

THE  
COLONIAL RECORDS

OF THE  
STATE OF GEORGIA

COMPILED AND PUBLISHED UNDER AUTHORITY  
OF

THE LEGISLATURE

BY

ALLEN D. CANDLER

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VOLUME I

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ATLANTA, GA.  
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## PREFACE.

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The compilation of the Colonial and Revolutionary records of Georgia has been attended with unusual difficulties. These difficulties were due to the loss or destruction of many of the most important documents and record-books pertaining to those two periods of the history of the State. When Savannah fell into the hands of the British in December, 1778, the Secretary of State, Captain John Milton, by order of Governor Houstoun, conveyed the most important records of his office and that of the Governor to Charleston to prevent their capture by the enemy; but the older records, pertaining to the early Colonial period, and many of those relating to the period of the Royal Governors, were left behind and lost. Georgia's earliest historian, Captain Hugh McCall, who wrote about the beginning of the last century, in speaking of the records saved by Captain Milton says: "These records, principally belonging to the office of Secretary of State, were almost the only public papers of Georgia which were preserved." Of those thus saved at that time many were doubtless subsequently lost in their frequent removals from place to place in the effort to save them from capture; and many of those still in existence are in a mutilated and fragmentary condition. Prior to the fall of Charleston, in May, 1780, Secretary Milton again removed his records, this time overland in wagons from Charleston to Newbern, North Carolina, where he left them in the care of Governor Nash of that State, and returned to the army. Later on, when Georgia and South Carolina had been entirely overrun by the British and Tories, and North Carolina was invaded, and the Georgia records were again in danger of capture, Captain Milton got leave of absence from his command and carried them to Maryland, where they remained until after the close of the war, when they were brought back to Georgia. Thus were saved through the War of the Revolution most of the papers and documents pertaining to the office of Secretary of State, and a part, and only a part, of those belonging to the office of the Governor.

Nearly all of the papers relating to the twenty years of the government of the Trustees which had ever been in Georgia, and many of those relating to the period of the rule of the Royal Governors, were lost or

entirely destroyed during the progress of the war. Since the close of the Revolutionary struggle the capital of Georgia has been four times removed, and once occupied and sacked by a hostile army. In each of these removals doubtless many valuable papers which escaped destruction during the war for independence have been lost; and it is within the memory of many living residents of that city, that when Milledgeville was occupied by the Federal army in the winter of 1864, many important records and documents were taken out of the Capitol and either destroyed or carried away. At that time and in that way, many important papers relating to Georgia, and especially the part she had played in all the wars in which the United States had been engaged up to the war between the States, were irremediably lost. In one or more of these ways many of the Journals of the Proceedings of the Legislature and the Minutes of the Governor and Council during the progress of the War of the Revolution perished, and never having been printed, and no manuscript copy of them ever having been made, they were totally destroyed or lost. To fill the gaps thus made in the legislative and executive history of our State recourse has been had to all other available sources of information—the acts of those Legislatures whose Journals have been lost, authentic contemporaneous publications in newspapers and books, old county records in the counties which were settled before the Revolutionary War, and to some publications of the Georgia Historical Society. While to supply the place of the lost records of the Revolutionary period has been so difficult and well-nigh impossible, it has not been so difficult as to the Colonial period. Fortunately for us, while comparatively few of them are to be found in Georgia, and many of those relating to the causes which led up to the War of the Revolution and its conduct and progress have been entirely lost, there are still preserved in the Public Records Offices in London either the originals or copies of most of these papers; and in 1837, sixty-five years ago, the Legislature, realizing the importance of having them on file in the Archives Rooms of our Capitol for the use of the people and the future historian, passed an act appropriating money for the purpose, and authorizing the Governor to appoint some fit and proper person to “repair to London for the purpose of procuring the Colonial records, or copies thereof, now in the Colonial Department of Great Britain, that relate to the history and settlement of this State.” In pursuance of the provisions of this act, Governor Gilmer, on the fifth of April, 1838, appointed the Reverend Charles Wallace Howard, a Presbyterian divine, eminent

for intelligence and learning, to go to England and secure either the originals or transcripts, as provided in the act. Soon thereafter Mr. Howard sailed for London, but found it impossible, as might have been expected, to secure the originals, and very difficult to gain even access to them and permission to make transcripts. After several months delay, however, he got permission, and at once entered upon the work. He was engaged upon it about two years, and the result of his labors was twenty-two large manuscript volumes of about three hundred pages each, which he had bound in pasteboard and deposited in the Archives Rooms of the Capitol, in charge of the Secretary of State, where they remained until about 1848, when, in order that the Reverend Doctor Stevens might have access to them in the preparation of his scholarly history of Georgia, brought out under the auspices of the Georgia Historical Society, they were removed to the Society's library in Savannah. They remained in the custody of the Historical Society for about thirty-five years, when they were loaned to Colonel Charles C. Jones to be used by him in the preparation of his history of Georgia, published in 1883. When he completed his work, at the suggestion of Colonel Jones, they were restored to the Archives Rooms of the Capitol and remained there till they were removed to Oxford to be used by Professor Scomp, of Emory College, who was engaged in the preparation of an important historical work. In June, 1891, Professor Scomp's house was destroyed by fire, and with it perished not only his private library, together with many of his manuscripts, the fruits of years of toilsome research, but also all of Howard's transcripts of the London records, except three of the least important volumes, which Professor Scomp had left in the Capitol. At the same time probably perished many important records of the period of the War of the Revolution which can not now be found, and of which no copies were in existence anywhere. Thus, a hundred years after the close of the War of the Revolution, Georgia found herself in a worse condition, so far as the record of her Colonial and Revolutionary history was concerned, than she was in 1837, when a patriotic Legislature endeavored to secure and preserve the records of her early history; all because, instead of printing the material Mr. Howard had secured, together with those still in existence in our Archives Rooms, they were lent out first to one and then to another, and removed from place to place to be used by persons engaged in individual literary ventures. Fortunately, however, for this and succeeding generations, a public-spirited Legislature in 1902, actuated by a patriotic zeal which reflects credit alike on its members and

on the State, anxious to rescue from impending oblivion the rapidly fading traditions of a glorious commonwealth and of the heroic achievements of her illustrious sons, took up the work where the Legislature of 1837 laid it down, and made provision for the appointment by the Governor of some fit and proper person to compile and publish the Colonial, Revolutionary and Confederate records of the State; at the same time making an appropriation of money from the public treasury to pay for transcripts of the Georgia records still preserved in England. Under authority of this act the present compiler was appointed in December, 1902, to do the work, and in the month of January following entered upon the discharge of his duties. The difficulties that confronted him at the very threshold of his undertaking were almost appalling, the material upon which he had to work being so fragmentary, so scattered and so deficient. He did not despair, however, but went diligently to work gathering up all the official records and documents bearing on the early history of the State wherever to be found, beginning with the Charter and the appointment of the Trustees by King George the Second, in June, 1732. He has prosecuted the work in regular chronological order, and the first design was to compile and publish it in the same order; printing, to illustrate, everything of a public or official character concerning Georgia, either in England or America, and bearing date in the year 1732 under the date-line of 1732; and everything dated in 1733 under the date-line of 1733, etc. But it became apparent as the work progressed that its convenience and usefulness would be greatly enhanced by departing from this order of arrangement so far as to print in regular consecutive order, in volumes separate and distinct from those containing miscellaneous records and documents, the Journal of the Proceedings of the Trustees, the Minutes of the Common Council of the Board of Trustees, and the Journals of the Proceedings of the House of Assembly and of the Governor in Council during the administrations of the three Royal Governors. This arrangement was therefore adopted, and these records have been compiled and printed in volumes separate and distinct from the volumes containing miscellaneous Georgia documents and records, all of which have been compiled in the manner originally designed; all papers bearing the date of 1732 being printed under 1732, and all dated in 1733 under 1733, etc.

The greatest deficiencies in unbroken official records, as will be seen, are in the records of the legislative and executive departments of the State government during the period of the War of the Revolution. Of the Colonial period the records not to be found on this side of the Atlantic

could be, and have been, secured in London; but of the period of the Revolution the records that were lost or destroyed were irretrievably lost, no duplicates or transcripts ever having been made. The compiler has, however, in making up the documentary history of this period, utilized all the materials that could be found in the Capitol of the State and elsewhere, leaving no source of information unexplored, and still there are many unfilled gaps and hiatuses in the record of this period. The temptation to fill these gaps and to some extent, at least, to supply these missing links by the insertion of contemporaneous unofficial publications has been great; but the compiler has, in most cases, refrained, deeming it his duty, under the authority given him, to compile and publish only official records and documents. In a few instances, however, when it was impossible to secure anywhere original records and documents, but copies of undoubted authenticity were available, they have been utilized, acknowledgment being made in every instance of the sources from which they were obtained. Advantage has been taken, too, of the patriotic labors of the Georgia Historical Society, and reprints have been made of a few important documents heretofore printed by it in small editions, when the original could not be found in the Capitol. While many of the daily Journals of the Proceedings of the Legislature during the Revolutionary period have been lost, and the Minutes of the meetings of the Governor and Council are very incomplete, we have, in their original manuscript form all important acts of the Legislature during the period of the Royal Governors, and many of those enacted during the War of the Revolution. But few of these old laws, however, have been embodied in our compilation. Many of them are obsolete, and the substance of those not obsolete is still preserved in our Code. Occasionally, however, an old obsolete law throwing light upon the conditions which prevailed at the time of its enactment has been included.

Recourse has also been had to the records in the court-houses in the old counties which were settled before the Revolutionary War, and valuable historic materials, not to be found elsewhere, have been secured. While the compilation of Colonial and Revolutionary records is not as full and complete as the compiler earnestly desired to present to the public, it is believed to be the best now possible. No authentic record available has been omitted, and nothing of doubtful authenticity has been admitted.

The first volume contains the Charter of the Colony, and the Journal

of the Proceedings of the Trustees from 1732, down to the surrender of the Charter in 1752. Volume II contains the Minutes of the Proceedings of the Common Council of the Board of Trustees during the same period. Volume III is an account of Monies and Effects Contributed for Establishing the Colony of Georgia. Volume IV is the Private Journal of the transactions of the Trustees, kept by John Lord Viscount Percival, the first President of the Board of Trustees. Volume V is the diary kept by Colonel William Stephens, Secretary of the Board of Trustees at Savannah, usually referred to as "Stephens' Journal." Then follow in chronological order the Journal of the Proceedings of the President and Assistants and of the Governor in Council through the administrations of the two Presidents, Stephens and Parker, and the three Royal Governors, Reynolds, Ellis and Wright, down to the arrest, escape and flight of Governor Wright and the seizure of the colonial government by the Council of Safety in January, 1776.

After these come the Journal of the Proceedings of the first "Provincial Congress," which met in Savannah on the fourth of July, 1775, followed by the Journal of the Proceedings of the "Council of Safety," which had charge of public affairs in the Province until the organization of a constitutional government and the election of Governor Treutlen in 1777. Following these are the Journals of the Proceedings of the Commons House of Assembly and those of the Upper House of Assembly, beginning with the first Legislature under Governor Reynolds, the Peter Stuyvesant of Colonial Georgia, and ending with the last Legislature under Governor Wright.

These volumes are followed by all that is in existence of the Proceedings of the first Constitutional Convention, which, having accomplished its work, adjourned in February, 1777; and of the Minutes of the Executive Office during the administrations of the Constitutional Governors, Treutlen, Houstoun, Wreath, Walton, Howly, Brownson, Martin and Hall; after which follow the Journals of the Republican Legislatures, so far as they have been preserved, during the same period, together with some of the important laws passed by the "Rebel Legislatures" during the progress of the war and immediately after its close, including the acts of confiscation and banishment, with lists of the names of persons proscribed by both the "Royal" and the "Rebel" Legislatures.

After the volumes containing the Minutes and Journals of the executive and legislative departments of the government follow the volumes containing miscellaneous documents and official correspondence between

the Colonial officers and agents in Georgia and the Trustees and officers of the British Government in England, arranged in strict chronological order from 1732 to the termination of British rule in 1783. These volumes of miscellaneous papers will be found to be very interesting, containing, as they do, a number of Indian treaties and maps of lands ceded by the Creeks and Cherokees to the King, and after the war to the State and Federal Government, and much matter personal to individuals and families living in Georgia prior to and during the War of the Revolution. In them bounty land warrants of Revolutionary soldiers are reproduced; old wills, bills of appraisement, conveyances and correspondence, not of a military, nor even of a strictly public character, but still of value and interest to the numerous descendants of the residents of the Province in Colonial times, and the actors in the stirring scenes of the War of the Revolution. Some of these were found among the State Archives in the Capitol, and others in the court-houses in the old counties along the eastern border of the State.

The compilation of Confederate records, beginning with the special message of Governor Brown to the Legislature on the seventh of November, 1860, on Federal relations and the Act of the Legislature of November 21, 1860, directing the Governor to call a convention of the people of the State to take into consideration the Federal relations of the State and the alarming situation then existing, will be found to be full and complete. It will contain, in addition to the proclamation and the act above referred to, the proclamation of the Governor calling the convention and ordering the election for delegates to sit in it; the complete journal of the convention containing the ordinances adopted by it, including the ordinances of secession, the correspondence between Governor Brown and President Davis concerning the Conscript Law; all the acts of the Legislature and proclamations of the Governor relating to the Georgia soldiers and the war and its conduct during its progress; the order of President Andrew Johnson establishing a provisional government and appointing James Johnson Provisional Governor after the surrender of the Confederate armies; the official papers of Provisional Governor Johnson; the complete journal of the convention of 1865, held under the order of the President; the inaugural address of Governor Charles J. Jenkins, and his messages to the Legislature; the reconstruction acts of Congress of 1867; the order of the commander of the third military district removing Governor Jenkins and Treasurer Jones and appointing General Ruger, U. S. A., as Military Governor, and Captain Rockwell,



U. S. A., as Treasurer ; the order for the three days election ; the inaugural address and proclamations of Governor Rufus B. Bullock ; orders concerning the Freedmen's Bureau and its operations, and, indeed all enactments, proclamations and military orders operating upon the people of Georgia from the passage of the act by the Legislature of 1860, providing for a convention of the people, through the periods of the war and reconstruction, down to the overthrow of carpetbag rule, the resignation and flight of Governor Bullock, and the restoration of white supremacy in the State, including the reports of the two committees appointed to investigate the official conduct of Governor Bullock, and to report on the validity of the bonded debt of the State created during the period of carpetbag rule.

The compiler has been content to compile the official records of this eventful period as he has found them, without comment or even a footnote ; thus leaving the reader of the future to draw his own conclusions from the record as it was made by the actors in the scenes of the war between the States, and subsequently during the ever memorable era of Reconstruction.

ATLANTA, June 27, 1904.

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**VOLUME II**

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**ATLANTA, GA.**

**THE FRANKLIN PRINTING AND PUBLISHING COMPANY**

**GEO. W. HARRISON, MANAGER FOR STATE PRINTER**

**1904**

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**VOLUME III**

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**Contributions and Names of Contributors.**

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**ATLANTA, GA.  
THE FRANKLIN PRINTING AND PUBLISHING COMPANY  
GEO. W. HARRISON, MANAGER.  
1905**

## COMPILER'S PREFACE TO VOLUME III.

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Unlike the founders of most of the other British colonies in America, the founders of Georgia were actuated by motives of pure, disinterested philanthropy. The object of the founders of other colonies was pecuniary gain. The object of the founders of Georgia was to provide an asylum to which the poor and unfortunate debtors of England, and the oppressed Protestants in other parts of Europe, could come and live in peace and earn a livelihood by industry and frugality.

Actuated by this motive Oglethorpe and Egmont, and their coadjutors, founded Georgia. They had no interest in the soil of the province, and no reward, nor hope of reward, out of its growth and prosperity.

Their work being one purely of philanthropy they appealed not in vain to the charitably disposed for aid in their philanthropic work. This the Trustees were authorized to do, by the charter, and by the same instrument they were required "every year to lay an account in writing before the Chancellor or Speaker or Commissioners for the custody of the Great Seal of Great Britain, the Chief Justice of the Court of King's Bench, the Master of the Rolls, the Chief Justice of the Court of Common Pleas and the Chief Baron of the Exchequer, or any two of them, of all monies and effects by them received or expended for carrying on the good purposes aforesaid."

This volume contains the annual accounts of all contributions made in money and effects for the benefit of the colonists. It will be seen that while no inconsiderable amount came out of the royal treasury most of the benefactions were from private individuals, and the accounts show on their face the care and accuracy with which they were kept.

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VOLUME IV

STEPHENS' JOURNAL

1737-1740

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## Compiler's Preface to Stephens' Journal.

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The plan of government first instituted by the Trustees was utopian and impracticable. The colonists were discontented and unhappy. They were divided into factions, and constant complaints were sent up to the Trustees by one faction or another, and the Trustees, to inform themselves of the real conditions that prevailed in the colony, and the justness of the complaints that reached them, deemed it advisable to send a representative to Savannah to study the situation and keep them advised. They selected for this important work Colonel William Stephens, a man of integrity and character, who had sat in parliament for a quarter of a century, and who enjoyed the confidence of the Trustees and of the country. In the summer of 1737 he was sent to Savannah as "Secretary to the Trustees in Georgia," and his office was to take a general oversight of affairs, to advise unofficially the officers of the colony, and to keep the Trustees fully informed of the conditions that prevailed and of the progress of the settlement. He entered upon his duties as Secretary on the 20th of October, 1737, and continued to perform them with diligence and fidelity till the 4th of October, 1740, when the plan of government was changed and the colony was divided into two counties, and he was appointed president of the county of Savannah. The journal which follows was the result of his three years' work as Secretary.

Only seventy copies of this journal were ever printed, and of these two, and only two, are in Georgia, one among the archives of the State in the capitol, the other in the library of the Georgia Historical Society in Savannah. It is possible, indeed probable, that none of these seventy printed copies, except the two referred to, are in existence. It is said, however, that the original manuscript volumes are still preserved in the hands of private parties in England.

# INDEX.

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## A.

	Page.
Abercorn, an Account of the Village.....	469, 665
Account of the Spaniards' Designs at Augustin.....	38, 120, 130
Of an Order from the Havannah to put a Stop to them.....	123
Adams goes to settle in South-Carolina.....	54
Returns to Savannah.....	63
Aglionby, his Death and Character.....	61, 188, 189
Alarm of four Spaniards entering Parker's Plantation .....	127
Amelia Island attack'd by the Spaniards.....	74, 186, 457
Amory, his Complaint of no Land being laid out for him.....	71, 106, 107
His Settlement, an Account of it .....	164
Gets a Grant of Land in South-Carolina.....	238, 241
Anderson, Hugh, a remarkable Letter drawn up by him.....	256, 257, 258
Goes to settle in South-Carolina.....	307
Augusta, an Account of the Fort being finished there.....	47, 664, 666
Account of the Indian Traders Conduct there.....	203
Augustine, Account of an Action at the Siege..	508, 607, 614, 615, 619, 622
Account of raising the Siege.....	619, 621, 622, 625, 626

## B.

Bailleau, a Hatter, his Hut burnt.....	214
Barnwell, Col. goes with others from Carolina to the Siege of Augustine.....	575, 621
Baylie, an Account of him, and his Intentions to leave the Colony....	465
Leaves the Colony .....	655
Been, a Baker, his Hut burnt.....	214
Bernal, Jacob, a Jew, without any visible Way of Livelihood, leaves the Colony.....	630
Bernandoon, Hiam, another Jew, leaves the Colony .....	630
Bishop committed to Prison for killing other Peoples Cattle.....	152
Tried for the same, and convicted .....	168, 169, 171
Escapes out of Goal.....	175
Bounty promised by General Oglethorpe upon Corn and Potatoes....	315
Bradford, a Thief who had escap'd from Georgia, demanded at Charles-Town.....	334
Committed to Prison at Savannah, and escapes by the Keeper's Negligence.....	348

Bradley indicted for shooting Cattle.....	12, 18
His Complaints of Mr. Causton.....	26, 27, 57, 83, 86, 87, 88, 92
.....	93, 95, 101, 106
Goes away to South-Carolina.....	224
Returns to Savannah.....	234
Tells Mr. Stephens what Stores he had bought for himself.....	237
Gets a Grant of Land in South-Carolina.....	238
Kills one of the Trust's Steers for his own Use without Authority.	106
An Account of his House, and his Conduct.....	174
His Demands upon the Trust, and Debt to them....	261, 301, 316, 317
Takes Possession of a Lot of five hundred Acres in Georgia..	316, 323
Kills one of the Trust's Steers without any Authority for it..	285, 331
Requir'd to deliver up every Thing in his Custody belonging to the Trust.....	334
Sends away his Goods to Charles-Town.....	343
Kills and Sells the Trust's Cattle.....	389
Call'd upon again by the Magistrates to deliver up the Trust's Ef- fects.....	396
Quits the great House built by the Trust's Servants.....	440
His Intentions to go off to Carolina.....	452
Stopt by his Creditors.....	459
Permitted to go.....	462
Requir'd to give Security not to leave the Colony till his Accounts are made up.....	496, 497
Goes off privately without giving Security.....	581, 582
Brixy, Master of a Sloop, confin'd upon Suspicion of Murder....	366, 368
His Trial and Conviction.....	372, 373, 379
His Execution.....	382
Brooks, Francis, kill'd in a Boat by a Party of Spaniards.....	521
Broughton, Lieutenant-Governor of South-Carolina, his Death.....	40
Brown, an Inhabitant of Highgate.....	27
Shoots his Servant.....	63, 97
Gets away one of the Evidence against him.....	173, 174
His Trial.....	146, 148, 188
Brown, an Inhabitant of Augusta, his Plantation taken from him by the Carolina Governor of New-Windsor.....	111, 112, 203
Brownfield, his Conversation with Mr. Stephens on the State of the Colony.....	28, 304
Keeps a large Warehouse at Savannah.....	309
Appointed by Mr. Whitfield, in his Absence, Steward of the Or- phan-House.....	608
Brownjohn goes away to South-Carolina.....	54
Returns to Savannah.....	63
An Account of him, and his Cultivation.....	84, 85
A farther Account.....	103
Takes some runaway Servants.....	107, 108
His Death and Character.....	184



Bull, Col. his Relation of the Orders given to the Captains of the Men of War.....	416, 420
Bull, Capt. deserts his Post at the Siege of Augustine.....	631
Bunyon builds a boat at Abercorn .....	469
Burnsyde, his Settlement upon Rotten-Possum.....	56

## C.

Cadogan, Ensign, returns from Charles-Town with Dispatches about the Supply granted by the Assembly for carrying on the War, 272,	573
Cambel, his Account of the Malecontents dissuading him at Charles- Town from going to Georgia.....	661, 662
Campbell leaves the Colony with Mr. John Wesley.....	41
His Character.....	41
Canon, Marmaduke, an Orphan and Freeholder at Savannah, an Ac- count of him .....	573, 574
Cargo of Flour and Cheese spoilt.....	362, 363, 369
Carolina, Invitations from thence to the Malecontents at Savannah...	240
Carolina Regiment, their Behaviour at the Siege of Augustine, 609,	615
	631
Carwils, James, a Freeholder of Savannah, goes a Volunteer to the Siege of Augustine.....	570
Causton, his Quarrel with Mr. Wesley.....	12
His Plantation at Ockstead.....	13
A further Description of the same.....	13
His Conference with Mr. Wesley in Presence of Mr. Stephens. 34,	35
His Speech to the Court when the Magistrates first appeared in their Gowns .....	65
Justifies the Verdicts given against Bradley .....	65
His Complaints of Bradley.....	65, 102
His Disputes with Brownjohn.....	104, 108
His Complaints about his Office of Store-Keeper.....	91, 111, 114
Shuts up the Stores .....	208, 210
Dismissed from his Office, and to find Security for his Appearance.	213
	214
Apprehended upon a Suspicion of his going off to Charles-Town	223
	263, 273
His Account of a Person's offering to carry him away.....	225
His Entertainments at Ockstead.....	252, 258
His Complaints against Thomas Jones .....	233, 280, 295, 310, 397
Causton, Mrs. her Behaviour about Mulberry-Leaves purchased by Jones .....	310, 311
Charles-Town, a contagious Sickness in it .....	191, 416, 423, 460
Christie, Thomas, his Conduct in relation to his Servants.....	235
His Plantation robbed by runaway Servants.....	299

Christie, his Complaints of Thomas Jones.....	319, 321
His Conduct in relation to Capt. Davis.....	347, 410, 417
His Commission for first Bailiff of Savannah suspended.....	431, 432, 448
His Conduct relating to a Copy of the Court Proceedings.....	448
A further Account of him.....	449, 450, 451, 452, 476, 482, 483, 499, 505, 517
His Conduct about Wise's Effects.....	452, 453
Demands of Mr. Stephens the Constitution appointing him first Bailiff.....	476
Produces an Account to Mr. Jones, making the Trust Debtor of 100 l. to him.....	482
His Commission for first Bailiff of Savannah revok'd.....	589
Leaves the Colony in order to come to England.....	530
Coates delivers a Paper of Grievances to Mr. Stephens.....	39
Leaves the Colony with Mr. Wesley..	41
His Character.....	39, 41
Coates, his Death at Charles-Town.....	417
Cockran, Lieutenant-Colonel, arrives in Georgia, with Part of the Regiment.....	140
Brought under a Guard to Savannah in order to be sent to Eng- land.....	293, 294, 295
Commissioners for examining the Trust's Accounts, their Proceedings.....	213
384, 385, 386, 387, 388, 390, 391, 392, 393, 395, 399, 404, 405, 406, 469 481, 484, 485, 494, 497, 527, 533, 610	
Conn, a Sailor, examin'd about an Information of the Soldiers Designs against General Oglethorpe, and sent to the South.....	329
Constables, an Account of their Behaviour.....	46, 293, 434, 435, 507
Cooksey, an Account of his Plantation.....	163
Cooksey settles at Charles-Town.....	365
Cooper the Millwright, his Behaviour.....	161, 162
Corn, a Failure of Crops owing to the Badness of the Seed....	160, 190, 200
Court at Savannah, their Proceedings 34, 65, 68, 71, 89, 90, 92, 94, 95, 100 137, 145, 148, 167, 168, 172, 188, 193, 196, 232, 233, 258, 259, 260, 263 264, 267, 268, 313, 314, 367, 368, 372, 375, 379, 380, 393, 399, 432, 433 460, 462, 484, 495, 496, 505, 517, 577, 611, 618, 632, 641, 648	
Court-Martial upon the Difference between Col. Cockran and Capt. Mackay.....	270
Cozens tried for Murder and convicted.....	372, 373, 377
His Execution.....	382
Creek Indians War against Carolina.....	603
Currie, George, his Character.....	691
A further Account of him.....	648
Cuthbert, his Plantation.....	160
Cuthbert, Capt. his Death and Character.....	451

## D.

Darien, a Report of the Inhabitants Discontents.....	239, 240, 555
Davis, Capt. a Trader, suspected of carrying Provisions to Augustin... 64	
His Relation of his Negroes running from South Carolina to Augustin .....	248
Takes up a Lot at Savannah.....	309
A remarkable Controversy between him and Pope the Master of a Ship .....	343, 344, 345, 346
His Sloop stopt from going to Augustine.....	408, 409
Endeavours to escape with her.....	409, 410, 411
Put under Confinement.....	417
Discharg'd upon giving Security not to go to Augustine.....	422
Turns his Sloop into a Privateer.....	423, 467
Sails upon a Cruise against the Spaniards.....	423, 483
Returns to Savannah.....	425, 511, 544, 587
Taken into Custody for sending off two Spanish Prisoners to Augustine .....	623
Defuska-Sound, a Boat stranded on the Shoals.....	152
Another Boat stranded there.....	271, 281
A Pettyagua cast away, and sixteen Persons drowned.....	302, 303
Delgrass, his Death at Charles-Town.....	417
Desborough, who had left the Colony, returns to it.....	78
Desborow, his Death at Charles-Town, with his two Sons.....	423
Disorders at Savannah.....	342, 363, 377, 481
Douglass, an Account of him, and his Intentions to leave the Colony..	453
Leaves the Colony.....	465
Leaves the Colony.....	655
Duchee, his Conversation with Mr. Stephens about the Pottery Manufacture .....	253
Agrees to build a Wharf, with a Store-house at Savannah, for 50 l.	315
Duchee undertakes to build a Wharf at Savannah.....	353
Dunbar, his Plantation.....	163
Dyson, Chaplain to General Oglethorpe's Regiment, his Death.....	414, 415
Dyson, his Conduct and Character .....	198

## E.

Ebenezer, an Account of it.....	160, 665
Ebenezer Old, an Account of it.....	161, ibid.
Elgar tried for killing other Peoples Cattle .....	167, 168, 169, 170, 171, 172
Ellis, a Sloop belonging to him with damaged Provisions.....	118, 127
A further Account of the same.....	127, 136
English Servants desired.....	673
Evans, a young Man, kill'd by an Accident .....	362

Ewen, Mr. Causton's Servant, goes off to Charles-Town.....	221
Returns to Savannah, is required to give Security not to leave the Colony.....	228
Ewen, William, leaves off cultivating his Lot to work at the Orphan- House.....	583, 608
Eyles, Mr. Surgeon to the Regiment, kill'd in a Duel by Ensign Tolson.	593
Eyre, Mr. sent by General Oglethorpe to the Cherokee Indians.....	372
Returns to Savannah, his Conduct relating to the Indians.....	553
Goes to the South.....	465
Goes again to the Cherokee Nation.....	424, 487, 501
Brings a large Body of them to the Siege of Augustine.	363, 364, 550, 552
F.	
Fallowfield, his Complaints of Causton.....	53
His House burnt.....	61
Appointed first Constable.....	61, 217
Fallowfield sworn in second Bailiff at Savannah.....	432
An Account of his Conduct.....	476, 482, 483, 488, 590
Visited by the Club of Malecontents.....	267
His Conduct relating to a Schooner seiz'd.....	486, 4
His Plantation on the Isle of Hope, an Account of it.....	559, 619
Fennel, Capt. his Relation of the Posture of Affairs at Havannah.....	379
Arms a Sloop to go to Jamaica.....	383, 443
Fitzwalter dismiss'd from his Employment in the Trust-Garden.....	214
Fort Argyle.....	668
Foster, Elisha, a Tything-man, his Conduct in relation to Capt. Davis..	410
Goes a privateering with Capt. Davis.....	473
.....	473, 483, 511, 587
Francis, an establish'd Messenger by Land betwixt the North and South <sup>a</sup> Parts of the Province.....	229, 236
Freeholders, the Appearance of them at Savannah.....	67, 381, 421
French, their Preparations of War against the Chicasaw Indians.....	110
Attack the Chicasaws.....	134
Col. Bull's Account of their Designs.....	398
Lieutenant Kent's Account of their marching against the Chicas- saw Indians.....	471
A Body of them attack'd, and taken Prisoners by the Cherokee Indians.....	618
Frost, a remarkable one at Savannah.....	98, 100, 256, 300, 500, 533
G.	
Galloway is lost in Pursuit of runaway Servants.....	208
Gardiner kill'd by an Accident.....	467, 468
Garrett, an Account of him.....	472, 474

## INDEX.

687

German Servants, an Account of their Behaviour.....	117, 145
Grand Jury's Presentment of their carrying Arms without Licence.....	177, 268
A further Account of their Behaviour... 256, 267, 268, 283, 301, 302, 364	
An Account of one of them being found dead in the Log-House.....	292, 293
Gilbert sworn one of the Bailiffs at Savannah.....	213, 217
His Complaint of the Moravians.....	393
Leaves the Colony.....	645
His Character.....	645
Gould leaves the Colony.....	207
Gough, a Tything-man, leaves the Colony with Mr. Wesley.....	41
His Character.....	36, 41
Gough, William, an Account of him.....	603
Graham, Patrick, his Marriage at Savannah.....	526, 527
Grant, a Tything-man, committed for affronting the Magistrates in Court.....	147
A further Account of his Behaviour.....	147, 149, 151, 153
Grant, an Account of him, and his Intentions to leave the Colony.....	465
A further Account of him.....	482, 531
Leaves the Colony.....	655
Grant, Peter, a Cadet, kill'd in a Duel by Mr. Shenton.....	593
Green, his Information about the Soldiers mutinying.....	318, 319, 329, 330
H.	
Habersham, his Brother lost in a Swamp for three Days.....	180, 182, 183
Habersham appointed by Mr. Whitfield, in his Absence, to officiate for him.....	179, 180, 184, 219
Haines, a Servant of Mr. Stephens, committed by the Magistrates.....	281, 289
Hetherington committed for killing other Peoples Cattle.....	152
Tried for the same, and convicted.....	168, 169, 170, 171, 172
Escapes out of Prison.....	175
Hetherington goes off privately to Charles-Town.....	530
Holmes, his Death at Charles-Town.....	417
Hopton, Mr. at Charles-Town, appointed to take Care of the Trust's Letters.....	8
Horse-Racing set up by the Malecontents in Savannah.....	604, 606, 609
Horton, Mr. his Complaints of Mr. Causton.....	52
Sent by General Oglethorpe to prevent the Creek Indians committing any Hostilities against the Spanish Indians.....	327, 328
Houston, Mr. a Dispute about him.....	195
Houston, a clerk in the Store-house, goes off to South-Carolina.....	221

How, Robert, leaves the Colony to come to England.....	394
Returns to Georgia.....	478
Hughes, a Smith at Abercorn, leaves the Colony.....	78
Hughes, a Tallow-Chandler, of Savannah, leaves the Colony.....	207
Hunt, Capt. refus'd Leave to dispose of his Cargo, Rum being Part of it.....	351, 352
Hurst, a Clerk of Mr. Causton's, leaves the Colony.....	207

## I.

Indians, Chicasaws, a Settlement of them near Augusta.....	47
Choctaw, in the French Interest, attack the Chicasaws.....	326
Fall out with the French, and make Peace with the Chicasaws....	156
Come to Savannah, in order to visit General Oglethorpe.....	279, 284
Indians, Chicassaw, take a large French Boat with Goods and Letters.	451
A Party of Chicassaws and Euchies come to Savannah to join Gen- eral Oglethorpe.....	436, 456, 458, 558
Cherokee, an Account of their intending to attack the White Men among them.....	241
Iron Stone, Quarries of it found.....	603, 604

## J.

Jenkins, Trustee for the Orphans, delivers up his Trust to Mr. Whit- field.....	505
An Account of his Conduct.....	531, 542, 558, 578, 588, 595, 628
Goes away from the Colony.....	645, 655
Jones, Lewis, an Accomplice in a Murder, makes his Escape.....	372, 376
Taken in Charlestown.....	402
Jones Noble, Surveyor, Complaints of his Neglect of Duty..	46, 71, 86, 87
Discharg'd from his Employment of Surveyor.....	214
Returns to Savannah after the Siege of Augustine, with several Volunteers.....	637, 638
Appointed with a Guard-Boat to watch the Narrows of Skeed- oway.....	638, 651
His Conduct approv'd of.....	655
Jones Thomas, his Arrival in the Colony, and Conduct.....	206, 207
Appointed by General Oglethorpe to inspect Accounts of the Stores.....	206, 213
The Books, &c. belonging to the Stores delivered to him.....	214, 218
Consults with Messieurs Stephens and Parker about delivering Stores.....	220
His Relation of the Intricacies in Causton's Accounts.....	221, 222, 250
	260, 261, 497
A Quarrel between him and Robert Williams.....	319, 321

## INDEX.

689

Returns to Savannah.....	326, 368
Sworn in third Bailiff at Savannah.....	432
His Complaints of Mr. Whitfield.....	596, 598, 599, 602, 603, 606
Jury Grand, insists on a Right to administer Oaths..	89, 92, 137, 146, 258
Acquiesce in the Trustees Answer upon it.....	259
<b>K.</b>	
Kellaway, his House robb'd.....	290
Has a large Store-house at Savannah.....	308
Kent, Lieutenant, desired Mr. Stephens's Instructions for his Conduct at Augusta.....	47, 118
Instructions sent to him upon Lacy's Death.....	181, 184
Sends Letters to Mr. Stephens relating to Augusta.....	235
Sends an Account of a Conference with the Cherokee Indians.....	312, 375
A Letter from him recommending some Men to be settled in Geor- gia.....	544, 545
Comes to Savannah about the Conduct of the Traders at Augusta..	608
Kitson drowned at Defuska-Sound.....	303
His Corpse found and buried.....	308, 309
Kitt committed for seditious Practices, and makes his Escape.....	368
<b>L.</b>	
Lacy, his Account of a Seizure of an unlicens'd Trader's Goods .....	166
An Account of his Death.....	179, 180
Lacy, Mrs. Concern'd in killing other Peoples Cattle.....	168, 170, 171, 178
Lafeit appointed Capt. of a Company to be paid by the Government of Carolina.....	556, 558, 559, 560
Goes with his Company from Savannah to the South.....	570, 571
Lefete, a Justice of Peace in South-Carolina, refuses his Assistance for the Apprehending runaway Servants.....	171
Leman, Ensign, his Duel with Ensign Sutherland.....	483, 484, 487, 593
Letters received from the Trust..	90, 113, 144, 199, 206, 231, 253, 254, 312 324, 327, 337, 350, 352, 359, 360, 376, 419, 429, 466, 478, 487, 549, 568 569, 571, 575, 589, 649
Letters sent to the Trust....	69, 70, 97, 113, 135, 146, 148, 174, 176, 188 191, 207, 234, 235, 255, 260, 274, 276, 300, 303, 322, 353, 362, 383, 459 534, 578, 610, 633, 634
Letters, Uncertainty of their Conveyance.....	56, 114
Levett tried for Murder, and convicted.....	372, 373, 376, 377, 378, 382, 426
Repriev'd.....	381, 429, 436
Libels on the Magistrates and others.....	165
Presented by the Grand Jury.....	168
Lyon, Abraham, a Description of his Vineyard.....	43, 44
Lyndal, John, the Pindar, Regulations made for his Conduct.....	384

## M.

- Mackay, Hugh, brought under a Guard to Savannah to be sent to England..... 176, 294, 295
- Mackay, Patrick, an Account of him..... 15, 16  
His Plantation..... 108, 160
- Mackintosh, Capt. his Design of going home to Scotland ..... 511  
Surrenders the Command of Palachacolas Fort to his Brother .... 522
- Mackintosh, John More, Prisoner at Augustine ..... 615, 622
- Mackintosh, Laughlan, his Relation of a Murder at Fort Argyle... 656, 657  
658, 659  
The Murder confess'd by the Spanish Spy and an Irishman..... 661
- Macpherson, an Account of him..... 110, 113, 115, 116, 117, 120, 385, 386
- Mackensie returns from England to Savannah with Letters for Mr. Stephens ... .. 231, 576
- Magistrates of Savannah, their Conduct about the Administration of Cuthbert's Effects ..... 455  
Their Conduct relating to a Freeholder press'd by Major Richards. 572  
Their Conduct relating to the Insurrections of Negroes in Carolina. 592
- Malatchie, one of the Creek Indians, his Conduct .... 565, 566, 567, 568, 585
- Malecontents make the People dissatisfied at their first going over.... 46  
48, 49, 51  
An Account of their Club..... 111, 257, 264, 265, 276, 431, 465, 470, 483  
519, 542, 564, 590, 595  
Their Remarks on the Trustees Answer to their Representation... 250  
470  
Their Reports about the French attacking the Chicassaw Indians.. 539  
550  
Their Reports about the King's dissolving the Trust..... 576, 587  
A further Account of them..... 579, 582, 590, 595, 597, 604, 605, 606, 611  
616, 624, 628, 640, 650, 651, 655, 662
- Martin, a Soldier, discharged from the Regiment, committed to the Log-house ..... 281
- Matthews, Jacob, goes to the South to prevent any Hostilities against the Spanish Indians ..... 491, 511  
Insults Mr. Jones at the Store-house..... 512  
A further Account of him..... 512, 513, 517, 518, 519
- McLeod, Minister of Darien, Grant of Land for him and his Successors ..... 545, 552, 589
- Mercer leaves the Colony to settle in Carolina. .... 54  
Returns to Savannah..... 63  
Appointed second Constable of Savannah..... 217
- Mercer, his Care of the Effects of Little, an Orphan..... 508
- Militia at Savannah settled..... 71, 291, 434
- Miller, of Augusta, desires Letters of Administration to take Care of



## INDEX.

691

Minas, his Complaints against Causton .....	105
Montaigut, Mr. his Death and Funeral .....	449, 450
Moravians, an Account of them .....	22
Their Cruelty to How's Daughter .....	304, 395
Muer, his Death at Charles-Town .....	417
Musgrave, a Description of the Land given him by Tomo Chachi .....	50

## N.

Negroes, runaway, from Carolina, stopt in Georgia .....	191
Negroes in South-Carolina, an Insurrection of them .....	275, 277, 412, 592
A Negro sold by Auction at Savannah .....	523
Nelson, a Mate of a Ship, examin'd about the Soldiers Designs against General Oglethorpe .....	329
Norris, Mr. the Reverend, arrives in Georgia .....	212, 215
A Misunderstanding between him and Habersham the School- Master .....	219, 229, 493
A scandalous Report about him raised by a Woman at Savannah ..	255
Goes to Frederica .....	544
Comes to Savannah .....	487
His Uneasiness about Mr. Whitfield's being sent to Savannah ..	440, 487
His Complaints of Thomas Jones .....	400, 401, 441, 529
Goes to the South .....	534
Nunez, Dr. and his Son, leave the Colony .....	656

## O.

Oakes, Apprentice to Thomas Young, runs away from his Master ..	231, 246
Apprehended and committed to the Log house .....	249
Oglethorpe, General, his Arrival at St. Simon's with Part of the Regi- ment .....	206
Goes to Savannah .....	212
His Speech to the People about retrenching Issues of the Stores ..	213
Consults Messieurs Stephens and Parker about issuing Stores for Debts .....	216
Returns to St. Simon's .....	217
Comes to Savannah .....	226
His Admonitions to Mr. Causton .....	226
His Orders to Capt. Steward not to carry Persons under Bail out of the Colony .....	273
Comes to Savannah .....	294, 314, 368
Goes to visit the Indian Nations .....	371
Returns from the Indian Nations .....	421
His Account of the Creek Indians .....	421
His Proclamation in Savannah for stopping runaway Negroes ..	427
Orders Capt. Thompson to sail to St. Simon's .....	429
Inspects the five hundred Acre Lots .....	439, 440

Takes Fort St. George, and garrisons it.....	475
Takes two Forts on St. Juan's River.....	483, 500, 501
Recommends to Mr. Stephens to forward the Building of the Church.....	523
Goes to Charles-Town.....	535
His Letter to Mr. Jones about the Management of the Orphans.....	539, 540
Returns from Charles-Town.....	543, 553
Returns to the South.....	551
Takes Fort Diego.....	583, 584
Raises the Siege of Augustine.....	622
His Sickness.....	635, 653
Orphans Accounts examined.....	205
Orphan House, an Account of it.....	608, 627

## P.

Palatines, a Ship freighted with them arrives at Tybee.....	54
Palmer, Col. kill'd at the Siege of Augustine.....	456, 607, 615, 622
Paris, Mr. acquaints Mr. Stephens with the Designs of the Spaniards..	38
Parker, one of the Magistrates, his Necessities and Character.....	21, 32
His Conversation with Mr. Stephens about Christie.....	44, 45
Appointed first Bailiff.....	214, 217, 232
His Complaints of Thomas Jones.....	333, 347
His Cattle maim'd.....	306, 409
His Conduct about Dyson's Effects.....	415
His Character.....	506
Appointed first Bailiff of Savannah.....	589
Pasquinade relating to the Alarm about the Spaniards.....	130, 135, 405
People refuse to work but at exorbitant Wages.....	201, 205
Persons sent from England, their Character.....	671
People clear the Town of Savannah and the Common from Weeds, &c..	433
Number of them.....	417
.....	434
Periam deputed by Whitfield to take Care of the Orphans in his Absence	549
Phelps, a Scotch Merchant, his Trading with the People.....	252
Pindar appointed at Savannah to take Care of the Cattle.....	314, 396
Another appointed at Old Ebenezer.....	315
Plantations, an Account of them near Savannah... 77, 80, 81, 85, 103, 126	163, 164
Pope, a Controversy between him and Capt. Davis before the Magistrate.....	343, 344, 345, 346, 347
Potter appointed Constable at Savannah.....	434, 473
His Conduct and Character.....	471, 472, 473, 483
Goes a privateering with Capt. Davis.....	483, 511
His Death.....	533

## INDEX.

693

Provost, a Trader with New-York, carries his Cargo to St. Simon's.....	242
Builds a large Warehouse at Savannah.....	809
Purysburgh.....	665
Pye, John, his Commission to act as Recorder during the Suspension of Christie.....	589
R.	
Rangers, a Company of them appointed by General Oglethorpe.....	454
Representation formed by Dr. Tailfer and others about the Colony, 101,	242
A further Account of it.....	243, 244
Sent to be signed by the People at Darien, returned unsigned.....	264
A further Account of it.....	265, 267, 276, 305
Richards appointed Captain of a Company to be paid by the Govern- ment of South-Carolina.....	556
Goes with the Company from Purysburgh to the South... 570, 571, 572	
Roberts, Thomas, Mr. Stephens's Servant, runs away from him... 139,	249
Is taken again.....	140
His Character.....	140, 248, 261, 269, 270
Rum sold at Savannah.....	62, 121, 122, 197, 388
People drunk with it insult the Peace-Officers.....	388

## S.

Salter, a Tything-man, stops Capt. Davis's Baggage.....	410
Savannah Town, a remarkable Proof of the Healthiness of it.....	266
Saw-Mill, an Account of it.....	161, 162
Saw-Mill at Old Ebenezer blown up.....	402, 403
Scooner, Spanish, seiz'd and secur'd at Tybee.....	477, 478
Scott tried for selling Rum.....	78, 90
Scroggs, Lieutenant, secures the Effects of Capt. Cuthbert.....	454
Robb'd at Savannah.....	464
Sellier turns Methodist, and leaves the Colony.....	543
Servants, runaway, protected in South-Carolina.....	192, 208, 238, 333
Two committed to Prison for killing Cattle in the Woods.....	306
Shannon, a Soldier, committed for treasonable Practices.....	387
Shenton saved from a Wreck at Defuska-Sound.....	302, 303
Simms, deputed by Whitfield, in his Absence, to take Care of the Or- phans.....	549, 553, 608
Sloop built in Georgia.....	402, 469
Sloop from Philadelphia, belonging to Mr. Whitfield, arrives at Savan- nah.....	477, 478
Smith, a Shoe-maker, committed to Prison for Clipping.....	82
Tried for the same, and convicted.....	90, 91
Smith, a Millwright, his Behaviour.....	161, 162

Spanish Launch stopt at Tybee.....	475, 476, 521
Spanish Spy confin'd.....	123, 378, 379
Escapes with his Servant from Prison.....	639
An Account of it.....	639, 640
He and his Servant Murder two Persons at Fort Argyle.....	656, 657, 659
Is taken again.....	660, 661
Stephens, Mr. arrives at Charles-Town.....	8
Arrives at Savannah.....	11
His Commission for Secretary in the Province read in Court.....	34
Receives a Packet from the Trustees with the Seals broken.....	37
His Conversation with Mr. Causton about the Colony.....	46
Proposes a Regulation about the Tything-men and Constables.....	51
His Son arrives at Savannah.....	55
His Account of the People's Idleness, with the Causes and Effects of it.....	59
His Conversation with Causton about the Colony and Bradley.....	60
His Conversation with Causton about unlicens'd Retailers of Li- quors.....	62
His Conversation with Mercer about settling in South-Carolina.....	64
His Account of a Complaint from Augustin about the Indians.....	69
Sets out to visit the Settlements in the South.....	70
His Account of the Settlement there.....	72, 73, 74
His Account of the Answer sent to Augustin about the Indians... ..	74
His Conference with the Magistrates at Frederica.....	75
His Account of the People's Industry at Darien.....	76
His Account of Christie, the Recorder at Savannah.....	80
His Account of Improvements on Bradley's Son's Lot.....	81
His Conference with the Magistrates at Savannah about the Span- iards.....	124, 130
His Conference with Causton about the Servants protected in Car- olina.....	155
Visits the Settlements near the Savannah River.....	149, 160
His Account of Ebenezer.....	160
His Account of Old Ebenezer, the Cow-Pen and Saw-Mill.....	160, 161, 162
His Account of Abercorn, and several Plantations.....	163, 164
His Hut for his Servants burnt.....	173
His Conversation with Causton about Augusta.....	181
His Servants seduced into Idleness.....	185, 197, 201
His Account of a Visit of the Upper Creek Indians.....	203, 204
His Account of an Attempt against General Oglethorpe among the Soldiers.....	227
His Account of Thomas Young's Conduct to his Apprentice Oakes.....	231
His Account of a Conspiracy among the Negroes in Carolina.....	275
His Account of a Deputation from Carolina, to demand runaway Negroes at Augustin.....	275, 276

## INDEX.

695

His Conference with Thomas Jones about the Trust's Cattle . . .	286, 287
His Account of a Transaction between his Son and Lieutenant-Colonel Coekran . . . . .	296, 297, 298
His Conversation with Brownfield about the Representation . . . . .	304
His Account of a Dispute between his son and Thomas Jones . . . . .	338, 339
	340, 341, 356, 357
Settles a Dispute between the Pindar and other Persons . . . . .	341, 342
His Conference with Parker about Sola Bills . . . . .	358, 359
Receives a Commission to examine, with Mess. Jones and Parker, the Trust Accounts . . . . .	360
His Reasons for refusing to sign for the issuing of Sola Bills . . . . .	369, 370
His Son sets out for England . . . . .	380, 382
His Account of a Quarrel between Parker and Thomas Jones . . . . .	396, 397
Commission'd by General Oglethorpe to command the Militia . . . . .	435, 503
His Account of his Plantation . . . . .	406, 420, 436
His Speech to the Constables, Tything-men, &c. . . . .	438, 439
His Account of Hamerton's Bill for 200 l. being refus'd Payment . . . . .	444, 445
His Conduct relating to the Militia and Guard <sup>d</sup> Duty . . . . .	480, 491, 492, 507
	516
His Account of the People's Planting about Savannah . . . . .	510, 515
His Account of a Box of Trust-Letters directed to him being detain'd by Mr. Hawkins at Frederica . . . . .	516, 517, 525, 533
His Account of the Growth of Oranges in Georgia . . . . .	521, 522
His Conduct in relation to the Artillery . . . . .	524, 525
His Account of a Letter from Williamson relating to Mr. Christie's Constitution of first Bailiff . . . . .	527
His Account of his Plantation by Vernon River . . . . .	479, 480, 535, 536, 537
His Account of the Growth of Cotton . . . . .	541
Fixes up Advertisements for Grantees of Land entering their Claims . . . . .	549, 551, 552, 625
His Remarks upon his Son's Conduct in England . . . . .	576, 577
His Conversation with Williamson about the Recordership . . . . .	586
Sends off a Party of Indians to assist at the Siege of Augustine . . . . .	590, 593
His Opinion about sending Provisions from Ireland . . . . .	594, 595
His Conversation with some Persons about forming a Representation of the State of the Colony . . . . .	597
Calls to his Assistance for the said Work Mess. Parker, Jones and Mercer . . . . .	598
His Account of the Light-House at Tybee . . . . .	600, 601
His Conversation with Williamson about the Colony . . . . .	601, 602
His Account of a Paper of Grievances fram'd by the Malecontents . . . . .	606
His Relation of an Action at Augustine . . . . .	607, 609
His Account of the Increase of Rice in South-Carolina . . . . .	636
In Danger of being killed by a Servant of Phelps's . . . . .	647, 648
Goes to General Oglethorpe at Frederica . . . . .	652
His Account of the Regiment . . . . .	653, 654

Sterling, William, his Conduct.....	465,	9
Leaves the Colony.....		655
Stewart the Pilot, his Neglect of Duty.....		210
Stewart, Donald, Master of a Sloop, drowned within Port-Royal Island.....		557
T.		
Tailfer, Dr. his Endeavours to form a Company of Volunteers.....		424
His Conduct with the Malecontents.....	447, 449, 517, 576, 579, 604,	628
Leaves the Colony.....	645, 650, 651, 652,	655
Thomas, Monsieur, an Engineer, arrives in the Colony.....		392
His Death.....		423
Thomson, Capt. arrives at Savannah with German Servants.....		212
Tibbet, who had left the Colony, returns to it.....		67
Tomo Chichi promises to go and restrain the Creek Indians from com- mitting any Hostilities against the Spaniards.....		328
His Death and Funeral.....		428
Townshend, Mrs. her Conduct and Character.....		624
Leaves the Colony.....		630
Traders, Indian, apply for Licenses at Savannah.....	354, 357, 358, 364,	372, 568, 578,
Their Conduct at Augusta.....		203
Some of them insult the Magistrates at Savannah, and are sup- ported by the Club of Malecontents at Jenkins's.....	641, 642	
Unlicens'd, their Riots in the Lower Creek Nation.....		585
Trading-Vessels, several lying at Savannah.....	211,	312
Trustees for the Orphans, their Accounts examined.....		205
Turner opposes a Tything-man, and flies from the Colony.....	58,	59
Returns, and is committed to Prison.....		66
Tything-man upon Guard-Duty refuses to execute a Warrant.....		30
Tything-men, the Number of them at Savannah settled.....	51,	434, 438
U.		
Upton quits his Settlement near Frederica.....		166
A further Account of him.....	222,	314
Disposes of his Land near Frederica, and gets another Grant on All-honey Island.....		358
Detain'd in Georgia by a Warrant upon Capt. Norbury's Account..		414
His Boat cast away.....		461
Suspects it to be done with Design.....	466,	477
Carries on a Trade between Georgia and Charles-Town.....		5
V.		
Vanderdussen, Col. his Resentment at the Behaviour of some of his Officers and the Carolina Volunteers.....		635



- Wigan, a Trader among the Lower Creeks, his Letter about the Attempts of the French to draw off the Indians from the English Interest.....552, 585
- Williams, Robert, complains of the Tenures and Want of Negroes.. 11  
29, 48  
His Conference with Mr. Stephens about the same..11, 49, 109, 202, 242  
Freights a Ship with Lumber for the Leeward Islands....118, 129, 309
- Williamson, his Advertisement against Wesley's leaving the Colony.. 37  
His Conduct about the Recordership of Savannah....384, 443, 445, 446  
447, 448, 449  
His Commission for Recorder of Savannah revok'd..... 589  
His Conduct at Savannah..... 35, 598, 601, 602, 617, 618
- Willy, Lieutenant, his Letters about the Attempts of the French to draw off the Indians from the English Interest.....82, 241  
His Account of the Conduct of the French among the Indians... 82  
563, 585  
A Letter from him about the Choctaw Indians attacking the Chicasaws..... 325, 326
- Woodhouse, a Soldier, committed to Custody for irregular Behaviour.. 232
- Woodrooffe keeps a Shop well furnished in Savannah..... 309
- Wright committed to Prison for trading with the Indians without Licence, &c..... 166, 172  
Escap'd out of Prison, taken, and sent by Lieutenant Kent from Augusta.....175, 362, 373

## Y.

- Young, a Wheelwright, his Neglect..... 79
- Young, Isaac, his Plantation..... 164



# JOURNAL

OF

# Colonel William Stephens

Secretary to the Board of Trustees  
at Savannah

## SUPPLEMENT

TO

## VOLUME IV

Containing All of His Journal Not Embraced in  
Volume IV of this Compilation

## Prefatory Note.

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When Volume IV of the Colonial Records of the State of Georgia, Stephens' Journal, went to press, the compiler believed that the two manuscript volumes contained in it were all of the Journal kept by Colonel Stephens then in existence. He knew that there had been, at one time, a third manuscript volume, but supposed that it, like many other Colonial Records of Georgia, had been irretrievably lost, since it could be found neither among the archives in the State Capitol nor in the Public Records Offices in London, nor, indeed, was he at that time able to find any trace of it elsewhere.

Since his Volume IV. went to press, however, through the indefatigable effort of a loyal son of Georgia, Mr. W. J. De Renne, of Savannah, a scion of one of the most distinguished Revolutionary families of the State, and a gentleman who has perhaps done more than any other living Georgian to rescue from oblivion the early history of our State, a copy of this lost volume has been found and purchased by him at an enormous price. Through his courtesy and generosity the compiler has been permitted to make a transcript of this rare record and present it to his readers as a supplement to his fourth volume, realizing that no compilation of Colonial Records of Georgia will be complete without it.

Of this record it has been possible, after several years of diligent effort on the part of Mr. De Renne, to locate only two other copies, and it is entirely probable that no others are in existence. The Trustees had a hundred copies printed, thirty of which were distributed among themselves, when the printing-office, it is said, was destroyed by fire, and the remaining seventy perished. Hence the exceeding rarity of the book.

# INDEX

---

## A

Avery, Mr., his Proposal to Mr. Stephens to make a Map of the North Part of Georgia, 249. An Agreement with him sign'd by Mr. Stephens, 252. An Account of his Proceeding, 269.

## B

Baineu, James, a great Improver of Vines, 135, 193.  
 Barber, the Minister at the Orphan-House, preaches at Savannah, 157.  
 His Treatment of one of the Orphan-Boys, 166.  
 Barker, the Cow-pen Keeper, his Account of the Cattle, and Proposal, 90.  
 Beaufain, Monsieur, an Account of him, 202.  
 Beast, wild, a remarkable one kill'd, 41.  
 Braddock, sent by General Oglethorpe to get Sailors for English Privateers, 247.  
 Brian, Hugh, a Methodist, bound over by the Chief Justice of South Carolina for a Libel on the Clergy, 75.  
 Brigantine from New York bound to South Carolina wrecked, 97.  
 Brownfield, John, his Behaviour in the Court, 188, 252.  
 Burton, John, a Tything-man, summons Mr. Stephens to attend the Grand Jury, 187. His Behaviour towards Mr. Stephens in the Court, 188.

## C

Campbell, James, reads the Service in Church in the Absence of a Minister, 66. Resigns the Office of Keeper of the Prison, 139. His Character, 143, 213, 259.  
 Camuse, Mrs., requires Assistance in Money and Provisions, 136. Her Conduct, 146, 230, 231, 232, 248.  
 Carr, Mr., His Plantation attacked and robbed by Spanish Indians, 117.  
 Carr, Capt., his Arrival at Frederica with a Marine Company from Maryland, 156.  
 Carteret, Mr., returns to England, 83.  
 Causton, Mrs., her Death, 11.

- Charles Town, Account of the Fire there, 37, 57. Enmity of the People there towards the Colony of Georgia, 60, 80, 112, 132.  
 Corn, a Scarcity of it in South Carolina, 121.  
 Court at Savannah, their Proceedings, 7, 8, 10, 11, 123, 185, 186, 256.  
 Crossthaite, Capt., arrives at Charlestown from England, 31.

## D

- Darmer, Mr., appointed by General Oglethorpe to raise ten Men to garrison Fort Argyle, 12. An Account of his Proposals to bring several Families from the North Part of South Carolina to settle in Georgia, 12.  
 Dormer, James, appointed to attend at Tybee to make Signals to Ships after the Light-House fell down, 222. Brings a Ship in Distress into the River, 225. An Account of the Ship, 225, 227. Brings ten English Sailors who had escaped from Havannah, and three Spanish Prisoners, to Savannah, 240.  
 Duchee, Andrew, an Account of him, 25, 26, 38, 46, 172, 194, 243. His Behaviour at the Court upon reading the Account of the State of the Colony, 26. Prepares a Counter Representation of the State the Province to that prepared by the Magistrates, 30, 66. Resigns his Office of Constable, 69. His Behaviour to the Magistrates, 129. His Chinaware, 153, 158, 169, 199, 220. Sent by the Malcontents to the General, 194. Returns, 199. Signs the Petition against the Trustees, 201. Produces an Order from General Oglethorpe to the Magistrates to supply him with a Loan of 50 £. Proceedings upon it, 204, 205, 214, 229, 242.  
 Dunbar, Capt., arrives at Savannah with Orders from General Oglethorpe to go into the Indian Nations, 127.

## E

- Elliott, Mr., keeps a large Cow-pen near Palachocolas, 16.  
 Emery, Peter, his Complaint to Mr. Stephens about not being appointed Pilot at Tybee, 36. Further Account of it, 38. Account of his Conduct, 39, 114, 222.  
 Everard, Sir Richard, an Account of him, 170, 184, 185, 187. Gives his Opinion about the Power of Grand Juries, 188. Signs a defamatory Paper, and advertises it, 195.  
 Ewen, William, his Conduct among the Malcontents, 172, 192. Demands Stores for the Indians, 219. Appointed by a Club of Malcontenten to Correspond with T. Stephens, 264.

## F

- Fallowfield, Mr., angry with Mr. Stephens about calling the Court for

## INDEX.

279

26. Acquaints Mr. Stephens that he designed to sell the Goods in the Schooner seized by him, 42, 48. Sells the Goods of the Schooner, 50. His Behaviour in the Court relating to the Grand Jury, 188. Signs the Petition against the Trustees, 201. His Behaviour upon Robert Williams being obliged to give Sureties for his good Behaviour, 209. Desires Provisions from the Stores, 216. His Pretensions to a third Part of the Cargo of Ships wrecked on the Coast, as Naval Officer, 228.
- Fleetwood, brings a Sloop from New York with a Cargo, goes to St. Simon's with it, 76.
- Flood, a great one at Augusta, the Effects of it, 237.
- Francis, William, gives Sureties relating to a Woman with Child by him, 129. His Neglect of Duty, 217.
- Freeholders, fifty appear upon Summons to serve on Juries, 123.
- Frigates, stationed for the Defense of South Carolina and Georgia Coast, their Neglect of Duty, 16, 18, 163, 224, 228.
- Frost, a remarkable one at Savannah, 21, 54.

## G

- Graham, Mr., complains of his Accounts being stopped by Mr. Jones, 147.
- Grant, Andrew, an Account of him, 22, 24.
- Gray, William, who had a Command of a Body of Indians, comes from Augusta, 74.

## H

- Hammerton, his Bill for 200 £ refused Payment by Mr. Saxby, 91. Proceedings relating to it, 101, 109, 111, 121, 138, 211, 261.
- Harrison, Joseph (Mr. Stephens's Clerk), his Death 179.
- Hird, Mr., furnished by Mr. Stephens with Silk-worm Seed and Mulberry plants, 98.
- Hopton, Mr., 25 £ paid him by Mr. Stephens, 111.

## I

- Indians, get drunk, and commit Disorders in the Town of Savannah, 214, 218.
- Indians, Cherokees, kill a considerable Number of the French, 81. Attacked afterwards by the Creeks, 82. War between the Creeks and Cherokees, 85. They desire the Mediation of the English to make them Friends, 103.
- Indians, Eucheas, retreat from the Cherokees into the Neighbourhood of Savannah 122.

## J

- Jones, Noble, appointed to watch the Narrows at Skeedoway, his Neglect of Duty, 14. Required by Mr. Stephens to be diligent in watching the Inlets, 16. Furnished by Mr. Stephens with Ammunition, etc., 17. Goes to Charles-Town to solicit the Payment due to several People of Georgia who had served in the Carolina Regiment, 33. Returns to his Station at Skeedoway, 56. Gives Mr. Stephens an Account of the Spanish Privateers, 91. Reprimanded by Mr. Stephens for Neglect of Duty, 166.
- Jones, Thomas, his Letter to Mr. Stephens about his Disputes with Hawkins, 67. His Letter to Mr. Stephens complaining of Difficulties in settling his Accounts, 94. Comes to Savannah, 106. Charged by John Pye with Malpractices, 163. His Behaviour in relation to the Light-House, 165, 181. Practices against him among the Malcontents, 171. A Presentment of the Grand Jury against him, 188.
- Jury, Grand, their violent Proceedings, 186, 189. Continue to meet after being discharged, 190.

## K

- Kent, Lieutenant, comes from Augusta for Orders; his Conduct approved of, 122. Returns to Augusta, 126. Comes to Savannah in order to go to the General, 161.
- Kent, Capt., a Presentment against by the Grand Jury, for acting as a Magistrate at Augusta, 187.
- Knowles, William, fined by the Court for a Misdemeanor in a Riot in the Creek Nation, 11.

## L

- Leacroft, brings News of a Peace between the Creeks and Cherokees, 126.
- Leman, Ensign, comes from the South to Savannah, 77. Goes off for England, 77.
- Levi, agrees with General Oglethorpe for a Cargo of Flour, at 1 £ Sterling per Cwt., 273.
- Light-House at Tybee, Proceedings for repairing it, 113, 118, 124, 134. Falls down, 180, 220.
- Loggie, Mr., returns to England, 83.
- Lyndell, John, appointed by the Club of the Malcontents one of the Correspondents with Thomas Stephens, 263.

## INDEX.

281

## M

- Mackintosh, Benjamin, Debtor to the Trust, 20.
- McDonald, one of the Guard at the Narrows, his Conduct, 44, 45.
- McKay, Capt., refuses to let Mr. Fallowfield search his Ship, 133. His Conduct among the Grand Jury, 186.
- McKay, Capt. Patrick, brings a Cargo of European Goods into the Colony, 74.
- McLeod, the Minister of Darien, quits that Place, 156.
- Magistrates of Savannah at Variance, 162, 163.
- Malcontents, their Conduct, 27, 28, 29, 30, 32, 33, 34, 35, 40, 42, 170, 178, 191, 200, 228, 258. Their Petition to the King, an Account of it, 200.
- Matthews, his Threats against Mr. Jones, 128.
- Matthews, Jacob, his Neglect of Duty, 213. His riotous Behaviour, 216, 218, 220. His Behaviour in the Court, 256.
- Matthews, Mrs., demands Provisions for the Indians, 219.
- Mercer, Mr., his Conduct with Duchee, 47.
- Miller, an Indian Trader, 85.
- Morrell, Peter, the Malcontents hold their Meeting at his House, 258, 260. Appointed by a Club of them to correspond with Thomas Stephens, 264.

## N

- Narrative of the Colony of Georgia published at Charles-Town, 132.  
Mr. Stephens's Account of it, 174.
- Negro sold by Auction at Savannah, 161.
- Negroes, two escape from Prison, 271. The Reason of their having been committed, 271. An Account of the Manner in which Negroes are brought into Augusta, 272.
- Norbury, Capt., killed in a Duel by Capt. Desbrisay, 147.
- Norris, Mr., an Account of him, 68. Comes to Savannah, his Conference with Mr. Stephens, 87. A Report relating to him and his Maid-Servant, 95. Proceedings relating to him and his Maid-Servant, 97, 104, 107, 176. A Box of Books brought by him from Frederica, 159. Leaves the Colony, and goes to Carolina, 170. Returns with some of the discontented People, 184. Associates with the Malcontents, 194.

## O

- Oglethorpe, General, his Orders to Mr. Stephens for appointing a Constable or Tithing-man with nine other men to be in Readiness at

Men at Ebenezer, on the same Footing, 11. Sends an hundred Muskets, etc., with a Quantity of Ammunition, for the Store at Savannah, 13. His Proposal to the People at Savannah to contract with them for supplying his Regiment with Beef, 14. Sends an Account of the Spaniards taking three Ships, 162. Sends Orders to Mr. Stephens to sell the Goods on board the Caesar, by Auction, 240.

Ormston, one of the Malcontents, 258. Appointed by a Club of them to correspond with Thomas Stephens, 263.

Orphan-House, Part of the Family remaining at Savannah remove thither, 21.

## P

Parker, Mr., his Conduct in the Court, 188. Discharges the Grand Jury, 189.

Penrose, refuses to sign the Counter-Representation, 34. The Malcontents meet at his House, 195.

People at Savannah purchase an hundred Oxen of Mr. Elliott, in order to supply the Regiment with Beef, 16.

People, some who had left the province return to it, 78, 137.

Perkins, Mr., leaves the Colony, 145.

Pevey, Joseph, his Account of the Garrison at Fort Argyle intending to desert it, 98.

Prisoner, a Spanish, designed to be sent to England, 150.

Privateer, Spanish, plying near the Coast of Georgia, 15. Chases a Schooner, in which was Major Heron, with Recruits, 20.

Privateers, Spanish, the Mischiefs done by them on the Coast, 223. Quit a Ship on the Coast of Georgia when in Distress, which is carried into Savannah River, 226.

Provisions, the Want of them at Savannah, 143.

Provost, John, his insolent Behaviour to Mr. Parker relating to a Cause, 124.

Pye, John, an Account of his Conduct among the Malcontents, 40, 172. Advertises his Design of going to England, 105. Applies to Mr. Jones for Allowance for a Clerk and a Servant, 115. Signs the Petition against the Trustees, 201. Demands his Salary for Recorder from March 25, 1740, and Payment of his Clerk, and Clothing and Maintenance for a Servant, 241. He refuses to act when sent for by the Magistrates, 245.

## S

Sale of Goods on board the Caesar, the Ship brought in by James Dormer, 244. Shares of salvage given to the eighteen Sailors found on board, 247.

Savannah, a Fire which burnt five Houses, 119.

Shannon, William, an Account of him, 8. Tried for the Murder at Fort Argyle found guilty. Hanged in Chains at



## INDEX.

283

- Shepherd, Peter, Patroon of a trading Boat, brings a Negro ashore, whips him, etc., 102.
- Shubrick, Capt., arrives at Charles-Town from England, 31.
- Sickly Season at Savannah and South Carolina, 17.
- Silk, Improvements in it, 134, 136, 141, 164, 185, 238.
- Simms, Whitfield's Companion, arrives in the Province with him, 52.
- Slack, John, his Conduct with relation to the Widow Harris, 100.
- Smith, an Indian Trader, 85. His Character, 261.
- Spanish Doctor and William Shannon, the Irishman who committed the Murder at Fort Argyle, and escaped from Prison, brought back and indicted, 8. Pleads guilty, 9. Hanged, 27.
- State of the Colony, Account of, proposed by Mr. Stephens and others, 17. An Advertisement for a Court to consider of it, 21. Read at the Court by Mr. Stephens, 26. Signed by several of the People upon Oath, 26. Kept open at Mr. Stephens's House to be signed by those who would, 27.
- Stephens, Mr., his Conduct relating to the Guard at the Narrows, 43. His Account of the Constables and Tything-men, 45. His Account of the Idleness of the People, and the Want of Labourers, 48. His Account of a Man's Answer to one who wanted him to subscribe a Petition for Negroes, 50. Receives a Parcel of Sola Bills, and other Things, 56. His Account of the People at Charles-Town depreciating the Sola Bills, 60, 132. His Conversation with Whitfield about the Money remaining in his Hands for building a Church, etc., 64. Receives from Mr. Doble, Whitfield's Agent, the Effects belonging to the Trust, for the Use of the Minister at Savannah, 65, 66. His Conversation with Duchee, 68. His Account of the Imbezzlement at the Parsonage-House, particularly the Library, 70, 72. Reproaches the People for not cultivating their Lands, 72. His Account of several Women who had left Georgia, designing to return, 77. His Discourse with Ensign Leman, 77. Receives a Letter from Lieutenant Willy, with an Account of the Creeks killing some Cherokee Indians, 85. Receives a Message from Mr. Matthews relating to two Cherokee Indians, 86. His Account of an Alarm among the People, occasioned by a Sloop and a Schooner, 92. Completes a Catalogue of the Books, 93. Acquaints General Oglethorpe why his Orders relating to Rangers at Ebenezer were not fulfilled, 96. Desires General Oglethorpe's Orders relating to Fort Argyle, 99. Sends a Barrel of Powder to Augusta, 103. Receives a Box of Sola Bills for 2000 £ Sterling, 106. His Conversation with Mr. Jones about the Accounts, 107. Receives Orders from General Oglethorpe relating to Negroes seized in the Province, 110. Buys some Horses by Order of General Oglethorpe, 112. His Conversation with Mr. Jones about the Light-House, 113. His Account of the People's Gaming, 118. Writes Letters to the Indian Traders to assist Capt. Dunbar, 131. His Account of his Plantation at Bewlie, 146, 149, 155, 181,

## INDEX.

192, 204. Receives Letters from Augusta about a Carolina Agent among the Creeks, 154. His Account of the Neglect of Guard Duty, 182, 200, 208, 221. Summoned by the Grand Jury to be examined upon Oath, 187. A Presentment of the Grand Jury against him, for refusing to attend them, 188. Shuts up the Stores for Sale, 197. His Care to supply the Want of the Light-House, 221. His Opinion about a proper Time to declare the Lots of the Absent void, 223, 265. Receives a Packet and Sola Bills for 1000 £, 233. Receives the Constitution appointing him President, with four Assistants, 254. Reads in the Court the Deeds relating to the Tenure of Lands, etc., 256. His Advice to his Son, 264, 275. Fills up some of the Vacant Lots, 264. Confers with Mr. Bolzius concerning a Settlement of fifty Head of Saltzburghers expected in Georgia, 266.

Stephens, Thomas, his arrival at Charles-Town from England, 234. An Account of his Conduct, 239. Arrives at Savannah, 251. Tells his Father that the Lieutenant-Governor and Council of Carolina intended to petition the King to take the Care of Georgia into his own Hands, 253. His Conference with his Father, 255, 259, 272. Chosen Agent by a few of the Malcontents, 263. The Pay he received from his Constituents, 274. Leaves the Colony, 275.

Stewart, Donald, killed by an Accident, 212.

Stobow, Capt., goes to Savannah by Order of Col. Bull, to claim a Schooner belonging to the Government there, 84.

Sumner, a Builder, appointed instead of Wardrope to repair the Light-House, 133, 134. His Account of the old Light-House, 180. Undertakes to build a new one, 182.

## T

Thompson, Capt., his arrival at Frederica, 102. Freights his Ship with Lumber, 161, 184. Takes Possession of a Lot, 172.

Tolson, Lieutenant, appointed to take the Command of a Garrison at Frederick Fort, 149.

Towashend, Mrs., her Conduct in relation to the Colony, 177.

## V

Vines, Improvements in them, 135, 155, 165, 185, 192.

## W

Wardrope, Joseph, employed with Noble Jones to survey the Light-House, 118. His Behaviour in relation to it, 124.

Whitfield, arrives in the Province from the Northern Settlements, 52. Confers with the Magistrates about the Orphans, and the Trustees

## INDEX.

285

- Instructions relating to them, 57. Account of his Doctrine, 58. Bound over by the Chief Justice of South Carolina for a Libel on the Clergy, 75.
- Wiggin and Willy, Messieurs, with two or three Warriors of the Creek Nation go to General Oglethorpe, 13. Return from thence, 21.
- Williams, Robert, arrives in Georgia, 151. His Conversation with Mr. Stephens about the Colony, 151. Is of Opinion that an absolute Freedom of buying and selling Lands should not be granted, 152. Thinks Negroes improper during a War with Spain, 153. His Conversation with Mr. Stephens about Narrative, 179, 180, 183. His conduct as Foreman of the Grand Jury, 188. Shoots Peoples Geese in the Town in Revenge for a Goat of his Killed by Fitzwalter, and threatens Fitzwalter, 207. Is obliged to give Sureties for his good Behaviour, 208. Leaves the Colony, and goes to Carolina, 210.
- Wilson, his Character and Conduct, 51.
- Wolf, a Leader in the Creek Nation, comes to Savannah, 158. Desires a Talk with Mr. Stephens and the Magistrates, 160. Goes to General Oglethorpe, 162. Returns, 173.
- Woodroffe, William, his Conduct and Character, 257. Appointed by a Club of the Malcontents to correspond with Thomas Stephens, 264.
- Worms, an unusual Quantity of them destroy the Seed and Plants, 125.

## Y

- Young, Isaac, employed by Mr. Stephens in buying of Horses, 116, 142, 145, 158.

THE  
COLONIAL RECORDS  
OF  
GEORGIA

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COMPILED AND PUBLISHED UNDER AUTHORITY

OF

THE LEGISLATURE

BY

ALLEN D. CANDLER, A.M., LL.D.

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VOLUME V

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JOURNAL OF THE EARL OF EGMONT, FIRST  
PRESIDENT OF THE BOARD OF TRUSTEES,  
From June 14, 1738, to May 25, 1744.

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## COMPILER'S PREFATORY NOTE.

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When the enterprise of establishing a colony on the southeast bank of the Savannah was inaugurated, one of the most earnest and active supporters of the movement was the Viscount Percival, afterwards Earl of Egmont. He was a scholar, a patriot and a philanthropist; and, moved by sympathy for the unfortunate debtors who crowded the jails of England, he was as earnest in securing the charter of the colony of Georgia and preparing for those unfortunates a place of refuge in the new world as Oglethorpe himself was. Indeed, as Oglethorpe in Georgia fostered and protected the little plantation, so in England the Earl of Egmont was its chief patron and guardian; and because of this fact, as well as because of his philanthropy and eminent fitness for the important trust, he was made first President of the Board of Trustees. Occupying this high official position and closely identified from the beginning with the work of planting the colony, no one was better prepared to make record of the work of the Trustees, and he voluntarily undertook it and kept it up until forced by ill health to abandon it; but not until he had recorded, as they took place, all the transactions of the Trustees for the first eleven years after the foundation of the colony. Unfortunately, however, the first volume of his Journal, covering the period of the infancy of the colony from its birth in 1732, up to the ninth of June, 1738, has been lost, and there are now in existence only the second and third volumes, embracing the period from the ninth of June, 1738, up to the twenty-fourth of May, 1744.

Through the liberality of Mr. Morgan, an American banker in England, these two volumes and the index to the lost volume, which is still in existence, were placed among the archives of the State, and the following pages are a faithful transcript of these records.

This Journal has never before been printed for the use of the public. A few years ago forty-nine copies, only, were printed by Mrs. Mary DeRenne, widow of George Wymberly-Jones DeRenne, for private use.

INDEX TO THE 6<sup>th</sup> YEARS TRANSACTIONS OF THE  
TRUSTEES OF GEORGIA. FOR THE YEAR ENDING  
9 JUNE 1738.

A

- Abercorn Settlement abandon'd. M<sup>r</sup> J<sup>o</sup> Wesley's Acc<sup>t</sup> of it in  
Sept<sup>r</sup> 1737. Fol. CCXXVII.
- Abercromby ( ) Esq Attorney Gen<sup>l</sup> of S. Carolina, & Standing  
Counsel to the Trustees: Instructions given him for  
forwarding letters from Georgia to England  
CCLXX. 6.
- Accompt of the years Receipts and Disbursments end<sup>d</sup> 9 June  
1738. CCLXXI.
- Amory, (J<sup>o</sup>) 50 £ advanc'd him on Security to repay the Trust.  
CCXXX. 10. Grant order'd him of 150 acres  
CCXXXI. 22.
- Anderson (Hugh) Inspector of the Publick Garden & Mulberry  
trees; desires a Town lot in Savannah for a younger  
Son CCXXII. refer'd to a Comittee to be considerd  
CCXXXV. 6. Refused, but offer'd for himself 500  
acres & in that case his son shall have the Savannah  
lot himself now holds CCXXXVII. 10.
- Approves the Trustees measures & hopes well of  
the Colony CCXXII.
- His Acc<sup>t</sup> of the Publick garden CCXXII. And  
proposal for advancing it CCXXIII. The Trustees  
directions concerning it CCLXIII.
- Archer (Hen.) Esq. Elected into the Comon Council CCXLVI.  
3. Sworn CCXLVII. 1.
- Arguile Fort Falling to ruin: M<sup>r</sup> J<sup>o</sup> Wesleys acc<sup>t</sup> of it in Sept.  
1737. CCXXVIII.
- Augusta Fort & Town, M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept. 1737.  
CCXXVII.

## 6 INDEX SIXTH YEAR'S TRANSACTIONS

Augustin (Walter) his Settlement deserted. M<sup>r</sup> J<sup>o</sup> Wesley's Acc<sup>t</sup> of it CCXXVII.

S<sup>t</sup> Augustine. The Gov<sup>r</sup> Don Manuel Joseph de justitz assures Cap<sup>t</sup> Windham that he has no thoughts of attacking Georgia CCXVII. 9. Yet sends 30 Spaniards to land on Amelia Island, who retreat on the Garrisons firing on them CCXIX. 4. His Indians attempt to surprise the Out-guard at the Darien CCXIX. 4. His design to attack Georgia CCXXVII. Don Antonio Redondo an Ingeneer sent Gov<sup>r</sup> in Don Joseph's place who continues the preparations to attack Georgia CCXXXIII. CCXXXIV. Confirmation of that design CCLIII. Further Acc<sup>t</sup> of preparations for that end CCLIII. Cap<sup>t</sup> James Howēll's affidavit concerning it CCLIII. CCLIV. The same confirm'd by the Speaker of the Assembly of S. Carolina CCLIV.

### B

Bathurst (Rob<sup>t</sup>) 2<sup>d</sup> Son of S<sup>r</sup> Francis deceased, abandons his plantation in Georgia & steals away to S. Carolina. CCLXIX. 6.

Bearcroft (Ri.) D. D. Preaches the Trustees Anniversary Sermon, & is desired to print it CCXLVI. 4.

