answerable to him.

And the Deputy Prevost's account amounting to £ [blank] being produced was approved of, and the Board advised it be discharged out of Monies arising by Duties.

At a Council held at His Excellency's House in Savannah, on Saturday the 20th Day of November, 1779.

Present,

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume,
Martin Jollie, Esquires.

His Excellency acquainted the Board that He had been informed the Collector of the Customs received the Duty on Tea, and some Doubt arising with Respect to collecting that Duty, proposed that the Matter be referred to the Attorney General to report His Opinion, whether the Act of Parliament imposing the Duty on Tea is not repealed.

Which being approved of, the Clerk was ordered to notify to the Attorney General, to that purpose.

His Excellency then laid before the Board the Instructions, He had prepared for Lt Coll. Moore — Also for Captains Howell, Pilcher, and Creech, commanding Troops of Horse Militia for Patrol

32. Limits of commission not given in other version. *Ibid.*

33. This sentence not in other version. *Ibid.*

34. Reads "Shat Swanston." *Ibid.*

35. Reads "present." *Ibid.*

Duty. Which were Unanimously thought highly proper for regulating the Conduct of those Officers respectively.

At a Council held at His Excellency's House in Savannah, on Tuesday the 23d Day of November, 1779.

Present,

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie, Esquires.

His Excellency represented to the Board that Major General Prevost had ordered Military Posts to be established at Sunbury and Abercorn; and He understands One is also to be established at Ebenezer: And observed thereon, that the Men at those Posts being only Foot Soldiers it is not to be supposed that they can go far from their respective Posts in Pursuit of any Small Parties of Rebels, or others who may come to, or be in the Province, distressing the Loyal Inhabitants, and plundering them, relative to which He received almost daily Complaints: In Remedy therefore of these Evils, He conceived that if Horse Patrolls were established in particular Places, they might be of the greatest Utility in co-operating with the Military, preserving the Peace of the Province, and protecting the Loyal Inhabitants: He therefore proposed to the Consideration of the Board, the propriety of this Measure, and how far it would be conducive to His Majesty's Service and the Public Good. And if they approved of the Same, He proposed for their further Consideration, whether Parties of their Numbers, and posted as follows, be not proper. A Patroll by a Party of the Militia from the neighbourhood of Ebenezer and upwards, to the Amount of 30 Men and Officers, to patroll across the Country towards Ogechee River, and up towards Hudson's, or as far that Way, as they may think it safe to go: Another Patroll Party of 15 Men and Officers, to go from the South Side of Ogechee River across the Fork to Canoochee River, and round the Settlements there: Another Patroll Party of fifteen, to go across the Country from Canoochee River through the Parish of St. Johns: And another Patroll Party of fifteen to go across St. Andrew's Parish to the River Altamaha. These three last Parties in the Whole not to exceed 50 Men including Officers.

The Board having maturely considered the Several Matters proposed by His Excellency, Are of opinion that the different Patrolls mentioned, will be attended with the Best Consequences, and serve to co-operate with such of the King's Troops, who are or may be, stationed at the different Outposts; and greatly contribute to prevent the many plundering Parties of Rebels who are infesting the

Province: And therefore do unanimously recommend to His Excellency to carry the Measure forthwith into Execution. And as the Board well know that His Excellency the Governor has no Fund for defraying the Expence of the said Patrolls, they are of Opinion that the Whole Matter should be laid before His Excellency Major General Prevost, and Application made to Him for Pay and Provisions for the Subsistence of the said Patrolls. And the Clerk was ordered accordingly to copy this Minute for the General.

His Excellency then laid before the Board a petition & other Papers from Saml; nunez, praying he may be discharged from the Prosecution for felony now carrying on against him, by Mrs. Gibbons, in taking away several Cattle, &c for His Majesty's Service, belonging to her; and in proof of his being employed in that Service, referring to the Affidavits annexed, to his Petition.

The Board having heard the petition and other papers read, were of Opinion, that the Clerk should be ordered to obtain the Affidavit of Mrs. Gibbons, in the Case, and send it with the Petition & other Papers on the Table to the Attorney General, to hear the Parties and determine thereon as the Subject requires, and then Report his Opinion to His Excellency and the same was ordered accordingly.

His Exclly next represented to the Board that Application had been made to Him by several of the Inhabitants of Queensborough, requesting certain Persons of that Part of the Country may be made Justices of the Peace, and others, Officers of the Militia.

The Board having considered the Application advised that Joseph Marshal Matthew Lyle and Samuel Montgomery, be inserted in the [sic] Commission of the Peace for the parish of St. George, and that Matthew Lyle be appointed Major of Militia. And the Clerk was ordered to notify to the Secretary accordingly.

His Excellency further represented to the Board that Application had been made to Him from several of the Inhabitants of Rocky Comfort requesting certain Persons may have Commissions as Militia Officers.

On which the Board advised, from the Circumstances attending the Application, that the same be referred to future Consideration.

His Excellency then laid before the Board the following Petition Georgia. To His Excellency Sir James Wright, Baronet, Captain General, Governor, and Commander in Chief, of His Majesty's Province, and the Honorable Council of the Same.

The petition of Mary Morell Humbly Sheweth:

Your Petitioner having a large Family of Small Children, and being informed of the Small Pox having broke out in Mr. Nethercliff's Family at Montgomery; is very desirous of obtaining Your

Excellency's permission to Inoculate her Family as she is very apprehensive the Infection will be communicated, if not already done, her Situation being so very adjacent to Montgomery it will be impossible to prevent the Negroes going to and from thence.

Therefore prays Your Excellency will grant her Permission to have her Family inoculated, and Your Petitioner will ever pray. &c.
Mary Morell.

November 22d 1779.

On reading which the Board advised that the Clerk of the Council be ordered to write to Mrs. Morell, and acquaint her, that it was their unanimous opinion, the spreading of the Small Pox should be prevented as much as possible, and therefore the Prayer of her petition cannot be at present granted, as her Family is not yet infected; But when that takes place as in the Case of Mr. Nethercliff's Family, that then permission shall be granted. And the Clerk was ordered to acquaint her therewith.

At a Council held at His Excellency's House in Savannah, on Saturday the 27th Day of November 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

His Excellency acquainted the Board that Mrs. Bryen Wife of Jonathan Bryen, formerly of this Province, but now absent, and in Rebellion, had petitioned Him, for Protection and Leave to reside in this province.

The Board advised thereon, that the Clerk Should acquaint her that His Excellency had laid her Application before Them, and it was Their Unanimous opinion that no Notice ought to be taken thereof, as She had entered the Province without Permission from His Excellency or the General: But that She might be assured, as long as she remained therein, and conformed strictly to Government, she should be unmolested. And the same was ordered accordingly.

His Excellency then informed the Board, that several Persons had certified in favor of the Character of Jacob Cronenbergh, as a person, who is to their Knowledge a Good Subject, whatever he might imprudently have done, during the Usurpation here.

The Board advised that he should give Security in £500 for himself with two Securities in £250 each for his good Behavior for Twelve months to the Attorney General in Behalf of the King.

At a Council held at His Excellency's House in Savannah, on Monday, the 6th Day of December, 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie, Esquires.

His Excellency observed to the Board that some short Time before the Invasion by the French, a New Commission of Claims, was ordered to be made out, and to include with the present Commissioners, Roger Kelsal and John Tunno, Esquires, He also observed that since the Defeat of the Enemy the Matters which were the Object of that Commission were much altered, for that the General had required all the Houses in Town which are deemed Rebel property to be appropriated for the Use of the Army, as Winter Quarters; and that 250 of the Captured & Refugee Negroes were embodied as a Pioneer Corps; and that these Events together with the Depredations of the Enemy, had greatly diminished the expected Fund on that occasion; and also very much lessened the Business and Trouble of the Commissioners; and therefore desired them to consider and give their opinions, whether the expected Fund will answer the Expence of a Salary of £300 per annum, to each Commissioner; and whether as both Fund and Trouble are much reduced from what it was before thought they would be, the Salary or allowance should not be reduced in Proportion.

The Board having maturely considered the Matter were of opinion, that the expected Fund appearing at present to be greatly reduced in Prospect, and from the above Circumstances, and the Attendance and Trouble incident to that Appointment being also reduced, the Recompence to the Gentlemen appointed, ought not to exceed in all, What was allowed at first, that is £600 among the 4 Commissioners: And that as soon as the Commission is prepared by the Secretary, Notice thereof should be given the Parties by sending to each of them a Copy of this Minute.

Ordered accordingly, that the Clerk notify to the Secretary to prepare a New Commission; and that the parties be informed of their appointment.

His Excellency next acquainted the Board that Thomas Jones, had petitioned to be allowed to Settle in this province promising to behave himself as a Loyal Subject.

The Board having considered the petition advised that he should be allowed to come and settle here, on giving Security for his Good Behavior for 12 months, himself in £500 & two Securities in £250

each, and taking the Oaths and subscribing the Tests, to Government.

His Excellency then proposed the making out a New Commission of the Peace but that as several who were in the present Commission had not attended to qualify therefore before their Names are inserted in the New Commission, He thought it proper the Clerk should write to them to know whether they intend to qualify and act as Magistrates.

Which was intirely agreed to by the Board, and the Clerk was ordered to write as aforesaid, and notify to the Secretary to prepare the Commission.

His Excellency then laid before the Board the following Report of the Attorney General.

May it please Your Excellency;

I have considered the Reference made to me, by your order in Council of the 20th november Instant, to report whether the Act of Parliament imposing the Duty on Tea is not repealed: And I find by a late Act of parliament, for removing all Doubts and Apprehensions concerning Taxation by Parliament, in the Colonies &c So much of the Act as imposed a Duty on Tea, imported from Great Britain into any Colony or Plantation in America, or has Relation to the said Duty, Is repealed.

I have the Honor to be,

Your Excellency's

Most obedient

humble Servant.

J. Robertson.

Atty Genl.

Sava. 27th Nov. 1779.

His Excellency Sir James Wright, Bart. &c.

Which being read, the Clerk was ordered to send a Copy thereof to Robert McCulloh, Esq. the Collector of the Customs.

At a Council held at His Excellency's House, in Savannah, on Wednesday, the 8th Day of December, 1779.

Present,

His Excellency Sir James Wright, Baronet, Governor,

The Honorable John Graham, Esquire, Lieutenant Governor,

The Honorable Anthony Stokes,

John Hume,

Martin Jollie, Esquires.

His Excellency represented to the Board his having received an Application from Hugh Lowry, an officer in the North Carolina Royal Volunteers, for a Commission as a Magistrate, to enable him

to attest the Recruits he may enlist, in an Expedition, he is now under Orders to perform, for recruiting that Corps.

Which the Board having considered, agreed was incompatible with the Views he mentions, and totally inadmissible on that Condition; and that the Clerk be ordered to inform him thereof. And the same was ordered accordingly.

His Excellency then acquainted the Board, that He was informed, the Small Pox was in great Danger of spreading, from a Neglect or Ignorance of the Laws made, for preventing the spreading of that Disorder; and proposed the issuing of a Proclamation setting forth the Laws in that Case provided, and warning all Persons to conform thereto, on the penalty therein set forth.

Which was approved of by the Board, and the Clerk ordered to notify to the Secretary to prepare a Proclamation for those Purposes.

His Excellency next represented to the Board, His having received Information that the Circumstances of many of the People whose attendance would be required at the ensuing Sessions of the General Court, as Jurors or Witnesses, were such, from the Depredations of the Enemy and the unhappy Situation of the Country has been thrown into by the War, that they are wholly incapable of supporting themselves in this place, while attending those Duties; and proposed to be considered by them, the propriety of affording that Relief, the Necessities of these people would require, while attending this public Service.

The Board having maturely considered the Representation, unanimously approved of it, and advised that 3/s. per Diem during that attendance was not more than sufficient to support each person, at this Time: And that this allowance should be given only to those, who would swear that they were incapable of supporting themselves.

His Excellency laid before the Board the following Report of the Attorney General

May it please Your Excellency,

Agreeable to Your Order on the Petition of Samuel Nunes, I have summoned Mrs. Gibbons his Prosecutor, who attended me with two Witnesses, whom I have carefully examined, and now inclose Your Excellency their Examinations, with Mrs. Gibbons's Answer, to two Questions I put to her.

And upon the whole I am of Opinion, that the Evidence is not sufficient to convict Nunes of Felony, nor does his Conduct appear to me, to have had any Felonious Design; And to prosecute him for that offence so circumstanced, and when his general Conduct has been approved of, and the injured Party may have ample Satisfaction by a Civil Suit, will carry an appearance of Malice in the Prose-

cutor. The offending Parties certainly acted wrong on the Whole, but more particularly, in suffering the Negroes to kill the Geese, and carry them off, Yet as they neither assisted, or encouraged it, nor does it appear they received any Part of them, they are for that Conduct more censurable then Criminal I conceive.

I have the Honor to be

Your Excellency's

Most obedient humble Servant.

J. Robertson, Atty. Genl.

Sava. 7th Decr. 1779.

His Excellency Sir James Wright, Bart.

Which being read, the Board advised a Copy thereof be forthwith sent to General Prevost, and the Clerk was order accordingly to transmit the Same.

At a Council held at His Excellency's House, in Savannah, on Monday, the 13th Day of December, 1779.³⁶

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie, Esquires.

His Excellency represented to the Board, that Isaac Antrobus, Esquire, Collector of the Customs at the Port of Sunbury, had requested of Him, to know whether he was as formerly to draw on the Board of Customs for his Salary, or whether he was to deduct it from the Duties he receives, which by a late Act of Parliament are now to be paid into the Treasury of the Province where collected; And thereupon desired their Advice for the Direction of the Collection.

The Board having taken the Matter into Consideration, advised that Mr. Antrobus should draw on the Board of Customs as formerly, and that their Resolution on the Case, would be a Rule for his Conduct in Future.

At a Council held at His Excellency's House in Savannah, on Friday the 24th Day of December 1779.

Present.

His Excellency Sir James Wright, Baronet, Governor,
The Honorable John Graham, Esquire, Lieutenant Governor,
The Honorable John Hume,
Martin Jollie,
James Wright, Junior, Esquires.

³⁶. Minutes for this session have been crossed out in the manuscript, but are included here for the information contained therein.

His Excellency acquainted the Board that agreeable to their advice on a former Day He had wrote to General Prevost, inclosing him the Minute of Council relating to Horse Patrolls, and requesting an Answer to the Points therein mentioned concerning the Pay and Provisions necessary for them: An answer to which Letter he has now received and the General therein agrees to the article of Pay, but declines the Article of Provisions.

