

I denied Payment of them, as I looked on them to be of no Force; and the Lawyers urged Honour in the Case.

Upon which I told them to quit the Obligations, and I would pay them as much as I could do with Honour, and without being laughed at for a Fool.

However, they have sued for the Obligations; ———— and for the Information of the Publick, and all Concerned for Justice, I would inform them, That our Law, by Chap. IV. in Section the 2d. of Volume 1st, Page 111, allows an Attorney Thirty Shillings for a Suit in the General Court, and Fifteen Shillings in the County Courts; which, as by the Preamble to the said Law may be seen, was thought sufficient to compensate an Attorney for his Trouble for prosecuting or defending any Suit or Cause in any of the said Courts in this Province.

And in Page the 10th of Volume the 3d, in 44th Section, a Lawyer's Fee is declared to be Thirty Shillings in the Superior Court; and in the Fee Bill, Attorney-General's Fee is to be in common Suits the same as another Attorney, which implies other Attornies Fees were ascertained. Neither are they authorized by any Law to take more; nor is there any other larger Fees any where established.

And by the Law, in Page 140, Section 11, any Person or Persons whatsoever are debarred from creating, making, demanding or receiving any other Fees than such as shall be established by the Governor, Council and General-Assembly.

Here is no Exception made of Lawyers. ——— The Lawyers will attempt to urge, that any Tradesman has a Liberty to make a Bargain, and set a Price on his own Work, according as he does his Work; ——— for, say they, if we must be confined to the lawful Fee, we will do no more for that Fee than the Law obliges us to do.

To the first I say, No Tradesman could be at such Liberty were there the same Laws prohibiting them,

them, and setting Bounds to the Prices of their Work as there is to Lawyers Fees.—— Neither is there the same Reason to set Bounds to the one as there is to the other;——for it one Man will have Finery and Superfluity on a Piece of work, and pay a high Price for it, this does not oblige his Neighbour to do so too. Whereas by giving a larger Fee to a Lawyer than is sufficient to compensate him, taking one Action with another, for his Trouble and Expence in prosecuting or defending any Suit or Cause, so far as is necessary and just. so far the Law obliges him to; (in Answer to the last Part of the Objection.) I say, by one Man's giving more, it is attended with this Evil; such Attorney can afford and will study so much Sophistry and false Arguments and Glosses, that will blind Influence and confuse the Jury, as makes it necessary for the other honest Man to run to the same Expence, just to unravel and undo the false unnecessary Work the other has done; and in all this Cost and Expence (which is not only their Fees) there is not the least Benefit; nor is it in the least conducive to come at Truth and Justice, but quite contrarily renders it obscure and Dark: And at best, where the Parties are equally yoked, it makes the same Justice costly and hard to be come at, and serves to encrease an unnecessary Number of Men, as Lawyers, who might be useful Members of Society in following other necessary Business. And this Evil has always been foreseen by all Legislative Bodies, who have bounded their Fees by the Laws.—— But Man's Ambition, who are contentious one against another, has prompted them to such a willing Compliance to the Layer's Avarice, in Violation of those Laws, that in this Province, and perhaps all others, this Evil has grown so, that it Affects the peaceable honest Man so much, that the Lawyers has become the greatest Burden and Bane of Society that we have to struggle under; which Instances are so numerous, it would be tedious

idious to mention more than a few Instances.

First, they have by these unlawful Means been impowered to calculate the Laws to suit their Purposes; and where a contentious Fellow owes an honest Man a just Debt, we will suppose it but Five Pounds, a Lawyer will have Thirty Shillings for this Cause in the County Court, and Five Pounds in the Superior if he appeals; where, if the honest Man gains his Action, he recovers Seven Pounds Five Shillings; and is Six Pounds Ten Shillings out of Pocket, and so recovers just Fifteen Shillings for his Five Pounds.

And where an honest Man is indicted by a Rogue, he must pay a Lawyer at least Five Pounds; and if he is acquitted or not, the Cost, besides Five Pounds, is the least they will look at now a-Days; and this every Year growing higher Ten Pounds, and Fifty Pounds in difficult Cases. And if a Lawyer may extort of me Five Pounds, why not Three Hundred or Five Hundred?—as in my own Case; for I was acquitted, as will be seen hereafter.

When a Man is guilty of a Crime, and pays dear for it, he has a Remedy wherewith to guard himself for the future, that is, to take Care and not be guilty a second Time; but an honest Man has no Refuge, but is liable to the same Cost every Year.

If a Man owes me a Debt of Twenty Pounds, I am sure to be three Pounds Ten Shillings out of Pocket; for no Lawyer will touch my Cause for less than Five Pounds; and I can recover but Thirty Shillings:—And many Times they ask Ten Pounds; and why not in Time grow as generally to Ten.