Benefactions Received CCXIII. 2. CXX 2. CCXXV. 1. CCLVI. 5. CCLXVI. 1.

Bills ——— & Acc<sup>ts</sup> certified order'd to be paid CCXXIII. 5. CCXXX. 7. CCXXXVI. 4. CCXL. 1. CCLXVI. 3.

Bills ——— & Acc<sup>ts</sup> certified not paid, but order'd to be return'd to Georgia CCXXXVII. 7. CCXL. 1. CCXLI. 4. CCXLII. 11. CCLIII. 2. CCLVI. 4. CCLXVI. 3. CCLXVII. 5.

Publick notice ordered that the Trustees will pay no more certified Bills or Acc<sup>ts</sup> return'd to England for payment CCXLI. 5. See Sola Bills

Board of Trade, See S. Carolina

Bradley (Will.) His insolent and abusive behaviour to the Trust

## INDEX SIXTH YEAR'S TRANSACTIONS

7

CCXXXV Inspector orderd to enquire how he employ'd the Trustees Servants under his care CCLV. 4. pretends the Trustees are in his debt 400£ CCLXII. 2. Enquiry how he managed the Trustees Servants CCLXV. He will not stand to his contract with the Trustees CCLXV.

Brailsford (J<sup>o</sup>) of Georgia. 25 £ order'd him for coming over to be a witness in the Carolina dispute CCLVI.

Broughton ( ) Lieu<sup>t</sup> Gov<sup>r</sup> of S. Carolina deceased in Dec. 1737. CCXXXIX.

Brownfield (J<sup>o</sup>) Register of Georgia. Writes to the Trustees a very disadvantageous Acc<sup>t</sup> of the Colony. CCXVII. 7. Speaks very disrespectfully of the Trustees CCXX. 5. Active to improve discontents, CCXXV. 3. justify's himself CCLXVII. 2.

Bull Col' ( ) Succeeds L<sup>t</sup> Gov<sup>r</sup> Broughton in the administration of the Province of S. Carolina CCXXXIX. Sends to the Board of Trade a Memorial of his Majesties Right to S. Carolina & Georgia CCLXX.

Bundy (Ri.) D. D. resigns his Office of Comon Counsellor as being of no use CCXLIV. 3. his true reason CCXLV. His remarkable incivility to the Trustees on the Anniversary day CCXLVI. 5.

Burgoign (S<sup>r</sup> Rog<sup>r</sup>) B<sup>t</sup> Elected Trustee CCXLVI. 4.

Burnside (Ja.) Petitions for a grant of land in the nature of Church leases, but is refused, CCXXXI. 15. Petitions that the Widow Bovey's land (whom he marry'd) may be made Secure to him CCXXXII. 5.

Burton (J<sup>o</sup>) Petitions for 2 Servants to be allow'd him, but is refused and why CCXXXII. 1.

## C

S. Carolina The 3<sup>d</sup> hearing of the Board of Trade in the dispute between the Two Provinces, and the Boards great partiality to Carolina therein CCXI. The Boards further partiality in putting 2 questions to the



## INDEX SIXTH YEAR'S TRANSACTIONS

Report CCXI. 4. We desire a Copy of those questions but are refused them by the Board CCXII. 1. We desire a copy of the Attorney Gen<sup>l</sup> CCXII. 1. he refuses also CCXIV. 1. CCXVII. 6. He at length allows a transient view of them, with his opinion which is in our favour CCXXII. 1, 2. The Board make a most partial Report in favour of Carolina CCXXV. The Trustees resolve to petition the King and Council for a hearing against that Report CCXXXIV. 4. Brief for our Council Setled CCXXXVIII. 1. We order our case to be printed, and given to the Comittee of the Privy Council CCXL. 1. The 1<sup>st</sup> days hearing before the Comittee of Council CCXLI. 2<sup>d</sup> Hearing CCXL. 2. 3<sup>d</sup> hearing CCXLIII. The Intention of the Comittee after the hearing CCXLIII. And final resolution CCLXVII. The Province all in confusion CCXXIV. Devided in their affections to Georgia, but her Enemies most prevalent CCXXXV. They refuse to deliver up our Run away Servants CCXXXV. They open our letters CCXXXIX. Their malice & Rancour seems to abate upon hearing that Col. Oglethorpe is made Comander in chief of their Forces CCLI.

Encouragement given by them for producing Raw Silk CCLXVI.

L<sup>d</sup> Carpenter Declares his intention to resign his office of Comon Counsellor on pretence that his business will not let him attend CCXLIV. 1. CCXLV. Presents his resignation, but promises to come in again next year if wanted, tho he never intended it CCXLV. 1.

Cater (S<sup>r</sup> J<sup>o</sup>) Ald<sup>n</sup> Resigns his Office of Comon Counsellor for want of time to attend CCXLIV. 4.

The true reason of both their Resignations. CCXLIV. 5. CCXLV.

Causton (Tho.) 1. Bailif of Savannah, his Acc<sup>t</sup> of Issues of Stores and his Diary from Lady day 1735 to 25 April 1737. CCXX. 5. Strikes off from the Stores the idle

## INDEX SIXTH YEAR'S TRANSACTIONS

9

who had not cultivated land CCXXI. 3. Order'd to send an Acc<sup>t</sup> what demands remain unsatisfy'd at the time he writes next, that the Trustees may know the State of their Cash, & provide for answering the Establishment to Lady day 1738 CCXXIV. 1.

50<sup>l</sup> ordered him, being p<sup>t</sup> of 200<sup>l</sup> recompence for 4 years Service CCXXX. 9.

Directions given him concerning the Palatin Servants CCXXXII. 2. Remonstrance sent by 40 principal Inhabitants against him CCXXXVII.

Order'd to certifie no more bills or Acc<sup>ts</sup> for expences incurr'd by him in Georgia CCXL. 1. CCXLIII.

Order'd to send back 2000<sup>l</sup> Sola bills to enable the Trustees to pay his certified bills CCXLII. 1.

Suspected by the Trustees of extravagantly mispending their money CCXLII. 1.

Accused of divers misbehaviours by M<sup>r</sup> J<sup>o</sup> Wesley CCXLIII. 1.

Comended by Cap<sup>t</sup> Will. Thompson CCLI.

Sends 40 Trust Servants to the Darien CCLII. 5.

Takes a whole Cargo of Goods into the Stores on the Trustees Acc<sup>t</sup> tho not 50 <sup>l</sup> of it provision, and sends a certified Acc<sup>t</sup> to the Trustees to pay for it, tho the rest not wanted CCLII. 11.

Takes to the Trustees use Servants carry'd over at Cap<sup>t</sup> Thompson the Owners risk, and certifies a bill for Trustees to pay for them, yet distributes them to private persons, all without Orders CCLIII. 2.

The Trustees charge him with 49 of those Servants CCLV. 3. He makes use of the Trustees Servants without leave CCLV. 4. Expends 11000 <sup>l</sup> of the Trustees money between Mich<sup>s</sup> 1737 & March following, besides what other certify'd Acc<sup>ts</sup> he may have drawn on the Trustees since that time not come to hand the 10<sup>th</sup> May 1738, CCLX 3. And from Midsummer 1737 to the 20 May 1738 12022 12 2 f And

## INDEX SIXTH YEAR'S TRANSACTIONS

the certify'd Accompts, not paid amounted the said  
30 May 1738 to 4542. 3. II. CCLXV. 2.

He is order'd to make up his Accompts of the remain  
of Stores in a months time CCLX. 4.

Removed from his place of Storekeeper CCLXIV.

A long letter of reproof sent him CCLXIV. CCLXV.  
15.

Order'd to send copies of all his journals, ledgers &  
day books from Lady day 1734, CCLXV. 15.

He excuses his extravagance CCLXV. And prom-  
ises to certify no more Acc<sup>ts</sup> CCLXV.

Order to seize his person CCLXVII. 1.

He takes goods into the Trustees Store, and charges  
them to their Account, tho not belonging to them,  
but to Merch<sup>ts</sup> and certifies bills for the Trustees to  
pay for those Merchants goods CCLXVIII.

Order given to send him with his books CCLXIX. 7.

But the order revers'd & why CCLXIX. 3.

Order given to keep him in custody upon Security  
not to leave the Colony, till his Acc<sup>ts</sup> from Lady day  
1734 are examin'd and approved: and till further di-  
rection from the Trustees CCLXIX. 3.

It appear'd that he had not accounted for 13832 £  
from Midsummer 1737 to 7 June 1738. CCLXIX. 3.

Removed from being 1. Bailif CCLXX. 7.

Cheesright (Rebecca) in England, (a vile Woman) petitions the  
Trustees for a portion of her deceased husbands ef-  
fects in Georgia, and the same refer'd for examin-  
ation to our Accompt<sup>t</sup> CCXXXII. 4.

Chickesaws Report that they have a multitude of Mulberry trees  
in their Country, and if instructed to make Silk will  
bring great quantities CCLII. 6.

Christie (Tho.) Recorder of Savannah comended by Cap<sup>t</sup>  
Thompson CCLI. allow'd 2 Trust Servants to be  
maintain'd by the Trust, CCLXIV. 6.

Clark (J<sup>o</sup>) appointed Secretary for the Indian affairs, in the room  
of the Rev<sup>d</sup> M<sup>r</sup> Cha. Wesley CCLVII. 6.

## INDEX SIXTH YEAR'S TRANSACTIONS 11

- Clark ( ) Counsellor for the Trustees against the Board of Trade CCXL.
- Church Estimate for building a Church in Georgia CCXIV. 6. Deals bought for that purpose CCXXXVII. 6. Flint Stones and Iron sent for that purpose CCLII. 14. Cap<sup>t</sup> Thoma order'd to give an estimate of the charge CCLVI. 5. Directions given him CCLXII. 2. CCLXIV. 10.
- Cochrane (L<sup>t</sup> Col. James) Grant orderd him of 500 Acres CCXXXI. 19. past the Seal CCXXXVI. 8.
- Comon Council Many Comon Counsellors think of quitting on account of the debts contracted by M<sup>r</sup> Causton CCXLIII. Number of Comon Council and Trustee Boards, the year end<sup>d</sup> 9 June 1738. CCLXXVIII.
- Cook C Maj<sup>r</sup> Grant order'd him of 500 acres CCXXXI. 20. Past the Seal CCXXXVI. 9. Purchases for his 2 daughters Susan and Anne The Town Lot in Savannah belonging to Peter Gordon late Bailif CCLIII. 20. Petitions that his daughter Anne may be allow'd to Surrender her Interest in the lot at Savannah to his Sister Susan, & Succeed to his 500 acre lot, which the Trustees allow CCLXI. 6.
- Cooksey (Will) Petitions for a Grant of 500 acres, and for further time to pay the remainder of a Sum advanc'd to him CCXXXIII. 8.
- Cooper (Mary) in England, advanc'd the Rent of her house in Savannah to be repaid the Trustees by M<sup>r</sup> Hen. Parker who rents it CCLIII. 16.
- Carteret (Ja.) Esq. Grant of 500 Acres made him 22 March 1737-8. CCXLVII. 5.

## D

- Dairn (J<sup>o</sup>) Bailif of Savannah deceased 1. July 1737. CCXXXIX.
- Darien al<sup>o</sup> New Inverness: M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept. 1737. CCXXVIII. Will in a little time want no assistance. CCLXV.

## 12 INDEX SIXTH YEAR'S TRANSACTIONS

- Davison (Will) Constable at Frederica, his improvments, but wants a Servant to assist him CCLIV.
- Delamot (Cha.) Schoolmaster at Savannah, prepares to return for England CCLXVI.
- De Lyon (Abr<sup>m</sup>) a jew, petitions for a loan of 200 £ to cultivate vines, w<sup>th</sup> offer to give Security to repay the money in 6 years CCLII. 9. Granted by the Trustees CCLIII. I.
- Derby E. of Declines continuing the late Earl, Subscription to our Botanist CCXXIX. 1.
- Drafts on the Bank, See Impress.
- Duchè (Andrew) His good Improvment of the Potters trade in Savannah CCLXVI.
- Dunbar (Cap<sup>t</sup> George) desires leave to exchange his 500 acre grant at Josephs Town for another at Frederica, which is refer'd to Col. Oglethorpe to settle CCXXXVI. His demand for Primage allow'd CCLXIV. 9.

## E

- Old Ebenezer M<sup>r</sup> J<sup>o</sup> Wesley's acc<sup>t</sup> of it in Sept. 1737. CCXXVII.
- New Ebenezer M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept. 1737. CCXXVII.
- Fowl allow'd the Saltburgers CCXXXIX. In 1736 they cultivated 150 Acres CCXLII. 200 Acres cultivated by them CCLIII. In a little time they will want no assistance. CCLXV.
- Embarkations 1737, June 24, Cap<sup>t</sup> Thompson of the Two Brothers embarks with 50 Men & 4 women at the Trust charge for Georgia CCXI. and arrives from Scotland which he took in his way to get more Passengers on the Trust acc<sup>t</sup> & his own 20 Nov<sup>br</sup> 1737. CCXXXIX.
- 1737, Aug<sup>st</sup> 16, Cap<sup>t</sup> Shubrick of the Mary Anne Sails w<sup>th</sup> 8 Males & 4 females at the Trust charge for Georgia, CCXXIII. And arrives 31. Aug<sup>st</sup> 1737,

## INDEX SIXTH YEAR'S TRANSACTIONS 13

Palatin Servants, viz. 78 Males and 82 females, and arrives in Georgia 21 Decemb<sup>r</sup> following. All on the Trust acc<sup>t</sup> CCXXXII, CCXXXIX.

1737, Oct. 12, Cap<sup>t</sup> Danbuz of the Georgia Pink Sailed for Georgia with 1 foreigner and 3 Serv<sup>ts</sup> on the Trust Acc<sup>t</sup> all Males, but calls in his way at Cork in Ireland to take provisions for the Colony. he arrived in Georgia 16 Jan<sup>r</sup> following. CCXXXII.

1737, Oct. 18. Cap<sup>t</sup> Nicholson of the Minerva Sails w<sup>th</sup> M<sup>r</sup> Thomas Stephens and a Servant at the Trust charge for Georgia, and arrives in Decemb<sup>r</sup> following CCXXXII.

1737, Nov<sup>br</sup> 3. Cap<sup>t</sup> Ayers of the King George Sa<sup>'s</sup> w<sup>th</sup> 2 Moravians for Georgia, and arrives Jan<sup>r</sup> following 1737/8 CCXXXIII.

1737. Novemb<sup>r</sup> 19. Cap<sup>t</sup> Thompson of the Two Brothers Sails for Georgia with 56 Trust Servants, viz. 34 Males & 22 females, and arrives 14 Jan<sup>r</sup> 1737/8. CCXXXIV.

1737/8 Jan<sup>r</sup> 5. Cap<sup>t</sup> Whiting of the Whitaker Sails with 5 Males at the Trust charge, and arrives 7 May 1738. CCXL.

Two more went at the Trust charge 1738, but I know not by what Ship or what month CCXL.

## F

Frederica Divisions there occasion'd by Tho. Hird one of the Constables CCXX. 5, CCXXXVI. The Town extremely healthy, and the people industrious CCXXXIX. CCLIV.

The Crop of corn in 1736 all spoilt by the bad Season & Ratts CCLI. 1.

Great increase of children, and women bear there who in England are thought past their time CCLIV.

The people hinderd in their cultivation by Spanish

14 INDEX SIXTH YEAR'S TRANSACTIONS

G

- Georgia M<sup>r</sup> J<sup>o</sup> Wesleys acc<sup>t</sup> of the Several Settlements in Sept. 1737. CCXXVI. See Frederica. Savannah.
- Gilbert (Rob<sup>t</sup>) a Taylor: appointed 3 Bailif in J<sup>o</sup> Dairns room CCLVI. 5.
- Giraldini The Spanish Minister, offers a 2<sup>d</sup> Memorial more insolent than the first, asserting his Masters right to Georgia, & threatening to dislodge our people by force if they be not recall'd CCXXI.  
 What past between him & S<sup>r</sup> Robert Walpole on that occasion CCXXI. S<sup>r</sup> Robert intimidated, and his discourse thereon w<sup>th</sup> Col<sup>l</sup> Oglethorpe CCXXI. S<sup>r</sup> Robert refuses to take the Memorial, & Giraldini having soften'd it, delivers it to L<sup>d</sup> Harrington. CCXXII. 4. The Cabinet Council sit thereon CCXXII. 4. They adjourn the further consideration to next day, and then resolve not to regard it. CCXXIV.
- Gordon (Peter) late Bailif of Savannah, reprov'd by the Trustees for coming to England without leave, and favouring mutineers in the Province, but obtains permission to sell his Grant. CCXIII. 5. CCXXIX. 3. CCLIII. 19.
- Gough (S<sup>r</sup> Hen.) B<sup>t</sup> elected a Trustee of Georgia CCXLVI. 4.  
 Grants of lands order & past: viz.

	ac
1737. Oct <sup>b</sup> 5.	To Lieu <sup>t</sup> Col. Ja. Cochrane....500. past 23 Nov. 1737 CCXXXVI. 8.
_____	To Maj <sup>r</sup> Cook.....500. past 23 Nov. 1737 CCXXXVI. 9.
_____	To Col. Oglethorpes Soldiers. 3000. past 23 Nov. 1737 CCXXXVI. 10.
_____	To J <sup>o</sup> Amory & same day past. 150. CCXXXVI.

## INDEX SIXTH YEAR'S TRANSACTIONS 15

		ac
1737. Oct <sup>b</sup> 5.	To Rob <sup>t</sup> Hay & same day past.	500.
	CCXXXVI.	
	To Ja. Preston jun <sup>r</sup> .....	500.
	CCXXXVI. 7.	
1737. Dec <sup>br</sup> 7.	To Cap <sup>t</sup> Will. Wood.....	500.
	CCXXXVIII. 3.	
1737-8 March 22	To James Carteret Esq.....	500.
	CCXLVII. 5.	
1738 April 26	To Cap <sup>t</sup> Alex. Heron.....	500.
	CCLIV.	
	To persons who shall joyn the Colonies and take up 50 acre lots .....	3000.
	CCLIV.	

## H

Hampsted Vilage: M<sup>r</sup> J<sup>o</sup> Wesley's acc<sup>t</sup> of it in Sept. 1737.  
CCXXVIII.

Hawkins (Tho) I. Bailif of Frederica, order'd to write regularly to the Trustees, and acquaint them concerning the Divisions at Frederica CCXXI. 5. As also of particulars of moment passing there CCLXIII.

Hay (Rob<sup>t</sup>) Grant made him of 500 acres CCXXXI. 23.

Heathcote Geo. Esq. & Ald. resigns his Office of Comon Counselor for want of health CCXLVI. 3.

Heron (Alex<sup>r</sup>) Cap<sup>t</sup> of Col. Oglethorpes Regim<sup>t</sup> Grant made him of 500 acres CCLIV.

Hewet (Cap<sup>t</sup>) of the 3 Sisters, demands allowance for being disappointed of a Pilot, at arrival at Savannah; but not granted CCLIV. 4.

Highgate Village. M<sup>r</sup> J<sup>o</sup> Wesley's acc<sup>t</sup> of it in Sept. 1737.  
CCXXVIII. Order given to enquire into the reasonableness of their complaint of having bad land CCLXV. Order to give them better land where found necessary CCLXVIII. 5.

Horton (Will) Esq. Military Officer at Frederica: an attempt to



## 16 INDEX SIXTH YEAR'S TRANSACTIONS

tires to his lot on Jekyl Island CCXX. 5. is try'd for felony but acquitted: Acc<sup>t</sup> of his pretended Offence CCXXXVI.

Houston ( ) deserts his Plantation to live in Savannah. M<sup>r</sup> J<sup>o</sup> Wesley's acc<sup>t</sup> of it in Sept. 1737. CCXXVIII.

Howell (Cap<sup>t</sup> Ja.) Makes affidavit of the Spaniards design to attack Georgia CCLIII. CCLIV. The Ministry hazard the loss of the Province by their negligence. CCLXVIII. 4.

## I

Jenkins (Edw<sup>d</sup>) Petitions for 500 acres on Skidway Island, the Trustees refer it to be consider'd CCXXXIII. 7.

Jenys (Paul) Esq. Speaker of the Assembly of S. Carolina, a friend to Georgia CCXIX. 3.

Impress, or Drafts on the Bank CCXV. 9. CCXVI. 3. CCXXIV. 9, 10. CCXXV. 2. CCXXXI. 11. CCXXXIII. 2. CCXXXV. 3. CCXXXVII. 5. CCXXXVIII. 2. CCXL. 2. CCXLII. 2. CCLIII. 17, 18. CCLXX. 9.

Indian Town near Savannah, M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept. 1737. CCXXVIII.

Ingham (Benj.) Late Missioner to the Indians, makes 2 requests to the Trustees CCXVIII. 1.

Jones (Noble) Surveyor of land at Savannah, grossly negligent in his duty CCL. 3.

Jones (Tho.) Formerly H. Constable of S<sup>t</sup> Gyles, made keeper of the Remains of Stores at Savannah CCLXI. 1. CCLXIV. Has orders to enquire into M<sup>r</sup> Bradley's management of the Trustees Servants CCLXV.

Josephs Town M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept 1737. CCXXVII.

Irene — the Indian School. M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept. 1737. CCXXVIII.

## L

Lander (Sam<sup>l</sup>) Indented to go over and assist the Millright in Georgia CCXXXI. 18.

## INDEX SIXTH YEAR'S TRANSACTIONS 17

- Laws (Hollyday) Grant of 50 Acres order'd him at Frederica CCLVII. 8.
- Laws for Georgia proposed. 1. Ag<sup>st</sup> gaming and running in debt. 2. Ag<sup>st</sup> Luxury in Aparent. 3. For allowing of Indian Evidence CCXXI.
- Logie (Andrew) Grant order'd him of 50 Acres in Savanah CCLVII. 7.
- Light house at Tybee in danger of falling CCXXXV.

## M

- Macbane (Laghan) Indian Trader at Augusta, takes 27 Servants of those sent over at the Trustees charge CCLXVIII. 3.
- Mackay (Patrick) Settles on Wilmington Islands without leave, & employs Negroes there CCXXXV.
- Millar (Rob<sup>t</sup>) Trustees Botanist: declines further Serving the Trustees, the Spaniards not Suffering him to Search their Province for plants & roots; But promises the beginning of next year to carry the Ipicuana root from Jamaica to Georgia. CCLXVI.
- Moravians Depute persons from Georgia to repay the Trustees the money advanced to them CCLXVII. 10 See more Savannah.
- Morrice (Eliz.) Petitions that Thomas her Son who is near out of his time may have a Servant but is refused. CCXXXII. 6.
- Murry ( ) Counsel for the Trustees against the Board of Trade CCXL. 1.
- Musgrave (Mary) now Mathews, Indian Interpreter, desires she may have leave to appoint a Successor to her Lot, all the children by her late husband being dead: But if she obtains it, intends to quit the Colony CCXIX. 2.
- M<sup>r</sup> J<sup>o</sup> Wesley's acc<sup>t</sup> of her Settlement in Sept. 1737. CCXXVIII.

## 18 INDEX SIXTH YEAR'S TRANSACTIONS

## N

Newcastle D. of Desired by the Trustees to Send for J<sup>o</sup> Savy a Traitor who had Surrenderd himself, in order to be examin'd CCXXXV. 1. He desires a Comittee of Trustees to be present at the examination CCXXXIX. 3. Copy of Cap<sup>t</sup> Hewet's affidavit of the Spaniards design to invade Georgia, laid before him by the Trustees CCLXX. 4.

## O

Oglethorpe (Ja.) Esq<sup>r</sup> Appointed Military Comander in chief over S. Carolina & Georgia CCXI.

He puts too favourable an Acc<sup>t</sup> of Georgia into the Publick Prints, which J<sup>o</sup> Brownfield Register of the Province confutes by letter to the Trustees CCXVII. 7.

Orders a Ship load of Madera wine for the use of the Colony without the Trustees knowledge, & his reason for so doing, CCXIX. 3.

His free answer to S<sup>r</sup> Robert Walpole, why the Trustees are averse to petitioning any more for money, but to have the Parliament Supply's put into an Estimate CCXX. 6.

His warm discourse with S<sup>r</sup> Robert Walpole, on occasion of M<sup>r</sup> Giraldini the Spanish Ministers 2<sup>d</sup> Memorial CCXXI.

Says he will not go back to Georgia unless the Expences of the Province are put into an Estimate. CCXXII. 6.

Desires me to write him a letter concerning the Spanish Memorial, the necessity of sending a Military Force to defend Georgia, and putting the Trustees on an establishment for 7000 £ a year, that he may shew it and make proper use of CCXXIV.

The Govern<sup>t</sup> agree that he shall have a Regiment for the defence of Georgia CCXXV. His conversa-

tion with S<sup>r</sup> Rob. Walpole thereon CCXXV. He apply's directly to the King, who approves of a different Scheme from that S<sup>r</sup> Robert was for CCXXVI. His comission Sign'd CCXXVI. 3. CCXXIX. 2. Grant orderd of 3000 acres to be divided among his Soldiers CCXXVI. 1. In what manner to be divided CCXXXIV.

1. The Grant past CCXXXVI. 10.

NB. Negligence of the Ministry to provide Amunition & Transports to carry his Soldiers CCXXXV.

His having a Regiment prejudices some Trustees unreasonably against him CCXLIV. 5.

He disapproves the Trustees frugality in striking out of their Estimate the Military expences of the Colony, and often absents himself from the Board on that account CCXLIX. 17. CCLX. 6.

He strongly opposes granting new land to the Inhabitants of Highgate in lieu of their pine barren land CCLJ. 6.

He sets out for Portsmouth by his Majesties express Order, to embark for Georgia 11 May 1738. CCLXI.

NB. Yet no Orders given for embarking the Stores that were to go with him CCLXII.

He breaks into the agreement made by the Trustees with Will<sup>m</sup> Bradley, which is very displeasing to them CCLXII. 2.

Order'd to set out the 3000 acres design'd for the Colony CCLXV. 16.

He is suspected by the Trustees of ordering M<sup>r</sup> Tho. Causton to certifie Bills or Accompts CCLXVI.

2. A House Building for him in the Cherokee Nation, unknown to the Trustees CCLXVIII. 3.

He is greatly offended at the Privy Council's instructions to the Trustees, for amicably adjusting the dispute w<sup>th</sup> S. Carolina concerning the Indian Trade: and declares that if he were at leasure, he would

20 INDEX SIXTH YEAR'S TRANSACTIONS

come to town and protest against those instructions.  
CCLXXV.

P

- Page (J<sup>o</sup>) Esq. elected into the Comon Council CCXLVI. 3.  
Parker (Hen.) 2<sup>d</sup> Bailif of Savannah, allow'd 2 Trust Servants,  
and a present made him besides in consideration of  
his poverty and Services CCLXIII. 5.  
Appointed 1 Bailif in M<sup>r</sup> Caustons room CCLXX. 8.  
Parliament The 20000 £ granted last Session (1737) receiv'd  
CCXVII. 4. The Trustees petition again for money.  
CCXLIII. 1. 8000 £ granted them for the year  
1738. CCXLV.  
Piercy (Fra.) Abandons Georgia in discontent against M<sup>r</sup> Caus-  
ton CCXLII. Appears before the Trustees, excuses  
his coming away & behaves uncivily CCLXIX. 6.  
Preston (Geo.) jun<sup>r</sup> of Valyfield. Grant made him of 500 acres  
with leave to remain in Scotland CCXXXVI. 7.  
Prevost (David) Grant past to him of the Widow Hughes lot in  
Savanah by her and John West her new husbands  
consent. CCLXVII. 7.  
Proposal — To take Parish children and send them to Georgia  
CCXXVI. 2. My reason against it CCXXIX. 5.

R

Rum—Complaint made of the mischief done by Rum in Savan-  
nah, the use of which the Magistrates are not able to  
restrain CCLXV.

S

Savannah M<sup>r</sup> J<sup>o</sup> Brownfield gives acc<sup>t</sup> that the Inhabitants are  
discouraged, and have cultivated little, that the  
Stores are empty, and the 1. Bailif has no mony to  
employ workmen. That the Fort which was begun  
& now left unfinish'd, is more capable to annoy than  
defend the town CCXVII. 7. M<sup>r</sup> John Wesleys

Acc<sup>t</sup> of it in Sept<sup>br</sup> 1737 CCXXVI. The Inhabitants mutinous, and the Constables and Inferior officers refractory to Orders CCXX-5. Above 100 idle persons have left it in 2 months CCXLII. State of the peoples cultivation CCXXV. 3. Which is much neglected CCXXXIX. One reason for which is their uneasiness that their heirs female are debar'd from succeeding to land CCLI. CCLII. 8.

A very unruly Spirit in the people CCXXXVII. A set of malecontents exclaim against the Tenure in Tail Male, and at the not allowing the use of Negroes, and they poison the peoples minds CCXXXIX. They persuade the people not to trust the conveyance of their letters to England in M<sup>r</sup> Stephens hands, lest the Trustees should possess themselves of them CCLXVI. The names of some of these Mutineers CCLXVI. They are such as Seldom attend Divine Service CCLXVI.

The Colony wants money and provisions every where, and has a melancholly aspect CCXXXVI.

The Inhabitants raised corn last year sufficient to supply the wants of half the Colony CCLII.

Many Inhabitants more industrious this year than before CCLXV.

The Country healthy to grown people CCXLII. CCLI. But most of the new born children die, which is imputed to the Parents diseases, and their drinking spirituous liquors CCLI.

The Inhabitants apprehension of the Spaniards so great that the Magistrates publish an order that none depart the Colony, to prevent their flight CCLIII.

State of the Publick garden CCXXII. much neglected CCXXXIX. CCXLII. restored to good order CCLI. CCLIV.

The Light house at Tybee in danger of falling CCXXXV. A passage boat wanting between Georgia & Carolina CCXXXIX. The land at Highgate

not so bad as reported, but the Lotts of some worse than others, and most will not yield a produce sufficient to maintain the Owners and their Servants, and to raise money to buy new Servants CCLI.

The Sober part of the Inhabitants pleased with the Rev<sup>d</sup> M<sup>r</sup> Whitfield CCLXVI.

The Moravians settled at Savannah apply to the Trustees that they may not be obliged to fight in defence of themselves & the Colony, being against their principle, and their request is allow'd CCXVIII. 1. CCXXI. 3. But they are required to find 2 Men, not of their persuasion, to fight in their room CCXXI.

3.

Savy (J<sup>o</sup>) A Traitor to Georgia: Acc<sup>t</sup> of him: writes to the Trustees that he is coming home to cast himself at their feet CCXXXIII. Writes again to them from Pendennis Castle where he ly's a prisoner CCXXXV. 1. The Trustees send copy's of his letter to the D. of Newcastle, and desire he may be sent for to town & examin'd CCXXXV.

1. He arrives, & the Duke desires a Committee of the Trustees may be present from time to time at his examination CCXXXIX. 3.

Servants at Savanna, a Sad Crew CCLXVI. 27 of them taken by M<sup>r</sup> Macbane for the use of Indian Traders tho paid for by the Trustees CCLXVIII. 3.

Silk—The worms look healthy, and great quantity of Silk may be expected in a little time CCLIV. CLXVI. Plenty of Mullberry trees in M<sup>r</sup> Caustons garden CCLII. 6. The early leaves of the Mullberry trees cut off by the winds in March 1737/8. CCLXVI.

The Chickesaw Indians offer if instructed, to bring to Savanah great quantities of Silk, having numbers of Mullberry trees in their Country CCLII. 6.

S<sup>t</sup> Simons Isl<sup>d</sup> M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of it in Sept. 1737. CCXXVIII.

- Skidaway Isl<sup>d</sup> M<sup>r</sup> J<sup>o</sup> Wesleys Acc<sup>t</sup> of the condition of the Island, Vilage, & Fort in Sept. 1737. CCXXVIII.
- Smith (Sam<sup>l</sup>) A. M. elected into the Comon Council CCXLVI.  
3. Sworn CCXLVII. 1.
- Sola Bills order'd to be made out CCXXIII. 7.  
Order'd to be cancell'd CCXI. 1.  
Sent to Georgia CCXXIII. 6. CCXXIV. 1.  
CCXXIX. 5.  
Order'd to be return'd from Georgia to pay certified Acc<sup>ts</sup> CCXLII. 1.
- Spaniards See S<sup>t</sup> Augustine.
- Stanyer (J<sup>o</sup>) Of Skidaway, desires leave to quit his grant: the same refer'd to be consider'd of. CCXXXV. 5.
- Stephens (Will.) Esq. His Comission to be Secretary of the Province Seal'd. CCXX. 1.  
Sails for Georgia with Cap<sup>t</sup> Shubrick CCXXIII.  
Order'd to take care of the Inhabitants letters to forward them to England CCLXIV. 12. But they are practiced upon not to trust him w<sup>th</sup> them CCLXVI.
- Stephens (Tho.) Son of Will. Stephens Esq: Sails for Georgia CCXXXII.
- Sterlings Bluff Deserted: M<sup>r</sup> J<sup>o</sup> Wesley's Acc<sup>t</sup> of the Settlement in Sept. 1737. CCXXVIII.

## T

- Trustees of Georgia, their proceedings in order of time.  
June 1737 They cancel Sola bills CCXI. 1.  
They write to S<sup>r</sup> Rob<sup>t</sup> Walpole to desire the Expences of the Colony may for the future be put into an Estimate, and they not obliged to petition the Parliament CCXI. 1.  
They direct a Memorial to the Treasury for obtaining the £20000 granted them by Parliament CCXI. 2.  
A Plan of a church for Georgia thought of, an a builder desired to give an estimate thereof CCXI. 3.  
An Estimate given CCXIV. 6.



They refuse to allow of dividing Lotts CCXIII. 4.  
They give leave to Peter Gordon late Bailif of Savannah to Sell his Lot CCXIII. 5.

They appropriate money to divers Uses CCXIV.  
3. CCXV.

July. They reject M<sup>r</sup> Vatts Memorial for further consideration of his Services CCXV. 5.

They order Rob<sup>t</sup> Hows house to be rebuilt, which was burnt by accident CCXV. 7.

They give a letter of Attorney to their Accompt<sup>r</sup> M<sup>r</sup> Verelts to receive the 20000 £ granted by Parliam<sup>t</sup> CCXV. 8.

They consider of makeing 3 New laws: 1. Against gaming & running in debt. 2. against Luxury in Aparent. 3. For allowing of Indian Evidence CCXVI.

The Order an Extract to be made out of their books of all Orders and Instructions sent over at different times to Georgia, to which no returns appear to have been made CCXVI. 2.

Their Answer to M<sup>r</sup> Von Reck CCXVII. 5.

They receive a bad Acc<sup>t</sup> of the State of Savannah. CCXVII. 7.

They allow the Moravians request not to bear arms to defend the Colony CCXVIII. 1.

Comittee of Embarkation appointed CCXV. 4.

August They seal M<sup>r</sup> Stephens Comission to be Secret<sup>r</sup> of the Province, and order a Comittee to prepare his Instructions CCXX. 1.

They put the Seal to the appointments of the Courts of Savanah and Frederica to try Offences ag<sup>st</sup> the Rum Act CCXXI. 1.

They Send over 2 Clerks for the Stores at Savannah, & 1 for the Stores at Frederica CCXXI. 3.

They approve of Striking off all idle people from the Stores who had not cultivated land CCXXI. 3.

They Order the Constables to take care that the peoples arms are kept clean, and repaired CCXXI. 3.

They order M<sup>r</sup> Causton to oppose the Constables attempt to introduce Martial law, & recomend Unity. CCXXI. 3.

They order that the Moravians be not obliged to take arms to defend the Colony, but that they find 2 Men for that purpose CCXXI. 3.

They recomend that Noble Jones Survey & Set out the peoples lotts to the Westward of Savannah CCXXI. 3. They write to the Magistrates of Savannah to put the laws into execution, particularly that relating to Rum CCXXI. 4.

They order M<sup>r</sup> Tho. Hawkins 1 Bailif of Savannah to give them an Acc<sup>t</sup> of the Divisions at Frederica, & to write regularly to them CCXXI. 5.

They present a Memorial to his Majesty, declaring their inability to defend the Province from the Spaniards, without a Military force Sent over CCXXII. 4.

They order M<sup>r</sup> Oglethorpe to issue to Fra. Moore 650 £ in Sola bills for the Service of Georgia, and that he date them as in November 1736 before he left the Colony CCXXIII. 6.

They order the making out 4850 £ more in Sola Bills CCXXIII. 7.

They order payment of 26 £ to M<sup>r</sup> Daniel Booth for making the Queens Silk CCXXIII. 8.

They order gowns for the Magistrates of Savannah CCXXIV. 2.

They order 1000 £ Sola Bills to M<sup>r</sup> Causton, and that he Send an Acc<sup>t</sup> of what demands remain unsatisfy'd CCXXIV. 1.

They order the Seal of the Town Court of Savannah to be kept under lock and key by 2 Magistrates, together with the books and papers of Record CCXXIV. 1. They prepare Establishments for Savannah & Frederica CCXXIV.

Septemb<sup>r</sup> They write to C<sup>t</sup> Zinsendorf to Satisfy him concerning the Moravians CCXXV. 4.

They Send a Surgeon to the Saltsburgers CCXXVI. 1. Proposal consider'd for sending Parish children CCXXVI. 2.

My objections thereto CCXXVI. 2.

October They order 1500 £ in Sola bills to be sent to Georgia CCXXIX. 5.

Report made them of the State of their Cash on 30 Sept. 1737. and of Services to be Supply'd CCXXIX. 6. CCXXX.

They order a Copargilt Mace for the Magistrates of Savannah CCXXXI. 12.

They refuse to advance money to Cap' Wrag in p<sup>t</sup> of his agreement to transport the Palatin Servants, & why CCXXXI. 14.

Grants of lands in the nature of church leases desired, but refused by the Trustees CCXXXI. 15. They order that any 5 of the Comon Council may draw on the Bank to pay Sola Bills CCXXXI. 16. They order that any 5 of the Comon Council may draw on the Bank as far as 5000 £ as occasion shall require CCXXXI. 17.

They Grant lands to Lieu' Cochran, Maj' Cook, Col. Oglethorpes Soldiers, J<sup>o</sup> Amory, & Rob' Hay CCXXXI. 19. 20. 21. 22. 23.

They send direction to M<sup>r</sup> Causton, concerning the Palatin Servants CCXXXII. 2.

November They resolve to petition the King & Council for a hearing against the Board of Trade's report CCXXXIV. 4. The Petition drawn up CCXXXIV. 3.

They write to the D. of Newcastle to send for J<sup>o</sup> Savy a Traitor to town, to be examin'd CCXXXV. 1. Their Orders for taking care of their Cash CCXXXV. 4. They pass divers Grants of land CCXXXVI. 7. 8. 9. 10. CCXXXVI. 11.

December They examine and approve their annual Acc<sup>t</sup> from 9 June 1736 to 9 June 1737. CCXXXVI. They order it to be presented to the L<sup>d</sup> Chancellor &c and

that 150 copies of it be printed. CCXXXVI. 2, 3.  
CCXLI. 2.

They order 500 whole deals to be bought for building a Church at Savannah CCXXXVII. 6.

They order publick advertisements that no more certified bills or Acc<sup>ts</sup> from Georgia will be paid by them: and that all future payments shall be made in Sola bills CCXXXVII. 8.

They grant 500 acres to Cap<sup>t</sup> Wood CCXXXVIII.  
11. They Settle their Counsel Brief to plead before the Privy Council CCXXXVIII. 1.

They appoint a Committee to be present at J<sup>o</sup> Savy's examination, at the request of the D. of Newcastle CCXXXIX. 3.

Jan<sup>r</sup> 1737/8 They send back certified bills to M<sup>r</sup> Causton for him to pay in Georgia, and declare to him they will pay no more of them, but he must pay these out of the Sola bills that were sent to him CCXL. 1.

They order a brief of their Case to be printed, and presented to the Committee of Privy Counsel against the hearing against the Board of Trades Report CCXL-I.

They Return certified Acc<sup>ts</sup> to Georgia to be paid there CCXLI. 4.

They order publick notice in Georgia that they will pay no more certified Acc<sup>ts</sup> or bills CCXLI. 5.

They attend the hearing before the Committee of Privy Counsel: and the names of the Lords present CCXL. They resolve to send no more Sola bills to Georgia, till the Trustees are enabled by a new Supply from Parliam<sup>t</sup> CCLII. 6.

February They agree to pay certified Acc<sup>ts</sup> that should be sent them before their orders for certifying no more arrived in Georgia: but order M<sup>r</sup> Causton to send back to them 2000 £ of the Sola bills supposed to be in his hands, to enable their payment of said bills CCXLII. 1. They give instructions to their Council to reply to

the Council of the other side at the hearing before the Committee of Council CCXLII. 3.

They petition the Parliament for money CCXLIII.

1. Several Comon Counsellors, observing the great debts contracted by M<sup>r</sup> Causton, and disgusted with S<sup>r</sup> Rob<sup>t</sup> Walpole for obliging the Trustees to petition the Parliam<sup>t</sup> for money, contrary to his promise, think of quitting CCXLIII CCXLIII.

March They make alterations in their Estimate of 8000 £ for the ensuing years expences, and Seperate the Civil concerns of the Colony from the Military, which last they think not reasonable for them to defray CCXLIV. 2.

Several Trustees resign & give their reasons CCXLIV. CCXLV. CCXLVI. 3. Others cool in their zeal. CCXLIX. 17.

They meet on the Anniversary day and elect into the Comon Council Robert Tracy, Hen. Archer, Christopher Towers, John Page Esq<sup>r</sup> and the Rev<sup>d</sup> M<sup>r</sup> Sam<sup>l</sup> Smith, as also into the Trustee Body, S<sup>r</sup> Hen. Gough & S<sup>r</sup> Roger Burgoign Bar<sup>o</sup> CCXLVI. 3. 4.

They order an enquiry how the Trustee Servants have been disposed of CCXLVII. 3.

Order for enquiring how the Silk & Mulberry trees go on in Georgia CCXLVII. 4.

Articles in the Estimate to be alter'd CCXLVII. 1. 2. 3. 4. CCXLVIII. 5. 6. 7. 8. 9. 10. 11. 12. 13. They debate how to reconcile S. Carolina to Georgia CCXLVIII. 14.

They debate whether to alter the Tenure in Tail Male in favour of Females CCXLIX. 15.

They remove M<sup>r</sup> Causton from being Storekeeper. CCXLVII. 2.

They agree to put down the Public Store CCXLIX. 16. CCI. 2. Their affairs reported about town to

be under bad management, and desperate CCXLIX.  
17.

The Members cool in their Zeal. CCXLIX. 17.  
April 1738 Acc<sup>t</sup> received that the Silk worms are dead for want  
of leaves CCLII.

The Trustees send a Cargo of flour and other provisions from Pensilvania to Georgia CCLII—10.

They send druggs and medicines to Frederica CCLII. 13.

They order Flint Stone, Iron and Steel to Georgia towards building a church CCLII. 14.

They order a payment in p<sup>t</sup> to Cap<sup>t</sup> Wrag on Acc<sup>t</sup> of Palatin Servants transported by Cap<sup>t</sup> Hewet CCLII. 15. A long debate about altering the Tenure in Tail male CCLII.

They advance to Mary Cooper the Rent of her house in Georgia CCLIII. 16.

They grant leave to Peter Gordon late Bailif of Savannah to part with his house & Lot to Maj<sup>r</sup> Cooks daughters CCLIII. 19.

They write to Georgia that they will not alter the Tenure of lands in Tail Male CCLIII. 20. CCLXIII. They agree to Abraham DeLyons proposal to lend him 200 £ for propagating vines, upon Security to repay the Same in 6 years CCLIII. 1. CCLXIII. Their proceedings on a Memorial of Cap<sup>t</sup> Thompsons concerning Servants carry'd over by him on his own account CCLIII. 2.

They pass Grants to Cap<sup>t</sup> Alex<sup>r</sup> Heron of 500 acres. & 3000 acres to Protestants who Shall joyn the Colony & take up 50 acre lotts. CCLIV. 2. 3.

They reject Cap<sup>t</sup> Hewets demand CCLIV. 4.

May Divers of the Comon Council Men. Seeing the bad State of our affairs thro the mismanagement of M<sup>r</sup> Caus-ton, and disgusted w<sup>th</sup> S<sup>r</sup> Rob<sup>t</sup> Walpoles obliging the Trustees to petition the Parliam<sup>t</sup> for money, contrary to his promise think of quitting CCLXIII. They

write to S<sup>r</sup> Robert Walpole to have their Expences for the future put into an estimate, that they may not be obliged to petition. C CXIV.

They Order that M<sup>r</sup> Causton be call'd on to give reasons why he gave large Credits to divers persons without orders CCLV. 1. CCLVI. 5.

They Order an Acc<sup>t</sup> to be taken of what Work the Trust Servants have done at the Darien, and how their labour has been apply'd for the benefit of the Trust CCLV. 2. CCLVI. 5.

They charge to M<sup>r</sup> Caustons Acc<sup>t</sup> 44 Servants carry'd over at Cap<sup>t</sup> Thompsons the Owners risk, but taken by Said Causton as Trust Servants, and by him disposed to private persons on Credit without orders CCLV. 3. CCLVI. 5.

They Order Inspectors to enquire how Will. Bradley has employ'd the Trust Servants CCLV. 4. CCLVI. 5. They order an Act to be prepared for the better executing the Act against Rum CCLVI. 1.

They order Cap<sup>t</sup> Thoma's to give them an Estimate for building a Church in Georgia CCLVI. 5.

They give order to pay for 2 Sea boats CCLVI.

They appoint Robert Gilbert to be 3<sup>d</sup> Bailif in late J<sup>o</sup> Dairns room, CCLVI. 5.

They appoint J<sup>o</sup> Clark to be Sec<sup>r</sup> of the Indian affairs, in the room of the Rev<sup>d</sup> M<sup>r</sup> J<sup>o</sup> Wesley CCLVII. 6. They think of striking off all Expence of labour & Credit, and to Subsist none but those they are obliged to by contract CCLVII. 1.

They agree that all Reports of Committees of Correspondence may be enterd in a book CCLVII. 1.

They strike off the Military Expences of the Colony, and Settle what expences shall be paid for the future CCLVIII. 3. 4. 5. CCLIX. CCLX. 6.

They order that any 5 of the Comon Council may draw on the Bank to pay Sola bills CCLX. 2.

They Order that M<sup>r</sup> Henry Parker, Will. Stephens

Esq. & M<sup>r</sup> Tho. Causton or any two of them fill up the Blanks of their Sola bills and issue them: and that they Sign the Account of the Issues of them, Shewing to whom & for what Service each issue was made CCLX.

They make an Establishment for the year beginning MidSumer 1738 CCLVIII. 5. CCLXIV. 11.

They order the remains of Stores at Savannah to be put under the care of M<sup>r</sup> Thomas Jones CCLXI.

5. They give leave that Anne Cook Surrender her Interest in the lot at Savannah to Susan her Sister, and that She Succeed to her Father Maj<sup>r</sup> Cook's grant in Frederica CCLXI. 6.

They Empower the Rev<sup>d</sup> M<sup>r</sup> Geo. Whitfield to do Ecclesiastical Offices in Georgia as Deacon at Savannah as well as at Frederica CCLXI. 7. CCLXIII.

They refer to a Committee to Settle Col. Oglethorpes Acc<sup>t</sup> of 1093. o. 9½ depending between him and the Trustees CCLXI-1.

They are displas'd with Col. Oglethorpe's breaking into the agreement made by the Trustees with Will<sup>m</sup> Bradley CCLXII. 2.

They take leave of Col. Oglethorpe CCLXII. 2.

Their Answer to Joseph Watsons wife, & her complaint for imprisoning her husband CCLXIII. 1.

Their Answer to M<sup>r</sup> Hugh Anderson concerning the Publick Garden CCLXIII.

They order M<sup>r</sup> Tho. Hawkins 1 Bailif of Frederica to Send them particulars of proceedings there CCLXIII.

Their answer to Abraham DeLyon the jew CCLXIII.

Their letter to M<sup>r</sup> Whitfield CCLXIII.

Their Answer to M<sup>r</sup> Stephens concerning the Tenure of Land in Tail male, that they will not alter it CCLXIII.



They allow 2 Trust Servants to M<sup>r</sup> Henry Parker to be maintain'd for his use at the Trust charge, & send him a present of cloathing CCLXIII. 5.

They order payment of Cap<sup>t</sup> Dunbars demand for primage CCLXIV. 9.

They deliver a plan of a Church to Cap<sup>t</sup> Thoma's CCLXIV. 10.

Additions made to their Estimate of the Colonys expence for the year ending MidSumer 1739. CCLXIV. 11.

They order that M<sup>r</sup> Stephens take charge of letters in Georgia to forward them to England CCLXIV. 12.

They empower Col. Oglethorpe to Set out 3000 acres for his Soldiers CCLXV. 17.

They empower M<sup>r</sup> Stephens M<sup>r</sup> Hugh Anderson, M<sup>r</sup> Tho. Hawkins & M<sup>r</sup> Horton to Set out the Grant of 3000 acres design'd for 50 acre lotts to Such as joyn the Colony. CCLXV. 17.

Their caution in paying a certified Acc<sup>t</sup> to Cap<sup>t</sup> Thompson CCLXVI. 3.

They order a Stop to be put to all Credit on their Acc<sup>t</sup> in Georgia CCLXVII.

They Send to Col. Oglethorpe a Copy of the order of Council upon the hearing their appeal from the Report of the Board of Trade. CCLXVII. CCLXVII. 6.

They petition the Treasury for thè 8000 £ granted by Parliament. CCLXVII. 4.

They order that any 5 of the Comon Council may draw on the Bank 500 £ to impress the Same to Ald<sup>r</sup> Heathcote to answer expences CCLXVII. 6.

June They direct Col. Oglethorpe at his arrival in Georgia to Seize the person of M<sup>r</sup> Causton CCLXVII. 1. CCLXIX. 3.

They order good land where necessary to the people of Highgate CCLXVIII. 5.

They order that M<sup>r</sup> Causton be kept in Safe custody, or on good Security till his Acc<sup>ts</sup> from Lady day 1734 be examin'd and approv'd, and till further order CCLXIX. 3.

They lay before the D. of Newcastle a Copy of Cap<sup>t</sup> Howells affidavit concerning the Spaniards design ag<sup>st</sup> Georgia CCLXX-4.

They Send instructions to M<sup>r</sup> Abercromby Attorney General of S. Carolina, touching letters from Georgia to be forwarded by him to England CLXX. 6. They remove M<sup>r</sup> Causton from his Post of 1. Bailif of Savannah CCLXX. 7.

They appoint Hen. Parker 2<sup>d</sup> Bailif of Savannah to Succeed M<sup>r</sup> Causton as 1 Bailif CCLXX. 8.

See more in S. Carolina.

L<sup>d</sup> Talbot Resigns his Office of Comon Council Man, pretending he wants time to attend the Service CCXLV. 2. His true reason. *ibid*.

Taylfer (Patrick) A principal Mutineer in Savannah CCLXVI. Tenure in Tail Male. The Inhabitants of Savannah are uneasie to have it alter'd CCXXXIX. The Trustees debate thereon CCXLIX. 15. which end in not allowing of an alteration CCLII. CCLIII. 20. CCLXIV. II.

Thunderbolt Fort and Settlement. M<sup>r</sup> John Wesleys Acc<sup>t</sup> thereof in Sept<sup>br</sup> 1737. CCXXVIII.

Towers (Christ<sup>r</sup>) Esq elected into the Comon Council CCXLVI. 3.

Tracy (Rob<sup>t</sup>) Esq. Moves the Parliam<sup>t</sup> for 8000 £. and is Seconded by M<sup>r</sup> Frederick, which is granted, but the Noes encrease CCXLV.

Elected into the Comon Council CCXLVI. 3. Sworn in CCLXVII. 1.

Tybee Island Deserted. Acc<sup>t</sup> of it by M<sup>r</sup> J<sup>o</sup> Wesley in Sept<sup>br</sup> 1737. CCXXVIII.

## V

- Vandeplank (J<sup>o</sup>) Constable of Savannah dead 1737. CCXXXIX.
- Vatt (J<sup>o</sup>) His Memorial for further reward of Services rejected CCXV. 5. petitions again, and again rejected CCXXIX. 4.
- Verelts (Harman) Trustees Accompt<sup>t</sup> 100 £ orderd him for extraordin<sup>r</sup> Services CCLVI.
- Virginia Their Traders trade with the Indians of Georgia without taking lycences within the Province, & thereby prejudice the Georgia Traders CCLXVIII. 3.
- Von-Reck (Phil.) Can get no more Saltsburgers for Georgia, and would be Subsisted by the Trustees in Georgia without cultivating lands:  
The Trustees reply his Grant will be forfeited unless he return in 6 months. CCXVII. 5.

## W

- Walpole (S<sup>r</sup> Rob<sup>t</sup>) The Trustees present a Memorial to him, desiring the money requisite for the future Services of the Colony may be put into an estimate, and not petitioned for CCXI. 1.  
He seems to approve it CCXV. 10. but never intended it & why CCXVI. Promises Col. Oglethorpe that 7000 £ shall be given them in the manner they desire CCXVII. 7. CCXXVI.  
Promises that 8000 £ Shall be given that way for the Civil uses of the Colony aloan CCXXVI. 4. Renews his promise to a Comittee of Trustees CCXXXIX. 4. Breaks his word, and obliges the Trustees to go on in the old way of petitioning CCXLIII. 1. Is intimidated from Sending a Regiment to defend Georgia, by Giraldini the Spanish Ministers 2<sup>d</sup> Memorial CCXXI.  
Consents that M<sup>r</sup> Oglethorpe Shall have a Regiment, but the manner disapproved of by him CCXXV. Why backward to grant M<sup>r</sup> Oglethorpe a Regiment CCXXVI.

- Wanset ( ) Qu<sup>r</sup> Master to Col. Oglethorpe's Regiment Skilfull in vines, and intends to cultivate them at Frederica CCLXVI.
- Watson (Jos.) Acc<sup>t</sup> of his Settlement by M<sup>r</sup> J<sup>o</sup> Wesley in Sept. 1737. CCXXVIII.  
The Trustees answer to his wife's complaint for imprisoning her husband CCLXIII. 1.
- Wesley (J<sup>o</sup>) A. M. Thinks himself accused of embezling the Publick money CCXI. 2. His Salary order'd to be paid him CCXXX. 8. Bad character of him CCXXXVI. Fly's out of the Colony CCXXXVII. arrives at London CCXLII. Presents the Trustees a paper of his own justification & accusing M<sup>r</sup> Causton CCXLIII. 1.
- Westbrook Plantation of S<sup>r</sup> Fra. Bathurst. M<sup>r</sup> J<sup>o</sup> Wesley's Acc<sup>t</sup> of it in Sept. 1737. CCXXVII.
- White (J<sup>o</sup>) Esq. Trustee of Georgia: an instance of the prejudice he did the Colony CCLIII.
- Whitfield (Geo.) A. B. Goes Minister to Georgia, to be Settled at Frederica CCXI. 2. CCXIII. 3. Desires to Set out w<sup>th</sup> Lieu<sup>t</sup> Col. Cochran to Giberaltar CCXXXIX. 1. Power given him to exercise the function of Deacon in Savannah as well as Frederica CCLXIII.
- Williams (Rob<sup>t</sup>) M<sup>r</sup> J<sup>o</sup> Wesley's acc<sup>t</sup> of his Settlement in Sept. 1737. CCXXVII.  
A principal Mutineer in the Colony CCLXVI.
- Wood (Will.) formerly Sea Cap<sup>t</sup> Grant made him of 500 acres. CCXXXVIII. 11.

Z

- C<sup>t</sup> Zinzendorf Desires his Moravians in Georgia may not be obliged to fight in defence of the Colony, it being their principle not to take arms: if not granted that they may have leave to depart. CCXXII. Is Satisfied that they remain CCXLVI. 4.

# INDEX

## A

- Abercorn, State of, 60.
- Abercromby, Mr, Attorney General of South Carolina, Col. Oglethorpe orders that no more letters shall be conveyed through his hands, 219.
- Account of receipts and disbursements for year ending June 9, 1739, 182; abstract of Trustees' accounts from 15th June 1739, to 19th March, 1740, 325; accounts for year ending 1740, 365; accounts laid before the Trustees, 472; abstract of the year's account and receipts and disbursements ending 9th June, 1741, 517.
- Account of all persons sent to the colony from the beginning, 516; Accounts from 9th June, 1741, to 18th March 1742, laid before the Trustees, 609; accounts which were given to the Lord Chancellor and Master of Rolls, 624; accounts state of annual accounts given at the Anniversary meeting, 684.
- Adams, of Savannah, his bad character, 407.
- Addison, Will, of Frederica, deserts the colony with his family, 402.
- Allen, Anne, made housekeeper in Tabitha Atherton's room, 489.
- Allen, William, goes to Carolina, 556.
- Amelia Island, scout boat ordered there by the Trustees to be added to estimate, 193.
- Ample, John, fifty acres ordered to, 663, 665.
- Amory, Mr., takes up land in Carolina, 137.
- Anderson, Hugh, letter from, concerning condition of the colony, 38; author of anonymous letter sent to Col. Oglethorpe, 224; removed from his office of Overseer of the public garden, 224; quits the colony to settle at Charlestown and why, 208, 224; a malecontent and runaway to Charlestown, loses his credit by giving himself up to politics, 559.
- Anderson, James, land ordered to, 662; appointed coadjutor to Col. Stephens for building church at Savannah, 664.
- Anniversary Day, or annual meeting of the Trustees, poorly attended, 325.
- Archer, Henry, undertakes, with Thos. Towers to defend the king's title to Georgia, 113; prevails on Sir Robert Walpole to add

- the word "possessions" to address to the King, 131; opposes the Trustees petitioning parliament for money, 271; 272; against taking the sense of parliament whether the colony is fit to be supported, 279; convinced of the necessity of asking money this session, 282; declines going to Sir Robt. Walpole with a paper drawn up by the Trustees to show the utility of the colony, 286; declines applying to the Treasury for repayment of £2000 advanced by the Trustees for military service of the colony, 371; instances of his indifference to the Trust, 411; is for asking but little money of parliament, 412; justifies the Trustees' conduct in parliament, 444; seldom attends his duty at the office, 613; moves the house to order the Trustees to give an account of their disbursements, etc., 614; motions of not opposed, 614; resigns office of Common Councilor, 718.
- Archer, Thomas, not cordial to the Trust, 412; resigns office of Common Councilor, 594.
- Arguile, Duke of, a friend to Georgia, 167.
- Arguile Fort, murder at, 397.
- Augusta, crop at, ruined by drought, 67; further account of, 152; road cut from, to the Uchee Town, 238; garrison kept there at the Trustees expense, without their knowledge, 241; the most flourishing town in the province, 463; garrison increased, 485; good crop of corn, and will supply Savannah, 486; in need of magistrates, 558; inhabitants petition that a court may be appointed there, 722.
- Auspurger, Samuel, surveying instruments sent to, 54; salary of, 70; to inform the Trustees what land he has laid out, 149; arrives in London, 243; his account of the colony, 250; desires grant of land and use of negroes and liberty to sell his land, 250; presents map to the Trustees, 252; paid for same, 287; land granted to, 254; contents of his petition for land, 289; Trustees resolution thereon, 290; money ordered to, 314; allowed to remain at Bearn until 1744, 466; thanks Trustees for prolonging his leave of absence, 521.
- Augustine, see St. Augustine.
- Avery, Captain, of Carolina, proposes, if encouraged, to settle in Georgia, 458; not approved of, 512.
- Avery, Joseph, arrives in London, 633; recommends building a dock in Great Ogechee River, 650; memorial of, for a dock in Great Ogechee River sent to Thomas Corbett, 650, 651; erects a town for one hundred German families, 668.

## B

- Baillie, Kenneth, captured at Mooan and carried into Old Spain, 605.

- Bailey or Baillie, Thomas, petitions for leave to settle on Wilmington Island, 329; deserts the colony, 395; writes a saucy letter to the Trustees, 413.
- Bailieu, James, the most forward in vine planting, 506.
- Bailieu, Peter, a great cultivator of vines, 691.
- Baillou, Peter, agreement of, to purchase lot of John Greedy, ordered to be confirmed, 588.
- Baillou, wife of Peter, deceased, 656.
- Baltimore, Lord, presents petition that Georgia may not be affected by the convention, 126; seconds Trustees petition for money, 130; moves the House of Commons to appoint a day for enquiring into the utility of the colony, 294; justifies the Trustees conduct in Parliament, 444.
- Barber, Mr., dissenting teacher at the orphan house, preaches wretched stuff at Savannah, 511.
- Barbo, William, grant of land confirmed, 663.
- Barker, Joseph, found guilty of fraud and fined, 658.
- Barnard, Sir John, opinion of, concerning necessity of negroes in the colony, 301; speaks for supporting Georgia, 435; thinks tenures of land too strait, 438; is for enquiring into the utility of the colony before more money is granted, 443; yet votes with the majority, 446; thinks well of the Trustees, but understands not their plan, 614; consents to confer with the Trustees, 614; refuses to meet the Trustees, 615.
- Barnard, Mr., made commander of Rangers at Mount Pleasant, 658.
- Barnard, Sir John, moves that negroes may be allowed in Georgia, 636.
- Barrington, Sir John, elected a Common Councilor, 609.
- Bateman, Dr., preaches anniversary sermon for the Trustees, 474.
- Bathurst, Francis, plantation of, deserted, 529.
- Bathurst, Henry, elected Trustee and Common Councilor, 474; sworn, 478.
- Beacon at Tybee, entirely set up with great skill, 630; in danger of falling, 658; well secured, 660.
- Beauclerc, Lord Sidney, presents Trustees' petition to parliament for money, 130; elected Common Councilor, 134; sworn, 142; opposes the Trustees asking for money, and why, 271, 273; not cordial to the Trust, 411; is for asking to little money, 412; pretends ignorance what sum the Trustees propose to ask of parliament, 417.
- Beaufin or Bofin, Hercules, brings over original petition of malcontents, 566; an abettor of the malcontents, 566; his account of some persons in the province, 586, 587, 588; desires advice of the Earl of Egmont, 588.
- Belle, Andrew, incapable of work, 660.

- Benefactions received, 64; 78; 175; 215; 353; 359.
- Bennet, Mr., keeps a good store at Frederica, 165.
- Berriman, Dr., preaches anniversary sermon to the Trustees, 134.
- Best, Dr., preaches anniversary sermon to the Trustees, 610.
- Bewly, Colonel Stephens's plantation, everything prospers there, 484, 509.
- Bishop, Philip, of Thunderbolt, found guilty of selling cattle belonging to other people, breaks jail, 60; 67.
- Bishop, Henry, late schoolmaster at Ebenezer, marries and takes land on Abercorn River, 418.
- Bixie, Captain, and two seamen hanged for murder, 231.
- Bladen, Colonel, was for use of negroes in the colony, 639; speaks for the Trustees to obtain money, 678, 681.
- Blew Mouths, no danger from, 57.
- Board of Trade, Carolina obtains too favorable an order of reference to, 40; report in the same terms, from Board of Trade, 46.
- Bofin, see Beaufin.
- Bolzium, John Martin, writes concerning passage of certain families, 114; desires encouragement for erecting an orphan house, 114; requests that no negroes be allowed, neither any change of tenure of lands, 133; £30 ordered to, 581; sends state of Ebenezer to the Trustees, 674; writes to Mr. Verelst concerning slanders cast on him and the Saltzburgers, 675.
- Bosci, an Italian, offers to go as minister to Savannah, why not accepted, 512.
- Bosomworth, Mr., above being clerk to Col. Stephens, 630; goes to Frederica to serve as Volunteer, 631; goes to New York and from thence to England to take Holy orders, 686; appointment to be minister in Georgia read, 704; salary of, 720; arrives in Georgia, 724.
- Bounties resolved on for encouraging cultivation, 495.
- Bourghalter, Michael, land granted to, 662.
- Bouverie Farm, much neglected, 344.
- Bowler, Mr., Surgeon at Frederica, prepares to leave the place, 421.
- Bowler, Will, Surgeon, applies to be rewarded for services in Georgia, 523; ordered to be paid, 581; makes proposal to go to Georgia, and then declines to go, 591.
- Bradford, Isaac, notorious thief, seized in Carolina, 221.
- Bradley, Will, at variance with Causton, 49; a bad overseer of the Trusts' servants, 102; has cultivated little of the Trust lot, 105; obtains grant for land in Carolina, 137; declares his readiness to make up accounts with the Trustees, 137; accounts of, to be examined, 150; removed from being overseer of Trust servants, 176; pretends the Trustees owe him £1,200, 208; takes possession of land granted him but with an ill



- will, 219; kills another steer, said to be not his own, 220; agrees to surrender what is in his charge, but delays, 221; sends his family to Carolina, 221; complaint of, against the Trustees, 221; accounts intricate, 221; poor and despised, intends to quit the colony, 344; disliked in Charlestown, 580.
- Bready or Breeding, Capt., Andrew, to endeavor to recover box taken by the Spainards, 712; delivers said box to the Trustees, 713; delivers in his narrative, 714; ordered to be paid sixty guineas, 716.
- Bruce, Mr., thanked for his sermon to the Trustees, 719.
- Brown, Mr., of Highgate, tried for killing his servant and acquitted, 49.
- Brownfield, John, Register of Georgia, suspects Gen. Oglethorpe of arbitrary designs, 61; signs representation for negroes and to alter tenure of lands, 138; grows intimate with Causton, 139; reported to have flung up his office, 236; on account of sickness defers sending account of registered grants, etc., 313; turns Methodist, 343; suggested as a magistrate for Savannah, 358, 375; zealous for the colony's welfare, 377; steward to the orphan house, 380; quits the Registers office, 420; conduct of, 509; writes Mr. Verelts that he has surrendered his office, 509; an abettor of malcontents in Savannah, 558; removed from his office of Register, 569; turns Moravian, 655; letter from referred to committee, 709.
- Buchanan, Neil, supports Thomas Stephens petition for negroes in Georgia, 678; opposes parliament granting £12,000 to the Trustees, 681; divided the House against agreeing with the committee, 682.
- Bull, Colonel, Lt. Governor of South Carolina, joins with Col. Oglethorpe in suppressing the carrying of rum to the Indians, 233.
- Burgomaster or Burgomister, Christopher, land confirmed to, 663.
- Burgholder or Bourghalter, Michael, land ordered for, 662, 665.
- Burgy or Burgie, Leonard, land confirmed to, 663.
- Burnside, James, Col. Oglethorpe lends him money to buy cattle, 239; turns Methodist and is made overseer of the orphan house, 377; quits his settlement at Rotten Possum, 453; turns Moravian, 655; returns from Charlestown, 655.
- Bush, Edward, applies to succeed Mr. West in the Smith's business, 83; letter from concerning tenure of lands, 115; goes to settle at Port Royal, 660; petition for land rejected, 664; goes to Charlestown, 688.
- C
- Callard, Mr., promises the Trustees, £400, 45; pays same, 64.
- Calthrope, Henry, elected a Trustee of Georgia, 609.
- Calvert, Mr., takes a vacant lot and sets up a private store, 209.

- Calwell, John, Deputy Surveyor, salary of, 70; desires his son may be sent to him from Ireland, 255; sufficiently knowing and diligent in his business, 252; to be paid for his services, 442; appointed assistant to the intended President of Frederica, 495.
- Cambell, James, returns to Georgia, 398; gives up his office as prison keeper, 506; reads absurd discourses after public prayers, 507, 510; turns dissenter, 507; purchases lot of John Prevosts, 691.
- Campbel or Campbell, Hume, presents the Trustees' petition for money to parliament, 607; elected Common Councilor, 609; declines serving as Common Councilor, 719.
- Campbel, James, malcontent, 593; has left off reading public prayers, 594.
- Camuche, Anthony, industrious as any in the colony, 658.
- Camuse, the Italian silk family, see Silk.
- Carew or Carey, Thomas, member of Parliament, account of, 439; agrees to drop a petition against the Trustees, and to move for the progress of the colony, 439; breaks his word, 443; moves the printing the Trustees' account of the colony, 460; presents petition of Thos. Stephens against the Trustees to the House, 616; moves that Thos. Stephens be heard by the House, 617; moves for papers in the Trustees' office to be laid before the House, 618; supports Thos. Stephen's petition for negroes, 678.
- Carew, Thomas, Chairman of Committee on Thos. Stephen's petition, endeavors too put a trick on the House, 639, 642.
- Carolina, obtains too favorable an order of reference to Board of Trade, 40; Board of Trade reports in the same terms, 46; petition to his Majesty thereon, 50; 54; His Majesty's instructions thereon, 55; poverty of inhabitants of, 57; they labor to prejudice the Indians against Georgia, 66; protect runaway servants from Georgia, 137; encourage freeholders of Georgia to leave, 138; angry that Col. Oglethorpe obtained sum formerly paid their governors, 160; declare they will pay Mr. Glen, their new Governor, nothing, 160; conspiracy of negroes in, 166; great sickness there, 231; dilatory in assisting Col. Oglethorpe to take Augustine, 242; raise eight companies to assist Col. Oglethorpe, 332; pass a vote for raising £15,000 for that purpose, 335; not able to raise the money, 356; resolve to assist Col. Oglethorpe with five hundred men, 351; their traders with Georgia Indians not molested, 345; insurrection of negroes in, 372; jealous of Georgia, 372; dangerous condition of, from the negroes, represented to His Majesty, 394; great conflagration at Charlestown, 409; their continued hatred to Georgia; they run down the Trustees'

- sola bills, 421; malcontents there preparing to publish pamphlet against the Trustees and Col. Oglethorpe, 421; inhabitants of, wish the destruction of Georgia, 438; they subscribe to the Scotch pamphlet, 457; pass a law against bringing in any more negroes, but do not enforce same, 475; the great enemies among them to Georgia are those concerned in the Indian trade, 476; cultivation of rice more profitable than silk, 477; they set up Col. Oglethorpe's bills at auction as well as decry the Trustees sola bills, 481; can not bear to hear the name of Col. Oglethorpe, 499; they send an agent into the Creek Nation, who must be watched, 510; project a petition to the king for aid, 593; Thomas Stephens promotes this affair, 593.
- Carpenter, Lord, declines serving as Councilor, 134; sends his resignation as Common Councilor, which is not accepted, 325; sends his resignation in regular form and time and reasons why he resigned, 332; Carpenter, Thomas Sumner, petition of, read, 704.
- Carr, Captain, brings down a new raised company of marines, 511; claim of, referred to committee, 709.
- Carteret, Lord, his sense of supporting Georgia, 104; prophecy of the convention and Sir Robert Walpole, 112; made Adjutant to Col. Oglethorpe's regiment, 341; advises the Trustees upon the loss of their petition to parliament for money to present a memorial to the king, expressing the necessity they are under for money, 610; the memorial put into his hands, 611; says he presented memorial to the king, who said he had a good opinion of the colony, 612; applied to by the Trustees to abate his quit rents in Georgia, 671; refuses and declares the Trustees are not answerable for more of the quit rents than they should receive, 675.
- Carteret, James, landholder at Frederica, returns to England, 498.
- Carwell, James, jailor and provost marshal at Savannah, allowed salary without authority of the Trustees, 346; arrives in England and complains that Mr. Jones took away one of his servants, 346.
- Carwell, James, agreement with James Dormer ordered to be confirmed, 691.
- Cary, Mr., votes for dropping Trustees' petition, 608.
- Cater, Sir Robert, death of, 93.
- Causton, Thomas, order for his arrest not to be entered in letter book, 37; sends more certified accounts, contrary to orders, 41, 50, 65; errors found in books of, 70, 71, 72, 92, 102; excuses for extravagance, 72; 106; gives security, 73; has best land in the province, 85; 87; removed from direction of the stores, 86; instances of errors in his book, 92, 192; under bail 93; accounts intricate, 139; accounts to be examined, 150; not

- so bad as represented, 158, 165; his contrivances to get money and enhance the Trustees debts, 234; sends a memorial to the Trustees in his own justification, 258; his debts to the Trustees, 323; answer of the Trustees to memorial of, 339; his proportion of bounty on corn, 342; has some reasons to complain of hard usage from Thomas Jones, 344; has the finest settlement in the colony, 344; dangerously ill, 394; loses his only son, 398; misemploys linen belonging to the Ebenezer people, 429; exposes to the Trustees his condition, and sends over a state of the colony, 458; a diligent improver, 557; obtains of Col. Stephens a certificate in favor of his accounts, 660; he is grown great with the malcontents, 685.
- Cattle, a plentiful raising, 630; mortality among them at Savannah, 656; computed about two thousand Trust cattle at the Cowpen, 658.
- Chactaw or Choctaw, Indians, account of, 56; desert the French, 129; consist of five thousand warriors, 191; fall upon the English traders and Chickesaws, 219.
- Charlestown, terrible conflagration at 409; inhabitants of, personal enemies to Col. Oglethorpe, but not to the colony, 560.
- Gheesright, Elizabeth, petitions the Trust to enquire what has become of her house and lot in Savannah, 255; is promised it shall be done, 314.
- Cherokee Indians, at peace with Choctaws, 57; lose their crop of corn, 239; one of their kings waits on Col. Oglethorpe at Augusta, 229; propose to raise six hundred warriors to act with Col. Oglethorpe against the warriors, 231; fall out with the French and with the Creeks, 458; 690.
- Chesterfield, Earl of, presents the Trustees' petition that Georgia may not be affected by the convention, 126.
- Chickesaw Indians, consists of five hundred warriors, 191; King of, waits on Col. Oglethorpe at Augusta, 229.
- Christie, Thomas, makes over to Patrick Graham servants given him by the Trustees, 137; appointed third Bailif, 177; an easy man, 179; appointed first Bailif, 192; ordered to be one to issue the Trustees' bills, 198; made a commissioner to state the public debts, 207; his character, 236; 243, 260, 324, 344; when Recorder kept records carelessly, 234, 236; his accounts will not bear examination, 234; permits Adrian Loyer to go to Carolina, when other magistrates refuse it, 235; charges against, 243, 260, 399; court roll sent over by him found defective, 339; removed from office of first Bailif, 327, 339; reasons therefor, 328; leaves the colony, 344; complains that Col. Oglethorpe had ordered that no action for debt should be issued except signed by two magistrates, 322; arrives in England, 373; gives bad account of Savannah, 574; pretends to

- justify his conduct, 377; claims the Trustees owe him £100, 388; removed from being Recorder of Savannah, 391; advanced £20 on account, 393; late account of, by Thomas Jones, 399; more paid him on account, 405; a lease of two hundred acres ordered him, and conditions of same, 410; expresses zeal for the colony, 419; lease sealed, 461; further account of the colony, 461, 462; satisfied with alterations made in the peoples' tenures and remittal of their forfeitures, 461; is ready to witness to parliament, if called on, the good things of Georgia, 463; is for allowing rum to come into Georgia, 464; thinks negroes should not be allowed, 464; publishes account of Georgia, 491; confesses that had he known of the Spanish proclamation to seduce away our negroes he would not have signed the representation for obtaining them, 491; says it will be necessary to give the people white servants, 492; appointed Naval Officer at Savannah, 545; resolves never to return to Georgia while Thomas Jones is there, 585; arrives from England at Charlestown, 657, 686; in low circumstances, 658; made Naval Officer for Georgia, 667.
- Church at Savannah, £150 advanced towards building, 383, 560; money borrowed out of that fund to help the general uses of the Trust, 488;
- Clarke, John, Secretary for Indian affairs, death of, 653.
- Clark, John and wife petition for land rejected, 573.
- Clayton, Sir William, opposes Trustees' petition for money, 130.
- Clee, Samuel, grant of fifty acres confirmed to, 663.
- Cochineal, certain Jews make extravagant demands for cultivating cochineal in Georgia, 315.
- Cochran, Lieutenant Colonel, arrives at Savannah with part of Col. Oglethorpe's regiment, 51; returns to England to complain of Capt. Hugh Mackay, 157; his account of the colony, 158; to be tried by court martial, 165; complains of Col. Oglethorpe's partiality to Capt. Hugh Mackay, 167; expects Trustees will pay debt incurred by him upon landing his soldiers, 168; applies to the Trustees to allow his military expenses in Georgia, 192; urgent to be paid balance of his account, 388; paid part of account, 389; 393; ordered to be paid in full, 449.
- Colebatch, Captain, arrives from England at Charlestown with ammunition for attacking Augustine, 350.
- Common Council summoned to receive reports, 37; number held this year, 150, 363, 515, 622, 702.
- Common Councilors elected, 609.
- Compilers preface, 3.
- Constitution of new government to commence Michaelmas 1742, 494, 497.
- Cook, Lieutenant Colonel, at variance with Col. Oglethorpe, and

- cause of same, 496, 498; writes ill things of the colony, 495; refuses to obey Col. Oglethorpe's orders, 498; writes injurious things of Col. Oglethorpe, 499, 668; falls out with Gen. Oglethorpe; wants to return to England, 556;; accuses Gen. Oglethorpe of bad practices, 556, 667, 668.
- Cook, ———, late servant to P. Tailfer, wants to sell his lot, 446.
- Cook, Major, made engineer at Ebenezer, 277.
- Cooksey, Mr., leaves Georgia for fear of being arrested by Causton, 90; desires to exchange land, 90; land granted conditionally, 103.
- Coram, Capt. Thomas, evidence for Thomas Stephens, though a Trustee, 618.
- Cornwall, Veltors, elected a Trustee, 684; elected a Common Councilor, 719; sworn a Common Councilman, 721.
- Cotton, Sir John Hynd, for enquiring into utility of the colony, 301, 445; seconds motion to adjourn parliament to prevent the Trustees getting money, 432; opposes Trustees' petition for money, 434; also opposes motion for money at least until the colony can be enquired into, 445; decides the House against referring Trustees' petition for money to the committee, 607.
- Cotton grows everywhere in the colony, and fine stockings made of it, 443; may prove an exportable commodity, 462.
- Cotton tree, grows well in Georgia, 180.
- Council Board exercises a dispensing power with regard to the India Georgia act, 40; Trustees present them with heads of instructions to issue upon the act, 54; instructions disregarded, 55; copy of the king's instructions upon the act, 55; compliance thereto deferred on account of death of Governor Horsely, 66.
- Council, Privy, committee of, serve the Trustees with an order to answer complaint of Thomas Stephens, 613; Trustees make answer thereto, 615; and put their seal to it, 617.
- Creek Indians, French and Spaniards endeavor to turn them against the English, 66, 190; Their Dog King promises to adhere to the English, 138; presents made them by Col. Oglethorpe, 163; consist of fifteen hundred warriors, 191; lose one thousand warriors by the small pox and rum sold them by Carolina traders, 229; raise four hundred warriors to act against the Spaniards, 231; at war with the Cherokees, 458; desire the English to bring them to peace, 461, 485; very well disposed to the English, 510; famous warrior called the Wolf comes down to join Col. Oglethorpe, 511.
- Cross, Mr., Consul at Tenerif, offer of to supply colony with wine declined, 144.
- Crockett, James, complaint of, read, 704; to be acquainted that copy of proceedings of the town court have been received, 722.

- Crockett, Mr., Carolina merchant, appointed witness to be heard against the Trustees, 475; his conversation with the Earl of Egmont concerning Georgia, 475; order passed to pay him £99, 479.
- Crow, Mr., King's chaplain, preaches Trustees' anniversary sermon, 326.
- Crowther, Mary, desires the Trustees to advance her the rent due from the person who took her house, 196.
- Cumberland Island, a good fort there, 558; Spaniards make a descent upon, 630.
- Cunningham, David, appointed to take care of the ship "Caesar," 574.
- Curtz, Jacob, allowed to exchange his lot, 669.
- Cuthbert, John; Captain of Rangers at Frederica, affidavit of against necessity of negro labor in Georgia, 120; affirmed by Thomas Stephens to have signed against introduction of negroes by force, 245.