At a Council held at His Excellency's House, in Savannah, on Tuesday the 28th Day of December 1779.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esquire, the Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume,
Martin Jollie, Esquires

His Excellency laid before the Board a petition from Mrs. Mary Morell of Bewley praying Leave to inoculate her Family with the Small Pox as by the Certificate of a Surgeon of the General Hospital, it appears to have broke out, on a Servant belonging to the Military quartered there, and is now in an advanced State.

Whereupon the Board advised the Clerk should be ordered to write to Mrs. Morell and acquaint her, that she is at Liberty to inoculate her Family and Negroes on the said Plantation. And the same was ordered accordingly.

His Excellency then laid before the Board the presentments of the Grand Jury as follows:

Georgia ss.

The Presentments of the Grand Jurors for the Province aforesaid, at the Court of Sessions of Oyer and Terminer and General Goal Delivery, begun and holden at Savannah on Tuesday the 14th Day December 1779, before the Honorable Anthony Stokes, Esquire, Chief Justice, and the Honorable Martin Jollie, Esquire, Assistant Judge.

We the Grand Jurors of Our Sovereign Lord the King, for the Body of the said Province, upon our Oaths, Present:

1. As a Grievance, the ruinous Condition of the chimnies in the Town of Savannah, whereby the Lives and Properties of the Inhabitants, and others, are exposed to constant Danger from Fire and other Accidents.

2. We present, as a Grievance, the Filth and nastiness of the Streets, and the many Slaughter Houses in the Town.

3. We present, as a Grievance, the Indecent practice of burying dead Bodies in various parts of the Town and its Environs, and not confining it to the usual place appointed for that solemn Purpose.

4. We present, as a Grievance, the great Number of Negroes, that are suffered to stroll about, both in Town and Country, many with Fire-arms, and other offensive Weapons, committing Robberies and other Enormities, to the great Terror and Annoyance of the Inhabitants thereof; and we recommend that those employed upon public Service should wear some Badge or Mark of Distinction whereby they may be known.

5. We present, as a Grievance, the Want of a House of Confinement and Correction for Negroes.

6. We present, as a Grievance, the present ruinous Condition of the High Roads and Bridges, and the Want of proper Boats and attendance at the public Ferries.

7. We present, as a Grievance, the want of a Place for the Reception of the Poor, from which Want the Community loses a Number of useful People, who pine and die in the utmost Distress, destitute of attendance and the Common Necessaries of Life.

8. We lament the Want of an Assembly, whereby all our Grievances might be redressed, and the Civil Establishment fixed in its proper channel.

And lastly, we return our Thanks to his Honour the Chief Justice for His Excellent Charge delivered at the opening of the present Sessions, and request that the Same, together with these our presentments, be published in the next Gazette.

John Murray, Foreman	L. S.	Alexander Wyllly	L. S.
Patrick Crookshanks	L. S.	Robert-Williams Powell	L. S.
Thomas Tallemache	L. S.	Owen Owens	L. S.
John Henderson	L. S.	John Daniel Hammerer	L. S.
Alexander M'Gown	L. S.	William Duguld	L. S.
John Milner	L. S.	James Stephens	L. S.
James Buchannan	L. S.	James Butler	L. S.

December 18th 1779

The following Orders were made by the Court on the foregoing Presentments:

Ordered, That the Attorney General do turn as many of the said Presentments into Bills of Indictment, as the Nature of the said several presentments will admit of.

And it is further Ordered, That the Clerk of the Crown do cause a Copy of the said Presentments, with these Orders, to be laid before His Excellency the Governor, the Honorable Council, and be-

fore the next General Assembly: and do also cause a Copy of the Same to be inserted in the Gazette.

By the Court

John Simpson, P. & C. C.

Crown Office, 20th December 1779.

Which presentments being read, the Board after due Consideration thereof, advised that the Clerk be ordered to make out Copies of the 1st, 2d, 3d, and 4th Presentments, and that His Excellency be requested to send them to General Prevost, desiring the General will be pleased to give such Orders as he may think necessary therein so as to remedy and prevent the Evils complained of in Future: That the Matter of the 5th presentment is necessary, but must be postponed untill a proper Fund can be established for the Purpose. That the 2d and the 6th Presentment be referred to the Attorney General and that after he has examined the Road Law and Town & Common Law, he report his opinion, in what Manner the Commissioners of the High Roads, and of the Town & Common, are appointed or filled up.

That in Regard to the 7th Presentment, It be desired of the Revd. Mr. Edward Jenkins, the Rector of Christ Church, to inquire and endeavor to find out such a House or place, as may be proper for the Accomodation of the poor.

All which were ordered accordingly.

At a Council held at His Excellency's House in Savannah, on Wednesday the 5th Day of January 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor
The Honorable John Graham, Esquire, the Lieut. Governor.
The Honorable Anthony Stokes,
John Hume, and
Martin Jollie, Esquires.

His Excellency laid before the Board a Report taken at His Instance, and desired their opinion thereon, whether Inoculation should be permitted, as Circumstances are stated, or whether the Same should still remain prohibited.

The Board having maturely considered the Report, and likewise the Consequences of Inoculation in General, as the Country is circumstanced, advised that Inoculation be absolutely prohibited, and every necessary Precaution taken to prevent the Small Pox spreading for the present, and that the same be notified to the public, attested by the clerk, as follows:

Whereas it has been industriously reported that several Persons had got the Small Pox in the Town of Savannah, and that the said

Distemper was in many Houses in the said Town; on which it became necessary to make Inquiry into the Truth of such Reports, that it might be determined what was most salutary and proper to be done, for the Welfare of the Inhabitants and General Good of the Province. In order to which Doctor Donald MacCleod and James Mossman Esq. one of the Church Wardens for Christ Church parish were desired to examine all the Houses in and about the Town of Savannah; and which they did in a very careful Manner on Monday the 3d Instant, and on Tuesday the 4th, as appears by the following Report made by Order of His Excellency the Governor. "That they had visited and carefully examined all the inhabited houses in Savannah and its Environs, and found that no individual Person was *then* affected with the Small Pox; but that at the House of Captain Hanlock, his Son and two Daughters, and one Negroe Fellow, have lately had the said Disease, but are now perfectly recovered and well." Which Report being this Day laid before the Honorable Council by His Excellency the Governor, It was resolved that the same should be published in the Gazette, for the Information and Satisfaction of the Inhabitants in both Town and Country. And it was also resolved that every means be used, and the Directions given by law duly observed, in order to keep out, and prevent the said Distemper from getting into the Town: And if unfortunately it should break out, and be discovered in any House in Town, the person in whose House the same may be, is hereby required to advertise the Same immediately, as the Law directs under the Penalty thereof.

At a Council held at His Excellency's House, in Savannah, on Monday the 10th Day of January, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.
The Honorable John Graham, Esquire, Lieut. Governor.
The Honorable John Hume, and
Martin Jollie, Esqrs.

His Excellency laid before the Board General prevost's answers concerning the 4 presentments of the Grand Jury referred to His Consideration by a former Order of the Board, as far as the Same relate to the military.

On which it was the opinion of the Board that with Respect to the 2d Answer, Slaughter pens have usually been kept on that part of the Common, which lies between the Lines and the Abbatis, and have been made by the respective Butchers, who had occasion for them, and where any Person may now make the Same. And with respect to the 3d, a place for burying the Dead has been established by Law, and was railed in, and if there is not Room within that place, then the Dead must be buried adjoining thereto on the South Side.

At a Council held at His Excellency's House in Savannah, on Wednesday the 19th Day of January 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esquire, the Lieut. Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume, and
Martin Jollie, Esquires.

His Excellency represented to the Board that notwithstanding the Several Regulations hitherto made to prevent the Progress of the Small Pox, yet it had broke out again, and was now in diverse Houses in Town, and that He was affraid it could not be kept from spreading: Therefore desired they would consider the Same, and if they are of opinion that it is impracticable to prevent the Distemper from spreading, that then they would give their opinions whether it may be proper to permit Inoculation for a limited Time.

The Board having maturely considered the Matter unanimously declared, that however it may be wished an effectual Stop could be put to the spreading of the Small Pox, yet it appeared to them to be wholly impracticable, and therefore they were of Opinion that advantage should be taken of the present favorable Season, and that, if the General had no Objection on Account of the Army, a Proclamation be issued immediately to allow of Inoculation, but *limited to the 1st of March.*

His Excellency then referred to the Board a Letter to Him from Mr. John Tunno on the Exportation of Rice, observing thereon, that from the best Information He could get, there would not be above 2000 barrels of Rice beat out for Market this Season, and therefore He apprehended none ought to be exported, as the Navy and Army might have Occasion for that Quantity and more.

The Board agreed in the same Opinion, and it was ordered that the Clerk should write to Mr. Tunno, that it doth not appear, there will be Merchantable Rice brought to Market sufficient to serve the Navy and Army; and therefore none ought to be exported: That a prohibition was laid on in april last, and as His Majesty's Service will require all that can be cleaned out of the last Year's Crop or more, no *Reason appears for discontinuing* that Regulation.

His Excellency next laid before the Board a petition to him from Michael and peter Ritter praying a Special Court for immediately bringing to Trial James Johnson, charged, with having murdered their Brother John Ritter.

Ordered thereon that the Clerk notify to the Attorney General [to] prepare a Commission for the Secretary to pass in Form, for the purpose prayed for.

His Excellency then laid before the Board a Memorial from Mr. Richard Davis Clerk of the Market at Savannah, complaining of irregular Behaviour from the Butchers &c; ordered thereon that He publish in the Gazette his appointment, and also state such Matters required by the Market Laws, as he thinks most liable to be transgressed, and give Notice that from and after 20 days from the publication thereof, all offenders will be proceeded against for the Penalties inflicted by the said Laws.

His Excellency referred to the Board, the Case of certain Soldiers of the Garrison, found guilty of petit Larceny, and sentenced to be whipped.

On which the Board, advised, they might be pardoned.

His Excellency referred to the Board, an application in Behalf of one Clubb, taken up and bound over on Suspicion of Horse Stealing.

Ordered that the Matter be sent to the Attorney General to report his opinion thereon.

At a Council held at His Excellency's House in Savannah, on Tuesday the 25th Day of January, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable Anthony Stokes,

Lewis Johnstone

John Hume, and

Martin Jollie, Esquires.

His Excellency acquainted the Board that agreeable to a former Resolution of Council, he had wrote to General prevost, to know how far it might correspond with His Majesty's Military Service, the admission of Inoculation for the Small Pox in General, at this Time in the Province; and that in Answer he had received the following Letter.

Savannah, 19th January 1780.

Sir

I received just now the Honor of Your Excellency's Letter, General Leslie being present at the Time, He joins with me in Opinion that it would be very proper to wait the arrival of the Commander in Chief, as it might prove of bad Consequence and impede the Service he may wish to be immediately carried on, by this Disorder introducing itself among the different Corps, that are along with him.

I have the Honor to be with Regard
Your Excellency's most obedient most
humble Servant

A. Prevost

His Excellency

Sir James Wright, Bart

Governor &c &c.

His Excellency then observed that altho' it was the opinion of the Board at that Time, the Admission of a General Inoculation should depend on the General's Answer; It was notwithstanding necessary some Steps should be taken to provide for the many un-

happy Wretches (particularly Negroes) who having no Place or Residence may be exposed to the Danger of this Distemper, and perhaps perish thro' want of Care.

The Board taking the Matter into Consideration unanimously advised, His Excellency would give orders for providing a House and other Accomodation necessary for so humane and salutary a purpose, at the Public Expence.

At a Council held at His Excellency's House in Savannah, on Friday the 28th Day of January, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esquire, the Lieutenant Governor,
The Honorable Anthony Stokes, and
John Hume, Esquires.

His Excellency laid before the Board the following Memorial of Capt. Moore in Behalf of a Negroe Condemned to be burnt, and desired their opinion thereon.

To His Excellency Sir James Wright, Baronet, Governor, and Commander in Chief, in and over His Majesty's province of Georgia, &c &c &c.

The Memorial of Thomas William Moore, Captain in His Majesty's Service and Barrack Master of Savannah.

Humbly setts forth

That a Negroe man who calls himself Sambo, and who came from Carolina some Months past, has been employed by your Memorialist on a Farm called Elberts on the White Bluff Road, under the Management of Jonathan Prindle.

That some Day last Week the said Negroe Sambo was brought to Goal in this Town, on a Suspicion of having murdered a Son of Mr. Peter Young at Acton, and was tried and Condemned (as Your Memorialist understands) to be burnt to Death.

Your Memorialist begs that Your Excellency will grant a Respite of Execution untill another Hearing can be had, as from the Information of prindle and another White Man, an Alibi can be proved.

Your Memorialist's being fully of opinion that on another Trial the Negro will be found Innocent, induces him to apply in his Behalf, humbly soliciting a Grant of the Prayer of Savannah 25th Jany. 1780.

Your Excellency's
most obedient and
most humble Servant.
Thomas Will Moore.

To His Excellency the Governor
&c &c &c.

The Board having maturely considered the Prayer of said Memorial, and the Evidence given against the Negroe, unanimously advised that a Reprieve be granted for 10 Days to be reckoned from Monday next ensuing: And That in the Interim and as soon as may be the Memorialist produce such Evidence as he may have in Behalf of said Negroe, to the Justices who sat on the Trial; That such evidence as they may give on Oath, be taken in Writing to be laid before His Excellency; And also that the said Justices give their opinions on the Whole Matter, how far they think the said Negro an Object of Mercy or punishment.

His Excellency observed next, that a most daring Robbery had been committed at the Plantation of the Lieut Governor by sundry persons unknown, whereby upwards of 100 Slaves were carried off belonging to him and Mrs. [?] Stuart; And proposed that a proclamation should issue, offering a Reward of 50 Guineas for discovering, and bringing to Justice any of the Ring leaders or perpetrators of so atrocious an Act.

Which the Board unanimously approved: And the Clerk was ordered to notify to the Secretary accordingly.

His Excellency then represented his having been applied to, by John Schick for the sum of £25 which he prayed might be allowed him, for payment of the Cure of Wounds received by him in Defence of Savannah when besieged by the French and Rebels; and which was confirmed by the Testimony of Coll. Robertson and Capt Somerville.

The Board thought the Application was reasonable, and were of Opinion that the said Sum, should be paid by the Public.

At a Council held at His Excellency's House in Savannah, on Friday the 4th Day of February, 1780.¹

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esquire, the Lieut. Governor.

The Honorable John Hume,

Martin Jollie, Esquires.