Now is it not strange what Custom will do; it is a second Nature, as it is justly called.——For in this Case the Lawyers have practised taking Extortionary Fees so long, without being punished, either by the Penal Laws or Indictments, both which they are liable to; that they now are hardy

dy enough to attempt to recover extortionary Fees by the Law.

I hope the Province will not be long so grossly blinded; suppose I suffer now through the Stupidity which Custom has blinded us with.

The following is a Copy, off the Docket, relating to the Indictments at this Court against the Principal Persons, one on each Side, viz.

North-Carolina, Hillsborough District. } AT a Superior Court of Justice, began and held for the District of Hillsborough, at the Court-house in the Town of Hillsborough, on the 22d Day of September, 1768.

P R E S E N T,

The Honourable MARTIN EDWARDS, Esquire, Chief Justice, and MAURICE MOORE and RICHARD HENDERSON, Esquires, His Majesty's Associates, &c.

The King } Indictment } Ignoramus.
agst. } for }
Hermon Husband. } a Rout. }

Edmond Fanning,
George Henry,
John Butler,
John Lea,
Zach. Rogers, } Witnesses.

Same } Indictment } Ignoramus.
agst. } for }
Same. } a Rout. }

William Holmes,
Georg Henry, } Witnesses.

Same

Same	}	Indictment	}	Ignoramus.	
agst.					for
Same.					a Rout.

Same Witnesses.

Same	}	Indictment	}	A true Bill.	
agst.					for
Same.					a Rout.

Same Witnesses.

And the Defendant, by his Attorney, comes and defends the Force and Injury, when and where, &c. and saith, that he is not Guilty in Manner and Form as the Plaintiff against him hath declared; and of this he puts himself upon God and the Country: Therefore let a Jury come, agreeable to Act of Assembly, to Recognize, &c.

The same Day came the Defendant by his Attorney; whereupon came also a Jury, viz. J— M—, B— W—, J— K—, M— R—, A— H—, A— W—, W— D—, R— K—, G— R—, J— B—, J— M—, and R— W—, who being elected, try'd, and sworn the Truth to speak, upon the Issue joined, upon their Oaths do say, That the Defendant is not Guilty in Manner and Form set forth in the Indictment.—Therefore it is the Opinion of the Court that the Defendant be discharged by Proclamation, &c.

True Copy.—Test.

J. WATSON, Clerk.

North-Carolina Hillsborough District. AT a Superior Court of Justice, began and held for the District of Hillsborough, at the Court-house in Hillsborough Town, on the 22d Day of September, 1768.

P R E S E N T,

The Honourable MARTIN HOWARD, Esquire, Chief Justice, MAURICE MOORE, and RICHARD HENDERSON, Esquires, His Majesty's Associates.

The King agst. <i>Edmond Faring.</i>	} Indictment for Extor.	{ Pleads not Guilty.
		{ Jury impanelled and sworn, find the Defendant Guilty: Fined On Pen-ny, and Costs.

Same agst. Same.	} Indictment for Extor.	{ Same Plea. }	Same Entry.
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Same agst. Same.	} Indictment for Extor.	{ Same Plea. }	Same Entry.
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Same agst. Same.	} Indictment for Extor.	{ Same Plea. }	Same Entry.
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Same agst. Same.	} Indictment for Extor.	{ Same Plea. }	Same Entry.
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Same agst. Same.	} Indictment for Extor.	{ Same Plea. }	Same Entry.
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Same

Same	}	Indictment	}	Aute fau Convict.	
agst.					for
Same.					Extor.

There are many more, but these may suffice. &c.

William Butler and two others were tried, and found guilty, and sentenced to lay in Prison some Months, and pay a large Fine; ———but at the Cloſe of the Court, two of the Prisoners Broke out, and the third, though the Door was open, would not go till he got a Diſcharge.

The Governor's Men began to die with the Fl x; and the Officers being found guilty, they grew generally very discontented and angry.— The Governor ſent a Diſcharge after the two other Prisoners, and a General Pardon, excepting a few in a County, and diſbanded all his Men.— Nor ever did Men look more ſheepiſh and aſhamed than they did as they returned, endeavouring to keep up their Countenance by Hooping and Hoo- raying for the Regulators.

On the Trial of one of the Prisoners for reſcuing the Mare, taken for the Taxes, the Attornies mentioned that the Legality of the ſaid Tax was Diſputed; and one of the Judges, in Answer, ſaid, That was not a legal way to diſpute it; but if any one thought the Tax not legal, they ought to Indite the Sheriff.