## D

- Danvers or Denvers, Joseph, favors granting the Trustees £10,000, 445.
- Darien, application that Mr. Macleod, minister, may exchange lot, granted conditionally, 44; crops at, destroyed by drought, 58; petition of people against use of negroes, 88, 161; people of, industrious, 88; universal defection of inhabitants of, and reasons for discontent, 138; the inhabitants practiced upon to oppose having negroes, as reported by Thomas Stephens, 235, 245; they can not subsist by their labor, therefore raise cattle, 247; £200 loaned to inhabitants of, 247; can not maintain themselves in clothes, etc., 251; have planted no mulberry trees, 251; are in miserable condition and desire to remove to an island, 251; reported to have sent an agent to New York to procure lands, 251; town defended by cannon, 252; no rum drunk at, 342; sell oxen to the regiment, 343; few for admitting negroes, 348; false account of given to the Trustees, 375; defended by Lieutenant Horton, 381, 382; represented in a happy condition by Thomas Jones, 398; Scotch Religious Society desire they may not be confined to any quantum of salary to their missionary, etc., 405; thirty five of their men killed at Moosa, 407; order past to send a recruit of forty Highlanders from Scotland to augment the settlement, 492; Mr. Gray treated with thereupon, 504; inhabitants of contented, 556; subsist by their cattle, 556; their minister deserts them and goes to Charlestown, 556; several servants killed at Moosa and

- others made prisoners, 605; all the Rangers there quit the colony, 607; inhabitants of, address General Oglethorpe, 677.
- Danbar, Captain, his account of Savannah, 40.
- Davies, Captain of trading sloop, suspicious character, 139.
- Davies, ———, of Savannah, fits out a privateer against the Spaniards, 231.
- Davison, Samuel, second Constable at Frederica, appointed overseer of the Trusts' servants, 197; confirmed by the Trustees, 200; refused by Mr. Hawkins to exercise that office, 283; complaint of, and improvements, 283; sends his account with the stores, and desires his debt may be allowed him, 283; promised great matters when made searcher of ships, but disappointed, 284; Trustees grant his desire, 349.
- Davison, Will, Constable at Frederica, his industry and good circumstances, 501.
- deBaufain, Hercules, letter from laid before the Trustees, 713.
- Debrisay, Captain, tried for killing Capt. Norbury in duel in Georgia, 552; debts in the colony, reported to be claimed by particular persons as due from the Trust, 487.
- Delagal, Phillip, formerly Lieutenant of Independent Company, presents a memorial to be paid certain money, 410, 569; advanced £20 on account, 337, 410; ordered £35 for services done in Georgia, 581.
- Delamot, Charles, £10 ordered to, 38, 44; gives discouraging account of Georgia, 84; £15 allowed him, 84.
- Delyon, Abraham, £100 advanced to, to plant vines, 75; his success in raising grapes, 91; leaves the colony for want of negroes, 451; neglects his vinyard, 506.
- Delyon, Mrs., a Jew, deserts the colony, 395; her husband also gone for want of negroes, etc., 451;
- Demara, Captain, goes forward with his improvements, 634.
- Demare, Lieut. Raymond, makes affidavit that negro labor unnecessary in Georgia, 97.
- Dempsey, Captain, desires further reward for his services, and is ordered £25, 215; brother, of, in the Spanish service cashiered because Capt. Dempsey assisted Oglethorpe in making a treaty, 351.
- Denvers, Joseph, favors giving money "now" to the colony, 445.
- Diego Fort, taken by General Oglethorpe, 350.
- Digby, Edward, seconds the Trustees' petition to parliament for money, 293; by a mistake occasions that parliament make no enquiry into the utility of the colony, 294; speaks in the House in favor of an enquiry, 301, 309, 310; justifies the Trustees conduct in parliament; indifferent whether money be first voted or the utility of the colony enquired into, 444; defends the Trustees proceedings and earnestly presses an examination into the



- utility of the colony, 490; moves the parliament that the Trustees may be heard against Thomas Stephen's petition, 617, 618.
- Dobel or Dobell, John, quits the colony and returns to England, 420; his passage paid by the Trustees, 488; made Register of the colony, 569; his commission signed, 571; ships for Georgia, 597; arrives from England, 629; unqualified for his post of Register, 656, 659, 685; instructions sent to, by Mr. Verelst, 665; unqualified May, 1743, 696; accepts of being Secretary of Indian Affairs, 660; writes that he knows not how to proceed with his office of Register, 666; writes the Earl of Egmont unkindly against Col. Stephens, 682, 701; Secretary for Indian affairs, 701, 703.
- Dobre, ———, clerk of stores at Frederica, 70.
- Dormer, Mr., paid balance on account, 361.
- Dormer, James, an abler pilot than Emery, will settle at Tybee on same terms offered Emery, 485; commended by Col. Stephens, 629; permitted to exchange his lot, 691.
- Douglass, David, petitions for leave to settle on Wilmington Island, 329; deserts the colony, 395; letter arrives at the Trustees' office, 413; claim referred to the Commissioners of Accounts in Georgia, 430; disliked in Charlestown, 559; takes a plantation at Purysburgh, 606.
- Driesler, Rev., to be paid £10 for instructing Germans, 706, 716; goes to Georgia, 707.
- Duchee, Andrew, potter, represented from Georgia to make china ware, 71; extravagant demands of, 139, 141; £12 in goods ordered to be sent him, 196; another lot granted him in Savannah, 341; refuses to sign or swear to the state of the colony delivered in court, 407; opposes same in court, 408; surrenders his office of Constable, 420; given to politics, but reported to make china ware, 510; intends to send Lady Egmont china ware she wrote for, 511; designs to go to England to complain against the Trustees, 560; a malcontent, 593; runs from Savannah for fear of the Spaniards, 631; returns to Savannah, 654; goes away again without a permit and is stopped, 657, 669; gives bond not to depart the colony, 657; petition for land on Hutchinson's Island, rejected, 664; grown great with the malcontents, 685; memorial from, read, 707.
- Duchee, Mrs., deserts the colony, 395.
- Dunbar, Lieut. George, makes affidavit against necessity of negro labor in Georgia, 98; sent by Col. Oglethorpe into the Creek Nation, 510; falls dangerously ill at Augusta, 511.
- Dyson, Mr., chaplain to Col. Oglethorpe's regiment, a sad drunkard, 80, 171;

## E

- Earl, Gyles, against enquiring into the state of the colony or progress of it, 490.
- Ebenezer, state of, 59, 77; people of thrive, 73; twenty Saltzburghers to be sent for, 78; industry and piety of, 80; Mr. Bolzins writes that passage of two families may be allowed and inhabitants will maintain them, 114; prays that no negroes be allowed, neither change in tenure of lands, 131, 167; same request made by Mr. Bolzins, 133; increase in planting at, 133; send grateful acknowledgement of their happy condition; 167, 242; inhabitants contented with bounty promised on corn and peas, 239; Mr. Whitfield collects £76 for them, 336; have more corn than they can eat, and speak of writing to Germany for five hundred persons, 345; good account of, by Mr. Whitfield, 372; only one death in the space of this year, 380; represented by Thomas Jones in a happy condition, and supplying Savannah with bread, meat, poultry, etc., 398; desire their physician, Mr. Phylo, may have encouragement to stay, 414; they set up a corn mill at Abercorn Creek, 418; propose to raise a stamping mill to make rice merchantable, but have not money, 418; crop not so much as last year, but sufficient, 418; statement of births, deaths and marriages, 418; desire a schoolmaster for the English tongue, 418; number of inhabitants and their happy condition, 422; fifty more Saltzburghers proposed to be sent to join them, 454; same resolved on, 466; seven Rangers for the town appointed by Col. Oglethorpe, 480; Mr. Ursperger questions the Trustees relative too Saltzburghers sent for, to which the Trustees answer, 482, 483; £50 ordered for their passage to Rotterdam, and subsistence for six months from their arrival in Georgia, 483; order for allowing £77 towards building them a corn mill, 495; other considerations concerning them, 495; Mr. Bolzins sends an account of inhabitants of, 674.
- Egerton, Thomas, returns to England, 656.
- Eggerton, ——— ordered to be permitted to return to England, 597.
- Egmont, Earl of, against allowing free negroes in the colony unless act were passed to regulate wages, but for change in tenure of lands, 379; on account of parliament rejecting petition for money to support the colony, in favor of surrendering the charter, 612; illness prevents attendance at the Board, 632; resigns office of Common Councilor, 643.
- Elbert, Mr., with his family leaves Savannah, 655.
- Elbert, William, petition for land rejected, 462.
- Elgar, Francis, found guilty of killing other peoples' cattle, 67.

- Elliot, Mr., nephew of Charles Watson, embarks with his uncle for Georgia, 597; drowned, 630.
- Ellis, Robert, and Edward Jones, memorial of referred to committee, 709.
- Ellis, Thomas petition for land rejected, 662.
- Elton, Sir Abraham, reads in House of Commons letter from Robert Williams villifying the Trustees, 310.
- Embarkations, three Germans sent by Capt. Surry at the Trustees' charge, 457; three more Germans sent by the Georgia packet, 474; persons sent over on the poor account, 474; committee of embarkation appointed, 493; ship of twenty guns prepared to carry Saltsburgers and Highlanders to Georgia, 540; number of Saltsburghers, 541, 549; numbers of Highlanders, 541, 549; fifty recruits for Gen. Oglethorpe's regiment embark, 549; whole number embarked on Capt. J. Lemon, 550; number embarked on board the Europe, 551; all arrive in Georgia, 573, 611.
- Emery, Anne, petition of read, 195.
- Emery, Peter, appointed pilot at Tybee, 195; land ordered for, 195; leave given that the lot may be set for seven years, 207; grows dissatisfied and resolves to settle in Carolina, 481.
- Erinxman, John, land ordered for, 562, 663, 665.
- Estimate of expenses for the year beginning Michaelmas 1739, objected to by Col. Oglethorpe as insufficient, 240, 241.
- Evans, John, grant of fifty acres confirmed to, 663.
- Everard, Sir Richard, arrives in England, 568; a young conceited fellow, 588; death of, 604.
- Ewen, William, made keeper of a private store, 381; writes the Trustees that he was forced to leave Skidaway through loss by cultivation, 409; complains that Thomas Jones refused to pay him the promised bounty on corn, 409; draws on the Trustees to pay money to his sister in London, 542; his draft returned to a committee of Accounts, 546; a malcontent, 593, 685; appointed a correspondent with Thomas Stephens, 594.
- Eyles, Mr., Surgeon's Mate at Frederica, killed in duel, 372.
- Eyles, Francis, not cordial to the trust, 411.
- Eyles, Captain, sends his resignation of Common Councilor to the office, 594.
- Eyrr, Thomas, sent by Gen. Oglethorpe to the Cherokee Nation for their assistance, 276, 277; balance of account to be paid 699; presents the trustees with his journal and a map of Georgia, 711.

## F

- Fage, widow, petitions of, for her husband's improvements, gratified in part, 400, 404.

- Fallowfield, John, appointed second Bailiff, 174, 192; esteemed a Quaker, 179; collector of Savannah, 209; desires directions relative to Spanish sugars landed without duty paid, 209, 249; an honest and sensible man, 236; Thos. Stephens' opinion of, 259; Mr. Christie writes that his appointment was very agreeable to the people, 264; desires directions concerning two ships which he compelled to give bond for payment of duties, 341; displeased with Col. Oglethorpe's order to the magistrates concerning prosecution for debt, 322; Lieut. Horton found nothing amiss in him, 356; of the malcontent faction, 399, 558, 593; merchants' complain against for seizing their goods, Trustees' resolution thereon, 400; scornfully refuses to swear to Col. Stephens's account of the colony, 406, 408; reprov'd by letter for his behavior, 429; appointed third assistant to the President of Savannah County, 495, 496; contest between him and Capt. Patrick Mackay about visiting his ship, 486, 507; desires the Trustees' directions, 507; ringleader of malcontents in Savannah, 558; signs a petition to parliament against the Trustees, 562; writes a saucy letter to the Trustees on being discharged from office, 654, 668, 672; expects the Trustees will pay him £600, 654; proposes to go to England to get justice, 654; accuses Col. Stephens of cowardice, 668.
- Fane, Francis, prevents parliament from examining the Trustees witnesses as to the utility of Georgia to England, 310; considers certain acts, 710.
- Faulcon, Jacob, deserts the colony, 402, 441; long intended it, 502.
- Fitzwalter, Joseph, made wharfinger, 574; death of, 656; wife of continued wharfinger at Savannah at his death, 669.
- Floyd, ——— engaged by the Trustees for their counsel against Thomas Stephens, 618.
- Forster, Samuel, presents colony with vine cuttings, 79.
- Fort Arguile, murder at, 397; strengthened by twenty rangers, 657.
- Fort St. Andrew, abandoned by Gen. Oglethorpe, 631.
- Fort St. Francis di Pupo, taken by Gen. Oglethorpe, 631.
- Fort William, regular and strong fortification, 631.
- Foulds, John, a late free holder, death of 660, 696.
- Fowlds, John, had a lot in Savannah, 669.
- Fox, Steven, opposes Trustees' petition for money, 130.
- Francis, Will, made Lieutenant to Capt. Matthews' Rangers, 485; wife and child killed by the Spaniards, 657.
- Frederica, letter to magistrates of, to employ seven Trusts servants in cultivating certain lands, 38; crop injured by drought, 58; inhabitants healthy and peaceable, but desire servants, 67; people industrious, 88; church to be built, 96; people desire none may have more than fifty acres, 99; harassed by military duty, 105; strength of fort there, 144; at a stand in improve-

ments, 160; climate healthy, 169, 170; must have assistance from the Trustees, 169, 171; once reduced to necessity of feeding on alligators, 170; lose cattle, 170; mulberry trees flourish, 170; desire no negroes, but desire tenure of lands to be altered, 170; chapel almost completed, 190; built of timbers sawed by the Trustees' servants, 348; contradictory account concerning, 237, 251, 398; Mr. Augspurger reports good improvements, 251; water is not bad, 252; defended by cannon, 252; letter from Mr. Eyre concerning conditions there, 277; Mr. Whitfield's account of, 330; Capt. Thompson's account of, 342; no rum drunk there, and crops good, 342; inhabitants can now subsist without further help from the Trust, 347; inhabitants would have petitioned against introduction of negroes, but persuaded from it by Lieut. Horton as unnecessary, 348; order passed to make the Recorder a Justice of the Peace, 390; town fortified, 396; Thos. Hawkins, first bailiff, writes that the people will not cultivate land, 402; inhabitants unruly and soldiers will not work, 437; great decrease in inhabitants, 451; anxious for negroes, 452; erected into a separate county and put under government of a President and Council, 494; Mr. Carteret's account of it, 498; fort ill mounted with cannon, 499; people generally idle, 499; as much rum drunk there as at Savannah, 500; several of the inhabitants have stocks of cattle, 500; price of provisions, 500; Bailiffs disliked by the people, 501; none hindered from going away provided they first agree with their creditors, 503; Col. Oglethorpe's account of, 507; soldiers industrious, 556; fort made strong, 558; Spaniards attempt to attack Frederica, 631; white servants absolutely necessary, 633; necessity of stationing a man-of-war at Frederica, 645; cannon wanted for defense of, 645; three hundred acres near Frederica to be appropriated for use of the minister, 720.

Free Mason Society disbanded, 179.

Frederick, John, elected Trustee and Common Councilor, 474; sworn, 478.

French, have long labored to open communication between Canada and the mouth of Mississippi River, 57; interpose that Georgia may be given up to the Spaniards, 151; stir up the Indians against the English, 202; attack the Carolina Indians, 255.

## G

Gage, Lord, a great enemy to Georgia, his absurd motions against the Trustees, 299, 309; his speech against the colony and Trustees, 433; his discourse with the Earl of Egmont's son, 439; ridiculous motion made by him, 446; speaks bitterly against the colony in the House, 489, 491.

Garden, the public, at Savannah, trees and plants in it are decaying, 630.

Garret, Dr. Henry, letters from read, 401; claim considered, 404.

Gascoign, Captain, Admiral Cavendish has no opinion of his report of the cost of Georgia, 154.

Gautier, Anthony, grant of fifty acres confirmed to, 663.

Georgia, half of crop destroyed by drought, 58; inhabitants of in great distress, 71, 104; earth for making china and good stone found there, 71; about half the land good, 90; wild grapes makes good wine and black mulberry grows wild, 91; in great contempt with her neighbors, 139; model of their government derided, 140; debts, 150; the river St. Juan to be boundry between the Spaniards and Georgia, 154; boats necessary for, 159, 169; province healthy, 168, 231, 396; silk will prosper, 170; cotton thrives, 180; great drought, 219; heavy rains, but good harvest promised, 223; improved condition of the colony, 242; scout boats necessary for defense of, 255; saw mill ruined by great floods, 264; prospect of good harvest continues, 264; fevers and agues rife at Savannah, 264, 665; harbours excellent, 282, 456, 566; last season the wettest ever known, yet few deaths, 292; Capt. Thompson's account of the colony, 342; not over one hundred persons leave the colony, 342; all manner of garden stuffs thrive, 345; Lieut. Horton's account of the colony, 347; much timber there fit for building ships, 348, 606; leave given the inhabitants to let their land for seven years, 362; land as good as in Carolina, 374; number of inhabitants, 377, 381; industrious people may subsist without negroes, 381; indulgences to the inhabitants resolved on, 385, 386; particulars of the alterations of tenures, obligations to cultivate and remittal of forfeitures pass the Common Council board, 391; Capt. Thompson's affidavit as to the soil, air, light house, forts, etc., 396; an impartial account of the colony prepared by the Secretary of the Trust, Mr. Martin, 410; same presented to the king and royal family, 416; some change in the government thought necessary, 412; President and Council proposed for each of the two counties, 415, 494; proceedings therein, 429; colony would have been given up two years ago by the ministry of the Trustees had not interposed, 419; winter of 1740 uncommonly severe all over America, 421, 457; law books ordered for the town courts, 429, 466; an account of the progress of the colony ordered to be prepared, 438; state of the progress moved for in parliament and ordered, 443, 444; same finished, sealed, and given to parliament, 456; necessity alleged for allowing negroes and for importation of rum, 453; goodness of harbours sworn to, 455; many industrious people leave, and those who remain must be allowed white servants,

- 462; allowed to lease their land for twenty one years, 467; new constitution of government by Presidents and Assistant's resolved on, 494; seal put to it, 514; bounty on corn, peas and potatoes, 495; laws of the plantation trade ordered to be sent, 497; Spaniards forment discontent in the province, 522; inhabitants of Frederica leaving it, also several from Darien, 524; malicious libel published by the malcontents, 525; state of the colony sworn to in open court order by the Trustees to be printed, 582; resolution of the Trustees in favor of the inhabitants, 646.
- Germain, widow, arrives from Georgia, 170; her account of Frederica, 170.
- Germans, see Rheinsperger.
- German Swiss, arrive from Rotterdam in England to go to Georgia, 542; arrive in Georgia, 573; order passed to provide them with a Calvinist minister, 603; forty died in their passage, and about same number soon after landing, 611; make surprising improvements, 657; settled at Acton, 686.
- Gibbons, Philip, for examining into the colony before money is granted, 445; yet voted with the majority, 446.
- Gibbons, Mr., favors postponing resolutions of committee on their report to the House, 639; reasons for dividing the House, 640.
- Gibbs, Isaac, petition for land read, 723.
- Gilbert, Robert, third Bailif, can neither read nor write, therefore scruples taking the office, 106; a surprise and jest at making him magistrate, 158; requests to be removed from office, 174; removed from being Bailif, 174, 192; which proved to be his own desire, 218; quits the colony to follow Mr. Whitfield in his northern expedition, 395.
- Giraldini, Mr., Spanish Envoy, tells Gen. Wade that if the English content themselves with land northward of Alatomaha the king of Spain will not object thereto, 135; tells Lord Bathurst and Mr. Blackwood the king will sacrifice Indies rather than suffer us to keep Georgia, 136; repeats same to Lord Gage and tells foreign minister the king will sustain twenty year's war before he will suffer us to keep Georgia, 146.
- Glan, Mr., appointed to succeed Col. Horry in the government of South Carolina but debarred for want of salary, 66; presents memorial to Privy Council, 120; Carolina declares she will not give him a farthing, 160; dines with the Trustees to concert measures for the two provinces amicably carrying on the Indian trade, 546; substance of their discourse thereon, 546; endeavors to suppress the Carolina account of the loss of the siege of Augustine, 580.
- Goddard, John, a profligate young man, sells his lot at Savannah for £25, when it was worth as much more, 659.

- Goldwire, John, presented by the Grand Jury for killing cattle, 567.
- Graham, Patrick, Surgeon and landholder, displeased with Thomas Jones, but reconciled by his certifying the justice of his demand on the Trustees, 509; quits his practice for planting, 557; made £50 by selling mulberry plants, 587; sells plants to the Trustees, 596; appointed assistant in the civil government of Georgia, 722.
- Grant, Andrew, writes to the Trustees his loss by cultivation, 172; petitions for leave to settle on Wilmington Island, 329; petitions to be recompensed for his loss by planting, 329; Trustees refuse to allow him to settle on that Island, 329; has leave to settle on Wilmington Island, but deserts the colony, 395; writes saucy letter to the Trustees, 413; claims a balance of account due him from the Trust, 430; has taken a plantation in Carolina, 606; is evidence for Thomas Stephens before the committee of parliament and gives false evidence, 619.
- Grant, Jannet, death of 554.
- Grant, Patrick, complains against Bailif Parker, 83.
- Grant, Patrick, prevents selling rum at Frederica, 201; naval officer at Frederica, 209, 387; discovers Spanish sugars imported into Georgia without paying duty, 209, 249; killed in duel, 372, 402; had been best planter in the province, 387, 686; was cadet in Col. Oglethorpe's regiment when killed, 402.
- Grants of land, committee recommends to the Common Council that no grantee who holds fee in simple and carries over servants and settles in Georgia at his own expense, shall have power to alienate his land, 'till the expiration of ten years from the date of his grant, etc., 663, 666.
- Gray or Grey, Charles, presents petition from Thomas Stephens for the use of negroes, 678.
- Greedy, John, his agreement with Peter Baillon ordered to be confirmed, 691.
- Green, Henry, of Savannah, of bad character, 220; granted leave to sell his lot, 554.
- Grey, James, proposal to bring Highlanders to Georgia to be presented to the Board, 504, 505; paid for conducting Highlanders to London, who are to be sent to Georgia, 545.
- Gronau, Mr. desires £30 to complete his house, 114; same granted, 127.

## H

- Habersham, Mr., schoolmaster, complaint of Mr. Norris against, 76; £6 ordered to for necessaries, 84; intimate with Mr. Causton, 139.
- Hagan, John, a Moravian, given leave to go to Georgia at his own expense, 254.



- Hamerton, Mr., chief officer of quit-rents of Carolina, applies to the Trustees to advance him £200, 194; request complied with, 197; his bill on his deputy to repay the Trustees protested for non-payment, 338; his bill refused payment in favor of the Trust, 457; returns from England to Charlestown, 461; not able to pay his debt, 478; promises soon to pay his debt, 485; order sent to Col. Stephens to prosecute him, 488.
- Hampstead, account of, 60; inhabitants thrive, 73.
- Hankey, Sir Joseph, made Treasurer to the Trustees, 327.
- Hanner, Nicholas, Sr., ordered lot of fifty acres, 663.
- Hanner, Nicholas, Jr., ordered lot of fifty acres, 663.
- Harbeck, Jacob, ordered fifty acres, 574, 662, 665.
- Harbeck brothers, ordered fifty acres each, 574, 662, 665.
- Harramond, Capt, sails with persons for Georgia, 181.
- Harrison, Elizabeth, claim of, referred to committee, 709.
- Hawkins, Thomas, 1st Bailiff of Frederica, charges against, 260; returns thanks to the Trustees for his allowance in the estimate, 340; writes that if the balance of his account is not paid he will give up his office, 402; complains against Francis Moore and Samuel Perkins, 402, 442; complains against Thos. Jones, 403; says his own improvements are greatest of any, 403; Trustees order him to be paid part of his account, but resolve not to allow him for a boat, 400; accounts considered unreasonable by Mr. Jones, 420; desires to resign his office, 436, 442; complains to the Trustees of bad retaliation for five years' service, 442; threatens to confine Mr. Jones for refusing to pass his account, 458; appointed first assistant to the intended President of Frederica County, 495; Trustees will not consider his appeals against Perkins and Moore, 498; proposes to make a vineyard, 513; the most industrious improver in the colony, 514; not beloved by the inhabitants of Frederica, 606; delivers to the Trustees a state of Frederica and a claim of sums due him by the Trust, 712; committee report on claim of, 716; summoned to attend the Trustees, 717.
- Hawkins, Dr., almost the only person who has anything forward, 634.
- Heathcote, George, alderman, speaks in parliament in favor of the colony, 294; resigns his place as treasurer to the Trustees, 326; justifies the Trustees in parliament, 444.
- Heathcote, Sir William, resigns his office of Common Councilor, and why, 230, 325.
- Henriques, Isaac Nunez, complaints of, 409.
- Herbach, see Harbeck.
- Heron, Alexander, Captain in Col. Oglethorpe's regiment, makes improvements at the camp on his land, 343; builds a good house on his five acre lot, 347.

- Heron, Lieut. Colonel, provided with vacant lot in Savannah, 658.
- Hetherington, Joseph, guilty of killing cattle, breaks jail, 60, 67.
- Hetherington, Theophilus, complaint of against Bailiff Jones, 338.
- Highgate, account of, 60; people thrive, 73.
- Highlanders, brought to London embark for Georgia, 541; arrive in Georgia, 573.
- Hird, Thomas, petition for land read, 708.
- Holmes, Samuel, bricklayer at Savannah, desires assistance of two servants, 197.
- Holzendorf, Mr., has made some small improvements at Frederica, 634.
- Hooper, Edward, seconds motion in parliament for a day to enquire into utility of Georgia, 294; speaks in parliament in favor of the colony, 433, 435; presents Trustees' petition, 434; moves for £10,000, 443; speaks strongly in favor of the colony, 490.
- Hopton, Mr., of Charlestown, Col. Oglethorpe directs for the future that letters to and from Georgia and England pass through his hands, 219; given £25 for services in taking care of the Trustees' packet, 480; reward ordered him for taking care of Trustees' packet, 569.
- Horsey, Col. Samuel, made Governor of South Carolina, 63; Earl of Egmont's discourse with him on his Majesty's instructions, 63; death of, 66.
- Horton, Lieutenant, arrives in England to raise recruits for Oglethorpe's regiment, 287; declares Thos. Stephens' account of the colony full of lies and slander, 347; his own account of the colony, 347, 381; to solicit more officers for Oglethorpe's regiment, 348; presents a petition to the Duke of Newcastle, 348; not one Trustee will introduce him to Sir Robert Walpole, 351; Earl of Egmont's discourse with him about the disposition of the inhabitants, 381; consulted by the Trustees in the methods taken to content the inhabitants, 385; good ship timber on his lot, 386; his further discourse about the colony, 386; makes demand on the Trustees for sum expended by him on the regiment, 388; his remarks on the representation of the malcontents of Savannah, 513; applies to the Trustees that some wives and children of the recruits for Gen. Oglethorpe's regiment may be sent to Frederica, 591.
- Houston, Patrick, is killing off his cattle and preparing to leave the colony, 356.
- Houstoun, Patrick of Frederica, order passed by mistake to make him a Justice of the Peace, 390; married to Capt. Dunbar's sister and settled on her lot, 442; has spent much money on his plantation, 453; receives £75 for his premium on corn, 500; still keeps his plantation near Savannah, 500; his commis-

- sion to be Justice of Peace revoked, having been given by mistake, 569.
- How, Mr., opposes reading letter relative to the Trustees, 490.
- How, John, speaks in favor of the colony in parliament, 435; seconds motion to put off the debate about Georgia, which the Trustees pressed to shew the utility of the province, 489.
- Howe, Robert, resigns his lot in Savannah, 174, 175; desires he may not be troubled for debt, 177; his account of Savannah, 178; ordered that he shall not be proceeded against for any debt he owes the Trustees' store, 198.
- Hucks, Robert, conduct of, 126; states that if peace with Spain could be obtained by giving up Georgia it would be a good thing, 135; no longer a friend to the colony, 286; leaves the House when the Trustees desired to be heard upon the utility of the colony, 302.

## I

- Indians, good to fight against each other, but not good for sieges, 349; Cherokee Indians at war with the French, 458, 690; Upper Creek Indians threatened by a Carolina agent that they shall be destroyed if they do not comply with letters he is sending them, 701.
- Indian trade, Carolina and Georgia traders among the Indians now traffic with them without interrupting each other, 345.
- Indigo, flourishes in Georgia, but the people know not how to make it, 696.

## J

- Jekyl, Harbor, longer and safer than at first thought, 194; ship of forty guns may go in, 154, 282; will hold a large fleet, 164; Capt. Thompson's affidavit concerning, 396; Pearce's, a seaman, affidavit concerning, 455; pilot Logie's good account of, 500.
- Jekyl Island, how the tide rises there, 164.
- Jenkyns, Edward, with his wife deserts the colony, 395; and goes to Carolina for debt, 452.
- Jenys, Mr., sends over a state of his account with the Trustees, 194; Trustees order him £491, 206; several mistakes supposed to be in his accounts, 234; he shows wherein the difference lay, 242; account referred to a committee, 384; some part of his account disagreed to and why, 387; full payment ordered him, except for some brick, 393.
- Jews, all reported to have left the colony, and why, 503.
- Jones, Edward and Robt. Ellis, memorial from, referred to committee, 709.

Jones, Noble, made a Captain by Gen. Oglethorpe, 659, 687; grows intimate with the malcontents, 685.

Jones, Thomas, trusted with remainder of public stores, 102; to severe on Mr. Causton, 107, 139; his character, 137, 158, 236, 356, 463; appointed commissioner to state public debt of the colony, 145, 151; appointed overseer of Trustees' servants, 177; appointed third Bailiff of Savannah, 192; resolved that he shall have a fifty acre lot to qualify him to be a magistrate, 193; confirmed overseer of the Trustees' servants in the northern division, 197, 200; ordered to be on of three to issue sola bills, 198; a rough blade, 213; quarrels with Mr. Christie and Mr. Williams, 219; of hot temper and self sufficient conduct, 220; great animosity between him and the magistrates, 221; quarrels with Henry Parker, 222; complains that the magistrates oppose him, 233; hopes the Trustees will find some fitter person to act in the commissions sent him to execute, 235; Thomas Stephens' account of him, 236, 243; Thos. Shristie's charges against, 264, 374; since the departure of Thos. Stephens, Col. Stephens and Mr. Jones are on better terms, 264; further charges against, 319, 353; ill used by Mr. Williamson, 322; endeavors to prevent litigious actions, 322; writes that the Trustees' directions concerning their servants are impracticable, 322; finds great mistakes in Mr. Causton's accounts, 323; sends a barrel of deer skins to the Trustees, 323; complained against by T. Hetherington, foreman, for not accepting a verdict, 338; but unjustly, 340; he talks of returning to England, 343 esteemed a follower of Mr. Whitfield, 343; Licut. Horton says he keeps a storehouse to prevent shop-keepers from selling too dear to the people, 356; at variance with Mr. Whitfield, 372; a secret Methodist, 377; shot at by servants of Mr. Phelps, 395; his account of the colony, 398; frowned upon by Col. Oglethorpe for disputing Mr. Hawkin's account, 420; Hawkin's complaints against, 442; is so much under Col. Oglethorpe's displeasure that he will not read his account of disbursements for the year 1740, 457; returns to Savannah after long absence, 469; a professed dissenter and bitter enemy to Mr. Norris, 469; appointed 2d assistant to the President of Savannah County, 495, 496; the Grand Jury present him for not punishing Mr. Upton for swearing, 567; made 2d Bailiff of Savannah, 595; one of the first who signed an address of the malcontents containing reflections against Col. Stephens, 656; delivers to the Trustees list of people at Savannah, 711; directed to draw up narrative of what he knows of the confinement of Wm. Sterling, 722.

## K

- Kent, Lieutenant, £20 of the Trustees' money loaned him without their knowledge, 238.
- Kent, Capt. Richard, made Justice of Peace for Augusta, 569; his commission signed, 572.
- Ketson, Ensign, drowned, 241.
- King, Dr., preaches anniversary sermon 17th March, 1742, 684.

## L

- Lacy, Roger, deceased by hard drinking, 66; his accounts sent to Mr. J. Sharp, 393.
- Lacy, Mrs., a woman of bad character, 60; indicted for killing other people's cattle, 67; instructions given by the Trustees how to proceed with her, 143.
- Landry, James, death of, 655.
- Landry, Mrs., death of, 655.
- Langford, widow, death of, 612.
- Lands for religious uses, see Frederica.
- Lapotre, Henry, against alteration in tenures and allowing use of negroes, 378; receives £12,000 for the Trustees, 707.
- La Roche, John, opposes Trustees petitioning for money, 100; is against taking the sense of parliament whether the colony is fit to be supported, 279, 280; speaks in the House in defense of the Trustees conduct, 300, 433; declines applying to the treasury for re-payment of £2,000 advanced by the Trust for military services of the colony, 371; is for allowing the inhabitants an alteration of tenures and leave to sell their lands, 378, 380; is against permitting free negroes in the colony, 378; not cordial to the Trust, 412; defends the conduct of the Trustees when attacked in parliament, 444; opposes giving the state of the colony to the House, 446.
- Lawley, Richard, paid £15 for his services, 449; designed to be a witness against the Trustees before parliament, 449; his bad account of the colony, 451.
- Lee, Lord Chief Justice, Trustees' annual account presented, to 411.
- Leman, Captain, who carried over the Saltburgers, complained against by Mr. Terry, 611.
- Levally, John, Jr., deserts the colony with his family, 402, 441; would return to Georgia, but is afraid to be laughed at, 502.
- Levi, Sampson, petitions the Trustees to be paid a certified account for goods furnished the stores, 215.
- Light House at Tybee to be repaired, 37, 159; Trustees' orders for repairing it not obeyed, 345; decayed past repair, 372, 453; of

- great use, 396; will be repaired, 511; will soon be erected better than before it fell, 596; in danger of falling, but secured the 14th February, 1742-3, 696.
- Limerick, Lord, resigns office as Common Councilor, 132; is for enquiring into the Trustees' conduct and utility of the province before money is ordered, 444.
- Loggie, or Logie, a good pilot, prepares to leave the colony, 421; comes to England and presents the admiralty with a map of the coast of Georgia, 500.
- London, Bishop of, angry with the Trustees, and why, 46; gives Mr. Norris license to preach unasked; comment thereon, 48; Trustees do not enter the Bishop's license in their books, and why, 49.
- Loyer, Adrian, clerk of public stores, makes changes in his accounts, and leaves the colony, though the only person who could explain the accounts, 235.
- Lyndal, John, agreement made with, to drive up and keep the Trusts' cattle, 247.
- Lyndal, John a malcontent, appointed with four others to correspond with Thos. Stephens, 594; petitions the Trustees to grant him an island of marsh land in Savannah River, 621; sells his lot at Savannah, and flings up his office of Tythingman in a contemptuous manner, 656; petition for an island of marsh land in Savannah River rejected, 662, 665; sells his lot in Savannah to Charles Watson, which the Trustees order confirmed, 691; incapable of performing office of Tythingman, as turned out, 669.
- Lyon, Samuel, fifty acres ordered for, 562, 663, 665.

## M

- Mackay, Lieut. Charles, desires a grant of five hundred acres, 696; same agreed to, 697.
- Mackay, Daniel, makes a surprising claim on the Trustees, and was guilty of breach of trust in several sums reposed in him by Gen. Oglethorpe, 629.
- Mackay, Ensign, runs away at the fight at Moose on the first discharge, 605.
- Mackay, Hugh, overseer of the Trusts' servants, 70; makes affidavit against necessity of negroes in Georgia, 96; overseer of the Trusts' servants at St. Andrews, and at Amelia, 202.
- Mackay, Capt. Hugh, letter from read, 52, 342; complaint against, 165; to return to England to be tried by court martial, 169; his account of the colony, 169; arrives in Georgia, 233; arrives with letters from Col. Oglethorpe to the Duke of Newcastle and Sir Robert Walpole, 406.

- Mackay, Patrick**, suspects Col. Oglethorpe of arbitrary designs, 61; a principal fabricator of the representation in favor of negroes and change of tenure, 140; married to the late Mr. Montaigut's widow, 421; a crafty man and reserved in his affairs, 486; contends against J. Fallowfield searching his ship, 486, 507; his demand on the Trust is past the understanding of the best accountant, 629.
- Mackintosh, Benjamin**, of Darien, makes mischief there, 502; quits Darien and takes a plantation at Puryburg, 606.
- Mackintosh, John Holmes**, quits Darien to settle in Carolina, 402, 441.
- Mackintosh, John Moore**, overseer of the Trusts' servants at Darien, 202; must be continued, 241.
- Macleod, Mr.**, granted permission to exchange lot conditionally, 41.
- Macleod, Hugh**, minister at Darien, grant of three hundred acres to be made to him and his successors, ministers there, 44; the grant sealed, 233; grant new made to the Scotch Incorporate Society, and on what terms, 336; falls out with Col. Oglethorpe, 502; arrives at Savannah, 511; abandons his charge and goes to Carolina, 556; writes such odious things against the colony into Scotland that the Incorporate Society there resolve to pay no more a salary to a minister at Darien, 598; writes reviling letter to that Society against Gen. Oglethorpe and against the Trustees, 600.
- Maclenan, Captain**, evidence for Tho<sup>s</sup>. Stephens, 618.
- Macpherson, James** Captain of Rangers in Georgia, draws bill on the Trustees, 50, 52; money paid him for services, but not all that he demands, 239; unreasonable demand for services not allowed, 328; makes oath in Carolina to the whole of his demand, but Trustees will not pay it, 468.
- Malcontents at Savannah** very busy, 372; they set up horse racing, 380; encourage the people to be insolent to the magistrates, 395; part of them, called the Scotch Club, desert the colony for Charlestown, 395; they labor to depopulate Georgia, 398; the runaway Scotch, joined by a few others, sign a remonstrance to the Trustees complaining of grievances, 407; remaining malcontents at Savannah also sign a remonstrance, and declare if their demands are not complied with they will leave the colony, 407; substance of their demands, 408; chief of the Scotch Club sends a saucy letter to the Trustees, 413 malcontents at Savannah preparing an insolent petition to parliament against the Trustees, 420; Scotch malcontents at Carolina are preparing to publish a pamphlet against the Trustees and Col. Oglethorpe, 421; some runaways to New York find it dearer living there than in Georgia and three return, 421; some of the subscribers to the counter state of the colony desire to

- be thought neutral, others reproach one another of being ashamed, 431; the Scotch Club went away in Jenkin's debt, who bring in debt, too, followed them, 452; most of the landholders who call themselves gentlemen have left the colony, and the absent do what they can to discourage any who remain, 557; John Fallowfield the ringleader of those remaining at Savannah, 558; John Pye another, 558; J Bromfield, another, 558; William Woodrofe another, 503; other ringleaders, 593; the runaways to Charlestown in a miserable condition, 559; Williams, Duchee and others, design to sail for England to complain against the Trustees, 560; malcontents to send over an attested copy of a petition to parliament against the Trustees, 561; they deride the new constitution, 593; they appoint Thos. Stephens their agent in England, 592; and appoint a committee of correspondence with him, 594.
- Mariot, Thomas**, appointed provisionally 2d Bailiff of Frederica, 436; appointed 3d assistant to the intended President of Frederica, 495; appointment as 2a Bailiff confirmed, 497; no more than twenty years old, but good natured and writes well, 501.
- Martin, Benjamin**, Secretary to the Trustee, £50 ordered him for extraordinary services, 480.
- Mathews, Jacob**, title of to certain lands to be enquired into, 110; made Captain of twenty rangers by Col. Oglethorpe, 485; quarrels unreasonably with Thomas Jones, 486; demands to be paid for interpreting between the inhabitants and the Indians, and desires a grant from the Trustees of 450 acres, 590; a malcontent, 594; accuses Col. Stephens of falsely informing the Trustees that he had not cultivated for two years past, 621; death of, 654.
- Mathews, Mrs.**, wife of Jacob, goes to the Alatomaha to keep a store for the Indians, 485.
- Mears, William**, drowned in his passage to Carolina, 660.
- Medcalf, or Metcalf, Rev. Will.**, recommended to succeed Mr. Whitfield in the church at Savannah, 356; accepts to be minister at Savannah, 357, 373; is appointed, 361, 382; Trustees apply to the Incorporate Society to transfer Mr. Norris' salary to him, 382.
- Morcer, Samuel**, obtains promise of 300 acres on Vernon River, 221; Lieut. Horton says he is a man of good sense and fit to be a magistrate, 356; appointed 4th assistant to the President of the county of Savannah, 495, 497.
- Methodists**, an instance of the hypocrisy of one of them, 460.
- Michel, Andrew**, and family, goes to settle in Carolina, 441.
- Milledge, John**, made Tything-man, 554; petition for land refused, 574; made Captain of twenty rangers by Gen. Oglethorpe, 657.



- Miller, Andrew, botanist, desires instructions, 63, 65; gives bad account of the roots, plants, etc., he had collected to be transplanted in Georgia, 229; promises to put the Trustees in a way to get indigo and plant it, 229; says cochineal is found in Georgia, but too expensive to cultivate, 229; says there is no getting the Jesuits bark to Georgia, 229; presents a memorial to be paid for his services, 351; the Trustees not liable to pay his demand, 384.
- Minis, Abraham, paid for loss of boat, 613.
- Mitchell, Andrew, deserts the colony with his family, 402.
- Molasses, beer made of it good but small, 606.
- Montagut & Company, certified accounts of sent back to Georgia, 82.
- Montagut & Pury, take a vacant lot and set up a private store, 209.
- Moore, Francis, late Recorder of Savannah, complained against by Bailiff Hawkins, 402, 442; excuses his granting a distrain before verdict given through ignorance, 418; resigns his office of Recorder, 436; character and conduct of, 501, 508, 556; asks to be paid for services as Recorder, 509, 552, 569; letter from, giving account of Spanish invasion, etc., 645.
- Moosa, account of loss of men there, 407, 605.
- Moravians, pay off their debt to the Trustees and take up their bonds, 41; industrious, yet apprehended they will go away, 165; have all left the colony, 374; lead by Mr. Whitfield to Pennsylvania, 452.
- Mordaunt, Col. Jo., an enemy to the colony, his ludicrous speech against it in parliament, 311.
- Morell, Peter, a malcontent, appointed with four others to correspond with Thos. Stephens, 594; petitions for three hundred acres on Hutchinson's Island, but is refused, 664; permitted to exchange his lot, 691.
- Morris, Thomas, grant of fifty acres confirmed to, 663.
- Mouce, Thomas, death of, 655.
- Murry, ——— engaged by the Trustees to be their counsel against Thos. Stephens, 618.
- Myers, Henry, maintains himself and family wholly by his plantation, 591, 592.

## N

Negroes, no security to Georgia, unless Florida be conquered, 315; Georgia, as well as Carolina, would before this time have been undone by them, had they been allowed, 342; Lieut. Horton of the same opinion, 348, 381; opinion of others concerning negroes, 453, 464, 475; white men will not work where there are negroes, unless they have negroes of their own, 476; not safe to be allowed in Georgia during the ward, 605; yet if

- allowed, numbers who have Georgia would return, 606; not so easy for them to run away as imagined, 606.
- Newcastle, Duke of, offended that when the Trustees wrote to him, they did not put the Corporation Seal to their letter, 225; writes at the Trustees desire, to Lieut. Col Bull to get an act prepared for regulating the Indian trade, 275; Trustees order copy of the Progress of the Colony to be given him, 455; send him also a state of the colony upon oath, 492.
- Newman, Henry, letter to concerning the Saltsburgers, 600.
- Norbury, Captain, killed in a duel by Capt. Debrisay, 509, 522; a drunken quarrelsome officer, 525.
- Norris, Rev. Will, to be minister in Georgia when ordained, 41; receives orders, 46; commission and instructions given to, 47, 49; arrives in Georgia and complains of Mr. Oglethorpe's reception of him, 73; complains against Mr. Whitfield, 76; complains of Mr. Habersham's malice to him, 77; sends over register of births, deaths and marriages, 77; appointed to Frederica, 84; commended by Mr. Stephens, 138; complaint against, 140; Trustees approve of him, 144; salary ordered to be paid quarterly, 145; highly esteemed by the inhabitants, 160; disgusted that Mr. Whitfield is to succeed him at Savannah, and thinks of returning to England, 190; the Incorporate Society grant him a salary of £50 per annum, 217; goes to Frederica, 324; he expects the £50 granted him before by the Trustees shall be continued, 345; leads an idle life and neglects his duty, 420; prepares to quit the place, 421; accusations against, 459; ill used at Frederica, 459; his character, 461, 469, 501, 552, 572, 588; quits Frederica, and prepares to return to England, 514; falls out with Gen. Oglethorpe and all the officers of the regiment, 556; arrives in England, and demands of the Trustees more salary than is due him, 572; presents a memorial of complaint to the Incorporate Society against Gen. Oglethorpe, 573; is evidence before parliament for Thomas Stephens, and there accuses the Trustees of not paying his salary, etc., 618; lays claim to a further salary from the Trustees, 639, 712.
- Norwood, Captain, claim of to be adjusted, 561.
- Nunez, Dr., and Daniel, his son, desert the colony, 395.
- Nunez, Daniel, sells his lot to Isaac Young, 691.

## O

- Oakes, or Oakley, see Rheinspurger.
- Obryan, Kennedy, grant made him of five hundred acres at Augusta, 199, 200.
- Oglethorpe, Colonel James, letter to, concerning repairing light house at Tybee, 37; hardship put on by the Council's order

of reference to board of trade, 40; discovers a traitor among his soldiers, 47; lands at Frederica, 68; reported among the Creek to be disgraced in England, 69; sends plan of Frederica, 69; takes possession of Causton's books, 70; will not issue sola bills until further orders, 70; letter from, to the Trustees, concerning the colony, 73; account of mutiny in his camp, 74, 103; advances his own money for the service of the colony, 75; speech of, to inhabitants of Savannah, 91; protests against use of negroes in Georgia, 95; desires two men of war may be stationed in southern division of the colony, 105; indemnified for endorsing sola bills, 111; embarrassed by disorders of civil economy and disputes of the militia, 139; reduces ten men on pay at Fort St. Andrew, 149; hated by the Carolinians for having obtained sum formerly allowed their Governor, 160; his soldiers cultivate their lots, 160; proposes to go to the Coweta town to meet the Indians and prevent their falling off from the English, 190; pleased with the Trustees' care to support the colony, 201; labors to make the colony self-supporting, 201; gives reason for scratching out endorsement ordered to be made to Mr. Causton, and issuing sola bills himself, 203; complains of Bailiff Parker and Col. Stephens for refusing to sign sola bills he had signed and issued, 204; opposes making new grants of land until that already granted is cultivated, 209; sets out, and pacifies Indians against Carolina traders, 210, 226; prevents the publication of the Trustees' resolution for the alteration of tenures, etc., 211; a false report that his soldiers are mutinous and threaten to shoot him, 219; same contradicted, 220; obtains a grant to the Trustees of their lands, and returns to Augusta, 226; the kings of the Chickasaws and Cherokees meet him at Augusta, 229; returns with all speed to Frederica, on news of war being declared against Spain, 229; writes that the colony's affairs are mended, 231; receives the king's command to annoy the Spaniards and to encourage the Indians, 231, 238; promises to see the Trustees' orders obeyed, yet suspends their execution, 233; is allowed by the Carolinians to be best able to manage Indians, 233; Thomas Stephens' charges against, 237; lends Trustees' money to inhabitants without their knowledge, 238, 239; receives the Trustees' estimate for a year's expense, and finds it will not answer the expenses, 241; believes £5,000 per annum would have answered expenses of the colony if no war had happened, 241; keeps agents in the Creek and Cherokee nations at the Trustees' expense, 242; weak condition he is in to attack the Spaniards, 256; assistance wanting, and insisted on by him, 256; fortifies Frederica, 256; goes to dislodge the Spaniards on St. Juan River, 265; sends twice to bring down the Cherokee Indians, 276, 277; sends Lieut. Horton to England to demand

assistance, 276, 287, 357; continues fortifying Frederica, Amelia and St. Andrew, 278; takes St. Francisco di Pupo and Fort Picolala, 278, 292, 296; Trustees exclude him from disposing of their sola bills, 287; orders that no action for debt be issued in Savannah, unless signed by two of the magistrates, 322; joined by many volunteers, 324; sends his observations on Mr. Whitfield's pretences for taking all orphans into his house, 330; sets forward to attack Augustine, 332, 345; sends account of his successful proceedings in Florida, 341; goes to Charlestown to settle measures for besieging Augustine, 345; suffers light house to fall in ruin, 345; bestows Trustees' servants to persons and gives salaries unknown to the Trustees, 346; makes pecuniary agreements without the Trustees' knowledge, 346; soldiers contented and obedient, 347; passes into Florida and takes Fort Diego, 350; an invective letter written to the Trustees against him by Mr. Whitfield for interposing in the orphan affairs, 352; sends letter of attorney to Mr. Verelts to raise money on his entire estate to answer bills he shall draw for the service of the government, 356; members of his regiment give good account of Georgia, 719; the Earl of Islay tells the Governor of Carolina that if he expects any favor he must live well with Col. Oglethorpe, 371; company of grenadiers should be added to his regiment, etc., 371; he writes to the regency that he makes no doubt of taking Augustine, 371; accused of not favoring Mr. Whitfield's orphan house, 376; his bill on the Trustees for £150 towards building church at Savannah ordered paid, 383; fails in the siege of Augustine and draws off, 389; the Governor of Carolina charges him with ill success in the siege in a representation to the king, 394; returns to Frederica very ill of fever, 394; thirty recruits sent him, 403; sends Capt. Hugh Mackay to England with letters to the administration, 406; is ill; hopes to defend Georgia; sends an account of expense caused by siege of Augustine, and a justification of his conduct therein, 406; represented by Mr. Vernon as assuming too much authority, 412, 415; complaint against, 420; orders stores constantly to be provided at Savannah, 421; and of his conduct for the year 1739-40, 436, 442; his long illness partly owing to vexation, 436; writes that the colony is in great danger unless supported by parliament, 437; writes to the ministry for assistance, 437; hinders none from departing the colony who satisfy debts they owe, 437; abandons Fort Arguile, unless Col. Stephens will maintain it, 460; orders a good number of horses to be purchased for rangers, 480; his bills in Carolina set up to auction, 481; augments the garrison of Augusta to twenty men, 485; writes to Savannah for corn to be sent planters at Frederica, 486; desired to inform the Trustees what proceedings have been in settling

the Indian trade amicably with the Carolinians, 494; desired by the Trustees to recommend to them a President for the county of Frederica, and a fourth assistant, 494, 495; at variance with Lt. Col. Cook, and cause thereof, 495, 496, 498, 668; Mr. Carteret thinks he would gladly be eased of the care of the civil concerns of the colony, 498; people censure him, 498; sends Mr. Carteret to solicit the government to allow him two troops of rangers and a company of marines, 499; allows not the Trust servants appointed by the Trustees in their estimate for religious uses at Frederica, 501; stops the money for which Mr. Macloud sold his cattle, and thereby discontents him, 502; keeps the best land from the people, 503; gives an account of Frederica, 507; raises company of marines in Maryland, 511; writes that Spanish emissaries stir up discontent in Georgia to demand use of negroes; advises against use of slaves, 522; reports guard and twelve men of his regiment cut off by the Spaniards, 525; £6,595 ordered to answer his bills drawn for the king's service, 539; his appointment to be sole Commissioner for the Indian trade revoked by the Trustees, 548; fifty recruits for his regiment embark for Georgia, 549; he thinks the Trustees have excluded him from meddling in civil affairs of Georgia, and therefore neglects them, 555; wants about one hundred more recruits, 556; inhabitants of Charlestown his personal enemies, 560; conduct of, approved by the Lords Justice, 560; suspected by the Trustees of puffing up the colony, 563; assembly of Carolina send a remonstrance against him, and lay the loss of the Siege of Augustine to him, 572; drives a Spanish privateer into Augustine Bay and retakes an English prize, 572; attacked in a Carolina pamphlet, 572; complained against by Parson Norris and Robt. Williams in a memorial, 588, 589; goes on a new expedition against the Spaniards, 612; accused in parliament by Mr. Norris of using him ill, 619, 620; abandons Fort St. Andrews, and retires to defend Frederica, 631; attacked by the Spaniards, but drives them off, 631; writes that Col. Stephens and the magistrates of Savannah have caused confusion, and desires the Trustees to order them not to act without his direction, 637; the malcontents address him on his success, 656; displeased with Col. Stephens for attempting to hold correspondence with his servants concerning Frederica, 659; marches to oppose the Spaniards at St. John's River, 659; drives them back to Augustine, 659; Col. Cook's accusations against, 667, 668; Spaniards preparing to attack him again, 676; is made a Brigadier General by the king, 679; has leave to come for England to settle his affairs, 683; interposes, without authority, in the civil affairs of the colony, 689; ministry find fault with him, 695; by letters to the Earl of Egmont justifies himself against Mr. Norris's accu-

- sations, 695; lays before the Trustees copy of petition from assembly of South Carolina, 713.
- Onslow, Arthur, Speaker of the House of Commons, pretends to approve the Trustees' intention to take the sense of parliament whether the colony ought to be supported, but advises their first taking Sir Robert Walpole's advice therein, 286; afterwards shows himself no friend to an enquiry into the state of the colony, 294, 295; discourages the Trustees from expecting their conduct will be approved by the House, 459; votes against use of negroes in Georgia, 637; reprimands Thomas Stephens very severely, 641; no friend to Georgia, 678.
- Ormston, Thomas, a malcontent, appointed with four others to correspond with Thos. Stephens, 593, 594; goes to Carolina with his family, 655; petition for five hundred acres on Hutchinson's Island, rejected, 664.
- Orphan House, five hundred acres granted for its use, 173, 174; begun by Mr. Whitfield, 291; a weaver there at work upon cotton, 291; where situated, 291; goes on fast, 319, 357, 397; and at prodigious expense, 343; one hundred and forty six in family, 399; a dissenting preacher left by Mr. Whitfield to teach the children, 481.
- Ortman, Christopher, schoolmaster at Ebenezer to teach the children English, not qualified, 200; his wife forbid the sacrament, 212.
- Orton, Christopher, (B. A.) appointed minister at Savannah, 538, 545; written to to hasten to town and take priest's orders, and come up, 538; seal put to his appointment, 549; embarks for Georgia, 550; during his short stay at Frederica marries nineteen pair and baptizes a number of children, 630; falls ill of the fever, 632; Trustees approve of his conduct, 653; death of, 655.
- Overstreet, ——— of Augusta, loaned £10 by Col. Oglethorpe to subsist his family, 238.

## P

- Page, John, must either qualify as Common Councilor or resign, 130; requested to withdraw his resignation, 133; sworn a Common Councilor, 600.
- Palmer, Thomas, grant of fifty acres made him, 637.
- Paris, Mr., solicitor to the Trustees, paid remainder of his bill, 68.
- Parker, Henry, Bailiff of Savannah, complaint against, 83; approved a Commissioner to state the public debt of the colony, 145, 151; and to find overseers for the Trust servants, 151; a tolerable magistrate, 158; removed from being 1st Bailiff, 192; removed from being Commissioner to state the debts of the colony, 207; quarrels with Thomas Jones, 221; represented as

- being a friend to Thos. Causton and backward in examining his accounts, 222; acknowledged to be a good magistrate, 222; a zealous planter, 222; a good magistrate, 235; continued in the magistracy, 242, 324; agreement made with, to keep the Trustees, cattle, 247; restored to office, 327, 349; Col. Stephen's writes in his favor, 340; makes no improvements, 464; appointed 1st assistant to the President of the county of Savannah, 495, 496; a sensible man, 503, a great sot, 559, 606.
- Parker, widow, death of, 655.
- Parker, William, petition for land rejected, 662.
- Parliament, grants a sum for the support of the colony, 45, 144; debates and proceedings upon the Trustees' petition for money, 296, 297, 298, 299, 300, 301, 302; refuses to enquire into the utility of the colony, 302; further proceedings upon the Trustees' petition, 308, 310, 313; Trustees prepare petition for a new sum, 411; petition presented to the House and debated, 432, 436; Trustees ask £10,000 and debate thereon, 443, 445; an account of the progress of the colony presented by the Trustees, and further proceedings of the House, 456; the House orders the account of the progress to be printed, 460; motion to consider it and appoint a day to discuss it, 471; consideration postponed, 480, 489, 490, 491; petition not referred to the committee, 607; motion that the Trustees be ordered to lay before the House account of money given last session for the support of the colony, etc., 614, 618; the papers accordingly laid before the House, 618; committee of the whole House hears complaint of Thomas Stephens against the Trustees, 619; the House hears counsel for Thomas Stephens against the Trustees, and for the Trustees against him, 633; resolutions of the committee of the House of Commons concerning Georgia, 635; committee of the whole House comes to resolutions, 637, 638; House agrees to committee's report, 639; they censure Thomas Stephens, 640; Trustees prepare a petition for more money, 676; same presented, and parliament grants £12,000, p., 681.
- Paris, Alexander, Trustees' order, evidence relative to, drawn up and referred to Attorney General, 710.
- Parris, ——— piloted the Spaniards into Georgia to attack it, 674.
- Pearce, Captain, letter from concerning a complaint, 449; statement of concerning Georgia harbours, 455.
- Pelham, Henry, voted for suspending the Trustees' motions, 641; promises to support the Trustees' petition for an agreement for money, 678.
- Peltz, Hans Ulric, grant of fifty acres made to, 574.
- Penrose, ——— freeholder of Savannah, of bad character, 407; his wife deserts the colony, 395.
- Penrose, John, petition for five hundred acres on Hutchinson Island rejected, 664.

- Pensilvanea, its flourishing condition, 358.
- Percival, Philip, elected a Trustee, 474; elected a Common Councilor, 719.
- Percival, Lord, opposes motion to refer petition of Thomas Stephens to a private committee, 616; prevents the House from ordering the Trustees' petition for money to be referred to a select committee, 678.
- Perkins, Samuel, 2d Bailiff of Frederica, surrenders his office, 436; character of, 501, 606; quits the colony with his family, 509, 556; writes the Trustees his reasons for quitting the colony, 508, 552, 556.
- Phelps, ——— servants of shoot at Col. Stephens and Thomas Jones, 395; comes to England, 430.
- Phillips, John, presents the Trustees petition for money, 678; elected Trustee and Councilor, 684; sworn, 688.
- Picolala, a Spanish Fort in Florida, taken by Gen. Oglethorpe, 278, 292, 296.
- Pilot boat, expense of, 159.
- Pine barren land, the worst land bears three good crops of corn, 90.
- Potter, Robert, of Savannah, makes £5 one year on his mulberry crop, 180.
- Prevost, David, account of with the Trust found just, 234; has a good storehouse at Savannah, 356.
- Prevost or Provost, John, New York trader, insolent to the magistrates, 485; assigns lot to Capt. George Dunbar, 705.
- Prew, Captain, makes affidavit of the Spaniards designs upon Georgia, 39; affidavit of, ordered to be laid before Duke of Newcastle, 39.
- Price, Thomas, of Whitehall, a grant of five hundred acres to be made him, 430.
- Public Garden in a miserable condition, 40; mulberry trees begin to recover, 71; neglected by Hugh Anderson, 159; suffers greatly by frost, 223; mulberry trees thrive, but otherwise garden is in bad condition, 344.
- Pulteney, William, speech of in the committee relating to the Trustees' conduct of the colony, 310.
- Purysburgers, said to be in a flourishing way because they have negroes, 452.
- Purysburgh, divers inhabitants petition for land in Georgia, 658.
- Pye, John, clerk in public stores at Savannah, 234; recommended by Col. Oglethorpe to be Recorder of Savannah, 257; appointed Recorder, 327; provisional Recorder of Savannah, order passed to make him Justice of the Peace, 390, 391; wife of, deserts the colony, 395; turned malcontent, and makes divers demands on the Trustees, 418; advertises that he is going to England, 469; committee's thoughts thereof, 482; his demands allowed, 486; seal put to his commission of Recorder, 514; appointed clerk



to the President and Assistants, 514; an abettor of the malcontents, 558; signs an attested copy of their petition to parliament against the Trustees, 561; removed from office for misbehavior, 569; complains against Thos. Jones, 577; Col. Stephens writes that he is reformed and he writes to the same effect, 595; continued Recorder, 595; runs from the colony for fear of the Spaniards, 631; removed from his place of clerk to the President and Assistants, 652, 716, 718; turned Moravian, 655; death of his child, 655; death of another child, 656; petition for land rejected, 662; to be reprimanded by the Secretary, 722.

Pytt & Tuckwell, apply to be paid a debt due to them from the Trustees, 199; order passed to pay them, 479.

## Q

Quit-rents, Trustees' petition the king to lower quit-rents of the colony, 648, 649; Lords Commissioners of Trade resolve to report to the king in Council that the quit-rents reserved in the charter be reduced, 651.

## R

Religious uses, money borrowed out of the fund to serve general uses of the colony while the people are in great distress, same to be replaced, 487.

Rheinspurger or Rheinsberger, Jacob, imprisoned in Germany on pretense that he counterfeited his pass, 522.

Rheinsberger, Hans, applies to be employed in bringing over Germans to Georgia, 447, 465; is ordered to alter his petition, 450; petitions to be paid for services in Georgia, 455; money ordered him to begin his journey to Germany, 456; conditions on which Germans are to settle in Georgia, 465.

Rice, Lawrence, makes affidavit that Thos. Jones distressed him in the payment of money due to him from the Trust, 514.

Rigbye or Rigby, Nicholas, made clerk to the President and Assistants, 687, 718.

Rigler, Leonard, allowed to exchange his lot, 669.

Rinck or Rink, father and son, German servants, each takes a lot, among the German Swiss at Acton, 691.

Robe, John, grant of fifty acres confirmed to, 663.

Rouviere, a young girl of Highgate, death of, 655.

Rum act regarded neither by the magistrates nor people at Savannah, 178, 453, 464.

Rum, a thousand warriors of the Creek Nation destroyed by rum and the small-pox, 329; as much drunk at Frederica as at

Savannah, 500; directions given Col. Stephens concerning rum, 583; Trustees pass an act to allow entrance of rum into the colony, 648, 676; Trustees pass an act concerning retailing of rum and regulating publick houses, 676.

## S

Salice, Andrew, arrives in England and makes demand on the Trustees for subsistence and clothes, 319; ordered payment by the Trustees, 354; returns to Georgia with his son and daughter, 554.

Salitrum Seed, sent to Georgia by Mr. Lapotre, 169.

Salter, Thomas, appointed constable, 573; grant of five hundred acres ordered to, 557, 663.

Saltsburgers, desire a schoolmaster for the English tongue, 418; to be paid amount due for linen, 429; fifty more to be sent over, 454, 466, 482; Mr. Urlesperger informs the Trustees that he has engaged a number to go to Georgia, 522; a ship of twenty guns prepared to carry recruits to Georgia, 540; they arrive in Georgia, 573; their happy condition, 582: (see also Ebenezer)

Sampson & Levi, Jews, offer to wait a year for payment of their account, 44.

Sandys, Samuel, is for enquiring into utility of the colony, but afterwards changes opinion, 435, 445; votes with the majority, 446; thinks negroes ought to be allowed, but afterwards alters his opinion, 439; no friend to the colony, 639; his reasons for dividing the House, 640.

Sandys, Samuel, Chancellor of the Exchequer, is waited on by the Trustees with their petition to parliament for money, 607.

Savannah, good land to be laid out in for religious uses, 38; condition of land in, 40; character and condition of the peoples, 40, 79; Grand Jury behaves irregularly, 62; killing cattle begins to be frequent, 67; abundance of good houses in, 73; state of the town in October, 1738, 79; clerks of the stores petition for advance of salary, 82; supplies sent the inhabitants, 145; the Trustees have a number of cattle, 159, 202; great disorder in the town, 201, 235; people pleased with resolution to alter their tenures, 230, 484; Thos. Stephens says the whole colony was for negroes, and that Trustees' answer to the representative contained falsities, 235, 260; people content with printed answer to the representation for negroes, 240; fevers and ague in the town, 264, 655; soldiers abandon their lots, 277; no church yet begun, 291, 560; colony can not subsist in present footing, and constitution must be changed, 331, 332; various accounts of the colony, 342, 399, 451, 557.

- 559; last crop of corn proved good, 342, children unhealthy, 345; church begun to be built, 372, 560; order passed to make Recorder of Savannah Justice of Peace, 390; the town exceedingly healthy, 399, 463; great want of a surveyor, 420; scarcity of corn, 421; great plenty of good land, 463; five houses, destroyed by fire, 484; great heat makes the people ill, 485; worms destroy garden stuff, 485; several promising plantations, 486; Trustees propose to alter constitution of the province by appointing a President and Council for county of Savannah and same for Frederica, 494; not safe to have negroes during the war, 543; church not yet begun, 560; neat map of this northern county made by Mr. Avery, 592; many new settlers, 594, 597; white servants absolutely necessary, 633; public wells begin to fail, 659; plan of the town with number of inhabitants sent over by John Dobell, 667.
- Saw Mill, capacity of, 72; bad account of it, 161.
- Saxby, Mr., refuses to pay Mr. Hamerton's bill, 457.
- Senad, Joachim, fifty acres confirmed to, 663.
- Schad, Joachim, fifty acres confirmed too, 663.
- Schumaker, Caspar, quits Georgia to return home, 354.
- Scot, Gentry, great misfortune to the colony they ever went over, 158, 164, 178; at Savannah, promoters of the representation for negroes and change of tenure, 178; means used by them to tempt the inhabitants to sign the remonstrance, 178.
- Scotch Club, see Savannah
- Scotch Religious Society, see Darien.
- Seneca Indians, in amity with the English, 57.
- Servants, great want of in Georgia, 634.
- Seward, William, arrives from Georgia and gives a bad account of the colony, 357, 374; thinks three things must be done or the colony will fall, 357; desires land upon certain conditions, 358, 375; bought five thousand acres in Pennsylvania for erecting a negro school, 358, 375; proposes persons to be magistrates of Savannah, 375; insists upon the necessity of granting land in absolute freehold, 376; grant of five hundred ordered him by the Trustees if he will accept the conditions, 383; death of 402.
- Shaftsbury, Earl of, resigns as Common Councilor, 132; accepts to be re-chosen into the Common Council, 318; elected in Sir Will Heathcote's room, 325; sworn, 327.
- Shats, a German Trustee servant, made overseer of the Trust servants at Frederica, 283.
- Silk, manufacture of, to be encouraged, 38; considerable quantity made, 39; will probably succeed, 52, 159; Camuch has seeds of worms sufficient for next year, 67; silk wound as fine as was last sent over, 71; amount to be sent over, 209; why no greater

- quantity, 223; Camuse paid £40 on account, 238; only £12 brought over, 243; examined and declared good, 317; Thomas Stephens says but five pounds of that silk came from Georgia, 305; encouragement of four shillings per pound insufficient, 349; expected a great number of mulberry trees will be planted at Frederica this year, 386; increase of trees planted, 457; silk will certainly succeed, 462; assistance given Mrs. Camuse to carry on silk winding, 506; amount of cocoons produced and brought in, 506; increase of worms, 506; Mrs. Camuse designs for England to get better encouragement, 509, 592, 699; Trustees' encouragement of a bounty on silk balls has good effect, 525; parcel of silk comes over to S. Levi to know the value thereof, 540; unreasonable demand of James Lewis Camuse for carrying on the silk, 542; letter from James Lewis Camuse read, 546; part of silk balls said to have been raised in Georgia this year came from Purysburg, 570; forty-five pounds of silk sent to England, 594; same exceedingly good, 599; bounty of two shillings a pound ordered, 720.
- Simond, Peter, merchant of London, applies to be paid debt due him from the Trustees, 198.
- Slack, John, a Methodist, hypocrisy of, 460.
- Sloper, William, speech of in the House when Trustees' petition for money was presented, 295; not cordial to the Trust, 411; yet for voting money to support the colony, 444; hands his resignation of Common Councilor to the office, 597; death of, 678.
- Smallwood, ——— clerk of stores at Frederica, 70.
- Smith, James, freeholder of Savannah, comes to England to look after an estate fallen to him in Scotland, 344 desires leave to sell his lot, 377; permitted to sell it, 389, 391.
- Sola bills, cancelled, 82, 538; sent to Georgia, 127, 383, 390, 400, 479, 505, 541, 599, 694; ordered to be cancelled, 253; £2,000 in sola bills ordered to be sent to Georgia, 287; a perfect drug at Charlestown, 421; yet formerly bore five per cent premium, 464; depreciated in Carolina, 481; committee appointed to send bills over from time to time, 492; that their work finished, 540; bills sealed for £1,000 certified home for payment, 544; bills stolen in Carolina ordered to be paid, 575; insult on Trustees relating to sola bills, 575; bills made payable to order and not to bearer, 602.
- Soldiers settled near camp at St. Simonds are of extreme service to the colony, 634.
- Spangenberg, Mr., leave given him to settle his house and lot upon the Moravians, 254.
- Spaniards designs upon Georgia, letter relative to read, 39; alarm over, 48; protect negroes who escape from Carolina, 139, 164.

- 190; make a descent upon Cumberland Island, 630; come over the bar and anchor in Jekyl Sound, 631; attempt to attack Frederica and lose about two hundred men, and as many more wounded and made prisoners, 631; the Governor of Augustine commanded the expedition, 645; their Indians surprise Rangers at Mount Venture, 657; a body of Spaniards from Augustine march to St. John's River to attack Georgia, 659.
- Speaker of the House of Commons, see Onalow.
- Spencer, William, applies to be sent to Georgia with his family, 598; a proper man for magistrate, 598; appointed 3d Bailiff and Assistant to the President of Savannah, 603.
- Spencer, Mrs.; death of, 656.
- St. Andrew's Fort, a boat and seven men ordered there by the Trustees, 193; necessity thereof, 191; fortified, 278.
- Standbury, Récompense, no error in his account, 234; ordered paid, 328.
- St. Augustine, preparations made by the Spaniards to invade Georgia, 39; the alarm over, 48; number of soldiers in garrison there, 105; protect negroes who escape from Carolina, 139, 164, 190; receive runaway negroes from Georgia and with the French endeavor to debauch our Indians, 190, 202; they land at Amelia and kill two Scot servants, 255; the town and cattle necessary to be destroyed for safety of Carolina, 256; its good strength, 293; misses of being taken for want of timely succor from Carolina, 342; late Governor of, sent in claims to Spain and hanged for making a treaty with Col. Oglethorpe, 351; siege in danger of miscarrying by the man of war suffering Spanish gallees to get into the harbor, 371, 394, 408; Spaniards land from thence and destroy Mr. Carr's plantation, 484; the garrison re-inforced, 525; their strength, 553; account of, by Kenneth Baillie, 605; the Spaniards come with thirty vessels over the bar and anchor in Jekyl Sound, 631.
- Stephens, Thomas, son to Col. Stephens, ill used by Thos. Jones and Col. Oglethorpe and resolves to return to England, 224; sets out for England, 213; character of, 214, 243; arrives in England and gives a miserable account of the colony, 233, 235, 243; discovers himself an open and implacable enemy to Col. Oglethorpe and Thos. Jones, 235, 243; proposes the Trustees buying up all five acre lots in Savannah that have been cultivated, 244; says the Trustees' answer to the representation for negroes and change in tenure is unsatisfactory, 246; and that said answer contains many falsities, 260; receives £50 for acting as clerk to his father, 254; his purpose evident to overturn the colony, 254; his thoughts for improving the colony, 259; delivers a second memorial to the same purpose, 274;

draws up a computation of the difference between labor of negroes and white servants, 315; his pert answer when told the Trustees would have no more to say to him, 319; writes from England to the people that if they do not come into his scheme for procuring negroes, the government will abandon the province, 399; labors with Thos. Christie to side with him and support his scheme, 419; his factious discourse concerning the colony, 422; presents House of Commons with a scandalous printed libel on the Trustees, 427; House takes no notice of said libel, 428; Earl of Egmont refuses to see him, 430; his impudent discourse with Earl of Egmont's son, 440; misrepresents the colony, 441, 462; attempts to buy a lot, that he may have property and pretence to complain as a sufferer, 446; busy in producing evidence against the Trustees, 471; ships himself for Carolina, 496; endeavors to be made agent for the malcontents of Georgia, 586; arrives in Charlestown; goes to Savannah and is appointed agent by the malcontents, 592; a disturber of the colony, 593; returned to Charlestown to promote a petition from the Lieut. Governor and Assembly to the king to take the colony of Georgia into his own hands, and appoint a Governor and Council there, 593; ill consequence of this to inhabitants of Georgia, 593; returns to London, 594; says the Trustees part the money given by parliament among themselves, 611; preparing a petition against the Trustees, 611; petitions parliament against the Trustees, 615; allowed by parliament to be heard, as are also the Trustees, 617; conduct resented by his father, 629; impudent behavior of, 630, 642; petitions the king and council against the Trustees, 632; petitions the House of Commons also, 632; censured and reprimanded by the Speaker, 641; employers outrageous against him, 669; rejoiced at the illness of the Earl of Egmont, 701.

Stephens, William, letter and journal of, read, 37; sends over a state of part of the province, 59; and of Savannah town, 66; publishes the Trustees' orders to close public stores, 106; unfortunate in his servants, 137, 141; his distress, 141; complains of variations in estimate of expenses for Georgia, 141; appointed in conjunction with the magistrates to constitute two overseers for the Trustees' servants, 145; appointed in conjunction with Bailiff Parker and Thomas Jones to state the public debts of the colony, 145, 151; ordered £20 for his losses, 145; his excellent character, 158, 503; appointed one of three to issue the Trustees' sola bills, 198; refuses to sign bills not issued by himself, 204; declares he was always against admission of negroes, 213; Thomas Jones insinuates evil things against him, 214, 234; his account of the colony, 219; seeks for land on Vernon River, 219; reported by some

- inhabitants to be the Trustees' spy, 221; has great influence in the northern division of the province, 349; £25 added to his salary to keep a clerk, 270; like to be shot, and uncertain whether designedly, 395; returns to Savannah from Fredericks, 397; sends a state of the colony attested on oath, 406, 419; send explanation of why Thos. Jones keeps a private store, 407; malcontents accuse him of sending wrong account of the colony to the Trustees, 409; commended by Thos. Christie, 419; 463; often urged repair of light house, 420; journal of, ordered to be printed, 429; suspected unjustly by Col. Oglethorpe of giving the Trustees wrong character of persons, 458; directions sent him for settling Swiss and Germans to be sent over, 466; his farm at Bewlie most promising, 484, 509; renews the public stores, 507; ordered to prosecute Mr. Hamerton, 488; proposal to make him President of Savannah district, 494; appointed, 496; instructions to, ordered to be prepared, 497; appointed a commissioner for the Indian trade, 549; presented by the Grand Jury of Savannah for not attending their summons, 567; directed to wink at the importation of rum into Savannah, 583; complains against Mrs. Camuse, 592; his new appointment to be President of Savannah County opened in court, 593; advises the Trustees to adjust the time for absentees to return and occupy their lots, 594; constituted a Justice of the Peace, 596; desires a new grant of his lands to exclude his son from any interest therein, 656; declares his opinion against use of negroes during the war, 657; Trustees ask him whether the inhabitants in general are for the use of negroes, 649; copies of oaths of allegiance, supremacy, abjuration, etc., ordered to be sent to, 704; petition for new grant of his land read, 708; letter from concerning proceedings of the town court, 722; sent £800 by Mr. Verelst, 724.
- Sterling, or Stirling, William, sends an account of his loss by cultivation, and desires redress, 172, 329; petitions for leave to settle on Wilmington Island, 255; granted permission to settle on Wilmington Island, but he quits the colony, 395; writes impudent letter to the Trustees, 413; complains of being detained in prison, 705; proceedings in relation to, 722.
- St. Marks, its situation, 292.
- Stoll, Ezekiel, grant of fifty acres made to, 574.
- Stoll, Leonard Bigler, fifty acres confirmed to, 663.
- St. Simons Island, good water there, 252; soldiers form a village at, 343.
- Stutz, Hans, fifty acres confirmed to, 663.
- Sumachi, Caspar, and wife, German servants, return to England and complain of bad usage, 470.
- Summer, Thomas, carpenter, goes to Savannah to repair light-house

- 511; desires a grant of land near Frederica, 696; same agreed to, 697.
- Sundon, Lord, promises that the Trustees' memorial to the treasury to be repaid £2,000 which they advanced for military services shall be read, 371; desires the Trustees to respite demand, 383.
- Surveyor, negligent and ignorant, 85, 196; great prejudice done the colony thereby, 87; his character, 464.
- Sutherland, Lieutenant, desires a grant of five hundred acres, 696; same agreed to, 697.

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- Talifer, Patrick, signs representation to have negroes and alter tenure of lands, 138; does not cultivate land, 140; one of chief fabricators of representation for negroes and change of tenure of land, 140; preparing to leave the colony, 240; harangues the people at horse-races upon baseness of their tenures, 380; deserts the colony and goes to Carolina, 395, 559; concerned in publishing a libel against Col. Oglethorpe and the Trustees, 525; a malcontent at Savannah, and a runaway to Charlestown, 559.
- Talifer, Captain, delivers to Earl of Egmont scandalous libel on Col. Oglethorpe and the Trustees, 525, 561; offers to make affidavit that Thos. Stephens told him the Trustees application was all a cheat, 611.
- Teasdale, John, applies for leave to purchase a lot, 659.
- Tenure in tail made a great discouragement to cultivation, 168, 170; tenure of lands in Georgia, altered, 224; news of change in tenure of lands encourages people to plant, 264; absolutely necessary to abolish the clauses of forfeiture in the peoples' grants, 356; how altered in the peoples' favor, 385, 391; believed satisfactory to the people, 461; further enlarged, 467, 468, 470, 482; order that the several alterations and regulations made be printed together, 493; Trustees make a change in tenure of lands, 602, 605; Trustees pass an act for establishing tenures of lands, 676.
- Terry, John, appointed Recorder of Frederica, 545; embarks for Georgia, 549, 550; dormant commission ordered for him to succeed Thos. Hawkins as first magistrate of Frederica in case of death, etc., 581; lands in Georgia, 611; flies from Frederica for fear of Spaniards, 631; advises the Trustees of necessity of servants, 633; makes improvements, 634; complains of Col. Stephens for not paying his salary, 678.
- Thomas, Captain, engineer at Frederica, death of, 277.



