

The house proceeded to Take into Consideration The petition of *John Clayton* and *William Robertson* Attornys of M<sup>rs</sup> *Sufana Leighton* Sifter and Execut<sup>x</sup> of Colonel *Edward Nott* Deceased Late Governor of This Colony praying That They May be Allowed his funeral Charges &c.

*Resolved* That the petition be Rejected

A Member of the house Moving for Leave to bring in The petition of *William Randolph Jun<sup>r</sup>* Leave is accordingly given him, And The same Was Read praying That he may be paid in Mony for his Attendance this Asssembly as Clerk to the house of Burgeses

*Resolved* That the Several officers Attending This Asssembly be paid Their Respective Sallarys in Mony

*Resolved* That The Several perfons who Have been Keepers of The Publick Goal Since The Last Asssembly be paid Their fees for Dieting The Prisoners &c. in Mony.

A Member of The house Moving for Leave to bring in The Petition of M<sup>r</sup> *C. C. Thacker* Leave is accordingly Given him and the same Was Read Praying That he may be Allowed Mony for The Tobacco Due to him from The Publick

*Resolved* That The petition be Rejected

*Resolved* That The Tobacco for Which mony is to be Allowed, be Rated at Eight Shillings  $\frac{3}{4}$  Cent

The house proceeded to Take into Consideration The Allowances for The Respective Officers That have attended This Sesssion of Asssembly, and the Said Allowances being Agreed on by The house were added to The Book of Publick Claims.

A Message from The Council by M<sup>r</sup> *Robertson* That The Council have Agreed to The Bill Entituled *An Act to Set free Will a Negro Belonging to Robert Ruffin* without any amendments

Also That The Council have Agreed to The Bill Entituled *An Act for Selling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* With Several Amendments to Which They Desire The Concurrence of This house

Also That The Council have passed The Bill Entituled *an act for Establishing County Courts and for Regulating and Selling The proceedings Therein* as Amended.

An Engrossed Bill Entituled *An Act for Supply of Certain Defects found in an Act prescribing The Method for appointing Sheriffs* was Read The Third Time

*Resolved* That The Bill do pass

*Ordered* That The Committee for Publick Claims do Carry The Said Bill and Book of Claims to The Council and Desire Their Concurrence Thereto.

The house proceeded to Take into Consideration The Amendments proposed by The Council to The Bill Entituled *An Act for Selling The Titles and Bounds of Lands and for preventing unlawfull Shooting and Ranging Thereupon* And the same being Read Were agreed unto by the house and made in The Bill

And Then The house Adjourned Till to Morrow Morning Nine a Clocke

*Wednesday December 6<sup>th</sup> 1710*

**A** WRITTEN Message from The Hon<sup>ble</sup> The Liev<sup>t</sup> Gover<sup>r</sup> by M<sup>r</sup> *Robertson* M<sup>r</sup> Speaker and Gentlemen of The House of Burgeses—

By an Adrefs of Your House presented me This Sesssion I am told That The Stop put to Granting Patents for Land in The Ufual Manner is not only Inconvenient to Diverse Inhabitants of This Colony—but also repugnant to their Charter And Antient Priviledges; Besides Less Serviceable to the Crown, and Less Beneficial to the Country

In Answer to These Representations I first Assure you That I Impose no Other Condiçons in the Granting Lands Than What her Majesty Comands me to Enjoyn; and

and in the Next place I Say That her Royal Instructions to me in That Behalf are More Conformable to The Terms of The Charter And to The Antient Constitutions of This Colony Than That Practice Which has of Late years been here Tolerated; for Seeing These are The very Individual Words of That part of The Charter Which Relates to The Granting New Lands *Viz'*

"And we do hereby of our further Grace and favour Declare and Grant That for "the Encouragement of Such our Subjects as Shall from Time to Time go to Dwell "in The Said plantation There shall be Assigned out of The Lands (not Already Appropriated) to Every person So Coming to Dwell fifty Acres According as hath been used "and Allowed Since The first Plantation to be held of us our heirs or Successors as of "our Manner of East *Greenwich* in our County of *Kent* in free and Common Soccage

I do not Conceive with what Shadow of Reason Such Words Can be Expounded to Mean That y<sup>e</sup> Sovereign in Granting Lands shall neither Limit The Grant, nor Confer The Qualification of The Grantee

I have Likewise Taken Some pains to peruse The Records of Former Times And Cannot in The Least Discover That Lands Were Ever Granted with any other Intention Than to be Occupied and Cultivated; but on The Contrary I find That all Instructions orders and Letters (Which Treat of Land) Enjoyn The Planters and Tennants to Manure and Improve Their Lotts.