This being obſerved by *Hermon Huſband*, he conſulted Attorney-General, obſerving it to him, who not only remembered the Advice but con- curred therewith. Whereupon *Hermon Huſband* in- dited one of the Sheriffs; who, being found not Guilty, ſued the ſaid *Huſband* for a malicious Pro- ſecution.—But the Aſſembly being ſoon cal- led, and this being a material Point, and having received no Satisfaction either from the Governor's Answer on this Head, nor yet from the Proceed- ings and Examinations the Court made thereon, we particularly laid .. again before the Aſſembly,

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who

who thereupon resolved, That Three Shillings of the publick Tax was wrong; or no more to be collected: Yet, notwithstanding, the Sheriffs continued to demand it of us.

At the next Superior Court, which was on the 22d. of March, 1769, we made some farther Trials at the Law, but met with less Encouragement of obtaining Redress in that Way than we had the Court before.

We minuted down some of the Trials, which was in Substance as follows.

On a Trial, the King against E—— F——, for Extortion in his having taken Six Shillings for Registering a Deed.—— He urged in his Plea, that he was ignorant of the Law, in that he put another Construction on the Words, &c. and that he did apply to the County Court, and they judged there was Two and Eight pence for the Deed, and Two and Eight-pence for any other Writing, and 7d. for the Certificate, and 7d. more for recording the Certificate, in all Six Shillings and Six-pence; but that he had generously quit the Six-pence.

Now he had pleaded this like Cause several Times before, in one of which he had took Nine Shillings and Two-pence, pleading in that one Case there were two other Pieces of Writing.

Attorney-General, as he had done before, shewed the other piece of Writing, mentioned in the Table of Fees, to have no Relation to Deeds at all but Bills of Sale, or other Papers that might happen to want to be recorded; and before he had observed that there was no Certainty in the Matter at all, if it was allowed to make another Piece of Writing out of the Deed; for, with as good Reason, it might be divided into two or ten Pieces of Writing.

When Attorney General was going to reply to the Plea of the inferior Courts Judgment, F——g stopped him; saying, I give up that, and lay no Stress at all on it.

Then

Then _____ rose up, and gave a Charge to the Jury, to this effect; _____ That though his own Judgment was one with Attorney-General, and the same he had Given on the like Occasion twice before, yet he would remind them of what C _____ F _____ g alledged in his own Favour, _____ and so recounted over how he had obtained the Judgment of the said Inferior Court, _____ who made the Fees out thus; for recording a Deed Two Shillings and Eight pence, for the other Piece of Writing Two Shillings and Eight-pence, and for recording the Certificate Seven-pence, which makes (says he) Six Shillings and One Penny; so that in the Way they constructed the Words of the Law, he took One Penny less.

Here Attorney-General says it comes to but Five Shillings and Eleven-pence that way, _____ this putting him to a Stand, _____ F _____ g says, there was two other Pieces of Writing. _____ ay, says _____ there was two other Pieces of Writing, which at Two Shillings and Eight-pence a Piece, with the Deed and Certificate, comes to _____ (here he figured a little) Eight and Seven-pence, and so according to this Way Colonel _____ F _____ g took Two Shillings and Seven-pence, less. &c.

I have mentioned this to show the Difficulty and Uncertainty of these methods; by which like Method all our Officers make out their extortionary Bills, and scarce one of them can Make out a Bill twice the same Way, or any two to make out a Bill to come to the same Sum. I have seen them pinched here many a time, and not only in this, but when they have had a Bill in their Hand with the Sum in Lumps, they could not make answer when they undertook to divide it into Particulars. In which Extremity, they generally tell me, that it takes a good Lawyer to make out a Fee-Bill; and that few Men in the Service could do it but Major M _____, and Mr.

Mr. B————guin; and Intimated it as Vain and a Crime for any Common Man to pretend to understand the Fee-Bill.

But they have been put to it what to answer me, when I reminded them, that the Legislative Body calculated it for, and supposed every Man to understand it, and that it was a Pity every Officer could not carry Major M————, or Mr. B————n, in their Pockets.

However, to proceed to the Minutes of Trials, &c.

On a Trial, the King against John Wood, &c.

The King proved, that Stephen Jones, having a Writ served on John Erwin for a Debt of Six Pounds; that on serving the Writ Jones and Erwin agreed. But neither of them paying the Cost, this Sheriff, John Wood, served an Execution on Jones for the Cost, and took thereupon Fifty Shillings and Eight-pence, exclusive of Thirty Shillings, which Jones paid a Lawyer.

Attorney-General told the Court and Jury, that he had examined the Laws, and could make out no such Fees.

The Judge ordered the Defendant to make them out; whereupon the Bill was handed up to the Judge, and he seperated the Clerk's Bill from the Sheriff's, and Ordered them to make out the Sheriff's Fees, he being only the Defendant.——

The Clerk's Bill was Twenty-six Shillings and Eight-Pence, and when the seperate Bill was handed up, the Judge asked, what is this Ten Shillings and Eight-Pence for?——And when the Defendant's Attorney says, for so and so, &c.——

The Judge said, that is already Charged in the Clerk's Bill, and is Part of the Twenty-six Shillings and Eight-pence, which I have seperated.