- Thomas, John, presents plan of fortifications in Georgia to the Trustees, 706; given £12 for same, 716.
- Thompson, Capt. William, detained for want of protection, 63; petitions the Trustees to be repaid money, 194, 563; petition considered, 199, 200; arrives at Savannah, 232; arrives in England, 340; his account of the colony, 342; accusations against, 353; purchases a lot in Savannah, 389; grant ordered him of the same, 391; sails for Georgia, 403, 461; comes to Savannah, 478; returns a second time from Frederick to Savannah, 509; his account of Georgia, 566.
- Thunderbolt, almost deserted, 60.
- Tirconnel, Lord, presents the Trustees for money to parliament, 293; and moves for £4,000, 310; shows the Trustees' petition for money to Sir Robt. Walpole for his approbation, 413; moves for a day to consider the progress of the colony, 471.
- Tomochachi, his Indians not so tractable as formerly, 220; dies, and is honorable buried by Col. Oglethorpe, 323.
- Toonahony, great nephew of Tomochachi, goes against Spaniards with two hundred Indians, 231.
- Torfer, Johannes, fifty acres confirmed to, 663.
- Towers, Christopher, not cordial to the Trust, 411, 412.
- Towers, Thomas, opposes Trustees petitioning for money, 100; undertakes to defend the king's title to Georgia, 113; suspected to be false to the Trust, 116; refuses to speak in the debate, should any arise, about giving up Georgia, 117; opposes the Trustees presenting parliament with a list of papers showing the king's title to Georgia, 121; against asking a supply from parliament, 274; cold to the Trust, 280, 411, 412; is for asking a small sum from parliament, and does not desire to show Sir Robt. Walpole the petition for money, 412; absent on the day when the progress of the colony was to be examined and debated, 491.
- Townsend, Mary, writes complaints against Mr. Jones and Capt. Thompson, 353.
- Townsend, ——— goes with his wife and family to Charlestown, 655.
- Townshend, Edward, petition for land rejected, 662.
- Tracy, Robert, shows the Trustees' petition for money to Sir Robt. Walpole, 413.
- Trade, Board of, makes report of the Trustees' pilot act, 390; copy of the progress of the colony ordered them, 455; copy of the state of the colony on oath sent, them, 492.
- Truan, Jacob, fifty acres of land confirmed to, 663.
- Trustees, proceedings of, committee reports balance of the Trustees' cash in the bank June 9, 1735, and the Accomptant reports how same stands appropriated, 41; committee makes re-

port concerning application of Trust servants, 41; same approved, 44; give letter to Mr. Verelat to receive the £8,000 granted last session of parliament, 46; they debate whether they shall not remonstrate against the report of the Board of Trade in their disfavor, 46; they draw up heads of instructions concerning differences with Carolina about the Indians trade act, 54; refer to a committee to prepare a petition to his Majesty praying he will take no resolution on the Privy Council's report until limits between Georgia and Carolina shall be adjusted, 50; make an order that any five of the Common Council shall have power to draw on the bank, 53; settle their petition to parliament for money, 94; alter it so as to ask for more money, 107; resolve that no person has power to mortgage without leave of the Common Council, 110; indemnify Col. Oglethorpe for endorsement of sola bills, 111; their bad situation on account of the contending parties in parliament, 112; give leave to Edward Bush to settle his lot at Savannah on either of his daughters, 115; reasons why several of the Common Council resigned, 116; Sir Chas. Wager promises them two ships to guard the colony, but breaks his word, 119; they prepare a list of papers, showing the king's title to Georgia, to present the House of Commons before the debate commenced on the convention, 119; a long debate whether they should present them, 120; obliged to quit the design, 124; petition agreed on by both Houses, 125; petition presented by Lord Baltimore to the House of Commons and by Earl of Chesterfield to House of Lords, 126; day debated on when petition shall be presented to parliament, 127; agreed upon a day for presenting their petition, 128; presented by Lord Sidney Beauclerc, and is opposed only by Sir Robt. Walpole's creatures, 130; they pass a by-law that no resignation of Common Councilor shall be accepted, if not declared and given into the office a month before elections, 133; confirm said law, 134; agree to alter tenure in tail male in favor of females, 134; comment on the king's address to the House, 136; they send a supply of provisions to the colony, 143, 145, 148; 163; direct how the supplies sent over shall be applied, 145, 148; give directions concerning the Trust servants, 145; they put down the establishment at Fort St. Andrews, 149; they order Commissioners to examine, state and send over the public debts of the colony, 149; appoint committee to prepare estimate for the years' expenses, and to consider in what manner to re-grant forfeited lots, 150; order maps made of all lands surveyed, 150; their resolution of putting down the public stores and paying everything in money commended, 159; proceed in their intended Act for alteration of tenure in tail

male, 162; order a report to be made of the sola bills endorsed by Col. Oglethorpe in a wrong place and thereby spoiled, 163; resolve that presents designed for the Indians shall be bought in England, 163; resolve that a grant of five hundred acres be made to Mr. Whitfield for an orphan house, 164; order that £10 be expended in a vestry room to the church, same to serve for a jury room, 174; seal a memorial to the treasury to be paid the £20,000 granted them last session of parliament, 191; order two ton of halfpence for Georgia, 194; they resolve that two hundred copies of their answer to the representation for negroes be printed, 198; order presents for the Indians, 198; seal a letter of attorney to Mr. Verelts to receive the £20,000 granted by parliament, 200; agree not to apply to the king for a law to alter tenure of lands, but to do it by their own authority, 212; debate on alteration of tenure in Georgia, 216; order copy of Gen. Oglethorpe's letter, relative to endeavors of Spaniards and French to debauch the Indians, to be laid before Duke of Newcastle, 218; they alter tenure of lands in Georgia, 224; they debate upon the badness of the land, 227, 271, 274; they agree to renew their application for a naval officer in Georgia, 228; many of the Trustees cool and negligent in giving their attendance at the board, 248, 275; they order £710 sola bills returned unissued by Col. Oglethorpe to be cancelled, and said sum to be reimbursed him, 253; they represent to Duke of Newcastle the necessity of sending instructions to the Lieutenant Governor of South Carolina, for preparing a law relating to the trade of the Indians, 265; agree that good land be given the inhabitants instead of pine barren, 274; resolve to take the sense of parliament whether Georgia should be supported or not, 275, 280; hear evidence of divers persons in behalf of the usefulness of the colony, 281; form a memorial to the treasury to be repaid £2,000 advanced for the military service, 285; discouraging treatment from the Speaker, as to pursuing their purpose to procure parliaments' sense of the colony, 286; and from Sir Robt. Walpole, 286, 288; can not obtain of parliament to be heard as to the utility of the colony, 288; move in parliament that they may yet be heard as to the utility of the colony, and then if the House should not think it useful, they may have leave to surrender their charter, 312; order Col. Stephens to send them the present state of the colony upon oath, 313; resolve to justify their conduct in print, and show to the public the utility of the colony, 313, 314; order a copy of Thoas. Stephens' scandalous reflections on Georgia and the Trustees to be sent to his father and to Col. Oglethorpe, 318; they order him to be told they have no more to say to him, 319; order contents of Col. Oglethorpe's

better relating to the defense of the colony to be laid before Duke of Newcastle, 321; present a new memorial to the treasury to be repaid money advanced by them for the military defense of the colony, 321; same referred to Secretary at War, 329; examine account sent over by Col. Oglethorpe and Thos. Jones, 327; send instructions to Col. Oglethorpe and others, 329; greatly resent Mr. Whitfield's menace to complain of them to the public for not having built a church, 333; send instructions to the magistrates concerning the orphan house, 351; they order that no more than £300 be expended on the church at Savannah, 354; resolve that a years' subsistence be allowed Trust servants out of their time who shall take up land, 354; they order instructions to the magistrates to take an account of forfeited lots, 362; they resolve that any freeholder shall have power to let out any part of his lot, conditionally, 362; they debate further alteration of the peoples' tenures, and whether negroes shall be allowed in the province, 378; they debate on Lord Sundon's message desiring them to respite their demand on the don's message desiring them to respite their demand on the treasury for money disbursed on military services, 383; resolve that all forfeitures incurred before midsummer 1740, for breach of covenants in relation to tenure and cultivation of land be forgiven, etc, 385; they refer to the lawyers of the Trust to consider the Lords of Trade's report to the Privy Council containing objections to the pilot act, 390; they resolve that the Recorders of Savannah and Frederica be made Justices of the Peace, 390; resolve that the tenures and conditions of cultivation of land in Georgia be altered, and in what manner, 391; resolve that forfeitures incurred for not cultivating lands before Michaelmas 1740, be forgiven, and that liberty be given for leasing for five years, 392; resolve that the Saltsburgers' goods mentioned in Mr. Urlesperger's letter be sent to Georgia, 400; read letter of Woodward & Fowler Complaining of Mr. Fallowfield seizing their cargo; their opinion thereon, 400; agree that bill of said merchants for stores supplied Mr. Causton shall be paid, 401; Common Council proceed upon the impartial account of Georgia to be printed, and delivered to members of parliament, 404; committee of accounts examines vouchers for the year 1740, 404; report of said committee received and agreed to, 405; resolve that the Scotch Society shall not be confirmed in the quantum of salary allowed their missioner at Darien, 406; committee appointed to persue the Impartial Account of Georgia make some corrections and order it for the press, 410; prepare petition to parliament for money, 411; further proceedings of the Trustees in their petition to parliament for money, 412; overture made that some person

in the colony be vested with greater authority in order that the Trustees' directions may be obeyed, 412; they reason on an overture made them for dividing the province into two counties, etc, 415; order the Impartial Account of Georgia printed and copies thereof sent to the royal family, and members of both Houses, 416; Common Council order Col. Stephens' Journals to be printed to the number of seventy copies, and then that the press be broken, 429; appoint a committee to prepare instructions for Col. Stephens', intended to be named President of the northern county of Georgia, 429; appoint a committee to prepare a letter to John Fallowfield on account of his abetting the malcontents, 429; order the committee to consider what law books will be proper to send over for use of the magistrates, 429; order £71 to pay for linen belonging to the Saltsburgers, which Mr. Causton issued to the use of the colony without paying for same, 429; order that Mr. Cole's bill for altering sola bills plate be paid, 429; they resolve that the release of all forfeitures relating to tenure of land shall extend to Christmas, 1740, 430; proceed upon instructions for the President and Assistants, 432, 436; the Trustees' petition to parliament for money is presented and opposed, 434; same at last received, 436; they order their Secretary to prepare an account of the progress of the colony, 438; order a map of the province to be printed, 438; they move in the House for £10,000, which is debated, 443; the sum granted upon a division, and motion made that a state of the colony from the beginning be laid before the House, but the Trustees object thereto, 445, 446; Trustees proceed on the account of the Progress of the Colony to lay before the House, 448, 449, 454; they order fair copies of the Progress of the Colony be presented to the House, Secretary of State, etc., 455; order that seal put to the Account of the Progress of the Colony designed for House of Commons, etc., 456; present the House with their Account of the Progress of the Colony, 459; order a letter to Col. Stephens concerning lands they wish to purchase from the Indians, 466; resolve that a general license be granted for three years for possessors of land to make lease of any part of their land, 467; parliament, at the Trustees' request, appoint a day to consider the Progress of the Colony, 471; resolve that servants out of their time shall have fifty acres of land on certain conditions, 479; they put off the enquiry into Progress of the Colony, 480; they order that Mr. Whitfield be acquainted with the several late enlargements of the peoples' tenures, 482; they resolve that £600 of money remaining unapplied for establishing the colony be appropriated to make good like sum remitted to General Oglethorpe for

various purposes, 487; resolve that Col. Stephens be directed to prosecute Mr. Hamerton for the £200 loaned him by the Trust, 488; they appoint Anne Allen to be housekeeper of their office, 489; they order copies of the Representation of the State of Carolina lately arrived and sworn in court be given to the Duke of Newcastle and to the Board of Trade, 492; they order that all regulations lately made relating to tenures be collected and printed, 493; the Trustees belied by their enemies, 493; the Common Council resolve that Col. Oglethorpe be written to, to acquaint them with his proceedings relating to the Trade Act, 494; resolve that Georgia be divided into two counties, and that the jurisdiction of each county be under a President and Assistants, 494; they come to several resolutions concerning the President and Assistants of Savannah, 494, 496; order laws relating to the plantations to be purchased and sent to the President and Assistants of Savannah, 497; they refer papers and letters lately received to a committee of accounts and correspondence, 497; they order a letter of reproof to Mr. Hawkins for making a frivolous appeal, 498; committee puts in order the resolutions of the Common Council for appointing a President and Assistants for Savannah County, 511; the committee and Trustee board go through the new constitution, 512; sign a memorial to be paid £10,000 granted them last session of parliament, 521; they order that it be represented to the Secretary of State that Jacob Rheinberger had been imprisoned in Germany, notwithstanding his Majesty's pass, 522; they agree on certain heads for settling the Indian Trade with Carolina amicably, 546; they revoke Gen. Oglethorpe's sole commission for the Indian trade and appoint Col. Stephens commissioner with him, 548; they agree to lay before the Common Council the matter of directing the President and Assistants to assign good land for barren, etc., 571; also the necessity of conniving at the importation of rum, 571; they order payment of two sola bills stolen from Mr. Smith, in Charlestown, 575; refer too a special committee to consider form of petition to his Majesty to ease the Trustees from paying the quit-rents of such part of the land as is pine barren, 576; special committee prepare draft of the Trustees' petition for money, 577; they debate upon reprinting the scandalous Carolina pamphlet in England, 578; the Trustees make amendments to the petition to parliament for money, 579; they refer to Mr. Bathurst and Mr. Ayers to alter and amend the brief account of the tenures, and that five hundred copies be printed and sent to Georgia, 582; they order one thousand copies of the State of the Colony in 1740 to be printed, 582; resolve to quit the office where they now meet,

and to meet at the house of their Accomptant, 583; they order Col. Stephens to wink at the importation of rum, 583; the committee present to the Lord High Chancellor and Master of Rolls the Trustees annual account, 585; resolve not to pay Capt. Macpherson's demand for services in the Indian Nations, 590; order £200 to be laid out in England in powder, balls, etc., for presents to the Indians, 596; they determine on their petition to parliament for money, 596; amend their petition to parliament for money, 599; put the seal to the Change of Tenures, and order a printed copy thereof to be annexed to all past and future grants of land, 602; their petition to parliament for money presented to the House, 607; the Common Council agree to draw up a state of their case, 609; meet in St. Bride's Church on their anniversary day, 609; seal their memorial to his Majesty and send it to Lord Carteret to be presented, 611; Trustees meet to consider proper methods to inform House of the state and importance of the colony, and to consider what should be done in relation to petition presented to the king and council against them by Thos. Stephens, 613; motion made that the Trustees lay before the House account of money given by parliament last year, 614; Trustees meet to consider the authority under which Thos. Stephens pretends to act as agent for people of Georgia, 614; agree on an answer to Thos. Stephens' petition, 615; they agree that Mr. Digby should move the House this day to address the king for Thos. Stephens' petition to him in Council, and for the Trustees' answer thereto, 617; they agree that if Thos. Stephens obtained an order to be heard before the committee, that they should desire to be heard the same way, 617; motion made to call for several papers out of the Georgia office, 618; Trustees board meets to settle proceedings at the hearing this day, and agree that Thos. Stephens shall go through his evidence today, and that their counsel reply on another day, 619; they examine witnesses on their side; substance of evidence on Stephens' side, 619; counsel for Stephens proceed to examine their witnesses, 619, 620; House postpones Trustees reply, 620, 621; resolve that an act be prepared to permit the importation of rum into Georgia, 646, 647; resolve that it be recommended to the consideration of the Common Council that persons who have carried servants and settled in Georgia at their own expense should have grants of land, etc., 646; put the seal to the engrossed act for permitting rum into Georgia; also to their petition to his Majesty to release the quit-rents to the Trustees, 648, 649; order that Col. Stephens make enquiry among the people concerning the properness of admitting negroes, etc., 648; order memorial of

Joseph Avery sent to the Secretary of the Admiralty, 650; recommend to the Common Council to grant freedom to children of German servants who are out of their time, 652; read letters from Gen. Oglethorpe and Governor George Clarke containing proposals for effecting a general peace among the Indians, 653; order that the school of Savannah be put under inspection of Mr. Orton, 653; recommend to the Common Council to make Thos. Bosomworth secretary for Indian affairs, 653; order a letter to acquaint Gen. Oglethorpe with the vote of the House of Commons relating to the permission for rum, and with the Trustees' resolution with respect to tenure of lands, 661; resolve that Hutchinson's Island be cleared by the Trustees' servants, 662; recommend that several petitions for land be rejected, 662; recommend that several petitions for land be granted, 662; resolve that no grantee should be allowed to part with his grant 'till ten years after date of his grant, 663, 666; Trustees recommend to the Common Council to make an alteration in their rum act, 670, 672; agree not to petition parliament for supplies this session, 672; a threatening letter from John Fallowfield read, 672; summoned to confer with Mr. Whitfield and seal acts prepared for the introduction of rum and for lessening quit-rents, 673; read and approve acts prepared for permitting rum to enter Georgia and for granting lands in tail male, 673; read draft of an act for establishing tenures of lands and reducing quit-rents, and order that copy thereof be laid before Lord Carteret, 675; Trustees receive report of committee appointed to wait on Lord Carteret with the act for reducing quit-rents, 675; read an act for repealing so much of a former act as prohibited entrance of rum into Georgia, 676; read several other acts, and order same to be engrossed, 676; Trustees board summoned to consider further proceedings of the colony, 677; motion that £12,000 be granted for further support of Georgia, 681; said motion decided favorably, 682; a Trustee board summoned to consider of additional Trustees and for filling up vacancies in the Common Council, 683; brief statement of annual accounts of the Trustees made by Mr. Verelat, 684; recommend to the Common Council that the allowance made to Trust servants be extended to other servants not indented to the Trust, 689; resolve that a memorial be presented to the Society for Propagating the Gospel to desire their allowance for a missionary at Savannah, 689; resolve that the accomptant do lay before the Trustees an account of all moneys received for building churches in Georgia, 689; resolve that no person has authority from the Trustees to obstruct the passing of any people out of the province, 689; resolve that it be recommended to the Common



Council that the President and Assistants of the northern part of the province be appointed so for the whole province, 690, 693; recommend to the Common Council that the opinion of Council be taken how far the Trustees can dispose of vacant lots, 691; resolve that German children in the service of the Trust be given up to their parents who are near out of their time, 692; resolve that certain grants of lands be confirmed, 692; resolve that a committee consider proper means to enforce guard duty, 692; resolve that the several sums owing to the Trust be immediately called in, 694; resolve that £30 be allowed for a clerk under the direction of the President and Assistants, 698; resolve that deeds and instructions be prepared for appointing the President and Assistants of the whole province agreeable to their appointments for the northern part, etc., 700; order to be sent to the President and Assistants immediately to make a true and exact register of all grants in Georgia and send copy thereof to the Trustees, 700; resolved that Col. Stephens do use the utmost dispatch in building the church at Savannah, 700; read a memorial to the treasury praying directions, 703; seal a deed for revoking deed appointing President and Assistants for County of Savannah, 703; order copies of oaths of allegiance, supremacy and objurati<sup>o</sup>n, etc., sent to Wm. Stephens, 704; read memorial to the treasury for receiving £12,000 granted last session, 707; make enquiry concerning a box supposed to have been taken by the Spaniards, 710, 711, 712, 713; order that a state be drawn up of evidence relative to Alexander Paris, 710; notified that Francis Fane had considered several acts, 710; several letters relative to a silver mine laid before, 713, 714; their action concerning said mine, 714; resolve that their anniversary be preached at St. Margarets Church instead of St. Bride's Church, 715; order that the Secretary secure information concerning the silver mine, 715; order table of fees prepared by the President and Assistants to be hung in the town court, 718; extend the jurisdiction of the President and Assistants of Savannah over Frederica, 720; acquainted that the Board of Trade objects to draft of rum act and also act for establishing tenures of land, 723.

Trust Servants, account of, 41, 70, 107; directions concerning, 145, 151; expense of white servants hired, 159; expense of Trust servants, 160; employed in building huts for the soldiers, 202; those at St. Andrews' under the care of Hugh Mackay, 202; those at Darien good sawyers, 202; those at Amelia have a good plantation, 202; number in the northern division of the province, 321; several out of their time have taken lots near Savannah and planted tobacco for their own use, 344; those in

the south saw well and have filled the stores with timber, 348; a years' provision promised those who shall be out of their time and take up land, 354; those employed on the fortifications at Frederica to be reimbursed by the Trustees if the king pay for them, 437; they work well for themselves, but little for others or the Trust, 458; fifty acres of good land to be given all servants who are out of their time, 479; work shamefully on the Trust farms, 687.

Tuckwell, see Pytt.

Tuffnall, Samuel, elected a Common Councilor and sworn in, 609, 610; supports the Trustees' petition for money, 678.

## U

- Uchee Indians, a vagrant nation, at war with the Cherokees, 485.  
 Upton, Mr., a negro slave found on his land sold, 481; restored to his position, 655.  
 Upton, Thomas complains of his losses by the Indians, 669.  
 Urlesperger, Mr., letter from read, 400; to engage Saltsburgers to embark for Georgia, 454; desires information, 482.

## V

- Vanderplank, Mary, a widow, complains that her late husband's accounts with the stores are not yet settled, etc., 523; letter from, 553.  
 Vane, Mr., a great enemy to the colony, 445.  
 Verelts, Harman, accomptant to the Trustees, collects proof that Georgia belongs to his Majesty, 154; £50 ordered him for his services, 480.  
 Vernon, James, is for humoring the inhabitants in their desire for negroes and alteration of tenures, 378; hints a necessity to make some alterations in the government of the colony that the Trustees' orders may be better obeyed, 412; exposes to the Trustees that Col. Oglethorpe takes too much on him, 413, 415.  
 Vernon River, navigable to ships of two hundred tons, 657.  
 Vernonburg, a village erected at White Bluff at the head of Vernon River, 680.  
 Vines, sent in 1739, spoiled in passage, 220; many vines killed by the great frost, 223; grapes as fine as could be seen, and believed would make good wine, 243; wild grape yields a pleasant flavored wine, and many inhabitants intend to plant vines, 347; increase of vines at Savannah, 457, 506; some who have

planted vines find it unprofitable, 500; prosper well in Georgia, 634.

Virginia, Governor of, complains of the execution of our act for regulating Indian trade, but acquiesces thereto, 49.

## W

Wachster, Joseph, fifty acres confirmed to, 663.

Wade, General, friendly towards Lieutenant Horton, 348.

Wadham, Captain, used the German Swiss whom he carried to Georgia very ill, 611.

Wager, Sir Charles, promises the Trustees two ships to guard the colony, but breaks his word, 119.

Wagner or Wagoner, Samuel, petitions for leave to alienate his lot, 82; dies, and leave given his executors to sell his lot conditionally, 109.

Walker, Thomas, second Bailiff of Frederica, 655.

Walpole, Horatio, seconds the motion for receiving the Trustees' petition, 434; seconds motion for granting £10,000, 443; will not suffer the state or progress of the colony to be enquired into by parliament, 445; favors use of negroes in Georgia, 640; voted for postponing report of the committees' resolutions, 641.

Walpole, Sir Robert, breaks his word given last year that the Trustees should not be obliged to petition parliament for money, and that the expenses of the colony should be put on an estimate, 88; his reason why parliament should grant us money this year, 88; his disposition to give up the colony to the Spaniards, 96, 97; is surprised that the charter ever passed, 100; desires the Trustees to make out his Majesty's title to Georgia, which they refuse, 107; surprised that the Trustees should imagine he intended to give away the colony, and professes himself their patron, 112; repeats his assurances that he designs not to give up the colony, 117; promises them £20,000 for this years' service, 117; alarmed at the Trustees' purpose to present a list of papers relating to the king's right to Georgia, 120; admits with difficulty putting into the Commons address the word possession, but thereby gains majority of Trustees to vote for the convention, 131; tricks the Trustees by leaving them out of the king's answer to the Commons' address, 136. his false assertion concerning the colony in the House of Commons, 144; orders the Commissioners at Madrid to insist that the river St. Juan be the boundary of the two nations, 154; advises the Trustees to present a memorial to Sir Wm. Young to be repaid £2,000 formerly advanced by them towards the military services of the colony, 286; promises

£4,000 this year to the Trustees, and obtains the king's consent, 288; is determined to prevent the Trustees' desire to have the utility of the colony of Georgia enquired into, and succeeds therein, 298, 299, 300, 301; is heard to say in the House, the sooner the Trustees surrender their charter the better, 312; says Georgia shall be delivered up to the Spaniards upon a peace with them, 352; not well inclined to the colony, 411, 432; declares the king's consent to parliament for the Trustees petitioning for money, 434.

Wansett, ——— Quartermaster to Col. Oglethorpe, cultivates vines, 386.

Wardrope, Joseph, petition for land rejected, 664.

Ware, Thomas, account of, with the Trustees found just, 234.

Watson, Charles, appointed Recorder of Savannah, 569, 571; £10 allowed him for conveniences to go over, 591; constituted third Bailiff of Savannah, 595; embarks for Georgia with his nephew, Mr. Elliot, 597; appointed second Bailiff and Assistant to the President of Savannah, 603; arrives with his nephew, Mr. Elliot, from England, 629; an idle fellow, sets out for Augusta, 660; has a grant of five hundred acres conditionally, 682; purchases James Lyndale's lot, 691; proposed by Col. Stephens to be Register, 696.

Watson, Hugh, barbarously murdered, 231.

Watson, Joseph, petition for land granted, 705; petitions to have Indian trade at Yamacraw granted him, 706.

Wesley, John, Mr. Causton's account of his behavior in relation to Mrs. Hopkins, courted by Mr. Wesley and married to Mr. Williamson, 60; complained against by Mr. Norris, 76.

White, ——— storekeeper at Savannah, 70.

White, John, a Trustee, refuses to be present at the board to consider of measures to support the colony, 97; thinks the Trustees ask for too much money, 118; suddenly leaves the House when the Trustees' petition that Georgia might not be affected by the convention was presented, 126; his spiteful expression against his brother Trustees, 319; expresses great zeal for the colony, though he never attends the Trust, 460.

White, John Norton, made tything-man, 574.

Whitfield, George, writes the Trustees he was well received at Savannah, 45; resolves to return to England to take priest's orders, 65; complained against by Mr. Norris, 76; arrives in London, 79, 81; resolved to concern himself with nothing but religious affairs, 80; delivers proposals to the Trustees on condition that if granted he will return to Georgia, 84; proposals agreed to, 83, 86; appointed minister of Savannah, 83; varies from his proposals, 89; the Trustees' resolutions thereon, 89; ordained priest, 95; desires grant of five hundred acres for

erecting an orphan house, 162; renounces a salary, 166; returns his commission, 172; money collected by him, 173; designs speedily for Georgia, 173; grant passed, 173; new commission sealed, 174; complains that his grant for the orphan house was not made to him and his heirs forever, etc., 284; complains that the Trustees' orders are not regarded in Georgia, 290; displeased with Col. Oglethorpe, 290, 292; in New York, where being denied the use of churches, he preaches in the Presbyterian meetings and in the fields, 324; sails for Pennsylvania, 330; expects to return to England beginning of next year, 331; purposes to send a minister to supply his place at Savannah, 331; succeeds well in his collections, 336, 357; converts a few in Savannah to be Methodists, etc., 343; writes the Trustees an invective letter against Col. Oglethorpe, 352; strict discipline kept in the orphan house, 359; returns to Savannah, 359; his purpose in erecting the orphan house, 359; prevented by the Trustees from sending a minister to supply his place, 360; at variance with Thomas Jones, and why, 372; forbids Mr. Norris the sacrament, 377; goes to Carolina, where he is refused the sacrament, 380; removed by the Trustees from being minister at Savannah, 382; returns to Georgia, 394; goes on a northern expedition, 395; writes offensive letter, 397; leaves Georgia to embark for England, 420; bound over by the Chief Justice of Carolina for libel, 421; makes new demands concerning his orphan-house, 450; led the Moravians away to Pennsylvania, 452; ordered to attend House of Commons and be an evidence, 480; leaves a dissenting teacher to teach at the orphan house, 481; payments ordered at his desire, 488; complaint against, 503; gives no account of money advanced him towards building church at Savannah, 629; confers with the Trustees, 673; recommends a minister for Savannah, 673; shifts off the payment of the £150 on Mr. Habersham, 698; written to, to repay same, 707; delivers an account of the money received for building a church, 714.

Wiggins, Thomas, an Indian Trader, death of, 631.

Williams, James, brother to Robert, of same bad character, his account returned unpaid, 82; his view to supply Georgia with negroes, 398; returns from St. Kitts with rum, sugar, etc., 510.

Williams, Robert, certified account of, returned unpaid to Georgia, 82; the original fabricator of the representation in favor of negroes and change of tenure, 93, 94, 138, 140; a good cultivator of land, 140; prepares to go from Georgia to England, 222; cuts a western road at Savannah contrary to Col. Oglethorpe's order, 234; arrives in England, 245; demands payment of debts due him from the Trust, 250; his view to supply Georgia with negroes, 398; returns from St. Kitts and designs to repair his

neglected lot, 510; though for negroes, doubts safety of having them while at war with the Spaniards, 510; returns to Georgia and loads a ship with lumber, 539; designs to return to England to complain against the Trustees, 360, 561; arrives in England, 584; admits it is dangerous to have negroes in Georgia during the war, 587; his opinion as to what will restore the colony, 589; applies to the Trustees for a bounty promised, 590; gives false evidence for Thos. Stephens before the committee, 619; arrives at Charlestown and opens a store at Port Royal, 658; declares he will no more be concerned in petitioning parliament about Georgia, 659; letter from, laid before the Trustees, 713.

Williamson, William, excuses to the Trustees his printing advertisements against Mr. John Wesley, 52; Causton's account of that transaction, 60; appointed Recorder of Savannah, 177, 193; has left the colony too practice at Charlestown, 242; returns to Savannah and insists to have his commission, 256; uses Mr. Jones ill, 322; Trustees revoke his commission, 327; made Provost Marshal of Carolina, 560.

Willy, Anthony, an Indian Trader, shoots himself, 630.

Willy, Mr., stationed at a small fort in the Creek Nation to observe the Indians, 138.

Wilmington Island, contains about seventeen hundred acres, 341.

Wilmington, Earl of, his discourse with Earl of Egmont about the colony, 538; is waited on by the Trustees with their petition to parliament for money, 607; is no friend to the colony, 611.

Wilson, Dr., his discourse with Earl of Egmont, 600.

Wilson, James, exchange of lots in Savannah with Peter Morell ordered confirmed, 691.

Wilson, Michael, petition read, 705.

Winnington, Mr., spoke in the House against the colony when on a division, the Trustees' petition for money was not referred to the committee of supply, 682.

Winnington, Thomas, declares himself in parliament no friend to the colony, 678; divides against the Trustees, having £12,000 and makes excuse to Lord Percival, 682.

Woodrofe, Will, of Frederica, has a demand on the Trustees, 350; proposed to be a magistrate of Savannah without salary, 358, 375; ordered part payment of his demand, 361; his wife goes to Georgia, 400; a malcontent, 593; appointed with four others to correspond with Thos. Stephens, 594; an insolent fellow, runs from the colony for fear of the Spaniards, 631; letter from concerning silver mine in Georgia, 714.

Woolaston, Mr., a Trustee, suddenly leaves the House when the Trustees' petition that Georgia may not be affected by the convention was presented, 126.

- Wright, ——— a notorious rogue, breaks jail in Savannah, 60, 67.  
Wright, Elizabeth, death of, 660, 701.  
Wright, John, elected a Trustee, 684.  
Wynn, Sir Watkin Williams, moves the House to adjourn to prevent the Trustees from getting money from parliament, 432.

## Y

- Young, Isaac, petitions the Trustees for assistance, 196; employed to buy horses for rangers, 481, 511; his purchase of Daniel Nunez's lot ordered confirmed, 691; is allowed to assign his former lot to a younger brother, 693.  
Young, Mrs., wife of Isaac, death of, 656.  
Young, Sir Will, moves to put off the debate touching the colony, 489, 491.

## Z

- Ziegenhagen, Mr., offers to testify to the happiness of the inhabitants of the colony, 582.  
Zublie, John Joachion, presents petition from inhabitants of Vernonburg, 713; demands £50 for giving minister to Vernonburg and acton, 715.

THE  
COLONIAL RECORDS

OF THE  
STATE OF GEORGIA

---

COMPILED AND PUBLISHED UNDER AUTHORITY  
OF

THE LEGISLATURE

BY

ALLEN D. CANDLER,

---

VOLUME VI

---

PROCEEDINGS OF THE PRESIDENT  
AND ASSISTANTS

FROM

October 12, 1741, to October 30, 1754

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ATLANTA, GA.

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# INDEX.

## A

- Abbott, William, appointed constable at Frederica, 210.  
 Abercorn, boat purchased for, 23.  
 Acton, village of, corn mill and grindstone given to, 58; tools furnished to inhabitants of, 78; petition of inhabitants of read and granted, 138.  
 Acton & Vernonburgh, fifty cows and calves delivered to, 65; tools delivered to, 223.  
 Addie, Solomon, petitions for allowance, 89.  
 Adye, Stephen, land granted to, 382.  
 Alther, John, half of small island granted to, 213.  
 Anderly, Henry, town lot granted to, 78.  
 Anderson, James, land granted to, 12; appointed tythingman, 80.  
 Anderson, Mrs., sent for, 206; five pounds ordered to, 323.  
 Anderson, widow, relief granted to, 166; twenty pounds paid to, 218.  
 Archer, Thomas, late pilot, thirty pounds paid to, 195.  
 Arthur, Francis, land granted to, 404.  
 Ashmore, John, appointed constable, 242.  
 Atherton, John, land granted to, 195.  
 Augusta, people of, land granted to for church and burial ground, 255; ask for appointment of a Conservator of the Peace, 309.  
 Avery, Joseph, his accounts, 70; petition of, for land referred to Trustees, 115.  
 Avery, Mrs., refuses to deliver up papers, 118; again refuses to deliver up papers, 120; delivers surveying instruments, 120; delivers up plans, 122; twelve pounds granted to, 123.

## B

- Bacher, Balthasar, glebe land assigned to, 357.  
 Backshell, William, land granted to, 388.  
 Bacon, Samuel, land granted to, 458.  
 Bailey, Thomas, sworn, 8, 9; appointed tythingman, 26.  
 Baillie, Alexander, land granted to, 380.  
 Baillie, Robert, land granted to, 434.  
 Baillou, James, appointed goal-keeper, 165; land granted to, 416.  
 Baillou, Peter, land granted to, 171; registers sloop, 436.  
 Ballowe, John, petition for land rejected, 215; land granted to, 225.  
 Ballowe, William, petition for land rejected, 212, 215; land granted to, 230.  
 Baker, Benjamin, surveyor, makes report, 458; land granted to, 458.  
 Baker, Elizabeth, land granted to, 460.

- Baker, Richard, land granted to, 459.  
 Baker, William, land granted to, 459.  
 Bantli, Jacob, land granted to, 447.  
 Barbo, William, town lot granted to, 27.  
 Barker, Joseph, petitions for land, 24; letter from, 27; at the Cowpen ordered to supply beef to sufferers, 39; committed to prison for fraudulent practices, 48; found guilty of fraud and pays fine, 59; ordered to render account of cattle, etc., 59; removed from office, 82; no land to be granted to within one hundred miles of Cowpen, 82; petition of, 89; certain cattle delivered to, 92; land granted to, 199; lot in Georgetown granted to, 440.  
 Barnard, Edward, land granted to, 400; appointed surveyor at Augusta, 405.  
 Barnard, John, petition for town lot granted, 94; petition for land granted, 115; surrenders town lot, 125.  
 Barksdale, Isaac, land granted to, 171.  
 Barr, Ambrose, land in Augusta granted to, 192.  
 Baxter, John, town lot in Augusta granted to, 192; grant of land to revoked, 197.  
 Bearfutt, William, petition for land postponed, 167; land granted to, near Augusta, 172.  
 Becket, Thomas, lot granted to, 391.  
 Beckett, William, land granted to, 221, 385.  
 Beckitt, Thomas, petition for land rejected, non-resident, 212.  
 Beeler, Peter, land surveyed for, 90.  
 Belligout, John, land granted to, 56.  
 Bender, Christopher, relief granted to, 221.  
 Bennet, John, land granted to, 392.  
 Benison, Richard, land granted to, 387.  
 Benz, Mark, land granted to, 384.  
 Berrier, Jacob, lot in Vernonburgh granted to, 120.  
 Berrier, John, additional land granted to, 400.  
 Berrier, Johannes, land granted to, 57.  
 Bichler, Thomas, appointed Constable, 100.  
 Billinghamurst, James, may have land, 151.  
 Bills examined and reduced, 140.  
 Biltz, Sigismund, land granted to, 435.  
 Bishop, Henry, land granted to, 381.  
 Black, David, land granted to, 225.  
 Bloom, widow, Valentine, relief granted to, 179; 184.  
 Brume, Valentine, land granted to, 57.  
 Bodel, Leonard, land granted to, 360.  
 Bolton, Robert, saddler, town lot granted to, 240; 381.  
 Bolzius, Rev. Mr., petition for lumber granted, 68; letter from, 73; petition for land on Little Ogeechee, 94; letter from, 90; requests cows and calves for Saltzburghers, 100; iron work and tools granted to, 116; petition for assistance in herding cattle rejected, 126; complaint of, 146; letter from, 150; petition concerning wild cattle referred to Trustees, 184; presents account for lumber for church, 210; claim for building houses for soldiers rejected, 215; glebe granted to, 258; agrees to supply disbanded soldiers

- with provisions, 290; desires additional good land for people of Ebenezer, 291; request granted, 291; iron work granted to, 309; purchases Trustees' cattle for inhabitants of Ebenezer, 312; bond of, executed, 313; land granted to, 313; attends Board, 320; two hundred pounds in sola bills issued to, 320, 321; brings box of raw silk to Trustees, 325; produces accounts and vouchers for silk, 325; eleven pounds issued to pay his and other small demands, 325; letter from, 329; presents petition, 338; his conference with Board, 339, 340; desires his attendance temporarily dispensed with on account of son's death, 345; letter from, 347; death of his youngest daughter, 353; Board requests his attendance, 353; Board consults with, 357; is to direct surveying of land at Ebenezer, 358.
- Bond, John, gives bond, 107.
- Boreman, Michael, land granted to, 227.
- Bornemann, John Christopher, land granted to, 379.
- Bosomworth, Abraham, appointed agent by chiefs to go to England, 253; arrives from Charlestown and produces appointment empowering him to act as agent, 280; copy of his instructions relating to his agency laid before the Board, 280, 281, 282, 283; seeks to obtain presents for Mrs. Bosomworth, 280, 285; letter from, 285; memorial of, 305, 306; requested to attend meeting of the Board, 306; behavior of, 307.
- Bosomworth, Adam, arrested, 264; his conduct, 337, 338; affidavit of, 353.
- Bosomworth, Mrs., called on for vouchers, 173; letter from, 256; her pretensions and demands, 262; arrested, 264; enters Council drunk and makes violent speech, 274; arrested and confined in guard-house, 275; expected in the Upper Creek Nation, 329; information from George Galphin concerning her, 331.
- Bosomworth, Thomas, executor of Christopher Orton, 44; sudden departure of for England with Chas. Watson, 135; letter from, 136; letter and papers from, 175; evades interview, 205; desires conference, 252; his violent conduct, 276; apologizes for himself and wife, 277, 278; under arrest in Carolina, 284; letter of apology from for himself and wife, 284; request of to the Board refused, 285.
- Bostick, Valentine, petition for land, 386; land granted to, 431.
- Bossett, Thomas, Sr., and Sons, land granted to, 308.
- Bounty, one hundred and thirty eight pounds appropriated to pay, 155.
- Bourghalter, Michael, granted land to build grist mill, 4, 21; petition of for cow, tools, etc., rejected, 133.
- Bourquin, Benedict, petition for land postponed, 211; petition for land granted 248; land granted to, 335, 373.
- Bourquin, Henry, petition for land postponed, 211; petition for land granted 247.
- Bourquin, John, petition for land postponed, 211.
- Bowdle, Leonard, land granted to, 351.
- Bowling, Elizabeth, widow, twenty shillings granted to, 13; relief granted to, 31, 70; twenty shillings granted to, 141; twenty shillings granted for relief of, 141, 151; house repaired, 159, 104.

- Brabant, Isaac, petition for lot granted, 113.  
 Braddock, David Cutler, land granted to, 172.  
 Brady, John, land granted to, 415.  
 Brian, Hugh, offer of to supply rice and corn accepted, 166.  
 Bricklayer, Thomas Cross, lot granted to, 293.  
 Britton, Mrs. John Peter, twenty shillings granted to, 64.  
 Brown, John, complaint of 161.  
 Brown, Patrick, land granted to, 225.  
 Browne, John and sick wife, assistance given to, 46; a profligate, break given to, 74; twenty shillings granted to, 115; relief granted to, 153, 155.  
 Bruckner, George, appointed constable, 292; land granted to, 358.  
 Bryan, Jonathan, land granted to, 333; his petition for land for son postponed, 334; land granted to, 369.  
 Bryan, Josiah, land granted to, 434.  
 Bubbie, James, sent by Governor of South Carolina to persuade Indians to conclude a peace, fails to secure provisions, 341.  
 Buchanan, William, land granted to, 202.  
 Buntz, John George, land granted to, 438.  
 Buntz, Urban, land granted to, 438.  
 Burgemeister, Christopher, land granted to, 19.  
 Burnley, Samuel, land granted to, 460.  
 Burgie, Rodolph, land granted to, 19.  
 Burton, John, discharged from office, 5; administrator of Kelleway, 29.  
 Bush, Edward, petition for land, 17.  
 Butler, Elisha, land granted to, 398; lot in Georgetown granted to, 440.  
 Butler, James, Jr., land granted to, 410.  
 Butler, Joseph, Sr., lot in Georgetown granted to, 440.  
 Butler, Joseph, Jr., land granted to, 432.  
 Butler, Thomas, land granted to, 410.  
 Butler, Shem, land granted to, 428.  
 Butler, William, Sr., land granted to, 399.  
 Butler, William, lot in Georgetown granted to, 440.  
 Butler, William, son of Elisha, land granted to, 399.

## C

- Cadogan, Captain George, land granted to, 235; receipt of for provisions supplied soldiers, 324.  
 Cail, Nicholas, petition for land postponed, 211.  
 Calwell, Henry, petition for land referred to Trustee, 411; land granted to, 410.  
 Calweil, John, payment of account postponed, 114; power as third bailiff suspended, 146.  
 Calkins, Jonathan, land granted to, 232.  
 Camphire, Christian, town lot granted to, 138.  
 Camuse, Anthony, petition for land postponed, 163; releases town lot and granted five hundred acres on Wilmington Island, 164.  
 Camuse, James Lewis, money advanced on account, 42.  
 Camuse, Mrs., presents claim for winding silk, 6; money paid to, 7; her an-

- swer concerning silk manufacture, 85 ; claim for medicines, etc., 91 ; takes two girls to instruct, 95 ; her salary suspended, 190 ; her death, 251.
- Carey, Simon, 16.
- Carlton, Edward, land granted to, 414.
- Carolina slaveholders not to have land, 208.
- Carolina, Governor of, letter from, 208 ; letter to Governor and Council of, 316.
- Carr, Captain Mark, land granted to, 220 ; letter from, 370.
- Carr, William, land granted to, 224, 371.
- Carter, Thomas, land granted to, 420.
- Caruthers, John, registers the sloop Georgia, 437.
- Cattle of the Trust, regulations for taking care of, 61 ; should be sold, 170.
- Catterton, Mark, petition for land granted, 239.
- Causton, Mr., 10 ; testimony of, 11.
- Chickesaw Indians, received and presents given to, 326 ; their departure, 327.
- Church, directions for building the, 188 ; twenty pounds appropriated for, 193 ; fifty pounds ordered for work on, 204.
- Clark, Angus, land granted to conditionally, 313.
- Clark, Anna, town lot granted to, 241.
- Clark, Daniel, letter from concerning Indians, 341.
- Clark, Donald, land granted to, 310.
- Clark, Hugh, land granted to conditionally, 313.
- Clark, John, petition for land denied, 14 ; twenty shillings allowed to as charity, 14.
- Clark, Patrick, petition for land granted, 225.
- Clark, William, lot in Augusta granted to, 204 ; 314 ; land granted to conditionally, 313.
- Clee, Samuel, petitions for town lot, 7 ; town lot granted to, 17.
- Clements, William, petition for town lot granted, 34 ; land granted to, 229, 443.
- Coffee, John, land granted to, 392.
- Collins, Andrew, land granted to, 212.
- Collins, Thomas, petition for land granted, 239.
- Cook, William, land granted to, 213.
- Cooper, Richard, petition for land, 90 ; petition for land granted, 239.
- Court, a special ordered to be held, 347 ; special court held, 353.
- Court th be held on certain days, 12.
- Cowpen, keeper of, ordered to keep cattle within fences, 173.
- Cox, Richard, land granted to, 427 ; lot in Georgetown granted to, 440.
- Cox, Richard, Jr., land granted to, 427 ; lot in Georgetown granted to, 440.
- Cramp, widow, relief granted to, 29.
- Croft, widow, land granted to, 58.
- Cronenberger, Nicholas, land granted to, 359.
- Cubbedg, George, land granted to, 214.
- Cubbedge, George, land reserved for, 177.
- Cubbedg, John, land granted to, 392.
- Cunningham, David, appointed to take care of ship, 10 ; money paid to, 40 ; petition for town lot granted, 113 ; appointed pilot at Tybee, 211 ; removed from office, 315.

- Current service, fifty pounds issued for, 14.  
 Curtz, Jacob, permitted to exchange lots with Leonard Rigler, 52.  
 Cuthbert, George, lot in Georgetown granted to, 440.

## D.

- Danner, Jacob, working tools and money given to, 48; additional land granted to, 401.  
 Dasher, Christian, lot granted to, 142; land granted to, 431.  
 Dasher, Martin, land granted to, 377.  
 Davis, Captain, demands of, for transporting baggage, refused, 165; sends boat to secure beef from the Bosomworths', 347.  
 Davis, John, land granted to, 301.  
 Davis, John, Jr., land granted to, 386.  
 Davis, William, land granted to, 336.  
 Davidson, Edward, town lot granted to, 74.  
 Dawson, Thomas, petition for town lot granted, 34; lot granted to, 234.  
 Deane, widow, ten shillings granted for relief of, 142; six pence additional granted to, 301.  
 Debt, not to be incurred, 12.  
 Deigler, Daniel, land granted to, 56; permitted to exchange lot, 64.  
 Delegal, Capt. Philip, land granted to, 374.  
 Delegal, Philip, Jr., land granted to, 202.  
 De Leon, Abraham, absents himself, 3.  
 Demere, Lieutenant Paul, land granted to, 227; receipt of, for provisions supplied soldiers, 324.  
 Demere, Captain, requests powder, 442.  
 Demere, Capt. Raymond, land granted to, 227.  
 Demetre, Daniel, arrival of, 298; attends Board, 298; produces inventory of boats, 299; appointed coxswain, 298; land granted to, 318; ordered to attend Board, 321; instructions given to, 321; report of, 421; makes report, 451.  
 Deserters from Augustine, report of, 450.  
 Denzler, Conrade, land granted to, 56.  
 Denzler, Henry, land granted to, 446.  
 Denzler, widow, relief granted to, 309.  
 Deppe, Valentine, land granted to, 358.  
 Derrick, George, land granted to, 83.  
 Destemple, Peter, permitted to exchange lot, 410.  
 De St. Julian, Elizabeth, land granted to, 427.  
 Deveaux, James, Jr., land granted to, 370.  
 Deveaux, John, land granted to, 373.  
 Dews, William, land granted to, 377.  
 Dice, Jacob, land granted to, 57; relief granted to, 104; additional land granted to, 375.  
 Dicks, David, petition for land deferred, 100.  
 Disbanded soldiers: apply for land and provisions, 203. those at Danner

- apply for a years' provisions, 293; fifty pounds issued to pay for provisions for, 326; three hundred pounds appropriated for supplying the, 361.
- Dobell, John, petition of, granted, 35; petition for town lot, 79; petition of, for land referred to Trustees, 89; petition rejected, 95; lot granted to, 154; grant of land to revoked, 158; delivers to Board keys of school, etc., 159.
- Don, Lieut. Archibald, land granted to, 223.
- Dormer, James, pilot, death of, 211.
- Douglass, David, land granted to, 456.
- Dourouzeaux, Daniel, land granted to at Augusta, 152.
- Dowle, Peter, land granted to, 57.
- Dresler, George, town lot granted to, 379.
- Duchee, Andrew, appointed constable, 15; petition for land, 17; petition granted, 20; put under arrest, 54.
- Dunbar, Capt. George, land granted to, 250.
- Dutch servants; lands promised to, 45; lands granted to, 56; petition for seed potatoes rejected, 60; forty cows and calves provided for, 61; fourteen shillings allowed to each family to buy cows and chickens, 61; allowance to paid, 78; demand their release, 216.

## E

- Eads, James, land granted to, 230.
- Ebenezer; twelve months' support allowed to several families in, 58; cows and calves delivered to, 69; scarcity of good land in, 147; relief granted to poor widows of, 149; petition of inhabitants of, rejected, 154; petition of inhabitants deferred, 288; disbanded soldiers of; apply for provisions, 290; people of, granted additional land, 291; lots reserved for inhabitants of, 305; inhabitants of, determine to purchase Trustees' cattle, 312; terms agreed to, 312; bond of inhabitants executed, 313; concerning lands of, 339, 341, 348; German passengers sent to, 346; glebe lands in, to be divided, 357; old inhabitants of, who remain to have land granted, 358.
- Edwards, John, petition for land granted, 238.
- Elbert, William, petition for land referred to Trustees, 24.
- Election of deputies to the Assembly, 368.
- Ellick, Captain, an Indian chief, friend to the English, 283; his followers given equal share of presents, 283.
- Elliott, John, land granted to, 458.
- Elliott, William, land granted to, 412; lot in Georgetown granted to, 440.
- Ellis, Thomas, tythingman and surveyor; proposal of to survey land, 7; proposal agreed to, 13; claim for surveying land, 22; petition for land, 24; money advanced to, 49; removed from office, 75; appointed surveyor, 117; paid for surveying, 120; recommended for surveyor; to be paid fees and not salary, 129; submits plans of land between Ebenezer and Abercorn, 191; ordered to lay out land at Augusta, 200; ordered to go to Ebenezer and divide glebe land and survey other lands, 357.

- Ellis, Edmund, petition of for land rejected because a slaveholder, 207.  
 Ellison, James, land granted to, 308.  
 Erinxman, an indented servant, money granted to, 13.  
 Erinxman, John, land granted to, 6; petition of for cow and calf, 30.  
 Ernest, Ludwig, land granted to, 358.  
 Etherton, John, lot granted to, 304.  
 Evans, Middleton, petition of rejected because a slaveholder, 207; land granted to, 223.  
 Ewen, William, attorney, 10; his claim referred to Trustees, 26; land granted to, 222.  
 Eycott, Mr., an Indian trader, report of, concerning Mrs. Bosomworth, 329.

## F

- Fahie, Anthony, land granted to, 382.  
 Fallowfield, John, 3.  
 Farley, Benjamin, land granted to, 447.  
 Farmur, John, land granted to, 228.  
 Faulkner, Joseph, petition for land granted, 74.  
 Fawsett, Thomas, 11.  
 Fezer, Abraham, necessaries provided for during illness, 351.  
 Fierer, Conrade, land granted to, 56.  
 Fifty shillings granted to clerk for services, 123.  
 Finlay, James, land granted to, 301, 372.  
 Finlay, William Atchison, appointed constable in Creek Nation, 187.  
 Fisher, John David, land granted to, 350.  
 Fitzwalter, Joseph, petition for land, 7; appointed wharfinger and vendue master, 20; licensed to keep public house, 30; occasional aid to be granted to, 49; widow of, appointed wharfinger, 51.  
 Fitzwalter, widow, relief granted to, 230.  
 Fleming, Walter, land granted to, 384.  
 Folbright, Christian, land granted to, 404.  
 Fowlds, John, town lot granted to, 51.  
 Fowle, George, land granted to, 438.  
 Fox, David, land granted to, 385.  
 Fox, John, land granted to, 432.  
 Fox, Robert, land granted to, 132.  
 Francis, William, land granted to, 220.  
 Franck, John Paul, land granted to, 358.  
 Fraser, James, ordered to supply settlers with year's allowance, 200; appointed Conservator of the Peace, 300; ordered to appear at next court to qualify as Conservator of the Peace, 353.  
 Frazier, Thomas, town lot granted to, 174.  
 Frisbee, Abraham, land granted to, 200; permitted to exchange land, 220.  
 Fritz, widow, land granted to, 57.  
 Fyffe, Gilbert, lot in Augusta granted to, 100.



## G.

- Gable, Abraham, land granted to, 393.  
Gabel, John, land granted to conditionally, 336.  
Galache, James, lot granted to, 387.  
Galphin, George, trader, land granted to, 331; his account of Mrs. Bosomworth, 331; application of for appointment as constable postponed, 333; petition for land postponed, 337; letter from, 354; attempts to justify his conduct, 355, 356; Board decides to use him to frustrate plans of the Bosomworths, 357; statement of, 449.  
Gampfert, Margaret, widow, two shillings ordered for relief of, 301.  
Gandy, Samuel, land granted to, 423.  
Gardner, widow, assistance granted to, 59.  
Garret, Henry, 10; payment of bill denied, 37.  
Germain, Michael, letter from, 319.  
German servants, cattle provided for, 134; arrival of, 292; petition of six German servants for cow and calf deferred, 294; desert their masters, 316; sent to Ebenezer, 351.  
Germany, Alexander, land granted to, 434.  
Germany, Edward, land granted to, 416.  
Georgetown, town of laid out on Great Ogeechee, 436.  
Gibbons, William, land granted to, 439.  
Gibbons, William, Jr., land granted to, 447.  
Gibbs, Isaac, asks for boat, 20; assistance granted to, 46; exchanges lot, 143.  
Gibbs, Isaac, Jr., land granted to, 376.  
Gionovali, John, petition of, 51.  
Glaner, George, land granted to, 358.  
Goldsmith, Lieut. Thomas, land granted to, 233.  
Goldwire, John, appointed keeper of ferry, 314.  
Goldwyre, Benjamin, town lot granted to, 197.  
Goodale, Edward, land granted to, 380.  
Goodale, Thomas, licensed to keep public house, 120; land leased to, to build mill near Augusta, 182.  
Goodby, Joseph, land granted to, 434.  
Gordon, Alexander, lot in Savannah surrendered to, 222.  
Gordon, Cuthbert, land granted to, 393.  
Gordon, John, land granted to, 215, 220.  
Graham, David, land granted to, 370.  
Graham, Patrick, appointed Assistant in Council, 130; accepts appointment, 140; fifty pounds issued to, to buy rice, 157; letter from, 321; orders to prepare presents for Indians, 332; delivers presents to Indians, 333; advised by Board to make up presents for Upper Creeks and to distribute them in person, 342; his appointment as agent to distribute presents to Indians read, 353; appointment to frustrate designs of the Bosomworths, 357; lot in Georgetown granted to, 430; letter to Chickesaws, 450.

- Grant, James, petition for land granted, 103, 134; granted fifty acre lot, 141;  
land granted to, 444.
- Grant, Jannet, asks for assistance, 4; death and funeral of, 6.
- Grant, Peter, additional land granted to, 422; land granted to, 444.
- Gray, Captain, arrives with lumber and packet from Trustees, 329.
- Gray, Ensign John, land granted to, 237.
- Gray & Shepherd, their complaint against the President and Assistants, 246.
- Green, Henry, exchanges town lot, 5.
- Greene, John, land granted to, 435.
- Groeve, John Henry, land granted to, 379.
- Groobs, Anthony, petition for land postponed, 167; land granted to, 172;  
builds corn mill, 172.
- Guard-House to be repaired, 180.
- Guerin, Simon, exchanges lot, 49.
- Gugul, Matthias, petition for land received, 385.
- Guirard, Peter, land granted to, 384.
- Guns sent to Gen. Oglethorpe, 40.

## H

- Habersham, James, 252; land granted to, 313; appointment as Secretary for  
Trustees' affairs read, 353; lot in Georgetown granted to, 439.
- Habersham, James, Jr., land granted to, 372.
- Habersham, Mr., presents claim for boat, 55; offers provisions to the Board,  
105; arrives from Charlestown, 320; requested to interview Mr. Holt,  
schoolmaster, 344; appointed Trustees' Secretary, 345.
- Habersham, Joseph, lot in Georgetown granted to, 440.
- Haisler, David, land granted to, 439.
- Halter, Hans Ubrich, orphan children of, 21.
- Hambleton, William, accused of cattle stealing, 54.
- Hamilton, Henry, relief granted to, 21; town lot granted to, 134; land granted  
to, 393.
- Hamm, John, land granted to, 443.
- Hampstead, petition of inhabitants of, read and granted, 138.
- Haner, John, land granted to, 456.
- Haner, Nicholas, land granted to, 19; relief granted to, 64.
- Harn, John, land granted to, 224.
- Harris, Francis, 8; land granted to, 330; appears as member of council, 369;  
lot in Georgetown granted to, 372.
- Harris, Thomas, land granted to, 372.
- Harris, William, land granted to, 382.
- Harris & Habersham, for sinister reasons refuse credit, 150; petition of re-  
jected, 181; petition of to be permitted to build wharf referred to  
Trustees, 243; lay receipts for provisions before the Board, 324;  
claim not paid for want of funds, 378; claims presented by, 383, pre-

- sent accounts, 388, 402, 421, 428; present expense bill of scout boat Prince George, 453; present receipts for provisions, 453.
- Harts' widow, assistance granted to, 46; weekly allowance made to, 52.
- Hauver, Conrade, land granted to, 83.
- Haverner, widow, land granted to, 56.
- Hawkins, Mr., instructed to deliver up powers as Bailiff, 146.
- Hazard, Richard, petition for land postponed, 211; land granted to, 221.
- Hearne, John, flees to Georgia with mortgaged slaves, 209.
- Heldt, George, testimony of concerning management of Cowpen, 77.
- Helvenstine, Jacob, land granted to, 377.
- Helvingstine, Frederick, lot granted to at Abercorn, 150.
- Hancock, John, land granted to, 199.
- Herback, Gasper, land granted to, 19.
- Herback, Jacob, land granted to, 19.
- Heron, Col. Alexander, usurps power, 207; account of, 297; his accounts examined, 305, 307, 308; request granted, 315.
- Heron, Lieut.-Col. Alexander, land granted to, 222; surrenders lot in Savannah, 222.
- Heron, Lieut.-Col., town lot granted to, 71; resists civil authority, 242; produces inventory of boats and requests loan of two, 298.
- Hester, William, land granted to, 219.
- Highlanders, money for subsistence of, 15; money paid to, 43.
- Hill, Thomas, land granted to, 199.
- Hirbach, Casper, additional land granted to, 401.
- Hird, Thomas, constable at Frederica; death of, 200.
- Hirsh, John Michael, land granted to, 420.
- Holbrook, Jacob, town lot granted to, 143.
- Holsteter, Gasper, half of small island granted to, 213.
- Holt, Mr., schoolmaster, ill conduct of, 343; ordered into confinement, 344; suspended from acting as schoolmaster, 345; apologizes for his conduct and is restored, 354.
- Holzendroff, Frederick, 16.
- Hopton, Mr., packet received from, 130; letter from, 168; one hundred pounds currency paid to, 245; balance of his account paid, 327.
- Hopkins, Christopher, appointed keeper of the Cowpen, 87; granted higher wages, 124; land granted to, 330.
- Horses, one hundred pounds issued to pay for, 63; those of the Trustees to be sold at auction, 312; sold at public vendue, 318.
- Horton, Captain, letter from, 144; letter to, 145.
- Horton, Major William, petition for land for son postponed, 215; land reserved for, 219.
- Horton, William, claim of rejected as exorbitant, 128.
- Houstown, Robert, land granted to, 445.
- Hudson, John, land granted to, 415.
- Hudson, Samuel, land granted to, 415.

- Humbert, David, land granted to, 445.  
 Hunter, Joseph, petition for land postponed, 118.  
 Hunter, Mr., surveyor, money paid to for professional services, 50, 62.  
 Hunting, Nathaniel, registers schooner Elizabeth, 457.  
 Hutchinson, John, land warrant revoked, 234.

## I.

- Illy, Jacob, land granted to, 444.  
 Indented servants apply for land and twelve months' support, 54; petition for allowance, 82.  
 Indian Chiefs come to Savannah to guard Mrs. Bosomworth, 253; their demands, 254; invited to supper, 260; invited to dinner, 279; conversation of, 289; invited to dine with President, 289.  
 Indians, extraordinary conduct of, 259; disarmed before entering town, 262; entertained at President's house, 262; parade streets with drums, 263; received at court-house, 278; presents given to, 278; desire to return home, boats and provisions provided for them, 279; some return for provisions, which are granted, 285; those of remaining Nine Towns invited to receive presents, 287; their arrival and talk, 280; receive presents and dine with President and assistants, 290; ninety arrive, are entertained and presents given to, 296; dine with Mr. John Tisdale, 297; Chickesaws received and presents given to, 326; their departure, 327; news of disturbance of, at the south, 328; arrival of small party of, 331; appear under French colors, 342.  
 Instructions for President and Assistants, 3.  
 I'on, Richard, land granted to, 392.

## J.

- Jeanneret Abraham, petition for land postponed, 211.  
 Jenkins, Edward, 10.  
 Johnson, George, town lot granted to, 36.  
 Johnson, Lewis, land granted to, 382.  
 Johnson, Robert, land granted to, 455.  
 Johnson, William Martin, land granted to, 443.  
 Johnston, David, land granted to, 446.  
 Johnston, Richard, land granted to, 197.  
 Johnston, William, petition for land rejected, non resident, 212.  
 Jones, Noble, land granted to, 340; appointed to take charge of register's office, 341; appears as member of council, 345; appointment as Assistant to Board read, 353; lot in Georgetown granted to, 430.  
 Jones, Capt. Noble, petition of referred to Trustees, 155; put in command of entire militia and ordered to receive Indians, 201; escorts Indians to court-house, 279.  
 Jones, Thomas, 3.

Jones, Thomas, store-keeper, 8; produces papers, 11.  
 Jones, Richard, land granted to, 230.  
 Joubert, Peter, schoolmaster, discharged, 303.  
 Juries, who qualified to serve on, 36.

## K.

Kays, John, complains of damage done by Malatche and followers, 328.  
 Keeler, widow, relief granted to, 28.  
 Keelor, widow, lad granted to, 56; granted relief, 92.  
 Keifer, David, land granted to 57; relief granted to, 183.  
 Keifer, Frederick, lot in Vernonburgh granted to, 120.  
 Keifer, Theobald, land granted to, 57; relief granted to, 183; land granted to, 377.  
 Kellaway, Mr., 29.  
 Kellson, John, petition for land granted, 238.  
 Kenard, John, employed as interpreter, 256; instructed to invite Indians of remaining Nine Towns to come and receive presents, 287.  
 Kendall, David, forty shillings granted for relief of, 141.  
 Kent, Captain Richard, account paid, 68; petition of referred to Trustees, 112; land granted to, 130.  
 Kennedy, Donald, land granted to, 408.  
 Kennedy, Hugh, land granted to, 404.  
 Kennedy, John, land granted to near Augusta, 207.  
 Kennedy, William, land granted to, 403.  
 Kinnard, John, return of, 295.  
 Köcher, George, land granted to, 358.  
 Kohlerson, Peter, glebe land assigned to, 357.  
 Kolcher, Rupretch, land granted to, 358.  
 Kubler, Jacob, land granted to, 204.

## L.

Labon, Isaac, land granted to, 351.  
 Lackner, Martin, land granted to, 358.  
 Lackner, Martin, Jr., land granted to, 358.  
 Langford, widow, death of, 28.  
 Lawrence, John, petition referred, 103.  
 Le Bon, Isaac, land granted to, 360.  
 Leckner, Vit, land granted to, 358.  
 Lee, Thomas, town lot granted to, 66; appointed clerk, 101; two lots granted to, 393.  
 Lee, Richard, land near Augusta granted to, 102.  
 Leimberger, Christian, glebe land assigned to, 357.  
 Lemke, Rev. Mr., glebe reserved for, 255; petition for land, 330; attends the Board, 346; acquaints Board of his disposition of German servants, 351.

- Lemon, Captain, sola bills issues to for bringing over passengers, 15.  
 Leon, Samuel, petitions for cow and calf, 30.  
 Lesage, Anthony, land granted to, 351.  
 Letters from Martyn & Verelst, 244; written to Trustees on dangerous situation, 256; received from Trustees' Secretary, 291; from Trustees, 304; written to the Trustees, 307; from Trustees' Secretary considered, 323.  
 Levenburgher, Christian, appointed to care for De Leon's vines, 5, 16; land granted to, 83.  
 Lighthouse at Tybee to be inspected, 45; workmen employed to repair, 93.  
 Linder, Capt. John, a troublesome man, granted land among the Swiss, 70.  
 Lines, Isaac, land granted to, 309.  
 Loyd, Thomas, petition for land rejected, 215.  
 Low, Alexander, land granted to, 433.  
 Luden, Robert, land granted to, 387.  
 Lyons, Samuel, land granted to, 6, 13.

## M

- MacBean, John, land granted to, 165.  
 MacBean, Lauchlan, permitted to exchange land, 172.  
 MacHugh, Peter, land granted to, 200.  
 Mackay, Lieut. Hugh, petition for two islands referred, 231; petition for land referred, 238.  
 Mackay, Captain James, land granted to, 215, 226; lot in Georgetown granted to, 440.  
 Mackay, John, land granted to, 410.  
 Mackay, Lieut. Samuel, land granted to, 233.  
 Mackdonald, Capt. Adam, petition for land granted, 114; petition for land suspended, 131.  
 Mackgailvry, John, license granted to to keep public house, 137.  
 Mackintosh, Capt. John, land granted to, 211.  
 Mackintosh, George, land granted to, 409.  
 Mackintosh, John, land granted to, 164; renders account, which was ordered paid, 360.  
 Mackintosh, John B., instructed to deliver provisions to soldiers, 294; ordered to bring in accounts of disbanded soldiers immediately, 359; affidavit of concerning probable Spanish attack, 440.  
 Mackintosh, John D., of Darien, land granted to, 232.  
 Mackintosh, Lauchlan, land granted to, 233.  
 Mackintosh, Roderick, land granted to, 232; exchanges land, 409.  
 Mackintosh, William, son of Capt. John Mackintosh, land granted to, 429.  
 Malatchee and other chiefs invited to dine, 257; demands large quantities of provisions, etc., 258; acknowledges his error, 268; attend church, 268; Malatchee makes ugly speech and delivers ugly paper, 271.

- apologizes for misconduct, 278; refuses to allow Capt. Ellick's followers any share of presents, 283; discontent and conduct of, 285, 289, 295; complaint against, 328.
- Marcer, Samuel, 3; appointed overseer of Cowpen, 67; delivers cows and calves to inhabitants of Vernonburgh and two to the Trust, 136; permitted to exchange lot, 153; Board complains of his conduct, 315; suspension from Board, 316; appropriates land granted to Benedict Bourquin, 335; suspected of being concerned with the Bosomworths, 337, 338; takes copies of affidavits, 346; Board requests his attendance, 351; his suspension from acting as Assistant confirmed, and he is restrained from executing office as a magistrate, 351; produces copies of affidavits, 352; suspended from office, 362; reasons for suspension, 362; demands reasons for his suspension, 367; additional land granted to, 379.
- Martin, Clement, Jr., land granted to, 443.
- Martyn, Benjamin, Secretary, letter from, 110, 146, 151, 170, 228, 291, 319, 320, 328, 329; letter to enclosing silk vouchers, 394; letter to, 453.
- Martyn, Daniel, land granted to, 301, 372.
- Marian, Charles, land granted to, 199.
- Marian, John, land granted to, 199.
- Marriott, Bailiff, instructed to deliver up power, 146.
- Marriott, Lieut. Thomas, land reserved for, 226.
- Mathews, James, land granted to, 434.
- Mathews, John, land granted to, 199, 376.
- Mathews, Mrs., claim of, 72.
- Mauve, Matthew, land granted to, 391.
- Maxwell, Adley, land granted to, 301.
- Maxwell, James, land warrant to revoked, 234.
- McBean, John, land granted to, 413.
- McCloud, John, land granted to, 398.
- McCloud, Murdock, land granted to, 422.
- McDonald, Alexander, land granted to, 413.
- McDonald, William, land granted to, 378.
- McGillivray, Lachlan, land granted to on which to build corn mill, 294; land granted to, 439.
- McIntosh, Rotherick, land granted to, 310.
- McKintosh, Angus, land granted to, 422.
- McLaran, James, land granted to, 304.
- Mears, William, tythingman, removed from office, 51.
- Memorial of Indian Traders concerning Spanish aggressions, 448.
- Mercier, Lieut. Peter, land granted to, 227.
- Metcher, Philip, land granted to, 358.
- Metzger, Jacob, petition of rejected, 124.
- Meyer, George, land granted to, 358.
- Meyer, Jacob, land granted to, 358.

- Meyer, Mr., attends Board, 346; acquaints Board of disposition made of German servants, 351.
- Michel, Lowis, land granted to, 446.
- Michlerin, Catherina, to serve at Orphan-House, 351.
- Miers, Henry, testimony of against Barker, 80.
- Militia put under arms, 259.
- Milledge, John, appointed tythingman, 5; petition for land rejected, 17; petition for land referred, 125; petition for land rejected, 190; complains of damage done by Malatchee and followers, 328; land granted to, 344.
- Miller, James, lot granted to, 391; land granted to, 420.
- Miller, John Philip, land granted to, 404.
- Miller, Nicholas, two lots granted to, 394.
- Milligen, Dr. John, land granted to, 236.
- Millim, Mr., an Indian trader, his report concerning Mrs. Bosomworth, 329.
- Minis, Abram, presents claim for lost boat, 25; paid for lost boat, 31; petition for land, 66; enters appeal in case against Samuel Clee, 104.
- Mitchell, John, land granted to, 459.
- Mitchell, Sarah, land granted to, 459.
- Mohr, John, land granted to, 358.
- Moone, Alexander, petition for land received, 195; flees to Georgia with mortgaged slaves, 209.
- Morell, Peter, petition for land, 17, 21; salary of, 25; licensed to keep public house, 30.
- Morgan, Joshua, petition for land rejected, because slave holder, 207; petition for land rejected, non-resident, 212.
- Morris, Simon, town lot granted to, 79.
- Morris, Thomas, town lot granted to, 13.
- Morrison, Ambrose, licensed to keep tavern in Augusta, 36.
- Morrison, Hugh, land granted to, 423.
- Mountaigut, David, petition of rejected, 92; land granted to, 431.
- Mullryne, John, land warrant to revoked, 234; land granted to, 410.
- Mulryne, Col. John and others, petition for land referred to Trustees, 200.
- Murmurings and dissatisfactions of the people, 38.
- Myer, John Ludwig, land granted to, 251.

## N.

- Nebling, Alexander, land granted to, 380.
- Neidlinger, John, land granted to, 438.
- Neidlinger, Ulrick, land granted to, 448.
- Nett, Frederic, petition for allowance, 80; petition for cow and calf rejected, 163.
- Nevie, James, land granted to, 227.
- New, James, land granted to, 427.



New, Samuel, land granted to, 427, 433; lot in Georgetown granted, 440.  
 Nies, John George, land granted to, 391.  
 No person to read divine service, 3.  
 Nobellet, John, land granted to, 56.  
 Noble, George, land granted to, 457.  
 Noble, Robert, land granted to, 457.  
 Nongazer, Henry, land granted to, 57.  
 Nongazer, Jacob, land granted to, 57.  
 Nongazer, widow, relief granted to, 151; clothing supplied to, 176; relief granted to, 314.  
 Nortons, William, town lot granted to, 380.

## O.

Oakes, Joseph, warned, 132; land granted to near Augusta, 195.  
 Oardner, Adam, land granted to, 57.  
 Ogden, Solomon, petition for land granted, 240.  
 Oglethorpe calls for assistance at Frederica, 40; letter from, 147.  
 Oglethorpe's Regiment, concerning disturbance of, 247, 248; men of, demand lands and provisions, 249; some soldiers of, granted fifty acres, 290.  
 Ordner, Adam, additional land granted to, 398.  
 Orphans' accounts, 10.  
 Orphan children of Landrey at Highgate, money for support of, 47.  
 Ormston, Thomas, petition for land, 17.  
 Ortman, Mrs., paid for caring for Mrs. Langston and child, 31.  
 Ortman, Christopher, appointed schoolmaster for Vernonburgh and Acton, 121; relief granted to, 203.  
 Orton, Rev. Mr., money paid his executor on account, 43.  
 Osgood, John, land granted to, 459.  
 Osgood, Josiah, land granted to, 459.  
 Ottolenghe, Joseph, appointed silk reeler, 373; put in charge of filature, 390; land granted, 405.

## P

Pages, Anthony, land granted to, 351, 360.  
 Palmer, Richard, land granted to, 288.  
 Palmer, Thomas, town lot granted to, 37.  
 Papot, James, complaint of, 109.  
 Papot, Jeremiah, widow of, relief granted to, 314.  
 Paris, James, land grant to revoked and new grant issued, 386.  
 Parker, Henry, 3; appointed to aid President, 261; land granted to, 321; appointment as Vice-President read, 353; commission for licensing traders in Indian Nation read, 353.  
 Parker, Henry William, land granted to, 322.  
 Parker, John, land granted to, 433.  
 Parker, Thomas, land granted to, 307.

- Parker, William, land granted to, 94.  
 Parry, Francis Lewis, land granted to, 432.  
 Pavey, Joseph, petitions for land, 24.  
 Peltz, Hans Ulrick, land granted to, 20.  
 Penrose, John, petitions for land, 17; permission granted to cut timber, 22; licensed to keep public house, 30; land granted to, 170; appointed pilot at Tybee, 315; lot in Georgetown granted to, 440.  
 Petition of the Ogeechee settlement for laying out a town, 423.  
 Petticrew, John, application of, for appointment as constable, postponed, 333.  
 Petts, widow, temporary relief granted to, 321.  
 Phillips, Capt. Joseph, granted one hundred feet for wharf and warehouse, 397.  
 Piercey, Joseph, affidavit of, 353.  
 Pinder, John Lyndall, presents petition, 6.  
 Pinnel, widow, relief granted to, 192.  
 Place, Captain Seth, land granted to, 377; appointed pilot, 430.  
 Plessy, Jacob, land granted to, 56.  
 Portz, George Philip, land granted to, 394.  
 Powell, James Edward, land granted to, 401; land granted to for wharf, 429.  
 Presents delivered to chiefs at court-house, 274; delivered to Indians, 279; sent to Creeks and Chickesaws, 450.  
 Pritchett, Rowland, land granted to, 84.  
 Public expences: Sola bills endorsed for, 31, 32; two hundred pounds endorsed for, 37; one hundred pounds appropriated for, 37; one hundred and ten pounds appropriated for, 38; one hundred and fifty pounds signed for, 42; one hundred pounds issued for, 44; one hundred pounds endorsed for, 44; two hundred pounds endorsed for, 46; one hundred pounds appropriated for, 40; one hundred pounds endorsed for, 51; one hundred pounds ordered for, 53; fifty pounds issued for, 55; one hundred and fifty pounds issued for, 56; one hundred pounds issued for, 57, 58, 60; two hundred pounds issued for, 62; one hundred pounds issued for, 63, 64; one hundred and fifty pounds issued for, 65; two hundred pounds issued for, 69; fifty pounds ordered for, 69; one hundred pounds issued for, 70; fifty pounds issued for, 71, 72, 75; one hundred and eighty pounds issued for, 76; one hundred pounds issued for, 84, 88, 90; one hundred and fifty pounds issued for, 90; two hundred and fifty pounds issued for, 110; one hundred and fifty pounds issued for, 112; twenty pounds issued for, 113; thirty pounds issued, 114; four hundred pounds issued for, 117; one hundred pounds issued for, 119; three hundred and fifty pounds issued for, 120; nine hundred pounds issued for, 140; four hundred pounds ordered to pay, 168; three hundred pounds for, 177; twenty pounds appropriated for, 181; nine hundred pounds to defray, 190; three hundred pounds appropriated for, 193, 198; forty pounds issued for, 201; fifty pounds issued for, 210; six hun-

dred pounds issued for, 216; one hundred pounds issued for, 218; one hundred pounds issued for, 218; fifty pounds issued for, 231; nine hundred and fifty pounds issued to defray, 292; twenty pounds issued for, 313; ten pounds issued for, 319; public expenses paid, 406; accounts of paid, 451.

Public money to be disposed of only on a warrant, 12.

Pury, John Rodolph, land granted to, 426.

Pye, John, recorder, petition for land, 24; charges preferred against, 25; clerk, dismissed from office, 41; petition for land referred to Trustees, 89; land granted to, 131; delivers bill of exchange, 162; allowed fourteen days to put accounts in order, 300; requests Board to defer examination of accounts, 304; lot granted to, 397; land granted to, 445.

## Q

Quarterman, John, Sr., land granted to, 458.

## R

Rabenhorst, Christian, land granted to, 419.

Radick, Michael, land granted to, 446.

Radnor, Lawrence, relief granted to, 185.

Rae, John, petition for town lot, 7; land granted to, 381.

Ragland, John, land granted to, 454.

Rahn, Casper, land granted to, 376.

Raspberry, Thomas, land granted to, 435.

Rates of wharfage, 20.

Ratliff, Charles, land granted to and land reserved for, 178.

Raudner, Leonard, land granted to, 56.

Ravot, Gabriel, petition for lands postponed, 211.

Ready, Thomas, land granted to, 385.

Redick, John, land granted to, 455.

Refugees from Darien provided for at Orphans' House, 41.

Reply to Malatchee's speech, 272.

Reidelsperger, Christian, land granted to, 440.

Reuter, John, land granted to, 439.

Reymond, Joseph, land granted to, 445.

Reynolds, John, presents his commission as governor, 460.

Rheinstettler, Adam, land granted to, 57; additional land granted to, 375.

Rheinstettler, Matthias, lot in Vernonburgh granted to, 120.

Rheiter, Caul, land granted to, 57.

Rice and corn, sixty pounds issued to purchase, 170, 179; thirty pounds issued to buy, 206, 213.

Richards, William, petition for land rejected, non resident, 212.

Rigby, Nicholas, services paid for, 32; nominated for clerk, 63; paid for services as clerk, 69; appointed clerk, 111; present to for extra services, 165.

- Rigler, Leonard, permitted to exchange lots with Jacob Curtz, 52.  
 ck, John & Son, land granted to, 63.  
 River, William, land granted to, 232.  
 Robe, John, land granted to, 6.  
 Robinson, Pickering, 369; land granted to, 369.  
 Roche, Matthew, land granted to, 405.  
 Rogerson, John, land granted to, 172.  
 Rose, Alexander, land granted to, 241.  
 Rose, Hugh, surveys land at Ebenezer, 4; money paid to for services, 51.  
 Ross, John, trader, land granted to, 149, 229.  
 Ross, Thomas, land near Augusta granted to, 193.  
 Rottenberger, Christopher, land granted to, 358.  
 Rump, Christian, testimony of against Barker, 80.  
 Russell, William, sworn, 9.  
 Russell, Mr., clerk, sixty pounds issued to, 295; land granted to, 314.  
 Rylander, Christopher, testimony concerning management of Cowpen,  
 Rynlander, John Martin, land granted to, 358.  
 Rynlander, John Martin, land granted to, 358.

## S

- Morgan, land warrant to revoked, 234.  
 Mack, Jean, to assist in laying out land, 351.  
 Salaries, money issued to pay, 18, 25.  
 Salter, Thomas, land granted to, 17; leases land for brickyard, 160.  
 Saltzburghers, money issued towards subsistence of, 15.  
 Schad, Hans Joakim, land granted to, 19.  
 Schooner Savannah registered, 396.  
 Schrimpf, Rupretch, land granted to, 358.  
 Scott, James, petition for town lot rejected, 34.  
 Shave, John, land granted to, 459.  
 Shaw, Oliver, additional land granted to, 378; land granted to, 419.  
 Sheifer, Christopher, land granted to, 57.  
 Shepherd, Peter, land granted to, 177; land granted to, 204.  
 Sheraus, John, land granted to, 358.  
 Sherif, John, tanner, land granted to, 431.  
 Shrubsole, Ensign, William, land granted to, 236.  
 Silk, seventy pounds appropriated for raising silk balls, 181; two hundred pounds, issued for manufacturing of, 320; silkworm eggs, 323; culture of, 324; price of raw silk to be fixed, 325; sundry sums paid on account of, 390; expenses of culture paid, 407; whole expense of silk culture paid, 452.  
 Sitterman, Jerrey, two lots granted to, 400.  
 ampberger, Abraham, necessaries provided for, 351.  
 Slyterman, Peter, land granted to, 229, 448.  
 Small, William, land granted to, 455.

- Smith, John, application for land referred to Trustees, 151.
- Sneider, Hans Michael and sons, 104.
- Sniden, Gasper, land granted to, 57.
- Snook, David, gives bond, 107.
- Snook, John, two lots granted to, 399.
- Snyder, Andrew, land granted to, 380.
- Sola Bills: issued to pay expenses, 24; endorsed for support of the poor, 41; four hundred pounds issued for salaries, etc., 152; two hundred pounds issued to Capt. Dunbar, 244; one thousand pounds issued, 291; six hundred pounds of received, 304; sixty pounds of received, 319; four hundred pounds received, 320; signed for expenses, 321; eight hundred pounds issued, 321; one hundred pounds issued, 323.
- Sparnel, Thomas, fifty acre lot granted to, 138.
- Spencer, Richard, land granted to, 459.
- Spencer, William, 71; town lot granted to, 133; refuses to take affidavit of Adam Bosomworth, 336; letter from in reply to Mr. Bolzius, 350; letter from, 357; writes letter concerning Spanish settlement on Amelia Island, 417; lot in Georgtown granted to, 440.
- Spencer & Marcer, expenses to Frederica paid, 252.
- Spooode, William, land granted to, 183.
- Staly, John, Jr., lot granted to, 338.
- Stanly, Joseph, land granted to, 404.
- Steinhavel, widow, relief granted to, 178.
- Steinhavell, Christopher, land granted to, 57.
- Steinhavell, Henry, land granted to, 57.
- Stephens, John, land granted to, 237; relinquishes land to Capt. Sutherland and takes new grant, 240.
- Stephens, Newdigate, land granted to, 221.
- Stephens, William, 3; desires Mr. Patrick Graham to act as agent in his place, 287; his physical condition, 330; requests Assistants to proceed without him on account of illness, 332; sets out for his plantation, 343.
- Stevens, John, land granted to, 459.
- Stewartt, James, land granted to, 314.
- Still, Thomas, land granted to, 360.
- Stoll, Ezekiel, land granted to, 20; exchanges lot, 49.
- Sturtz, widow, relief granted to, 105.
- Stutz, Hans, land granted to, 19.
- Stutz, widow, forty shillings granted to to clothe children, 129.
- Summer, Edward, land granted to, 458.
- Summer, Thomas, proposal for beacon at Tybee accepted, 26.
- Summers, Joseph, petition for land rejected, 174; land granted to, 183.
- Sunier, James, land granted to, 444.
- Surveyor ordered to look after trespassers, 135; ordered to re-run disputed lines, 141; makes report concerning disputed lines, 142; ordered to survey lots at Abercorn, 143; ordered to make plats of land

near Abercorn, 185; ordered to lay out lands between Abercorn and Ebenezer, 186; instructed to divide glebe land at Ebenezer, 357.  
 Sutherland, Capt. Patrick, land granted to, 226, 236; land grant cancelled and new warrant issued to, 249.  
 Swiss and Germans, money for subsistence of, 15.