His Excellency acquainted the Board, that He had agreeably to the Tenor of General prevost's Letter to Him, on the Subject of a General Inoculation, mentioned that Matter to Sir Henry Clinton on his Arrival, who declared he had no objection thereto, as far as related to the Military: In Consequence of which His Excellency

1. Only the portion of these minutes relating to deserted estates is in the other version. See Allen D. Candler, ed., *The Colonial Records of the State of Georgia* (Atlanta, 1907), XII, 467.

said He had ordered the Secretary to have ready a Proclamation for that Purpose, and desired their opinion, how long such permission should last.

The Board on considering the Matter approved of the Proclamation and advised the Term of Inoculation should end on the 20th of March next ensuing, instead of the 1st of that Month as first proposed on account of the Time now elapsed.

And the same was ordered accordingly.

His Excellency laid before the Board an Account of Repairs on the church and Goal, which was given in to Him by Thomas Anderson amounting to £16..2..9. and desired their opinion on the Same, whether payment should be ordered.

The Board having examined the Account, it was ordered to be passed for payment.

His Excellency then laid before the Board an Account of Andrew Robertson amounting £10.18. for Work done about the Parsonage house, which was also examined and ordered to be passed for payment.

His Excellency now observed that He found on examining the Minutes of Council of May last, Martin Jollie, James Mossman, Alexander Wyly and William Jones, Esqrs were then appointed Commissioners of the Town and Common of Savannah; and further observed that the Law for regulating the Town & Common directs the Church Wardens to appoint a Beadle, whose Office is among other particulars to see to the Cleansing of the Lanes and Streets of the Town: and proposed that the Clerk should write to the Gentlemen appointed as aforesaid to know whether they will act, and to the Church Wardens to direct their choosing a Beadle:

Which the Board having approved of, the Same was ordered accordingly.

His Excellency next communicated to the Board, part of a Letter He had received from His Majesty's Secretary of State, relative to the deserted Estates in this Province, supposed to be Rebel property; and that His Majesty's most Gracious Instructions² may be carried into Execution, as far as possible, He proposed that an Order be made for the Commissioners of Claims forthwith to lay before Him a full Account of their proceedings on the several Commissions given them, so that a clear State of the said Property may be known.

The Board having maturely considered the Matter, advised that the Commissioners should be wrote to by the Clerk, requiring them to report their whole proceedings to the Governor without Delay.

And the Same was ordered accordingly.

2. Reads "Intentions." *Ibid.*

At a Council held at His Excellency's House in Savannah, on Tuesday the 8th Day of February 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.
The Honorable John Graham, Esquire, the Lieut. Governor,
The Honorable Anthony Stokes,
John Hume,
Martin Jollie, and
James Wright, Junior, Esquires.

His Excellency laid before the Board the following Memorial and desired their opinion thereon.

To His Excellency Sir James Wright, Baronet, Captain General, & Governor in Chief, in and over His Majesty's Province of Georgia, and Chancellor, vice admiral, and ordinary of the Same.

The Memorial of Anthony Stokes, Barrister at Law, Chief Justice, & Martin Jollie, Esqr. Assistant Justice of the said Province.

Sheweth,

That the Commissioners appointed by Act of Assembly of this Province, for the Purpose of building a Court-house, did when the Same was finished, lay it out in the following Manner, vizt. the large Room up Stairs for the Court Room, the other Room up Stairs for a Judge's Room; one of the three Rooms down Stairs for the Prothonotary's office, a second for the Grand Jury, and a third for the Petit Jury.

That a Rule of Court was made some Years ago, ordering the Prothonotary & Provost Marshal to keep their Offices at the Court-house, and thereupon the Provost Marshal kept his office in the Grand Jury Room, and the said Officers continued to do Business at the Court-house, to the Great Ease & Satisfaction of the Suitors and Attornies, who were sure to find the Prothonotary & Marshal under the same Roof at Office hours: And the Chief Justice also Exercised his Office in the Judge's Room, untill he apprehended that the Court-house was in danger of being burnt, from the Fires which were kept to accomodate the Dancing Assemblies, and thereupon the Chief Justice removed his Library to his own House. That the Chief Justice on his Return to this province, did on the Return Day of last October-Court, go to the Court Room to hold the Court, but he found the Same filled with Soldiers & their Wives, and in a very disagreeable Situation, whereupon with the Approbation of the Memorialist Mr. Jollie, the Court was adjourned to his House for the Reasons mentioned in the Minute of Court hereunto annexed.

That the Court continued to be held at the Memorialist Mr. Jollie's House, untill he and his Furniture were turned out by Major General Leslie, when the Court was adjourned from thence to a Room

at Major Barrow's Quarters, where the Chief Justice at present lives.

That the Acting Provost Marshal did live at the Judge's Room in the Court-house untill he was turned out by the Military and he now lives at the Hamlet of Ewensburg to the great Inconvenience of the Suitors & Attornies.

That the Bench & Bar at the Court house and most of the Sashes being burnt by the Soldiery, and the Court Room totally unfit in its present Situation, for the Judges to sit in; it was agreed that the Soldiery should have the Same, and that the Barrack Master should clear out, repair, & deliver up the House belonging to one Lauchlin McIntosh a person in Rebellion against His Majesty; And the Chief Justice considering that the Commissioners of the Court-house had the same Power over Mr. McIntosh's House, so long as it was used for the present purpose, as they had over the Court house, and he being one of those Commissioners, he did conceive that he had a Right to one Room there in lieu of the Judge's Room at the Court house, and he proposed to order the Prothonotary & Marshal to keep their Offices there agreeable to the Rule of Court.

That the South Room up Stairs in McIntosh's House is the only Room there proper for the Court Room, and the Chief Justice conceived that there was nothing more wanting than to repair the Damage sustained by the Siege, they never had been finished, since the House was built, and that it would take a considerable Sum of Money to put the Same in proper Condition, even if Materials could be obtained for that Purpose.

That there are two Prisoners to be tried for High Treason and several for High Misdemeanors, and the Room in McIntosh's House, in which the Court last sat, is too small, & a very improper Place to proceed to the Trial of Criminals in.

That there is a large Brick Building the Property of a Person in Rebellion, at present inhabited by Mr. Tunno a Merchant, which has a Room in it as capacious as the Court Room, & is used for no other Purpose, as the Memorialists apprehend than to accommodate the Dancing Assemblies, and Mr. Tunno having as the Memorialists are informed sold off the Remainder of his Cargo, & being a Bachelor, it is conceived that the large Room in the said Brick Building might without any Inconvenience to the Army be Appropriated for the use of a Court Room and the other Rooms, which Mr. Tunno now occupies will answer the Purposes of a Judge's Room, & of offices for the Prothonotary & Marshal in lieu of those at the Court-house, which the Military have the Benefit of.

That as Mr. Tunno is a Commissioner of Claims & Agent for the Army, it is conceived that he will not obstruct His Majesty's Service,

and the decent and regular Administration of Justice by refusing to deliver up the House (if General Prevost will permit him so to do); more especially as the House is the Property of a Refugee Rebel. And in lieu of that House Mr. Tunno may have McIntosh's House, in which there are two Rooms in good Repair, & lately inhabited by a Hessian Colonel.

That, the Commissioners of Claims have it not in their Power to allot a House for holding the Courts, as General Prevost has taken out of their Hands all the Houses called Rebel's Houses, which are the most in Number and the best Buildings in Town.

That, the King, having been graciously pleased to re-establish a Civil Government here, and the Military being in Possession of the Court house, it is conceived that the Judges and their Officers have a Claim to be accomodated by the General with a Court-room & proper Offices; and it grieves them to observe that the largest and best Buildings in Town have been delivered up to Mrs. Smith for a Tavern, and to Mr. Tunno for a Store; whilst the King's Courts are bandied about from House to House to the Great Concern of all who are well affected to His Majesty and his Government; but to the Joy of the Rebels, and their Adherents.

The Memorialists therefore request Your Excellency to apply to General Prevost for the House in which Mr. Tunno lives for the purposes aforesaid; and the Memorialists will ever pray, &c. Savannah Jany. 10th 1780.

Anthony Stokes, Chief Justice.

Martin Jollie, A. J.

We concur in the above Memorial.

James Robertson, Atty. Genl.

Saml. Farley, Atty. at Law.

John Simpson, Prothonotary.

P. Hawkins, Acting Prov. Marshal.

Willm. Stewart, Atty. at Law.

Wm. Jones, Attorney at Law.

The Board having taken the said Memorial into Consideration were unanimously of opinion, that in the present Situation the Town is in, no better place can be had for holding the Courts than Mr. McIntoshe's House which has been procured for that purpose: and that the Same must continue to be held there untill the Public Court house or some part of it can be repaired for that purpose: And advised that workmen be forthwith employed to begin and make such Repairs as are most necessary.

At a Council held at His Excellency's House in Savannah, on Thursday the 10th Day of February, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable Anthony Stokes,
John Hume, and
Martin Jollie, Esquires.

His Excellency laid before the Board the following Report and desired their Opinion thereon.

Georgia,

We James Robertson and Samuel Farley two of the magistrates who sat on the Trial of a negro Fellow named Sambo charged with the murder of George Young beg Leave to represent to His Excellency the Governor that We conceive the Evidence produced in Court, being only *presumptive* was insufficient in Point of Law to prove the Charge against him; And as such Proofs should at all Times be cautiously admitted, so more especially in Case of Life; We therefore recommend the Prisoner as a proper object of Mercy, for better it is that ten guilty Persons should escape, than the Blood of one Innocent Man be shed.

Savannah

Feb'y 9th 1780

J. Robertson. J. U. [?]

Saml. Farley.

The Board having considered the said Report, unanimously advised that as the Evidence against the Prisoner was only presumptive a Reprieve should be issued to suspend his Sentence, until it shall be further considered, what may be necessary to be done in that Behalf. And the same was ordered accordingly.

His Excellency then laid a petition from David Newsom, and a Certificate therewith, before the Board; which was ordered to be postponed.

Ordered that the following notification be published in the Gazette relative to the Property referred to by the Secretary of State in the Minutes of Council of the 4th Inst.

Council Chamber, 10th Feb'y 1780.

His Excellency the Governor having received His Majesty's Commands to see that due Care be taken of all the Real and personal Property in this Province, that hath been deserted, in Order that the Produce thereof may be applied for such Purposes as His Majesty already hath directed, or hereafter may direct, and amongst other Things, to make some Provision for the Subsistence of such of His Majesty's Subjects as have suffered by the present Rebellion, for their Loyalty and Attachment to the King: And several Gentlemen, under the Name of Commissioners of Claims, having been heretofore appointed for the Purpose of secur'ing such Real and Per-

sonal Property, and they having frequently complained to His Excellency the Governor that, notwithstanding the Endeavors they have used to secure such Property, by placing Overseers on the deserted Plantations, to take an Account of the Slaves, produce, Stock, and other Personal Property, which have been abandoned by the Owners, and to return Inventories thereof to the Commissioners, yet such Plantations have been plundered, and a vast personal Property hath, from time to time, been carried away, against the Will of such Overseers, and in Defiance of the Authority of the said Commissioners: It is therefore hereby strictly forbidden all persons whatsoever to intermeddle with any Real or Personal Property in this Province, that hath been abandoned by the Owners as aforesaid, without the Licence or Authority of the Commissioners of Claims for that Purpose first obtained or by due Course of Law, as such Delinquents will answer the Contrary at their Peril. And all Persons who can prove such Depredations or Waste as aforesaid are hereby required to attend some Justice of the Peace, and make Affidavit thereof, to the End that the same may be returned into the Crown Office, and the Offenders punished according to Law. And all Magistrates, and others His Majesty's loyal Subjects whatsoever, are required to be aiding and assisting to the said Commissioners in the several Matters aforesaid.

Ordered by His Excellency the Governor in Council, that the Notification aforesaid be forthwith made public.

Extract from the Minutes of Council, by His Excellency's Command
Geo. D'Erbage, Assistant
Clerk of the Honorable Council.

At a Council held at His Excellency's House, in Savannah, on Wednesday the 16th Day of February 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
John Hume, and
Martin Jollie, Esquires.

His Excellency acquainted the Board, That the Time of the Patrole under Captain Howell, from Ogeechee to Canoochie; And that under Captain Corker from Canoochie to Newport; would Expire on the 21st Instant, and that they all desire to be discharged: And desired the opinion of the Board whether the Patrole formerly intended to be established from Ebenezer across to Ogeechee, should be carried into Execution.

The Board having fully considered the Subject, unanimously advised, that a Patrole of 25 Men be forthwith employed between Sa-

vannah and Ogechee Rivers: And Jacob Behler being proposed as a proper person for that Service, was accordingly approved of.

His Excellency then desired the Opinion of the Board on the Method to be followed in the Court of ordinary, as far as relates to making public the Citations issued in Consequence of Petitions for Letters of Administration; the Custom having been to publish them, by the Rector of the Parish of Christ Church during Time of divine Service: But as he was now absent, His Excellency proposed the Channel of the Gazette for that purpose, the Expence to be borne by the Parties.

Which the Board unanimously approved of.

His Excellency next represented to the Board, that a Prospect Seemed approaching when Writs for Electing Members for an Assembly, might issue with Great Propriety; And proposed as Sir Henry Clinton with his Army had landed near Charlestown, and the Army here under General Pattison would shortly move up the Country, to second the Operations of the Commander in Chief of His Majesty's Forces in America, That the Secretary should be ordered to prepare the Writs, that they may issue, when the Army moves from hence.

The Board were unanimously of opinion, no Juncture could be more favorable, for that Purpose, and advised that the Clerk notify the Secretary to prepare Writs of Election. And the Same was ordered accordingly.

His Excellency then informed the Board, application had been made to him by Pinkethman Hawkins, late Messenger of the Council, requesting such a Salary as Shall be thought fit, may be allowed for his Attendance on that Duty. Which the Board advised should be done, as soon as the Same could be ascertained.

At a Council held at His Excellency's House in Savannah, on Monday, the 24th Day of February, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume, and
Martin Jollie, Esquires.

His Excellency laid before the Board the Affidavit of William Oldis, Tiddeman Carr, and Benjamin Butler, taken by His Honor the Chief Justice, testifying against Ichabod Higgens, one Trevor, George Cooper, Richard Butler, Matthew McCumber, a Lieutenant Frisby, one Reid, and others, as concerned in making them prisoners, and carrying off several Negroes, and Effects, on Board of certain Boats under the pretended authority of the Rebel Governor

Rutlege of South Carolina, within the Jurisdiction and Limits of this Province: Which being read His Excellency desired the opinion of the Board how far with the present State of public Affairs, the Parties now in Custody should be prosecuted at Law, for the Crimes stated against them in the said Affidavits, with Safety to the Individuals now prisoners to the Rebels.