After some Time they handed it up again, but he returned it in the same Manner, laying, some other Part of the Twenty-six Shillings and Eight-pence, was still charged over again.

The

The Defendant's Attornies, for he had two or three, took the Law-Book into the Bar, and kept working at it so long as tired the Judge so, that he began to complain.

Then one of the Attornies began to Read over the Bill, or say it over by Head, thus; there is One Shilling for a Bail Bond, and One Shilling and Four-pence, for serving a Declaration,—— and was going on, when Attorney-General says, there was no Bail taken, nor no Declaration; the Case was immediatly agreed, &c.

After a While, one of them again gets up, and says,——And please your Honour, I have found away to make it out, there was Two Shillings and Eight-pence for Commitment, and Two Shillings and Eight-pence, for Releasement. —— But Attorney-General says, there was no Commitment in the Case, nor Bail, I am sensible. Where Bail is necessary, though a Sheriff don't take Bail, yet as he then stands Culpable himself, he might with some Reason charge for the Bond; but no Bail was necessary in this Case; the Action was immediatly agreed.

The Defendant's Attorney replies, addressing himself to the Court; in the ordinary Course of Practice, Bail is necessary. And Mr. Attorney (looking at him) you allow all Fees to be due which should or ought to have been done.

Attorney-General replies, for my Part, I tell you I have examined the Laws, and can make out no such Fees.——But let the Jury take the Law Book with them, and if they can make out such Fees, it is nothing to me; for my Part I can't: The action was immediatly agreed.

Upon this the Judge gave the Jury their Charge, and told them they had to consider how much Terror Sheriffs must be under from the late Disturbances, &c. And that he had been informed their Salaries were low; so that they had this to consider, that whether, if the Sheriffs are too much discouraged,

couraged, it would not be hard to get any to officiate.

The Jury found the Defendant not Guilty, and sealed up their Verdict till Court sat next Morning. But we being alarmed at such Proceedings, shewed the aforesaid Minutes to the Jury, and also to Attorney-General, with the following supposition; upon which the Jury Disagreed to their Verdict. And the Matter being debated over again, they found him guilty.

The Supposition was thus; with a little Amendment, viz.

LET us suppose this case had been between a Farmer, Plaintiff, and a Black-smith, Defendant.

————The Farmer proves that he sent to the Black-smith for a Colter; that he got one which was not steeled, and that the Smith dying immediately,——his Executors sent to the Farmer and demanded and received Thirty-four Shillings and Six-pence, which he had paid;—but now had sued them for wronging him.

The Plaintiff's Attorney informed the Court, that by the Smith's Book no such Account was to be found:——The Judge then desired the Defendant to make it out.——He produced his Account stated thus;

To a new Colter, Weight 10lb.	£	0	15	0
To six Sharps,	-	0	3	0
To eight Do.	-	0	4	0
To laying the Colter,	-	0	5	0
To the Forge for 15lb. Iron,	-	0	7	6
	£	1	14	6

The Judge soon seperated the last Seven Shillings and Six-pence, being twice charged, it being included in the first Fifteen Shillings.——So then the Defendant's Attornies, allowing the Sharpings and Layings for granted, had to make out that Seven Shillings and Six-pence; and they kept

kept Searching the Book till the Judge's patience was tired, and he complained. Then one begins to say over the Account; there is a Shilling for a Key to every Colter, and One Shilling and Six-pence for steel.——But the Plaintiffs's Attorney says, there was no Key nor Steel in the Case.——Then after some Time, says one of them, And please your Honour, I have found a Way to make it out; here is Five Shillings for making a Shear to the Colter, and Two Shillings and Six-pence for Steel, which is charged in most Peoples Accounts.——But the Plaintiff's Attorney says, We had no Shear, no Steel nor Key; the Black-Smith died immediatly before ever the Colter was used, as has been proven. I am sensible that by a bad Heat a Black-Smith might put Steel on a Colter, which, possibly, might drop off before it came into the Owner's Hands; and it might possible be charged: But then the Black-Smith stands liable to put it on, and make it good.

The Defendant's Attorney replies, And please the Court, in the ordinary Course of practice there is always a Shear to every Colter, and they are generally steel'd. And Mr. Attorney, (looking at the Plaintiff's Attorney) you allow that Steeling may be charged, though so badly put on as to come off; and with as good Reason it may be charged though not done at all, because in the general Course of Practice it ought to have been done, &c. &c. &c.

A Word to the Wise is sufficient.

By the Fee-Bill, the whole Cost of this Suit came to but Fourteen Shillings and One Penny, after reckoning up every Service that possibly could have been done, viz.