## T

Tannatt, Edmund, land granted to, 532; 401.  
 T'bear, David, land granted to, 403.  
 Teesdale, John, licensed to keep public house, 30.  
 Terry, John, recorder of Frederica, bill of services rejected, 37; gives bail for appearance at next court, 145; power as recorder suspended, 146.  
 Thebault, James, land granted to, 374.  
 Thilo, Dr., assistance granted to, 87.  
 Thompson, John, land granted to, 429.  
 Thomson, William, land granted to, 409.  
 Todd, John, Sr., land granted to, 429.  
 Todd, John R., land granted to, 429.  
 Tondee, Peter, land granted to, 378.  
 Townsend, Edward, petition for land, 24.  
 Tradesmen's bills examined and approved, 321.  
 Trespassers, reward offered for, 137; prohibited on Indian land, 302.  
 Trip, Thomas, appointed tythingman, 51; land granted to, 393.  
 Truan, David, town lots granted to, 409.  
 Trustees, packet from, 320.  
 Turtler, Johannes, working tools and moeay given to, 48.  
 Uchee Indians, conduct of at siege of Augustine, 147; would probably sell land, 148.  
 Uland, George, land granted to, 58, 429.  
 Unseld, David, land granted to, 397.

## V.

Vallotton, Jeremiah Oliver, lot granted to, 50.  
 Van Beverhoudt, Adriaan, land granted to, 442.  
 Van Beverhoudt, John, land granted to, 442.  
 Vaughan, Robert, petition for land, 66.  
 Verelst, Harman, letter from, 297; letter to, 311; letter from, 319, 320, 330.  
 Vernonburgh, inhabitants of: twenty-two cows and calves allowed to, 136; petition of inhabitants read and granted, 138; petition of inhabitants rejected 161.  
 Von Munch, Mr. desires land on which to settle German Protestants, 338.

## W

Wachter, Joseph, lot in Acton granted to, 79.  
 Walker, Thomas, arrival of, 299; his accounts examined and his departure, 300.  
 Wall, Lieut. James, land granted to, 224.  
 Walliser, Michael, land granted to, 439.

- Walthour, Jacob Casper, land granted to, 334, 374.  
Wardrobe, Joseph, petition for land, 17.  
Watkins, William, lot granted to, 304.  
Watson, Charles, 32; letter from, 135; departs suddenly for England with Thomas Bosomworth, 135; brings packet from Trustees, 167; land granted to, 393.  
Watson, Joseph; claim of for land and money examined, 97; account referred to Trustees, 101; request of for license to trade with Indians postponed, 110; reasons for refusal, 111.  
Watsons, Nathaniel, petition for land rejected, 219.  
Watson, Mr., application for land, 61.  
Way, Edward, land granted to, 459.  
Way, Pamenus, land granted to, 458.  
Way, Moses, land granted to, 460.  
Way, Nathaniel, land granted to, 460.  
Way, Samuel, land granted to, 459.  
West, Charles, land granted to, 224; lot in Georgetown granted, 440.  
West, Samuel, petition for land rejected, non-resident, 212.  
Wharf to be repaired, 180.  
Wharfage, regulation of, 67.  
Whitfield, George, land granted to for Orphan-House, 303.  
Whitlock, John, petition for land rejected, non-resident, 212.  
Wiggin, Thomas, petition for land, 24.  
Williams, Griffith, land granted to, 215, 226; President requests his return, 297; return of, 299; accounts examined and found satisfactory, 300; relinquishes land, five hundred acres granted to, 310.  
Williams, James, land granted to, 419.  
Williams, John, petition for land, 86; petition for land postponed, 142; presents plat of land on Ogeechee, 148.  
Williams, Stephen, land granted to, 198.  
Wilson, Benjamin, land granted to, 221.  
Wilson, John, land granted to, 203.  
Wilson, William, petition for land referred to Trustees, 174.  
Winckler, George, land granted to, 454.  
Winkler, Nicholas, petition for land postponed, 211.  
Wood, Joseph, land granted to, 199.  
Woodrooffe, William, attorney for Clee, 104.  
Workmen to build church ordered to attend next meeting of Board, 143; those employed on church attend, 149; workmen's bills examined and ordered paid, 214, 302.  
Wright, John, appointed tythingman, 20; arrested, 106; resigns, 106.  
Wright, John, son of widow Fitzwalter, complaints against, 74.  
Wright, John Norton, petition for land not granted, 17.  
Wylly, Alexander, land granted to, 455.  
Wymess, Lieut. John, land granted to, 237.  
Wyssanbacher, Christopher, relief granted to, 301.

## Y

- Yonge, Henry, land granted to, 202; appointed surveyor, 241; ordered to go to Ebenezer to divide glebe land and survey other land, 357; land granted to, 399.
- Young, John, land granted to, 455.
- Younge, Mary, widow of Thomas Young, allowance granted to, 343.
- Young, Thomas, appointed goal-keeper, 108; permitted to exchange lot, 153; dismissed from office, 164; relief granted to, 166.
- Young, widow, land granted to, 57.
- Younge, Henry, land granted to, 456.

## Z

- Zettler, Matthias, land granted to, 358.
- Younginger, Abraham, appointed servant in Trustees' store, 351.
- Zoubebiller, Bartholomew, allowed to preach to German inhabitants, 17.
- Zeuberbuhler, R. v. Mr., land granted to, 323.
- Zouberbuhler, Rev. Mr., arrival of from London, 291; complaint of, 303; complaint of ill conduct of Mr. Holt, 343, 345; his report concerning Mr. Holt, 354.



THE  
COLONIAL RECORDS

OF THE  
STATE OF GEORGIA

---

COMPILED AND PUBLISHED UNDER AUTHORITY  
OF

THE LEGISLATURE

BY

ALLEN D. CANDLER

---

VOLUME VII

---

PROCEEDINGS AND MINUTES OF THE  
GOVERNOR AND COUNCIL

FROM

October 30, 1754, to March 6, 1759

---

ATLANTA, GA.  
THE FRANKLIN-TURNER COMPANY  
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## PREFATORY NOTE.

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The Trustees surrendered the charter in June, 1752, whereupon the Lords Justices, with the advice of the Privy Council, issued a proclamation directing all officers, both civil and military, to continue in the discharge of their respective duties until such time as the king might establish another form of government. Thus the direction of the affairs of the colony devolved for the time being on the President and Assistants.

In March, 1754, the Lords Commissioners of Trade and Plantations submitted a plan of government, which provided, among other things, for the appointment of a Governor and a Council of twelve persons with such powers and duties as were exercised by the Governors and Councils of the other British provinces in America, which were more immediately subject to the direction of the crown. This plan was approved and adopted, and on the sixth of August, 1754, Captain John Reynolds of the British navy, was appointed the first Governor of Georgia, and on the thirtieth day of October, 1754, the government of the colony was transferred from the President and Assistants to Governor Reynolds and his Council, consisting of Patrick Graham, Sir Patrick Houstoun, James Habersham, Alexander Kelllet, William Clifton, Noble Jones, Pickering Robinson, Francis Harris, Jonathan Bryan and William Russell. This volume and the four following in numerical order constitute a complete journal of the proceedings of the Executive Department of the colony from the inauguration of Governor Reynolds up to the cessation of British rule in Georgia upon the final withdrawal of Governor Wright in 1783.

# INDEX.

## A

- Abercrombie, General, letters sent to, 842; letter from, 845.
- Accounts, public, ordered to be brought in, 507; Habersham, Powell and Knox ordered to examine, 545.
- Accounts, sundry, ordered paid, 447; those relating to Indians' expenses to be examined, 671; examined and passed, 672.
- Adye, Stephen, lands granted to in Savannah, 310.
- Affidavits in support of petitions for land, 611.
- Alexander, Ephraim, lot in Frederica granted to conditionally, 922.
- Alexander, William, land granted conditionally, 433; land granted, 589.
- Alther, Joseph, petition for land postponed, 146; petition for land rejected, 458.
- Althur, Joseph, land granted, 346.
- Althur, Ulric, petition for land rejected, 363.
- Anderson, Jacob, land granted conditionally, 679.
- Anderson, James, petition for land rejected, 323; claim for reward postponed, 536; petition for land postponed, 683; land granted conditionally, 772.
- Andrew, Ann, land granted conditionally, 774.
- Andrew, Benjamin, land granted to, 157, 284; petition for land rejected, 231; land granted to conditionally, 465, 916; land granted, 635; petition for land rejected, 850.
- Andrews, James, land granted conditionally, 772, 773.
- Annas, James, land granted conditionally, 618, 822.
- Answer of Council to Governor's speech, 270.
- Appointment of new Commission of the Peace postponed, 452.
- Arcadians, relief for, 625.
- Arms and ammunition to be put in hands of militia, 600.
- Arthur, Francis, land granted to, 102; appointed Justice of Peace, 505; land granted conditionally, 604.
- Ash, Matthias, petition for lot rejected, 741; land granted to conditionally, 755.
- Ashley, William, land granted to, 227.
- Ashperger, David, lot granted to, 634.
- Aspergh, Matthias, petition for land rejected, 227.
- Assembly not called at present, 323; acts of to be entered in book, 728.
- Athler, Joseph, land granted, 636.
- Atkin, Edmund, commission appointing him agent to Indian Nation read, 826; escort of Rangers provided for, and given presents to distribute to Indians, 826; sworn as Justice of Peace, 827.

- Atkinson, Joshua, land granted conditionally, 382; land granted, 589.
- Attorney General, copy of King's instructions given to, 38; report of as to Courts of Judicature, 40, 43; directed to draw up mode of procedure in the courts, 50; his report on form and method of proceeding in the General Court, 51; report of adopted, 53; instructions of to Justices of the Peace, 55; report of on memorial of David Douglass, 117; ordered to give his opinion relating to granting of lands, 214; his answer concerning granting of lands, 216; report of on memorial of the Bosonworths, 274; account of examined and ordered paid, 290; moved that caveats entered by Bosonworths against persons having grants for lands be discharged, 309; to insert in all fiats for grants of lands proviso for registering them within six months, 318; reply to order of Council, 480; Secretary directed to furnish acts of General Assembly to, 745.
- Augusta, petition of inhabitants of setting forth their dangers from the Indians, 398; gun powder ordered for, 692.
- Austeter, Gasper, land granted conditionally, 464.

## B

- Backer, Balthasar, land granted, 589.
- Backler, Exekiel, land granted conditionally, 416, 860; land granted, 500.
- Backshell, William, petition for lot postponed, 199; lot in Savannah granted to, 308; land granted conditionally, 378; land granted, 387.
- Bacon, Joseph, land granted, 232, 329, 330.
- Bacon, Samuel, land granted, 345.
- Bailow, William, petition for land rejected, 576.
- Bailey, John, land granted, 445; wharf lot in Savannah granted to, 445.
- Bailey, Kenneth, land granted, 481.
- Bailey, Thomas, land granted to, 194, 343, 481; hearing of dispute between him and Joseph Gibbons, about lands, postponed, 212; his complaint against Joseph Gibbons about surveying lands litigated, 243; lot in Savannah granted to, 343, 344; land granted to conditionally, 364.
- Baillie, Alexander, claim of allowed, 535.
- Baillie, Kenneth, land granted to, 186, 588; petition for land rejected, 584; land granted conditionally, 601, 862.
- Baillie, Lieutenant, the Governor proposes to send him to General Abercrombie with letters, 842.
- Baillie, Robert, land granted to, 635.
- Baillie, Thomas, land granted to, 700.
- Baillons, Peter, warrant for land prolonged, 317.
- Baillou, Isaac, land granted, 686.
- Baillou, James, lot granted to, 685.
- Baillou, Peter, land granted to, 228.
- Baker, Benjamin, land granted, 285; petition for land rejected, 880; land granted conditionally, 922.
- Baker, Elizabeth, land granted to, 345.
- Baker, John, land granted to conditionally, 551; land granted, 603.

- Baker, Richard, petition for land postponed, 153; land granted to, 285; petition for land partly granted conditionally, 920.
- Baker, Samuel, petition for land rejected, 231.
- Baker, William, additional land granted to, 157; land granted to, 311, 388.  
Land granted to conditionally, 925.
- Baker, William, Jr., petition for land postponed, 783.
- Baker, Joseph, petition for land rejected, 196; land granted to, 841.
- Barksdale, Isaac, petition for land rejected, 166.
- Barlow, Edward, petition for land postponed, 224.
- Barnaby, John, land granted to conditionally, 837.
- Barnard, Edward, member of assembly, 89; left off Commission of the Peace, 99; petition for lot postponed, 275; petition for lot rejected, 322; land granted to, 481; appointed Justice of Peace, 505.
- Barnard, John, petition of, 35; land granted to, 145; lot in Hardwicke granted to, 164; land granted to, 331, 387, 389.
- Barnard, Capt. John, requests pay for Rangers, 503.
- Barnard & Douglass licensed to trade with Chickesaws, 612.
- Barnes, John, land granted to conditionally, 554; land granted, 685.
- Barnet, William, petition for land partly granted conditionally, 801.
- Barr, Ambrose, additional land granted to, 239; land granted to, 810.
- Basset, Thomas, petition for prolonging his warrant postponed, 472; land granted conditionally, 618.
- Bateman, Mary, widow, petition for land postponed, 160; land granted to, 220, 446.
- Bates, Thomas, land granted to, 150; land granted to, 347.
- Batton, Thomas, land granted to, 144, 347.
- Bearman, Michael, lot granted to, 633; land granted to, 635.
- Bell, Jacob, petition for land postponed, 805.
- Bell, Thomas, land granted to conditionally, 802.
- Bennet, John, land granted to conditionally, 808.
- Bentz, Mark, land granted to, 344.
- Bertz, John Philip, land granted to, 687.
- Betz, Gasper, petition for land postponed, 557.
- Betz, John Gasper, land granted to conditionally, 577.
- Betz, John Michael, land granted to conditionally, 578.
- Betz, Michael, petition for land postponed, 557.
- Birk, Christian, lot granted to, 533.
- Black, David, his caveat against Wm. Wainwright, 385; same dismissed, 405.
- Blackshell, William, land granted to, 367; one half of lot granted to, 389.
- Blake, Francis, land granted to conditionally, 303, 550; lot in Hardwicke granted to, 303.
- Blyth, Joseph, affidavit of concerning intended invasion by the French and Creek Indians, 427.
- Blyth, Peter, lot in Hardwicke granted to, 527; petition for land postponed, 714; land granted to conditionally, 714.
- Boddie, James, lot in Hardwicke granted to conditionally, 527.

- Boddie, Sarah, lot and land granted to, 686; land granted to conditionally, 730; land granted to, 810.
- Bodelle, Leonard, claim for lot postponed, 631.
- Bolton, Robert, lot in Hardwicke granted to, 199; land granted to, 312, 791; lot in Savannah granted to, 481; land granted to conditionally, 555; land warrant renewed, 707.
- Bolzius, Rev. John Martin, land granted to, 293, 588.
- Bonar, William, land granted to, 280; lot in Hardwicke granted to, 281.
- Booth, William, land granted to conditionally, 432; land granted to, 746.
- Boquet, Colonel, letter from, 691.
- Boreman, Michael, land granted to conditionally, 383.
- Bortz, George Philip, land granted to, 746.
- Bosomworth, Adam, land granted to conditionally, 439.
- Bosomworth, Thomas, paper of read, 272; papers returned to, 275.
- Bosomworth, Thomas and wife, papers relating to laid before the Board, 269; memorial of read, 269.
- Bosset, Thomas, land granted to, 192.
- Bostick, Valentine, petition for land postponed, 198.
- Bounty to encourage silk culture, 114.
- Bourquin, Benedict, petition for land rejected, 166; land granted to conditionally, 402; lot in Hardwicke granted to, 403, 747.
- Bourquin, Henry, petition for land postponed, 152; land granted to, 165; 191, 636; land granted to conditionally, 562, 709; claim allowed, 563.
- Box, Philip, petition for lot postponed, 524; lot granted to conditionally, 551; land granted to, 685.
- Braddock, David Cutler, land granted to, 345; petition for guns granted, 448.
- Bradner, Matthias, lot granted to, 481.
- Brady, John, petition for land postponed, 770; land granted to conditionally, 908.
- Branson, John, petition for land postponed, 834.
- Brantner, Matthias, land granted conditionally, 856.
- Brazeale, Elijah, land granted to conditionally, 839.
- Brian, Thomas, petition for land rejected, 331.
- Briar-Creek, complaint of people of that run is sold to Indians, 537.
- British Regiment to be organized for defense of Georgia, 209.
- Brown, John Peter, lot granted to, 746.
- Brookner, Frederica, petition of granted, 621.
- Brooks, James, land granted to, 632.
- Brown, Cornelius, land granted to conditionally, 922.
- Brown, David, lot in Savannah granted to, 328.
- Brown, Edward, statement of, 390.
- Brown, Edward and others, petition of for land on Ogeechee, 93.
- Brownjohn, Benjamin, land granted to, 345.
- Bruce, Thomas, land granted to conditionally, 517, 630, 718; sworn as Searcher, 536; petition for land rejected, 642; petition for prolonging warrant granted, 803.

- Bruckner, Frederica, lot granted to, 533.
- Bryan, Hugh, lot in Hardwicke granted to, 103, 348.
- Bryan, Jonathan, named as councillor, 9; recommended for Judge of General Court, 47; lot in Hardwicke granted to, 103, 347, 512; additional land granted to, 154; appointed Public Treasurer, and ordered to give bond, 177; sworn as Public Treasurer, 181; commissioned to hold court of Oyer and Terminer, 175; land granted to, 230, 284, 285, 312, 685, 749, 791, 810; resigns acting as Justice of General Court, 261; resigns office of Public Treasurer, 335; land granted to conditionally, 468, 609, 650, 698, 702, 776, 809; warrant for land endorsed, 493; appointed Justice of the Peace, 504; to go to Tybee to survey condition of Light-House, 505; appointed to go to Creek Nation, 598; petition for lot postponed, 837.
- Bull, Jacob, land granted to conditionally, 478.
- Burghalter, Rodolph, petition for land postponed, 195.
- Burgslainer, Daniel, lot granted to, 533.
- Burnett, John, petition for land rejected, 404; land granted to conditionally, 669.
- Burnsides, James, land granted to, 746, 747.
- Burnley, Samuel, land granted to, 232, 344, 446.
- Burtley, Richard, land granted to, 160.
- Burrington, Gilbert, petition for land rejected, 527.
- Burrington, Thomas, land granted to conditionally, 511, 513; lot in Hardwicke granted to, 526; land granted to, 636; petition for land rejected, 742; sworn as Attorney General during Wm. Clifton's absence, 826.
- Burton, John, land granted to, 481.
- Burton, Joseph, land granted to conditionally, 859.
- Burton, Robert, land granted to conditionally, 838.
- Burton, William, land granted to, 532.
- Bush, Henry, petition for lot rejected, 744.
- Butler, Elisha, petition for land for son, William, rejected, 110; petition for land postponed, 110; land granted to, 130; qualified as one of the Representatives, 132; nominated Assistant Judge of General Court, 265; consents to act as Assistant Judge, 269; land granted to, 321, 345, 346, 387, 633, 635, 791; suspended as Justice of the General Court, 450; proposed as Assistant Judge of General Court, 504; appointed Justice of Peace, 505; land granted to conditionally, 509, 606; qualified as one of Justices of General Court, 502.
- Butler, James, petition for land rejected, 159; land granted to, 328.
- Butler, Joseph, Sr., land granted to, 147.
- Butler, Joseph, Jr., land granted to, 144; lot in Hardwicke granted to, 155; land and lot granted to, 531.
- Butler, Joseph, appointed Justice of the General Court instead of Elisha Butler, suspended, 450; sworn as Justice of General Court, 460; land granted to conditionally, 467; warrant for land endorsed, 493; appointed Justice of Peace, 505; land granted to, 531, 687.
- Butler, Shem, petition for land rejected, 147, 159.

- Butler, Thomas, land granted to, 328; land granted to conditionally, 509.  
 Butler, William, petition for land rejected, 110; petition for land postponed, 111; land granted to, 131; lot in Hardwicke granted to, 200; petition for lot in Hardwicke rejected, 202; land granted to, 308, 328, 329, 344; appointed Justice of Peace, 505; land granted to conditionally, 510, 579, 580.  
 Bynon, Lewis, arraigned for selling rum to Indians, 541; land granted to conditionally, 719; land granted to, 810.

## C

- Cain, John, land granted to, 319, 747; land granted to conditionally, 619.  
 Campbell, Dugald, land granted to conditionally, 726, 778.  
 Campbell, James, lot in Hardwicke granted to, 164; appointed Justice of the Peace, 505.  
 Campbell, Martin, letter from, 98; to show cause why John Barnard should not have land on Wilmington Island, 332; appointed Justice of Peace, 505.  
 Cameron, Alexander, land granted to conditionally, 838.  
 Carlile, Robert, land granted to conditionally, 521, 558, 711.  
 Carlton, Edward, petition for lot rejected, 226; lot in Savannah granted to, 344; land granted to, 346; lot in Hardwicke granted to, 523.  
 Carr, Mark, member of Council, 89; appointed Justice of Peace, 505; land granted to, 531; land granted to conditionally, 788.  
 Carr, Robert, land granted to conditionally, 471.  
 Carr, Thomas, land granted to, 532.  
 Carter, Owen, land granted to conditionally, 848.  
 Carter, Thomas, petition for land postponed, 224; land granted to, 330, 346, 387, 531; land granted to conditionally, 440.  
 Cary, John, petition for land postponed, 221; land granted to, 288, 440.  
 Cary, John, Jr., lot in Savannah granted to, 327.  
 Cater, Stephen, land granted to conditionally, 889.  
 Caudry, Thomas, land granted to conditionally, 895.  
 Cawthorn, William Dabney, land granted to conditionally, 889.  
 Chapman, Edward, land granted in trust, 388.  
 Chapman, John, land granted to, 345.  
 Champ, William, land granted to conditionally, 852.  
 Cherokee Indians, arrival of, 179; attend the Council and receive ammunition, 180; complaint against and order thereon, 182; attitude of, 643.  
 Chevers, Matthew, land granted to conditionally, 908.  
 Chew, Samuel, petition for land granted, 652; land granted to conditionally, 907.  
 Chickesaw Indians, received by Governor and Council, their talk, etc., 206; ammunition given to, 207; desire to talk, 539; ask for powder and balls, 539; presents promised to, 539; promise good behavior, 600; presents for, 610.  
 Civil officers continued in office by Governor's proclamation, 16.



- Claims for lands examined, 214, 216, 351.
- Claim, contested, of Fitch and Irwin decided in favor of Fitch, 688; Edward Jenkins vs. Mortgagee decided, 689.
- Claimants for lands required to register their names, 213; to appear before Governor and Council to support claims of lands, 280.
- Clancy, Thomas, land granted to conditionally, 770.
- Clark, Angus, land granted to conditionally, 676.
- Clark, Daniel, warrant for land endorsed, 493.
- Clark, Donald, appointed Justice of Peace, 505; land granted to, 746.
- Clark, Hugh, land granted to, 483.
- Clark, John, appointed Justice of Peace, 691; land granted to conditionally, 694, 835.
- Clark, Nathaniel, land granted to conditionally, 415, 523.
- Clark, Patrick, petition for land postponed, 226.
- Clark, Sarah, widow, lot in Augusta granted to conditionally, 904.
- Clark, Stephen, land granted to conditionally, 584; petition for land rejected, 883.
- Clark & McGillivray, land granted to conditionally, 461.
- Clayton, John, petition for land postponed, 524; land granted to conditionally, 771; warrant for land renewed, 837.
- Clement, William, land granted to, 633.
- Clerk, Daniel, land granted to, 388.
- Clerk of Board to write to Justices, Captains, etc., 400; takes oaths of office, 912.
- Clerk of Crown and Pleas, his fees prescribed, 597.
- Clifton, William, named as Councillor, 9; attended and took oaths, 33; declines appointment as member of Council, 51; to be Advocate General of Court of Admiralty, 88; land granted to, 109; lot in Hardwicke granted to, 125; land granted to, 148, 330; additional land granted to, 175; allowed one year to examine records in support of his claim to lot in Savannah, 282; moved that caveats entered by Bosomworth against persons having grants for land be discharged, 300; appointed Justice of Peace, 505; land granted to conditionally, 574; memorial of, 501; takes seat as Councillor, 592; resigns warrant and new warrant granted to, 803; leave of absence given to, 826.
- Closeman, Frederick, lot granted to, 276; land granted to conditionally, 579.
- Cockran, William, land granted to conditionally, 800.
- Cogler, George, land granted to, 445.
- Coloine, James, heirs of, land granted to, 387.
- Colson, Jacob, land granted to conditionally, 695.
- Collins, Andrew, land granted to, 345; land granted to conditionally, 004.
- Collins, Thomas, land granted to, 746.
- Commission of the Peace, appointment of new, postponed, 452; same referred to Attorney General, 453; a new, ordered, 504; a new commission to be made out, 691.
- Common reserved at Hardwicke for inhabitants, 125.
- Conference between the Governor and the Cowkeeper, 620.

- Consideration of suspension of Noble Jones postponed, 450.  
 Constables in Justices Court provided for, 57; oath of, 58; to prepare lists of Jurors, 58.  
 Contingent expenses examined and ordered paid, 313, 324.  
 Contested claim of Fitch and Irwin decided in favor of Fitch, 688; of Edward Jenkins vs. Mortgagee decided, 689.  
 Conyers, John, petition for land postponed, 832.  
 Cooper, John, petition for lot postponed, 320; land granted to conditionally, 715.  
 Cooper, Richard, lot in Hardwicke granted to, 203.  
 Cooper, Susannah, warrant for lot prolonged, 337.  
 Coppe, Rev. Mr. Jonathan, lot granted to, 275; petition for land postponed, 281.  
 Cornberger, John, land granted to, 532, 840.  
 Council adjourns to court house, 21; heartily approves proposition to build fort, 499.  
 Council House falls down, 21.  
 Council House and Goal, expense of fitting up, 170.  
 Council refuses to examine accounts submitted by the Governor, 368.  
 Councillors summoned, 10; take oaths, 11, 488; those of Ellis' Council take oaths, 910.  
 Coulson, William, petition for land postponed, 820.  
 Courts of Oyer and Terminer, dates fixed for, 208.  
 Cowkeeper, his reply to the Governor, 630.  
 Cox, Benjamin, petition for land postponed, 161.  
 Cox, Richard, land granted to, 343.  
 Cox, Richard, Sr., land granted to, 344.  
 Cox, Richard, Jr., lot in Hardwicke granted to, 344.  
 Cramer, Christopher, land granted to conditionally, 466, 847; lot granted to, 534.  
 Cranwetter, Marie Catharina, land granted to, 686.  
 Craudie, Adam, petition for land rejected, 220.  
 Craus, Leonard, land granted to, 810.  
 Cremer, Christopher, land granted to conditionally, 705.  
 Cremer, Christopher and others, petition of rejected, 707.  
 Creek Indians, presents given to, 135; ammunition given to, 288; ordered to meet Governor and receive presents, 333; few attend and presents ordered them, 336; presents given to, 404; report of the Agent concerning, 643; arrival of, 644; how received, 644; arrive under escort of Capt. Milledge, and particular account of their reception, 644, 645; address of Governor to, 645; answer of the Wolf King Mico to Governor's speech, 647; speech of Togulki, 648; Head Men invited to dine with Governor, 648; received by his Honor in Council, 657; new treaty signed by them, 664; copy of treaty, 665; Governor has conference with, 703, 732; present deer skins to Governor, 704.  
 Cronenberger, John, land granted to conditionally, 737.  
 Cronenberger, Nicholas, land granted to conditionally, 661, 708; lot granted to, 635; agreement made with to build new scout boat, 846.

- Crooke, Herriot, widow, land granted to conditionally, 287; land granted to, 405; lot in Hardwicke granted to, 526.
- Crooke, Robert, petition for land rejected, 290.
- Cross, Thomas, petition for lot in Hardwicke rejected, 203.
- Cross, William, heirs of, land granted to, 387.
- Croswell, Mary, widow, lot in Augusta granted to, 279.
- Cunningham, David, land granted to, 633.
- Curtis, Henry, petition for land rejected, 145; land granted to, 240, 634; warrant for land prolonged, 318.
- Cusmal, Jacob, land granted to conditionally, 402; land granted to, 685.
- Cuthbert, George, member of Assembly, 89; petition for land postponed, 184, 222; qualifies as Justice of Peace, 249; land granted to, 288, 311, 312, 339, 530; land granted to conditionally, 417; warrant for land endorsed, 493.

## D

- Danford, Abraham, land granted to conditionally, 584; land granted to, 747.
- Darnel, Thomas, land granted to conditionally, 851.
- Dasher, Christian, land granted to, 746.
- Dasher, Martin, land granted to conditionally, 753, 888.
- Davis, John, petition for lot in Hardwicke rejected, 203; lot in Hardwicke granted to, 203; land granted in lieu of former grant, 225; petition for land rejected, 317; land granted to conditionally, 436, 580, 847; land granted to, 589.
- Davis, John, Sr., land granted to, 187.
- Davis, John, Jr., land granted to, 589.
- Davis, William, land granted to, 109, 589; land granted to conditionally, 521.
- Day, Nathaniel, land granted to, 155, 312; lot in Hardwicke granted to, 169.
- Day, Owen, land granted to conditionally, 650.
- Day, Peter, petition for land postponed, 814.
- Day of fasting and humiliation appointed, 406.
- Dean, Lydia, widow, land granted to, 446.
- De Brahm, William, Surveyor General, memorial of, 291.
- De Brahm, William Gerrard, lot in Savannah granted to, 132, 346; lot in Hardwicke granted to, 163, 347; land granted to, 344; land granted to conditionally, 588; petition for land postponed, 839.
- Denfenceless condition of colony, 209.
- De Honneur, John, land granted to conditionally, 349; lot in Hardwicke granted to, 350; his bond cancelled, 825.
- Delegal, Edward, land granted to conditionally, 917.
- Delegal, George, lot in Hardwicke granted to, 164; land granted to, 185.
- Delegal, Philip, Jr., land granted to, 149, 745; lot in Hardwicke granted to, 163; appointed Justice of Peace, 505.
- Demay, Alexis, land granted to conditionally, 686; petition for land postponed, 770.

- Demere, Capt. Raymond, presents receipt for provisions supplied Detachment under his command, 133; land granted to, 186; lots granted to, 245; lot in Savannah granted, 347; lot in Hardwicke granted to, 347; petitions set for hearing, 758.
- Demetre, Daniel, lot in Hardwicke granted to, 167, 347; additional land granted to, 192; land granted to, 344, 347; land granted to conditionally, 433.
- Deppe, Valentine, lot granted to, 634.
- De Reinoses, Carlos Auziano, relief granted to, 460.
- DeVeaux, James, member of Assembly, 89; lot in Hardwicke granted to, 201; nominated Assistant Judge of General Court, 265; consents to act as Assistant Judge, 269; Warsaw Island granted to conditionally, 316, 386, 915; land granted to, 388; proposed as Assistant Judge of General Court, 504; appointed Justice of Peace, 505; sworn as Justice of the General Court, 536.
- DeVeaux, John, lot in Hardwicke granted to, 163; land granted to conditionally, 372, 676; appointed Justice of Peace, 505; land granted to, 530, 532.
- DeVeaux, John, Jr., petition for land rejected, 166; lot granted to conditionally, 586.
- DeVeaux, William, lot in Hardwicke granted to, 585.
- Dews, William, land granted to, 190, 293, 346; petition for land rejected, 200.
- Dickinson, Paynter, land granted to, 235, 687.
- Dickinson, Stephen, land granted to conditionally, 475; land granted to, 687.
- Dicks, David, land granted to, 144, 348; land granted to conditionally, 442; warrant for land endorsed, 403.
- Dinkins, John, land granted to conditionally, 881.
- Discontent and disaffection among inhabitants, 94.
- Disputes between Indians and Spaniards, 626.
- Dixey, James, petition for lot postponed, 716.
- Dixie, James, land granted to, 326.
- Dixon, Robert, petition for lot postponed, 228; lot in Augusta granted to, 279.
- Dixsee, James, Sr., lot in Hardwicke granted to, 167.
- Dixsee, James, Jr., petition for land rejected, 166.
- Dobell, John, lot in Savannah granted to, 327; his caveat against heirs of Thomas Causton litigated and postponed, 354.
- Dohart, John, land granted to conditionally, 894.
- Donnom, James, land granted to conditionally, 897.
- Dormer, Richard, lot in Savannah granted to, 327.
- Douglass, David, member of Assembly, 89; elected Speaker of House, 89; memorial of concerning Courts of Conscience, 105; petition for land postponed, 126, 458; appointed Justice of Peace, 505.
- Douthatt, Michael, petition for land rejected, 682.
- Dowdee, Richard, lot in Hardwicke granted to conditionally, 677; petition for land postponed, 914.

- Dresler, George, petition for land postponed, 290; land granted to, 365; lot granted to, 635.
- Dubois, Charles, petition for lot rejected, 525.
- Dubois, Paul, petition for land rejected, 750.
- Dudley, Ambrose, petition for land rejected, 146; petition for lot in Hardwicke rejected, 203.
- Dunbar, Capt. George, petition of rejected, 708.
- Dunham, Daniel, land granted to, 359; lot in Hardwicke granted to, 418; warrant for land endorsed, 493; petition for renewing warrant granted, 648; land granted to conditionally, 867.
- Dunham, James, land granted to, 355, 635; land reserved for, 850.
- Dunham, William, petition for lot postponed, 306; land granted to, 339; 355, 634, 635; petition for lot rejected, 364; lot granted to conditionally, 576; land granted to conditionally, 622.
- Dunham, James and William, land granted to conditionally, 355; land granted to, 635.
- Dunnom, Daniel, land granted to, 530.
- Dullea, Maurice, petition for land rejected, 152; lot in Hardwicke granted to, 166, 329; land granted to, 287, 417; ordered to attend to support claim of lands, 307; caveat against having grant litigated, 309; land to be surveyed, 309.
- Dusseign, Jacob, land granted to conditionally, 923.
- Dyass, Moses, land granted to conditionally, 606; land granted to, 746.

## E

- Eage, George, land granted to, 445.
- Earl of Loudoun, letter from, 407.
- Ebenezer, how possessors of land in shall take out grants, 335; land granted to inhabitants of conditionally, 371; Surveyers General ordered to make plat of, 385.
- Echard, Conrade, land granted to conditionally, 872.
- Eigen, John, petition for land rejected, 227.
- Ellic, an Indian, dines with Governor, 569.
- Ellick, Captain, Indian Chief, waits on Governor, 33; presents delivered to, 34.
- Elliott, Grey, land granted to conditionally, 300, 456, 761; petition for lot postponed, 342; appointed Justice of Peace, 505; land granted to, 531; appointed Surveyor and Auditor General, 811; fees of fixed, 811; petition for land on purchase granted, 883.
- Elliott, John, land granted to, 126, 328, 329; additional land granted to, 106; lot in Hardwicke granted to, 222, 329; appointed Justice of Peace, 505.
- Elliott, Peter, land granted to, 310, 747.
- Elliott, William, land granted to, 386, 389, 589; warrant for land prolonged, 495.
- Elliott, William, Jr., land granted to, 222.
- Ellis, Governor, meets Creek Indians in Council Chamber, 491.

- Ellis, Henry, appointed Lieutenant Governor, 485; his commission as Lieutenant Governor read, 485; takes oaths of office, 486; Great Seal delivered to by Reynolds, 487; land granted to, 790; his commission as Governor in Chief published, 909; takes the State oaths, 909, 910.
- Emanuel, David, land granted to conditionally, 542.
- Emanuel, John, land granted to conditionally, 436; land granted to, 590.
- Embargo on all trading vessels, 766.
- Eneaux, Claud, lot in Augusta granted to conditionally, 899.
- Ernst, Ludwig, lot granted to, 633.
- Eshberger, Rupreik, lot granted to, 635.
- Evans, Elizabeth, land granted to, 387.
- Evans, Elizabeth and Jane, land granted to, 445.
- Evans, Middleton, land granted to, 235, 634; petition for land rejected, 750; land granted to conditionally, 751, 774.
- Ewen, William, potter, lot granted to, 143, 746; petition for lot in Hardwicke rejected, 201; petition for lot postponed, 873.

## F

- Fahie, Anthony, lands granted to, 310.
- Fam, Frederick, land granted to conditionally, 695.
- Farley, Benjamin, land granted to, 148, 313, 347, 483; land granted to conditionally, 349, 720.
- Farley, John, petition for land rejected, 331; land granted to conditionally, 371, 709; land granted to, 634, 810.
- Farley, Mary, land granted to, 790.
- Farmer, John, lot in Savannah granted to, 472; lot in Hardwicke granted to conditionally, 553.
- Farmur, John, member of Assembly, 89; petition for lot in Hardwicke rejected, 201; land granted to conditionally, 740.
- Feaster, John, land granted to conditionally, 361; lot granted to conditionally, 741; land granted to, 746.
- Fees of court officers to be posted by each officer in his office, 63.
- Fees of Governor, 64.
- “ “ Secretary, 65.
- “ “ Clerk of Council, 66.
- “ “ Clerk of Council in Assembly, 67.
- “ “ Messenger of Council, 67.
- “ “ Chancellor, 68.
- “ “ Clerk and Messenger in House of Representatives, 68.
- “ “ Master in Chancery, 68.
- “ “ Register in Chancery, 69.
- “ “ Solicitor in Chancery, 69.
- “ “ Chief Justice, 70.
- “ “ Attorney General, 70.
- “ “ Clerk of Crown and Peace, 71.
- “ “ Chief Justice of Court Common Pleas, 72.

- " " Clerk of Court of Common Pleas, 73.
  - " " Attorneys of Court of Common Pleas, 74.
  - " " Provost Marshal, 75.
  - " " Judge of Court of Admiralty, 77.
  - " " Advocate General, 77.
  - " " Proctors of Court of Admiralty, 78.
  - " " Register of Court of Admiralty for trial of pirates, 79.
  - " " Marshal of the Court of Admiralty, 80.
  - " " Marshal of the Court of Admiralty in the trial of pirates, 81.
  - " " Publick Register, 81.
  - " " Surveyer and Comptroller of the King's Customs, 81.
  - " " Collector of King's Customs, 82.
  - " " Naval Officers, 83.
  - " " Searcher, 84.
  - " " Justices of Peace, 84.
  - " " Constables, 85.
  - " " Deputy Marshal or Constables Fees, 86.
  - " " Publick Treasurer, 87.
  - " " Publick Notary, 87.
  - " " Goaler, 87.
  - " " Cryer of General Court, 140.
  - " " Pilot of Tybee, 139.
  - " " Provost Marshal for commitments and discharges, 247.
  - " " Coroner, 314.
  - " " Clerk of Church of England, 314.
  - " " Sexton, 314.
  - " " Clerk of Crown and Pleas, 597.
- Fenny, Phillippa, widow, land granted to, 221; land granted to, 531.
- Fenton, Martin, land granted to conditionally, 455; warrant for land endorsed, 493.
- Fetzer, Ulric, petition for land postponed, 789.
- Finch, Paul, land granted to, 685.
- Fitch, John, land granted to conditionally, 355, 855; petition for lot postponed, 356; land granted to, 370, 389, 635; lot in Hardwicke granted to conditionally, 444; petition for land postponed, 468; arraigned for selling rum to Indians, 541; petition for land postponed, 640; land granted to, 790.
- Fitzgerald, John, land granted to, lot in Hardwicke granted to, 522; petition for land rejected, 805.
- Fitzer, Sebastian, land granted to, 811.
- Fitzwalter, Penelope, sells lot to Lewis Johnson, 706; land granted to, 700.
- Fleming, John, petition for lot postponed, 519.
- Fleming, Walter, land granted to, 800.
- Flerl, John, petition for land postponed, 353; land granted to, 446; land granted to conditionally, 464; appointed Justice of Peace, 505; warrant for land prolonged, 709.
- Flerl, Charles, land granted to, 445.

- Fowl, George, land granted to conditionally, 519; land granted to, 636.
- Fox, David, land granted to, 292; lot in Hardwicke granted to conditionally, 559.
- Fox, David, Jr., land granted to, 313; petition for land rejected, 586.
- Fox, David, Sr., land granted to conditionally, 788.
- Fox, John, land granted to, 313, 386; petition for lot rejected, 558.
- Fox, Jonathan, petition for land postponed, 737; land granted to conditionally, 917.
- Fox, William, petition for land postponed, 459.
- Fradling, Frederick, land granted to, 589.
- Francis, Mr., claim for land postponed, 480.
- Francis, William, memorial of concerning postponing of order granting land to Rev. Mr. Zouberbuhler, 282; appointed Justice of Peace, 505; land granted to conditionally, 801; petition for land postponed, 823; lands and lot granted to, 841.
- Francis, Capt. William, lot in Hardwicke granted to, 164; letter from relating to behavior of some Indians, 210; ordered to overtake Indians, enquire into their conduct and make report, 211; makes report, 211.
- Fraser, Margaret, lot in Augusta granted to, 322.
- Frazer, William, petition for land postponed, 916.
- Frazier, Thomas, and others, land granted to at Acton and Vernonburgh, 749.
- Freels, Jeremiah O., petition for land postponed, 375.
- French deserter brought before Council and sent to England, 134.
- French Neutrals, Governor proposes that land for garden be supplied to, 506.
- French people permitted to land, provisions and boats are furnished to, 362; petition of, 304; relief granted to, 304.
- Friday in every week set apart for examining claims, 564.

## G

- Gabel, John, land granted to conditionally, 828.
- Gallache, James, land granted to, 532.
- Galphin, George, letter from concerning Indian affairs, 172, 173; land granted to conditionally, 673.
- Galphin, John, land granted to conditionally, 770; lot in Frederica granted to conditionally, 770.
- Gandy, Samuel, land granted to conditionally, 758; land granted to, 701.
- Gee, Charles, petition for lot rejected, 525.
- General Assembly, King's instructions concerning, 26; to meet in Savannah, 27; qualification of members, 27; prorogued by proclamation, 672.
- General Court, a court of record established, 46; its jurisdiction, 47.
- Germany, James, land granted to conditionally, 432; warrant for land endorsed, 493; petition for prolongation of warrant granted, 622; land granted to, 701.



- Germain, Michael, land granted to conditionally, 556, 582.  
 Geswandell, Thomas, land granted to, 533.  
 Gibbs, Philip, petition for land rejected, 684; land granted to conditionally, 798.  
 Gibbs, Isaac, land granted to conditionally, 382.  
 Gibbons, Joseph, the elder, land granted to, 311.  
 Gibbons, Joseph, the younger, land granted to, 311.  
 Gibbons, Joseph, petition for land postponed, 102; land granted to, 151, 312, 346; land granted to conditionally, 340; appointed Justice of Peace, 505; petition for land rejected, 675, 815; land granted to conditionally, 696, 865, 869.  
 Gibbons, William, petition for land postponed, 308; land granted to, 312, 328, 447, 686; land granted to conditionally, 341, 512, 786; petition for land rejected, 680.  
 Gilbert, William, land granted to conditionally, 699.  
 Gilliland, Thomas, land granted to conditionally, 649.  
 Gionavoli, John, petition for lot postponed, 731.  
 Girardeau, Isaac, land granted to, 188, 746.  
 Girardeau, Richard, land granted to conditionally, 740.  
 Glaner, George, land granted to, 445.  
 Glaudenox, Peter, petition for lot postponed, 279.  
 Glen, Governor, of South Carolina, letter from respecting Indian trade, read, 251.  
 Goal in Savannah provided for, 37.  
 Godfrey, Robert, petition for land postponed, 640.  
 Goff, John, land granted to conditionally, 805.  
 Goldsmith, Thomas, land granted to, 345.  
 Goldwire, Benjamin, directed to make estimate of repairs on church, 173; lot in Hardwicke granted to, 202; land granted to, 331; petition for lot postponed, 735.  
 Goldwire, John, land granted to conditionally, 330, 828; lot in Hardwicke granted to conditionally, 562; appointed Justice of Peace, 505.  
 Goldwire, Tondee, contract to build filature, 802.  
 Golphin, George, land granted to, 446.  
 Goodale, Edward, land granted to, 687.  
 Goodale, Thomas, petition for land rejected, 165.  
 Goodby, Joseph, land granted to, 387.  
 Gordon, Capt. James, petition for land postponed, 165.  
 Gordon, John, land granted to, 345; land granted to conditionally, 653.  
 Goulding, John, petition of postponed, 879.  
 Governor, commission of read to Council, 10; oaths of, 11; instructions to read, 12; commission of recorded, 14; warrant of to use the Great Seal, 14; warrant of to use Great Seal recorded, 15; commission of to be read at head of militia, 15; speech of to Council and Assembly, 90; proclamation of, 95; town lots granted to, 101; message from, 113; land granted to, 125; lot in Savannah granted to, 160; Hutchinson's Island granted to, 204; speech to Council concerning Wm Little and proclamations issued,

- 266; fees allowed to for signing letters testamentary, 281; signs grants for lands, 283, 292; committee of Council to attend Governor to Augusta, 294; proclamation of concerning tenure of lands, 296; grants for lands signed by, 309, 326; resolution of on granting future petitions for land 337; signs grants for lands, 343, 346; to raise troop of Rangers, 400; speech of to Council and Assembly, 411; fee of for signing grants not to be taken until grant is signed, 493; advises with Board as to sending a special messenger with dispatches to Earl of Loudoun, 498; proposes to erect fort and battery, 498; land granted to, 530, 563, 641, 874; postpones visit to southward, 543; offers reward for French scalps, 546; meets Creek Indians in Council Chamber, 566, 572; speech to Indians, 567; lays plans before Council, 571; conference between Governor and Cowkeeper, 626; speech of to Cowkeeper, 627; speech of Cowkeeper to, 630; two lots in Savannah granted to, 632; address of to Creek Indians, 645; again meets Creek Indians in Council, 657, 658; his discourse to them, 659; conduct of approved by Council, 664; has conference with Creek Indians, 703, 732; deer skins presented to by Creek Indians, 704; his reply to Opeya, 734; land granted to on St. Simon's, 762; represents to Board danger of Light House at Tybee is in of falling, and proposes to go to view it, 842; mentions to Board state of Rangers, 842; his opinion on condition of Light House, 843.
- Gradell, William, land granted to conditionally, 656.
- Graham, Ann, land granted to, 532; town lot granted to, 532.
- Graham, James, lot in Hardwicke granted to, 526; petition for land rejected, 654; land granted to for wharf, 743.
- Graham, Jean, widow, land granted to conditionally, 889.
- Graham, John, lot in Hardwicke granted to, 162; petition for land rejected, 184; land granted to conditionally, 341, 640; bond for settling land delivered up, 352; warrant renewed, 563; lot in Savannah granted to conditionally, 641.
- Graham, Patrick, President, resigns seat to Governor, and named as Councilor, 9; death of, 181.
- Graham, Mrs., claim for land, 477.
- Graham, Mungo, lot in Hardwicke granted to, 201, 686; petition of to purchase land rejected, 877.
- Grant, Gilbert, land granted to conditionally, 767.
- Grant, John, land granted to conditionally, 830.
- Grant, William, lot in Savannah granted to, 328.
- Grants, conditions endorsed on back of, 298; which have passed seal, 299; to be taken out within seven months from date of warrant, 337.
- Graves, James, account of allowed, 479.
- Graves, John, land granted to, 187, 481; land granted to conditionally, 561.
- Graves, William, land granted to, 189, 389, 416, 634; land granted to conditionally, 376, 552; petition for land rejected, 377.
- Gray Edmund, member of Assembly, 89; expelled from House of Representatives, 134; Governor talks with, 547.
- Gray, James, lot in Augusta granted to, 278; petition for lot in Hardwicke rejected, 279; land granted to conditionally, 722.

- Gray, John, lands granted to conditionally, 860, 861; permitted to purchase land, 862.
- Gray, Lieutenant John, land granted to, 327.
- Gray, William, member of Assembly, 89; letter from, 426.
- Green, Ann, lot and land granted to, 841.
- Green, John, land granted to, 311.
- Green, William, land granted to conditionally, 812.
- Greene, Thomas, petition for land postponed, 241.
- Greeve, John Henry, appointed Justice of Peace, 505.
- Gregor, Luke, land granted to conditionally, 520.
- Gregory, William, land granted to conditionally, 518.
- Grenier, Peter, petition for lot rejected, 755.
- Greves, John Henry, permitted to exchange land, 859.
- Griner, Andrew, land granted to conditionally, 913.
- Gronou, Hannah, and others, lots granted to, 532.
- Grounidge, Margaret, land granted to, 288.
- Gruber, John, land granted to, 446.
- Gugel, John, land granted to, 686.
- Guindre, David, warrant for land endorsed, 493; land granted to conditionally, 738.
- Gunidre, David, land granted to conditionally, 362.

## H

- Habeas Corpus, right of guaranteed, 29.
- Haberer, Michael, land granted to, 445.
- Habersham, James, named as Councillor, 9; takes oaths as clerk, 13; land granted to, 149, 284, 326, 481; land granted to conditionally, 349; qualifies as Justice of Peace, 343, 497; appointed Justice of Peace, 504.
- Habersham, James, Sr., land granted to, 345.
- Habersham, James, Jr., land granted to, 345.
- Habersham, Joseph, land granted to, 326.
- Hackle, George, warrant for land endorsed, 493.
- Hague, George, land granted to conditionally, 775.
- Hakel, George, lot in Ebenezer granted to conditionally, 434.
- Hamer, Robert, land granted to, 346.
- Hamilton, Henry, appointed messenger of Council, 38; land granted to, 310, 311; lot in Hardwicke granted to conditionally, 515; petition for land postponed, 739.
- Hamm, John, lot granted to, 230; new warrant granted to, 560; new land warrant issued to, 761; lot granted to, 791.
- Hammer, Peter, land granted to conditionally, 770.
- Handley, William, lot in Hardwicke granted to, 230, 320; appointed Justice of Peace, 505; lot granted to conditionally, 674; land granted to, 810.
- Hangletter, John, land granted to, 635.
- Hardwicke, town of named, 101; land in too small for fortifications, 316.
- Harlan, Ezekiel, land granted to conditionally, 722.

- Harley, James, petition for land rejected, 306; land granted to conditionally, 357; land granted to, 589.
- Harn, John, member of Assembly, 89; petitions for land postponed, 515; petitions for land rejected, 739.
- Harold, Edmund, land granted to conditionally, 769.
- Harris, Francis, named as Councillor, 9; land granted to, 184, 345, 446; lot in Hardwicke granted to, 327; lot in Savannah granted to, 327; warrant for laying out land prolonged, 342; appointed Justice of Peace, 504.
- Harris & Habersham, present pay bill for scout boat, which was examined and certified by Governor, 133; presents Capt. Demere's receipt for provisions which was examined and certified by Governor, 133; present pay bill for scout boat and receipts for provisions for three Independent Companies in South Carolina, 300, 325; present receipts for Detachment at Augusta, 301; land in Savannah granted to, 440.
- Hart, James, petition for land rejected, 146; petition for land postponed, 184.
- Harvell, Ann, lot granted to, 278.
- Hastings, Samuel, land granted to, 237, 687.
- Haverin, Michael, lot in Frederica granted to conditionally, 919; land granted to conditionally, 919.
- Head Man, drum and flag granted to, 494.
- Head Men invited to dine with Governor, 648.
- Heart, James, land granted to, 305; lot in Hardwicke granted to, 305; land granted to, 388.
- Helvenstine, Frederick, land granted to conditionally, 383, 814; petition for land rejected, 438.
- Helvenstine, Jeremiah, land granted to conditionally, 478.
- Helvenstine, John, land granted to conditionally, 455; petition for lot postponed, 737; warrant prolonged, 795.
- Helvenston, Jeremiah, petition for land postponed, 417.
- Heckall, George, land granted to, 533.
- Henry, John George, land granted to, 589.
- Henshaw, Joseph, petition for land postponed, 511; petition for lot in Hardwicke postponed, 511.
- Herse, John Michael, land granted to, 533.
- Hickambottom, Thomas, land granted to conditionally, 892.
- Hiesler, David, petition for land postponed, 559; land granted to conditionally, 583.
- Hoare, Benjamin, land granted to, 277, 747.
- Holbrook, Jacob, land granted to conditionally, 437.
- Holland, Nathaniel, petition for land rejected, 154; land granted to conditionally, 404.
- Holmes, John, petition for land postponed, 889.
- Homer, Robert, petition for land and town lot postponed, 103; land granted to, 130, 140; petition for lot in Hardwicke rejected, 130; permitted to exchange land, 168.
- Hopkins, Ann, land granted to, 532.
- Hopkins, John, land granted to conditionally, 558; petition for land postponed, 622.

- Horn, Benjamin, land granted to conditionally, 723.  
 Hoskins, Isaac, land granted to conditionally, 787.  
 Hossinloer, Sebastian, land granted to conditionally, 830.  
 House of Representatives ordered to attend Governor in Council, 89, 410.  
 Houston, Deborah, lot in Savannah granted to, 809.  
 Houstoun, George, land granted to, 344; lot in Hardwicke granted to, 347.  
 Houstoun, James, member of Assembly, 89; lot in Hardwicke granted to, 104; land granted to, 293, 330.  
 Houstoun, Sir Patrick, named as Councillor, 9; petition for town lot in Hardwicke for son, Patrick, granted, 103; petition for lot in Hardwicke for son, George, granted, 104; additional land granted to, 142, 183; sworn as Register of Grants, etc., 265; land granted to, 293, 321, 347, 590; petition for land postponed, 319; submits account, 414; land warrant prolonged, 497; appointed Justice of Peace, 504; land granted to conditionally, 653; petition for prolonging warrant granted, 886.  
 Houstoun, Robert, land granted to, 306.  
 Hover, Conrad, land granted to conditionally, 378; land granted to, 635.  
 Hubbard, Richard, petition for land postponed, 822.  
 Hudson, Charles, land granted to conditionally, 818.  
 Hudson, Robert, land granted to conditionally, 815.  
 Hugenin, David, land granted to, 743; lot granted to, 747.  
 Huguerin, David, petition for land postponed, 165; petition for lot rejected, 200; lot in Hardwicke granted to, 281.  
 Humphrey, John, petition for land postponed, 320; land granted to, 322.  
 Humphreys, Robert, land granted to conditionally, 442; land granted to, 747.  
 Hunold, Elizabeth, land granted to, 589, 633.  
 Hunter, Anna, lot in Savannah granted to, 327.  
 Hunter, Joseph, lot in Savannah granted to, 327.  
 Hustons, James, petition for land postponed, 332.  
 Hutson, James, land granted to conditionally, 542.  
 Hyde, George, land granted to conditionally, 707.

## I

- Igle, John, land granted to conditionally, 782.  
 Illy, Jacob, land granted to conditionally, 370, 815.  
 Illy, Michael, land granted to, 227; land warrant prolonged, 317.  
 Indian disturbances, 390, 537.  
 Indians, supply of presents for should be kept on hand, 35; expenses for entertainment of paid, 244; letter concerning, 302; talk with, 546; pillage Joseph Watson of provisions, 502; arrive from the south, 626; accounts relating to expense of to be examined, 671; same examined and passed, 672; talk with, 763.  
 Indian Traders, opinion of Board as to, 251.  
 Instructions to Council in absence of Governor, 544.  
 Intercepted letter laid before Assembly, 97.  
 Irwin, Thomas, land granted to conditionally, 713.

## J

- Jagger, John, land granted to conditionally, 150; lot in Hardwicke granted to, 163; time for settling land extended, 439, 529; arrives with large number of negroes, 590; land granted to, 642; lot in Savannah granted to, 642.
- Jarvis, James, account of for bringing down a prisoner from Augusta ordered to be paid, 176; petition for land postponed, 176; lot granted to, 276; land granted to conditionally, 721.
- Jeans, Samuel, land granted to conditionally, 785, 912.
- Jervey, David, lot in Hardwicke granted to conditionally, 465; warrant for land endorsed, 493; land granted to conditionally, 751; petition for lot rejected, 752; land granted to, 791.
- John, David, land granted to conditionally, 850.
- Johnson, Andrew, land granted to, 312.
- Johnston, Andrew, lot in Hardwicke granted to, 166.
- Johnson, Lewis, member of Assembly, 89; land granted to, 112; lot in Hardwicke granted to, 112; land granted to, 310, 312; petition for lot rejected, 360; appointed Justice of Peace, 505; petition for lot rejected, 650; land granted to conditionally, 678, 736; buys land from Penelope Fitzwalter, 706; petition of granted conditionally, 829; warrant prolonged, 831.
- Johnson, Richard, lot granted to, 276; land granted to, 494.
- Johnson, William, petition for land rejected, 194; land granted to, 347; petition for lot in Savannah rejected, 474; land granted to conditionally, 624, 794; petition for lot rejected, 757; permitted to exchange land, 834.
- Johnson, William Martin, land granted to, 310.
- Johnston, William, land granted to, 229.
- Jones, Colonel, his regiment ordered under arms to receive Creek Indians, 644.
- Jones, John, petition for land postponed, 681; land granted to conditionally, 914.
- Jones, Mary, lot in Savannah granted to, 310.
- Jones, Noble, named as Councillor, 9; to superintend repairs on public offices, 32; appointed Judge of Court of Oyer and Terminer, 40; recommended for Judge of General Court, 47; commissioned to hold court of Oyer and Terminer, 175; desired to make out and deliver to Surveyers General return of quantities of land and also of surveys and plans made by him, 201; allowed ten guineas as acknowledgment for his services, 201; land granted to, 311, 444; suspended from his offices, 450; appointed Justice of Peace, 504.
- Jones, Noble Wimberly, member of Assembly, 89; land granted to, 311, 444; appointed Justice of Peace, 505.
- Jones, Priscilla, petition for land rejected, 778.
- Jones & Bryan, their commission as Judges, 47.
- Jordan, Samuel, land granted to conditionally, 558.

- Joyce, Michael, land granted to conditionally, 880.  
 Judge of Admiralty takes oath of office, 912.  
 Justices' Courts established, 49.  
 Justices at Augusta to hold Courts of Requests, 124.  
 Justices of the General Court, two to be added, 261.  
 Justices of the Peace at Augusta to send expense account with prisoner sent to Savannah for commitment, 177.

## K

- Kalcher, Margaret, widow, petition for land postponed, 353.  
 Kannady, William, land granted to conditionally, 432.  
 Keabler, Jacob, petition for land postponed, 417; land granted to conditionally, 435.  
 Keesee, Thomas, petition for land postponed, 789.  
 Keiffer, Frederick, land granted to, 191; warrant for land prolonged, 318; land granted to, 389.  
 Keiffer, Theobald, directed to make enquiry concerning complaint of Chickasaw Indians, 207; petition for land postponed, 353; land granted to, 445; land granted to conditionally, 457.  
 Keibler, Jacob, land granted to, 634.  
 Kellet, Alexander, named as Councillor, 9; takes oath as Provost Marshal, 14; to be Marshal of Court of Admiralty, 88; lot in Hardwicke granted to, 104, 312; petition for land granted, 109; petition for land postponed, 112; land granted to, 141; petition of for a jail and prison fees, 214; petition of for a public executioner, 218; land granted to, 294.  
 Kelsall, John, land granted to, 388.  
 Kelly, Bryan, petition for land rejected, 674.  
 Kelley, Bryon, petition for lot rejected, 362.  
 Kemp, John, land granted to conditionally, 721; warrant for land prolonged, 899.  
 Kennedy, Darby, land granted to, 277.  
 Kennedy, Donald, petition for land rejected, 619, 634.  
 Kennedy, Hugh, land granted to conditionally, 416; petition for land rejected, 438; land granted to, 634.  
 Kennedy, John, land granted to conditionally, 725.  
 Kennedy, William, land granted to, 635.  
 Kent, Richard, his caveat against John Barnard, 370.  
 Kiebler, Jacob, land granted to, 685.  
 Kieffer, Mr., declines to act as Justice of Peace, 599.  
 Kieffer, Theobald, land granted to conditionally, 601; land granted to, 685.  
 Killgore, Ralph, land granted to, 143; petition for land postponed, 226; land granted to, 277, 747.  
 Killgore, William, land granted to, 278, 746; warrant for land prolonged, 443; land granted to conditionally, 897.

- Kiln, John, land granted to conditionally, 372.  
 King's instructions, article eleven read, 22; concerning courts of Justice, 28.  
 Kitt, John, petition for land rejected, 754; land granted to conditionally, 754.  
 Knapp, George, petition for land postponed, 553; land granted to conditionally, 581; warrant prolonged, 823.  
 Knox, William, sworn as Provost Marshal, 497; appointed Justice of Peace, 504; to go to Tybee to survey condition of Light House, 505; lots in Hardwicke granted to, 518; lot granted to conditionally, 639, 717; land granted to, 791; land granted to conditionally, 808, 867; Hogg Island granted to conditionally, 831.  
 Kohleison, Peter, land granted to, 446.  
 Kougler Matthias, lot in Hardwicke granted to conditionally, 529; petition of granted, 700; town lot granted to, 791; petition for land postponed, 918.  
 Kraft, David, heirs of, land granted to, 388.  
 Krause, Leonard, land granted to, 446.  
 Krouze, Leonard, land granted to conditionally, 736.

## L

- Lackner, Martin, land granted to, 456, 685.  
 Lackner, Martin, Jr., land granted to, 686.  
 Lambert, Andrew, petition for land postponed, 360.  
 Lanche, Herman Henry, land granted to, 446.  
 Land, oath of persons applying for, 102.  
 Landfelder, Veite, land granted to, 533.  
 Land grants must be registered, 762.  
 Lang, John, land granted to, 238.  
 Larescy, John, petition for land rejected, 873.  
 Lariscy, John, land granted to conditionally, 853.  
 Laroche, Isaac, salary as goaler allowed, 419.  
 Laurence, Nicholas, petition for lot postponed, 527; land granted to, 790.  
 Laurance, Nicholas, land granted to, 790.  
 Lawson, Roger, land granted to conditionally, 903.  
 Leckner, Veite, land granted to, 533.  
 Lee, Thomas, account allowed, 349; petition for lot rejected, 474, 413; land granted to conditionally, 716, 806.  
 Lee, William, land granted to, 102, 103.  
 Lempke, Rev. Harman, land granted to, 203.  
 Leitner, Veit, petition for land postponed, 752.  
 Letter to Upper and Lower Creeks read, 24; letter from Augusta concerning Indians, 392.  
 Lettimore, John, land granted to conditionally, 578; land granted to, 809.  
 Levi, Nathan, lot granted to, 531.



- Levy, Nathan, lot in Hardwicke granted to conditionally, 496.  
 Lewis, David, land granted to conditionally, 435, 624.  
 Lewis, Evan, land granted to conditionally, 710.  
 Lewis, Samuel, land granted to conditionally, 798; petition to exchange land granted conditionally, 887.  
 Leimberger, Christian, lot granted to, 533.  
 Liemberger, Christian, land granted to conditionally, 857.  
 Light House at Tybee, 500; Jonathan Bryan and William Knox to go to Tybee with carpenters and survey condition of, 505; carpenters' proposal deliver as to repairs of, 507; condition of, 811; in danger of falling, 842; Governor goes to view, 842; opinion of Governor on, 843.  
 Lindin, William, land granted to conditionally, 901.  
 Lines, Isaac, land granted to, 445; land granted to conditionally, 575, 839.  
 List of members of first House of Representatives, 89.  
 Littell, William, lot granted to, 276.  
 Little, William, petition of for lot granted, 109; fees paid to, 138; petition of for land granted, 141, 214; remonstrance against conduct of read, 251; his answer to, 255; memorial concerning conduct of, 263; request for his removal, 264; Governor's speech concerning, 266; answer of Council to Governor's speech concerning, 270; accounts of as Clerk of Assembly allowed, 336; lot in Hardwicke granted to, 346; land granted to, 346; elected Speaker of House, 411; appointed Justice of General Court instead of James Deveaux, resigned, 459; sworn as Judge of General Court, 460; bill of as Clerk of Crown allowed, 484; as Clerk of Assembly allowed, 484; bill of as commissary allowed, 484.  
 Loockerman, Jacob, land granted to, 145, 687; petition for land rejected, 683.  
 Lookerman, Jacob, petition for land rejected, 162.  
 Lords Commission for Trade and Plantation, letter from, 295.  
 Lords of Regency, instructions in reference to tenure of lands, 295.  
 Love, George, land granted to, 304; lot in Hardwicke granted, 304; petition of granted, 384; land and town lot granted to, 447.  
 Love, James, petition for land rejected, 162; land granted to conditionally, 583, 697; lot granted to, 791.  
 Low, William, land granted to, 193.  
 Loyer, Adrian, lot in Hardwicke granted to, 576; appointed to take care of arms, 591; land granted to, 685.  
 Lupton, John, land granted to, 231, 312.  
 Lyttleton, Governor of South Carolina, letter from, 844; sends commissioner to go to New Hanover, 875.

## M

- Macclemurry, William, land granted to conditionally, 808.  
 Machensis, Alexander, petition for land rejected, 289.  
 Mackay, Angus, land granted to, 236, 685.  
 Mackay, George, land granted to conditionally, 810.

- Mackay, Hugh, land granted to, 386.
- Mackay, Captain James, petition of for land granted, 127; petition for land postponed, 248; land granted to, 265.
- Mackay, James, sworn as member of Council, 262; land granted to, 330, 386, 389, 790; to be named as Justice in next Commission of Peace, 338; appointed Justice of Peace, 504; land granted to conditionally, 576, 820; petition for lot postponed, 675; permitted to plant and cultivate squares and streets of Hardwicke, 760; Long Island granted, 799.
- Mackay, Patrick, land at Joseph's Town granted to, 444; sworn as Councillor, 449; appointed Senior Justice, 451; land granted to conditionally, 473, 728; appointed Justice of Peace, 505; land warrant renewed, 700; lot in Hardwicke granted to, 718; lot granted to, 747, 790; new warrant issued to, 800.
- Mackay, Peter, petition for lot rejected, 201; land granted to, 239; lot granted to, 587.
- Mackay, William, land granted to conditionally, 821.
- Mackintosh, Angus, land granted to conditionally, 594.
- Mackintosh, Alexander, petition for land postponed, 748.
- Mackintosh, Donald, land granted to, 238, 633; petition for land rejected, 620; land granted to conditionally, 878.
- Mackintosh, George, land granted to, 483.
- Mackintosh, John B., sworn as member of Council, 92; left off Commission of Peace, 99; additional land granted to, 143; lot in Hardwicke granted to, 167; land granted to, 483; appointed Justice of Peace, 505.
- Mackintosh, John D., land granted to conditionally, 510.
- Mackintosh, John M., land granted to, 483, 532; appointed Justice of Peace, 505.
- Mackintosh, Lachlan, land granted to, 482.
- Mackintosh, Roderick, appointed Justice of Peace, 505.
- Mackintosh, William, land granted to, 483.
- Mad Warrior, conference with, 613.
- Mainer, William, land granted to conditionally, 897.
- Malden, William, land granted to, 243, 389.
- Manley, Peter, petition for lot postponed, 808.
- Manning, John, lot in Hardwicke granted to, 202, 312.
- Marcer, Elizabeth, land granted to, 386.
- Marcer, Samuel, lot in Hardwicke granted to, 165; proposed as member of Council but not admitted, 205; land granted to, 387, 481; lot granted to, 389; land granted to conditionally, 434; appointed Justice of Peace, 505.
- Marian, Charles, petition for lot in Hardwicke rejected, 203.
- Marian, John, petition for lot rejected, 203.
- Martin, Clement, member of Council, 89; lot in Hardwicke granted to, III; sworn as member of Council, 174; land granted to, 175; suspended from Council, 265; land granted to, 328; half lot in Hardwicke granted to, 330; appointed Justice of Peace, 504; land granted to conditionally, 864; petition of to purchase land granted, 800.

- Martin, John, land granted to conditionally, 782.  
Massey, Joseph, land granted to, 190, 531; petition for land rejected, 621.  
Mathars, Thomas, land granted to, 359, 447.  
Mattiears, Lewis, land granted to, 493.  
Mattier, Lewis, land granted to, 687.  
Maurer, Gabriel, lot granted to, 634.  
Maurer, John, lot granted to, 636.  
Maurir, Jacob, land granted to conditionally, 756; land granted to, 810.  
Mauve, Mathew, land granted to, 481; lot in Hardwicke granted to conditionally, 581; land granted to, 686.  
Maxton, Andrew, lot in Hardwicke granted to, 526; petition for land postponed, 603; petition for land rejected, 603.  
Maxwell, Audley, petition for land postponed, 151; land granted to, 185; 329, 386, 635; land granted to conditionally, 417, 520; appointed Justice of Peace, 505; petition for land rejected, 924.  
Maxwell, James, ordered to appear before Board, 497; appointed Justice of Peace, 505; relinquishes land for landing, 534; his claim to lands sustained, 572; petition of postponed, 620.  
McAry, James, land granted to conditionally, 415.  
McBean, John, land granted to, 532; land granted to conditionally, 595.  
McCarty, Cornelius, proposal of to repair light house accepted, 507; lot in Hardwicke granted to, 523; lot granted to conditionally, 710; compensation for extra work allowed, 731; desired to deliver in proposal on repairing light house at Tybee, 844.  
McClellan, John, land granted to, 481.  
McClenachan, John, land granted to conditionally, 852.  
McCloud, Roderick, land granted to, 239.  
McCollum, James, land granted to conditionally, 458.  
McCollum, John, land granted to conditionally, 456; land granted to, 590.  
McCrary, James, land granted to, 590.  
McCullan, John, petition for land postponed, 161.  
McCullem, John, petition for land rejected, 190.  
McCurrie, Andrew, petition for land postponed, 817.  
McDaniel, John, petition for land rejected, 159.  
McDonald, Alexander, land granted to, 236, 790, 840; land granted to conditionally, 805.  
McDonald, Donald, land granted to, 238, 531; land granted to conditionally, 883.  
McDonald, John, petition for land rejected, 289; land granted to conditionally, 473.  
McDonald, Norman, petition for land rejected, 289; land granted to conditionally, 594.  
McGillivray, Lachlan, letter from concerning Upper Creeks, 19; letter from, 39; lot in Hardwicke granted to, 230, 347; land granted to, 344, 388, 790, 791; warrant for land endorsed, 493; appointed Justice of Peace, 505; land granted to conditionally, 602, 653, 673; petition for lot in Augusta granted conditionally, 603; petition for land rejected, 677; petition of granted, 699.

- McGregory, William, land granted to, 840.
- McGrigere, William, petition for land rejected, 235.
- McGuire, Edward, land granted to conditionally, 550, 785; land granted, 632.
- McGuire, Joseph, land granted to conditionally, 585.
- McHenry, James, land granted to conditionally, 363, 370; caveat of against John Fitch, 369; lot in Augusta granted to conditionally, 370.
- McIntosh, Ann, land granted to conditionally, 593.
- McIntosh, Laughlan, land granted to, 702, 791; land granted to conditionally, 720, 757; petition for land rejected, 778.
- McKay, James, land granted to, 531, 790; land granted to conditionally, 829.
- McKay, John, land granted to conditionally, 882.
- McKenzie, Alexander, land granted to conditionally, 431.
- McKenzie, William, land granted to conditionally, 816; petition for land postponed, 849.
- McNish, John, land granted to conditionally, 833.
- Mearn, John, land granted to, 841.
- Megie, William, land granted to conditionally, 913.
- Members of Assembly take oaths of office, 89, 912.
- Memorial and remonstrance concerning William Little, 251, 262.
- Menzies, John, lot in Hardwicke granted to conditionally, 529; lot granted to, 632.
- Message from House of Representatives asking warrants for election of members of Assembly to fill vacancies, 100.
- Messenger of Council, salary allowed to, 334.
- Metger, John Jacob, land granted to, 635.
- Meyer, Jacob, land granted to, 481.
- Meyers, Henry, account of allowed, 332.
- Meyer, John Ludwig, land granted to, 387, 824; land granted to conditionally, 471; appointed Justice of Peace, 505; petition of rejected, 676.
- Meyer, John Ludwig & Company, mill site at Ebenezer granted to, 446.
- Michie, Alexander, petition for land postponed, 582; attorney, petition rejected, 755.
- Michler, John, land granted to conditionally, 885.
- Mick, Jonas, additional land granted to, 236; land granted to, 840.
- Midway, petition of people of for land for landing postponed, 459.
- Miers, Henry, petition of for land rejected, 438.
- Milledge, Captain, ordered to receive Creek Indians and conduct them through settlements, 644.
- Milledge, John, lot in Hardwicke granted to, 100; lands granted to conditionally, 655; land warrant prolonged, 783; petition for renewing land warrant granted, 834.
- Milledge, Richard, directed to make estimate of repairs on church, 174; petition of for land rejected, 100; land granted to conditionally, 804.
- Milledge, John and Richard, guardians, petition of postponed, 924.

- Millen, Stephen, land granted to conditionally, 726; petition for lot rejected, 754.
- Miller, George, land granted to conditionally, 854.
- Miller, James, land granted to, 292, 312; lot granted to, 686.
- Miller, John Paul, land granted to, 685, 840; land granted to conditionally, 807.
- Miller, John Philip, land granted to, 445.
- Miller, Nathaniel, land granted to conditionally, 556.
- Miller, Stephen, land granted to, 840.
- Mills, Thomas, petition for land rejected, 160.
- Mills, William, land granted to conditionally, 403; land granted to, 447.
- Minis, Abigail, land granted to conditionally, 512; petition for land rejected, 681; land granted to, 687.
- Minis, Esther, petition for lots postponed, 888.
- Minis, Joseph, petition for land rejected, 165; lot in Hardwicke granted, 353; lot granted to, 530.
- Minis, Minis, lot in Hardwicke granted to, 523; land granted to, 810; lot granted to, 841.
- Mitchell, John, land granted to, 387; land granted to conditionally, 885.
- Mitchell, Sarah, land granted to, 387.
- Mock, Bartholomew, land granted to conditionally, 871.
- Mock, Thomas, land granted to conditionally, 871.
- Montaigut, David, lot in Hardwicke granted to, 202; appointed Justice of Peace, 505; land granted to, 633, 635, 809; land and lot granted to, 634.
- Moodie, Thomas, lot in Hardwicke granted to conditionally, 418; lot granted, 447.
- Moor, Aaron, land granted to conditionally, 918.
- Moore, Aaron, land granted to conditionally, 434; land granted to, 589.
- Moore, James, land granted to conditionally, 916.
- Moore, William, petition for land postponed, 336; corroborates statement of Brown, 391; land granted to conditionally, 391, 462; warrant for land endorsed, 493; applies for commission to lead Indians against French, 549.
- Morel, John, petition for lot in Hardwicke rejected, 202; account of paid, 212; land granted to, 310; lot in Hardwicke granted to, 350; land warrant endorsed, 493.
- Morel, Peter, petition for lot rejected, 351; lot in Hardwicke granted to, 528.
- Morels, Mary, account of examined, reduced and allowed, 214.
- Morgan, William, petition for land postponed, 193.
- Morgridge, Timothy, qualified as Clerk of House, 410.
- Morrison, Hugh, land granted to, 791.
- Motts, George, petition for land postponed, 551; land granted to conditionally, 581.
- Muggyer, Edward, land granted to, 234.
- Mullryne, John, land granted to, 700.

- Munroe, Daniel, petition for land rejected, 289.  
 Munroe, Donald, land granted to conditionally, 696.  
 Munroe, James, land granted to conditionally, 818.  
 Murphy, Nicholas, petition of for land postponed, 176; lot in Augusta granted to, 279.  
 Murray, John, petition for land postponed, 892.  
 Muter, James, lot in Hardwicke granted to, 526; petition for lot postponed, 712; land granted to conditionally, 742.  
 Muttear, Lewis, land granted to conditionally, 441.  
 Mutter, James, petition for land rejected, 162.  
 Myres, Henry, land granted to, 197.

## N

- Neilson, James, land granted to conditionally, 796.  
 Nelson, John, land granted to conditionally, 894.  
 Nelson, Thomas, land granted to conditionally, 516.  
 Nephew, Peter, petition for land postponed, 195; land granted to, 233; land reserved for, 286; land granted to, 348.  
 Nesmith, John, land granted to conditionally, 893.  
 New Hanover, letter from Secretary of State with respect to, 844; provision of land to be made for, 845; commissioners sent to command removal of families there, 875.  
 New, James, land granted to, 345.  
 New, Samuel, land granted to, 344, 345; lot in Hardwicke granted to, 345.  
 Newberry, William, land granted to, 228; land granted at Augusta, 481.  
 Nibling, Bartholomew, land granted to conditionally, 470.  
 Norton, William, petition for land rejected, 230; land granted to, 685; petition for land postponed, 789.  
 Newland, Andrew, claim of for reward postponed, 536.  
 Nunes, Moses, petition for lot in Hardwicke postponed, 514; petition for land postponed, 639; land granted to conditionally, 744; petition for land postponed, 923.

## O

- Oath of clerk, 7.  
 Oath of councillors, 13.  
 Oboylaco, a Head Man, his interview with the Governor, 420.  
 O'Freels, Jeremiah, petition for land postponed, 375.  
 Ogleby, James, land granted to conditionally, 891.  
 Oneal, Susannah, petition for lot rejected, 577.  
 Opeya Old King, his talk, 732.  
 Order in Council, not order of Council, 307.  
 Osgood, Rev. John, land granted to, 188, 284, 285; ordered to appear before Board, 497.

- Osgood, John, land granted to, 358, 388, 686.  
 Osgood, Josiah, land granted to, 328.  
 Oswald, John, land granted to, 346.  
 Oswald, Joseph, petition for land postponed, 198; land granted to, 225.  
 Oswald, Mary, land granted to, 226, 346.  
 Oswald, Sarah, land granted to, 226, 346.  
 Ott, Charles Zigmund, lot granted to, 534.  
 Ott, Charles Zigmund, land granted to conditionally, 853.  
 Ottolenghe, Joseph, member of Assembly, 89; petition for land rejected, 193; allowed seventy pounds for care of public filature, 208; land granted to, 327; lot in Savannah granted to, 327; appointed Justice of Peace, 505.  
 Outerbridge, White, land granted to, 356, 530; lot in Hardwicke granted to, 356; lot granted to, 530; land granted to conditionally, 574; lot in Augusta granted to, 791.  
 Oyer and Terminer, courts of established, 30.

## P

- Pace, Richard, land granted to conditionally, 903.  
 Palmer, Thomas, petition for land postponed, 146; land granted to, 198; warrant for land prolonged, 318; garden and town lots granted to, 367.  
 Papot, James, lot in Savannah granted to, 327.  
 Papot, Margaret, petition for lot in Savannah rejected, 682.  
 Papot, Peter, lot in Savannah granted to, 326; land granted to, 327.  
 Parker, Mrs. Ann, widow, land granted to, 241, 636; petition for land prolonged three months, 337.  
 Parker, Henry William, land granted to, 636.  
 Parker, James, lot in Hardwicke granted to conditionally, 794.  
 Parker, John, land granted to, 328.  
 Parker, Thomas, additional land granted to, 161; land granted to, 810.  
 Parris, Francis, land granted to conditionally, 784, 871.  
 Parris, James, land granted to, 327; land granted to conditionally, 715, 870.  
 Pary, Francis, land granted to, 360.  
 Patterson, William, petition for lot rejected, 753.  
 Paul, George, petition for land rejected, 167, 240.  
 Paul, Luke, petition for land rejected, 242.  
 Paulitsch, John Martin, land granted to, 685.  
 Payne, William, land granted to conditionally, 746; warrant for land extended, 902.  
 Peacock, Thomas, land granted to, 153, 284, 330; additional land granted to, 233; land granted to conditionally, 807.  
 Peacock, William, land granted to, 154, 293.  
 Pearson, John, land granted to conditionally, 921.