The Board advised that General Prevost be applied to, and if possible keep in Custody the Parties: And if not, that they then be committed to the Common Goal.

His Excellency then laid before the Board the following Accounts, which were approved of, and ordered for Payment.

Pinkethman Hawkins Account for sundry Business done for the General Courts, £5..0..4.

James Johnstone (the printer), for printing, one Account £12..0..6. Another Accot. £32..8..0.

His Excellency acquainted the Board that He was informed that certain Persons, at this Time in the Province, are and have been very much suspected of Misbehavior, giving Intelligence to the Rebels, and being inimical to Government; on which He desired the opinion of the Board.

On which the Board unanimously advised His Excellency would be pleased to write to General Prevost, to know on what Footing these people are here, whether as prisoners on Parole, or as having received protection from Him: And if the Former that they be removed or exchanged, as soon as possible, as it is highly necessary, such Persons should be suffered to go at large.

His Excellency then informed the Board that He had been petitioned by the prisoners confined in the Common Goal, for Relief, both from the Distress they are in from the Closeness of their Situation (there being but one Small Room), and likewise from the Want of Provisions: Which Petition being read.

The Board were of opinion, that a Copy of the Petition should be refered to the Provost Marshal to report thereon, as far as relates to his office; and that he be desired to acquaint the Prisoners that Steps will be taken to procure a Ship for their better Accomodation. And the Clerk was ordered accordingly.

At a Council held at His Excellency's House, in Savannah, on Monday, the 28th Day of February, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume, and
Martin Jollie, Esquires.

His Excellency acquainted the Board that the Coroner had reported to him, the Situation in which he found the Negro Man Sambo under Sentence of Death for Murder, and who hath been reprieved in Consideration of certain alleviating Circumstances (as set forth in former Minutes) untill further Order be given, being in great Misery from an ulcerated Leg, and both a Nuisance to himself and Other prisoners in so crowded as well as small a place of Confinement. Which being read, His Excellency observed that it was highly improper the Negro should be allowed to return to the Plantation, or to remain in the Country, but if Capt. Moore would engage to Ship him forthwith out of the Province, never to return, He thought the Negro should be delivered up to him on that Condition; and the Goaler be authorized to deliver the Negro up to Capt. Moore, for that purpose.

Which the Board approved of, and it was ordered that the Clerk send a Copy of this minute to Capt. Moore, and that the Goaler deliver up the Negro to him or his order.

The Petition of Pinkethman Hawkins, late Messenger of the Council (laid before the Board by His Excellency the 16th Instant) being resumed; on Consideration, it was resolved, that he should be allowed at the Rate of £50 a Year; for the Time he acted as such.

At a Council held at His Excellency's House in Savannah on Wednesday the 8th Day of March 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
John Hume, and
Martin Jollie, Esquires.

His Excellency represented to the Board, that He had clearly understood, that the Army left here by the Commander in Chief, under the Command of General Patison, was to have marched towards Augusta, on which He had proposed, and the Board were then of Opinion, that Writs for electing Members of Assembly should be issued, when the Army began their March: But He was sorry to acquaint them, that the order of March had been since altered, and the Army was to take the nearest Route to Charlestown. Therefore desired their opinions whether under such Circumstances, the Writs should issue, the Country being in the same Situation as before; or be postponed untill the Reduction of Charlestown or some more favorable Crisis.

The Board unanimously advised, that the issuing of the Writs of Election should be postponed for some time.

At a Council held at His Excellency's House, in Savannah on Wednesday the 15th Day of March 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
John Hume, and
Martin Jollie, Esquires.

His Excellency observed that it was absolutely necessary some Steps should be taken to cleanse the Town of Savannah, of the Filth and other nuisances at present so greatly prevailing and desired the opinion of the Board on the propriety of allowing an adequate Encouragement to a proper Person to act as an Overseer under the Direction of the Commissioners of the Town and Common; as likewise for the Hire of Carriages and Labourers.

The Board unanimously approved thereof, and advised that an Allowance be made for the purposes observed; and that they thought such a Person should be allowed 5/or 6/per Day.

His Excellency then acquainted the Board, that the Commissioners of Claims had requested to be informed at what Rate the Negroes under their Direction ought to be hired out, with an Allowance to the Parties hiring, for what necessary Cloathing, the Slaves may be in Want of.

The Board on Consideration of the Matter, agreed in the opinion that £5 per annum was a Reasonable Rate, at which to fix the Hire of an able working Negro, subject to the Deduction of Cloathing, and any Time lost in the Small Pox, and other Expences attending that Decease.

The petition of Nicholas Neilson of Hilton Head in South Carolina for Leave to be taken under His Majesty's Protection, setting forth that he had never acted against Government from Choice, but through Necessity, and that he had since, as far as possible conformed to the orders of General Prevost.

The Board were of opinion that the Consideration of the said Petition should be postponed to a future Day, and that the clk should be ordered to notify the petitioner accordingly.

His Excellency observed that the Attorney General had represented to him, "That on the 24th Day of January last, he reported that Mr. Montaigt the prosecutor of Club on a supposed Matter of Felony, had signified to *him* by Letter his Consent to discontinue that Prosecution, on Club's paying the Costs. since which nothing has been done in the Matter, And he wishes to know His Excellency's pleasure."

Which representation being read, it was the opinion of the Board,

that the Attorney General Should enter a Nolo prosequi in the said Cause of the King against Club.

The following Accounts were passed and ordered for payment

An account of the Honorable Lewis Johnstone Esq. during his Presidency of the Council £10..1..8.

An account of J. D. Hammerer for printing, for which an order was formerly granted, but lost during the Siege, before Payment as certified by the Treasurer, for £14..7..6.

Ordered, That the Clerk notify to the Attorney General to report his Opinion on the Mode of appointing Constables and the Readmission of attorneys in the Superior Courts.³

At a Council held at His Excellency's House in Savannah, on Tuesday the 21st Day of March 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esquire, the Lieutenant Governor,
The Honorable Anthony Stokes,
Lewis Johnstone,
John Hume, and
Martin Jollie, Esquires.

His Excellency laid before the Board the Petition of John Brown and Benjamin Moxey, of New Providence, in the Bahamas, prayg. leave may be given them to carry from hence for that place in the Schooners Dispatch and Flying Sally a few Tierces of Rice for the Support of the Inhabitants of that Island and His Majesty's Troops there, as they apprehend they will be shortly in a starving Condition. Also the memorial of George Haist, Commander and Part Owner and John Wood, of Savannah, Merchant, other part Owner of the Ship Rodney, praying permission to take on Board the Quantity 6 or 700 barrels of Rice, about half the Lading of the said Vessel, to enable her to proceed without Loss to Europe immediately, to return with Supplies, and for other Reasons set forth.

Which petitions being read, His Excellency observed, That He was well informed, Rice was not at present wanted by the Commissary General for the Use of the Army, and that it was the same in the Naval Department, that the Prohibition to export Rice from this Province was chiefly laid for the Benefit of His Majesty's Forces; Which Reasons no longer subsisting it remained now to be considered whether the Prohibition should not cease, either wholly or under Regulations.

The Board advised that the Prayer of Brown and Moxey be granted, but not to exceed 60 barrels & to be shipped in the Vessels

3. The foregoing paragraph is crossed out in manuscript.

therein mentioned, and for the Bahamas only: That the Prayer of Haiste and Wood be postponed for further consideration: And on considering an Act of Assembly formerly passed, empowering the Governor with the advice of the Council, to prohibit the Exportation of Indian Corn, when the Price exceeds 2/6 Per bushel, and it appearing that the price of Corn and Pease doth exceed that Sum, the Board therefore advised the Governor to prohibit the Exportation thereof; and that the clerk be ordered to notify the Collector to give no Clearances to any Vessels to export Corn Peas, &c untill further Orders.

And the same was ordered accordingly.

It was also further ordered that the Clerk do cause to be inserted in the Gazette the following public Notice:

Council Chamber, 21 March 1780.

Whereas, by an Act of the General Assembly of this Province, entitled, "An Act to prohibit for a certain Time the exportation of Indian Corn," it is enacted, by the 4th Clause thereof, as follows: "And whereas it may be necessary after the first day of September aforesaid, to prohibit the exportation of Indian Corn at a Time when the General Assembly of this province cannot, without manifest Inconvenience, be called together, be it therefore enacted: That it shall and may be lawful to & for the Governor or Commander in Chief, for the Time being, at any time or times after the said first Day of September during the Continuance of this Act, when the Market price of Indian Corn shall exceed two Shillings and six pence per bushel, by and with the advice and Consent of His Majesty's Council, either by proclamation or order in Council, to restrain and prohibit the exporting or carrying without the Limits of this province, either by Land or Water, any Indian Corn for such Time, and under the Several Penalties by this Act inflicted, or such others as to him and them shall appear most necessary and likely to enforce such prohibition." And whereas the Market price of Indian Corn is now greatly risen above the Price specified: Therefore, for the many good purposes intended by the Act aforesaid, It is ordered, That from the Date hereof all Exportation of Indian Corn be prohibited, from being exported or carried without the Limits of this Province either by Land or Water, under the Penalties set forth and intended in the said Act, untill further Order be made in this Behalf. And that no person or persons may plead Ignorance thereof, public Notice is hereby given of the same.

By order of the Governor in Council.

Geo. D'Erbage A.C.C.

At a Council held at His Excellency's House, in Savannah, on the [blank] Day of March 1780.

Present.

His Excellency Sir James Wright, Baronet, the Govr.
The Honorable John Graham, Esq. the Lieut. Govr.
The Honorable Anthony Stokes,
Lewis Johnston, and
Martin Jollie, Esquires.

His Excellency represented to the Board that He had received from General Prevost a Proclamation issued by Sir Henry Clinton, K. B. His Majesty's Commissioner for restoring Peace and Good Government in the several Provinces in Rebellion in North America, offering Pardon for all *Treasons and treasonable offences*, heretofore committed, to *all* Persons, who shall *speedily* come in, and return to their Allegiance and Duty: And His Excellency observed that the said Proclamation seems to be of a *very General and Extensive Nature*, and may *possibly* be construed to Give *Colour* to former Inhabitants of this Province who were *most active* in the Rebellion, and who held considerable *Offices Civil and Military under the Rebell Powers*, and even to those who had sat as *Judges &c*, and acted as *Jurors* in Cases of Life and Death, to claim their *Pardons* under the said Proclamation and desired the opinion of the Board thereon.

The Board having maturely considered the Representation of His Excellency was of opinion that if Persons in the above Predicament should be intitled to their Pardons, the Same will involve this Province in the Greatest Difficulties, and be attended with very injurious Consequences to His Majesty's Service and the Peace and Welfare of the Province, and unanimously advised that Sir Henry Clinton's Proclamation should be refered to the Attorney General to report his opinion how far the same *may operate in this Province*.

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Memm. this Entry was sent round, & is without Date, & in the Govrs. hand.

At a Council held at His Excellency's House in Savannah, on Friday, the 24th Day of March 1780.

Present.

His Excellency Sir James Wright Baronet, the Govr.
The Honorable John Graham, Esq. the Lieut. Gov.
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume, and
Martin Jollie, Esqrs.

His Excellency laid before the Board the following Report of the Attorney General.

[Blank space in manuscript]

Which being read His Excellency observed that on the Resolution of the Board to refer the Proclamation to the Attorney General for his Report, the Board was then of opinion, that under the Circumstances resulting from such a General Pardon, the Province might be filled with Rebels claiming under that Pardon, the Rights and Privileges of Subjects, and would thereby from the Operation of such a Pardon have an Opportunity, of getting into the Assembly whenever called, which Event might totally destroy the Ends proposed of establishing the King's Government here, and render it of little or no Effect; that in Consideration of such obvious Consequences should the Pardon hereafter operate so generally as is apprehended His Excellency conceived that it would be proper issue Writs forthwith, and desired their Opinion on this very important Affair on which so much depended.

It was the unanimous Opinion of the Board that Writs of Election should be issued immediately: And the Secretary was ordered to prepare them accordingly. It was also the opinion of the Board that His Excellency should write a Letter to Sir Henry Clinton on the Subject Matter of the aforesaid Proclamation.

His Excellency then laid before the Board several Applications from Prisoners confined in the Common Goal, praying to be removed from the Same, as being either Sick, or in great Danger from the Small pox, and other loathsome Disorders, contracted from the Smallness of the Place.

The Board having considered the Same, was of opinion that Mr. Farley the Provost Marshal should be desired to engage a Physician to attend the Sick in Confinement; which they apprehend was all that could at present be done for their Relief. And that the Petitions of Maule and Gibson be referred to the Attorney General that in Case he has not strong objections in Law to the prayers thereof, that they be allowed in Consideration of the Situation of the Goal. and the Same was ordered accordingly; and that Newsom should be allowed to take the Oaths to Government on giving Security.

At a Council held at His Excellency's House in Savannah on Saturday, the 1st Day of April 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esquire, the Lieutenant Governor.
The Honorable Anthony Stokes,
Lewis Johnston,

Josiah Tattnall,
John Hume, and
Martin Jollie, Esquires.

Josiah Tattnall, Esquire, attended with His Excellency's Appointment as a Member of His Majesty's Council of this Province; and the State oaths and Oath of Councillor being administered to Him, He took his Seat at the Council Board next to the Honorable Lewis Johnston, Esq. agreeable to former Precedency.

His Excellency then acquainted the Board that He understood Mr. Thompson Collector or of the Customs at the Port of Savannah, and Mr. McCullogh the late Collector had raised Doubts whether the Duties arising here and payable to His Majesty should be paid into the Hands of the public Treasurer, or whether they should not be remitted to London to the Commissioners of the American Board of Customs? He therefore desired the would consider the Whole Matter and report their opinions thereupon.

This the Board unanimously approved, and advised should be done.

At a Council held at His Excellency's House in Savannah, on Monday the 3d Day of April 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. Lieut. Governor.

The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esquires.

His Excellency laid before the Board a petition from several of the Inhabitants on Medway and Canoochy Rivers, setting forth, the distressful Situations, they are in, from being exposed to the continual Depredations of the Rebels, who frequently plunder and murder the Settlers, and praying to have a party of Horse for their Protection, or some other Assistance.

Which Petition the Board having considered, Advised that an Abstract thereof should be made, and that His Excellency would transmit the same to General Prevost, and desire his Assistance in putting a Stop to these Disorders.

At a Council held at His Excellency's House in Savannah, on Wednesday the 5th Day of April, 1780.⁴

Present.

His Excellency Sir James Wright, Baronet, the Governor,

4. Minutes for this session have been published. *Ibid.*, 468. The texts are almost identical, but names of those present are not listed in other version.