I observe also that, untill This Colony Came into The Liberall hands of The Monarch Lands were much more Sparingly Distributed, and Twenty five or Thirty Acres Were Then judged to be a Sufficient Divident for one Man; Nay, and an Additional Quantity of Ten Acres has been Thought a great Reward for Some Publick Services,

Old Records May perhaps Mention Patents Containing Larger Tracts of Land Than the Grantees Could pretend to Cultivate; but in The Year 1662 You May find That Practice was not only highly Condemned, but was also The Occasion of The Revoking Many Grants. and Since his most Sacred Majesty (*Charles II*) Did Then Declare That The Granting Greater Quantities of Land Than People were able to Occupy and Cultivate, had Turn'd to The Great Prejudice of The Colony, and That it was Contrary to the Intentions of his Royal father; I do not See how it Can Reasonably be presumed That the Charter (which was afterwards obtained from the Same Prince) should Mean to Establish an Abuse which The Royal Author had already Exploded.

A Larger Extent of Defarts Will Little Avail her Majestys Interests; And if the Encrease of Quit Rents be The Service Meant to Accrue to the Crown, Then it May be Answered That the full Quit Rents of Land already Granted Will Make a more Serviceable Augmentation: But you are Sensible her Majesty Lessens her Unquestionable Dues for The Ease of her Subjects here, and Methinks Such an Indulgence Might be a Sufficient Argument to Convince you That her Restraining Their Exorbitant Desires of Land is no Less Intended for Their General Welfare

If persons Can be Allowed to Claim More Land Than They are Able to Occupy, They Keep out Others who Might Seat the Same; And Then it Necessarily Follows That Either fewer Grounds, Will be Manured, or The Inhabitants Become More Disperst: Neither of Which Consequences Can I'm Sure Tend to The Advancement of This Colony

In finê I Can only Agree with you in This particular *Viz'* That at Present a great Inconvenience Does fall upon Diverse People; Which I Shall use my utmost Endeavour to Remove: And I hope by a Proclamation, That I shall Suddenly Issue for That Purpose, to Content all Reasonable Minds.

December The 5<sup>th</sup> 1710

*A Spotswood*

Ordered That the Consideration of The Said Message be Referred to the Next Session of Assembly.

A Member of the house Moving for Leave to Bring in The Petition of *William Randolph* Jun<sup>r</sup> Leave is Accordingly Given him And The same Was Read praying That his fee for a Copy of the Laws of This Assembly May be Ascertained And Thereupon

*Resolved*

*Resolved* That his fee for Sending a Copy of the Said Laws to Each County in This Colony be one Thousand pounds of Tobacco.

*Ordered* That M<sup>r</sup> *Eskridge*, M<sup>r</sup> *Ball*, M<sup>r</sup> *Burwell*, M<sup>r</sup> *John Robinson* M<sup>r</sup> *Epes*, M<sup>r</sup> *Conway*, M<sup>r</sup> *Robert Bolling*, And M<sup>r</sup> *Boush* do Examine The Several Inrolled Bills With The Engrossed Bills

The General Account of Colonel *Peter Beverley* Who Was formerly Treafurer Whereby it appears That the same is justly Ballanced Passed This Houfe.

The General Account of M<sup>r</sup> *Benjamin Harrifon* Dec<sup>d</sup> Late Treafurer Whereby it Appears That There is Due to The General Asssembly The Sum of Eighteen Hundred Seaventy pounds Ten Shillings five pence half penny. passed This houfe.

*Ordered* That M<sup>r</sup> *Buckner*, M<sup>r</sup> *Ball*, M<sup>r</sup> *Soane* M<sup>r</sup> *Waller*, M<sup>r</sup> *Boush* And M<sup>r</sup> *Milner* Do Carry The Said Accounts to The Council And Desire Their Concurrence Thereto, And That They Desire The Governor to Give his Assent to The Same.

A Message from The Council by M<sup>r</sup> *Robertson* That The Council have Agreed to The following Bills Without any Amendments; to Witt,

A Bill Entituled *An Act for finishing a house for The Governor of This Colony and Dominion*

A Bill Entituled *An Act Appointing a Treafurer*

A Bill Entituled *An Act for Reviving and Continuing An Act for Security and Defence of the Country in Times of Danger, And*

A Bill Entituled *An Act for Supply of Certain Defects found in An Act prescribing The Method for Appointing Sheriffs*

A Written Message from The Council by M<sup>r</sup> *Robertson*  
December 6<sup>th</sup> 1710