- Pelton, Samuel, land granted to conditionally, 437, 797; petition for land endorsed, 493.
- Pember, Mary, lot in Savannah granted to, 310.
- Perkins, John, lot in Hardwicke granted to, 163; land granted to, 323, 345, 589; appointed Justice of Peace, 505; land granted to conditionally, 768; petition of postponed, 906.
- Peters, Christopher, land granted to, 235, 635; land granted to conditionally, 374.
- Peters, George, land granted to, 532.
- Peters, Richard, warrant for land prolonged, 317.
- Petitions for land to be received first Tuesday in each month, 127.
- Petition of inhabitants of Midway River, etc., to have lands reserved for postponed, 459.
- Petition of forty-three Freeholders for lot in Savannah for a dissenting meeting house granted, 183.
- Pettycrew, John, letter from, 98; land granted to, 530.
- Pettycrows, John, land granted to, 363; petition for land rejected, 373; account allowed, 479.
- Pettygrew, John, land granted to conditionally, 654.
- Phoenix, Telamon, petition for lot rejected, 342; petition for lot in Hardwicke rejected, 517.
- Piercy, Joseph, land granted to conditionally, 813.
- Piles, Samuel, land granted to conditionally, 555; lot in Frederica granted to conditionally, 918; petition for land postponed, 921.
- Pilot's fees fixed, 139.
- Pilot's house on Tybee, estimate of cost, 174; proposal of carpenters as to building, 507.
- Pletter, John, lot granted to, 634.
- Port, John Peter, petition for land postponed, 840.
- Ports, Jacob, land granted to, 634.
- Powell, James Edward, to be Judge Advocate of Court of Admiralty, 88; member of Assembly, 89; lot in Hardwicke granted to, 162; appointed Commissioner of the General Loan Office, 205; sworn as member of Council, 262; land granted to, 292, 298, 312, 386, 388; appointed Public Treasurer, 335; to be named as Justice in next Commission of Peace, 338; sworn as Public Treasurer, 338; lot in Savannah granted to, 343; appointed Justice of Peace, 504; land granted conditionally, 607; commissioned to go to New Hanover and command removal of families there, and salary allowed for this service, 876.
- Powell, James Edward & Co., lot in Hardwicke granted to, 320.
- Powell, Josiah, petition for land postponed, 160; land granted to, 185.
- Pownal, John, Secretary to Lords of Trade, etc., letter from concerning condition of holding lands, 273.
- Presbyterian meeting house, lot in Savannah granted for, 313.
- Prescott, James, petition to have land reserved postponed, 884.
- Prethere, John, warrant renewed, 561.
- Prethero, John, land granted to, 224; warrant for land extended, 443.



- land granted, 632, 824, 840; land granted to conditionally, 711, 854.
- Price, John, petition for land rejected, 806; petition for land postponed, 806.
- Primut, John, petition for lot rejected, 526; land granted to conditionally, 554.
- Prisoners escape from public goal, and reward offered, for their apprehension, 180.
- Pritchard, James, land granted to, 194, 687.
- Proclamation convening General Assembly, 41; proclamation giving notice of the constituting Courts of Justice, 50; prohibiting exportation of provisions, 409; prohibiting exportation of provisions revoked, 453; of embargo on exportation of provisions, 475; continuing all officers in office, 490; for proroguing General Assembly, 672; prohibiting intrusion on Indian lands, 705; to issue for continuing all officers in office, 911.
- Proctor, George, land granted to conditionally, 905.
- Provost Marshal, fees allowed for commitments and discharges, 247; account of ordered paid, 261, 332, 479; takes oaths of office, 912.
- Pruniere, Joseph, land granted to for wharf, 741; petition for land rejected, 743; new warrant granted to, 877.
- Pryce, Charles, lot in Hardwicke granted to, 514; land granted to conditionally, 886.
- Public accounts ordered to be brought in, 507, 842; Habersham, Powell and Knox appointed to examine, 545.
- Public expenses, accounts for examined and ordered paid, 315, 323, 332, 348.
- Public executioner allowed salary, 218.
- Public filature, 792.
- Public jail needed, 215.
- Public school, lot in Savannah appropriated for, 108.
- Pugh, ———, appointed Justice of Peace, 691.

## Q

- Quarterman, John, Sr., land granted to, 156, 328, 330.
- Quarterman, John, Jr., land granted to, 157, 284; land granted to conditionally, 771.
- Quarterman, Rebecca, petition for land postponed, 188; land granted to, 221, 331.
- Quarterman, William, petition for land postponed, 785.
- Question of new Commission of Peace referred to Attorney General, 453.

## R

- Rabenhorst, Christian, land granted to, 388, 588; appointed Justice of Peace, 505.
- Rabenhurst, Christian and others, trustees, land granted to, 531; petitions granted conditionally, 866.
- Rae, John, qualified as Representative for Augusta, 134; lot in Hardwicke granted to, 163; letter from concerning Indian affairs, 172, 173; appointed Justice of Peace, 505; land granted to conditionally, 697, 922; land granted to, 746.
- Rae, William, petition for land rejected, 166.
- Rahn, Conrade, land granted to, 685.
- Rahn, Jasper, land granted to, 685.
- Raines, William, land granted to conditionally, 725, 901.
- Rangers stationed at Fort Argyle, 451; stationed at Ebenezer, 780; those at Ebenezer recalled to Savannah, 824; escort of twelve for Mr. Edmund Atkin, 826; letter from General Abercrombie concerning, 845.
- Raspberry, Thomas, land granted to conditionally, 729.
- Read, James, petition for land postponed, 110; lot in Hardwicke granted to, 143, 348; land granted to conditionally, 155, 377, 454; land granted to, 346, 445, 483, 633; bond of for settling land delivered up, 352; qualifies as Councillor, 443.
- Red, Thomas, land granted to, 365, 634; land granted to conditionally, 366, 712; petition for land postponed, 468; lot in Augusta granted, 632.
- Redick, Peter, land granted to conditionally, 472.
- Register of Grants takes oaths of office, 912.
- Reidelsperger, Christian, land granted to, 388.
- Reiser, Balthasar, petition for land postponed, 638; land granted to conditionally, 651, 775.
- Reiser, George, land granted to conditionally, 679.
- Reiser, Michael, land granted to, 445.
- Reitter, Michael, land granted to conditionally, 697.
- Remonstrance against conduct of William Little, 251.
- Renter, Simon, lot granted to, 534.
- Rents, John, land granted to conditionally, 463, 638, 797, 804; land warrant prolonged, 846.
- Retter, Simon, land granted to, 633.
- Reuter, John, land granted to, 588.
- Reuter, Simon, land granted to conditionally, 470.
- Reward offered for persons dismounting guns, 171.
- Reynolds, John, presents his commission as Governor, 10; commission read, 10; takes the oaths of office, 10; commission recorded, 14; land granted to, 283, 284, 294, 312; two lots in Hardwicke and one in Savannah granted to, 329; delivers Great Seal to Ellis, 487.
- Richardson, Samuel, lot in Hardwicke granted to conditionally, 490.
- Richardson, William and Susannah, lot and land granted to, 686.

- Rietter, Caul, land granted to conditionally, 757.  
 Rietter, Michael, land granted to conditionally, 858.  
 Rietter, Simon, land granted to conditionally, 858.  
 Rinck, Christopher, land granted to conditionally, 787.  
 Ritter, Michael, land granted to, 840.  
 Rivers, Anthony, petition for lot rejected, 585.  
 Rivers, Daniel Nunes, lot in Hardwicke granted to, 315; land granted to, 351, 389, 634.  
 Robe, Francis, petition for lot in Hardwicke rejected, §14.  
 Robinson, Pickering, named as Councillor, 9; petition for land postponed, 111; appointed Justice of Peace, 504.  
 Robinson, Sir Thomas, letter from, 208.  
 Roche, Matthew, petition for lot rejected, 228; additional land granted to, 241; lot granted to, 684; land granted to, 685, 687.  
 Rose, Alexander, land granted to, 687.  
 Ross, Donald, land granted to conditionally, 595.  
 Ross, Hugh, petition for land postponed, 372; appointed door-keeper, 449; land granted to conditionally, 474, 833, 878; land granted to, 562, 686.  
 Ross, John, letter from respecting Indians, 41.  
 Ross, Lettimore, land granted to conditionally, 906.  
 Rosse, Alexander, land granted to conditionally, 374.  
 Rotenberger, Christopher, land granted to, 445.  
 Rouviere, John, land granted to, 317, 810.  
 Rouviere, Simon, land granted to, 111; land granted to, 810.  
 Russell, William, named as Councillor, 9; declines to serve as Councillor, 10; appointed Commissary and Clerk of Public Accounts, 178; sworn as Commissary and Clerk of Public Accounts, 181; ordered to discharge and make up accounts of expenses of silk culture, 208; ordered to furnish French passengers with provisions and boats, 302; to make report of condition of French people to Governor, 304; lot in Savannah granted to, 311; lot granted to conditionally, 727; lot granted to, 746.  
 Rutherford, James, lot in Hardwicke granted to, 167; land granted to conditionally, 376; land granted to, 687.

## S

- Sabb, Morgan, land granted to, 588.  
 Sachwighefer, Thomas, land granted to conditionally, 774.  
 Salfner, Matthias, land granted to, 361.  
 Sallis, Anthony, land granted to conditionally, 415; warrant for land endorsed; 493.  
 Sallis, John, land granted to conditionally, 821.  
 Sanders, Joshua, land granted to conditionally, 605; land granted to, 746.  
 Sarcer, William, land granted to conditionally, 557; land granted to, 810.

- Sartin, John, land granted to conditionally, 469; warrant for land endorsed, 493.
- Sarzedas, Abraham, lot in Hardwicke granted to, 496; land granted to, 635.
- Satisfaction demanded of Indians, 391.
- Saunders, Lydia, land granted to conditionally, 773.
- Savage, John, trustee, land granted to, 386.
- Savage, Lovelass, land granted to conditionally, 430; petition of granted, 699.
- Savage, Robert, land granted to conditionally, 907.
- Scales, William, land granted to, 444.
- Scout boat ordered to be made, 477.
- Schwighofer, Thomas, land granted to conditionally, 784.
- Scott, Hamilton, land granted to conditionally, 768.
- Scruggs, Richard, land granted to conditionally, 678.
- Scull, John, land granted to conditionally, 806.
- Seckinger, Matthias, land granted to conditionally, 813.
- Secretary directed to furnish acts of General Assembly to Attorney General, 745.
- Secretary of State, letter from, 844.
- Sellea, John, door-keeper, account paid, 323.
- Seillie, John, account of examined and allowed, 208.
- Senior, George, land granted to conditionally, 879.
- Seymer, John, petition for lot rejected, 343.
- Shad, Solomon, land granted to, 530.
- Shave, John, land granted to, 344; petition for land rejected, 519.
- Shaw, Alexander, land granted to conditionally, 466; land granted to, 747.
- Shawanese Indians, attitude of, 643.
- Sheftall, Benjamin, lot in Savannah granted to, 344; land granted to conditionally, 553.
- Sheftall, Levi, lot granted to, 525; land granted to conditionally, 586, 735.
- Sheftall, Mordecai, petition for land rejected, 146; land granted to conditionally, 441; warrant for land endorsed, 493; lot in Hardwicke granted to, 524; land granted to, 560; petition for lot rejected, 756.
- Shelley, Philip, petition for land postponed, 921.
- Sheraus, George, land granted to conditionally, 838.
- Sheraus, John, land granted to, 635.
- Sheriff, John, petition for land postponed, 353.
- Shortner, Mary Magdalena, land granted to conditionally, 582; land warrant prolonged, 748.
- Shubdrien, Daniel, Jr., lot granted to, 534.
- Shubdrien, Nicholas, land granted to, 687.
- Sigfrit, George, land granted to, 145.
- Silk culture, bounty to encourage, 114; expenses of ordered to be discharged, 208, 244; opinion of traders in raw silk in London communicated to Board, 270; money paid for cocoons, 803.

- Simmons, Elizabeth, land granted to, 357.  
 Sinclair, Sarah, widow, land granted to, 283; lot in Hardwicke granted to, 283.  
 Sisson, Thomas, land granted to conditionally, 817.  
 Sisson, William, petition for land rejected, 793; land granted to conditionally, 795.  
 Skeets, John, land granted to conditionally, 716.  
 Slyterman, Jeremiah, petition for lot rejected, 528.  
 Slyterman, Matthias, lot in Hardwicke granted to, 511.  
 Small-pox, vessel infested with quarantined at Tybee, 137; preventative to spread of, 781.  
 Smallwood, Robert, land granted to, 159, 330; land granted to conditionally, 877.  
 Smith, John, land granted to, 195; lot in Hardwicke granted to, 199; warrant for land prolonged, 317; land granted to, 345, 346, 483, 632; land granted to conditionally, 440, 915; petition for land rejected, 849.  
 Smith, Lemuel, land granted to, 151.  
 Smith, Mary, petition for land postponed, 152; petition for land rejected, 184.  
 Smith, Mary, widow, land granted to, 220, 330.  
 Smith, Thomas, petition for land postponed, 248; land granted to, 266; petition for land rejected, 587; land granted to, 632.  
 Smith, William, land granted to conditionally, 738.  
 Smyth, Lewis, land granted to, 159.  
 Sneider, Andrew, land granted to conditionally, 851.  
 Sneider, John George, land granted to conditionally, 851, 852.  
 Snider, Henry, land granted to, 531.  
 Snook, John, petition for lot rejected, 752.  
 Snyder, John George, lot granted to, 533.  
 Snyder, Michael, land granted to, 533.  
 Somerville, Edward, petition for land postponed, 874.  
 Sommers, Joseph, land granted to, 636.  
 Sotherland, John, petition for land rejected, 197; complaint of against Indians, 210; pursues Indians, 211; account paid, 212.  
 Southerland, Robert, land granted to conditionally, 460; warrant for land endorsed, 493.  
 Spencer, John, land granted to conditionally, 373, 604, 900; lot in Hardwicke granted to conditionally, 373; land granted to, 446, 632.  
 Spencer, Richard, land granted to, 387.  
 Spencer, William, appointed Judge of Court of Oyer and Terminer, 40; to be Register of Court of Admiralty, 88; accounts as Deputy Clerk allowed, 348, 349; appointed Justice of Peace, 505; lot and land granted to, 687.  
 Stacy, John, petition for land postponed, 886.  
 Stainer, Christian, lot granted to, 533.  
 Staley, John, land granted to conditionally, 830.  
 Stailey, John, land granted to, 685.

- Stailey, John, Jr., land granted to, 686.  
 Staley, Frederick, land granted to conditionally, 832.  
 Staley, Gotlieb, land granted to conditionally, 832.  
 Standly, Joseph, land granted to, 312.  
 Stanhope, Samuel, lot in Hardwicke granted to, 164; land granted to, 194, 347.  
 Stanley, Joseph, land granted to, 168, 791.  
 Stanly, Joseph, land granted to, 311.  
 Stayley, Gotleb, land granted to, 633.  
 Steadhand, Benjamin, land granted to conditionally, 902.  
 Stedman, William, land granted to conditionally, 552.  
 Stensdorff, Peter, land granted to, 633.  
 Stephens, David, petition for land postponed, 162; land granted to, 197, 330; lot in Hardwicke granted to, 199; caveat of against Maurice Dullea having grant for land litigated, 309; land ordered to be laid out for, 309; lot granted to, 389.  
 Stephens, John, land granted to, 310.  
 Stephens, Newdigate, lot in Hardwicke granted to, 201.  
 Stephens, Thomas, petition for lot postponed, 202.  
 Stevens, John, land granted to, 158, 346, 347; petition for land postponed, 357; appointed Justice of Peace, 505; land granted to conditionally, 749, 750.  
 Stewart, Ann, lot in Hardwicke granted to, 199.  
 Stewart, James, land granted to conditionally, 593.  
 Stewart, John, land granted to conditionally, 414.  
 Stewart, John, Sr., land granted to, 233, 388; petition for land postponed, 360.  
 Stewart, John, Jr., land granted to, 234, 329, 358, 481.  
 Stewart, Robert, land granted to, 353, 687.  
 Story, Charles, petition for land postponed, 873.  
 Stroub, Peada Clara, lot granted to, 634.  
 Struthers, William, land granted to conditionally, 709, 900.  
 Stuart, John, land granted to conditionally, 727.  
 Stutz, Michael, land granted to, 362, 530; lot in Hardwicke granted to, 524.  
 Subdrien, Daniel, land granted to conditionally, 882.  
 Subdrien, Joseph, land granted to, 685; land granted to conditionally, 857.  
 Summerville, Edward, petition for lot in Hardwicke postponed, 523.  
 Summer, Joseph, land granted to, 636.  
 Summers, Edward, land granted to, 446.  
 Sumner, Edward, petition for land rejected, 150.  
 Sumner, John, petition for land rejected, 193.  
 Sumner, Mary, petition for land rejected, 193.  
 Sumner, Susannah, petition for land rejected, 193.  
 Surveyor General, fees of fixed, 136.  
 Surveyers General, apply for addition to their fees, 245; addition granted, 245; to return two certificates into Secretary's office, and to take six pence for each, 286; memorial of, 291; to renew all past surveys of

land, 292; ordered to lay out David Stephens' land, 309; to prolong warrant for surveying land, 317; ordered to make plat of town and township of Ebenezer, 385; to deliver plans only when ordered by Council, 731.

Surveyors required to deliver to the Surveyers General plans and plats, 128.

Sutherland, Robert, petition for land rejected, 623.

Sweiger, George, land granted to conditionally, 470; land granted to, 810.

Swiger, George, lot in Ebenezer granted to, 534.

Swiser, Michael, petition for land rejected, 223.

Switzer, Michael, lot granted to, 589; land granted to conditionally, 776; warrant prolonged, 880.

## T

Talfare, Jacob, petition for lot rejected, 512.

Tanner, John, land granted to conditionally, 675.

Tannatt, Edmund, member of Council, 89; lot in Hardwicke granted to, 111; land granted to, 126, 387, 389; land granted to conditionally, 495, 827; proposed as Assistant Judge of General Court, 504; appointed Justice of Peace, 505; sworn as Justice, 536.

Taylor, Lieutenant Charles, letter from, 425.

Taylor, Nathan, land granted to, 634.

Tax collectors ordered to collect taxes promptly, 747.

T'Bear, David, petition for land rejected, 146; land granted to, 364, 387.

Tebear, David, land granted to conditionally, 637.

Teasdale, John, land granted to, 445.

Tew, George, lot in Hardwicke granted to, 560.

Thilo, Christian, land granted to conditionally, 463; appointed Justice of Peace, vice Theobald Kieffer, resigned, 691.

Thomas, Athanasius, land granted to conditionally, 463; warrant for land endorsed, 493.

Thomas, Gilshot, petition for land postponed, 332, 816.

Thomas, Joanna, widow, land granted to conditionally, 805.

Thomas, John, Sr., land granted to conditionally, 462; warrant for land endorsed, 493.

Thomas, John, appointed Justice of Peace, 505; land granted to conditionally, 623.

Thompson, James, petition for lot postponed, 575.

Thornton, John, land granted to conditionally, 808.

Threadcraft, George, land granted to conditionally, 786.

Todd, Giles, petition for land rejected, 160, 240.

Todd, John, Sr., land granted to, 633.

Todd, John, Jr., petition for land rejected, 240; land granted to conditionally, 522; land granted to, 588.

Togulki, Mico, of Lower Creeks, speech of, 648.

- Tondee, Peter, petition for lot rejected, 200; lot in Hardwicke granted to, 515.  
 Torquintz, Peter, land granted to, 686.  
 Trattles, William, applies for leave to land French people, 301.  
 Treason and felony, persons accused of, 30.  
 Treaty, new one signed by Creek Indians, 664; copy of, 665.  
 Treasurer takes oaths of office, 912.  
 Triboudet, John Francis, land granted to, 152; land granted to conditionally, 608.  
 Tripp, Isaac, petition for lot rejected, 200; petition for land rejected, 378; land granted conditionally, 467; warrant for land endorsed, 493; land granted to, 686.  
 Trip, Thomas, ordered to make estimate or repairs on church, 173.  
 Tritlen, Frederic, land granted to conditionally, 587; land granted to, 809.  
 Trittlen, John Adam, land granted to conditionally, 379; land granted to, 589.  
 Truan, David, petition for lot rejected, 519.  
 Truon, David, land granted to, 388.  
 Trustees' garden granted to the Governor, 101.  
 Tybee, work at paid for, 692.  
 Tubear, David, warrant for land prolonged, 753; land granted to, 810; petition for land rejected, 835.  
 Tucker, Edward, petition for lot postponed, 524.  
 Tuckabatchee Indians, conference with, 668.  
 Turner, Lewis, petition for land rejected, 495.

## U

- Uchee Indians, conference with, 668.  
 Uland, George, petition for land rejected, 153.  
 Unseld, David, land granted conditionally, 820.  
 Unseld, David, petition for land rejected, 522.  
 Upper Creeks demand satisfaction for two of their tribe killed, 419.

## V

- Van Beverhoudt, Adriann, lot in Hardwicke granted to, 169, 320.  
 Van Beverhoudt, Isebrandt, lot in Hardwicke granted to, 169, 320.  
 Van Beverhoudt, John, petition for lot rejected, 170.  
 Van Beverhoudt, Lucas, petition for lot rejected, 170.  
 Vanderhorst, William, petition for land rejected, 830.  
 Vanmunch, Charles, land granted to, 483.  
 Vanmunch, Christian, land granted to, 483.  
 Vanmunch, Thomas, land granted to, 483.  
 Vann, John, appointed Justice of Peace, 601.



- Venning, Samuel, account of, for bringing down prisoners from Augusta, ordered paid, 177.  
 Villard, David, petition for land postponed, 165; petition for land rejected, 200.  
 Vincent, Thomas, lot in Hardwicke granted to, 164; land granted to, 190; lot granted to, 250; sworn Deputy Clerk of Council, 295; oath of office, 295; appointed Justice of Peace, 505; resigns office of Deputy Clerk of Council, 506; land and lot granted to, 686.  
 Voters, qualifications of, 27.

## W

- Wade, Nehemiah, lot granted to, 275.  
 Wade, Nehemiah, Jr., land granted to conditionally, 608.  
 Wainwright, William, land granted to, 223, 405; caveat against, 385, 405.  
 Walker, Andrew, lot in Savannah granted to, 327.  
 Walker, George, land granted to conditionally, 713.  
 Walker, Thomas, land granted to, 196; land granted to conditionally, 893.  
 Wallace, Richard, land granted to conditionally, 905.  
 Walthour, Jacob Gasper, land granted to, 634.  
 Ward, Bryan, land granted conditionally, 718.  
 Watson, Charles, ordered to deliver up records of town court to clerk of Court of Records, 49; member of Assembly, 89; ordered before Council, 99; appears as attorney for Harris & Habersham, 282; lot in Savannah granted to, 327; sworn Clerk of Council, 506; land granted to conditionally, 736; lot granted to, 746.  
 Watson, Joseph, petition for land postponed, 110; reimbursed, 592.  
 Watson, Nathaniel, land granted to, 311.  
 Way, Andrew, land granted to, 189, 446; petition for land rejected, 458; land granted to conditionally, 884.  
 Way, Edward, additional land granted to, 156; petition for land rejected, 232; land granted to, 312, 635; petition for land postponed, 418; land granted to conditionally, 516.  
 Way, Joseph, land granted to, 222, 331.  
 Way, Moses, land granted to, 387.  
 Way, Nathaniel, land granted to, 387.  
 Way, Parmenas, additional land granted to, 224; land granted to, 285; lot in Hardwicke granted to, 305, 389.  
 Way, Thomas, land granted to, 633.  
 Weatherford, Charles, land granted to conditionally, 649.  
 Weatherford, Martin, land granted to conditionally, 724.  
 Weatherford, William, land granted to conditionally, 721.  
 Weaver, Michael, land granted to conditionally, 855.  
 Weber, John Michael, land granted to, 533.  
 Weddal, Benjamin, lot in Savannah granted to, 326.

- Weidman, John Ludwig, land granted to, 481.  
 Welch, William, lot in Hardwicke granted to, 357.  
 Wemyss, James, proposal of to repair light house accepted, 507; land granted to conditionally, 558.  
 Wertsh, John Gasper, land granted to, 445; lot granted conditionally, 508; warrant for land prolonged, 796.  
 Wertsh, John Gasper and others, trustees, land granted to conditionally, 920.  
 West, Charles, land granted to, 129, 313, 326; petition for land rejected, 342; land granted to conditionally, 404, 525, 577, 876; lot in Hardwicke granted to, 589.  
 West, Matthias, land granted to, 633.  
 West, Nicholas, petition for lot postponed, 527; land granted to conditionally, 868.  
 Westley, James, land granted to conditionally, 719.  
 Weston, James, land granted to conditionally, 466; warrant for land endorsed, 493.  
 Wetson, James, land granted to, 632.  
 White, Thomas, land granted to conditionally, 402; warrant for land endorsed, 493; land granted to, 685.  
 Whitefield, James, petition for lot rejected, 360; land granted to conditionally, 384, 759; land granted to, 447, 809; lot in Hardwicke granted to, 514.  
 Widman, Ludwig, land granted to conditionally, 607.  
 Wilkins, William, affidavit of concerning intended invasion by French and Creeks, 429.  
 Wilson, Benjamin, petition for lot in Hardwicke rejected, 201.  
 Wilson, John, petition for lot in Hardwicke rejected, 202; petition for land rejected, 872.  
 Wilson, Joseph, land granted to conditionally, 714.  
 Wilson, Robert, ordered to be released from goal, 245.  
 Wilson, Thomas, petition for lot rejected, 203; land granted to, 841.  
 Wilson, William, petition for land rejected, 160.  
 Williams, Abraham, land granted to conditionally, 810.  
 Williams, John, land granted to conditionally, 724.  
 Williams, John Francis, appointed Justice of Peace, 601.  
 Williams, Robert, Jr., lot granted to, 633.  
 Williams, Stephen, land granted to conditionally, 760.  
 Williams, Thomas, land granted to conditionally, 604.  
 Williamson, Benjamin, land granted to conditionally, 375, 717.  
 Winkler, George, land granted to conditionally, 848.  
 Winn, John, land granted to, 108; lot in Hardwicke granted to, 223, 330; land granted to, 346; land granted to conditionally, 603.  
 Winn, Joseph, land granted to, 686.  
 Witter, Jacob, land granted to conditionally, 817.  
 Wolf King Mico, his answer to Governor's speech, 647; address on treaty being signed, 664.

- Wood, Isaac, land granted to conditionally, 723.  
 Wood, Joseph, lot in Hardwicke granted to conditionally, 730; land granted to, 746.  
 Woodland, James, land granted to conditionally, 855.  
 Woodland, Joseph, petition for land postponed, 682.  
 Workmen employed on new Council house and goal ordered to bring in bills, 115; render bills, which are ordered paid, 116.  
 Wright, Joseph, employed to invite Creek Indians to an interview with Governor, 643; additional allowance made to for services in bringing down Indians, 671.  
 Wright, William, lot in Hardwicke granted to, 162; land granted to, 313.  
 Writs for election of Representatives issued, 385.  
 Wylly, Alexander, lot in Hardwicke granted to, 167; land granted to, 292; appointed Justice of Peace, 505; petition for land postponed, 521; warrant extended, 605; land granted to conditionally, 651, 698, 868.  
 Wylly, Francis, land granted to conditionally, 367; land granted to, 791.

## Y

- Yates, Nathaniel, land granted to, 306.  
 Yonge, Henry, member of Assembly, 89; lot in Hardwicke granted to, 125, 313; lot in Savannah granted to, 131, 313; oath of secrecy and fidelity administered to, 182; petition for land postponed, 262; memorial of, 291; land granted to, 285, 286, 288, 330, 532; account allowed, 348; appointed Justice of Peace, 505; land granted to conditionally, 575.  
 Yonge, Henry, trustee, land granted to conditionally, 777.  
 Yonge, Francis, lot in Hardwicke granted to, 161, 313; land granted to, 292.  
 Young, Isaac, lot in Hardwicke granted to, 200; land granted to conditionally, 708.  
 Young, John, lot in Hardwicke granted to, 528.  
 Young, Mary, widow, land granted to, 809.  
 Young, Thomas, land granted to, 790.

## Z

- Zaut, Solomon, land granted to, 445.  
 Zeigler, George, land granted to conditionally, 805.  
 Zeigler, Lucas, permitted to exchange land, 152.  
 Zeprer, Peter, petition for land rejected, 874.  
 Zetler, Matthias, lot and land granted to, 632.  
 Zimerabuer, Ruprath, land granted to, 445.

Zipperrer, Christian, petition for land postponed, 191.

Zipprer, Christian, land granted to conditionally, 836.

Zitrauer, John George, land granted to conditionally, 836.

Zittauer, Paul, land granted to, 446.

Zouberbuhler, Rev. Mr. Bartholomew, memorial of, 108; memorial of concerning condition of church at Savannah, 173; petition for land rejected, 199; lot granted to, 249; grant for land on Savannah River postponed, 282; land granted to, 326, 331, 481; petition for land postponed, 377; land granted to conditionally, 431, 862; claim for land postponed, 480; appointed Justice of Peace, 505.

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# I N D E X .

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## A

- Accounts, for building filature audited, 82; for work at fortifications audited, 363; of commissary audited, 648; respecting the fort in Savannah audited, 648; for contingent expenses audited, 649.
- Act concerning land titles disapproved by the King, 627; act enabling femmes couvertes to convey estates disapproved by the King, 627.
- Address of condolence and congratulation to his Majesty George III, 495.
- Alarm to be fired throughout province, 251.
- Alexander, Samuel, petition for land rejected, 51; land granted conditionally, 766, 770.
- Alther, William, land granted conditionally, 76; grant for signed by the Governor, 684.
- Anderson, Elizabeth, in trust, grants signed for by Governor, 339.
- Anderson, James, land granted to conditionally, 303; petition for land postponed, 505; petition for lot in Savannah rejected, 663; petition for land on purchase rejected, 677; grant for signed by Governor, 683.
- Anderson, Jacob, petition for land rejected, 260.
- Andrew, Ann, grant for signed by Governor, 43.
- Andrew, James, grants for signed by Governor, 43; petition for land rejected, 56.
- Andrew, Joseph, land granted conditionally, 271, 611, 653; grant for signed by Governor, 684.
- Arms to be issued to the militia, 160.
- Arthur, Francis, grants for signed by the Governor, 106, 110; land granted conditionally, 301, 651; to qualify as Justice of Peace, 362.
- Asbell, John, land granted conditionally, 589.
- Ash, Hannah, grants for signed by Governor, 109, 247.
- Ashe, Matthias, petition for land postponed, 438; land granted conditionally, 471; land granted to, 557.
- Ashmore, Strong, land granted conditionally, 114.
- Assembly, members of take oaths of office, 630.
- Atkin, Edmund, Agent to Indian Nations, letter from, 5.
- Attorney General, asked for opinion concerning trial of Spaniards, 656; opinion of concerning trial of Spaniards, 657; report from, 756.
- Augusta, magistrates in to make certain enquiries, 617.
- Augustine, Frederic, grant for signed by the Governor, 453.
- Ausperger, Samuel, grant for signed by the Governor, 451.
- Austin, George, creditor, lots granted to, 724; grant for signed by the Governor, 733.

## B

- Bagley, Richard, petition for land postponed, 771.  
 Bailey, Thomas, lots granted conditionally, 584; lots granted on purchase, 674, 723; grant for signed by the Governor, 733.  
 Baillie, Alexander, grant for signed by the Governor, 42.  
 Baillie, Keneth, caveat against Stephen Cater, 81.  
 Baillie, Keneth, Junior, Grants for signed by the Governor, 42.  
 Baillie, Lieutenant, letter from, 703.  
 Baillie, Robert, petition to purchase land rejected, 148; petition for land postponed, 220; land granted conditionally, 437, 640; grant for signed by the Governor, 647.  
 Baillou, Isaac, land granted conditionally, 472; grant for signed by the Governor, 684.  
 Baillou, James, grant for signed by the Governor, 453; grants corrected, 725.  
 Baker, Benjamin, land granted conditionally, 405, 477; grant for signed by the Governor, 453.  
 Baker, John, Sr., land granted conditionally, 607.  
 Baker, John, land granted conditionally, 56, 572; petition for land postponed, 60.  
 Baker, Richard, land granted conditionally, 34, 677; grants for signed by the Governor, 340, 341, 775; land granted in trust, 606, 775.  
 Baker, William, land granted conditionally, 69; grants for signed by the Governor, 340, 341.  
 Baker, William, Junior, land granted conditionally, 554; grant for signed by the Governor, 763.  
 Barber, John, land granted conditionally, 260.  
 Barker, Joseph, grants for signed by Governor, 212, 288; caveat against Wood, 245; land granted conditionally, 275, 610.  
 Barnaby, John, grant for signed by Governor, 213; land granted conditionally, 623.  
 Barnard, Colonel, letter from, 174.  
 Barnard, Edward, land granted conditionally, 195; ordered to appear before Council, 763.  
 Barnard, Jane, land granted conditionally, 65.  
 Barnard, Lieutenant, to garrison Fort Augusta, 191.  
 Barnard, Timothy, land granted to, 516.  
 Barwick, Thomas, petition for land postponed, 446.  
 Basset, Elizabeth, land granted conditionally, 57.  
 Basset, Thomas, grant for signed by Governor, 684.  
 Battery to be erected on Cockspur, 541.  
 Baxley, Thomas, land granted conditionally, 565.  
 Bealds, Jacob, petition for land postponed, 127.  
 Bechtle, John George, grant for signed by Governor, 451.  
 Becket, Thomas, grant for signed by the Governor, 210.  
 Bell, Henry, land granted conditionally, 548.  
 Bellett, George, grant for signed by the Governor, 330.

- Beltz, Sigismund, grants for signed by the Governor, 110, 210; petition for land rejected, 186; petition for land postponed, 438; land granted to conditionally, 471; land granted to, 558.
- Bennet, John, petition for land rejected, 24.
- Bereston, Aaron, grant for signed by the Governor, 44.
- Berger, Peter, grant for signed by the Governor, 595.
- Berrier, John, grant for signed by the Governor, 62.
- Berrier, Peter, land granted conditionally, 479.
- Betty, John, land granted conditionally, 636.
- Betz, John Gasper, grant for signed by the Governor, 451.
- Betz, John Michael, grant for signed by Governor, 452.
- Bevill, Robert, land granted conditionally, 206; grant for signed by Governor, 684.
- Biddenback, Christian, grant for signed by the Governor, 157.
- Bidenback, Matthias, grant for signed by the Governor, 775.
- Biddenback, Matthias, grant for signed by the Governor, 109; land granted to conditionally, 148.
- Birkhold, George, land granted conditionally, 412.
- Blacklidge, Jacob, land granted conditionally, 715.
- Blakely, Luke, petition for land postponed, 200.
- Blake, Francis, wharf lot granted to, 24; petition for land postponed, 195; grant for signed by Governor, 453.
- Blundy, Charles, petition for land rejected, 571.
- Blyth, Peter, grant for signed by Governor, 44; land granted conditionally, 196, 391, 695; caveat against Zubly, 282.
- Bobby, James, lot in Augusta granted conditionally, 305.
- Boddie, Sarah, grant for signed by Governor, 159.
- Bollinger, George, lot granted conditionally, 375; grant for signed by Governor, 595.
- Bolton, Robert, petition for lot in Savannah postponed, 95; grant for signed by Governor, 595.
- Bolzius, John Martin, land granted conditionally, 99, 351; grant for signed by Governor, 451.
- Bolzius, John Martin, and others, grant for signed by Governor, 157.
- Bonnerman, Benjamin William, land granted conditionally, 60.
- Bord, Burgon, land granted conditionally, 360, 607; grant for signed by Governor, 647.
- Boreman, Michael, land granted conditionally, 443.
- Bosomworth, Adam, grant for signed by Governor, 43.
- Bosomworth, Elizabeth, grant for signed by Governor, 42.
- Bosomworth, Mary, petition of granted, 204.
- Bosomworth, Mrs., her claim considered, 85; £2,100 Sterling and St. Catharine's Island allowed to, 86; grant for St. Catharine's Island, signed for, 323.
- Bosomworth & husband accept proposition of Governor and Council, 87.
- Bosomworth & wife execute deeds to Ossabaw and Sapala, 323.
- Bosomworth, Thomas, ordered to attend the Council, 84; caveat dismissed, 85; grant to signed by Governor, 110.



- Bowles, John, petition for land rejected, 182; land granted conditionally, 752.  
Bowling, Mary, grants for signed by the Governor, 210, 595.  
Box, James, warrants to be issued to, 291; land granted conditionally, 408;  
grant for signed by Governor, 595.  
Braddock, David Cutler, petition for land postponed, 371.  
Bradley, John, land granted conditionally, 121; grants for signed by Governor,  
452, 719.  
Bradley, Richard, petition of considered and postponed, 614.  
Bradley, William, grants for signed by the Governor, 719.  
Bradley, William, Senior, grant for signed by Governor, 720.  
Brady, John, grants for signed by Governor, 339; petition for land post-  
poned, 698.  
Brannum, Michael, land granted conditionally, 203.  
Branson, John, land granted conditionally, 22.  
Brantner, Matthias, grant for signed by Governor, 108.  
Bratcher, James, land granted conditionally, 77; grant for signed by Gov-  
ernor, 595.  
Breed, Sarah, petitions rejected, 150.  
Briar Creek, inhabitants of promised military assistance, 512.  
Brown, Alexander, grants for signed by Governor, 247.  
Brown, Francis, land granted conditionally, 610.  
Brown, James, grants for signed by the Governor, 247.  
Bruce, Thomas, grant for signed by Governor, 42; petition for lot in Sa-  
vannah postponed, 145; petition for hammocks rejected, 145.  
Brunson, Thomas, grant for signed by Governor, 378.  
Bryan, Hugh, land granted conditionally, 767.  
Bryan, Jonathan, appointed Justice of Peace, 63; land granted conditionally,  
67, 318, 439, 480, 760; grants for signed by Governor, 108, 155, 719; petition  
for land postponed, 181; petition for land rejected, 184; appointed Coun-  
cillor, 190; lots granted to on purchase, 550.  
Bryan, Jonathan, in trust for sons of Matthew Roche, grant signed for by  
Governor, 62.  
Bryan, Mary, new precept ordered for, 590; grants for signed by Governor,  
602, 719.  
Bull, Governor, letter from, 468, 515, 593.  
Bull, Jacob, grant for signed by the Governor, 379.  
Bull, Stephen, land reserved for, 88; petition for lot in Savannah rejected,  
88; warrants issued to, 214.  
Buntz, Henry Ludwig, grant for signed by the Governor, 109.  
Buntz, John George, grant for signed by the Governor, 159.  
Buntz, Urban, grant for signed by the Governor, 210; land granted condition-  
ally, 473.  
Burghalter, Michael, grants for signed by the Governor, 379, 618.  
Burghe, Rodolph, grant for signed by the Governor, 109.  
Burn, Hugh, petition for reservation rejected, 477; land granted condition-  
ally, 632.  
Burnett, John, land granted conditionally, 22; grants for signed by the Gov-  
ernor, 378.

- Burnley, Samuel, petition for land rejected, 75; land granted conditionally, 151; grant for signed by the Governor, 684.  
 Burtley, Richard, grant for signed by the Governor, 107.  
 Burton, Caleb, land granted conditionally, 389.  
 Burton, Elizabeth, grant for signed by the Governor, 441.  
 Burton, Robert, grant for signed by the Governor, 340.  
 Burton, Joseph, grant for signed by the Governor, 246.  
 Butler, Joseph, in trust for Sarah Boddie, grant signed for by Governor, 159.  
 Butler, William, grants for signed by the Governor, 42, 378, 453; land granted conditionally, 146, 367; appointed Councillor, 190; qualifies as member of Council, 376; petition for land postponed, 413.  
 Butt, Hilliary, land granted conditionally, 773.  
 Butterfield, Francis, land granted conditionally, 773.

## C

- Calwell, Henry, grant for signed by the Governor, 110; petition for land postponed, 441.  
 Camber, Thomas, land granted conditionally, 257, 634; grants for signed by the Governor, 684; petition for land postponed, 716.  
 Cameron, Alexander, grant for signed by the Governor, 42; land granted conditionally, 138.  
 Camp, William, grant for signed by the Governor, 341.  
 Campbell, Martin, petition for land rejected, 221; grants for signed by the Governor, 156, 158, 339.  
 Camper, Christian, land granted conditionally, 272.  
 Camuse, Joseph, grant for signed by the Governor, 247.  
 Carney, Arthur, land granted conditionally, 269, 412; grants for signed by the Governor, 452, 684.  
 Carr, Mark, grant for signed by the Governor, 41, 684; land granted conditionally, 460; land granted on purchase, 616; new precept granted to, 767.  
 Carr, William, petition for land postponed, 26; land granted conditionally, 274.  
 Carter, Owen, grant for signed by the Governor, 156.  
 Carter, Thomas, land granted conditionally, 236; grant for signed by the Governor, 684.  
 Case, William, land granted conditionally, 123, 574; grant for signed by the Governor, 719.  
 Castallow, James, petition for land rejected, 49.  
 Cater, Stephen, grant for signed by the Governor, 246.  
 Cater, Thomas, land granted conditionally, 588; grant for signed by the Governor, 763.  
 Cawston, Thomas Manser, lot in Savannah allowed to heirs of, 725.  
 Cawthorn, William Danby, grant for signed by the Governor, 155.  
 Chatwin, Joseph, land granted conditionally, 15.  
 Cherokee Indians, murders by near Augusta, 228.  
 Chicasaw Indians, conference with. 80; to be kept at home, 175.  
 Chief Justice to report to Governor, 580.

- Christie, Thomas, land granted conditionally, 54, 145.  
 Choctaw Indians, conference with, 394; Governor's speech to, 396.  
 Church wardens ordered to put watch act in execution, 541.  
 Claims for land examined, 10, 582.  
 Clancey, Thomas, grant for signed by the Governor, 378.  
 Clancy, Thomas, grant for signed by the Governor, 212; lot in Frederica granted to, 238.  
 Clark, Angus, grant for signed by the Governor, 157.  
 Clark, Hugh, land granted conditionally, 229, 261, 278.  
 Clark, John, grant for signed by Governor, 246; land allowed to his father granted him conditionally, 664.  
 Clark, Joshua, land granted conditionally, 146.  
 Clark, Stephen, land granted conditionally, 29; grant for signed by the Governor, 62.  
 Clark, William, lot in Augusta granted conditionally, 654, 655.  
 Clayton, John, grant for signed by the Governor, 451.  
 Clemm, William, mill site granted to, 730; land granted conditionally, 731; petition rejected, 767.  
 Clerk of Crown, informations, etc., to be returned to, 579.  
 Clifton, William, appointed Councillor, 190; petition for land postponed, 387; grant for signed by the Governor, 602; takes oath as Attorney General, 659.  
 Closman, Frederic, lot in Augusta granted conditionally, 655; grant for signed by the Governor, 733.  
 Coener, George, land granted conditionally, 501.  
 Colvin, William, petition for land postponed, 104.  
 Commanders of companies to have discretionary power, 266.  
 Commission of James Wright as Governor, 400.  
 Commissioners of the General Loan Office, petition of referred to Attorney General, 720.  
 Common of Savannah bounded, 226.  
 Conner, Cornelius, petition for land rejected, 98.  
 Contingent expenses ordered paid, 569.  
 Conyers, John, land granted conditionally, 12, 753; petition that his grant be delivered allowed, 680.  
 Cooper, Richard, grants for signed by the Governor, 158, 209.  
 Copland, John, land granted conditionally, 39.  
 Corker, Richard, land granted conditionally, 753.  
 Coogle, Matthias, grant for signed by Governor, 209.  
 Coulson, Jacob, grant for signed by the Governor, 44.  
 Coulson, Thomas, petition for land postponed, 72.  
 Coulson, William, land granted conditionally, 369.  
 Council, their opinion on Edmund Atkin's letter, 7.  
 Council, members of take oaths of office, 630.  
 Cox, Thomas, land granted conditionally, 118.  
 Cockspur, battery to be erected on, 541; guard appointed for, 673.  
 Creek Indians, conference with, 160; conference with renewed, 168; confer-

- ence with, 284, 285, 292, 308, 417; speech of Governor to, 311; talk of Governor Ellis with, 325; Governor Ellis's answer to their talk, 330; not to be invited to Savannah until presents arrive, 346; Head-men of invited to conference, 381; at Fort Argyle, 422; wait on Governor, 427.
- Cremer, Christopher, grant for signed by the Governor, 108, 602; land granted conditionally, 505.
- Croddy, Adam, petition of rejected, 99; petition for land postponed, 131; mortgaged land granted to, 726; grant for signed by the Governor, 763.
- Cronenberger, Jacob, lot in Ebenezer granted conditionally, 92.
- Cronenberger, Nicholas, land granted conditionally, 40.
- Cronenburger, Jacob, grant for signed by Governor, 156.
- Cronenburger, Nicholas, grant for signed by the Governor, 245.
- Cross, Thomas, lot in Savannah granted to, 237; grant for signed by the Governor, 378.
- Crouber, George, grants for signed by the Governor, 452.
- Crowber, George, land granted conditionally, 116.
- Cubbedge, George, grant for signed by the Governor, 42.
- Cubbedge, John, grants for signed by the Governor, 41; land granted conditionally, 651.
- Cunningham, David, petition for wharf lot granted, 26; grant for signed by the Governor, 155; land granted conditionally, 606.
- Curtis, Henry, petition for land postponed, 728.
- Cusmould, Jacob, grant for signed by the Governor, 109.
- Cuthbert, George, caveat against Zubly, 254, 283; caveat against Zubly dismissed, 287; land granted conditionally, 705, 762; Surveyers General to certify for, 775.
- Cuthbert, James, land reserved for, 654.

## D

- Dasher, Christian, land granted conditionally, 224; grant for signed by the Governor, 684.
- Dasher, Martin, grant for signed by the Governor, 246, 647; land granted conditionally, 411.
- Davis, George, land granted conditionally, 29, 458; grant held up, 47; petition postponed, 305.
- Davis, John, grant for signed by the Governor, 453; land granted conditionally, 586; caveat against Henry Saltus, 656.
- Davis, Robert, petition for land postponed, 75.
- Davis, Scotton, land granted conditionally, 268.
- Davis, Thomas, land granted conditionally, 201; grant for signed by the Governor, 379.
- Davis, William, land granted conditionally, 33; grant for signed by the Governor, 341.
- Death of King announced, 465.
- De Brahm, William, land granted conditionally, 93, 464; petition for land postponed, 502.

- Declaration of war against Spain published, 687.
- Dedimus to qualify Fisher, Arthur and Hall as Justices of the Peace, 362; to qualify Justice of the Peace for Halifax, 649.
- Delegal, George, land granted conditionally, 16; grant for signed by the Governor, 684.
- De Leon, Isaac, petition for land rejected, 728.
- Delinquents to take out grants on forfeited lands, 81.
- Demere, Captain, barrel of gunpowder sent to, 659.
- Demere, Raymond, land granted conditionally, 73, 202, 355, 769, 770; petition for land postponed, 229; island in Alatomaha granted to, 241; grants for signed by the Governor, 246, 342, 775.
- Denninger, George, grant for signed by the Governor, 211.
- Denny, Walter, grant for signed by the Governor, 210.
- Densler, Henry, grant for signed by the Governor, 61, 210.
- Derick, George, grant for signed by the Governor, 110.
- De Veaux, James, grant for signed by the Governor in trust for the son of Matthew Roche, 62; wharf lot granted conditionally, 182; warrant for town lot granted to, 187; grants for signed by the Governor, 213, 378; land granted conditionally, 529; appointed a Commissioner of the church, 765.
- De Veaux, William, petition for wharf lot rejected, 179; grant for signed by the Governor, 213.
- Dicks, David, land granted conditionally, 392; grants for signed by the Governor, 684.
- Dicks, David, Junior, land granted conditionally, 392; grant for signed by the Governor, 451.
- Dinkins, John, petition for grant granted, 713.
- Dixon, Robert, grant for signed by the Governor, 452.
- Dixon, Thomas, land granted conditionally, 472.
- Dobbyn, Richard, petition for land postponed, 103.
- Dodds, William, grant for signed by the Governor, 340.
- Donham, James, grant for signed by the Governor, 106.
- Donnam, Daniel, grant for signed by the Governor, 245.
- Donnam, James, petition for land rejected, 137; land granted conditionally, 140, 670.
- Donovan, Daniel, petition for land rejected, 57; land granted conditionally, 65, 369, 508; petition for land postponed, 128, 386, 460.
- Douglass, David, letter from, 173; land granted conditionally, 193, 461; affidavit of concerning murders in Creek Nation, 316; to lay accounts before Assembly, 454; petition for lot in Savannah postponed, 642; his mortgaged lots to be sold for benefit of creditors, 682.
- Dowdy, Richard, grant for signed by the Governor, 211, 247.
- Dowle, Peter, grant for signed by the Governor, 211.
- Downer, Michael, grant for signed by the Governor, 339.
- Downs, Henry, land granted conditionally, 766.
- Draft for defence, 250.
- Drafted men to be allowed six pence per day, 251.

- Dubois, Paul, petition to purchase farm lot postponed, 551; lot granted on purchase, 676; grant for signed by the Governor, 733.  
 Ducker, James, petition for land rejected, 481, 565; land granted conditionally, 706.  
 Dunbar, George, grant for signed by the Governor, 158.  
 Dunham, Daniel, land granted conditionally, 235, 573.  
 Dunham, William, land granted conditionally, 33, 302.  
 Dusseign, Jacob, grant for signed by the Governor, 246.

## E

- Earl of Egremont, letter from, 687.  
 Earle, John, land granted conditionally, 356.  
 Eatton, Thomas, island reserved for, 53; land reserved for, 71, 352; land granted conditionally, 336, 357, 458; land warrant renewed, 548; grant for signed by the Governor, 602; lands certified to, 627.  
 Ebita-pogola-Mingo, a king of the Choctaws, talk from, 187.  
 Edwards, John, petition for land postponed, 30.  
 Elbert, Samuel, lot in Savannah granted to, 774.  
 Ellick, Captain, complaint of, 467.  
 Elliott, Grey, grants for signed by the Governor, 61, 400, 595, 733, 775; warrant to issue to, 291; proposes to purchase Ussabaw and Sapala, 307; petition for lot in Savannah postponed, 335; petition for land postponed, 335; land granted conditionally, 410, 631, 643, 650; wharf lot granted to, 448; sworn as member of council, 581; farm lot granted on purchase, 643; takes oath as Judge Surrogate of the Court of Vice Admiralty, 659; farm lot granted conditionally, 714; lot in Savannah granted to, 762.  
 Elliott, Grey, and James Read, grant for signed by the Governor, 775.  
 Elliott, John, land granted conditionally, 80; grant for signed by the Governor, 213.  
 Ellis, Governor, instructions to concerning Council, 190; speech to Creek Indians, 311; his reply to old Bracket's talk, 321; talk with Creek Indians, 325; remarks concerning resolution of Governor and Council of South Carolina, 329; answer to talks from Creek Nation, 330.  
 Elsenour, Samuel, complaint against, 227.  
 Emanuel, David, grant for signed by the Governor, 775.  
 Eppinger, John, land granted conditionally, 504; grant for signed by the Governor, 595.  
 Ernst, Ludwig, land granted conditionally, 575.  
 Estimate of expenses sent to Assembly, 520.  
 Estimate for ensuing year considered, 600; estimate for 1762-3 signed by the Governor, 758.  
 Etchard, Conrade, grant for signed by the Governor, 155.  
 Evans, Middleton, grant for signed by the Governor, 107.  
 Ewen, William, petition for lands postponed, 265; land granted conditionally, 385; grants for signed by the Governor, 595, 719, 733, 763; lot granted on purchase, 668.

## F

- Fam, Frederic, grant for signed by the Governor, 157.
- Farley, Benjamin, land granted conditionally, 36; grants for signed by the Governor, 44, 211, 341.
- Farrer, Bartholomew, grant for signed by the Governor, 684.
- Fenton, Martin, land granted conditionally, 144; grants for signed by the Governor, 451.
- Fewox, James, land granted conditionally, 241.
- Fink, Ann Margaret, grant for signed by the Governor, 212.
- Fishburn, Thomas, land granted conditionally, 299.
- Fisher, David, grant for signed by the Governor, 209.
- Fisher, James, petition for land rejected, 96; land granted conditionally, 130, 275; appointed Justice of the Peace, 249; to qualify as Justice of Peace, 362; grant for signed by the Governor, 647.
- Fisher, Nicholas, land granted conditionally, 626.
- Fitch, John, land granted conditionally, 179; petition for land postponed, 264; petition for land rejected, 277.
- Fitzer, John Ulric, grant for signed by the Governor, 159.
- Fitzgerald, John, grant for signed by the Governor, 453; land granted conditionally, 695.
- Fleger, John, grant for signed by the Governor, 339.
- Flerl, John, land granted conditionally, 125; warrant renewed, 257; grants for signed by the Governor, 378.
- Ford, Thomas, lot in Augusta granted to, 194.
- Forfeited lots ordered sold, 718.
- Fort Barrington, letter from commanding officer of, 594.
- Forts at Barrington and Great Ogechee, 374.
- Fox, Catherine, her claim established, 521.
- Fox, David, Sr., warrant for land renewed, 22; land granted conditionally, 37; grant for signed by the Governor, 155.
- Fox, Jonathan, grant for signed by the Governor, 647; land granted conditionally, 769.
- Francisco, John, petition for land postponed, 476.
- Francis, William, grants for signed by the Governor, 44, 451; land granted conditionally, 264, 405.
- Fraser, Thomas, grant for signed by the Governor, 212.
- Fraser, Simon, land granted conditionally, 384; grant for signed by the Governor, 647.
- French, Robert, affidavit of concerning murders in the Creek Nation, 314.
- French privateer steals negroes, 540; brings prize vessel into port, 703.
- Frisby, Josiah, land granted conditionally, 122.
- Fritsec, Henry, grant for signed by the Governor, 209.
- Frye, Abraham, grant for signed by the Governor, 158.
- Fulbright, Christian, grant for signed by the Governor, 159.
- Fulton, Samuel, land reserved for, 236; petition for land rejected, 276; swears to number of his family, 645; grants for signed by the Governor, 647, 684.
- Fulwygee-opia-Mico, talk of Governor to Creek Nations sent by, 316.

## G

- Gabell, John, grant for signed by the Governor, 107, 110; land granted conditionally, 230.
- Galashe, John, land granted conditionally, 243; grant for signed by the Governor, 342.
- Galphin, George, grant for signed by the Governor, 43; land granted conditionally, 183, 705; petition for land postponed, 183; petition for farm lot rejected, 616.
- Galphin, John, warrant for land renewed, 25.
- Gambert, Christian, grants for signed by the Governor, 210, 342.
- Gandy, Peter, petition for lot postponed, 93, 354; land granted on purchase, 603; grant for signed by the Governor, 719.
- Garbet, Gasper, grant for signed by the Governor, 42, 210, 647.
- Garden and farm lots to be sold at auction, 724.
- Gardiner, George, land granted to conditionally, 637.
- Gardiner, William, grant cancelled, 601.
- Gautier, Anthony, grant for signed by the Governor, 159.
- Gee, Charles, land granted conditionally, 634.
- Gegg, Thomas, land granted conditionally, 392; grant for signed by the Governor, 451.
- George the Third proclaimed, 490.
- General Assembly, proclamation to prorogue, 47; dissolved by proclamation, 343; writes of election for new Assembly, 344; to be adjourned from day to day, etc., 466; members appear and take oaths, 519.
- Geredeau, Richard, grant for signed by the Governor, 342.
- Germain, Michael, petition to renew warrant granted, 90; grants for signed by the Governor, 378.
- German inhabitants, lot granted to for public worship, 501.
- German Protestants, land granted to for schoolmaster, 364.
- Germany, Margaret, grant for signed by the Governor, 156.
- Gibbons, Arthur, land granted conditionally, 139; grant for signed by the Governor, 684.
- Gibbons, Joseph, land granted conditionally, 69, 508, 566, 620; grants for signed by the Governor, 211, 213, 595, 684, 775; warrant to, 291.
- Gibbons, William, petition for land postponed, 436; wharf lot granted to, 449; land granted conditionally, 563, 609, 633; grants for signed by the Governor, 647.
- Gieger, Christopher, grant for signed by the Governor, 719.
- Gilbert, William, grant for signed by the Governor, 62.
- Gilland, Thomas, grant for signed by the Governor, 156.
- Gilman, Edward, land granted to conditionally, 31.
- Gilmore, John, land granted conditionally, 118.
- Gionavoli, John, lot in Augusta granted to, 617; grant for signed by the Governor, 628.
- Girardeau, Isaac, petition for land rejected, 103.
- Glamer, George, grant for signed by the Governor, 602.



- Glen, William, grant for signed by the Governor, 684.
- Gnann, George, land granted conditionally, 458.
- Godfrey, George, land granted conditionally, 678.
- Goffe, Francis, wharf lot granted to, 448; land granted conditionally, 477.
- Goffs, Francis, grants for signed by the Governor, 684.
- Golding, John, land granted conditionally, 51, 66, 231.
- Golding, Palmer, land granted conditionally, 10; petition for land postponed, 48; grant for signed by the Governor, 108; petition for land rejected, 181.
- Golding, Peter, land granted conditionally, 124.
- Golding, Sarah, land granted conditionally, 239; grants for signed by the Governor, 451.
- Goldsmith, Thomas, petition for lot postponed, 32; petition for land postponed, 372; land granted conditionally, 459; grant for signed by the Governor, 602.
- Goldwire, Benjamin, land granted conditionally, 48; grants for signed by the Governor, 155, 157, 209, 602.
- Goldwire, John, land granted conditionally, 116, 125, 620; grant for signed by the Governor, 156.
- Gordon, John, grants for signed by the Governor, 43, 247, 340, 400; wharf lot granted to, 184; petition for 200 feet land considered, 185; land granted conditionally, 280, 369; warrant to, 291.
- Governor advises with Board upon contents of a letter from Edmund Atkin, 5; his observations thereon, 7.
- Governor and Council take state oaths, 494.
- Governor Wright, takes oath of office, 630; certain lots granted to, 682.
- Graham, Jane, grant for signed by the Governor, 452.
- Graham, James, land warrant renewed, 306; grant for signed by the Governor, 342.
- Graham, John, land granted conditionally, 17; petition for land postponed, 53; grants for signed by the Governor, 62, 157, 159; islands granted to conditionally, 304; petition for land rejected, 463; vacant land granted, 644.
- Grann, John George, grant for signed by the Governor, 110.
- Grant, Gilbert, grant for signed by the Governor, 212; land granted conditionally, 464.
- Grant, James, land granted conditionally, 72; grant for signed by the Governor, 211.
- Grant, John, grant for signed by the Governor, 107.
- Grant, Peter, land granted conditionally, 608.
- Grants not to be allowed until registered, 567.
- Graves, John, petition for land rejected, 279; grants for signed by the Governor, 647.
- Gray, Alexander, land granted conditionally, 244, 503.
- Gray, Edmund, licensed to trade with the Indians, 569.
- Gray, James, land granted conditionally, 41, 105, 663, 695, 730; grants for signed by the Governor, 61, 775; new precept granted, 768.
- Gray, James, Jr., land granted conditionally, 695.

- Gray, John, petition for land rejected, 234, 772; grants for signed by the Governor, 155; land granted conditionally, 462, 632; petition for land postponed, 503.
- Green, Ann, lot in Savannah granted to, 647.
- Green, Jeremiah, land granted conditionally, 126; grant delivered to, 714.
- Green, Jeremy, grant for signed by the Governor, 341.
- Green, Thomas, petition for lots dismissed, 11; petition rejected, 528; petition postponed, 771.
- Green, Thomas and wife, grants for signed by the Governor, 157, 158.
- Greene, Ann, grant for signed by the Governor, 763.
- Greenwood, William, land granted conditionally, 243; petition for land rejected, 650.
- Greiner, Andrew, grant for signed by the Governor, 602; petition for land postponed, 708.
- Greiner, John Gasper, land granted conditionally, 637, 769; grant for signed by the Governor, 684.
- Griner, Andrew, commissioned Justice of the Peace, 363; land granted conditionally, 437; grant for signed by the Governor, 452.
- Grinier, Peter, petition for land rejected, 728.
- Groll, Matthias, grant for signed by the Governor, 110.
- Groundige, Margaret, grant for signed by the Governor, 246.
- Grover, William, sworn as Chief Justice, 27; lot in Savannah granted to, 36; grants for signed by the Governor, 62, 340, 757; land granted conditionally, 70; appointed Councillor, 190; takes oath of office, 190; caveat against Zubly, 282; same dismissed, 287; grant ordered to, 717; Council advises his suspension from office as Chief Justice, 735; Council in case of adheres to former opinion, 751.
- Gruber, George, land granted to, 361.
- Guerin, Simon, grant for signed by the Governor, 110.
- Guinder, David, grant for signed by the Governor, 733.
- Gun-Merchant, the, Speech of, 325; talk sent to, 514; talk from, 543.
- Gun-Merchant and other Creeks appear before Council, 777.

## H

- Habacher, John, land granted conditionally, 217.
- Habersham, James, appointed Justice of the Peace, 63; land granted to conditionally, 91; appointed Councillor, 190; petition for land postponed, 380; memorial of, 578; land granted on purchase, 584; petition for new precept granted, 591; farm lots granted on purchase, 639; lots granted on purchase, 723; grants for signed by the Governor, 733, 735.
- Habersham & Harris, petition for lot in Savannah postponed, 380; grants for signed by the Governor, 734.
- Hack, Gasper, land granted conditionally, 130; grants for signed by the Governor, 685.
- Hague, George, grant for signed by the Governor, 157.
- Haines, Samuel, petition for land postponed, 50; land granted conditionally, 455.

- Halifax, inhabitants of to be armed, 249.
- Hall, Lemuel, to qualify as Justice of the Peace, 362.
- Hall, Lemuel, to qualify as Justice of the Peace, 362.
- Hall, Lyman, land granted conditionally, 242.
- Hamilton, Henry, grant for signed by the Governor, 341.
- Hamilton, Thomas, grant for signed by the Governor, 602.
- Hammer, Peter, grant for signed by the Governor, 108.
- Hammer, Samuel, grant for signed by the Governor, 212.
- Hammond, Edmund, grant for signed by the Governor, 213.
- Hammond, Edward, land granted conditionally, 76.
- Hancock, Anthony, petition for land rejected, 25.
- Hancock, Durham, land granted conditionally, 608.
- Handley, William, wharf lot granted conditionally, 40; caveat against Montaignut, 283; grant for signed by the Governor, 340; petition for land postponed, 370; petition for land rejected, 526; land granted conditionally, 547, 589, 653.
- Haner, Nicholas, land granted conditionally, 573.
- Hangleiter, John, land granted conditionally, 457; land granted to, 558.
- Hanner, John, grant for signed by the Governor, 110.
- Hanner, Nicholas, grant for signed by the Governor, 210.
- Happacker, John, grant for signed by the Governor, 339.
- Harback, Jacob, grant for signed by the Governor, 62.
- Harkins, Charles, land granted conditionally, 652.
- Harlan, Ezekiel, grant for signed by the Governor, 775.
- Harley, James, land granted conditionally, 132; petition for land rejected, 560; grant for signed by the Governor, 734.
- Harwell, Ann, grant for signed by the Governor, 42.
- Harramond, Henry, grant corrected, 724.
- Harris, Arthur, land granted conditionally, 113.
- Harris, Francis, appointed Justice of the Peace, 63; appointed Councillor, 190; land granted conditionally, 215, 634; petition for new precept granted, 591; grant for signed by the Governor, 683.
- Harris, Francis & James Habersham, petition for lot in Savannah postponed, 380; grants for signed by the Governor, 734.
- Harrold, Edward, grant for signed by the Governor, 44.
- Hartstone, Joachim, land granted conditionally, 442; grant for signed by the Governor, 595.
- Hastings, Thomas, petition for land rejected, 707.
- Hauskins, Isaac, grant for signed by the Governor, 453.
- Heard, John, petition for lot in Augusta postponed, 306.
- Hearn, John, grants for signed by the Governor, 158; land granted conditionally, 390.
- Hearn, William, grant for signed by the Governor, 157.
- Heinley, John, grants for signed by the Governor, 41, 602.
- Heisler, George, grants for signed by the Governor, 158.
- Helyenstine, Frederic, land granted conditionally, 240; grant issued to, 729; grants for signed by the Governor, 734-775.

- Helvenstine, John, land granted conditionally, 71; grants for signed by the Governor, 246, 379.
- Henderson, Richard, deposition of, 514.
- Hendrick, Elizabeth, grant for signed by the Governor, 210.
- Henricus, Moses Nunes, grant for signed by the Governor, 110.
- Hensler, Jacob, land granted conditionally, 240; grant for signed by the Governor, 764.
- Herb, Frederic, grants for signed by the Governor, 42, 210, 764; petition for new precept granted, 592.
- Herback, Casper, grants for signed by the Governor, 109.
- Herbert, William, land granted conditionally, 559.
- Herd, John, land granted conditionally, 120, 715.
- Hickinbottom, Thomas, grant for signed by the Governor, 775.
- Hienlen, John, land granted conditionally, 358.
- Hiesler, John, land granted conditionally, 564.
- Hoff, John Van Marjen, land reserved for, 67.
- Holmes, John, land granted conditionally, 191, 218; grant for signed by the Governor, 245.
- Holzendorff, Frederic, land granted conditionally, 610; grants for signed by the Governor, 763.
- Hood, Abraham, land granted conditionally, 199; grants for signed by the Governor, 775.
- Hooper, Thomas, wharf lot granted to conditionally, 30; grant for signed by the Governor, 245.
- Hopkins, John, grants for signed by the Governor, 44, 685; land granted conditionally, 184, 365; warrant to recalled, 213.
- Hopton, Edward, wharf lot granted to, 447.
- Horn, Benjamin, land granted conditionally, 55; grant for signed by the Governor, 452.
- Houstoun, Deborah, grants for signed by the Governor, 41, 685.
- Houstoun, James, petition for land rejected, 49.
- Houstoun, Sir Patrick, appointed Justice of the Peace, 63; land granted conditionally, 106; grants for signed by the Governor, 155; appointed Councillor, 190; memorial of, 557.
- Houstoun, Robert, grants for signed by the Governor, 453, 685.
- Howell, Caleb, land granted conditionally, 359, 727; grants for signed by the Governor, 685.
- Howell, Philip, land granted conditionally, 358; grants for signed by the Governor, 685.
- Howell, William, land granted conditionally, 359; grant for signed by the Governor, 685.
- Howle, Thomas, land granted conditionally, 752.
- Hubbard, Richard, land granted conditionally, 96; grants for signed by the Governor, 377, 379.
- Hudson, Charles, grant for signed by the Governor, 43.
- Hudson, Christopher, land granted conditionally, 223.
- Hudson, Robert, grant for signed by the Governor, 43.

- Huguenin, David, land granted conditionally, 587; grant for signed by the Governor, 685.  
 Hull, Joseph, land granted conditionally, 299.  
 Humbert, David, grant for signed by the Governor, 44.  
 Humphreys, Robert, land granted conditionally, 706.  
 Hunt, Richard, land granted conditionally, 28.  
 Huston, James, grants for signed by the Governor, 43, 595.  
 Hutchinson, John, land granted conditionally, 575.  
 Hyde, George, grant for signed by the Governor, 44.

## I

- Illy, Jacob, grants for signed by the Governor, 43.  
 Indian trade, regulation of, 522.  
 Indian traders, complaint of, 708.  
 Instructions to Governor Ellis concerning the Council, 190.  
 Instructions to the Governor, 486.  
 Irwin, Benjamin, land granted to conditionally, 12; grant for signed by the Governor, 245.  
 Irwin, Thomas, land granted conditionally, 303; grants for signed by the Governor, 628.

## J

- Jagger, John, land for wharf granted, 153; grants for signed by the Governor, 212; land granted conditionally, 262.  
 Jamieson, Thomas, land granted conditionally, 575.  
 Jarvis, James, land granted conditionally, 663; grant for signed by the Governor, 685.  
 Jcakley, Jacob, land granted conditionally, 357; grant for signed by the Governor, 452.  
 Jeanes, Samuel, land granted to conditionally, 233; grant for signed by the Governor, 342.  
 Jeans, Samuel, grant for signed by the Governor, 453.  
 Jansack, James, grants for signed by the Governor, 247.  
 Jervey, David, petition for land postponed, 36; grant for signed by the Governor, 44.  
 Johnson, David, land granted conditionally, 267.  
 Johnson, Lewis, grants for signed by the Governor, 108; garden lot granted conditionally, 551; appointed commissioner of the church, 765.  
 Johnson, Richard, land granted conditionally, 771.  
 Johnson, William, land granted conditionally, 92, 128, 502; grants for signed by the Governor, 108, 342, 378, 452, 685.  
 Jones, John, grants for signed by the Governor, 246, 647; land granted conditionally, 256, 391; petition for land rejected, 338.  
 Jones, Noble, appointed Councillor, 190; takes oaths of office, 190; qualifies as Treasurer, 266; land granted conditionally, 383; lot granted on purchase, 550; grant for signed by the Governor, 734.

- Jones, Priscilla, grant for signed by the Governor, 453.  
 Jones, Robert & Matthew, land granted conditionally, 637.  
 Jones, Samuel, petition for land postponed, 509.  
 Jones, Simon, petition for land rejected, 410.  
 Jordan, Charles, land granted conditionally, 197.  
~~Jordan, Mary, grant for signed by the Governor, 47.~~  
 Joyce, Michael, land granted conditionally, 129; land warrant renewed, 366.  
 Joyner, John, petition for island postponed, 202.

## K

- Katten, Richard, land granted conditionally, 95; grants for signed by the Governor, 246.  
 Keiffer, Theobald, grant for signed by the Governor, 211; petition for land postponed, 436.  
 Kelly, Bryan, land granted conditionally, 180, 263; petition for land rejected, 263; grants for signed by the Governor, 685.  
 Kelly, Thomas, land granted conditionally, 301; grant for signed by the Governor, 595.  
 Kelly, Walter, land granted conditionally, 753.  
 Kemp, Solomon, land granted conditionally, 753.  
 Kennan, Henry, land granted conditionally, 256, 662; wharf lot granted to, 549; land granted to on purchase, 603; grants suspended, 618; grant signed for by the Governor, 685.  
 Kennedy, Daniel, land granted conditionally, 410.  
 Kennedy, Hugh, land granted conditionally, 560, 694; grant for signed by the Governor, 628.  
 Kennedy, William, petition of land rejected, 715.  
 Kent, Richard, grant for signed by the Governor, 159.  
 Kid, George, land granted conditionally, 696.  
 Kieffer, David, grant for signed by the Governor, 247.  
 Kieffer, Theobald, land granted conditionally, 186, 298; grants for signed by the Governor, 247, 452; petition for land rejected, 507.  
 Kiln, John, grant for signed by the Governor, 156.  
 King, death of announced, 465; official notification of the death of, 484.  
 King, Thomas, land granted conditionally, 639.  
 Kitt, John, petition for land rejected, 194; grant for signed by the Governor, 246.  
 Knapp, George, grant for signed by Governor, 156.  
 Knights, Peter, land granted conditionally, 623.  
 Knox, Mr., application to purchase one hundred feet at Yamacraw granted, 345.  
 Knox, William, land granted conditionally, 20, 243, 274, 383; appointed provost marshal, 27; grants for signed by the Governor, 43, 340, 342, 379, 628; appointed Councillor, 190; new precept granted, 592.  
 Kugall, Matthias, land granted conditionally, 478; grant for signed by the Governor, 595.

Kugell, John, land granted conditionally, 143; grant for signed by the Governor, 340.

## L

- Lackner, Martin, land granted conditionally, 510, 563.  
Laffitte, Peter, petition for land rejected, 474.  
Lamar, John, petition for land postponed, 127.  
La Mar, Alexander, land granted conditionally, 772.  
Land grants, form of amended, 105.  
Lang, Gotlieb, petition for land rejected, 700.  
Lang, John, grant for signed by the Governor, 212.  
Laroche, Isaac, petition for lot in Savannah postponed, 24; grant for signed by the Governor, 602.  
Larrimore, James, land granted conditionally, 120; petition for land postponed, 413.  
Lawrence, Nicholas, land granted conditionally, 95; grant for signed by the Governor, 776.  
Lawson, John, land granted to conditionally, 8, 268; grants for signed by the Governor, 341, 685.  
Le Bon, Anthony, grant for signed by the Governor, 453.  
Le Conte, William, petition for reservation granted, 336; land granted conditionally, 665, 754.  
Lee, Francis, land granted conditionally, 14; grant for signed by the Governor, 212.  
Lee, Thomas, land granted conditionally, 100, 444, 663; lot in Augusta granted to, 707.  
Leitch, Thomas, land granted conditionally, 367.  
Leitner, Viet, land granted conditionally, 153.  
Le Lion, Abraham, grant for signed by the Governor, 109.  
Lemke, Henry, land granted conditionally, 386.  
Lemke, Herman, grant for signed by the Governor, 453.  
Lemmond, William, petition for land postponed, 153.  
Leonard, George, and others, soldiers confined in jail, petition of considered, 530.  
Lester, John, land granted conditionally, 122; grant for signed by the Governor, 452.  
Letter from commissioner of fortifications, 424; letter from Governor of South Carolina, 433.  
Levenburger, Christian, grant for signed by the Governor, 158.  
Levy, Isaac, resolution of the Board on his claim of Ossabaw and Sapala, 171.  
Lewis, Benjamin, land granted conditionally, 641; grant for signed by the Governor, 685.  
Lewis, David, lot in Augusta granted to, 759.  
Lewis, Evan, grant for signed by the Governor, 719.  
Lewis, Isaac, land granted conditionally, 302.

- Lewis, John, land granted conditionally, 262; grant for signed by the Governor, 647.
- Lewis, Samuel, Jr., land granted conditionally, 239, 259; grants for signed by the Governor, 377, 378, 628.
- Liddell, William, land granted conditionally, 576; grant for signed by the Governor, 719.
- Liemberger, Christian, grant for signed by the Governor, 107.
- Lietner, Joseph, land granted conditionally, 207.
- Lieutenant-Governor Wright, Council of takes oaths, 403; address of to Upper and Lower Creek Indians, 415; talk of to Indians, 427; lot in Savannah granted to on purchase, 550; answer of to Lower Creeks, 554; islands granted to to be surveyed, 567; takes oath of Chancellor, 568; instruction to concerning certain lands, 593; Commission as Captain General and Governor in Chief, 628; same published, 629.
- Lindale, William, grant for signed by the Governor, 776.
- Lines, Isaac, land granted conditionally, 30, 267; grant for signed by the Governor, 341.
- Little, William, petition for land postponed, 118; petition for land rejected, 200.
- Lloyd, John, petition for land rejected, 279.
- Lloyd, Thomas, petition for lot rejected, 52; warrant to, 291; lot in Savannah granted to, 348; grant for signed by the Governor, 363; grant vacated, 717.
- Love, James, grant for signed by the Governor, 158; land granted conditionally, 675.
- Low, William, grants for signed by the Governor, 108, 110.
- Lower Creeks, desire trade at Augusta, 514; talk from, 553.
- Loyer, Adrian, grants for signed by the Governor, 159, 209, 341; land granted conditionally, 242; employed to keep town clock in order, 598.
- Lunday, Abraham, land granted conditionally, 368; petition for land postponed, 726.
- Lupton, John, petition for land rejected, 69.
- Lynn, John, petition for land rejected, 436.
- Lyon, Samuel, grant for signed by the Governor, 157.
- Lyttleton, Governor, letter of complaint from, 214.

## M

- Macartan, Francis, petition of rejected, 141; grants for signed by the Governor, 156, 158, 339; land granted conditionally, 218; petition for land at Augusta rejected, 221.
- Mackay, Angus, land granted conditionally, 79.
- Mackay, Daniel, land granted conditionally, 481.
- Mackay, George, grant for signed by the Governor, 156.
- Mackay, James, appointed Councillor, 190; land granted conditionally, 237, 368, 509; member of Council, to attend, 629; grants for signed by the Governor, 685, 734.



- Mackay, James and Clement Martin, required to attend Council, 732.  
Mackay, Patrick, grant for signed by the Governor, 44.  
Mackay, Peter, grant for signed by the Governor, 107.  
Mackenzie, Alexander, grant for signed by the Governor, 44.  
Mackenzie, William, sworn as land waiter and searcher, 27.  
Mackintosh, Angus, land granted conditionally, 89; grants for signed by the Governor, 157.  
Mackintosh, Ann, grant for signed by the Governor, 212.  
Mackintosh, Donald, grant for signed by the Governor, 685.  
Mackintosh, George, lot in Frederica granted to, 141; petition for land postponed, 192; land granted conditionally, 270.  
Mackintosh, John, grant for signed by the Governor, 43.  
Mackintosh, John B., grant for signed by the Governor, 453.  
Mackintosh, Lachlan, lot in Frederica granted to, 152.  
Mackintosh, Lachlan and others, petition of postponed, 539.  
Mackintosh, Roderick, grant for signed by the Governor, 210.  
Mackintosh, William, land granted to conditionally, 143.  
Mackintosh, Winiwood, petition for land rejected, 258.  
Magee, Thomas, land granted to conditionally, 9.  
Magie, Thomas, land for signed by the Governor, 342.  
Mainer, John, land granted to conditionally, 198.  
Mainer, William, petition for land postponed, 371; land warrant renewed, 565.  
Mann, John, land granted conditionally, 34; petition for land rejected, 441; caveat against, 732.  
Marauld, Peter, grant for signed by the Governor, 339.  
Marir, Jacob and Elizabeth, grant for signed by the Governor, 211.  
Market in Savannah, 374.  
Market-house to be built around Thomoe Chichi's grave, 135.  
Marks, Levi, grant for signed by the Governor, 379.  
Marriott, Thomas, grant for signed by the Governor, 685.  
Martin, Clement, petition for land postponed, 59; land granted conditionally, 151; grants for signed by the Governor, 340, 378, 685; member of Council, ordered to attend, 629; petition for grants allowed, 680.  
Martin, Clement, and James Mackay required to attend Council, 732.  
Martin, Isaac, grant for signed by the Governor, 211.  
Martin, John, grant for signed by the Governor, 212; land granted conditionally, 518, 661.  
Mason, Anne, land granted to conditionally, 624, 625; caveat against, 732; grant for signed by the Governor, 764.  
Massey, Joseph, land granted to conditionally, 54, 478; grant issued to, 729.  
Matthews, John, grant for signed by the Governor, 211.  
Matthews, William, land granted conditionally, 277, 760.  
Maxton, Andrew, petition for land postponed, 441.  
Maxwell, Audley, caveat against Stephen Cater, 81.

- Maxwell, James, land granted conditionally, 45, 697, 698.  
Maxwell, John, grant for signed by the Governor, 107.  
Maxwell, Thomas, grant for signed by the Governor, 720.  
Maxwell, William, grant for signed by the Governor, 107.  
Mayer, John Ludwig, attorney, petition granted, 669.  
Mayer, Matthias, grant for signed by the Governor, 110.  
McBean, John, grant for signed by the Governor, 44.  
McBride, Anthony, land granted conditionally, 200.  
McCarty, Cornelius, land granted conditionally, 114, 179; grants for signed by the Governor, 212; petition for land postponed, 393.  
McClelland, James, grant for signed by the Governor, 685.  
McClelland, James and others, land reserved for, 236, 251.  
McClelland, John, land granted conditionally, 235, 562; petition for land rejected, 445; petition read, 482.  
McClelland, Mary, grant for signed by the Governor, 686.  
McClelland, Mary and James, land granted conditionally, 625.  
McCormack, William, land granted conditionally, 609.  
McCulpin, Alexander, land granted conditionally, 126.  
McCulloch, John, land reserved for, 236; petition for land rejected, 273; land granted conditionally, 638; grant for signed by the Governor, 764.  
McCulloch, Nathaniel, petition for land rejected, 276.  
McCulloch, Nathaniel, land reserved for, 447.  
McCulloch, Nathaniel and others, petition for continuation of reservation granted, 442.  
McCulloch, Mary, land granted in trust, 761; land granted conditionally, 761.  
McCurrie, Andrew, land granted conditionally, 116.  
McCurry, Andrew, commissioned Justice of the Peace, 363.  
McDonald, Archibald, land granted conditionally, 560.  
McDonald, George, land granted conditionally, 91; grant for signed by the Governor, 156.  
McDonald, John, land granted conditionally, 239; examinations concerning read and filed with Attorney-General, 660.  
McDonald, Norman, land granted conditionally, 98.  
McDonald, William, grants for signed by the Governor, 159, 720; land granted conditionally, 408.  
McGillivray, Alexander, land granted conditionally, 123; grant for signed by the Governor, 647.  
McGillivray, Lachlan, land granted conditionally, 181, 460, 615; grants for signed by the Governor, 453, 602, 647, 734; petition to purchase farm lot postponed, 552; land granted on purchase, 599; claim to lot approved, 599; caveat against Ann Mason, 732; ordered to appear before Council, 762; lot in Augusta granted to, 775.  
McGuire, Edward, grant for signed by the Governor, 108.  
McHenry, James, land granted conditionally, 19, 664; grants for signed by the Governor, 42, 340, 734; petition for lot rejected, 478; petition of granted conditionally, 713.