The Honorable John Graham, Esqr. the Lieut. Govr.

The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency acquainted the Board, that agreeably to their Advice at the last Meeting, He had wrote to Genl. Prevost inclosing an Extract of the Petition from the Inhabitants of Canoochie and Midway, concerning the Depredations of the Enemy in those Parts and praying Protection: that a Copy of that Letter, the Petition, the Answer of the General, and His Reply to it, He now laid before them, for their Opinion.

The Board having taken the same into Consideration, concurred with His Excellency the General in lamenting, that he could not spare any of the Troops under his Command, for the purpose of establishing a post to the Southward as was prayed for: That after the numerous Depredations and Murders which have lately been committed in this Province, by the Rebels, the Protection of His Majesty's Loyal Subjects here, becomes a Business of immediate attention, but as the Mode of Protection is a Matter of a Military Nature, the Council are not competent to give an Opinion in what way that Duty may be best effected; nor whether it should be done by the Troops now here, or by embodying others for that Purpose: In the Meantime they are unanimously of Opinion, at least something further should be done without Delay for the Protection of the Settlements below Ebenezer between Savannah and Ogeechee River, but in what must be submitted to the General.

At a Council held at His Excellency's House in Savannah, on Monday, the 10th Day of April 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. Lieut. Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

Vide paper A.

The Revd. Mr. John Joachim Zubly, Clerk, being proposed to be inserted in the Commission of the peace for the Parish of Christ Church.

It was approved of, and the Clerk ordered to notify the Secretary accordingly.

The Account of Hawkins, as Messenger and Door keeper to the Council, being examined, was passed and ordered for payment. amount £37..13..5.

His Excellency then laid before the Board the petition of Richard Graves, Reuben Gilder, Thomas Cannon, and John Newson, prisoners in the Common Goal of Savannah, praying to be enlarged on Condition of serving in His Majesty's Land Service as Soldiers.

Which petition being read, together with the Attorney General's Notification of the Charge against them and their Characters; the Board advised that the Clerk be ordered to inform the Attorney General to enter a Noli prosequi in Behalf of all, except Guilder, on the Terms they offer; and that Newson as formerly ordered, may be otherwise enlarged, if he finds Security for his Good Behavior.

And the same was ordered accordingly.

At a Council held at His Excellency's House in Savannah, on Friday the 14th Day of April 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham Esq. the Lieut. Gov.
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnell, and
Martin Jollie, Esqrs.

Ordered for Payment by the Publick Treasurer the Sum of £1..15..0. to the Estate of James Muter for Sundries for the Court house.

Ordered for payment by the Treasurer the Sum of £25..12..6, to Nicholaus Krupp being his Charge for attendance and Cure of John Shick, wounded in the late Siege, which was allowed to be a reasonable Charge on a former Resolution.

Ordered for Payment by the Treasurer the Sum of £5 to Thomas Eppinger for Bricklayer's Work on the Goal.

His Excellency acquainted the Board that He had received Complaints of Abuses, committed by Butchers and others, for want of Commissioners of the Market, and that in and by an Act of the General Assembly of this Province, and sundry additional Acts thereto, diverse good and wholesome Regulations are settled and established for the Management of the Same, and the Conduct of the Butchers and others; and that certain Commissioners are thereby appointed to enforce, and see that the same are duly observed and attended to; and that it is thereby enacted if any of the said Com-

missioners shall die, depart the Province, or refuse to act, the Governor and Council may appoint others; and that as the several Commissioners are at present either dead, or absent from this province; He therefore proposed that Commissioners should be now appointed agreeable to the Powers vested in the Governor and Council: Whereupon it was Ordered, that John Simpson, Alexander Thomson, & David Zubly, Esqrs, Messrs. James Johnston, William Ross, David McCredie, Thomas Flyming, and Matthew Stewart, be appointed, and they are hereby appointed Commissioners of the Market, with full Authority to use and exercise, all the powers contained in any of the Laws relative to the Market, and that the said persons so appointed be each of them Served with a Copy of this Order.

At a Council held at His Excellency's House in Savannah, on Wednesday the 19th Day of April 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall, and
Martin Jollie, Esquires.

Ordered for payment an Account of Abimeleck Hawkins for Articles to repair the Common Goal. £0..18..0.

At a Council held at His Excellency's House in Savannah, on Monday the first day of May 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency represented to the Board that the Writs issued for electing Members of Assembly were returnable on the 5th Instant; that He thought it a Matter of Consideration, whether the Assembly should then meet, or be prorogued until the Surrender of Charles Town; and the Attack reported as intended to be made by the Rebels on the Settlements in this Province, be more fully ascertained, or the Country in greater Security from their Depredations: He therefore desired they would consider the Same and give their Opinion thereon. And He further desired their Advice, where the Assembly should meet, as the State house from having been used as a Military Hospital was at present a very improper

Place for the Purpose, and besides could not be repaired or put in Order for their Reception in a short Time.

The Board having maturely deliberated on these Propositions, advised unanimously, That the General Assembly should at all Events meet at the appointed Time, as in Case of any Public Disturbance, they could empower and enable His Excellency to act in Securing the Public Peace, agreeable to the Exigency of the Times, and give a Sanction and Encouragement to the Efforts of the Inhabitants. And in Regard to the Place of Meeting, they were of Opinion, the Parsonage House would afford sufficient Room and Accomodation, both for the Council and Assembly, for the present Juncture.

At a Council held at His Excellency's House in Savannah, on Thursday the 4th Day of May 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency laid before the Board the following Reports from the Commissioners of the Board of Police, and the two former as well as present Boards of Claims: Which Reports were made to Him, agreeably to an order of Council, issued for that Purpose in Consequence of a Letter from His Majesty's Secretary of State, relative to the Disposal and Management of the Estates Real and Personal of absentees both Loyalists and Rebels in this Province.

After the said Reports were read, and fully examined, the Board was unanimously of opinion, that they were Sufficient to give every Information of the Property under the Charge of the Commissioners and recommended their being sent to the Secretary of State.

At a Council held at His Excellency's house in Savannah, on Friday the 5th Day of May 1780.

Present.

His Excellency Sir James Wright, Baronet, the Gov.
The Honorable Anthony Stokes,
Lewis Johnston,
John Hume, and
Martin Jollie, Esqrs.

The several Writs of Election bearing Date the 25th March last,

for electing Members to serve in General Assembly for this Province were this Day returned into Council as follows:

- | | |
|--|---|
| 5th Apl. 1780. Saml. Farley, Jas Moss-
man, John Simpson, &
Jas. Robertson, Esqrs. | } For the Town & District
of Savannah |
| 6th Apl. Wm. Jones Esq_____ | For the Dist. of Little
Ogeechee in Christ
Church Parish. |
| 7th Apl. Jas. Butler & Thos. Gold-
smith & Simon Munro, Esqrs. | } For the District of Gr.
Ogeechee & St. Phillip's
parish. |
| 8th Apl. John Irvine & Joseph-----
Fox, Esqrs. | For Midway & St. John's. |
| 10th Apl. Saml. Douglass, Esq.----- | For the Dist. of Goshen
& Abercorn in St.
Matthew's. |
| 11th Apl. Alex. Wright, Bazil Cowper,
& Nathl. Hall, Esqrs. | } For the Dist. of Ebenezer
& St. Matthew's. |
| 12th Apl. David Zubly, Esq.----- | For the Village of Acton,
in Christ Church Parish. |
| 13th Apl. Bazil Cowper, Esq.----- | For the Town of Vernonburg
in Christ Church |
| 14th Apl. Philip Yonge, Esq.----- | For the Islids. of Wilmington,
Tybee, Skiddaway, and
Green Islands in Christ
Church. |
| 15th Apl. Robt. Baillie & Jas.
Spalding, Esqrs. | } For St. Andrew's. |
| 17th Apl. Wm. Panton Esq.----- | For the Town of Frederica
& St. James's. |
| 19th Apl. Saml Douglass, Esq.----- | For St. David's. |
| 21st Apl. Robt. Porteous, Esq.----- | For St. Patrick's. |
| 24th Apl. Simon Paterson, Esq.----- | For St. Thomas's. |
| 26th Apl. Wm. Ross, Esq.----- | For St. Mary's. |
| 28th Apl. Alexr. Wyly & John
Henderson, Esqrs. | } For Halifax & St. George's. |

The Writ for Augusta & St. Paul's Parish, was returned by the Provost Marshal, not executed for the Reasons set forth in an Affidavit of the Returning Officer, annexed to the said Writ, and certified by the Provost Marshal; the Substance of the Affidavit being as follows: "That He the Deponent Abimelech Hawkins (a Deputy authorized by the Provost Marshal to execute the said Writ) received on the 25th of April last past, from the Provost Marshal of the Province, A Writ of Election for two Representatives to serve in General Assembly for the Town of Augusta and Parish of St. Paul, with Directions to proceed to Wrightsborough, and to hold the Same on the 1st of this Instant, May, That accordingly he set off and after proceeding as far as Abercorn, found from universal Report, it was impossible to reach the Place of Election without the Utmost Risque to His Person, and the Writ he carried; and that under these Circumstances he thought it prudent to return.

Ordered,

That the said several Writs be given to the Secretary to be delivered to the Clerk of the Commons' house of Assembly.

Mr. John Mulryne Tattnell attending the State Oaths & Oaths of office were administered to him as Clerk of the Commons' house of Assembly.

At a Council held at His Excellency's House in Savannah, on Tuesday the 9th Day of May 1780.

Present.

His Excellency Sir James Wright, Baronet, the Gov.
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume,
Martin Jollie, and
James Wright [Junior], Esqrs.

His Excellency observed to the Board that after several Adjournments of the Members of the Commons' house of Assembly, as no more had qualified than 15, that it was apprehended more could not presently qualify, there being several Members absent, besides some Double Returns, And one District had not returned any Member tho' intitled to send three, That by Resolutions of the Commons' house the Number constituting a Quorum was after several Variations, fixed by them at 18 Members with the Speaker, That He therefore desired they would consider the Matter and give their Opinions, whether such Variations from the Original Quorum, are constitutional or not, That if not, whether the House should not be taken as formed with the present Number, or if it is not, that then, whether from the Necessity of the Thing, they should not be taken as a House, and proceed to Business, or whether He should not propose to the Members that when they had formed a House, they should immediately acquaint Him therewith.

The Board unanimously concurred in Opinion that the last Proposition would answer every purpose.

At a Council held at His Excellency's House in Savannah on Tuesday the 16th Day of May 1780.

Present.

His Excellency Sir James Wright, Baronet, the Gov.

The Honorable John Graham, Esq. the Lt. Gov.

The Honorable Anthony Stokes,
John Hume,
Martin Jollie, and
James Wright [Junior], Esqrs.

Sundry Accounts against the Public, were examined and ordered for Payment.

Joseph Farley, Esq. as Prov. Mars. for maintenance of Prisoners £45..19..4.

The Honble. M. Jollie, Esq. for Negro & Cart hire & spades, for cleansing the Town of Savannah £10..13..8.

Donald Fraser, Esq. for holding Elections £38.

Frederick Fahm, for Smith's Work on the Common Goal of Savannah £5..7..6.

John Todd, for Negro Work, for cleansing the Town of Savannah, Ordered 11th May last £32..14..0.

George Kidd, for overseeing the Cleansing of the Town of Savannah, Ordered 11th May last £9..0..0.

At a Council held at His Excellency's House in Savannah, on Monday the 29th Day of May 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,

The Honorable John Graham, Esq. the Lieut. Govr.

The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume,
Martin Jollie, and
James Wright [Junior], Esqrs.

Ordered for payment James Humphrey's Accot. as Sexton of Christ Church £13..6..8.

At a Council held at His Excellency's House in Savannah, on Thursday, the 1st Day of June 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esq. the Lieut. Govr.

The Honorable Anthony Stokes,
Lewis Johnston,

Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

Ordered, that George Sloan and David Russell, be appointed to keep His Majesty's Peace in the Parish of St. George.

His Excellency laid before the Board a Petition from Moses Nunes, requesting His Certificate to enable him to receive his Salary as Interpreter of the Creek Nations; which the Board approved as very reasonable.

George Kidd's Account for cleansing the Town of Savannah ordered for Payment £6..9..0.

Ditto another Account for ditto, ordered for payment £4..5..0.

John Todd's Accot. for cleansing the Town aforesd. ordered for Payment £14..15..8.

The Honble. Josiah Tattnall, Esq. Account for Timber & Carpenters to fence in the Cemetary £14..18..4.

At a Council held at His Excellency's House in Savannah, on Friday the 9th Day of June 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. the Lieut. Govr.
The Honorable Anthony Stokes,
Josiah Tattnall, and
John Hume, Esqrs.

His Excellency represented to the Board, that He was informed Mr. Glen, Rebel Chief Justice of the pretended State of Georgia, intended to have embarked on Board a Vessel at Charles Town in order to come to this Province, but was then prevented by Accident: His Intention of coming being however thus known, He therefore desired the Opinion of the Board what Conduct should be pursued by Him towards Mr. Glen, as it would be a precedent in such Cases, for as many as may come into this Province under the like Circumstances of having borne Offices under the Rebel Government, or otherwise favored it.

The Board having maturely considered the same, Unanimously advised that the Matter should be refered to the Attorney General to report thereon his Opinion, and that as soon as possible.

And the Same was ordered accordingly.

Ordered that James Downie, Esq. & Charles McDonald Esq. be appointed to keep His Majesty's Peace in the Parish of St. Andrew.

At a Council held at His Excellency's house in Savannah, on Saturday the 10th Day of June 1780.¹

Present.

His Excellency Sir James Wright, Baronet, the Govr.

The Honorable John Graham, Esq. the Lt. Gov.

The Honorable Anthony Stokes,
Josiah Tattnall, and
John Hume, Esqrs.

His Excellency laid before the Board the following Report from the Attorney General, on the Matter proposed at the last Council. May it please Your Excellency

I have considered the Subject Matter of the Minute of Council of Yesterday referred to me: And I am of opinion, Mr. Glen the Rebel Chief Justice, should not in Decency be suffered to remain here unmolested; but that the same Conduct, as is observed to lesser offenders, should I humbly conceive be pursued as to him, and every other Offender; particularly those, who held Offices under the Rebel Powers, and such, whose Rank, and Influence, gave them an Ascendancy over the Multitude.

I have the Honour to be Your Excellency's
most obedt. hble. Serv.

James Robertson, Att. Genl.

Sava. 10 June 1780.