*By The Hon<sup>ble</sup> Council*

The Council having Read and Considered The Book of Claims and observing That The Several Claims from *Surry Isle of Wight* And *James City* for Apprehending and Guarding The Negro's Concerned in The Late Intended Infurrection are Disallowed by The house of Burgefes as being no Publick Charge, Think Themselves obliged, before They give their Assent to The Said book to Recommend to The houfe The Consideration of Those Claims The Services for Which They became Due being performed by Orders from the Government And as much for The publick Safety of the Country as any other Service Whatsoever: And They Cannot Conceive it Reasonable That persons by Whose Dilligence This Infurrection was happily prevented should be Less Considered Than if they had Suffered it to Take Effect; Besides it will prove a very Dangerous Discouragement to The Dilligence of The people if They must only be paid When There is An Open Rebellion or Infurrection and have no Consideration when They Discover and Secure the Ringleaders before They have put Their Designs in Execution And Since That Conspiracy Was not Confined to one or two Countys but Was Spread So farr That it Might have Endangered the peace of the Whole Country, The Council Think it highly Reasonable That the Country in General should bear The Charge of Suppressing it And not That particular persons Or Countys should be Burthened with it: And Therefore Insist That the Several Claims in and about the Said Infurrection be allowed by the house of Burgefes According to the Rates Eftablished by Law for the Like Services

The Council are so Well Satisfyed With the Services performed by *Henry Briggs* With The *Tuscaruro* and other Indians before and at The Tryal of Some of The Said *Tuscaruros* who Were Concerned in The Murder of *Jeremiah Pate*, That They are of Opinion he hath Deserved The Sum of Seven pounds According to his Claim and Therefore Think it Reasonable That The Same be Allowed.

Amongst the Claims of *James City*

The Council find That The Claim of *Hugh Norvell* a Jury Man on The Tryal of The *Tuscaruro* Indians, is Disallowed, Which They propose may be Rectified Since it is as Reasonable That a Jury Man from *James City* County should be paid for his Attendance as one from *New Kent* or any other Place—

And

And They propose That the Claim of *John Geddes* for Summoning The Grand and Petty Jury on the Tryal of The *Tuscaruro* Indians be Allowed him it Being Done for The publick Service and to Which he was not Obliged by The Duty of his Office as Sheriff of *James City* County The Tryal being out of That County.

The Council Recommend to the house of Burgeffes the Allowing the Several Claims from *New Kent* County for Guarding The *Tuscaruro* Indians And The Other Services about Them And more Especially That *George Clough* Who was at so much Trouble to Attend the Courts of Oyer and Terminer for The Tryal of The Said Indians be allowed one Thoufand pounds of Tobacco at Least for That Service.

And on The same Occasion The Council propose That Eight hundred pounds of Tobacco Each be Allowed & paid to *Chichley Corbin Thacker* and *William Robertfon* the other Clerks Employed in the said Tryal and That y<sup>e</sup> same be Added to the Book of Claims

In The Last page of the Book of Claims as Reported from The Comittee the Council propose That the Claim of *Katherine Howard* of four pounds one shilling for Dieting Sundry Indians (Which was Difallowed for Want of proof) May be now Allowed she being An Infirm Woman & unable to Travail to Court to prove her Claim According to Law & having now made oath That The same is Justly Due.

Which Several Allowances being Made the Council are Willing to pass The Book of Claims

The house Took The said Message into Imediate Consideration And part of The propositions Therein made by The Council, Was Agreed to, And part Difagreed Unto

*Resolved* That a Written Message be sent to the Council Acquainting Them how farr This house have Agreed to The Allowances by Them proposed to be made to The Book of Claims, and Wherein They have Diagreed; with Reasons for The Disagreement.

*Ordered* That it be Referred to M<sup>r</sup> *Eskridge* and M<sup>r</sup> *Soane* to prepare and Bring in The Said Message.

And Then The house Adjourned Till to Morrow Morning Nine a Clocke

*Thursday December 7<sup>th</sup> 1710*

**M**R. *Eskridge* Reported That the persons Appointed had (according to order) prepared a Written Message to The Council, Which he Read in his place And Then Delivered in at The Table, Where The same Was again Read and With Some Amendments Agreed unto by The house and is as followeth

*By The House of Burgeffes*

The Burgeffes Now in Assembly having Seriously Considered your honours Reasons, Why The Country in Gener<sup>l</sup> should Bear The Charge of Suppressing The Late Intended Infurrection, Cant joyn with Your Honours in Opinion Upon That Matter, but Conceive That Those Charges ought to be Defrayed by The Several Countys Where They became Due, because There is no Law Will Warrant Such Payments if made by the Country, And Where There has been prosecutions of the Like Nature in other parts of This Government, it is observable That Those Charges have Always been paid by The Countys Where They grew Due.