To entring Jones and Erwin on Docket,	£ 0 0 7
Entring an Attorney; the Law allows nothing; but suppose	0 0 7
	<hr/>
Carried forward,	£ 0 1 2

Brought forward,	£	0	1	2
To a Writ,	-	0	1	1
To serving the Writ,	-	0	5	4
To Calling the Action in Court,	-	0	0	4
Sheriff returning it agreed; no Allowance in Law; suppose	-	0	0	4
Entering the Action agreed,	-	0	0	7
Calling it over agreed,	-	0	0	4
		<hr/>		
		0	9	2
Drawing Bill of Cost,	-	0	0	7
Issuing Execution,	-	0	1	4
Serving Execution, One Shilling in Pound,	-	0	0	6
Tax-fee, if due,	-	0	2	6
		<hr/>		
	£	0	14	1

The Governor had dissolved our Assembly, and granted us a new Election on the 19th of July, 1768, a little before which, the Regulators wrote the following Address to the Inhabitants in general.

To the INHABITANTS of the Province of
North-Carolina.

Dear Brethren,

NOTHING is more common than for Persons who look upon themselves to be injured than to resent and complain. These are sounded aloud, and plain in Proportion to the Apprehension of it. Our Fearfulness too, frequently augment our real as well as apparent Dangers. Let us adjust our Complaints or Resentments to the Reality as well as the Nature of the Injury received.

Excess in any Matter breeds Contempt; whereas strict Propriety obtains the Suffrage of every Class. The Oppression of inferior Individuals must only demand Tutelage of Superiors; and in civil Matters our Cries should reach the authoritative Ear, when the Weight
that

that crusheth descendeth from the higher Powers.—
 But when imposed by the Populace, to the Populace our
 Complaints must extend.—When therefore the
 Cry of any City, Province or Nation is general, it
 must be generally directed to the Source from whence the
 Cry is caused.

The late Commotions and crying Dissatisfactions a-
 mong the common People of this Province, is not un-
 known nor unfelt by any thinking Person.—No
 Person among you could be at a Loss to find out the
 true Cause.—I dare venture to assert you all
 advised to the Application of the Publick Money;—
 these you saw misapplied to the enriching of Individuals,
 or at least embezzled in some way without defraying
 the publick Expences. Have not your Purses been pil-
 laged by the exorbitant and unlawful Fees taken by Of-
 ficers, Clerks, &c.—I need not mention the intolerable
 expensive Method of Recovery by Law, occasioned by the
 narrow Limits of the inferior Court's Jurisdiction.—
 Have you not been grieved to find the Power of our County
 Courts so curtailed, that scarce the Shadow of Power
 is left. This Body, however respectable, is intrusted
 with little more than might pertain to the Jurisdiction
 of a single Magistrate, or at least two or three Justices
 of the Peace in Conjunction.—In Consequence of this,
 very small Sums drags us to Superior Courts.—
 These must be attended with all our Evidences, altho'
 many at the Distance of 150 Miles. Add to this a dou-
 ble Fee to all Officers; hence we are made feelingly sen-
 sible, that our necessary Expences, with the additional
 Costs, are equal, if not surpass the original Sum.

For what End was the Jurisdiction of the Courts re-
 duced to such narrow Limits? Is it not to fill the Su-
 perior Houses with Business? Why has the Authority
 fallen upon this wonderful Expedient? Is it not evident,
 that this was calculated for the Emolument of Law-
 yers, Clerks, &c. What other Reason can be assigned
 for this amazing Scheme?—none Brethren, none!

Has not the Charges of Government been unnecessarily
 raised, to the great Increase of the Publick Tax? Has
 not the Publick Money been intrusted in Hands of insuffi-
 cient

cient Persons, without sufficient Securities, or due Care taken in accounting for, and recovering the same? Has not this often reduced us to the disagreeable Necessity of contributing or paying by Tax the Sum once raised—but through Carelessness or Neglect, or something worse, uselessly consumed? To what doth this tend? is not the Issue manifestly the Impoverishment of the Country?—fatal Consequences.

The Exorbitant, not to say unlawful Fees, required and assumed by Officers,——the unnecessary, not to say destructive Abridgement of a Court's Jurisdiction,——the enormous Encrease of the provincial Tax unnecessarily; these are Evils of which no Person can be insensible, and which I doubt not has been lamented by each of you. It must have obliged you to examine from what Quarter Relief might be found against these sad Calamities:——In vain will you search for a Remedy until you find out the Disease.

Many are accusing the Legislative Body as the Source of all those woful Calamities.——These, it must be confessed, are the instrumental Cause; they can, you do impose some of these heavy Burdens.——But whence received they this Power? Is not their Power delegated from the Populace? The original principal Cause is our own blind stupid Conduct.

If it be queried, How doth our Conduct contribute to this? Answer presents itself——we have chosen Persons to represent us to make Laws, &c. whose former Conduct and Circumstance might have given us the highest Reason to expect they would sacrifice the true Interest of their Country to Avarice, or Ambition, or both.