His Excellency Sir James Wright, Bart. &ca

Which being read the Board was of Opinion, that the Clerk should be directed to acquaint the Attorney General, to take such Measures as he shall think proper and the Nature of the Case may require in Regard to Mr. Glen and others now arrived in Town who have borne offices or been otherwise Active in Rebellion.

And the same was ordered accordingly.

His Excellency then laid before the Board the Petition of William Bryan praying to be permitted to take the Oath of Allegiance to His Majesty, and to be admitted to the Privileges of a Good Subject, being fully sensible of the Errors of his past Conduct in opposing His Majesty's Government.

On which Petition the Board, was of Opinion, that in Consideration of his having come in, before the Surrender of Charles Town, provided he can bring a Recommendation signed by some of His Majesty's Loyal Subjects, persons of Character in his Behalf; And further give Security for his Good Behavior for 12 months, as done by Others; he may be permitted to take the oaths to Government.

1. Not reported as a session of Council. Only the letter of James Robertson is included in other version. See Allen D. Candler, ed., *The Colonial Records of the State of Georgia* (Atlanta, 1907), XII, 475.

At a Council held at His Excellency's house in Savannah, on Monday the 12th Day of June 1780.

Present.

His Excellency Sir James Wright, Baronet, the Gov.
The Honorable John Graham, Esq. the Lt. Gov.
The Honorable Anthony Stokes,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency laid before the Board the Petition of John Glen, John Sutcliffe and Dr. James Houstoun, shewing that they (the Petitioners) arrested and in Confinement under a Warrant and Mittimus issued by the Honorable Anthony Stokes, Barrister at Law, Chief Justice of the Province, for Treason, and adhering to His Majesty's Enemies in Rebellion. That they (the petitioners) are willing to take their Trial for the offence aforesaid, And for that purpose have tendered and offered Bail or Security for their Appearance at the next General Sessions of the Peace, But as the Attorney General conceives, that they (the Petitioners) cannot be bailed without the Consent and Approbation of His Excellency. They therefore pray His Excellency will be pleased to take their Case into Consideration, and Consent to their being bailed to appear at the next Sessions of the Peace at Savannah, to take their Trial for the Offence afforesaid; or any other Charge that may be then and there exhibited against them, or otherwise as to His Excellency may seem meet.

On the prayer of which Petition His Excellency observed, That He conceived it was not the Intention of the Crown at any Time to make the Situation of any Person, under a Charge of Criminality more difficult or distressing than may be absolutely necessary; And that all which is meant is, that Common Right and Justice be done to the Crown and Country; That He conceived these Matters lay not with Him, but as far as they may, He proposed it should be left to the Attorney General, to use his Discretion, as the Circumstances, of the Case shall appear.

The Board on full Consideration of the Subject, advised that the Matter be left to the Discretion of the Attorney General, whether the Parties may be admitted to Bail or not, as the Nature of the Case may appear, considering at the same time the Heat of the Season and the Confined State of the Common Goal.

His Excellency then laid before the Board the Petition of several Seamen under Confinement in the Common Goal, on a charge of Piracy, praying to be brought to a speedy Trial.

Which being read, the Board was of opinion, the Same should be refered to the Attorney General.

At a Council held at His Excellency's House in Savannah, on Wednesday the 14th Day of June 1780.²

Present.

His Excellency Sir James Wright, Baronet, the Gov.

The Honorable John Graham, Esq. the Lieut. Gov.

The Honorable Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency laid before the Board a Letter and Petition from Mr. John Glen,³ also a Certificate of several Inhabitants in favour of him: On which His Excellency made some Observations, and referred them to the Board.

The Board having considered the Subject, unanimously advised That the Clerk should write to Mr. Glen that he may be admitted to take the Oath of Allegiance &c, to His Majesty whenever he pleases, but it is conceived the Governor has no Right to grant a Pardon or stay proceedings in Cases of High Treason; the Commissioners appointed by His Majesty for restoring Peace in America are invisted with full Powers to grant Pardons, for all Offences committed against the Crown during the Rebellion: And that Mr. Glen should apply to the said Commissioners for Relief, it not being in the Governor's Power to grant the Prayer of his Petition in that Particular.

At a Council held at His Excellency's House in Savannah, on Saturday the 17th Day of June 1780.

Present.

His Excellency Sir James Wright, Baronet, Governor

The Honorable Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency represented that many Complaints had been made against a Set of Men called McGirth's people, for robbing, murdering, distressing, and breaking up the Settlements in this Province, that it appeared to him highly necessary to issue immediately a Proclamation, and not only call upon the Country to seize upon and bring to Justice these people so offending, but offer both pardon and Reward for that purpose on their Conviction.

The Board unanimously approved of the same and advised the Reward should be £50. And the Secretary was ordered to prepare a Proclamation accordingly.

2. Minutes of this session have been published. *Ibid.*, 478. Texts are almost identical, but names of those present not listed in other version.

3. Mr. Glen's "Memorial and petition" is included in other version. *Ibid.*, 476-77.

The following Accounts were examined and ordered for Payment,
Benjamin Wright's Accot. for carting Wood for Bonfires £0..14..0.
Colin McLachlan's Accot. for cheese for the Militia. 3..3..0.
Talemache's & Wallace's Accot. for Rum for the Soldiers and
Populace on the Reduction of Charlestown 26..7..2.
Cecil & Wood's Accot. for Bread & Rum for the Militia 8..6.
Todd & Kidd for Wood &c 4..16..4.

At a Council held at His Excellency's house in Savannah, on
Thursday the 22d Day of June, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
John Hume, and
Martin Jollie, Esqrs.

His Excellency laid before the Board a petition, from John Sutcliffe praying to be admitted to take the Oaths to Government & to be discharged from Custody, in Consideration of the peacableness & inoffensiveness as he alledges of his past Conduct.

On Considering of which Petition, the Board advised that the Clerk be directed to acquaint him, that his Petition had been considered and that he may whenever he pleases be admitted to take the oaths to Government; but in Regard to proceedings at Law, against him, the Governor cannot interpose, nor can he grant a Pardon for High Treason; none but His Majesty's Commissioners for restoring peace, being authorized for that Purpose in North America.

His Excellency then represented to the Board, the Necessity there was of putting the Public Buildings in Repair, and at the same the Difficulty of obtaining Materials and Undertakers, and proposed that a notification be inserted in the Georgia and South Carolina Gazettes to that Purpose.

Which the Board unanimously agreed to and the following Notification was Ordered accordingly.

Georgia. Council Chamber, June 22, 1780.

Ordered, That the Court-house in the Town of Savannah, in the said Province be forthwith Repaired.

Ordered, That a Common Goal and Work-house, be forthwith built in the said Town.

Ordered, That public notice hereof be given in the Georgia and South Carolina Gazettes.

In Consequence of these Orders, all Persons willing to contract

for furnishing Materials, and finishing in a workmanlike manner any or all of the premises aforesaid, are hereby desired to send their proposals without Delay, under Cover, sealed up, and directed to George D'Erbage, Esq. Assistant Clerk of the Council, at the Secretary's office in Savannah, with their direction or Address, in Case their Proposals are approved of.

Geo. D'Erbage A. C. C.

At a Council held at His Excellency's House, in Savannah, on Thursday, the 29th Day of June 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor
The Honorable Josiah Tattnall,
John Hume, and
Martin Jollie, Esqr.

His Excellency observed that the Commons' house of Assembly on a Memorial of the Revd. Mr. Brown, the officiating Clergyman of Christ Church parish, had made several Resolutions in his Favour in which they offer to make good the Sum of ten Guineas Monthly if approved of by His Excellency, in order the better to enable him to fulfill his Clerical Function.

Which Resolutions being read, and the Memorial of Mr. Brown, the Board, highly approved of the same, and advised the Sum of 30 Guineas be advanced to him, by Mr. Robertson, out of such public Money as he may have in his hands.

His Excellency then laid before the Board a Petition of Elizabeth Graham convicted of having feloniously harbored and concealed, with Intention to convey the Same out of the Province, two Negro Slaves belonging to Thomas Fenwick, Esq. and praying to be pardoned the Penalty, on Condition of transporting herself from this Province never to return.

Which being read, and the Nature of the Prayer considered, the Board was of opinion, That a Pardon should be granted on the Terms aforesaid.

His Excellency next acquainted the Board, that it was necessary to fill up all the Vacancies in the Commissioners for the several Roads throughout the Province, and proposed that John Mulryne, The Honble. Josiah Tattnall, George Baillie, James Irvine, Robert Porteous, Philip Yonge and Robert Reid, shall be Commissioners for the Orphan House Road and Skiddoway, and that William Jones, Charles Younge, David Johnston, Robert McCormick and Nicholas Hayner, shall be Commissioners for the White Bluff Roads, and that William Jones, Isaac Baillou, Joseph Fox, John Fox, and Stephen Millen shall be Commissioners for the Road to Ogechee Ferry, and

that James McKay, James Butler, Walter Brown, Roger Kelsall, Simon Munro, Benjamin Baker, and Thomas Goldsmith, shall be Commissioners for the Road from the other Side of Ogechee Ferry to Midway, Newport, and Sunbury; and that Robert Baillie, Roderrick McIntosh, Charles McDonald, William Ross, and James Downie, shall be Commissioners for St. Andrew's Parish; and that Thomas Gibbons, Benjamin Farley, Joseph Fox and John Fox, shall be Commissioners for the Newington Road; and that Lachlan McGillivray, John Murray, Basil Cowper, Nathaniel Hall, and Samuel Douglass, shall be Commissioners for the North west Road as far as Christ Church Parish extends; and that the Revd. Mr. Christopher Frederick Treibner, Thomas Flyming, Nathaniel Polhill, Jacob Behler, and John Goldwire shall be Commissioners for the said Road in the Parish of St. Matthew; and that Matthew Lyle, David Russell, Samuel Montgomery, David Woods, George Sloane, and Robert Irvine, shall be Commissioners of the Roads in St. George's parish; and that James Grierson, Joseph Maddock, Jonathan Sall, James Seymour, and William Goodgion, shall be Commissioners for the Roads in St. Paul's Parish.

All which was unanimously approved of by the Board, and it was Ordered.

That the said several Persons be, and they are hereby nominated and appointed Commissioners of the said several Roads; and it is strongly recommended to them that they forthwith give notice to all Parties concerned, that they work upon the several Roads at and for such Time and Times as the said Commissioners shall judge necessary and proper.

And it was further Ordered,

That this appointment be published in the Gazette.

At a Council held at His Excellency's house in Savannah, on Tuesday, the 11th Day of July 1780.

Present,

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esq. the Lieut. Govr.

The Honorable John Hume, and

Martin Jollie, Esqrs.

Mr. James Grierson, attended the Board with Sir Patrick Houstoun and Mr. Andrew McLean, and the following Declarations made by the last two were taken and ordered to be entered.

Sir Patrick Houstoun, Baronet, being desired to explain his Conduct during the late Rebellion in this Province, declared as follows:

That he parted with His Excellency sometime in January 1776, and went immediately to the River Saint Mary, in Search of a Vessel

in Order to load the Same with Rice, and proceed to England therein; that having found a Vessel, he proceeded with that Intention to his Plantation on the River Alatamaha; but at that Time the Prohibitory Act of Parliament being passed, and received in this Province, the Vessel was seized by Capt. Grant, Commander of the King's Armed Schooner Saint John; that every Endeavor to recover the Same being ineffectual, he remained unmolested during that Year in the Southern Parts of the Province, when a dropsical Complaint occasioned him to follow the Advice of changing the Climate; in pursuance of which, he was sometime in making Journeys in different Parts as far as Philadelphia, Albany and Boston, merely on that Account; that he returned to this Province in November 1777, and in December 1777, or January 1778, having made a Purchase on the Carolina Side near Augusta, he retired there, leading a private Life; and that he had never borne Arms or accepted any Office Civil or Military under the Rebellion; but on the Invasion of the French, he received peremptory Orders to go down with the Army to the Siege of Savannah, as a Militia Man, but carried no Arms, except Pistols, which he generally rode with. All which, was corroborated by Mr. James Grierson and Mr. Andrew McLean, who further declared that the Rebels always regarded Sir Patrick Houstoun as a Tory, and that they had been severely questioned and treated for going to dine with him.

Mr. Andrew McLean, being desired to explain his Conduct during the late Rebellion in this Province, declared as follows:

That he neither carried Arms, or gave, or received Orders, from the Rebels; that he had been always considered by the Rebels as a Person inimical to their Party; that however General McIntosh on the Invasion of the French sent for him, and acquainted him with the Force Savannah would be invested by, and observed that his Intention in sending for him was merely to save him, as his Principles were regarded in an unfavorable Light by the Party, that now the Prospect of being presently in Possession of Savannah was so certain, he (the General) wished he would think properly of his Situation, and come down with the Army to Savannah, and he should be at Liberty to act or not as he (McLean) might think fit; This proposal offered merely to serve him in the embarrassed Circumstances, he was then in, induced him to come down with the Rebell Army, but with a firm Resolution to take no active Part in Favor of Rebellion, but to use all his Endeavors to assist the Inhabitants of Savannah, in Case that Place had been taken, which every appearance made then too probable.

At a Council held at His Excellency's house in Savannah, on Monday the 17th Day of July, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esq. the Lieut. Governor.

The Honorable John Hume, and

Martin Jollie, Esqrs.

His Excellency laid before the Board from the Attorney General Drafts of the Form of Proceedings to be followed by the Parties named in the Disqualifying Act, who may solicit to be freed from the Inabilities they are under, by Virtue thereof.

Which being examined were approved of, by the Board, and Ordered to remain with the Clerk to be followed in such Cases.

His Excellency then observed that Mr. D'Erbage as the Deputy Secretary waited for Orders, about the Publication of the Acts passed in the late Sessions of the General Assembly, whether there ought not an Edition thereof to be published forthwith.

Which the Board approved of, and advised that the Printer should be ordered to print off, as many Copies of the said Acts as are necessary to furnish the Governor, the Members of both Houses of Assembly, and the Officers of Government with each a Copy.

At a Council held at His Excellency's House, in Savannah, on Monday the 24th Day of July 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esq. the Lieut. Governor.

The Honorable Anthony Stokes,

Lewis Johnston,

John Hume, and

Martin Jollie, Esqrs.

His Excellency having represented to the Board the urgent Necessity, there was for continuing or reviving the Commissions of the Loan Office & Pilotage; proposed that Mr. Wylly, should be wrote to by the Clerk for such Information as he may be able to give in either Case, it appearing that he formerly acted as a Commissioner in both Offices.

And it was ordered accordingly.