- McKee, Adam, land granted to, 271.  
McKeithen, Alexander, petition for islands in Alatomaha postponed, 353; petition for land postponed, 447.  
McKenzie, Alexander, land granted conditionally, 462; grant for signed by the Governor, 776.  
McKenzie, John, petition for land postponed, 272.  
McKenzie, William, grant for signed by the Governor, 157; petition for island in Alatomaha rejected, 352; land granted conditionally, 366.  
McKintosh, Lachlan, grants for signed by the Governor, 107, 108.  
McLanc, John, petition for lot rejected, 53.  
McLean, John, land granted conditionally, 68, 407, 731; petition for land rejected, 461.  
McLeod, John, land granted conditionally, 97; grant for signed by the Governor, 339.  
McLeod, Murdock, land granted conditionally, 93.  
McPherson, Joshua, land granted to conditionally, 217.  
McPherson, John, land granted conditionally, 100.  
McPherson, William, land granted conditionally, 138.  
McQueen, James, Indian trader, complaint of referred to the Governor, 756.  
Mellichamp, Thomas, grant for signed by the Governor, 210.  
Metzger, Jacob, land granted conditionally, 199; grant for signed by the Governor, 379.  
Meyer, John Ludwig, grant for signed by the Governor, 44.  
Michler, John, grant for signed by the Governor, 156.  
Mick, Jonas, grant for signed by the Governor, 211; land granted conditionally, 443.  
Midway, petition of inhabitants of granted, 273.  
Miers, Henry, grant for signed by the Governor, 246.  
Miers, Jacob, land granted conditionally, 113.  
Miers, John, daughters of, land granted to conditionally, 221.  
Militia, resolution concerning, 324; drafted for scout duty excused, 338.  
Millen, Stephen, land granted conditionally, 233, 479; grants for signed by the Governor, 379, 602.  
Milledge, Ann, grant for signed by the Governor, 109.  
Milledge, Captain and Rangers, ordered to Augusta, 248.  
Milledge, John, grants for signed by the Governor, 43, 108, 109, 618, 764; petition for land postponed, 354; petition of in behalf of the children of Newdigate Stephens for a lot postponed, 355; land granted conditionally, 390, 546, 642, 712, 776.  
Milledge, John, guardian for William Stephens, petition of postponed, 754; grant signed for by the Governor in trust for Elizabeth and Mary Stephens, 776.  
Milledge, John and wife, grant for signed by the Governor, 247.  
Milledge, Richard, grants for signed by the Governor, 158, 246, 247.  
Miller, George, grant for signed by the Governor, 157.

- Miller, John Paul, grants for signed by the Governor, 159, 452; land granted conditionally, 300.
- Miller, Margaret, grant for signed by the Governor, 159.
- Miller, Nathaniel, land granted conditionally, 201; land warrant renewed, 679.
- Miller, Richard, land granted conditionally, 751.
- Miller, Robert, land granted conditionally, 482, 636.
- Miller, Samuel, land granted conditionally, 242, 504.
- Mills, Thomas, land granted conditionally, 77; grant for signed by the Governor, 602.
- Mills, William, land granted conditionally, 18; grants for signed by the Governor, 213, 594.
- Minis, Abigail, grants for signed by the Governor, 42, 210.
- Mitchell, Francis, land granted conditionally, 622; grant for signed by the Governor, 764.
- Mitchell, Lewis, grant for signed by the Governor, 764.
- Mock, Bartholomew, grant for signed by the Governor, 210, 212.
- Mock, Jacob, land granted conditionally, 233.
- Mock, Thomas, grant for signed by the Governor, 211, 212.
- Mohr, Jacob, grants for signed by the Governor, 62, 211.
- Mongomery, James, land granted to, 139.
- Mongomery, Nathaniel, land granted to, 271.
- Mongomery, William, land granted to, 271.
- Monroe, Daniel, land warrant renewed, 101; grant for signed by the Governor, 157.
- Monroe, James, grant for signed by the Governor, 213.
- Monroe, John, grant for signed by the Governor, 342; petition for land postponed, 409.
- Montaigut, David, petition for wharf lot postponed, 29; caveat against, 283; petition for new grant postponed, 681; petition for lot rejected, 755.
- Moore, George, land granted conditionally, 434; grant for signed by the Governor, 764.
- Moore, Samuel, land granted conditionally, 205, 409; grant for signed by the Governor, 720.
- Moore, William, petition for land rejected, 216; land granted conditionally, 231.
- Moreman, Andrew, petition for land postponed, 370; land granted conditionally, 440.
- Morel, John, wharf lot granted conditionally, 35; land granted on purchase, 103; grant for signed by the Governor, 108, 378, 453, 734; land warrant renewed, 280.
- Morel, Peter, grant for signed by the Governor, 106.
- Morgan, Thomas, lot in Augusta granted to, 193; grant for signed by the Governor, 647; land granted conditionally, 772.

- Morris, John, land granted conditionally, 225; petition for new precept granted, 642.
- Morse, John, lot in Augusta granted conditionally, 203.
- Mortar, the, an Indian, a present for, 539.
- Motte, George, grant for signed by the Governor, 159.
- Muir, John, grant for signed for by the Governor, 211.
- Mullryne, Catharine, grant for signed by the Governor, 628.
- Mullryne, Catharine and Mary, petition for land postponed, 25; land granted to, 372; grant for signed by the Governor, 400.
- Mullryne, John, petition for land for daughters postponed, 25; land granted to for daughters, 220; petition for lot on Tybee postponed, 221; land granted conditionally, 223, 694; warrant to be made out to, 291; grant for signed by the Governor, 628.
- Munday, Samuel, land granted conditionally, 302; petition for lot in Savannah postponed, 399; land granted on purchase, 603; grant for signed by the Governor, 734.
- Munroe, John, land granted conditionally, 147, 198.
- Murphy, Nicholas, grant for signed by the Governor, 451.
- Murray, Daniel, petition for land postponed, 728.
- Muter, James, grants for signed by the Governor, 43, 603; land granted conditionally, 74, 207, 547; petition for land postponed, 526.
- Myers, Henry, land granted conditionally, 665.
- Myers, Henry Frederic, land granted conditionally, 219.
- Myers, Jacob, grant for signed by the Governor, 341.
- Myers, Ursula, petition for new precept granted, 654.

## N

- Neel, Charles, land granted conditionally, 754.
- Neidlinger, John Ulric, land granted conditionally, 23; grant for signed by the Governor, 212.
- Nelson, James, grant for signed by the Governor, 42.
- Nesmith, James, land granted conditionally, 445.
- New Commission of the Peace ordered, 425, 496; read and approved, 700.
- New Hanover, 585.
- Nibling, Bartholomew, grant for signed by the Governor, 686.
- Niess, John, land granted conditionally, 388, 697.
- Nitchmar, David, grant for signed by the Governor, 734.
- Noble, George, grant for signed by the Governor, 158.
- Noble, Robert, grant for signed by the Governor, 158.
- Nongazer, Henry, land granted conditionally, 152, 480; land reserved for, 351; grant for signed by the Governor, 686.
- Nongezzer, Jacob, grant for signed by the Governor, 210.
- Norman, Barak, land granted conditionally, 57, 142.
- Norman, Barach, grant for signed by the Governor, 340.
- Norton, William, grant for signed by the Governor, 109, 734; land granted on purchase, 603; new precept granted, 705.

- Nowland, Andrew, petition for land postponed, 91.  
 Nunes, Daniel, grant for signed by the Governor, 110; warrant to, 290.  
 Nunes, Moses, grant for signed by the Governor, 42; petition for lot in Savannah, postponed, 411.

## O

- Oakes, Joseph, grant for signed by the Governor, 209.  
 Oakfuskee, the Captain's reply to Governor Wright, 431.  
 Oates, John, petition for land postponed, 444; petition for land rejected, 459.  
 O'Cain, Daniel, petition for land rejected, 505; caveat against John Mann, 732; land granted conditionally, 773.  
 O'Daniel, Owen, land granted conditionally, 730.  
 Oechlin, Christian, grant for signed by the Governor, 109.  
 Officers, sundry appears and takes oath, 646.  
 Officers, civil and military, ordered to appear and take oath of allegiance to King George III, 496; appear and take oath of allegiance, 498.  
 Offutt, Archibald, land granted conditionally, 203.  
 O'Freel, Jeremiah, petition for land postponed, 474; petition for land rejected, 509.  
 Ogleby, James, grant for signed by the Governor, 764.  
 Old Bracket, head of Tuckabatchees, a talk from, 319; Governor's reply to his talk, 321.  
 Ortner, Adam, grant for signed by the Governor, 211.  
 Osgood, Josiah, Jr., land granted conditionally, 473; grant for signed by the Governor, 628.  
 Ossabaw and Sapala to be advertised for sale, 87.  
 Ott, Sigismund, grant for signed by the Governor, 107.  
 Ottolenghe, Joseph, grant for signed by the Governor, 158, 399; land granted conditionally, 356, 376, 704; petition granted, 774.  
 Overend, John, petition of rejected, 517.  
 Overstreet, Henry, land granted conditionally, 678.  
 Oyer and Terminer, special commission of ordered, 659; other commissioners added to try Spaniards, 660; Justices of appear and take oaths, 671.

## P

- Pace, Richard, grant for signed by the Governor, 776.  
 Packer, Alexander, petition for land rejected, 149.  
 Pagie, Anthony, grant for signed by the Governor, 648.  
 Pagies, Anthony, land granted conditionally, 388.  
 Paine, John, land granted conditionally, 121.  
 Paner, Michael, land granted conditionally, 406; land warrant renewed, 679.

- Paper bills of credit allowed, 626.
- Parker, Agnes, grant for signed by the Governor, 686.
- Parker, James, grant for signed by the Governor, 339, 342.
- Parker, Joseph, land granted conditionally, 456.
- Parris, James, grants for signed by the Governor, 43; letters from, 172; land granted conditionally, 216.
- Parris, Thomas, grant for signed by Governor, 43.
- Parry, Francis, grant for signed by the Governor, 44.
- Patterson, William, petition for lot in Savannah postponed, 147; land granted on purchase, 603; grant for signed by the Governor, 734.
- Paulinger, John George, grant for signed by the Governor, 158.
- Payne, John, grant for signed by the Governor, 452.
- Peacock, Thomas, land granted conditionally, 72; grant for signed by the Governor, 341.
- Pearce, Edmund, Messenger of Council, 375; ordered to attend, 540; admitted Messenger, 541; land granted conditionally, 624.
- Pearson, John, grant for signed by the Governor, 212.
- Peavey, Joseph, land granted conditionally, 178.
- Pelton, Samuel, Petition for land rejected, 89, 119; land granted conditionally, 97; grants for signed by the Governor, 156, 451; land granted to, 693.
- Perkins, John, land granted conditionally, 15, 613.
- Perry, Joseph, land granted conditionally, 16, 693.
- Perry, Marmaduke, land granted conditionally, 31, 473; grant held up, 47.
- Peters, Charles Christopher, land granted conditionally, 666.
- Pettigrew, John, grant for signed by the Governor, 61; petition for land postponed, 177; land granted conditionally, 258.
- Phillips, John, land granted conditionally, 571; grant for signed by the Governor, 734.
- Pierce, Edmund, lot granted in Frederica, 73.
- Piles, Samuel, a suspect, examined, 688, 689; case of referred to Chief Justice, 691; put under bond for good behavior, 702.
- Polhill, Hannah, land granted, 549.
- Polhill, Nathaniel, petition for land postponed, 446; land granted conditionally, 455.
- Portz, Jacob, land granted conditionally, 136; grant for signed by the Governor, 339.
- Portz, George Philip, land granted conditionally, 112; grant for signed by the Governor, 341.
- Powell, James Edward, land granted conditionally, 79, 129, 317; petition for lot in Savannah postponed, 115; appointed Councillor, 190; warrant for ordered to pass, 291; grants for signed by the Governor, 399, 734.
- Powell, Josiah, land granted conditionally, 238; warrant to be made out for, 291; grant for signed by the Governor, 342.

- Powell, Josiah and others, to be ordered off islands of Ossabaw and Sapala, 11.
- Prayers in churches, instructions concerning, 627.
- Prethero, John, grant for signed by the Governor, 108.
- Prescott, James, petition for land postponed, 205, 525; petition for farm lots postponed, 631.
- Presley, William, land granted to, 271.
- Price, John, land granted conditionally, 18.
- Proclamations, ordering intruders off hunting grounds, 170; issued prohibiting trading with Indians without license, 215; to enforce quarantine, 294; for a day of thanksgiving, 449; for his Majesty King George the Third, 485; continuing all officers in their respective places, 630.
- Provost Marshal's account audited, 765.
- Pruniere, Joseph, grant for signed by the Governor, 340.
- Pryce, Charles, petition for lot postponed, 90; appointed Councillor, 190; land granted conditionally, 219; grants for signed by the Governor, 246, 451; takes oath as Register in Chancery, 660.
- Public accounts examined, 11, 319, 343; ordered paid, 582; audited, 586, 594, 598, 600, 619, 687, 711, 718, 722, 758, 776.
- Public lots in Savannah to be sold, 106.
- Public school house to be built, 136.

## Q

- Quarantine, persons in to be discharged in five days, 363.
- Quarterman, John, Sr., land granted conditionally, 262.
- Quarterman, John, petition for land rejected, 28; grant for signed by the Governor, 341.
- Quarterman, John, Jr., grant for signed by the Governor, 453.
- Quarterman, William, land granted to, 18; grant for signed by the Governor, 341.

## R

- Rabenhurst, Christian, and others, grants for signed by the Governor, 107.
- Radick, Michael, grant for signed by the Governor, 62.
- Radick, Peter, grant for signed by the Governor, 61.
- Rae, John, grants for signed by the Governor, 156, 764; affidavits concerning murders in Creek Nation, 316.
- Rahn, Conrade, land granted conditionally, 176.
- Raines, William, grant for signed by the Governor, 44.
- Raiser, George, grant for signed by the Governor, 42.
- Ramshardt, Daniel, grant for signed by the Governor, 159.
- Randon, Peter, land granted conditionally, 502, 667; grant for signed by the Governor, 686.



- Rangers on duty in Savannah to be sent to Augusta, 160; on duty at Garrington ordered to intrench themselves, 160.
- Raspberry, Thomas, grants for signed by the Governor, 62.
- Raymond, Joseph, grant for signed by the Governor, 686.
- Read, James, land granted conditionally, 237, 364, 696, 761; grants for signed by the Governor, 595, 603; petition for grant postponed, 699; appointed Commissioner of the church, 765.
- Read, James, and Grey Elliott, grant for signed by the Governor, 775.
- Red, Thomas, grant for signed by the Governor, 156.
- Register of Grants prays directions, 577.
- Reiser, Balthazer, grant for signed by the Governor, 211.
- Reitter, Charles, grant for signed by the Governor, 776.
- Rel, Paul Harralson, land granted conditionally, 300.
- Rents, John, grants for signed by the Governor, 107, 108.
- Reward offered for Indian scalps, 248.
- Richardson, Samuel, land granted conditionally, 206.
- Riemschart, John, land granted conditionally, 144; grant for signed by the Governor, 341.
- Rieser, Balthasar, grant for signed by the Governor, 212.
- Rieser, George, grant for signed by the Governor, 44; land granted conditionally, 137.
- Rieter, Caul, grant for signed by the Governor, 110.
- Rieter, Simon, grant for signed by the Governor, 107.
- Rietter, Charles, land granted conditionally, 318.
- Rietter, John, land granted conditionally, 208.
- Rietter, Peter, land granted conditionally, 90.
- Rigby, Sarah, grant for signed by the Governor, 247.
- Rigden, William, grant for signed by the Governor, 210.
- Rinck, Charles, grant for signed by the Governor, 110.
- Rinck, Christopher, grant for signed by the Governor, 43.
- Rionstettler, David, grant for signed by the Governor, 210.
- Robinson, Pickering, appointed Justice of the Peace, 63; petition for grants postponed, 337; land granted conditionally, 361; claim of considered, 362; grants for signed by the Governor, 377, 595; lot in Savannah granted to, 557.
- Robinson, Sylvanus, land granted conditionally, 481, 668; grant for signed by the Governor, 686.
- Robinson, Townsend, land granted conditionally, 406.
- Roche, Matthew, land granted conditionally, 14; grant for signed by the Governor, 44, 213; 150 feet granted for wharf, 130; petition for land postponed, 232; deposition of, 536.
- Roche, Matthew, sons of, grants for signed by the Governor, 62.
- Rose, Daniel, land granted conditionally, 561.
- Rose, Donald, land granted conditionally, 456.
- Ross, Donald, grant for signed by the Governor, 157.
- Ross, Hugh, grants for signed by the Governor, 108, 686; land granted conditionally, 567.

- Ross, John, grant for signed by the Governor, 109.  
Rotenberger, Christian, grant for signed by the Governor, 341.  
Rotenberger, Christopher, land granted conditionally, 142.  
Rouviere, John, land granted conditionally, 570; grant for signed by the Governor, 686.  
Rouviere, Simon, land granted conditionally, 570; grants for signed by the Governor, 648, 686.  
Royal, John, land granted conditionally, 194.  
Royal, Samuel, land granted conditionally, 476.  
Rumph, Christian, land granted conditionally, 561.  
Russell, William, petition for land postponed, 527; farm lot on purchase granted, 643; grant for signed by the Governor, 686.  
Rutherford, James, land granted conditionally, 605.  
Ryan, Daniel, land granted conditionally, 407; grant for signed by the Governor, 686.  
Ryan, James, examination concerning read and filed with Adjutant-General, 660.

## S

- Sacheverell, Thomas, land reserved for, 68; land granted conditionally, 131; grant for signed by the Governor, 450.  
Sacheverel, Thomas, new precepts to be issued to, 305.  
Salfner, Matthias, warrant renewed, 135.  
Sallis, John, land granted conditionally, 154.  
Saltus, Henry, land reserved for, 78; land granted conditionally, 611; caveat against, 656.  
Sanders, Samuel, land granted conditionally, 463.  
Sartain, John, grant for signed by the Governor, 452.  
Sartin, John, land granted conditionally, 20.  
Saunders, Lydia, grant for signed by the Governor, 44.  
Savage, Loveless, grant for signed by the Governor, 155.  
Savannah and other towns to be fortified, 248.  
Scheverel, Thomas, land warrant renewed, 305.  
School house in Savannah, 373.  
Schremp, Frederic, grant for signed by the Governor, 159.  
Schurghoffer, Thomas, grants for signed by the Governor, 157, 451.  
Scruggs, Richard, land granted conditionally, 752.  
Seckinger, Matthias, grant for signed by the Governor, 44.  
Selechee, a Creek Indian, Governor confers with, 348.  
Seller, Abraham, land granted conditionally, 457.  
Senior, George, grant for signed by the Governor, 246.  
Shave, John, land granted conditionally, 78; grant for signed by the Governor, 342.  
Sheek, John, petition for lot in Savannah rejected, 114; land granted conditionally, 180; grants for signed by the Governor, 158, 453; petition for land rejected, 562.

- Sheftall, Benjamin, grant for signed by the Governor, 246.  
Sheftall, Levi, grant for signed by the Governor, 42.  
Sheftall, Mordecai, 100 feet granted for wharf, 104; grant for signed by the Governor, 340, 720, 735; petition for land rejected, 506; land granted conditionally, 559; petition for land postponed, 640; petition to renew warrant granted, 669.  
Sheppard, Alexander, land granted conditionally, 633; grant for signed by the Governor, 764.  
Sheraus, George, grant for signed by the Governor, 107.  
Sheraus, John, land granted conditionally, 259, 731; grants for signed by the Governor, 453, 720.  
Shicle, John, grant for signed by the Governor, 109.  
Shortner, Mary Magdalena, grant for signed by the Governor, 107.  
Shubdrien, Daniel, grant for signed by the Governor, 155.  
Shubdrien, Joseph, grants for signed by the Governor, 108, 648.  
Shubdrien, Nicholas, grant for signed by the Governor, 648.  
Shute, John, land granted conditionally, 596, 645; grants for signed by the Governor, 686.  
Sights, George, grants for signed by the Governor, 155.  
Silk culture, accounts audited, 558.  
Simmonds, Elizabeth, grant for signed by the Governor, 156.  
Simpson, John, lot in Savannah granted to, 307; grants for signed by the Governor, 378; deposition of, 537.  
Sisson, Thomas, grant for signed by the Governor, 246.  
Sisson, William, land granted conditionally, 59.  
Slade, Daniel, land reserved for, 76.  
Slyterman, Peter, grant for signed by the Governor, 62; land granted conditionally, 405.  
Smallpox in Augusta, 62.  
Smallwood, Matthew, land granted to conditionally, 13, 622, 652; grant for signed by the Governor, 378.  
Smallwood, Robert, grant for signed by the Governor, 107; land granted conditionally, 501.  
Smith, James, land granted conditionally, 662; lot in Augusta granted to, 707.  
Smith, John, grant for signed by the Governor, 212.  
Smith, Lewis, land granted conditionally, 475; grant for signed by the Governor, 648.  
Smith, Samuel, lot in Frederica granted conditionally, 19; land granted conditionally, 23.  
Smith, William, land granted conditionally, 74, 279; lot granted to on purchase, 674; grant for signed by Governor, 735.  
Sneider, Andrew, grants for signed by the Governor, 211, 213.  
Sneider, Gasper, grant for signed by the Governor, 211.  
Sneider, John, grant for signed by the Governor, 108.  
Sneider, John George, grant for signed by the Governor, 108.

- Snook, John, grant for signed by the Governor, 109.  
Soldiers at St. John's to be sent to Sunbury and Savannah, 541.  
Someral, Henry, land granted conditionally, 566.  
Somerville, Edward, land granted conditionally, 102; 100 feet under Bluff granted to, 404; grants for signed by the Governor, 451; petition for land postponed, 678.  
Somerville, James, petition for land postponed, 122.  
Sommers, Joseph, land granted conditionally, 38.  
South Carolina, resolution of Governor and Council of, 328.  
Spain, declaration of war against published, 687.  
Spanginberg, Gotlieb, grant for signed by the Governor, 735.  
Sparrows, trial of, 650.  
Spaniards at St. Augustine, beef cattle to be sent to, 347.  
Spencer, John, land granted conditionally, 177; lot in Augusta granted to, 178; presents talk from Upper Creeks, 187; grant for signed by the Governor, 213; Attorney-General to prosecute on his bond, 227; permitted to go to the Nation to promote war between Creeks and Cherokees, 253.  
Spencer, Richard, petition for land rejected, 56; land granted conditionally, 112; grant for signed by the Governor, 686.  
Stacy, John, land granted conditionally, 338, 587; grant for signed by the Governor, 451.  
Stailey, John, grant for signed by the Governor, 341.  
Staley, Frederick, grant for signed by the Governor, 61.  
Staley, Gotlieb, grant for signed by the Governor, 61.  
Staley, John, grant for signed by the Governor, 61.  
Staley, John, Sr., land granted conditionally, 207.  
Stallion, Elias, petition for land postponed, 127.  
Starkey, Casper, petition for land on purchase granted, 676; grant for signed by the Governor, 686.  
Starr, John, land granted conditionally, 270.  
St. Augustine, vessels prohibited sailing to, 324.  
Steadhand, Benjamin, grant for signed by the Governor, 452.  
Steele, James, petition for land postponed, 26.  
Steiner, David, land granted conditionally, 185.  
Stephens, Newdigate, claim of children of allowed, 583.  
Stevens, John, land granted conditionally, 32; grants for signed by the Governor, 42, 43; petition for land rejected, 117.  
Stevens, Mary, land granted conditionally, 232.  
Stevens, Samuel, petition for land postponed, 39.  
Stewart, Ann, grant for signed by the Governor, 41.  
Stewart, Donald, land granted conditionally, 692.  
Stewart, John, land granted conditionally, 21, 101, 604; grants for signed by the Governor, 44, 339, 340.  
Stewart, John, Sr., grant for signed by the Governor, 734.  
Stewart, Robert, petition for land rejected, 70.

- Stiner, David, grant for signed by the Governor, 378.  
 Stirk, Benjamin, land granted conditionally, 387.  
 St. John's Parish, inhabitants of petition for port of entry, 671.  
 Story, Charles, petition for land considered and land granted, 133.  
 Stregel, George, land granted conditionally, 706.  
 Strother, Charles, petition rejected, 769.  
 Struthers, Mr., letter from in Creek Nation, 539.  
 Struthers, William, statement of, 545; grant for signed by the Governor, 776.  
 Stump-finger, speech of, 309.  
 Stutz, Michael, grant for signed by the Governor, 156.  
 Subdrien, Joseph, land granted conditionally, 528.  
 Subdrien, Nicholas, land granted conditionally, 525.  
 Sullivan, John, petition for land rejected, 650.  
 Summerall, Henry, land granted conditionally, 475.  
 Summers, Joseph, grant for signed by the Governor, 339.  
 Sunier, James, grant for signed by the Governor, 211; land granted conditionally, 529.  
 Surveyers-General, ordered to survey Ossabaw and Sapala, 87; directions to, 449; memorial of, 576; to give public notice, 577.  
 Surveyers of Roads, report of, 710.  
 Sustonagehoboye, Captain of Talassees, speech of, 310.  
 Swetenham, Lieutenant, deposition of, 533; Noli Prosequi entered in case of, 538.  
 Sweighoffer, Thomas, land granted conditionally, 49; grant for signed by the Governor, 212.  
 Swinho, James, land granted conditionally, 510.  
 Swinton, Mr., an inadvertency, 703.  
 Swinton, William, land granted conditionally, 274.  
 Switzer, Michael, warrant renewed, 51; land granted conditionally, 150; grants for signed by the Governor, 155, 734.

## T

- Talbird, Henry, petition for land postponed, 590.  
 Talley, John, petition for land rejected, 371; lot in Savannah granted to, 601; grant for signed by the Governor, 686.  
 Tannall, Edmund, grant for signed by the Governor, 452.  
 Tannatt, Edmund, caveat rejected, 111; two islands in Savannah river granted to, 208; grants for signed by the Governor, 340, 603, 735; petition to exchange lot granted, 385; reappointed Commissioner of Loans instead of Wyly, resigned, 682.  
 Tannier, John, grant for signed by the Governor, 245.  
 Tatnal, Mary, grant for signed by the Governor, 628.  
 Taylor, James, land granted conditionally, 500; grant for signed by the Governor, 764.

- Taylor, Samuel, land granted conditionally, 265.  
 Taylor, William, land granted conditionally, 621.  
 Tebeau, James, grant for signed by the Governor, 211.  
 Thanksgiving Day appointed, 189; proclamation for, 449.  
 Thilo, Christian Ernest, grant for signed by the Governor, 452.  
 Thomas, Athanasius, grant for signed by the Governor, 43.  
 Thomas, David, land granted conditionally, 186; warrant to recall, 213.  
 Thomas, Gilshot, land granted conditionally, 770.  
 Thomas, James, land granted conditionally, 337, 588.  
 Thomas, John, grant for signed by the Governor, 764.  
 Threadcraft, George, grants for signed by the Governor, 213.  
 Tiess, Jacob, grant for signed by the Governor, 247.  
 Tinley, William, land granted conditionally, 612.  
 Tisdale, John, lot in Hardwicke granted to, 462.  
 Todd, John, petition for land rejected, 278.  
 Togulki, emperor of Creeks, 161.  
 Tomathla-Hago's speech, 419.  
 Tomlinson, Thomas, land granted conditionally, 204.  
 Tondee, Peter, land granted conditionally, 55; grants for signed by the Governor, 156, 618.  
 Trade with his Majesty's enemies prohibited, 688.  
 Treasurer to submit report, 597.  
 Trewin, William, land granted conditionally, 197.  
 Triboudet, John Francis, land granted conditionally, 621; new warrant granted to, 714; grant for signed by the Governor, 686.  
 Tripp, Isaac, and wife, grant for signed by the Governor, 378.  
 Tripp, Thomas, grant for signed by the Governor, 603; petition for land postponed, 699.  
 Trittlen, John Adam, grant for signed by the Governor, 247.  
 Trunker, Mary, grant cancelled, 601.  
 Tubear, David, lot and land at Vernonburg granted conditionally, 224; grant for signed by the Governor, 686.  
 Tuckwell, John, grant for signed by the Governor, 735.  
 Tuke, John, petition of, 738.  
 Turner, Lewis, land granted conditionally, 119, 506.  
 Tyffe, John, land granted conditionally, 667.

## U

- Uchee Indians, conference with, 295.  
 Uland, George, grant for signed by the Governor, 211, 379.  
 Unseld, David, lot in Savannah granted to conditionally, 222; grant for signed by the Governor, 246.  
 Upton, Thomas, and wife, grants for signed by the Governor, 378, 379.

## V

- Van Dyke, Peter, land granted conditionally, 666, 675.  
 Vanmunch, Charles, land granted conditionally, 389.  
 Van Munch, Christiana Barba Margta, grant for signed by the Governor, 720.  
 Vann, John, Jr., grant for signed by the Governor, 776.  
 Vaughan, Joshua, land granted conditionally, 587.  
 Vessels from South Carolina perform quarantine, 249.  
 Vendue Master, certificate of as to Douglas' lot, 709.  
 Vinson, John, island of Alatomaha reserved for, 195; lot in Darien reserved for, 195.

## W

- Wachter, John, grant for signed by the Governor, 109.  
 Wade, Nehemiah, land granted conditionally, 119.  
 Wainkauff, Michael, island in Savannah River granted to, 475; grant for signed by Governor, 618.  
 Wainkoff, Michael, land granted conditionally, 507.  
 Waldburger, Jacob, land granted conditionally, 298; grant for signed by the Governor, 453.  
 Walker, George, grant for signed by the Governor, 246.  
 Walker, Thomas, petition for lot in Savannah postponed, 124.  
 Wallace, Richard, grant for signed by the Governor, 450.  
 Wallicon, Daniel, land granted conditionally, 766.  
 Walsar, John, land granted conditionally, 694.  
 Ward, Bryan, grant for signed by the Governor, 776.  
 Warrants to persons who purchased Yamacraw lots, 290.  
 Warrant to survey land around the Spring in Savannah, 295; warrant to survey Ossabaw and Sapala, 372.  
 Warrants of survey, certain prolonged, 601.  
 Warren, Richard, land granted conditionally, 276; grant for signed by the Governor, 686.  
 Warrior's King, speech of, 309.  
 Watson, Charles, grants for signed by the Governor, 109, 595, 720, 735; land granted conditionally, 149, 692; petition for farm lot postponed, 209; qualifies as Justice of the Peace, 266; lot granted on condition, 584; petition for new precept granted, 591; grants issued to, 709.  
 Way, Andrew, land granted conditionally, 635, 759.  
 Way, Moses, land granted conditionally, 94.  
 Way, Parmenas, land granted conditionally, 13; grant for signed by the Governor, 341.  
 Way, Thomas, land granted conditionally, 58.  
 Weatherfoot, Charles, grant for signed by the Governor, 776.  
 Weaver, Michael, grant for signed by the Governor, 156.

- Weinkauff, Michael, grant for signed by the Governor, 648.
- Wereat, John, wharf lot granted to, 38, 140; petition for land rejected, 66; petition for lot in Savannah rejected, 100; grant for signed by the Governor, 340; petition for island in Alatomaha granted, 353; lot in Hardwicke granted to, 389.
- Wertsch, John Gasper, land granted conditionally, 155, 158.
- Westley, James, grant for signed by the Governor, 213.
- West, Charles, land granted conditionally, 50, 440; land granted to, 58; grant for signed by the Governor, 450.
- West, Matthias, land granted conditionally, 21, 182; grant for signed by the Governor, 341.
- Whitfield, James, grant for signed by the Governor, 42, 378.
- Whitter, Jacob, grant for signed by the Governor, 451.
- Wideman, Lewis, grant for signed by the Governor, 61.
- Williams, Griffith, grant for signed by the Governor, 687.
- Williams, John Francis, affidavit concerning murders in Creek Nation, 316.
- Williams, Lewis, land granted conditionally, 225.
- Williams, Stephen, land granted conditionally, 39; grants for signed by the Governor, 43, 453.
- Williamsburgh, S. C., petition of inhabitants of for reservation granted, 46; warrants to reserve lands issued to inhabitants of, 271.
- Williamson, Benjamin, petition for land rejected, 198; grant for signed by the Governor, 246; land granted conditionally, 436.
- Williamson, John, land granted conditionally, 75.
- Williamson, William Bower, land granted conditionally, 574.
- Wilson, Benjamin, deposition of, 690; takes oaths as Justice of the Peace, 733.
- Wilson, James, grant for signed by the Governor, 595.
- Wilson, John, grant for signed by the Governor, 764.
- Wilson, William, grant for signed by the Governor, 246.
- Wilson, ———, land granted conditionally, 52.
- Winkler, George, grant for signed by the Governor, 108.
- Winn, John, grant for signed by the Governor, 43.
- Wisely, Sarah, grant for signed by the Governor, 210.
- Wisembacher, Christopher, land granted conditionally, 117.
- Witherspoon, David, grant for signed by the Governor, 686.
- Witherspoon, Gavin and others, for inhabitants of Williamsburgh, S. C. land reserved for, 252.
- Witherspoon, John, petition for land rejected, 635; land granted conditionally, 640, 760.
- Witter, Jacob, petition to renew warrant granted, 94.
- Wolf-King, of the Mucklasses, 467; conference with 467.
- Wolf King, talk from, 543.
- Wood, Alexander, land granted conditionally, 607.
- Wood, Isaac, grant for signed by the Governor, 776.



- Wood, Joseph, wharf lot granted conditionally, 32, 35; petition for lot in Savannah rejected, 101; caveat against, 245; land granted conditionally, 527; land granted on purchase, 603; grant for signed by the Governor, 618, 686.
- Woodland, James, grant for signed by the Governor, 61, 720; land granted conditionally, 438.
- Woodland, Jonathan, land granted conditionally, 439.
- Wright, Elizabeth, land granted to conditionally, 732.
- Wright, James, Esquire, presents his commission as Lieutenant-Governor, 400; takes official oaths as Lieutenant-Governor, 401; members of his Council take oaths, 403; his address to Upper and Lower Creek Indians, 415; talk to Indians, 427; two islands in Alatomaha granted to, 511.
- Wright, James, Esq., Lieutenant-Governor, commissioned as Captain-General and Governor in Chief, 628; commission as Captain-General and Governor in Chief read and published, 629.
- Wright, Joseph, land granted conditionally, 360, 605.
- Wright, William, land granted to conditionally, 115.
- Writs of election for members of legislature to be prepared, 496; to fill vacancy of Grey Elliott, 597.
- Wylly, Alexander, petition of postponed, 83; grants for signed by the Governor, 107, 340; appointed Commissioner of the Loan instead of Edmund Tannatt, 657; petition for land on purchase postponed, 676; deposition of in re John Tuke, 744.

## Y

- Yates, Nathaniel, grant for signed by the Governor, 155.
- Yates, Peter, land reserved for, 9.
- Yonge, Henry, appointed Commissioner, 135; land granted to in trust, 365; grants for signed by the Governor, 399, 765; land granted conditionally, 612; lots granted to, 727.
- Young, Elizabeth, grant for signed by the Governor, 158.
- Young, Isaac, land granted conditionally, 139; grants for signed by the Governor, 156, 158, 720.
- Young, John, grants for signed by the Governor, 720.
- Young, Margaret, grant for signed by the Governor, 720.
- Young, Peter, grant for signed by the Governor, 210.
- Young, William, Sr., land granted to, 271.
- Young, William, Jr., land granted to, 271.

## Z

- Zeigler, Michael, grant for signed by the Governor, 379.
- Zettler, Matthew, land granted conditionally, 14, 712; petition for land rejected, 464.

- Ziagler, George, grant for signed by the Governor, 246.  
Ziperer, Christian, grant for signed by the Governor, 107.  
Zipperer, Peter, land granted conditionally, 572; grant for signed by the Governor, 603.  
Zishler, John Michael, land granted conditionally, 61.  
Zitrauer, John George; grant for signed by the Governor, 44.  
Zouberbuhler, Bartholomew, land granted conditionally, 37; grants for signed by the Governor, 106.  
Zubly, John Joachim, petition for land postponed, 97; land granted conditionally, 104, 253, 444; caveats against, 254, 282, 283, 287; grants for signed by the Governor, 159, 288, 341, 735; petition for land postponed, 413; petition to purchase farm lot postponed, 552; petition of considered, 670; lot granted to on purchase, 723.  
Zubly, John Joakim, and others, grant for signed by the Governor, 157.

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OF THE  
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VOLUME IX

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PROCEEDINGS AND MINUTES OF THE  
GOVERNOR AND COUNCIL,

FROM

January 4, 1703, to December 2, 1706

ATLANTA, GA  
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1917

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# INDEX.

## A

- Accounts of Commissary. See Commissary.
- Accounts of General Assembly audited. See General Assembly.
- Accounts, sundry and contingent, 37; 70, 85, 87, 92, 96, 163, 180, 181, 323, 366, 379, 397, 452, 458, 470, 510, 607, 607.
- Adams, Wm., petition for land postponed, 105; petition for land, 136, 157; grants for signed by the Governor, 272.
- Alexander, Samuel, grants for signed by the Governor, 187.
- Alger, Preserved, petition for land, 619.
- Alleck, Capt., and Indian, complaint of, 17.
- Alston, Philip, petition for land, 392, 479, 651; grants for signed by the Governor, 607.
- Anderson, Charles, petition for land, 656.
- Anderson, Elizabeth, petition for land, 343; grant for signed by the Governor, 607.
- Anderson, James, petition for land rejected, 146; petition for land, 156, 360, 558; grants for signed by the Governor, 193, 379.
- Anderson, James, Deputy Surveyor, petition for new precept, 728.
- Anderson, John, petition for land, 536.
- Anderson, John, petition for land rejected, 666.
- Anderson, Richard, petition for land, 32.
- Andrew, Benjamin, petition for land, 518.
- Andrew, Joseph, grants for signed by the Governor, 37; petition for land, 372; petition for plat, 602.
- Andrew, James, grant for signed by the Governor, 637.
- Arthur, Francis, grants for signed by the Governor, 26, 418; petition for land, 406; Mullryne's land granted to, 497.
- Arthur, Mary, petition for land, 89; grant for signed by the Governor, 418.
- Asbell, John, grant for signed by the Governor, 70.
- Ashman, John, petition for land, 223.
- Askin, John, petition for bounty land, 303.
- Attorney General, to investigate abuses of Tax-Collectors at Augusta, 49; opinion of on petition of Elizabeth Pryce, 213.
- Atwood, Isaac, petition for town lot, 189; land allotted Doharty ordered to, 354; grant for signed by the Governor, 607.
- Auger, Preserved, petition for land, 600.
- Augusta, abuses of Tax-Collectors to be investigated, 49.

## B

- Bacon, William, grant for signed by Governor, 667.
- Bagley, Richard, petition for land, 210; grant for signed by the Governor, 240.
- Bailey, Thos., purchase money refunded to, 85.
- Baillie, Alexander, grant for signed by the Governor, 731.
- Baillie, George, to be added to the Commission of Peace, 61; petition for land, 176, 308, 363, 528; grants for signed by the Governor, 436, 637.
- Baillie, Kenneth, petition for land, 328; petition for grant, 627; grant for signed by the Governor, 731.
- Baillie, Lieutenant, ordered to enforce vagrant law, 437.
- Baillie, Robert, lot in Darien granted to conditionally, 29; appointed Justice of the Peace, 180; Kidd's land granted to, 213; grant for signed by the Governor, 240; elected to legislature, 242; petition for land, 309, 407, 514.
- Baker, Henry, petition for land, 445, 488; petition for new precept, 645.
- Baker, John, grants for signed by the Governor, 272, 731; petition for land, 372, 688.
- Baker, John, Sr., grant for signed by the Governor, 164.
- Baker, William, petition for land, 87, 387.
- Balsh, Thomas, petition for land, 217, 348; grant for signed by the Governor, 433.
- Barfield, Solomon, petition for land, 682.
- Barnaby, John, petition rejected, 175; petition for land, 558.
- Barnard, Edward, money refunded to, 108; grants for signed by the Governor, 127, 324, 367, 431, 434; appointed Justice of the Peace, 179; elected to Legislature, 242; petition for land, 249, 255, 320, 350, 601.
- Barnard, Jane, petition for land, 185.
- Barnard, Lieutenant, letter from, 111.
- Barnes, Joseph, petition for land, 94, 147; grant for signed by the Governor, 164.
- Baulch, Thomas, petition for grant, 725.
- Becket, William, land allotted ordered to Nuiblin, 355.
- Beckham, Simon, petition for land, 655.
- Beddingfield, Nathaniel, land ordered for, 131.
- Bell, Henry, grant for signed by the Governor, 12.
- Bell, Thomas, petition for land, 677.
- Bellamy, William, land ordered for, 131.
- Belligout, John, petition that his land be granted to David Tubear, 124.
- Bennett, James, petition for land, 228.
- Benson, William, petition for land, 554.
- Bermudians, extent of land reserved for, 606.
- Bevill, Sarah, petition for land, 674.
- Riddenback, Matthias, petition for land, 207; grant for signed by the Governor, 398.
- Birck, Christian, petition for land postponed, 24.

- Bird, Israel, petition for land, 589.  
Bird, Sylvanus, petition for land, 589.  
Bishop, John, account of, 495.  
Bittenback, Christian, petition for land, 268; grant for signed by the Governor, 398.  
Blake, Francis, petition for land, 197.  
Blake, Peter, petition for land, 124; grant for signed by the Governor, 164.  
Bland, William, petition for land, 303, 592; grant for signed by the Governor, 417.  
Blasy, John, petition for land, 222.  
Blundy, Charles, petition for land, 526.  
Blyth, Peter, petition for land postponed, 105; grant for signed by the Governor, 127.  
Blyth, Peter, and Christopher Ring, grant for signed by the Governor, 220.  
Bolton, Robert, grant for signed by the Governor, 370.  
Bond, Burgon, saw mill land reserved for, 192.  
Boone, Governor of South Carolina, protest and caveat to be served on, 40; letter to Governor Wright from, 169; Governor Wright's answer to, 170.  
Booth, Abraham, petition for land, 536.  
Bord, Burgon, petition for land, 30, 374; petition to renew warrant, 395, 530.  
Bostick, Chesley, petition for land, 348, 375, 385; grant for signed by the Governor, 637.  
Bostwick, John, petition for land, 31, 384, 489; grant for signed by the Governor, 272.  
Bostwick, William, petition for land, 385; petition to renew warrant, 489.  
Boundary of the Province, 215.  
Bourquin, Henry, elected to the Legislature, 241.  
Bowen, Samuel, petition for land, 400, 474.  
Bowen, William, petition for land, 401.  
Bowey, James, petition for land postponed, 632.  
Bowie, James, petition for land, 249.  
Bowles, John, grant for signed by the Governor, 50.  
Box, Philip, petition for land, 593.  
Boykin, Edward, petition for land, 174, 485; grant for signed by the Governor, 433.  
Boykin, Solomon, petition for land, 485.  
Boykin, Solomon, petition for land, 658.  
Braddock, David Cutler, petition for land, 232; elected to legislature, 241; petition for land postponed, 250; grant for signed by the Governor, 430.  
Braddock, John Cutler, petition for land postponed, 252.  
Braddock, Peter, petition for land postponed, 257.  
Bradley, Richard, petition for land rejected, 364.  
Brady, Daniel, petition for land, 624.  
Brantley, James, petition for land, 250.  
Brantley, James, petition for land, 657.  
Brantley, John, petition for land, 248.  
Brantley, John, petition for grant, 664.  
Brantley, Joseph, petition for land, 654; his survey ordered stopped, 696.

- Brantley, Joseph, petition for land, 659.  
 Brantley, Thomas, petition for land, 521, 531.  
 Brantley, Thomas, petition for land rejected, 657.  
 Brasher, Jesse, petition for land, 415.  
 Braswell, Kendred, petition for land, 410.  
 Braswell, Kendred, petition for grant, 663.  
 Braswell, Robert, petition for land, 410.  
 Braswell, Robert, petition for grant, 663.  
 Brewton, Miles, petition for land, 375; grant for signed by the Governor, 418.  
 Brazeal, Elijah, petition for land, 663.  
 Brezeal, Elijah, engaged to resurvey land for Stephen Bull, 341; petition for land, 353.  
 Bright, Elizabeth, petition for land, 500.  
 Brisbane, Robert, petition that land of John McKenzie be granted him, 123; grant for signed by the Governor, 220.  
 Briton, John Peter, grant for signed by the Governor, 128.  
 Brown, Francis, grant for signed by the Governor, 302.  
 Brown, William, petition for land, 443.  
 Bruce, James, petition for land, 704.  
 Brunelle, Anthony, petition for land, 200; grant for signed by the Governor, 417.  
 Brunson, George, petition for land postponed, 222.  
 Brunson, John, petition for land, 386.  
 Bryan, Hugh, petition to renew warrant, 120.  
 Bryan, Jonathan, petition for land, 23, 441; appointed Justice of the Peace, 179; land laid out for on Cumberland Island, 541.  
 Bull, Stephen of South Carolina, engages Elijah Brezeal to resurvey land, 341.  
 Bulloch, James, appointed Justice of Peace, 179; grants for signed by the Governor, 366, 433.  
 Bullock, James, petition for land, 284, 256, 560.  
 Buntz, George, petition for land, 135, 190; grant for signed by the Governor, 379.  
 Buntz, Henry Ludwig, petition for land, 134; grant for signed by the Governor, 338.  
 Buntz, Urban, petition of for certified plan of his land, 82; petition for land, 131; grants for signed by the Governor, 103, 272.  
 Burdette, Sir Charles, petition for reservation, 528.  
 Burge, Drury, land ordered for, 131.  
 Burn, Hugh, petition for land, 307; petition of for grant to pass, 670.  
 Burney, Elizabeth, petition for land, 414.  
 Burns, John, petition for land, 34, 268, 442; lot granted to, 35; grant for signed by the Governor, 356.  
 Burnside, John, petition for land, 10; grant for signed by the Governor, 178.  
 Burrington, Thomas, petition for land, 25, 243, 610; grants for signed by the Governor, 203, 379; elected to legislature, 242.  
 Burrows, Jane, petition for land, 500.

- Burt, Moody, petition for land, 466.  
 Burton, Caleb, grant for signed by the Governor, 214.  
 Burton, Joseph, petition for land, 195, 229; grant for signed by the Governor, 433; petition for sawmill land, 619.  
 Butterfield, Francis, grant for signed by Governor, 11.  
 Butler, Elisha, appointed Justice of Peace, 179; elected to legislature, 242; petition for sawmill land, 327.  
 Butler, Elizabeth, petition for land, 10, 497, 550, 592; petition for land on purchase rejected, 23; grant to ordered not to pass, 20; grants for signed by the Governor, 29, 61; petition for grant, 685.  
 Butler, Elizabeth, petition for land, 699.  
 Butler, James, petition for land, 48, 550; grants for signed by the Governor, 151, 607.  
 Butler, Joseph, petition for land, 420.  
 Butler, Joseph, Jr., appointed Justice of Peace, 179.  
 Butler, Shem, petition for land, 442.  
 Butt, Hilliary, petition for land, 220, 371; grant for signed by the Governor, 697.

## C

- Cable, Abraham, land granted to, 99.  
 Cade, Robert, petition for land, 399.  
 Cain, John, petition for land, 313.  
 Calliam, David, petition for land, 549.  
 Calwell, George, petition for land, 508.  
 Calwell, Henry, petition for land, 251, grant for signed by the Governor, 338.  
 Calwell, John, petition for land, 293, 316; petition for land postponed, 299; grant for signed by the Governor, 607.  
 Campbell, Martin, and Francis Macartan, petition for land, 321.  
 Camber, Thomas, appointed Justice of the Peace, 179; grant for signed by the Governor, 240.  
 Cannon, Joseph, petition for land, 305, grant for signed by the Governor, 668.  
 Carlton, Edward, town lot granted to, 377.  
 Carney, Arthur, petition for land, 264, petition for grant, 720.  
 Carney, Jane, petition for land, 720.  
 Carney, John, petition for land, 720.  
 Carney, John, William and Jane, petition for land, 283, 720.  
 Carney, William, petition for land, 720.  
 Carr, Mark, petition to renew warrant, 126, petition for land, 257, 286; grant for signed by the Governor, 356.  
 Carter, James, petition for land, 121, grant for signed by the Governor, 226.  
 Cartridge, Edmund, appointed Justice of the Peace, 179.  
 Case, William, petition for land, 184.  
 Cashell, Nicholas, petition for land rejected, 104.



- Cater, Thomas, grant for signed by the Governor, 50
- Caudrey, Thomas, petition for land, 10; grant for signed by the Governor, 164.
- Cavenah, David, petition for land, 140, 362; grant for signed by the Governor, 433; petition for grants, 714; petition to register grant, 723; petition for land rejected, 724.
- Cavenah, Henry, petition for land, 139; grant for signed by the Governor, 607.
- Cavenah, Nicholas, petition for land, 142, 346; grants for signed by the Governor, 433, 436.
- Cherokee Indians. See Indians.
- Cherry, Nathan, petition for land, 335.
- Chew, Henry, petition for land, 295.
- Church Commissioners, petition of granted conditionally, 29.
- Church wardens, accounts of ordered to be paid, 258.
- Claiborne, Leonard, Jr., petition for land, 482.
- Clark, George, petition for land, 646.
- Clark, Hugh, petition for land, 701.
- Clark, John, grant for signed by the Governor, 728; father's grant ordered to, 450.
- Clark, Lawrence, petition for land, 591.
- Clark, Stephen, grant for signed by the Governor, 164.
- Clark, William, grants for signed by the Governor, 99; petition for land, 591.
- Clemm, William, petition for land, 32, 95; grants for signed by the Governor, 91, 226.
- Clifton, William, appointed Justice of Peace, 179.
- Club, John and others, discharged soldiers, petition of, 352.
- Clyett, James, petition for land, 484.
- Cochran, Jonathan, appointed Justice of Peace, 458.
- Cockran, Jonathan, elected to legislature, 241.
- Cocks, William, petition for bounty land, 510.
- Colson, William, petition for land postponed, 120; petition for land, 235; grants for signed by the Governor, 272, 398.
- Commissary, accounts of audited, 27, 79, 92, 431.
- Commissioners of Church, petition of granted conditionally, 29.
- Commissioners of the Peace, Lachlan and George Mackintosh added to, 37; George Baillie added to, 61.
- Contingent expenses audited, 37, 99, 107, 226, 496.
- Conyers, John, grant for signed by the Governor, 164; petition for land, 384.
- Conyers, William, petition for grant, 600.
- Copland, Isaac, petition for land, 318.
- Coody, Arthur, affidavit of, 113.
- Coombs, William, petition for land, 243, 546.
- Cornell, George, petition for land, 314; grant for signed by the Governor, 431.
- Coughlan, John, petition for land, 189, 176; grant for signed by the Governor, 379.
- Coulson, Sanders, petition for land, 47.

- Coulson, Thomas, petition for land, 409. \
- Coulson, William, petition for land, 581.
- Cox, Thomas, grant for signed by the Governor, 12.
- Craus, Samuel, petition for land, 184; grant for signed by the Governor, 226.
- Crawford, Carter, petition for land, 249.
- Creek Indians. See Indians.
- Cremer, Christopher, petition for land, 705.
- Crooke, Heriot, petition for grant, 567.
- Crooke, Robert, and others, petition for land, 347; land allotted David Douglass granted to, 355; grant for signed by the Governor, 418.
- Cubbedge, John, petition for land, 187, 473; order for land, 495; grant for signed by the Governor, 637.
- Cummings, Thomas, petition for land, 408.
- Cunningham, David, petition for new warrant, 110.
- Cunningham, Henry, elected to legislature, 242.
- Cunningham, Richard, elected to legislature, 241.
- Currington, Richard, petition for land, 708.
- Curtis, Henry, petition for land, 80.
- Cusmoul, Jacob, land allotted to granted to Ludwig Erntz, 305.
- Cuthbert, George, petition for land, 9; grants for signed by the Governor, 12, 434.
- Cuthbert, James, land reserved for granted to, 47; grants for signed by the Governor, 86, 608; petition for land postponed, 145; petition for land rejected, 187.
- Cuthbert, James, Dr., petition for land, 285.
- Cuthbert, John, petition for land, 285; grant held up, 417; order concerning land petitioned for, 430; caveat against Vandyke dismissed, 730.
- Cuthrill, Amos, petition for land, 477.

## D

- Dalton, Samuel, petitions for land, 525.
- Darling, Andrew, appointed Justice of the Peace, 180, 394; petition for land, 512.
- Dasher, Martin, petition for land, 229, 291; grants for signed by the Governor, 302, 434.
- David, Neal, petition for land, 205.
- Davidson, Edward, petition for land, 154.
- Davis, John, grant for signed by the Governor, 50; petition for land, 580.
- Davis, Thomas, petition for land, 288, 591; petition for granted, 563.
- Davis, William, grant for signed by the Governor, 637.
- Dawes, D'Arcy, letter from concerning small pox at Fort George, 342.
- Dawson, Christopher, petition of, 58; petition for land, 206, 357.
- Day, Joseph and Sarah, grant for signed by the Governor, 12.
- Dean, Luke, petition for land, 235, 508; grant for signed by the Governor, 433.
- DeBrahe, Christopher, petition for land, 583.

- DeBrahm, William, appointed Justice of Peace, 179.
- DeButts, John Collins, petition for land, 332; grant for signed by the Governor, 418.
- Defaulters, list of to be published, 110.
- Delegal, George, petition for land, 231; petition for grant, 713.
- Delegal, Mary Ann, petition for land, 430.
- Delegal, Philip, petition of, 57; caveat against dismissed, 129; grant for signed by the Governor, 178; appointed Justice of Peace, 179.
- DeLeon, Isaac, petition for land rejected, 84.
- Demere, Raymond, grants for signed by the Governor, 91, 367; appointed Justice of the Peace, 179; elected to legislature, 242; petition for John Galphin's land, 344; petition for land, 376.
- DeMunch, John Charles, petition concerning grant, 695.
- Densler, Henry, petition for land, 602.
- Deputy Surveyors, instructions to approved, 273.
- DeVeaux, James, grants for signed by the Governor, 50, 433; petition for land, 173; appointed Justice of Peace, 179.
- Dicks, David, petition for land, 706.
- Dickson, Josias, petition for land, 236, 618, 622.
- Dickson, Josiah, grant for signed by the Governor, 433.
- Dobbins, John, petition for land, 529.
- Dohart, John, grant for signed by the Governor, 50; petition of in behalf of John and Thomas Nelson, 337; petition for land, 646; petition for grant, 693.
- Donnelly, James, petition for land, 483.
- Donnovan, Daniel, grant for signed by the Governor, 193.
- Donovan, Daniel, grant for signed by the Governor.
- Donnan, Daniel, petition for land, 642.
- Donnom, William, grant for signed by the Governor, 151; petition for land, 311; appointed Justice of Peace, 458.
- Douglass, Daniel, petition for land, 175, 280, 500, 622; grants for signed by the Governor, 302, 433.
- Douglass, John, petition for grant, 690.
- Douglass, Mary, petition for land rejected, 183.
- Downes, Henry, petition for land, 251; petition for grant, 601.
- Downey, William, petition for land, 596.
- Dowse, Gideon, petition for land, 580, 612.
- Ducker, George, petition for land postponed, 105; petition for land, 486.
- Ducker, James, grant for signed by the Governor, 151.
- Ducker, William, petition for land, 130; petition for land rejected, 212; grant for signed by the Governor, 193; granted permit to barter with the Indians, 437.
- Dunbar, John, appointed Justice of Peace, 179.
- Dunbar, John, and others, administrators, petition of postponed, 25; petition of granted conditionally, 45.
- Dunbar, John, and others, merchants, petition of granted conditionally, 45; petition for land, 328.
- Dunbar, John, petition for grant, 601.

- Dunham, Daniel, petition for sawmill land, 194.  
 Dunlap, Joseph, petition for land, 294, 517; grant for signed by the Governor, 417; petition to alter survey postponed, 630.  
 Dunn, David, land ordered for, 131.  
 Dunn, Drury, petition for reservation of land postponed, 109; postponed petition considered, 130; land reserved for, 132.  
 Dunn, Henry, land reserved for, 132.  
 Dunn, John, land ordered for, 131.  
 Dunn, Lewis, land ordered for, 131.  
 Dunn, Thomas, land ordered for, 131.  
 Dunn, William, land ordered for, 131.  
 Duronzeaux, Daniel, petition for land, 183.  
 Durozeaux, Daniel, petition for land, 317; grant for signed by the Governor, 356.

## E

- Ealing, John, petition for grant, 629.  
 Earl, John, petition for land, 532.  
 Eastlake, Samuel, petition for land, 707.  
 Eatton, Thomas, grants for signed by the Governor, 107, 178.  
 Eaves, William, petition for land, 658.  
 Ebezezer, Frederic, grant for signed by the Governor, 608.  
 Egremont, Earl of, letter from, 38, 86.  
 Eigell, John, petition for land, 523.  
 Eigell, John, land of ordered to B. Stirk, 666.  
 Elbert, Samuel, grant for signed by the Governor, 356.  
 Elliott, Grey, certificate of concerning serving of protest against Governor Boone, 43; petition for land, 100, 120, 162; appointed Justice of Peace, 179; grants for signed by the Governor, 240, 356, 307, 370, 308; grant ordered for, 355; petition for grant, 602.  
 Elliott, Grey and John Gordon, land ordered S. Davis to pass to, 354.  
 Elliott, Grey, petition for grant, 662.  
 Elliott, John, appointed Justice of Peace, 179; grant ordered to, 301.  
 Elliott, William, grant for Hunt's land issued to, 90.  
 Ellis, Elizabeth, grant for signed by the Governor, 55.  
 Ellis, Thomas, petition for land postponed, 305.  
 Emanuel, David, appointed Justice of Peace, 179; petition for land, 208, 237; grant for signed by the Governor, 356.  
 Emanuel, David, Jr., petition for land, 368.  
 Engler, Adam, petition for land postponed, 568.  
 Eppinger, Frederick, land ordered to on purchase, 306.  
 Erntz, Ludwig, petition for land, 184; grant for signed by the Governor, 226; land of Cusmoul ordered to, 365; petition for grant, 719.  
 Estimate of charges of government sent to Commons House of Assembly, 432.  
 Euchee Indians. See Indians.  
 Ewen, William, elected to Legislature, 242.

## F

- Fahie, John, town lot granted to. 430.
- Fanshaw, Robert, petition for land, 670.
- Farley, Benjamin, petition for land, 406.
- Fenn, Zachariah, petition for land, 190; grant for signed by the Governor, 379.
- Fisher, David, petition for land, 80, 563; grants for signed by the Governor, 128, 608; petition for land postponed, 156.
- Fisher, Nicholas, grant for signed by the Governor, 178; petition for land, 219; petition for grant, 721.
- Fitch, Ann, petition for land, 83, 504, 623; grants for signed by the Governor, 203; caveat against Morse & Bostick sustained, 730.
- Fitzgerald, John, petition for land, 564; grant for signed by the Governor, 608.
- Fleming, Thomas, petition for land, 702.
- Flerl, John, appointed Justice of Peace, 179.
- Flerl, John, grant for signed by Governor, 667.
- Flerl, John, Jr., petition for land, 587.
- Fletcher, James, petition for land, 141, 380; grant for signed by the Governor, 324.
- Flifutt, Joseph, petition for land rejected, 560.
- Flyming, Thomas, petition for land, 442, 505; petition for land rejected, 493.
- Forbes, Donald, and others, discharged soldiers, petition of, 352.
- Forbes, John, petition for land, 680.
- Ford, Isaac, petition for land, 210, 234.
- Ford, Thomas, petition for land, 293; grant for signed by the Governor, 433.
- Fordice, James, petition for land, 560; grant for signed by the Governor, 607.
- Forrester, James, appointed Justice of Peace, 179; petition for land rejected, 213; petition for land, 286, 298, 326; petition for grants, 716.
- Forester, Thomas, land reserved for, 52; petition for land, 185; grant for signed by the Governor, 258.
- Forsyth, William, petition for land, 319, 330, 505.
- Fort George, letter from Lieutenant Graham concerning small pox on board vessel at, 342; orders concerning, 342.
- Fox, Benjamin, petition for land, 216, 345, 703; grant for signed by the Governor, 434.
- Fox, David, petition for land, 361, 644.
- Fox, George, petition for land, 444.
- Fox, James, petition for land, 556.
- Fox, John, petition for bounty land, 302; petition for land, 391, 647; petition to renew warrant, 487.
- Fox, Jonathan, grant for signed by the Governor, 226; petition for land, 480.
- Fox, Richard, petition for land, 581.
- Fox, William, land reserved for, 209; land ordered for, 366; grant for signed by the Governor, 379; petition for land, 480.
- Francis, Frederic, petition for land, 611, 711.

razer, Donald, petition for land, 680. <sup>a</sup>  
 Freckinger, Conrade, his land purchased by F. Eppinger, 366.  
 French Protestants, petition of for land, 214.  
 Frost, William, petition for land postponed, 632.  
 Fry, Samuel, petition for land rejected, 604.  
 Fryer, Aaron, petition for land, 210.  
 Fryer, John, petition for land, 181, 221; grant for signed by the Governor,  
 379.  
 Fulton, David, petition for land rejected, 65.  
 Fusil, Thomas, petition for land, 557.  
 Fyffe, Alexander, grant for signed by the Governor, 434.  
 Fyffe, John, grant for signed by the Governor, 214.

## G

Gable, Abraham, grant for signed by the Governor, 107.  
 Gaillard, Bartholomew, petition of, 60.  
 Gaillard, James, land reserved for, 60.  
 Gaillard, Samuel, land reserved for, 59.  
 Galphin, Barbara, grant for signed by the Governor, 90.  
 Galphin, George, grants for signed by the Governor, 90, 104, 433; petition  
 for land, 141, 293, 319, 420, 515.  
 Galphin, George, petition for land, 670.  
 Galphin, George, and others, grant ordered to pass to, 110.  
 Galphin, Mr., letter from, 114.  
 Gambell, William, petition for land, 641.  
 Gandy, Peter, petition for land, 46.  
 Gardiner, George, grant for signed by the Governor, 214.  
 Gee, Charles, land of granted to Ring and Blyth, 177.  
 General Assembly, further prorogued, 92; accounts of audited, 538; pro-  
 clamation convening, 539.  
 Germany, John, petition for land, 230, 265; petition rejected, 533.  
 Germany, Robert, petition for land, 451; grant for signed by the Gov-  
 ernor, 697.  
 Germany, Robert, petition for land, 451; grant for signed by the Gov-  
 ernor, 697.  
 Germany, Samuel, petition for land, 351; grant for signed by the Governor,  
 431.  
 Gerrard, Devereux, petition for land, 656.  
 Gibbons, John, petition for land, 311, 320.  
 Gibbons, Joseph, elected to legislature, 241; petition for land, 310, 327, 471,  
 501; petition for new warrant, 504.  
 Gibbons, William, grants for signed by the Governor, 164, 220, 434, 697; pe-  
 tition for land, 345, 388; petition for grant, 685.  
 Gilbert, Ephraim, petition for land and a reserve, 497.  
 Gilbert, John, petition for land, 499; grant ordered for, 538.  
 Gilbert, Richard, petition for reserve, 498.

- Gilbert, William, petition rejected, 604.
- Gnan, George, grant for signed by the Governor, 379.
- Gnann, George, petition for land, 153; grant for signed by the Governor, 433.
- Godby, Henry, petition for land, 617.
- Goldsmith, Thomas, petition for land, 53, 461; order on petition of, 728.
- Goldsmith, Thomas, Capt., petition for land, 656.
- Goldwire, John, grants for signed by the Governor, 164, 356, 418; appointed Justice of Peace, 179; petition for land, 191, 617.
- Goldwire, John, Jr., petition for land, 521.
- Goodall, James, petition for land, 331; petition for grant, 717.
- Goode, John, petition for land, 369, 462; petition for grant, 692.
- Gordon, John, and Grey Elliott, land ordered S. Davis to pass to, 354.
- Gordon, John, petition for land, 162; grant for signed by the Governor, 398.
- Gordon, John, petition for grant, 662.
- Gould, Jacob, petition for land, 122.
- Governor and Council of South Carolina, resolution of relating to lands southward of Alatomaha, 39; protest and caveat drawn up against, 40, 41.
- Governor Wright, talk to the Indians, 12, 17, 73, 76; acquaints Board of Capt. Alleck's complaint, 17; confers with Board in reference to small pox at Charlestown and other places, 18; report to Board concerning resolution of Governor and Council of South Carolina, 30; proposes sending protest and caveat to be served on Governor Boone, 40; caveat and protest, 41; recommends to consideration of Board abuses committed by Collectors of Augusta District, 49; his observation on Cherokee's talk, 78; restrains traders from sending too large a supply of goods to Indian Nation, 79; receives letter concerning congress of Governors and Indians at Dorchester, 97; confers with Board relative to murders committed by Indians, 117; answer to Governor Boone, 170; produces new commission, 215; takes oaths of office, 216; orders of to Surveyors, 270; signs Commission of the Peace, 459; money advanced Indian Elhek refunded, 510; land reserved for, 606; lands surveyed for, 695.
- Graham, Francis, petition for land, 21; grant for signed by the Governor, 50.
- Graham, James, petition for land, 262; caveat of against James Maxwell, 337; grant for signed by the Governor, 379.
- Graham, John, appointed Justice of Peace, 179; qualifies as member of Council, 193; petition for land, 360, 419, 420, 451, 509, 579; grant for signed by the Governor, 637; petition to renew warrant, 653.
- Graham, John, petition for grant, 605.
- Graham, Lieutenant, letter from relative to small pox on board vessel, 342.
- Graham, Mungo, petition for land, 171.
- Graham, Thomas, petition for land postponed, 100; petition for land, 402.
- Grant, Alpin, petition for land rejected, 122.
- Grant, John, petition for land, 304, 447; grant for signed by the Governor, 433.
- Grant, Peter, grant for signed by the Governor, 107; petition for land, 155, 395.
- Grant, William, petition for land, 145.
- Grants for school house lot, 323; grants not taken out land to be regarded as vacant, 636.
- Grase, Appolona, grant for signed by the Governor, 308.

- Grase, widow, grant ordered to, 301.  
 Graves, John, petition for land, 518, 586.  
 Graves, Samuel, petition for land, 161.  
 Graves, William, petition for land, 615.  
 Graves, John & Samuel Miller, petition for land rejected, 604.  
 Gravenstine, John, petition for land, 135; grant for signed by the Governor, 302.  
 Gray, Catherine, petition for land, 484.  
 Gray, George, petition for land, 314, 543.  
 Gray, James, grants for signed by the Governor, 111, 258, 302, 418; petition for land, 294, 329, 360, 390, 467; Richard Henderson's lot granted to, 396; petition for grant, 714.  
 Gray, Joseph, grant of to pass to Jas. Wright, Jr., 696.  
 Gray, Matthias, petition for land, 594.  
 Grayson, John, petition for land, 681.  
 Green, David, petition for land, 596.  
 Green, John, petition for land, 563.  
 Green, John & Elizabeth, grant for signed by the Governor, 608.  
 Green, William, petition for land, 446.  
 Greene, John, appointed Justice of Peace, 607.  
 Greene, Thomas, petition for land, 82; dividend paid to, 96.  
 Griener, Andrew, appointed Justice of Peace, 179.  
 Griener, John Gasper, grant for signed by the Governor, 178.  
 Grierson, James, petition for wheat and saw mill land, 615.  
 Griner, Andrew, petition for land, 108, 516; petition for saw mill, 109.  
 Griner, Philip Jacob, petition for land, 108.  
 Gruber, John, petition for land, 206; grant for signed by the Governor, 379.  
 Guindre, David, grant for signed by the Governor, 91.  
 Gun-Merchant & other Indian chiefs, Governor's talk to, 12, 17; reply of to Governor's talk, 15.  
 Gwinnett, Button, petition for timber land, 699.

## H

- Habersham, James, grant ordered to pass to, 37; grants for signed by Governor, 55, 164, 398, 667; warrant for land renewed, 60; petition for land, 162, 317, 576; appointed Justice of Peace, 179; petition for island, 512.  
 Hack, Casper, petition for land, 207; grant for signed by the Governor, 398.  
 Hackle, John, petition for land, 254; grant for signed by the Governor, 418.  
 Hagens, Thomas, petition for land, 653.  
 Handley, William, petition for land, 35; grants for signed by the Governor, 80.  
 Haner, Nicholas, grant for signed by the Governor, 220.  
 Hangleiter, John, grant for signed by the Governor, 379, 608.  
 Hangleiter, John, petition for land, 154.  
 Hall, John, petition for land, 30, 230; petition for land rejected, 143; grant for signed by the Governor, 433.  
 Harbert, William, grant for signed by the Governor, 418.  
 Harcombe, Thomas, petition for land, 251.



- Harkins, Charles, grant for signed by the Governor, 55.
- Harnage, George, petition for land, 30; grant for signed by the Governor, 433.  
petition for land postponed, 449.
- Harris, Francis, appointed Justice of Peace, 179; petition for land, 324.
- Harris, Francis & James Habersham, land granted on purchase, 224; grant for signed by the Governor, 379.
- Harrison, Samuel, petition for land, 211.
- Hartley, Beatrix, grant for signed by the Governor, 151.
- Harvey, John, petition for land, 428.
- Hasenlawer, Sebastian, petition for land, 205.
- Hawthorn, Nathaniel, petition for land, 412; petition to renew warrant, 487;  
petition for land postponed, 725.
- Hawthorne, Robert, petition for land, 712.
- Haynes, Samuel, grant for signed by the Governor, 338.
- Hazzard, Richard, Jr., petition for grant, 605.
- Heard, Barnard, petition for land, 655.
- Heard, John, petition for land, 534.
- Heard, Stephen, petition for land, 534.
- Heaton, Robert, petition for land, 140; grant for signed by the Governor, 226.
- Helvenstine, Jacob, petition for land, 280; grant for signed by the Governor, 637.
- Helvenstine, Jeremiah, petition for land, 280.
- Henderson, John, petition for land, 386.
- Henderson, Richard, land for granted to James Gray, 306.
- Hendrick, John, caveat of against Wm. Williamson, 166.
- Hendrick, Hans, petition for land, 598.
- Heron, Ann, land of granted to Noble W. Jones, 201.
- Heron, Martha, lot of granted to James Habersham, 636.
- Herring, Charles, petition for land postponed, 124; grant for signed by the Governor, 164.
- Herron, James, petition for land postponed, 533.
- Hertsman, Casper, petition for land postponed, 231.
- Hertsman, John Casper, petition for land, 425.
- Hervey, John, petition for land, 222.
- Higdon, John, petition for land, 603.
- Higginbottom, George, petition for land, 175.
- Higginbottom, Thomas, petition for land, 530.
- Hill, David, petition for land, 501.
- Hillard, John, petition for land, 648.
- Hoare, Benjamin, petition for land, 466.
- Hobbs, William, petition for land, 709.
- Holbrook, Jacob, petition for grants, 620; grant for signed by the Governor, 731.
- Holzendorff, Frederick, petition for land, 359.
- Holloway, John, lot granted to, 31.
- Hood, Isaac, lot granted to, 31.
- Hooker, Nathan, petition for land, 205, 362; petition for land postponed, 238;  
grants for signed by the Governor, 356, 731; petition for grant, 688.
- Hopton, Edward, caveat against Lewis Johnson, 103; petition for land, 170;  
grant for signed by the Governor, 688, 637.

- Horn, Benjamin, petition for land rejected, 726.  
 Horokie, Roger, petition for land, 352.  
 Horton, Nicholas, petition for land, 702.  
 House, Robert, petition for land, 679.  
 Houstoun, Priscilla Dame, petition for land, 329; grant for signed by the Governor, 434.  
 Houstoun, Patrick Sir, elected to legislature, 241; petition for land, 296, 502.  
 Houstoun, Robert, petition for land, 53; grant for signed by the Governor, 193.  
 Howart, John, grant for signed by the Governor, 433.  
 Howell, Caleb, petition for land, 152; appointed Justice of Peace, 179; grant for signed by the Governor, 367.  
 Howell, David, petition for land rejected, 448.  
 Howell, James, petition for land, 403.  
 Howell, John, petition for land, 216, 403; grant for signed by the Governor, 433.  
 Howell, Philip, petition for land rejected, 65, 599; petition for land, 197; petition for grant, 689; grant for signed by the Governor, 731.  
 Howell, Thomas, petition for land, 621, 711.  
 Hudson, Christopher, petition for land, 81; grant for signed by the Governor, 379.  
 Hudson, Robert, petition for land, 261, 346.  
 Hudson, Samuel, petition for land, 22, 209; grants for signed by the Governor, 164, 433.  
 Hugell, John, grant for signed by the Governor, 398.  
 Hughes, David, petition for land, 224.  
 Hughes, Philip, petition for land, 524, 601.  
 Huguenin, David, petition for land, 88; grant for signed by the Governor, 107.  
 Humphreys, Robert, grant for signed by the Governor, 107.  
 Hunt, Richard, land of sold under execution, 90.

## I

- Illy, Michael, grant for signed by the Governor, 434; petition for land, 712.  
 Indians, no plats, fiats or grants to be prepared of any lands claimed by, 77; murder of by negroes, 438.  
 Indians, Cherokee, talk from Chief of, 77.  
 Indians, Creek, Governor's talk to, 12; expected to arrive with Spanish scalp, 17; talk from, 71, 72, 74; Governor's answer to their talk, 76; letter concerning murders committed by, 111, 114; talk from Upper Creeks, 148; talk from Lower Creeks, 150; answer of concerning murders, 169; murders by, 437; talk to, 572.  
 Indians, Euchee, complaint of Capt. Ellick against, 17.  
 Indian trade, regulations concerning, 202.  
 Indian traders, restrained from sending too large a supply of goods to Indian Nation, 79.  
 Inoculation, petition for in Savannah, 188; permitted in Savannah, 202.  
 Innes, James, petition for land, 282.  
 Ironmonger, Joseph, petition for land, 591.  
 Irwin, John, appointed Justice of Peace, 180.

Irwin, Thomas, land granted to on purchase, 224; grant for signed by the Governor, 356; petition for land, 407; petition for land postponed, 569.  
 Ixley, Christian, petition for land, 133.

## J

Jackson, Aaron, petition for land, 291.  
 Jackson, James, appointed Justice of Peace, 170; petition for town lot, 189; grant for signed by the Governor, 418; petition for land, 426, 578.  
 Jackson, James & others, petition for land, 347.  
 Jacquett, Joseph, petition for land, 465.  
 Jaquet, Joseph, petition for land for colony, 200.  
 Jarvis, James, grant for signed by the Governor, 26.  
 Jenkins, Francis, petition for land, 369, 652; grant for signed by the Governor, 697.  
 Jenkins, Owen, petition for land, 705.  
 Jervey, David, petition of, 58.  
 Joel, Solomon, petition for land, 373, 475.  
 John, David, petition for land, 153; grant for signed by the Governor, 338.  
 John, Moore, widow, petition for land, 314.  
 Johnson, Christopher, petition for reserve of land, 427.  
 Johnson, Jean Nesbit, grant for signed by the Governor, 637.  
 Johnson, Lewis, petition for land, 103, 277, 570; sworn as member of Council, 130; caveat against, 163; appointed Justice of Peace, 170; grants for signed by the Governor, 203, 637.  
 Johnson, Lewis & Alexander Wylly, petition for saw mill reserve, 102; petition for land, 497, 542.  
 Johnson, Nehemiah, petition for land rejected, 147.  
 Johnson, Richard, grant for signed by the Governor, 324.  
 Johnson, William, petition for land, 33, 445.  
 Johnston, Andrew, petition for land, 579.  
 Jones, Francis, land reserved for, 131.  
 Jones, Henry, petition for land, 464.  
 Jones, James, petition for land, 232, 330; land reserved for, 247; grant for signed by the Governor, 433; petition to renew warrant, 488.  
 Jones, Noble, grant for signed by the Governor, 96; deposition of, 168; appointed Justice of Peace, 170.  
 Jones, Noble Wimberly, appointed Justice of Peace, 170; grant for signed by the Governor, 227; elected to legislature, 241.  
 Jones, Pricilly, petition for land, 648.  
 Jones, Richard, petition for land, 370.  
 Jones, Samuel, petition for land, 673, 683, 701.  
 Jones, William, elected to legislature, 241; petition for land, 308, 534, 610, 672.  
 Jordan, Charles, petition for land, 535.  
 Joyce, Michael, petition for land, 267.

## K

- Kagell, John, petition for land, 218.
- Keaton, Richard, petition for land, 182; grant for signed by the Governor, 379.
- Keger, Ulric, petition for land, 562.
- Keiffer, Theobald, petitions for land postponed, 24.
- Kelly, Thomas, petition for land, 532, 706.
- Kelly, Walter, grant for signed by the Governor, 379.
- Kelsall, Roger, petition for land, 298; grant for signed by the Governor, 434; petition for reserve, 547.
- Kelsall, Roger & Simon Munro, petition for land, 587, 614.
- Kemp, Solomon, grant for signed by the Governor, 226; petition for land, 233.
- Kender, David, land granted to, 11.
- Kennan, Henry, grant for signed by the Governor, 96.
- Kennedy, Darby, petition for land, 160; grants for signed by the Governor, 203, 214.
- Kennedy, Hugh, grant for signed by the Governor, 187; petition for land rejected, 252; petition for land, 633.
- Kennedy, John, grant for signed by the Governor, 214.
- Kennedy, William, land granted to on purchase, 22; petition for land, 63; grants for signed by the Governor, 151, 164.
- Kesee, Thomas, petition for land, 93; grant for signed by the Governor, 433.
- Kettle, Jacob, petition for land, 357.
- Kieffer, Jacob, petition for land rejected, 218.
- Kieffer, Theobald, petitions for land postponed, 24; appointed Justice of the Peace, 179.
- King, John, petition for land rejected, 84; petition for land, 483.
- King, Thomas, petition for land, 63; grant for signed by the Governor, 418.
- Kirkwood, Robert, petition for land, 478.
- Knight, Peter, grant for signed by the Governor, 272.
- Knox, William, order of his Majesty in Council granting land to, 494; land reserved for, 538.

## L

- Lachner, Frederic, grant for signed by the Governor, 433.
- Lackner, Frederic, petition for land, 218.
- La Mar, Alexander, grant for signed by the Governor, 178.
- La Mar, John, Jr., petition for land postponed, 533.
- Lamb, Abraham, petition for land, 387, 464, 643.
- Lambert, Andrew, petition for land, 142, 421; grant ordered for, 238; grant for signed by the Governor, 258.
- Lambert, James, petition for land, 138.
- Lands reserved for public uses, 541, 573.
- Landford, John, grant for signed by the Governor, 607.
- Larecy, Mary, grant for signed by the Governor, 379.
- Larecy, Mary, petition for land, 145.

- Larrimore, James, petition for land, 230; grant for signed by the Governor, 418.
- Lastinger, John, petition for land, 549.
- Laurens, Henry, petition for land, 577, 642.
- Lawrence, Jonathan, petition of, 574.
- Lawson, Roger, grant for signed by the Governor, 91; petition for land, 595.
- Lean, John, petition for land, 247.
- Lean, Lambeth, petition for land, 253, 711.
- Le Conte, William, grant for signed by the Governor, 178, 227; appointed Justice of Peace, 458.
- Lee, Francis, appointed Justice of Peace, 179.
- Lee, Philip, petition for land postponed, 143.
- Lee, Thomas, petition to renew warrant postponed, 65; petition for land, 237, 565; grant for signed by the Governor, 434; petition for land postponed, 491.
- Legislature called in extra session, 180; members of new legislature elected, 216.
- Leman, James, petition for land, 331.
- Lemke, Harman Henry, petition for land, 669.
- Lemon, James, petition for land, 331.
- Lewis, Benjamin, petition for land, 175, 389; grant for signed by the Governor, 433; petition for land rejected, 570, 724; grant for signed by the Governor, 697.
- Lewis, David, appointed Justice of the Peace, 179; petition for land, 314, 450; grant for signed by the Governor, 637.
- Lewis, Evan, petition for land, 557.
- Lewis, Isaac, petition for land, 440.
- Lewis, Jacob, petition for land, 340; petition for land rejected, 683.
- Lewis, Joseph, petition for land, 383.
- Lewis, Samuel, petition for grant, 627.
- Lewis, Thomas, petition for land, 288, 303, 405.
- Liemberger, Anna Margareta, grant for signed by the Governor, 433.
- Liemberger, Mary Margareta, petition for land, 161.
- Lietner, Joseph, grant for signed by the Governor, 240.
- Lightenstone, John, petition for land, 625.
- Linsey, Isaac, petition for land, 715.
- Linsey, Moses, petition for land, 618.
- Lion, Samuel, petition for land, 183.
- Lloyd, Thomas, petition for land, 31; grant for lot ordered to pass, to, 49; grant for signed by the Governor, 70.
- Lockerman, Jacob, petition for land, 270.
- Loftin, John Limbry, petition for land rejected, 200.
- Lords Commissioners for Trade & Plantations, letter from concerning silk culture, 339.
- Lott, Daniel, petition for land, 157; grant for signed by the Governor, 433; petition to register grant, 693.
- Lott, John, petition for land, 137, 723; grant for signed by the Governor, 356.
- Lott, John, Sr., petition for land, 227, 411, 551, 723; grant for signed by the Governor, 433.
- Lott, Mark, petition for land, 708.
- Lott, Solomon, petition for land, 208; petition for grant, 719.