I need not inform you, that a Majority of our Assembly is composed of Lawyers, Clerks, and others in Connection with them, while by our own Voice we have excluded the Planter.——Is it not evident their own private Interest is designed in the whole Train of our Laws?——We have not the least Reason to expect the Good of the Farmer, and consequently of the Community, will be consulted, by those who hang on Favour, or depend on the Intricacies of the Laws.——What can be expected from those who have ever dis-

oured

were a Want of good Principles, and whose highest Study is the Promotion of their Wealth; and with whom the Interest of the Publick, when it comes in Competition with their private Advantages, is ever to sink? — nothing less than the Ruin of the State.

Have we not hitherto, in a great Degree, chosen such Men as have been described? Nay, have they not been such as are dependant in their Fortunes, with great Expectations from others, or enjoy Places of Benefit and Trust in the Government? Doth not Reason declare we might expect such cringing Vassals would readily sacrifice the Interest of the Community to the Idol Self? — Are not such Persons utterly disqualified for supporting our Rights and Properties? — Is it not high Time to seek an Antidote against such deadly Poison, before it utterly destroys us?

But you will say, what is the Remedy against this malignant Disease?

I will venture to prescribe a sovereign one if duly applied; that is, as you have now a fit Opportunity, choose for your Representatives or Burgesses such Men as have given you the strongest Reason to believe they are truly honest: Such as are disinterested, publick spirited, who will not allow their private Advantage once to stand in Competition with the publick Good.

You grant the Prescription is sovereign: But how shall you obtain such? I answer: Let your Judgment be formed on their past Conduct; let them be such as have been unblamable in Life, independant in their Fortunes, without Expectations from others; let them be such as enjoy no Places of Benefit under the Government; such as do not depend upon Favour for their Living, nor do derive Profit or Advantage from the intricate Perplexity of the Law. In short, let them be Men whose private Interest neither doth nor can clash with the Interest or special Good of their Country.

Are you not sensible, Brethren, that we have too long groan'd in Secret under the Weight of these crushing Mischiefs? How long will ye in this servile Manner subject yourselves to Slavery? Now shew yourselves to be Freemen, and for once assert your Liberty and main-
tain

tain your Rights——This, this Election let us exert ourselves, and show, that we will not through Fear, Favour or Affection, bow and subject ourselves to those who, under the Mask of Friendship, have long drawn Calamities upon us.

Should we now through Fear or Favour act as we have done, contrary to Duty and Interest; so far as we do this, we contribute to all the Mischief consequent upon it.——Where then is that moving Principle Self-preservation? Will you, can you, voluntarily submit yourselves to Ignominy and Want? These will aggrandize themselves and swim in Opulence.

Have they not monopolized your Properties; and what is wanting but Time to draw from you the last Farthing? Who that has the Spirit of a Man could endure this? Who that has the least Spark of Love to his Country or to himself would bear the Delusion?

In a special Manner then, let us, at this Election, rouse all our Powers to act like free publick spirited Men, knowing that he that betrays the Cause now betrays his Country, and must sink in the general Ruin.

And as the Inhabitants of Rowan could get no Indictments preferred against their Officers in Salisbury District, they had sent to us, and J— H—r went to their assistance; and by the Letter following you my form some Idea how Matters were carried on, viz.

Salisbury, September 14, 1769.

To Mr. H U S B A N D, Representative for
Orange County.

SIR,

A G R E E A B L E to the Resolutions of a Committee, held at Joshua T———'s, last Month, about six or seven of us attended Salisbury general Court to indict our Officers; when, to our Astonishment, we found the Grand Jury to be Composed of our inveterate Enemies, and of such as has been our greatest Oppressors.——No less

less than five of them were old Sheriffs. In fine, there were but two or three but what were Limits of the law. However, we were resolved to try what Justice could be obtained, as we have been so often referred thereto by the Governor, and others of the first Rank in the Province, who had so repeatedly urged us to legal Steps, assuring us, we should every where obtain the highest Justice; and one had told us he always would be there and see that we had Justice: So relying on these Promises, and being conscious the Laws was against them who had so repeatedly broke them, besides the Cries of the People was so great, and Oppressions so many, that we durst hardly return home before trial made. We applied to Mr. H, Deputy under Attorney-General, he appeared well pleased with our Design, and assured us he would do all in his Power to serve us.

A Bill was Perferred against F, for Extortion, in taking Eight Pounds Five Shillings of the Widow C, for the Cost of an Indictment against her. And the Bill found Ignoramus it was proved by the Oath of J H, that he paid the Money for the Widow to the Sub-Sheriff for the use of the said F; and proved by the Oath of J D, a Lawyer, that he got the Receipt of the Widow some Time ago, in Order to procure Redress for her; but that he had lost it; but that it was for Eight Pounds Five Shillings. And A m C proved, that F asked him, when he was making out the Bill against the Widow, what Circumstances she was in; and he said in very good, and had money by her, If that be the Case, says F, I must double the Bill.