The petition of Mr. Andrew McLeane of Augusta, Merchant, was read, setting forth, that his Conduct during the late Rebellion in this Provice. had been greatly misrepresented, for that so far from being actively concerned in the said Rebellion or any of the unlawful Proceedings carried on in the province, he was always esteemed a suspected Person by the Rebels, and a Friend to the

King's Government, and that he had suffered Imprisonment on that Account, of all which he can give such Proofs as he hopes will be satisfactory; And therefore prays to be restored to the Rights of a Loyal Subject.

In support of the said petition an Affidavit of the said McLean, and an Affidavit of the Honorable Lewis Johnston Esq. also a Declaration of James Grierson, Esq. were read, tending to prove the Allegations of the said Petition.

His Excellency now desired the Sense of the Board: When they were unanimously of Opinion, that the said Andrew McLean had discovered and proved himself to the Satisfaction of the Governor and Council to be deserving of having the Disqualifications imposed by the said Act, removed and taken off in the Whole, and to be restored to all the Advantages, privileges and Immunities which he heretofore enjoyed.

And it was ordered that an Order of Council agreeable to this Minute and the Draft prescribed for this Purpose be prepared by the Clerk, and given to the said Andrew McLean in Confirmation of the Above.

At a Council held at His Excellency's House in Savannah, on Tuesday the 1st Day of August 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.
The Honorable John Graham, Esq. the Lieut. Governor.
The Honble. Anthony Stokes,
Lewis Johnston,
Josiah Tattnall, and
Martin Jollie, Esqrs.

His Excellency desired the Opinion of the Board whether it was not necessary to fill up the Vacancies in the Commissioners of the Loan Office: And the same being thought adviseable, the Honorable Lewis Johnston, Josiah Tattnall, and Martin Jollie, Esquires, together with Alexander Wyly and James Robertson, Esquires, were proposed to be Commissioners of the Loan Office of the Province of Georgia.

And the said several Persons are hereby nominated and appointed Commissioners as aforesaid.

Ordered, That the Clerk of the Council notify the same to the said several Persons, and also that this Appointment be published in the Gazette.

His Excellency desired the Opinion of the Board whether it was not necessary to fill up the Vacancies in the Commissioners of Pilots and Pilotage: And the Same being thought adviseable, Messieurs

John Wood, Owen Owens, John Wallace, Samuel Douglass, William Ross, John Storr, and Patrick Crookshanks, were nominated to be Commissioners of Pilots and Pilotage of the Province of Georgia.

And the said several persons are hereby nominated and appointed Commissioners as aforesaid.

Ordered, that the Clerk of the Council notify the same to the said several Persons, and also that this Appointment be published in the Gazette.

Ordered, on an application from the Dep. Secretary, concerning the proper person, to make the marginal References or Notes, to the late Acts of Assembly, when the same are to be published, That the Dep. Secretary do make out the Same, and Charge the public for his Trouble.

Ordered, on an application from the Assistant Clerk of the Council, requesting that the Rough Minutes of Council, during the late Clerk of the Council's holding that Office, be copied out fair by him, That the Assistant Clerk do write to Mr. Wyly and acquaint him, that His Excellency in Council, desires he will forthwith have the said Minutes copied fair.

Ordered, on an application from the Assistant Clerk of the Council, setting forth that there appeared nothing in the Fee Act, for the extraordinary Business in his office incident to the Disqualifying Act, and requesting he may be allowed some Consideration for such Trouble, That the Assistant Clerk do charge the Parties as far as the Fee Act may set forth, and otherwise take Fees agreeable to the Nature of the Business done.

A Petition from William Murphy setting forth the distressed Situation of himself and Family, and praying Relief, being Read, together with a Letter from Mr. Nathl. Hall to His Excellency in behalf of said Murphy. Ordered that 4 Guineas from the Charitable Fund be given to the said Petitioner.

The Blank Forms & Rolls of the State Oaths being reported by the Deputy Secretary to be ready, agreeably to Order of Council for the assistance of the Magistrates in executing the Disqualifying Act: Ordered that 2 Rolls of the State Oaths be sent to each of the Parishes of St. Paul, St. George, St. Andrew, St. Philip, and 1 Roll to the Parish of St. Matthew; and that the Blank Forms be distributed among the Magistrates.

His Excellency now laid before the Board a Petition from the Inhabitants of the Ceded Lands, the said petition being wrote, and also subscribed in the Names of the said Inhabitants, at their desire by William Manson, in Truth of which the said Manson has annexed his Affidavit properly executed. This petition in Substance the Same with that from the Inhabitants of Augusta being read, His

Excellency desired the Opinion of the Board thereon; When after due Consideration thereof, It was Ordered that the same Answer be returned as was to the Augusta Petition.

Ordered, that the Revd. Mr. Zubly be authorized to pay Dr. Meyer for the Cure of Christian Dasher 10 Guineas.

At a Council held at His Excellency's House in Savannah on Monday the 7th Day of August, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. the Lieut. Governor
The Honble. Anthony Stokes,
Josiah Tattnall, and
Martin Jollie, Esqrs.

His Excellency desired the opinion of the Board, whether it was not necessary to fill up the Vacancies in the Commissioners for Great Ogeechee Ferry: And the same being thought adviseable, James Mackay, James Butler, Roger Kelsall, William Struthers, Isaac Baillou, and Joseph Fox, Esqrs. were nominated to be Commissioners of the said Ferry.

And the said several Persons are hereby nominated and appointed Commissioners as aforesaid.

Ordered, That the Clerk of the Council notify the same to the said several Persons, and also that this appointment be published in the Gazette.

At a Council held at His Excellency's House in Savannah on Saturday the 12th Day of August, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. Lieut. Governor.
The Honble. Anthony Stokes, and
Lewis Johnston, Esqrs.

Ordered, that the names of the Revd. James Seymour, Clerk William Goodgion, Andrew Johnston, Andrew McLean, and Isaac parry [sic] be inserted in the Commission of the Peace as Magistrates for St. Paul's Parish.

Also the names of Thomas Waters and John Howard, as Magistrates for the Ceded Lands.

And also the Names of the Honorable Josiah Tattnall, Esq. and Thomas Brown, Esq. Superintendent of Indian Affairs as Justices of Quorum.

Ordered, that Commissions be made out for the following Gen-

tlemen, in the 2d Regiment of Foot Militia commanded by Colonel Grierson.

Alexander McLean, Captain, James Stewart, Lieut. and James Wetherby, Ensign, in the 1st Company, or the Augusta District. George Downs, Captain, Edward Ashton, Lieut. and Isaac Skinner Ensign, in the 2d Company or the District above Reas Creek. Theophilus Daes, Captain [blank] McNear, Lieut, in the 3d Company or the District of Eugee Creek.

Lewis Gardner, Captain, Rheese Howard Lieut. in the 4th Company or the District above Eugee Creek.

Isaac Perry, Captain, in the 5th Company or District of the Kiokas. James Bishop, Captain, Samuel Hart, Lieut. in the 6th Company or District of Wrightsborough Township, from the Town upwards. George Phillips, Captain, David Dawson, Lieut. in the 7th Company or District of Spirit Creek.

Jacob Watson, Captain, James Coates, Lieut. in the 8th Company or the District of Wrightsborough Township from the Town downwards towards Augusta.

George Nichols, Captain, John Lang, Lieut. in the 9th Company or District of Wrightsborough Township, about Williams Creek.

At a Council held at His Excellency's House in Savannah on Monday the 21st Day of August 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. the Lieut. Governor.
The Honorable Anthony Stokes,
Lewis Johnston,
Josiah Tattnall
John Hume, and
Martin Jollie, Esqrs.

Read a petition from several of the Inhabitants in Saint Philips Parish, representing the Inconveniency they are under in attending Militia Duty, at a very great Distance from their respective Residences; and praying that Luke Mizzel may be appointed Captain of the Militia for their District.

Ordered, that the clerk write to Lt. Coll. Lyle, to inquire into the Merits of the Petition, and into the Character of the said Mizzel and how far he is proper for the Service.

Read an Account of Coll. Philip Moore against the Public for Necessaries supplied at his Expencc for the Use of the Militia during the Siege of the Town.

Ordered that the Clerk write to Coll Moore, to acquaint him that the Account is allowed, excepting the article of the Sails used for

Tents; which being no more than was generally done from the different Vessels, and without any Charge being brought for the Same, a partial allowance cannot be made on that Accot. to him, for a Service so generally gone into.

Read a petition from John Stacey praying to be admitted to take the Oath of allegiance to His Majesty, and receive Protection. Also read a Letter from the Revd. Mr. Zubly in that Behalf.

Ordered that a Letter be sent to the Revd. Mr. Zubly to acquaint said Stacey, that on his complying with the Forms of the Disqualifying Act, before a Magistrate having the State Oaths prescribed, he may on calling at the Clerk of the Council's Office, see the Form of the Petition where Indulgence from these Disqualifications is desired.

At a Council held at His Excellency's house, in Savannah, on Monday the 28th Day of August 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esq. Lieut. Governor.

The Honorable Anthony Stokes,

Lewis Johnston,

Josiah Tattnall, and

Martin Jollie, Esqrs.

His Excellency laid before the Board a Letter from the Commissioners of Pilotage, on the Allowance to the Pilot for a Boat, and desired their opinion on the Subject.

On which the Board was of opinion that the application with Respect to the Pilots not being answerable for the £150 in Case of the Boat, being taken or lost, while on actual Service, must be made to the General Assembly, and does not lye with the Governor and Council to determine upon.

His Excellency then desired the opinion of the Board on a Letter from Mr. Mossman, in Behalf of Mr. James Houstoun's coming into this Province. Which being read, the Board was of opinion, the Governor ought not to interfere in that Matter.

Ordered, that the clerk write to the several Magistrates having Rolls of the State Oaths, and strongly enjoin them peremptorily to carry the Disqualifying Law into Execution, agreeably to the Tenor thereof, which allows of no Discretionary Powers, but in the Governor and Council, to whom all applications for Relief in that Respect must be made.

Read a Letter from Daniel Crawford proposing to undertake the Brickwork of the Public Buildings in Savannah.

Ordered, that Mr. Crawford be advised to come to Savannah, as

his proposals cannot so well be understood, unless he be present, and that he may depend on meeting with Encouragement, at the same Time that he inquires whether any Person of his Acquaintance will undertake the Carpenter's Work; and that he brings such Person with him.

Also Ordered, That the Direction and Inspection of such Public Works, be under the Honorable Lewis Johnston, Josiah Tattnell and Martin Jollie, Esquires; and that such Engagements as it may be necessary to make or enter into with the Workmen be made and done by them or any two of them.

His Excellency observed to the Board that He had frequent Complaints of Masters of Vessels carrying off Negroes in their Vessels, which had been very much practiced of late, and which seemed to be a growing Evil: He therefore desired their opinion and proposed that the Attorney General be desired to examine the Laws relative to this Matter, that he draw up a Notification of the Penalties in such Cases; and that the same be published in the Gazette, that no Person may plead Ignorance thereof. All which the Board unanimously approved of.

Ordered,⁴ that Commissions be made out for the following Persons as Officers in the 4th Regiment of Foot Militia, commanded by Lieut. Coll. Matthew Lyle.

William Corker, Capt. John Johnston, Lieut. and Edward Corker, Ensign, in the 1st Company, or the District from Walker's Mill Creek, up Briar Creek to the Line in St. George's Parish.

John Morrison, Capt. John Ervine, Lieut. and James Archer, Ens. in the 2d Company or District from Livingston's Fording to the Head of Buckhead and in a direct Line from that to Richard Burney's on Lambert Big Creek.

Edward Pilcher, Capt. Benjamin Brantly, Lieut. and Edward Caswell, Ens. in the 3d Company or the District on the north Side of Briar Creek from Reas Road and upwards.

Daniel Howel, Capt. Jerry Atkison, Lieut. and Jonathan Wood Ens. in the 4th Company or the District from the Lower Part of the Parish of St. George, up Ogeechee to the Mouth at Bark Camp, and from thence to the old Indian Road on Buckhead.

William Read, Capt. Robert Woolfington, Lieut. and Thomas McCroon, Ens. in the 5th Company or the District from Sandy Run up the New Road to Rocky Creek to the head thereof, and to Walker's Mill Creek.

James Lambert, Capt. Jacob Thompson, Lieut. and Peter Oglevie,

⁴. This paragraph and those following to the end of this session are crossed out in the manuscript.

Ens. in the 6th Company or the District on the Southside of Briar Creek from the Beaver Dams to Sandy Run.

John Wilson Capt. John Montgomery Lieut. and David Cavenah, Ens. in the 7th Company or the District from the Mouth at Bark Camp to Livingston's Fording on Buckhead, with a direct Line to the Head of Black Jack Branch.

John Fleming, Capt. John Brown, Lieut. and John Martin, Ens. in the 8th Company or the District from Lambert's Big Creek to the Fork of Rocky Comfort.

Henry Ferguson, Capt. in the 9th Company or the District in the Fork between Savannah River and Bryar Creek.

At a Council held at His Excellency's House in Savannah on Friday the 8th Day of September, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable Anthony Stokes,

Lewis Johnston,

John Hume, and

Martin Jollie, Esqrs.

His Excellency acquainted the Board that He had received a Letter from Coll. Grierson at Augusta, by which it appears that none of the Magistrates assigned to keep the Peace in the Parish of St. Paul and District of Augusta, had qualified but the Revd. James Seymour, Clerk, and William Goodgion: And that he recommends the following Persons for Officers to serve in the Militia in his Regiment, viz. in the 4th Company Robert Story, as Captain, and Benjamin Upton as Ensign, in the 5th Company David Crook as Captain, James Waters, as Lieut. and John Coombs as Ens.; in the 6th Company William Phelps as Capt. & Randal Ramsay Junr. as Lieut.; in the 9th Company Joseph Wilder as Capt. Richard Beaufield as Lieut.; And William Goodgion to be Lieut. Colonel and Andrew Moore, the Major.

On Consideration of which, the Board advised that Colonel Grierson be desired to recommend such other Persons for the Magistracy as are willing to act: And that Commissions be made out for the several Persons recommended as Militia Officers, except Andrew Moore, who being in the disqualifying Act, that must be postponed for further Consideration.

His Excellency then laid before the Board a List which He had received from Lt Coll. Lyle of Persons recommended by him and the Magistrates of St. George's Parish, as proper for Militia Officers in that Parish, with the several Districts thought most convient for the Different Companies in the said Regiment and parish. Which

the Board having considered, recommended their being commissioned accordingly, Except John Wilson proposed as a Captain, as there is such a Name in the Disqualifying Act, it must therefore be delayed until Inquiry is made whether it be the same Person or not. And the several Districts or Divisions of the Companies were approved of.