The Claim of *Henry Briggs*, And The Claim of *George Clough*, *C. C. Thacker* and *William Robertfon* being Considered at the Beginning of This Session, The Burgeffes did Then Resolve That The Charge Accruing for Their Services About The *Tuscaruro* Indians Ought not to be paid by the Publick, and Therefore They Think it not practicable to Recede from Those Resolutions

The Burgeffes have Difagreed to The Allowance proposed to be Made to *Hugh Norvell* who Served as a Jury man on The Tryal of The *Tuscarora* Indians That Service not Carrying With it The Same Reason for an Allowance, as Those perform'd by The  
Venire

Venire from *New Kent* They being Called Seaventy Miles from their own habitations, And The Said *Norvil* was Summoned in The Neighbourhood—

The Burgeffes are of Opinion That it is the Duty of Every Sheriff to Summon Jurys for The Tryal of Criminals when Thereto Required, and That Such Services have never yet been Rewarded, And Therefore The Burgeffes Difallowed The Claim of *John Geddes*, And for The Same Reason Rejected The Claim of The Sheriff of *York* for The Like Service at That Time

The Burgeffes are very Sensible That The Charges of Apprehending Guarding and Imprifoning Criminals are Always Sattisfyed by The Countys Wherein Those Charges Accrue, And Therefore The Burgeffes Cant Agree to Allow The Claims from *New Kent* County for Guarding the *Tuscarora* Indians and other Services About Them

The Burgeffes have Allowed The Claim of *Katherine Howard* for Dieting Several Indians, and Inferted it in The Book of Claims and do Defire Your Honours not to Infift Upon Those unufual Allowances to be Made in the book of Claims, Which They have not Agreed to, but That You will pafs The Said Booke Without Such Allowances  
December 7<sup>th</sup> 1710

Ordered That the Said Meffage be fairly Transcribed and Signed by The Clerk of this houle, and That M<sup>r</sup> *Eskridge*, M<sup>r</sup> *Dudley*. M<sup>r</sup> *Soane*, M<sup>r</sup> *Drummond*, M<sup>r</sup> *Waugh* and M<sup>r</sup> *Cary*, do Carry The Said Meffage to The Council

A Written Meffage from The Council by M<sup>r</sup> *Robertson*  
By the Hon<sup>ble</sup> Council

The Council having Considered The Anfwer Sent by Your Houfe to Their Meffage Concerning The Book of Claims, do not find Any Reason to Alter Their former Opinions as to The Charges of Apprehending and Securing the Negros Concerned in The Late Intended Infurrection: and Still Think There is a great Difference between a profecution of a Negro for a ffellony or Burglary, and an Infurrection Which is a Matter of Publick Concernment Besides if other Countys have been Willing to bear The Incon- siderable Charge of Such Private profecutions, it Cannot be urged as a precedent for Obliging Other Countys to a far great[er] Expencc in Matters of a Different Nature. And Therefore The Councill Still Infift That The Claims from *Surry Isle* of *Wight* and *James City* for Securing The Said Negros be allowed and added to The Book of Claims Accord- ing to Their former Meffage.

The Council do not Infift on The Claim of *Henry Briggs* and as to The Services performed by *Chichley Corbin Thacker* and *William Robertson* as Clerks on The Tryal of The *Tuscaruro* Indians, Since They have Signified Their Defire That no pretentions of Theirs may Delay y<sup>e</sup> buifness of The Affembly The Council do Recede from That part of their former Meffage Which Concerns Them. But as to The Claim of *George Clough* who was at The Trouble of Coming So farr to Attend The Court of Oyer and Terminer The Council Infift That he be paid for his Service.

The Council do not Infift on The Allowance propofed to be made to *Hugh Norvell* and *John Geddes*.

The Council Do Still Infift That The Claims from *New Kent* for Apprehending Guarding and Imprifoning The *Tuscaruro* Indians be allowed they being of a Dif- ferent Nature from the Cafe of other Criminals; of Which y<sup>e</sup> Countys are obliged to pay The Charges.

M<sup>r</sup> *Robertson* Acquainted the houle That The Governor and Council had paffed The Treafurers Accounts, and Then he Delivered Them in at The Table

The houle proceeded to Take into Consideration The Meffage from The Council, And The fame being Read, upon Several Queftions put

Resolved That The allowances Infifted on by The Council to be made in The Book of Claims, be Agreed to by This houle

Ordered The the Allowances be Accordingly Made in The Said Book by The Committee of Publick Claims

Ordered That The houle be Called over to Morrow Morning at Eight a Clocke And Then The houle Adjourned Till to Morrow Morning Eight a Clocke

*Fryday*