However, the bill was found Ignoramus, &c.

This

This Letter was longer :————After giving an Account of several more Trials, and all found Ignoramus, they were informed by one of the Magistrates, which was confirmed by an Assemblyman, that the Jury was not the same Men which was appointed by Authority.

This Letter was read before our Assembly, and is in the Clerk's Office there.

Another Petition went from Hillsborough Court, which, after reciting over how much the Governor and Authority had recommended us to the Law, comes to the Matter in Hand, thus, *viz.*

S O that to the Law we must go to find Redress. Accordingly to Law we went, and the present design of this Paper is, in as brief a manner as possible, to lay before you our Proceedings and Success therein.

Before the first Court happened, Troops were raising in all Quarters, as was said, to guard the Court.————The Effect of these Troops was, that every Man coming into Court was examined what Business he had ; And every one who dared to own, that it was to complain of Officers, was ill used by the Guards and Soldiery, and scared away home ;————but some few who would not be scared away was ordered out of town by the Commanding Officers at a few Minutes Warning. None could stay but Prisoners, and them denied of Attornies, unless they would give Bonds for Fifty and to Three Hundred Pounds to each Attorney.

But notwithstanding all which, by the Industry of one of the Prisoners, some was encouraged to come back, and three or four Actions against an Officer was tried, and the Officer convicted, who was fined One Penny, &c.

During the Time to the next Court, all other Officers, except this one, continued to take the same extortionary Fees as before ; And no Troops being raised against us, at the next Court, People locked in to make Informations. But besides the
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Difficulty of attending Courts from thirty to sixty miles, and the Officers threatening to sue for malicious Prosecutions, and take all other Advantages of the Law.———Besides all this, the Attorney-General did not attend the two or three first days of Court; so that most of the People had gone Home.

Some Informations, however, was made after he came, and a few of them tried, in which the Officers was all convicted, except in one Instance, and immediately that one prosecutor was sued.— Minutes of some of those trials were took down in writing; in which are matters so curious, that we suppose Instances of the Kind are not to be found elsewhere.

Among other Things, that the Jury was pick- ed, and calculated of such weak and low Capacities, that when they had agreed on a Verdict, and mixed among Men before they gave it in, by hearing others Sentiments, they disagreed to it when given in: And this was repeated so often, with such Marks of Incapacity mixed with honest Principles, that the Consequence was such Confusion and Contradiction, that the Jury was discharged at the Bar, after a Verdict agreed to, and then disagreed. And other Confessions, that two of the Jury overruled the rest; and the Action was continued to the next Court; and this court adjourned.

We found, afterwards, these two men of the Jury that overruled, were much prejudiced in favour of the Officers.———This Discovery put us on examining how the Juries were appointed, and finding that to be the Province of the Justices of the Inferior Court, we made some Complaints of this Usage to our Justices.———But hearing of the Proceedings at Salisbury before our general Court came on, we prepared ourselves for Observations, and the first we had to make was that the Justice and Attorney-General, is

in whom only we had much Confidence, that neither of them was at this court.

2d. We observed the Deputy Attorney, and both Associate Judges, lodged with him whom we looked on as our chief Enemy, and Cause of our Oppressions. ——— So that Men of common Modesty was deterred from applying to him.

3d. We observed the Petty Jury was not Picked, this court, but the Grand Jury was to all Intents.

4th. We observed no Petty Jury Causes were try'd this Court against Officers: So that poor Men, who had attended all last Court, and most of this, (before it was known) and thirty or forty Miles from Home, must attend a third Court.

Some, who had more Boldness than others, apply'd to Deputy ———, and made Information against the Clerk of the Inferior Court for taking Three Pounds Four Shillings and Six-pence for his own Fee on a Common Attachment. ——— He told them he must have the Informations in Writing. ——— They found a Clerk, and carries it in writing. ——— Then it wanted a Date, or Name, and then something else, till at length they got one almost right; but had gone from Office to Office so often, that one of the clerk's D———d them for a Pack of Sons of B———s, and denied serving them.

Deputy Attorney came also out of his Fortification into the Street, and complain'd he had been so much harassed, that he was almost sick.

The Bill against the Clerk and some more, being at length preferred, was all Ignoramus.