His Excellency acquainted the Board that He had received an Application from Thomas Brownhill, Overseer on the late Revd. Mr. Zuberbuhler's plantation (which Plantation was devised to Trustees for certain charitable uses, and those Trustees are in some Instances subjected to the Direction of the Governor and Council) who informed him that there were no Provisions on the Plantation for the Support of the Negroes. And His Excellency further acquainted the Board that He was informed by Brownhill at the Same Time, that he had been served with an Attachment for a Debt said to be due from Mr. Zuberbuhler in his Life time; and that all the Executors or Trustees of the said Mr. Zuberbuhler, were either dead or absent from the Province; the said Mr. Brownhill therefore desired to know how he should conduct himself on the Occasion. His Excellency also acquainted the Board, that He had perused a Copy of Mr. Zuberbuhler's will, and that it appears thereby that James Habersham, Francis Harris, Grey Elliott, James Read, Joseph Clay, John Smith, and Noble Wimberley Jones, were appointed Executors and Trustees: That there is a clause in the said Will empowering the Governor and Council of this Province for the Time being in Case of the Death or Refusal to act, &c, of any one or more of the said Executors or Trustees, to nominate and appoint one or more Persons to act in the Room of those dying or renouncing; and that all future Vacancies which might happen should be filled up in like Manner. His Excellency likewise acquainted the Board, that the said James Habersham, Francis Harris, and James Read are dead; that the said Grey Elliott, resides in England, and never acted as He apprehends; and the said Joseph Clay, John Smith, and Noble Wimberley Jones were in Rebellion, and their Names are accordingly included in an Act of Assembly past the last Sessions usually called the Disqualifying Law. His Excellency then observed that Mr. Zuberbuhler's Will directs that the Executors and Trustees should yearly lay their Accounts of Receipts and Payments &c relative to the Plantation produce, before the Governor and Council: But altho' the Testator died in the Year 177____, yet He does not recollect or believe that any Accounts have ever been laid before the Governor and Council. His Excellency having observed that He had purchased provisions for the Negroes, proposed that the Copy of the Attachment

should be sent to the Attorney General to act therein as he might judge proper. Which was approved of.

His Excellency also observed that as three of the Trustees were dead, as one of them resided in England, and had never acted, and as the remaining three had abdicated their Trust by joining in Rebellion, and leaving the Province, so that, there was at present no one to represent the Estate, that therefore it became necessary that Trustees should be appointed by the Governor and Council agreeably to the Powers given by the said Will; And that it should be referred to the Attorney General to draw up the Form of an Appointment of Trustees accordingly; And also that the Attorney General should report his opinion with Respect to the said Clay, Smith and Jones; and whether as they are in Rebellion, are absent from the Province, and are included in the Disqualifying Law, they should not be considered as having abdicated their Trust; and whether on these Considerations the Governor and Council should not put others in their Room. All which was approved of; and it was Ordered that a Copy of the Will, and of this State of the Case be sent to the Attorney General to report his opinion thereupon.

His Excellency laid before the Board, a Letter from the Public Treasurer, setting forth, that he had Good Reasons for believing the payment of the Country Duties was greatly evaded; and the usual Attendance on the public offices wholly omitted by Masters of Vessels, on that Account: that notwithstanding the Fort at Cockspur may be of some Service in this Case, it appeared to him, that it would be more effectual to the Purpose of securing the Country Duties, if the Naval Officer, had Directions not to enter or clear any Vessel except under certain Restrictions from the provincial Offices, which it seems is the practice in the West-india Islands, and likewise was adopted in Charlestown. And the said Letter being read, His Excellency desired the Opinion of the Board, on the propriety of giving such Orders to the Naval Officer, as desired by the Public Treasurer, and which the present State of the Country Duties requires.

The Board unanimously agreed that it was very proper and necessary to give such Orders to the Naval Officer, more especially as that practice is observed in the West indies, and used to be formerly observed in South Carolina, and no ill Consequence can result from it either to King or Country: The Board therefore advised that the following Order be sent to the Naval Officer signed by the Clerk, agreeably to the Representation of the Public Treasurer: And they further advised for the better securing the Country Duties that a Country Waiter should be appointed to assist the Public Treasurer.

Order in Council to the Naval Officer.

At a Council held at His Excellency's House in Savannah, on Friday the 8th Day of September, 1780.

Present.

His Excellency the Governor in Council

On the Representation of the Public Treasurer, that the Payment of the Country Duties was greatly evaded, to the Detriment of the Public Revenue of this Province, particularly by Masters of Vessels not reporting their Cargoes and Vessels at his Office, as in Duty they ought to do: It was thereupon ordered, that the Naval Officer of this Province, or his Lawful Deputy or Deputies or Person or Persons acting as Naval Officers, do forthwith, enter or clear no Vessel whatever at his Office, unless upon the Master's coming to enter, he produces a Certificate of Entry, signed by the Public Treasurer and Indorsed by the Secretary of the Province or his lawful Deputy; and upon the said Master's coming to clear out, he produces the Public Treasurer's Clearance; which Certificates respectively are to remain on File with the Naval Officer, who is to govern himself by this Order accordingly.

His Excellency also acquainted the Board that He had received Information that Mr. John Houstoun the late Rebel Governor of this Province was at Purysburg, and it is expected he will soon come to Savannah. His Excellency then directed that the Minute of Council of the 9th June last, should be read, and the Attorney General's Report thereupon. He then observed, that as He apprehended the said Reference to the Attorney General and the Order thereupon, were not confined to Mr. Glen and some others, who came in at the same Time but were meant to serve as Precedents in all similar Cases, and to be observed with Respect to such Persons as might thereafter come into this Province under the like Circumstances of having borne Offices of Distinction &c, under the usurped Rebel Government, He therefore thought it would regularly and officially lie with the Attorney General to take due Notice of all such Persons, who may come into this Province under the Circumstances aforesaid, more especially as the Attorney General has long resided in this Province, and from his extensive Practice in the Law, must be well acquainted with the Characters and Conduct of most Men in this Country.

The Board was of the same Opinion and recommended that a General Direction should be now sent to the Attorney General to take Measures to inform himself from Time to Time of the Arrival of such Persons, who have held Commissions or Appointments of Consequence under the Usurpation of the Rebels or who may appear to him to endanger His Majesty's government here, by the signal and desperate Part they took in the Rebellion; And with Respect to De-

linquents of those Descriptions, that he do proceed against them in such Manner as the Regard he has always manifested for the Support of His Majesty's Government and the Laws of the Land may direct.

All which was ordered accordingly; and the Clerk was directed forthwith to send the Attorney General a Copy of the Recited Minute of Council, & his Report thereon; also a Copy of this Minute and Order.

At a Council held at His Excellency's House in Savannah on Friday the 15th Day of September 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor.

The Honorable John Graham, Esq. the Lieut. Governor.

The Honorable Anthony Stokes,

Lewis Johnston and

Martin Jollie, Esqrs.

His Excellency laid before the Board the following Letter of the Attorney General.

May it please Your Excellency,

Several Persons are bound over to appear at the next Sessions, charged with treasonable Practices. It is probable, some of them, may be brought to Trial next Court, and altho' highly Criminal, it appears to me, it will be difficult, to convict them of High Treason, the Laws in that particular, granting prisoners great Indulgences and particularly requiring, two Witnesses to every Species of Treason, and giving the offender a peremptory challenge, to thirty five of the Jurors, by which Means he can have on his Trial, any twelve of the Jurors impanelled, he thinks fit, On the Contrary if indicted for a Misdemeanor, he has none of those Indulgences, and the Consideration, that a Conviction does not affect Life, renders a Prosecution of that Nature, more certain of Success, and in the End, may be attended with better Consequences, than a Miscarriage in a Capital Prosecution, and on the Whole seems more Conformable, to the lenient Measures adopted by Government. I have therefore to request Your Excellency will favor me with Your Sentiments on this Head, as it will have all due Influence on my Conduct at the same Time, I presume Your Excellency will agree with me, that whatever Mode of Prosecution may be adopted, should be kept a profound Secret.

I have the honor to be, &c.

James Robertson, A. G.

His Excellency Sir James Wright, Bart. &c. Sav. 11 Sep. 1780.

Which Letter being read, the Board was of opinion that the

Matter should be left to the Attorney General to use his Discretion therein, and to commence and carry on such Prosecutions as the Nature of the Evidence in the respective Cases may appear sufficient to support, and as he may judge most advisable and for His Majesty's Service.

His Excellency observed to the Board that many Inconveniences are complained of from Negroes occupying Houses, under no Controul from any White Person; selling and otherwise dealing or trading without any Limitation or Check; and that many were skulking about in the Woods, who have no apparent Means of Subsistence, but the Plunder of the adjoining Plantations; with many other Enormities, contrary to the Laws and Good Policy; and that it was highly proper a Stop should be forthwith put to the growing Disorders, and proposed that the Attorney General be directed to examine the Negro Laws, and the Patroll Laws, and to draw up an Extract therefrom relative to the Matters here complained of that the same may be published in the Gazette for the better Information of the Magistrates and Others.

Which the Board approved of; and the same was ordered accordingly.

Ordered, that Joseph Williams be put in the Commission of the Peace for the Parish of Saint Paul.

At a Council held at His Excellency's House in Savannah, on Monday the 18th Day of September, 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. the Lieut. Governor.
The Honble. Anthony Stokes,
Lewis Johnston,
Josiah Tattnall,
Martin Jollie, and
James Wright [Junior], Esqrs.

His Excellency represented to the Board, that He had received Intelligence from Augusta, that the Rebels had attacked Lt Coll. Brown's Corps at that Place, and having defeated him, had shut him up in a kind of Fort; that on the Arrival of this News He called on Lt Coll. Clark the Commanding Officer in this Province, in order to confer with him; but that Gentleman being very unwell and in a dangerous Way, and unable to attend to Business, desired He would consult with the Gentlemen of the Council, and whatever should be advised as proper to be done in the present Emergency the Coll. said he would chearfully concur in: His Excellency added that He proposed to the Colonel the sending off an Express to Coll.

Balfour, commanding Officer at Charlestown, but as He was not then so well informed of the Facts, He wished it postponed untill something more could be learned, in order to send the fullest Information to Charlestown: Since this His Excellency further added, that He understood from some Persons who had been in the Action, that Colonel Brown after a severe Engagement (in which the Indians who were there on Treaty behaved very well,) had been obliged to retire to a work of very little or no Defence, that the Enemy were numerous, and with the Assistance of a piece of Artillery they had taken might very probably overcome Colonel Brown and his Small Corps, in which Case the Country must be exposed to their Depredations, unless the securing of their Plunder (which in Indian Presents will be very valuable) may induce them to move off, or they are prevented by a proper Force from South Carolina: That He had now prepared a Letter to Coll. Balfour, in which He had stated the Facts as above, the present Military Force here, and the Circumstances of the Militia, and He now desired the opinion of the Board on the propriety of the Letter, and in the meantime He observed that one Harris was dispatched by Him towards Augusta for further Intelligence.

The Board having read the Letter was unanimous in approving of the Same, and in the Measures taken to procure Intelligence.

At a Council held at His Excellency's House in Savannah, on Wednesday the 20th Day of September 1780.

Present.

His Excellency Sir James Wright, Baronet, the Governor,
The Honorable John Graham, Esq. the Lieut. Governor.
The Honorable Anthony Stokes,
Lewis Johnston,
Martin Jollie, and
James Wright [Junior], Esqrs.

His Excellency laid, before the Board the Petition of James Ingram of Augusta, Which was ordered to be postponed untill he can attend in Person.

His Excellency then laid before the Board the petition of Matthias Lepina, with two Certificates in his Favor signed R. Kelsal and S. Munro, the whole setting forth his being a Foreigner, that he had been sometime in the Province, and without taking any Part in the present Disturbances, was forced into the Fort at Sunbury, where he was taken by the King's Troops, and admitted to give his parole, that in Consideration of his Case and some Services he had rendered those Gentlemen and others, Friends to Government, he was allowed by General Prevost to go at large, but he was now apprehensive of

being under the Disqualifying Act therefore prayed he might be allowed the same Liberty as before, or such as His Excellency should think expedient.

On Consideration of the Case, the Board was of opinion that he should be at large, on giving Security for his Good Behaviour, himself in £100 and each Security in £50.

His Excellency next represented to the Board, that Capt. Isaac Baillou of the 1st Regiment of Foot Militia, had reported that several of his Company pleaded Exemption from Militia Duty, on pretence that they had given their Parole to the Rebels; that this Case appeared to Him to deserve serious Consideration, & therefore desired their opinion thereon.

The Board after Deliberation on the Matter, was of opinion, that it is highly necessary a Stop should be put to such Practices, particularly as at this Time, there was not the Shadow of any Authority even on the Principles of Usurpation and Rebellion to render such Parols binding; and that it would be proper to order the Clerk to write to Capt. Baillou, to send such of his Men as had written proofs immediately to the Attorney General, and such of his Men as had none to attend His Excellency forthwith.

All which was ordered accordingly, and that Capt. Baillou send the name of the Person proposed by him for the Ensigny of his Company.

His Excellency then resumed the Business of Augusta, and the present State of the Province, and desired the opinion of the Board thereon, and whether they thought under the present Laws & Circumstances, any effectual Assistance could be given by the Country to the Military Force here, or whether it would not be proper to call the Assembly on a short Day, to consult on the best Means of strengthening Government on this Emergency.

After mature Deliberation the Board was unanimously of opinion, that nothing Effectual could be done without the Sanction of the Legislature, and advised that a Proclamation be issued immediately to call a meeting of the General Assembly on Monday next. Which was ordered accordingly. At the same Time the Board requested, that His Excellency would see Lieut. Colonel Clark, the Commanding Officer, and confer with him on the present defenceless State of the Town, and know if any Thing can be done by the Military in that Behalf.

His Excellency laid before the Board the Petition of Sir Patrick Houstoun, Baronet, setting forth his being included in the List of names of persons disqualified by the Late Act for being active or concerned in Rebellion, that the Description was not applicable to him, as he had the Honor to state before to His Excellency in Coun-

cil, which State of his Conduct during the late Usurpation he repeats, and can prove to the Satisfaction of His Excellency and the Honorable Board, Therefore prays the several Incapacities imposed on him by said Act may be removed and done away.

The petition being read and the Declaration of the Petitioner referred to, it was admitted, especially as Mr. Andrew Maclean was ready to prove the Conduct of the said petitioner to have been friendly to Government in the opinion of the Rebels. But Sir Pat. Houstoun not being present, the petition was ordered to lay until his Arrival.

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