Next Day Deputy told W——— B———r he would hear no more of us; and as W——— B———r made Complaint of this to the Court, Deputy said, it was a Lie; and that he only refused him on his ill Behaviour; and ~~that he was a~~ Person; running about, taking ~~the~~ ~~business~~ ~~to~~ ~~do~~. ——— But in ~~the~~ ~~business~~ ~~of~~ ~~Butler's~~ ~~Business~~ was his own; though some

of the other, according to the Governor's Directions, was willing to make Informations in Behalf of the injured. Some made Informations to single Justices for petty Fines; the Consequence of which was, Judgment went against the Defendant for the Fine, and against the Plaintiff for the Cost; and the Justice, with a Loud Voice, berating him for a mean pitiful Informer.

Others applied to Attornies to bring Suit on the Penal Laws, when they not only found by a late Law, that the clerks of Courts were hedged in from the Force of the Penal Laws by ordering Suit to be brought against them by a Motion to Court, and the Justices to fine them at Discretion, if it appeared that they had wilfully extorted, &c. By all which, we could understand the Profecutor, as Matters now stand, would get his Labour for his pains, and the clerk's clear of any Cost, &c. &c.

This Letter, which contained much - more, was also read before the Assembly in October, 1769, and is in the Clerk's Office there.

We draw now near to an End, for our Assembly was dissolved before they could do any Business of Consequence; so that all Things are left in Confusion and Disorder. We had thirty odd new Members this session; and we hope a few more of the old Ones will be left out against another. We shall conclude, with a Plea in Behalf of a Motion that was made in the House last Sessions for encouraging the first Settlers of the Back vacant Lands; ———— and two other Pieces, intituled, SERMONS; being an Abridgment of a Pamphlet of a late nameless Author.

The Order in which we shall Proceed in the Plea is, Firff, to give a Relation of the Circumstances that the Petitioners, (settlers on the vacant Lands in the Earl of Granville District) are in, and the Danger there is of their suffering Injustice.

2dly. To show that the Spirit of the Law, from the most unexceptionable Authors, is to do Equity

and Justice to the Poor, where the Letter of the Law may be wanting or against them.——A proper Work for Assemblies.

3dly. To shew, that it has been the Opinion of all the several Legislative Bodies, both of Great-Britain and her Colonies, that peaceable Possession, especially of back waste vacant Lands, is a Kind of Right, always looked upon quite sufficient to entitle them to the Preference or Refusal of a farther Title; and that Individuals should not hold unreasonable Quantities of waste Lands; and then conclude, with such Observations as may occur.

First, THE Earl of Granville's Lands, with all other Proprietors lands, have been let out by a Publick Office, without Respect of Persons.—— And the common Method that has been used by the Poor, and has been always countenanced and approved of, has been to move out, from the interior Parts to the back Lands, with their Families, and find a Spot, whereon they built a Hut, and made some Improvements before they went to the Office for a Title, which is generally too or three hundred Miles off.——This Method has been used from New-England to Georgia, some Hundreds of Years past, even time out of Mind, and has ever been allowed of good consequence.

Now the Earl of Granville's Office, shut in such a Manner, that no one in the Province knew but it would open again every Year;—— and no order were ever given to forbid such Method of Settling, so that all Sorts of People have continued to seat the Vacant Lands as usual, in full Confidence of the Preference of a Title; and have made such Improvements as sells, one among another, for upwards of One Hundred Pounds, expecting the Office to open every Year;——but four or five years being now elapsed, there is so much of the Lands seated under these Circumstances, that Individuals in Power, and who has Money, are Marking them out for
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for a Prey; and are lodging Money, and making Friends with such as are likely to have a better Chance to hear, and repair to the Land Office, when ever it shall open,—if not even Repair to it in England.

Some Designs of this Kind we doubt is too true; and though it cannot be supposed that any Proprietor whatsoever but will incline to the same Principles of Justice and Equity that have been so long in practice; but the Danger is of their being imposed on: For late Experience, in Colonel Corbin's Time, has shewn us, that though he professed, and always attempted to do this Justice, yet the Disputes and controversies became so numerous by the Country's encreasing so fast, and the Distance so far, that he could come at no Certainty in these Matters, and was obliged to quit it.——Which shows us, it is a Defect in Government, that no Provision is made in these Cases. Mr. Thomas Child had very Particular and special Instructions to follow the same Principles of Justice; who told a certain Person, who applied to him in behalf of a good many Sufferers, that though it was his Lordship's earnest Desire to distribute the strictest Equity and Justice among his Tenants here, yet when he came to put it in practice, the Number of complaints, and vast Distance of the way, rendered it impracticable, by Reason he could come at no Certainty of the Truth.——And this will be ten-fold more the Case whenever the Office opens again.

The Method of Redress that is proposed is, to Pass a Law, that whoever among us shall enter such Improvements, over the head of any such peaceable first Inhabitant, either by himself or by Virtue of a Purchase, shall be liable to an Action at Common Law, and subject to pay the Owner the full Value of his Labour, and Damages of moving to another Place, unless such Person had given six Months Warning before Evidences to such Inhabitant. Such a Law will no ways interfere
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