- Love, James, grants for signed by the Governor, 97; petition for land postponed, 296.
- Loyer, Adrian, land allotted J. Swann granted to, 365; grant for signed by the Governor, 433; petition for land rejected, 603; petition for land, 614, 673.
- Lundy, Abraham, petition for land, 195, 212; petition for grant, 689; grants for signed by the Governor, 731.
- Lynn, John, grant for signed by the Governor, 128; petition for land, 404.

## M

- Macartan, Francis, lot in Augusta granted to, 430; grant for signed by the Governor, 434.
- Macartan, Francis & Martin Campbell, petition for land, 321.
- Mack, Wolfgang, petition for land, 133; grant for signed by the Governor, 338.
- Mackay, Angus, petition for land, 519.
- Mackay, Donald, petition for land, 270, 528; grant for signed by the Governor, 366; appointed Justice, 607; petition for land rejected, 724.
- Mackay, George, grant for signed by the Governor, 607.
- Mackay, James, appointed Justice of Peace, 179; petition for land, 278, 315, 448; grant for signed by the Governor, 356, 434; petition for grant, 717.
- Mackay, John, petition for land, 101, 661; grant for signed by the Governor, 240.
- Mackay, Patrick, petition for land, 51, 307, 597.
- Mackay, Roderic, petition for land, 543.
- Mackenzie, Donald, petition for land, 219.
- Mackenzie, William, petition for land postponed, 235, 514, 665; petition for new warrant, 566.
- Mackintosh, Alexander, & others, petition for land, 347.
- Mackintosh, George, petition for land, 28; added to Commission of the Peace, 37; appointed Justice of Peace, 180; elected to Legislature, 242; petition for land, 313, 336, 386, 472, 543, 640; petition for land rejected, 336, 724; James Habersham's land ordered to, 354; grant for signed by the Governor, 367, 697; petition to renew warrant, 641.
- Mackintosh, Lachlan, petition for land on purchase postponed, 28; added to Commission of Peace, 37; appointed Justice of Peace, 180; petition for land, 262, 703; grant for signed by the Governor, 431, 697.
- Mackintosh, Lachlan, Lieutenant, petition for land, 100.
- Mackintosh, William, petition for land, 203, 315, 640, 628, 662; grant for signed by the Governor, 367.
- Mackintosh, Winwood, petition for land, 519.
- Maddox, Mordecai, petition for land, 306.
- Mainer, John, grant for signed by the Governor, 239.
- Mainer, William, grants for signed by the Governor, 240.
- Mann, John, petition for land rejected, 191; grants for signed by the Governor, 203, 731; petition for land, 389; petition for grant, 687.
- Martin, Clement, granted leave of absence, 40; grants for signed by the Governor, 50; appointed Justice of Peace, 179; petition for land, 380.
- Marcu, James, petition for land, 621.

- Martin, John, grant for signed by the Governor, 12, 637, 638, 667; petition for land, 311, 502; appointed Justice of Peace, 458; petition to renew warrant, 571; petition to exchange land, 500.
- Martin, Oliver, petition for land, 620.
- Mason, Ann, caveat against considered and land equally divided, 36.
- Massey, Joseph, petition for land postponed, 633.
- Matthewson, Hugh, petition for land, 649.
- Mattier, Lewis, petition for land postponed, 345.
- Mattier, Lewis, Jr., petition for land, 353; petition for grant, 718.
- Mauve, Matthew, grant for signed by the Governor, 50.
- Maxton, Andrew, petition for land, 478.
- Maxwell, Audley, appointed Justice of Peace, 179.
- Maxwell, James, Jr., petition for land, 281, 700; caveat against, 337.
- Maxwell, James, & Josiah Tatnell, in trust, grant for signed by the Governor, 165.
- Maxwell, Thomas, petition for land, 611, 639.
- McBean, Archibald, grant ordered to, 301.
- McCarty, Cornelius, grant for signed by the Governor, 258.
- McCarty, Florence, petition for land, 54; grant for signed by the Governor, 165.
- McClelland, John, petition for land, 125.
- McClelland, John, grant for signed by the Governor, 151.
- McCormack, William, grant for signed by the Governor, 188.
- McCormeck, John, petition for land postponed, 36.
- McCorrie, Andrew, petition for land, 190.
- McCullough, Mary, grant for signed by the Governor, 86.
- McCurrie, Andrew, petition for land, 211; grant for signed by the Governor, 302; land ordered to, 378.
- McDonald, Alexander, appointed Justice of Peace, 180; petition for land, 254.
- McDonald, Archibald, grant for signed by the Governor, 107.
- McDonald, Donald, petition for land, 119; grants for signed by the Governor, 128, 324.
- McDonald, George, grant for signed by the Governor, 434; petition for land, 682.
- McDonald, William, petition for land, 103, 424, 600; grant for signed by the Governor, 417.
- McFarlein, John, petition for land, 481, 505.
- McGillivray, Lachlan, caveat against Ann Mason considered and premises ordered equally divided, 36; town lot ordered to pass to, 39; grants for signed by the Governor, 111, 151, 356, 607; appointed Justice of Peace, 179; grant of farm lot ordered to, 301; petition for land, 381.
- McGillivray, Lachlan, & others, grant ordered to pass to, 110; land reserved for, 260.
- McHenry, James, petition for land, 48, 588; grants for signed by the Governor, 226.
- McHugh, Elizabeth, grant for signed by the Governor, 91.
- McIntosh, Alexander, grant for signed by the Governor, 418.
- McIntosh, George, grant for signed by the Governor, 638.
- McIntosh, Lachlan, petition for land, 325, 371, 401, 578; grants for signed by the Governor, 436, 637, 638; petition for grant, 686.
- McKenzie, John, grant for signed by the Governor, 731.

- McKenzie, William, grant for signed by the Governor, 86; petition for land, 429.
- McLean, John, grant for signed by the Governor, 302; petition for land, 321, 391, 402; petition to renew warrant, 531; appointed Justice, 607.
- McLeod, Roderic, petition for land, 660.
- McPherson, William, grant for signed by the Governor, 637.
- Meadows, Richard, petition for land, 246; grant for signed by the Governor, 356.
- Memorial of merchants concerning Stamp Act, 455; memorial of shipmasters concerning Stamp Act, 456.
- Mercer, John, petition for land, postponed, 192; petition for land, 710.
- Meyers, John, grant for signed by the Governor, 272.
- Michael, John, petition for land, 120, 206; grant for signed by the Governor, 338.
- Middleton, John, grant for signed by the Governor, 70; harbors villains, 437.
- Milledge, John, petition for land, 147; grants for signed by the Governor, 164, 338; appointed Justice of Peace, 179; land granted to on purchase conditionally, 225; elected to legislature, 241.
- Milledge, Richard, petition for land, 553.
- Millen, Stephen, petition for land, 191, 196, 520; petition to renew warrant, 322.
- Miller, Elias, petition for land, 408.
- Miller, Nathaniel, grants for signed by the Governor, 226, 239.
- Miller, Robert, grant for signed by the Governor, 302.
- Miller, Richard, petition for land, 89.
- Miller, Samuel, petition to renew warrant read and granted, 44; petition of granted, 44; petition of postponed, 45; petition for land, 472, 473; grant for signed by the Governor, 638.
- Miller, Samuel, & John Graves, petition for land, 613.
- Miles, William, petition for land, 583.
- Mills, Robert, grant for signed by the Governor, 302.
- Mills, William, petition for land rejected, 52, 726.
- Minis, Abigail, petition for land, 232.
- Mitchell, John, petition for land postponed, 368; petition for land, 390.
- Monroe, James, petition for land, 443.
- Montaigut, David, appointed Justice of Peace, 179; petition for land rejected, 570.
- Montgomery, Barrot, petition for land, 709.
- Moodey, Benjamin, petition of, 57; grant for signed by the Governor, 398.
- Moodie, Ann, petition for land, 413.
- Moodie, Thomas, appointed Justice of Peace, 380; petition for land, 609, 671.
- Moore, Aaron, petition for land postponed, 244, 246.
- Moore, Benjamin, petition for land, 522.
- Moor, Wiliam, petition for land, 650.
- Morel, John, Sr., petition for land, 224.
- Morel, John; grant for signed by Governor, 667.
- Morel, John, & others, petition of concerning vessel from Charlestown infected with small pox, 66; certain goods ordered to be taken out said vessel, 66.
- Moreman, Catherine, petition for land, 100.
- Morgan, Thomas, petition for land, 92, 191, 246, 504; grants for signed by the Governor, 338, 433.
- Morris, John, petition for land, 218, 377, 463; grants for signed by the Governor, 367, 417.



- Morris, Thomas, land reserved for, 532.  
 Morse, John, petition for land, 34, 616.  
 Mortar, the, and Hansom Fellow, talk from, 70, 71, 72.  
 Mossman, James, petition for land, 159; grant for signed by the Governor, 434.  
 Mulkey, Jonathan, petition for land, 205, 219, 517; grant for signed by the Governor, 324.  
 Mullryne, Catherine, petition for land, 382, 608; petition for grant, 684.  
 Mullryne, Claudia, petition for land, 118.  
 Mullryne, John, petition of in behalf of Claudia Mullryne, 118; petition for land, 135, 185, 294, 382, 594, 609; elected to legislature, 241; petition to renew warrant, 396; appointed Justice, 607; grant for signed by the Governor, 608.  
 Munro, Harry, Lieutenant, petition for land, 120, 278.  
 Munro, Simon, & Roger Kelsall, petition for land, 587, 614.  
 Munroe, Harry, Lieutenant, petition for land, 158; grant for signed by the Governor, 164.  
 Murders at Long Cane Settlement, letter concerning, 111.  
 Murfey, Nicholas, petition for land postponed, 394, 469.  
 Murphey, James, grant for signed by the Governor, 433.  
 Murphree, William, petition for land, 200.  
 Murphy, James, petition for land, 248.  
 Murray, David, petition for land rejected, 46; petition for land, 158; grant for signed by the Governor, 324.  
 Mushaw, Matthew, petition for land, 144.  
 Muter, James, petition for land, 245; grants for signed by the Governor, 240, 302.  
 Myers, Henry, grant of to pass to James Rae, 606.  
 Myers, Henry Frederic, grant for signed by Governor, 431.  
 Myers, Jacob, petition for land, 333; grant for signed by the Governor, 433.  
 Myers, John, petition for land, 132.

## N

- Neal, Charles, grant for signed by the Governor, 50.  
 Negro, murder committed by, 438.  
 Nelson, Alexander, petition for land, 569.  
 Nelson, John, petition for land postponed, 633.  
 Nelson, John & Thomas, grant ordered to pass to, 337.  
 Nephew, Peter, petition for land, 266.  
 Nesmith, James, appointed Justice of Peace, 179; grants for signed by the Governor, 240, 607; petition for land, 409.  
 Nicholas, Robert, petition for land, 283, 305; grant for signed by the Governor, 367.  
 Niess, John, grant for signed by the Governor, 240.  
 Noble, Thomas, petition for land, 212; grant for signed by the Governor, 356; petition for land rejected, 364.  
 Nongazer, Henry, Jr., petition for land rejected, 120.  
 Norman, William, petition for land, 366.  
 Nublin, Bartholomew, grant ordered for, 355.

## O

- Oaths, State, a new roll of ordered to be made, 696.
- O'Bryon, David, petition for land, 424.
- O'Bryon, Timothy, petition for land postponed, 396; petition for land, 423.
- O'Cain, Daniel, warrant renewed, 64; petition for land rejected, 146; grant for signed by the Governor, 240; petition for land postponed, 365.
- Odam, Abraham, grant for signed by the Governor, 178; petition for land postponed, 228, 676.
- Odam, Abraham, Sr., petition for land, 676.
- Odam, Abraham, Jr., petition for land, 676.
- Odam, Frederic, petition for land, 508.
- Odam, Jacob, petition for land, 677.
- Odam, William, petition for land, 236.
- O'Daniel, Owen, petition for land, 517; land reserved for, 681.
- Odell, Abraham, petition for land, 102.
- Ogleby, James, petition for grant, 718.
- Ogilby, James, petition for land, 359, 623.
- O'Neal, Patrick, petition for land, 549.
- Order as to land on purchase amended, 323.
- Order concerning bounty lands, 510.
- Order of his Majesty in Council granting land to Wm. Knox, 494.
- Ordner, Adam, petition for land rejected, 54.
- Orr, Benjamin, petition for land, 597.
- Ottolenghe, Joseph, grants for signed by the Governor, 12, 272; appointed Justice of Peace, 179; petition for land, 190; elected to legislature, 241.
- Ottolenghe, Joseph, and others, in trust, grant for signed by the Governor, 26.
- Overstreet, Henry, petition for land postponed, 123; petition for land, 211; grants for signed by the Governor, 272, 398.
- Overstreet, Henry, Sr., petition for land, 216.
- Overstreet, Henry, Jr., petition for land, 269; grant for signed by the Governor, 637.
- Oxley, Christian, grant for signed by the Governor, 338.

## P

- Pace, Charles, petition for land, 289.
- Palmer, Thomas, petition of granted conditionally, 21; town lot granted to, 213, 242; grant for signed by the Governor, 240.
- Paner, Michael, grant for signed by the Governor, 240.
- Parker, Ann, petition for land, 625.
- Parker, Joseph, petition for land, 613.
- Parris, Francis, petition for land, 462.
- Parry, Francis, petition for land, 334; petition for grant, 687.
- Parsley, Nathaniel, petition for land, 119; grant for signed by the Governor, 637.
- Parsons, Samuel, letter from concerning small pox on board vessel at Fort George, 342.

- Payne, Samuel, petition for land, 547.
- Peacock, Thomas, petition for land, 195, 349, 465; petition for saw-mill land rejected, 196; caveat against, 636.
- Peacock, William, petition for land, 198.
- Pearce, Edmund, grant for signed by the Governor, 226.
- Pelton, Samuel, grant for signed by the Governor, 240.
- Pendry, William, petition for land, 515.
- Penny, John, petition for land, 523.
- Penson, Aaron, petition for land, 585.
- Perkins, John, grants for signed by the Governor, 91, 434; petition for land, 332; petition for resurvey, 599.
- Perkins, Thomas, petition for land, 588.
- Perry, Isaac, petition for land, 80, 537; grant for signed by the Governor, 324.
- Perry, Joseph, grant for signed by the Governor, 86.
- Phillips, John, petition for land, 152; grant for signed by the Governor, 434.
- Phrisby, Josiah, grant for signed by the Governor, 188.
- Pilot's accounts audited, 90.
- Pilots at Tybee, accounts of audited, 38.
- Plummer, Micajah, petition for land, 290; grant for signed by the Governor, 433.
- Polhill, Hannah, petition for land, 514; grant ordered for, 606.
- Polson, Hugh, appointed Justice of Peace, 380.
- Polson, Jeremiah, petition for reserve, 490.
- Polson, John, petition for land, 62, 182; petition for grant, 562; grant for signed by Governor, 608.
- Poole, Catharine, petition for land rejected, 657.
- Porser, William, petition for land, 221.
- Porter, William, grant for signed by the Governor, 324.
- Powell, James Edward, land granted on purchase, 11; grants for signed by the Governor, 27, 151; grant for town lot ordered to pass to, 117; appointed Justice of Peace, 179.
- Powell, Josiah, grant for signed by the Governor, 70.
- Powell, William, petition for land, 304, 613.
- Price, John, petition for land, 351; petition to renew warrant, 644.
- Pritchard, James, petition for land, 281.
- Pritchett, James, petition for land rejected, 604.
- Proclamation, copy of for enforcing quarantine ordered sent to Purysburgh, 26; proclamation for a cessation of arms received and ordered published, 38; proclamation concerning quarantine, 67; proclamation discharging quarantine, 91; proclamation to be issued relating to Indians, 106; proclamation forbidding tumultuous assemblies, 439.
- Provost-Marshal, account of audited, 495.
- Pryce, Charles, appointed Justice of Peace, 179.
- Pryce, Elizabeth, petition of referred to Attorney-General, 186; grant for signed by Governor, 240.
- Public accounts audited, 50, 187, 193, 203, 230, 242, 338, 356, 731.
- Public buildings accounts concerning audited, 214.
- Public expenses settled, 168.
- Pugh, Francis, petition for land rejected, 143.

- Pugh, James, petition for land, 137, 217; grant for signed by the Governor, 398, 433.  
 Puryzburg, S. C., copy of proclamation enforcing quarantine ordered to be sent to, 26.

## Q

- Quarantine enforced against places infected with smallpox, 18; Hugh Ross appointed to see Quarantine Act executed, 26; copy of proclamation enforcing quarantine order sent to Purysburgh, 26; vessel from Charlestown infected with small pox to perform quarantine, 66, 67; quarantine discharged, 91.

## R

- Rabenhurst, Christian, appointed Justice of Peace, 179; petition for land, 234; grant for signed by the Governor, 272.  
 Raddick, John, grant ordered for, 238; grant for signed by the Governor, 240; petition for land, 584.  
 Rae, John, petition for land, 20, 516, 524; appointed Justice of Peace, 179; petition for land for grist mill, 267; grants for signed by the Governor, 338, 433, 434; grant ordered to, 378.  
 Rae, John, Jr., grants ordered to pass to, 337; grant for signed by the Governor, 434.  
 Rae, John, & others, grant ordered to pass to, 110.  
 Rae, Galphin, & McGillivray, grant for signed by the Governor, 165.  
 Rahn, Conrade, petition for land, 582, 708; petition for land rejected, 630.  
 Raines, Richard, land reserved for, 132.  
 Randall, William, takes seat as Councillor, 572; copy of commission, 572; petition rejected, 605.  
 Randon, Peter, grant for signed by the Governor, 27; petition for land, 360.  
 Ratcliffe, Benjamin, petition for reserve, 528.  
 Ravot, Gabriel, petition for island postponed, 493.  
 Rawlinson, Francis, petition for land postponed, 207; petition for land, 361; grant for signed by the Governor, 638.  
 Read, James, appointed Justice of Peace, 179; sworn as member of Council, 302; petition for land, 513.  
 Red, James, petition for land, 222; grant for signed by the Governor, 436.  
 Red, Thomas, petition for land, 223, 523, 710; grant for signed by the Governor, 436.  
 Registration of grants, time extended for, 60.  
 Reinstetler, Matthias, petition for land, 253.  
 Reiser, Balthasar, petition for land, 207.  
 Resta, Frederic, land surveyed for, 397; petition for grant, 560; petition for land rejected, 568.  
 Reward offered for capture of negro Scipio, 55.

- Rhodes, William, petition for land, 208; grant for signed by the Governor, 338.  
 Rice, exportation of, prohibition of taken off, 606.  
 Rickets, David, petition for land rejected, 492.  
 Rieser, Balthasar, grant for signed by the Governor, 433.  
 Rietter, Michael, petition for land, 585; grant for signed by the Governor, 667.  
 Rietter, Peter, petition for land, 490; petition of about Sunier's land read and granted, 490.  
 Ring, Christopher, petition of postponed, 105; petition for grant, 194; grants for signed by the Governor, 227, 431; petition for land, 412, 556, 608.  
 Ring, Christopher, & Peter Blyth, see Blyth.  
 Roberts, Eison, petition for land, 264; grant for signed by the Governor, 398.  
 Roberts, James, petition for land, 383, 427; petition for grant, 716.  
 Roberts, John, petition for land postponed, 449, 626; petition for land, 479.  
 Robinson, Pickering, grants for signed by the Governor, 50.  
 Robinson, Sylvanus, grant for signed by Governor, 165; petition for land, 707.  
 Robinson, Townsend, petition for land, 101, 223; grant for signed by Governor, 107.  
 Roche, Matthew, petition for land, 94, 481; grant for signed by Governor, 128.  
 Rogers, James, petition for land, 671.  
 Rogers, William, petition for land rejected, 143.  
 Rose, Daniel, grant for signed by Governor, 50.  
 Ross, Hugh, appointed to see Quarantine Act executed, and compensation provided for, 26.  
 Rossell, James Theodore, appointed Justice of Peace, 697.  
 Rowntree, Jethro, petition for land, 138; grant for signed by the Governor, 433.  
 Royal, John, grant for signed by the Governor, 240.  
 Royal, Samuel, grant for signed by the Governor, 240.  
 Rumph, Christian, grant for signed by the Governor, 272.  
 Russell, William, grant for signed by the Governor, 165.  
 Ryan, Daniel, petition for land, 312, 648.

## S

- Sabb, Morgan, petition for land, 284; grant for signed by the Governor, 367.  
 Saller, John, letter from, 74, 75.  
 Sallens, Peter, elected to legislature, 241.  
 Sanders, Joshua, petition for land, 447.  
 Sandiford, John, petition for land, 545.  
 Sapp, Abraham, petition for land, 220, 678; grant for signed by the Governor, 417.  
 Sapp, Elijah, petition for land, 217; grant for signed by the Governor, 417.  
 Sapp, Henry, petition for land, 392; petition for grant, 691; grant for signed by the Governor, 731.  
 Sapp, John, petition for land, 423.  
 Sapp, William, petition for land, 388; grant for signed by the Governor, 637.  
 Saunders, Lydia, petition for land, 545.  
 Savage, Loveless, petition for land, 653.  
 Savery, Samuel, petition for land rejected, 606; petition for land, 645.

- Scruggs, Richard, appointed Justice of Peace, 239.
- Sealy, John, petition for land postponed, 299.
- Secretary of province ordered to deliver certain laws to printer, 40; order to deliver grant to Samuel Miller, 45; to certify what part of ceded lands be granted, 106.
- Secretary of State, letter from concerning riots, 470.
- Selechee & other Creek Indians expected to arrive with Spanish scalps; how to be received, 17.
- Sellers, John, petition for land, 723.
- Sharp, John, petition for land, 596.
- Shaw, Jacob, & others, discharged soldiers, petition of, 352.
- Sheftall, Benjamin, petition for land, 62; grant for signed by the Governor, 91; farm lot granted to, 300.
- Sheftall, Hannah, petition for land, 566.
- Sheftall, Levi, grant for signed by the Governor, 55; petition for land rejected, 227; petition for land, 559.
- Sheftall, Mordecai, petition for land, 56; petition for land rejected, 104; grant for signed by the Governor, 107.
- Sheley, John, petition for land, 200; grant for signed by the Governor, 379.
- Sheppard, Mary, petition for land, 567.
- Sheraus, John, grant for signed by the Governor, 111.
- Shields, William, petition for land, 554.
- Shirley, William, petition for land, 555.
- Siegler, Lucas, grant for signed by the Governor, 398.
- Sigfrit, Ann Barbara, petition for land, 95; grant for signed by the Governor, 107.
- Silk Culture, letter from Lords Commissioners for Trade & Plantations respecting, 339.
- Simpson, John, & others, admistrators, petition of postponed, 25.
- Simpson, John, & others, merchants, petition of granted conditionally, 45.
- Simpson, John, appointed Justice of Peace, 180, 380; petition for land, 461, 666.
- Simpson, William, appointed Justice of Peace, 179; petition for land, 526.
- Sims, Thomas, petition for land, 595.
- Sizemore, Edward, petition for land, 136, 475; petition for land rejected, 354; grant for signed by the Governor, 398; petition for land postponed, 450.
- Sliterman, Peter, petition for land, 522.
- Small pox at Charlestown and other places, 18; small pox on board vessel from Charlestown, 66; small pox in Savannah, 180; small pox at Fort George and orders thereon, 342.
- Smallwood, Matthew, grant for signed by the Governor, 178.
- Smallwood, Robert, grant for signed by the Governor, 97.
- Smith, Charles, petition for land, 652.
- Smith, James, grant for signed by the Governor, 434.
- Smith, John, petition for land rejected, 84, 698; petition for land, 553.
- Smith, Stephen, petition for land, 318; grant for signed by the Governor, 433; petition to register grant, 604.
- Smith, William, petition for land, 93.
- Soldiers, discharged, petition of, 352.

- Somerall, Henry, grant for signed by the Governor, 272.  
 Sothertott, Richard, petition for land, 155.  
 Spalding, James, petition for land, 309.  
 Spalding, James, & Donald Mackay, petition for land rejected, 724.  
 Spelling, Britton, petition for land postponed, 725.  
 Spencer, William, appointed Justice of Peace, 179.  
 Springle, Charles, petition for land, 347.  
 Stacy, John, petition for land rejected, 369; petition for land, 376.  
 St. Andrew's Parish, jurisdiction of Justices extended, 458.  
 Staley, Gotlieb, petition for land, 580; grant for signed by the Governor, 731.  
 Staley, John, grant for signed by the Governor, 697.  
 Stamp Act, the, 435; received, 440; declared of force, 454; memorial concerning, 455, 456; repeal of announced, 540.  
 Stamp paper lodged in guard house, 438; stamp paper arrives, 453.  
 Steiner, David, grant for signed by the Governor, 398.  
 Stephens, William, grant ordered to issue to, 90; grant for signed by the Governor, 97.  
 Stevens, Joseph, petition for land, 643.  
 Stevens, John, grant for signed by the Governor, 165; petition for land, 325, 544.  
 Steward, James, petition for land, 358.  
 Stewart, Allen, petition for land, 704.  
 Stewart, James, caveat against Stevens sustained, 729.  
 Stewart, John, appointed Justice of Peace, 179; petition for land, 199.  
 Stewart, Michael, petition for land postponed, 264; petition for land, 332.  
 Stigans, James, petition for land, 654.  
 Still, Lewis, petition for land, 306, 509.  
 Stirk, Benjamin, petition for land, 513; grant to, 666.  
 St. John's Parish, writ of election in, 435.  
 Stone, Andrew, petition for land, 527.  
 St. Philip's Parish, writ of election in, 435.  
 Stratton, John, petition for land, 244, 422; grant for signed by the Governor, 433.  
 Strauhager, Rodolph, petition for land, 551.  
 Street, John, petition for land, 552.  
 Striedler, Peter, petition for land, 303.  
 Striegel, George, petition for land, 103, 200; petition for grant, 721.  
 Stringer, Francis, petition for land, 204, 221; grants for signed by the Governor, 338, 607.  
 Strouber, Nicholas, petition for reserve, 552.  
 Struthers, William, & others, petition for land, 318.  
 Stuart, James, petition for land, 441.  
 Sullivan, Owen, petition for land, 368.  
 Surveyors, instructions to, 429.  
 Surveyors-General, ordered to prepare plat of certain land, 21; to issue new precept to Samuel Miller, 44; issue new precepts, 61, 64; to certify what part of ceded lands be run out, 106; memorial of, 110; directions to, 238; to make report touching resurvey of lands, 341; memorial of, 634.  
 Sutherland, Richard, petition for land, 33.  
 Swann, Jeremiah, land of granted Adrian Loyer, 365.

- Swighoffer, Thomas, petition for land, 651.  
 Swinton, William, grants for signed by the Governor, 50, 436; petition for saw mill land, 189; petition for land, 372, 373.

## T

- Talley, John, consideration of petition postponed, 22; appointed Justice of Peace, 179; grant ordered to pass to, 225; grant for signed by the Governor, 324.  
 Tanehill, John, petition for land, 620.  
 Tanner, John, petition for land, 335.  
 Tatnell, Josiah, petition for land, 118, 382, 609; grant for signed by the Governor, 165; appointed Justice, 607.  
 Tatnell, Mary, petition for land, 685.  
 Tax Collectors, abuses of at Augusta, 49.  
 Taylor, William, petition for land, 426.  
 Teale, John, petition for land, 228.  
 Thanksgiving, day of appointed, 87.  
 Thilo, Christian, appointed Justice of Peace, 179.  
 Thomas, Gilshot, grant for signed by the Governor, 226.  
 Thomas, James, grant for signed by the Governor, 165.  
 Thomas, John, elected to legislature, 242; petition for land, 288; grants for signed by the Governor, 607, 697.  
 Thomas, John, Sr., petition for land postponed, 394; petition for land, 413.  
 Thomas, John Giles, land ordered for, 131.  
 Thornton, John, petition for land, 336.  
 Tindall, Nehemiah, petition for land, 582.  
 Tinley, William, grant for signed by the Governor, 97.  
 Tomlinson, Samuel, petition for land, 157, 300, 446; grant for signed by the Governor, 356.  
 Tondee, Charles, petition for land postponed, 395; petition for land, 415.  
 Torrans, Gregg & Poaug, petition for island, 83.  
 Townsend, Robinson, petition for grant, 727.  
 Townsend, William, petition for land, 552, 659, 674.  
 Traders, Indian, see Indian.  
 Treasurer ordered to pay Rev. B. Zouberbuhler's salary, 55, 341; ordered to publish reward for capture of negro Scipio, 55; ordered to pay E. Barnard £50, 108.  
 Treaty at Augusta, 666.  
 Treutlen, John Adam, grants for signed by the Governor, 214, 240; appointed Justice of Peace, 239; elected to legislature, 242; petition for land, 672, 683.  
 Treuttlen, John Adam, petition for land, 612; grant for signed by the Governor, 638.  
 Trewin, William and other Indian traders, petition for land, 318; grant for signed by the Governor, 434.  
 Triboudet, John Francis, grant for signed by the Governor, 12.  
 Tricuttlen, John Adam, petition for grant, 559.  
 Trittlen, John Adam, petition for land, 159.



- Trowell, James, petition for land rejected, 297; petition for land, 316.  
 Truan, David, grant for signed by the Governor, 61.  
 Truin, William, appointed Justice of Peace, 179.  
 Tubear, David, petition for land, land of J. Belligout purchased by, 122, 252, 588;  
 grant for signed by the Governor, 302.  
 Tucker, Robert Burton, land reserved for, 486.  
 Tugulkey, alias Young Twin, letter from, 115.  
 Turner, George Johnson, petition for land, 506.  
 Turner, Joseph, petition for land, 414.  
 Turner, Lewis, petition for land, 9; petition for land rejected, 364.  
 Tybee pilot, account of audited, 38.  
 Tyffe, Alexander, petition for land, 306.

## U

- Underwood, Daniel, petition for land, 290; grant for signed by the Governor, 433.  
 Unseld, David, petition for land, 132; grant for signed by the Governor, 398.  
 Upton, George, petition for land, 184; grant for signed by the Governor, 367;  
 petition for land postponed, 416.

## V

- Vallaton, Jeremiah, grant for signed by the Governor, 240.  
 Vandyke, Peter, petition for land, 245, 468; land on Cumberland Island ordered,  
 730.  
 Vann, Joseph, petition for land, 256, 404.  
 Vaughan, Joshua, petition for land, 209, 638.  
 Venning, Mary, petition for land, 503; grant for signed by the Governor, 667.  
 Verree, Isaac, petition for land, 312.

## W

- Waincoff, Michael, petition for land, 295; grant for signed by the Governor, 338.  
 Walker, George, petition for land, 624; petition to register grant, 694.  
 Walker, Joel, petition for land, 535.  
 Wall, Arthur, petition for land, 492.  
 Wallace, Samuel, petition of, 57; grant for signed by the Governor, 86.  
 Wallacon, Daniel, petition for land, 423.  
 Wallicon, Daniel, grant for signed by the Governor, 379.  
 Wallis, Samuel, petition for land rejected, 65.  
 Walsar, John, grant for signed by the Governor, 27.  
 Walsh, Peter, appointed Justice, 607.  
 Walters, John, petition for land, 21.  
 Wannell, Joseph, petition for land, 549.  
 Warnen, Richard, petition for land, 64.

- Warnock, John, petition for land, 358; grant for signed by the Governor, 637.
- Warrants of survey ordered, 540.
- Waters, John, petition for land, 177, 204, 526, 625, 675; petition for land postponed, 247; grants for signed by the Governor, 178, 258, 356.
- Waters, Thomas, lot in Augusta granted to, 481; appointed Justice, 607.
- Watson, Charles, warrant for land renewed, 61; grants for signed by the Governor, 91; appointed Justice of Peace, 179; petition for land, 668.
- Watson, Christopher, land reserved for, 52.
- Way, Edward, petition for land, 548.
- Way, Moses, petition for land, 675.
- Way, Parmenas, appointed Justice of Peace, 458.
- Webb, John, land ordered for, 131.
- Webb, William, petition for land, 333.
- Welch, Peter Doctor, petition for land, 537.
- Weldor, Jeremiah, petition for land rejected, 726.
- Wells, Absolom, petition for land, 291.
- Wells, John, petition for land, 182; grant for signed by the Governor, 433.
- Wereat, John, petition of, 59.
- Wertsch, John, petition for land, 197; appointed Justice of Peace, 239; grant for signed by the Governor, 356.
- Wertsch, John Gasper, land granted to, 90; grant for signed by the Governor, 165.
- West, Charles, petition for land, 287, 322, 544, 672, 700; grant for signed by the Governor, 302; petition for grant, 722.
- West, John, petition for land, 529, 650.
- Westcoat, Daniel, petition for land, 255.
- Westley, James, petition for land, 102.
- Weston, James, petition for land, 646.
- White, Thomas, petition for land, 287; grant for signed by the Governor, 434.
- Whitefield, George, memorial of for land to endow college, 259; grants for signed by the Governor, 398.
- Whitefield's college, land for, 378.
- Whitefield, James, appointed Justice of Peace, 179.
- Whitefield, Thomas, petition for land, 292, 446; grant for signed by the Governor, 356.
- Wiggins, Jesse, petition for land, 137; grant for signed by the Governor, 433.
- Wilkins, Ann, petition for reserve, 639.
- Williams, Abraham, grant for signed by the Governor, 55, 111; petition for land, 88, 320; petition for new warrant, 632.
- Williams, John, petition for land, 46, 220, 334; grants for signed by the Governor, 203, 417, 433; petition for land rejected, 657; petition to register grant, 604.
- Williams, John Francis, elected to legislature, 242; petition for land, 254, 350; grant for signed by the Governor, 418; appointed Justice of Peace, 458.
- Williams, Joseph, petition for land, 425, 477; petition to renew warrant, 644.
- Williams, Samuel, petition for land, 507.
- Williams, Thomas, petition for land, 711.
- Williams, William, petition for land, 584; petition for resurvey, 598.
- Williams, William, petition for land, 400.

- Williamson, Benjamin, grant for signed by the Governor, 203; petition for land, 586.
- Williamson, William, grant ordered to pass to, 85; caveat against, 166; grant for signed by the Governor, 178; petition for land, 662.
- Williamson, ———, caveat against dismissed, 128.
- Wilson, Benjamin, land of granted John Wilson, Jr., 417.
- Wilson, James, petition for land rejected, 297.
- Wilson, John, Jr., Benjamin Wilson's land granted to, 417; grant for signed by the Governor, 436.
- Wilson, William, petition for land rejected, 298.
- Wimberley, Thomas, petition for land, 411, 678.
- Wimberley, Henry, petition for land, 411.
- Wimberley, Isaac, petition for land, 349; petition for new precept, 695.
- Winfree, James, petition for land, 727.
- Winn, Francis, petition for land, 370; grant for signed by the Governor, 637.
- Winn, John, executor, petition for grant, 629.
- Wiseman, William, petition for land, 491.
- Wish, John, petition for land, 428.
- Witherspoon, John, grant for signed by the Governor, 151.
- Womack, Richard, petition for land, 520.
- Wood, Alexander, grant for signed by the Governor, 165.
- Wood, Joseph, land reserved for, 327; petition for land, 416, 422; petition to renew warrant, 489; petition for grant, 726.
- Woodland, James, petition for land, 444; grant for signed by the Governor, 638.
- Woodland, Jonathan, grants for signed by the Governor, 188, 434; land granted on purchase, 225.
- Woodland, William, petition for land postponed, 491; petition for land, 555.
- Wright, Charles, appointed Justice, 607.
- Wright, Elizabeth, petition for land, 174; grant for signed by the Governor, 434.
- Wright, Sir James., see Governor Wright
- Wright, Jermyn, appointed Justice, 607.
- Wright, Jermyn & Charles, petition for land, 506, 511; petition to renew warrant, 638.
- Wright, Samuel, grant for signed by the Governor, 50.
- Wright, William, petition for land, 303; grant for signed by the Governor, 436.
- Writ for electing member to represent Abercorn and Goshen to be made out, 38.
- Wylly, Alexander, appointed Commissioner of Loans, 92; appointed Justice of Peace, 179; elected to legislature, 241; grant for signed by the Governor, 434; caveat of, 452; petition for land, 233, 292.
- Wylly, Alexander & Lewis Johnson, land reserved for, 192; petition for land, 497, 542.
- Wylly, Richard, petition for land, 592.
- Wynne, Francis, petition for land, 623.
- Wynne, Peter, petition for land, 140; grant for signed by the Governor, 433.
- Wynne, Peter, Sr., petition for land, 463.
- Wynne, Peter, Jr., petition for land, 649.

## Y

- Yonge, Henry, Surveyor-General of lands, information touching resurvey of lands, 341.
- Yonge, Henry, lots granted to, 127; appointed Justice of Peace, 179; grant for signed by the Governor, 214; petition for land, 698.
- Young, Thomas, land reserved for, 132; petition for land, 474, 476, 503, 661; petition for land rejected, 477.
- Young, Thomas & others, merchants, land granted to conditionally, 45.
- Young, Thomas & others, administrators, petition of postponed, 25.
- Young, Twin, see Tugulkey.
- Young, William, petition for land, 593.
- Younge, Isaac, elected to legislature, 242.

## Z

- Zettler, Matthew, grant for signed by the Governor, 226; petition for land, 268.
- Zichler, Michael, petition for land, 48.
- Zeigler, Lucas, petition for land, 198.
- Zouberbuhler, Bartholomew, appointed Justice of Peace, 179; petition for land, 330; grant for signed by the Governor, 418; salary ordered paid, 341, 496.
- Zuberbuhler, Bartholomew, Rev., treasurer ordered to pay £50 to, 55.
- Zubly, John Joachim, grant for signed by the Governor, 70, 398; petition for land, 144; appointed Justice of Peace, 179; petition for town lot, 531.

THE  
COLONIAL RECORDS

OF THE  
STATE OF GEORGIA

---

COMPILED AND PUBLISHED UNDER AUTHORITY

OF

THE LEGISLATURE

BY

ALLEN D. CANDLER

---

VOLUME X

---

PROCEEDINGS AND MINUTES OF THE  
GOVERNOR AND COUNCIL

FROM

January 6, 1767, to December 5, 1769

From Manuscripts in British Public Record Office, London,  
Except Minutes from February 7, 1769, to July 4, 1769,  
which are from State Archives

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ATLANTA, GA.  
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1907

# INDEX.

## A

- Accounts, contingent and sundry, audited, 280, 306, 516, 670.
- Adams, Robert, petition for land, 447.
- African slaves on brig "Gambia" inoculated, 564; having performed quarantine allowed to land, 630; from the ship Britannia permitted to land, 730; to be kept at the lazaretto, 747.
- Alexander, John, missionary of St. John's Parish, money paid to, 119.
- Alexander, James, petition for land, 829; grant for signed by the Governor, 881.
- Alger, Preserved, petition for land, 167, 377, 645; petition for grant, 604.
- Alleson, William, land held in reserve for, 815.
- Anderson, Charles, petition for grant, 452, 555; grants for signed by the Governor, 609, 629.
- Anderson, David, petition for land postponed, 319, 344; petition for land, 359; petition for land rejected, 426; grant for signed by the Governor, 430; petition for survey, 786.
- Anderson, James, grant for signed by the Governor, 83; petition for new precept, 329; petition for land rejected, 628.
- Anderson, Jonathan, petition for land, 635; petition for new precept, 937.
- Anderson, John, petition for land, 137; petition for grant, 531, 905; grant for signed by the Governor, 565.
- Anderson, Matthew, petition for land, 447.
- Andrew, Benjamin, petition for grant, 184; grants for signed by the Governor, 217, 695; petition for land, 475, 545, 613; member of Assembly, 912.
- Andrew, James, petition for land, 498; grant for signed by the Governor, 645.
- Ansley, Gerard, petition for land, 898.
- Aneley, Thomas, grant ordered for, 691.
- Arthur, Francis, grant for signed by the Governor, 116.
- Arwin, Francis, petition for land, 464, 650, 860; grants for signed by the Governor, 608, 789.
- Asbell, John, petition for land, 553.
- Ash, Matthias, petition for land, 309, 467, 500, 522; grants for signed by the Governor, 516, 565.

- Ashfield, Henry, grant ordered for, 692.  
 Ashmore, Frederic, petition for land, 836.  
 Askin, John, petition for new precept, 974.  
 Askins, William, petition for land, 925.  
 Atkinson, Joseph, petition for land, 525; petition for grant, 766; grant for signed by the Governor, 789.  
 Attorney-General, to prepare conveyance to be executed by Jermyn & Chas. Wright, 629.  
 Atwood, Isaac, petition for grant, 99; grant for signed by the Governor, 159.  
 Aubrey, Frederic, petition for land rejected, 725.  
 Augusta, letter from Justices of, 248; letter from Magistrates of, 272; letter to Magistrates of, 273; circuit court for, 398.  
 Austin, Cornelius, petition for land, 622; petition for grant, 811; grant for signed by the Governor, 881.  
 Austin, Davis, petition for land, 381; grant for signed by the Governor, 539.  
 Austin, Drury, petition for land, 380; grant for signed by the Governor, 539.  
 Austin, Paul, petition for land, 380; grant for signed by the Governor, 539.  
 Auston, Richard, grant to out of Quaker reserve, 818.  
 Ayres, Abraham, petition for land, 764.  
 Ayres, Thomas, petition for land, 762.

## B

- Bacon, John, petition for land, 757; resigns land and prays for other land, 780.  
 Bailie, George, petition for leave to resign grant, 628.  
 Baillee, Robert, grant for signed by the Governor, 942.  
 Baillie, Elizabeth, petition for town lot, 87; grant for signed by the Governor, 188.  
 Baillie, George, appointed Justice of Peace, 428; petition concerning land heretofore granted, 561; petition for land, 821.  
 Baillie, Robert, petition for grant, 64, 557; grants for signed by the Governor, 39, 160, 352, 608; petition for sawmill-land, 124; petition for land, 225, 734; appointed Justice of Peace, 420; petition for new precept, 456, 907; member of Assembly, 647.  
 Baillow, James, petition for land, 824.  
 Baillows, Isaac, petition for land, 830.  
 Baker, Henry, grants for signed by the Governor, 160, 352.

- Baker, John, petition for land, 649.  
Baker, John, Jr., petition for land, 614.  
Baker, Joseph, petition for land, 615, 785; caveat against, 695; grant for signed by the Governor, 881.  
Baker, Richard, petition for land, 496; petition for new warrant, 546; grants for signed by the governor, 608, 629.  
Baker, Richard & others, executors of Chas. West, petition for grant, 511.  
Baker, Richard & others in trust, grant for signed by the Governor, 645.  
Baldwin, David, petition for land rejected, 727.  
Ball, Edward, petition for land, 653, 921; grant for signed by the Governor, 819.  
Ball, Sampson, petition for land, 922.  
Barber, John, petition for grant, 144; grants for signed by the Governor, 187, 279.  
Barfield, Henry, petition for land, 739; grant for signed by the Governor, 819.  
Barnaby, John, petition for grant, 183, 684, 872.  
Barnard, Edward, petition for grant, 25, 869, 943; petition for land, 44, 699, 883; grants for signed by the Governor, 117, 493; petition for lot in Augusta, 412; petition for reserved land postponed, 425; appointed Justice of Peace, 431; petition for land rejected, 561; member of Assembly, 646, 912; Sherwood Bugg resigns claim to, 720; Fort Augusta placed in keeping of, 851; appointed to lay out road from Wrightsboro, 852.  
Barnard, Jane, petition for land, 166; grant for signed by the Governor, 458.  
Barnard, John, petition for grant, 99; grant for signed by the Governor, 160.  
Barnard, Timothy, petition for land rejected, 243; petition for land, 760.  
Barnett, Nathan, petition for land, 804.  
Barnett, William, petition for land, 806.  
Barrel, John, petition for land, 125, 126.  
Barryhill, Andrew, grant for signed by the Governor, 695.  
Bartholomew, John, grant ordered for, 698.  
Basset, Thomas, petition for grant, 485; grant for signed by the Governor, 516.  
Baulch, Thomas, petition for land, 616.  
Beard, Edmund, petition for land, 618.  
Beatty, Thomas, grant ordered for, 698.  
Beavan, Benjamin, petition for grant, 875.  
Beavan, Benjamin, grant for signed by the Governor, 942.  
Beazcale, Elijah, petition for grant, 723.  
Beck, George, grant ordered for, 693.



- Beckham, James, petition for land, 285.
- Beckham, Simon, petition for land, 529; grants for signed by the Governor, 608.
- Beekham, Simon, petition for grant, 347.
- Begbie, Francis, petition for new precept, 391.
- Beggs, Alexander, grant ordered for, 698.
- Bell, Thomas, grant for signed by the Governor, 188.
- Belcher, William, member of Assembly, 646; petition for grant, 685.
- Belsher, William, petition for land, 519; petition for grant, 870; grants for signed by the Governor, 881, 942.
- Bennett, James, petition for grant, 21; grant for signed by the Governor, 83.
- Bennett, William, petition for land, 781, 920.
- Benson, John, petition for land, 259.
- Benvin, Benjamin, petition for land, 659.
- Berryhill, Andrew, petition for land, 448; petition for grant, 666.
- Bevill, Sarah, petition for land, 48; petition for grant, 326; grants for signed by the Governor, 395.
- Bigbie, Francis, Dr., petition for land, 222.
- Bird, Abraham, petition for land, 172, 550.
- Bird, Abraham & Israel, petition for grant, 550.
- Bird, Andrew, petition for land, 467, 597; grant for signed by the Governor, 645.
- Bird, Israel, grant for signed by the Governor, 117; petition for land, 172, 619.
- Bird, Richard, grant ordered for, 603.
- Bird, Sylvanus, grant for signed by the Governor, 117; petition for land, 597.
- Bishop, John, petition for land, 465, 490, 593; petition for land rejected, 628.
- Blackman, Thomas, petition for grant, 626.
- Blackman, William, petition for land, 171; grant for signed by the Governor, 369.
- Blake, William, bounty allowed, 909; petition for land, 956.
- Blakeman, Thomas, petition for land, 293.
- Blanch, John, petition for land, 175.
- Bland, William, grant for signed by the Governor, 117.
- Blair, James, grant ordered for, 608.
- Bledsoe, John, petition for land, 60.
- Blyth, Peter, petition for land, 6, 442; petition for grant, 297, 469; grants for signed by the Governor, 539, 670.
- Boit, William, petition for land, 897.
- Bolton, Robert, petition for land, 430.
- Bongridge, Thomas, grant ordered for, 608.

- Booth, Abraham, petition for grant, 138, 532.  
Both, Abram, grant for signed by the Governor, 565.  
Bord, Burgon, petition for grant, 29; grant for signed by the Governor, 39.  
Boreman, Michael, petition for land, 831.  
Bostick, Chesley, petition for land, 634.  
Boundary line, surveyor to be appointed to run, 243; George Galphin requested to be present at the re-survey, 303.  
Bourquin, Benedict, petition for land, 800.  
Bourpuin, Henry, petition for land, 755, 791; member of Assembly, 646, 911; petition that grants pass to his son, 868.  
Bourquin, Henry Lewis, petition for land, 755, 778.  
Bowen, Samuel, petition for new precept, 623; petition for grant, 722; grant for signed by the Governor, 751.  
Bowie, James, petition for grant, 422; grant for signed by the Governor, 492; petition for land 715.  
Bowling, Robert, petition for land, 896.  
Bowey, James, petition for land, 132.  
Box, Philip, petition for land, 4; petition for new precept, 241; petition for grants, 416; grants for signed by the Governor, 459, 911; member of Assembly, 646.  
Boykin, Edward, petition for grant, 143; grant for signed by the Governor, 187.  
Boykin, Solomon, petition for grant, 110; petition for land, 172, 286; grants for signed by the Governor, 187, 473.  
Bracey, Randal, petition for land, 466, 779.  
Bracey, Randal, petition for land, 592; grant for signed by the Governor, 645.  
Bradford, John, petition for land, 250; grant for signed by the Governor, 304.  
Bradley, John, petition for grant, 453, 682; grant for signed by the Governor, 910; petition for land, 978.  
Bradley, Joshua, petition for land, 714.  
Bradley, Richard, petition for land, 135.  
Bradshaw, John, petition for land, 97; survey ordered for, 214; grant for signed by the Governor, 352.  
Brady, Patrick, petition for land, 621, 716, 924; petition for grant, 844, 938.  
Brantley, James, petition for grant, 230; grants for signed by the Governor, 216, 279, 304; petition for land, 504.  
Brantley, John, grant for signed by the Governor, 160, 244; petition for land, 195, 360.  
Brantley, Joseph, petition for grant postponed, 206; caveat against rejected, 281; petition for land, 892.  
Brantley, Thomas, petition for grant, 156.

- Brasher, Jesse, petition for grant, 32, 683; grants for signed by the Governor, 116, 516, 774; petition for land, 341, 446, 963.
- Braswell, Kendred, petition for grant postponed, 270; petition for land, 367; grant for signed by the Governor, 395.
- Braswell Robert, petition for grant, 296; grant for signed by the Governor, 334.
- Brazeal, Elijah, grant for signed by the Governor, 751; petition for grant, 933.
- Brazeal, Elijah, petition for land, 707.
- Breist, Frederick, petition for land, 961.
- Brewer, David, petition for land, 900.
- Brewer, James, petition for land, 250; petition for grant, 640.
- Brewer, Thomas, grant for signed by the Governor, 983.
- Brewton, Miles, petition for land, postponed, 342; petition for land, 542.
- Bridges, James, grant for signed by the Governor, 492.
- Briggs, James, petition for land, 315.
- Brock, Charles, petition for land, 836.
- Brown, Alexander, petition for land, 760.
- Brown Bartlett, petition for land, 205.
- Brown, Francis, petition for land, p. 461; petition for grant, 421; grant for signed by the Governor, 774.
- Brown, James, petition for land, 158, 614.
- Brown, John, grant ordered for, 698.
- Brown, Joseph, petition for land, 923.
- Brown, William, petition for grant, 103; grant for signed by the Governor, 187.
- Brown, William, searcher, memorial of, 350.
- Bruce, James, petition for new precept, 213; grant for signed by the Governor, 305; petition for land, 707.
- Brunson, John, petition for grants, 236, 419; grant for signed by the Governor, 492.
- Brown, Agnes, petition by guardian for land, postponed, 37; petition for grant, 468; grant for signed by the Governor, 516.
- Bryan, Hugh, petition for land, 438, 463; relinquishes land, 604.
- Bryan, Jonathan, grants for signed by the Governor, 160, 458, 983; petition for land, 189, 400; appointed Justice of Peace, 428; petition for new precept, 975.
- Bryan, Josiah, petition for land, 190; grant for signed by the Governor, 458.
- Bryant, John, grant ordered for, 698.
- Brydie, David, petition for land, 544, 589; petition for new precept, 742.
- Buckham, James, grant for signed by the Governor, 473.
- Bugg, Edmund, petition for land, 408; petition for new precept, 624; caveat of discharged, 944.

- Bugg, John, petition for land, 708; grant for signed by the Governor, 910.
- Bugg, Sherwood, petition for land, 54, 168, 220; petition for grants, 507, 664, 667, 786, 906; petition for grant of Weatherford's land, 511; grant for signed by the Governor, 539; resigns his claim to E. Barnard, 720; petition for land postponed, 726.
- Bulloch, Archibald, petition for land, 86, 207, 543; member of Assembly, 646.
- Bullock, Archibald, member of Assembly, 911.
- Bulloch, James, petition for land, 409, 931; appointed Justice of Peace, 428.
- Bullock, James, petition for grant, 721.
- Buntz, Urban, petition for land, 921.
- Burford, Richard, petition for land, 311; grant for signed by the Governor, 492.
- Burgamy, William, petition for land, 409, 837; petition for grant, 665, 848; grant for signed by the Governor, 942.
- Burghalter, Rodolph, petition for land, 94; petition for grant, 363; grant for signed by the Governor, 430.
- Burnett, Charles, petition for bounty land, 587; petition for land, 719; grant for signed by the Governor, 774.
- Burney, Elizabeth, petition for land, 15; petition for grant, 19, 296, 363; grant for signed by the Governor, 395.
- Burney, Elizabeth & Son, grants for signed by the Governor, 117.
- Burney, John, petition for land, 58; petition for grant, 507; grant for signed by the Governor, 565.
- Burney, William, petition for land, 11, 284; grants for signed by the Governor, 279, 473.
- Burns, Hugh, grant for signed by the Governor, 83.
- Burrington, Thomas, petition for land by guardian rejected, 513.
- Burt, Moody, petition for land, 129, 902; petition for grant, 666.
- Burton, Joseph, petition for land, 17, 441; petition for grants, 20, 74, 362, 430; petition for land rejected, 36; grant for signed by the Governor, 161.
- Butler, Elisha, petition for land, 163, 401; petition to run land, 306; appointed Justice, 428; petition for grants, 981.
- Butler, Elizabeth, grant for signed by the Governor, 117, 430; petition for land, 121, 361, 370, 609, 841; petition for land rejected, 562; petition for grants, 970.
- Butler, James, petition for grant, 237; grant for signed by the Governor, 305; petition for land, 520, 545, 546, 824.
- Butler, James, Jr., petition for grant, 107.
- Butler, John, Jr., grant for signed by the Governor, 670.
- Butler, Joseph, Sr., petition for land, 753.

- Butler, Joseph, Jr., appointed Justice of Peace, 429.
- Butler, Joseph, petition for land, 610; grants for signed by the Governor, 819, 855.
- Butler, Patrick, petition for land, 771.
- Butler, Shem, petition for grants, 158, 423, 768; petition for land rejected, 174; petition for land, 496, 876; grants for signed by the Governor, 473, 819; caveat against, 942.
- Buttermilk Bluff, exchanged by J. & C. Wright for other land, 216; land at laid out for public use, 279; plan of land at to be made for Attorney General, 774.

## C

- Cade, Bud, petition for land, 411; petition for land rejected, 727.
- Cade, Robert, petition for grant, 154; grant for signed by the Governor, 216.
- Cade, William, petition for land, 805.
- Calliham, David, petition for grant, 153; grant for signed by the Governor, 430.
- Calwell, George, grant for signed by the Governor, 40.
- Campbell, Jane, petition for land, 704.
- Campbell, Martin & Francis Macartan, see Macartan.
- Candler, William, petition for land, 708, 785, 802; grant for signed by the Governor, 855; caveat against discharged, 944.
- Cannon, Joseph, petition for land, 924.
- Cantey, James, land reserved for, 888.
- Cantey, William, land reserved for, 888.
- Capers, Richard, petition for land, 830.
- Carlton, Edward, petition for grant, 146, 416; grant for signed by the Governor, 473.
- Carney, Arthur, grant for signed by the Governor, 83; petition for land, 336, 638.
- Carney, Jane, grant for signed by the Governor, 83; petition for land postponed, 343.
- Carney, John, grant for signed by the Governor, 83; petition for land postponed, 343, 979.
- Carney, Samuel, petition for land, 654; grant for signed by the Governor, 819.
- Carney, William, grant for signed by the Governor, 83; petition for land postponed, 343.
- Carr, Mark, petition for grant, 69; grants for signed by the Governor, 161; petition for land, 191.

- Carr, Mr., collector at Sunbury, sureties on his bond, 538; official bond of accepted, 854.
- Carson, John, grant ordered for, 693.
- Carter, James, petition for land, 34; petition for grant, 508.
- Carter, Thomas, petition for land, 403, 828.
- Cartledge, Edmund, appointed Justice of Peace, 429.
- Cartlidge, Edmund, petition for land, 835.
- Cary, John, land ordered for in Queensboro, 927.
- Castelaw, Thomas, petition for land rejected, 115.
- Castleberry, Paul, grant for signed by the Governor, 910.
- Castleberry, Richard, grant for signed by the Governor, 910.
- Castleberry, William, petition for land, 659; grant for signed by the Governor, 910.
- Costlebury, Paul, petition for land, 759.
- Castlebury, Richard, petition for land, 712.
- Castlebury, William, petition for land, 711; grant for signed by the Governor, 819.
- Cater, David, grant for signed by the Governor, 855.
- Catlett, John, petition for land, 14; grant for signed by the Governor, 279; petition for land rejected, 628.
- Catlett, John, petition for land, 14; grant for signed by the Governor, 279; petition for land rejected, 628.
- Caveats, list of to be published, 215; ordered to be heard, 909.
- Cavenah, David, petition for land, 315; petition for certified plan, 722; grant for signed by the Governor, 789.
- Cavenah, Henry, petition for land rejected, 271, 491.
- Cavenah, Nicholas, petition for land, 92; grant for signed by the Governor, 352.
- Chapple, Christopher, petition for land, 410.
- Cherry, James, petition for land rejected, 472; petition for land, 502; grant for signed by the Governor, 609.
- Cherry, Nathan, petition for grant, 21; grant for signed by the Governor, 117.
- Chestnutt, Alexander, land ordered for in Queensboro, 927.
- Chevalier, Charles Francis, petition for land, 736.
- Chevers, James, petition for land, 652.
- Christian, John, petition for grant, 210, 419; grant for signed by the Governor, 492.
- Claiborne, Leonard, petition for grant, 147, 233; appointed Justice of Peace, 429; petition for land, 702.
- Claiborne, Leonard, Jr., petition to resign warrant rejected, 78; grants for signed by the Governor, 305, 881; member of Assembly, 646.

- Claicler, John, petition for land, 127.
- Clark, Angus, petition for land, 776.
- Clark, Christopher, petition for land, 895.
- Clark, Hugh, petition for grant, 505; grant for signed by the Governor, 539.
- Clark, Joseph, petition for grant, 108.
- Clark, Lawrence, petition for grant, 77, 510; grant for signed by the Governor, 161; petition for land, 524.
- Clark, Samuel, petition for land, 669; grant for signed by the Governor, 855.
- Clark, William, petition for land, 170, 373.
- Clay, Joseph, executor for Benj. Farley, grant ordered to, 218.
- Clay, Joseph & William Gibbons, in trust, grant for signed by the Governor, 395.
- Clerk of Commons House, writs of election delivered to, 912.
- Clickler, John, petition for land, 617; petition for grant, 643; grants for signed by the Governor, 670, 774.
- Closeman, Frederic, petition for land, 412.
- Clothier, William, petition for land, 619.
- Cloud, Joel, land held in reserve for, 815.
- Club, John, grant for signed by the Governor, 370; petition for land, 444, 739.
- Clubb, John, caveat of against Alexander Inglis, 694; petition for land, 795; petition for new precept, 976.
- Coan, James, petition for land, 660.
- Coborn, John, grant for signed by the Governor, 458.
- Coburn, John, petition for land, 256.
- Cochran, Cornelius, grant ordered for, 692.
- Cochran, James, petition for land, 336; petition for grant, 768; grant for signed by the Governor, 819.
- Cochran, Jonathan, appointed Justice of Peace, 429; petition for land, 435, 494, 518; member of Assembly, 647; petition for grant, 686; grant for signed by the Governor 695, 751.
- Cochrun, John, petition for land, 442.
- Cole, Jonathan, petition for land, 888.
- Coleman, Daniel, petition for land, 10, 713.
- Colson, Sanders, petition for land, 527; grant for signed by the Governor, 695.
- Commission of the Peace, new, ordered, 428.
- Commons House, address of, 81; address of to His Excellency, 945.
- Conner, Cornelius, petition for land, 622; grant for signed by the Governor, 774.
- Conyers, John, caveat of against John Mullryne not sustained, 281; petition for land, 654; grant for signed by the Governor, 789.

- Conyers, William, petition for grant, 180; grant for signed by the Governor, 244.
- Cooke, James, petition for land, 288.
- Coombs, William, grant for signed by the Governor, 244.
- Cooper, Basil, to adjust salvage, 492.
- Cooper, Basil & Co., grant for signed by the Governor, 492; petition for land, 611, 795, 953.
- Cooper, Robert, grant ordered for, 697.
- Cooper, Samuel, petition for land, 959.
- Cornel, George, grant for signed by the Governor, 459.
- Cornell, George, caveat against Ludwig Williams, 369.
- Coulson, Jacob, petition for land, 770.
- Coulson, Thomas, petition for grant, 263; grant for signed by the Governor, 334.
- Coulson, William, petition for land, 48, 495.
- Court Cryer, memorial concerning, 946; John Dawney appointed cryer, 947; fees established, 947.
- Cowper, Basil, petition for land, 406, 919.
- Cox, Caleb, petition for land, 443; petition for grant, 683; grant for signed by the Governor, 774.
- Cox, Frederick, grant for signed by the Governor, 775.
- Craighton, Alexander, petition for land, 703; petition for grant, 968.
- Crawford, Thomas, petition for land, 294, 486, 923.
- Creek Indians, see Indians.
- Cremer, Christopher, petition for grant, 328, 787; grant for signed by the Governor, 395.
- Cressup, Moses, petition for land, 318; grant for signed by the Governor, 516, 670.
- Crittenden, William, petition for land, 658.
- Cromley, George, petition for land, 679.
- Cronenbarger, Jacob, grant for signed by the Governor, 629.
- Cronenburger, Jacob, petition for land, 375, 758; grant for signed by the Governor, 608.
- Cronenburgher, James, grant for signed by the Governor, 983.
- Crook, Harriot, petition for grant, 874.
- Crooke, Hariott, petition for land, 949.
- Crooke, James, grant for signed by the Governor, 450.
- Crooke, Richard Cunningham, member Commons House, 912.
- Crooke, Robert & others, grant for signed by the Governor, 118.
- Crossley, William, grant for signed by the Governor, 458.
- Crossley, William, petition for land, 136; petition for grant, 383.
- Crosswell, James, petition for land, 617.
- Crumb, Henry, petition for land, 223; grant for signed by the Governor, 410.



- Cubbage, John, grant for signed by the Governor, 695.  
 Cubbedge, John, caveat against, 186; petition for grant, 602.  
 Cunningham, Andrew, petition for lots, 978.  
 Currington, Richard, grant for signed by the Governor, 244.  
 Curtis, Margaret, grant for signed by the Governor, 188.  
 Curtis, widow, petition for grant, 145.  
 Cuthbert, George, petition for land, 471.  
 Cuthbert, James, grant for signed by the Governor, 695; petition for land, 952.  
 Cuthbert, James, Dr., petition for land, 463; caveat against Charles Wm. McKinnan sustained, 644; petition for land, 649.  
 Cuthbert, James, Dr., guardian, petition for land, 37, 123.  
 Cuthbert, James, & Alexander Inglis, executors of George Cuthbert, petition to register grant, 537.  
 Cuthril, Amos, petition for grant, 74.  
 Cutrel, Amos, grant for signed by the Governor, 160.  
 Cuyler, Telamon, petition for land rejected, 726; petition for land, 755, 796, 954.

## P

- D'Arcey, Joseph, petition for land, 717, 894; grant for signed by the Governor, 910.  
 Darian, town of laid out, 215; order concerning to be carried out, 428.  
 Darling, Andrew, grant for signed by the Governor, 40; appointed Justice of the Peace, 429; petition for land, 860, 918.  
 Dasher, John Martin, petition for land, 342; grant for signed by the Governor, 516.  
 David, Neal, petition for grant, 103; grant for signed by the Governor, 187.  
 Davis, John, grants for signed by the Governor, 118, 780; petition for land, 169, 766; petition for grant, 454.  
 Davis, Samuel, petition for land, 714, 891; grant for signed by the Governor, 910.  
 Davis, Thomas, grant for signed by the Governor, 117; appears before Council, 333; affidavit of, 333.  
 Davis, William, caveat against, 394; grant for signed by the Governor, 670.  
 Dawney, John, appointed court cryer, 947.  
 Dawson, Christopher, petition for grants, 32, 364; grant for signed by the Governor, 458.  
 Day, Stephen, grant ordered for, 692.  
 Dean, Luke, petition for grant, 154.

- De Brahe, Christopher, petition for grant, 454, 687; grant for signed by the Governor, 729.
- Delany, Patrick, petition for land, 783.
- Delegal, George, grant for signed by the Governor, 118; petition for land postponed, 300; petition for grant, 773; conditional grant to, 818.
- Delegal, Marshalla & Mary Ann, land granted to, 819.
- Delegal, Mary Ann, petition for grant, 144, 324; grant for signed by the Governor, 352.
- Delegal, Philip, petition for land, 44, 793; petition for grant, 331; petition for new warrant, 368; appointed Justice of the Peace, 428; petition concerning land, 772.
- Deloney, John, petition for land, 980.
- Dennis, Abraham, grant to out of Quaker reserve, 817.
- Dennis, Jacob, petition for land, 790.
- Dennis, John, grant to out of Quaker reserve, 817, 818.
- Densler, Henry, grant for signed by the Governor, 40.
- Deputy Surveyors, not to resurvey land held under South Carolina grants, 306.
- Derezeaux, Daniel, grant ordered for children of, 281.
- De Veaux, James, petition for grant, 182; grant for signed by the Governor, 217; appointed Justice, 428.
- De Veaux, William, petition for land, 543, 589, 701, 720; petition for new precept, 908; grant for signed by the Governor, 910; elected to House of Assembly instead of Henry Bourquin, resigned, 945.
- Dews, Robert, petition for land, 955.
- Dicks, David, grant for signed by the Governor, 244; petition for land, 861.
- Dickson, Henry, petition for land, 315; petition for grant, 510; petition for land rejected, 605; grant for signed by the Governor, 608.
- Dickson, Josiah, petition for land, 48, 592; grants for signed by the Governor, 160, 279, 695.
- Dickson, a negro, commutation of sentence refused, 631.
- Didcott, Elizabeth, petition for land, 737.
- Dillon, John Patrick, petition for land, 762.
- Dinkins, John, land of sold to Treutlen, 63.
- Dixon, Henry, petition for land, 782.
- Dixon, Thomas, petition for land, 867.
- Dobbins, John, petition for grants, 65; grant for signed by the Governor, 118.
- Donelly, James, petition for grant, 33.
- Donnam, William, petition for land postponed, 38; appointed Justice of the Peace, 429.
- Donnelly, John, petition for land, 710.
- Donnoly, John, grant for signed by the Governor, 881.

- Donnom, Daniel, grant for signed by the Govern<sup>r</sup>, 187.  
 Donovan, Darby, caveat against Young not sustained, 281.  
 Donovan, Darby, petition for land, 133.  
 Douglas, Daniel, petition for new warrant, 368.  
 Douglass, Daniel, grant for signed by the Governor, 117; petition for land, 804.  
 Douglass, James, petition for land, 444.  
 Douglass, John, petition for grant, 261; grant for signed by the Governor, 335.  
 Douglass, Samuel, petition for land, 166; petition for new survey, 218; petition for grant, 417; grants for signed by the Governor, 473; petition for land rejected, 607.  
 Dover, John, grant to out of Quaker reserve, 817.  
 Downes, Henry, petition for grant, 536.  
 Downs, Henry, grant for signed by the Governor, 609.  
 Downey, William, petition for grant, 110; grant for signed by the Governor, 187.  
 Dowse, Gideon, grants for signed by the Governor, 117, 161.  
 Ducker, George, petition for grant, 184; grants for signed by the Governor, 244, 924; petition for land, 736.  
 Ducker, James, petition for land, 801.  
 Ducker, William, petition for land rejected, 321; petition for land, 800.  
 Duhart, John, grant for signed by the Governor, 187.  
 Duke, William, petition for land, 637.  
 Dunbar, John, appointed Justice of Peace, 429, 514.  
 Dunbar, John & others, administrators, petition for grants, 35.  
 Dunbar, Young & Simpson, grant for signed by the Governor, 40; empowered to sell land, 350.  
 Durham, William, petition for land, 225, 701, 756.  
 Dunlap, Joseph, petition for grant, 100.  
 Dunkan, Robert, grant ordered for, 608.  
 Dunkan, William, grant for signed by the Governor, 910.  
 Dunkin, John, petition for land, 598, 809.  
 Dunn, Benjamin, grant ordered for, 603.  
 Dunnagan, Thomas, petition for land, 483.

## E

- Eason, George, petition for land, 310.  
 Eastlake, Samuel, grant for signed by the Governor, 244; petition for land rejected, 490.  
 Ebridge, George, petition for land, 740.

- Eckles, Edward, grant to out of Quaker reserve, 818.
- Eirich, Adam, petition for land, 477.
- Eirick, Adam, petition for lands, 652; grant for signed by the Governor, 751.
- Elam, William, grant ordered for, 692.
- Elbert, Samuel, petition for land, 124; grant for signed by the Governor, 335; member of Assembly, 911.
- Elliott, Grey, appointed Justice of Peace, 428; petition for land, 632; commissioner for repairing Christ Church, 647; petition for grant, 980; grant for signed by the Governor, 984.
- Elliott, Grey, executor of Francis Arwin, petition for land, 934.
- Elliott, Grey & John Gordon, grant for signed by the Governor, 118; petition for land, 401, 544; petition for grant, 841, 980.
- Elliott, William, grant for signed by the Governor, 40.
- Emanuel, Amos, grant for signed by the Governor, 789.
- Emanuel, Asa, petition for land, 898.
- Emanuel, David, appointed Justice of Peace, 429.
- Emanuel, David, Jr., petition for grant, 22; grant for signed by the Governor, 117.
- Emanuel, John, petition for land, 338.
- Emitt, James, grant ordered for, 692.
- Emisteseegoe, Indian Chief, talk from, 566, 580.
- Eppinger, John, petition for land, 973.
- Erntz, Ludwig, petition for grant, 297, 642; petition for land, 832.
- Estimate of expenses sent to Commons House, 647.
- Evans, William, petition for land postponed, 318; petition for land, 957.
- Ewen, William, member of Assembly, 646, 911.

## F

- Fahie, John, petition for lot in Savannah, 70; grant for signed by the Governor, 160.
- Famm, Frederic, petition for land, 477; grant for signed by the Governor, 671.
- Fanner, William, grant ordered for, 693.
- Fanshaw, Robert, grant for signed by the Governor, 118.
- Farley, Joseph, petition for land postponed, 560.
- Farley, Samuel, petition for land, 436; petition for grant, 639; grant for signed by the Governor, 696; member of Assembly, 911.
- Farrow, Bartholomew, petition for land, 292; grant for signed by the Governor, 369.
- Fenton, Martin, petition for land, 468.

- Fenn, Zachariah, petition for land, 50; petition for grants, 325, 370.
- Few, William, petition for land, 713; grant for signed by the Governor, 910.
- Findlay, Alexander & James Seymour, petition for land, 778; grant for signed by the Governor, 855.
- Fisher, Nicholas, grant for signed by the Governor, 83.
- Fitch, Ann, petition for land, 402, 859; grant for signed by the Governor, 609.
- Fitzgerald, James, petition for grant, 971.
- Fitzpatrick, Richard, petition for land, 300.
- Fleming, James, grant ordered for, 697.
- Fleming, Samuel, grant ordered for, 697.
- Fleming, Thomas, grant for signed by the Governor, 161.
- Flerl, John, appointed Justice of Peace, 429.
- Fletcher, James, petition for grant, 31; grant for signed by the Governor, 117; petition for land, 255.
- Flyming, Thomas, petition for grant, 107; grant for signed by the Governor, 217; petition for reserve, 300; petition for new precept, 488.
- Forbes, David, petition for new precept, 937.
- Forbes, Donald, grant for signed by the Governor, 539.
- Forbes, John, grant for signed by the Governor, 160.
- Ford, Isaac, petition for grants, 68; grant for signed by the Governor, 161; appointed Justice of Peace, 429.
- Ford, Isaac, appointed Justice of Peace, 429.
- Ford, John, petition for land, 355; petition for new precept, 512.
- Ford, Thomas, petition for grant, 932.
- Forrester, James, grant for signed by the Governor, 83; appointed Justice, 279; appointed Justice of Peace, 429, 514.
- Forrester, Stephen, petition for land postponed, 343.
- Forster, Stephen, petition for land postponed, 343.
- Forsyth, John, petition for land, 739; grant for signed by the Governor, 942.
- Forsyth, William, petition for grants, 75; grants for signed by the Governor, 161.
- Fort Argyle, further reserve for, 278.
- Fort Augusta, placed in keeping of Edward Barnard, 851.
- Fort, Eli, petition for land, 670.
- Fort George, Governor advised to garrison, 150.
- Fox, Benjamin, petition for land, 48, 309, 547; grants for signed by the Governor, 305, 493, 820; petition for grants, 768, 937.
- Fox, George, petition for grant, 77; grant for signed by the Governor, 118; petition for land, 797; petition for plan rejected, 608.
- Fox, John, petition for land, 377, 594, 756, 778, 792; petition for new precept, 391, 842; grant for signed by the Governor, 881.

- Fox, Jonathan, petition for land, 779, 798; grant for signed by the Governor, 881.
- Fox, Richard, grants for signed by the Governor, 83, 855, 942; petition for land, 590, 740, 798.
- Fox, William, petition for land, 591, 708, 741; grants for signed by the Governor, 729, 855.
- Francis, Frederic, petition for land, 781.
- Fraser, William, petition for land postponed, 425.
- Fraser, Donald, grant for signed by the Governor, 40.
- Frederic, Matthew, petition for land, 702; caveat heard, and land of ordered to be first surveyed, 880.
- Frink, Samuel, petition for land postponed, 425; petition for land, 517; Commissioner to repair Christ Church, 647; trustee for regulating market, 648; grant for signed by the Governor, 695.
- Frost, John, petition for land postponed, 490.
- Fry, Samuel, petition for land postponed, 426.
- Fryer, Sarah, petition for grant, 73.
- Fulker, Thomas, petition for land, 961.
- Fulton, Paul, petition for land, 62; caveat against, 282; grant for signed by the Governor, 304.
- Fulton, Samuel, petition for land rejected, 209; grant for signed by the Governor, 395.
- Fussel, Thomas, petition for grant, 721; grant for signed by the Governor, 774.
- Fusil, Thomas, petition for grant, 113; grant for signed by the Governor, 187; petition for land, 480.
- Fusill, Thomas, grant for signed by the Governor, 334.

## G

- Galaspel, James, petition for land, 676; grant for signed by the Governor, 855.
- Galphin, George, petition for grant, 18; petition for land, 63, 437, 761; grants for signed by the Governor, 40, 117, 160, 608, 630; letter from, 302; requested to be present at running boundary line, 303.
- Gambell, William, petition for grant, 231; grant for signed by the Governor, 305.
- Gandy, Peter, petition for land, 960.
- Garth, Charles, opinion of Board concerning accounts of, 433.
- Garvey, James, petition for land, 310; grant for signed by the Governor, 402.
- Germany, John, petition for grant, 22; grant for signed by the Governor, 84.

- Gibbons, John, petition for land, 259, 408, 440; grant for signed by the Governor, 458; petition for land postponed, 562; petition for grant, 642.
- Gibbons, Joseph, petition for land, 98, 588, 754; grant for signed by the Governor, 161; petition for new precept, 537; petition for land rejected, 606; caveat against John Wereat, 670; grant ordered for, 773.
- Gibbons, Joseph, executors of, petition for grants, 873; petition for grant to pass rejected, 879.
- Gibbons, William, grant for signed by the Governor, 395; petition for land, 588, 735; petition for land rejected, 606.
- Gilbert, Ephriam, widow of, land granted to in trust, 214.
- Gilbert, Mary, petition for reserve, 8; petition for grant, 47; grant for signed by the Governor, 280.
- Gilbert, William, petition for land, 87, 294; petition for land postponed, 270; grant for signed by the Governor, 473.
- Gililand, Thos., grant for signed by the Governor, 910.
- Gilliland, Thomas, petition for land, 713.
- Gillman, Edward, petition concerning land of rejected, 772.
- Girvin, Robert, grant ordered for, 697.
- Glenn, John, member of Assembly, 911.
- Godbey, Henry, grant for signed by the Governor, 160.
- Golding, John, petition for land, 39; grant for signed by the Governor, 187; petition for land postponed, 725.
- Golding, Palmer, petition for land, 38; petition for grant, 745; grant for signed by the Governor, 819.
- Goldsmith, Thomas, grant for signed by the Governor, 117, 565; to make complaint in writing, 304; petition for land, 734.
- Goldwire, John, grant for signed by the Governor, 161; appointed Justice of Peace, 429.
- Goldwire, John, Jr., petition for grant, 348; grant for signed by the Governor, 369.
- Golightly, Charles, petition for land, 718.
- Golightly, Christopher, petition for land, 806.
- Goodall, James, petition for grant, 104, 229; grant for signed by the Governor, 304.
- Goode, John, petition for grant, 230, 532; grant for signed by the Governor, 608.
- Gordon, John, petition for new precept, 268.
- Gordon, John & Grey Elliott, see Elliott.
- Governor Wright, resigns warrant, 80; one thousand acres added to survey of, 81; grants for signed by the Governor, 160, 530, 608, 609, 670, 729, 751, 881; land granted to, 278, 563; land ordered to, 303, 607, 669, 854, 880, 982; address of to Commons House, 300; answer to Emisteseegoe, 571; answer to second talk of Emisteseegoe, 582; warrant ordered for, 728.

- Graeme, William, member of Assembly, 646, 913.
- Graham, James, petition for land; 822; exchange lot, 951.
- Graham, John, grants for signed by the Governor, 83, 370, 696; petition for land, 162, 434, 733, 752, 914; appointed Justice of Peace, 428; appointed to receive pay due for barrack necessities, 515; commissioner to repair Christ Church, 647; petition for grant, 663, 930, 934; petition for new warrant, 867.
- Graham, Thomas, petition for grants, 152, 385; grant for signed by the Governor, 458.
- Grant, Catharine, petition for land, 210; grant for signed by the Governor, 395.
- Grant, James, petition for land, 677; petition for new precept, 936.
- Grant, John, petition for land, 51, 201; grant for signed by the Governor, 304.
- Grant, Peter, petition for land, 594; petition for new precept, 936.
- Graves, James, petition for land, 128, 957; petition for grant, 769, 903.
- Graves, John, petition for new warrant rejected, 208; grant for signed by the Governor, 216; petition for grant, 484.
- Graves, Robert, petition for land, 127.
- Graves, William, petition for grant, 181, 214; petition for land, 199, 650, 704, 742; grants for signed by the Governor, 244, 774, 910.
- Gray, Catherine, petition for grant, 109; grant for signed by the Governor, 187.
- Gray, George, petition for land, 193; petition for grants, 685, 847; grant for signed by the Governor, 881.
- Gray, James, petition for land, 338.
- Gray, John, Capt., administrators of, caveat against Kelsall and Munroe, 351.
- Gray, Matthias, petition for grant, 112; grant for signed by the Governor, 187.
- Gray, Thomas, petition for land, 528; caveat against Shem Butler, 942.
- Grayson, John, petition for land, 46; petition for grant, 452; grant for signed by the Governor, 403; petition for land rejected, 644.
- Great Ogechee, township of laid out, 606.
- Green, David, petition for land, 150, 220.
- Green, John, Jr., petition for land, 160, 746, 776; grant for signed by the Governor, 370.
- Green, John, appointed Justice of Peace, 428.
- Green, Thomas, petition for land rejected, 877.
- Green, William, petition for land, 111.
- Greene, David, grant for signed by the Governor, 304.
- Greene, William, appointed Justice of Peace, 514.
- Greenage, Obediah, under sentence of death, petition of, 245.



- Greer, David, grant ordered for, 698.  
 Greer, Thomas, petition for land, 763.  
 Greiner, Andrew, grant for signed by the Governor, 160, 473; petition for grant, 421.  
 Greiner, John Martin, petition for land, 375; grant for signed by the Governor, 516.  
 Greiner, John Philip, grant for signed by the Governor, 160.  
 Grenier, Peter, petition for land, 168.  
 Gresham, Joseph, petition for land, 552.  
 Greiner, Andrew, appointed Justice of Peace, 429.  
 Griener, John Martin, petition for land, 549.  
 Griener, Peter, petition for land, 288.  
 Grierson, James, petition for grant, 179, 330; grant for signed by the Governor, 244.  
 Grierson, John, grant for signed by the Governor, 370.  
 Grieve, Robert, petition for land, 801.  
 Griffith, John, petition for land, 958.  
 Griner, Andrew, petition for grants, 66.  
 Griner, John Gasper, petition for land, 49.  
 Griner, Philip Jacob, petition for grant, 67.  
 Grubbs, Thomas, petition for land, 503.  
 Gruber, John, petition for land, 56, 479, 891.  
 Guinnett, Button, member of Assembly, 912.  
 Gwinn, Richard, petition for land, 636.  
 Gwinnett, Button, appointed Justice, 82; petition for land, 163, 177, 820; appointed Justice of Peace, 429.

## H

- Habersham, James, grants for signed by the Governor, 40, 430, 751; petition for land, 227, 241, 586; appointed Justice of Peace, 428; land ordered for, 788.  
 Haddin, James, grant ordered for, 607.  
 Hagins, Thomas, petition for grant, 901; grant for signed by the Governor, 983.  
 Hall, James, petition for land, 803.  
 Hall, John, petition for land, 355, 782.  
 Hall, Nathaniel, land reserved for, 194; petition for land, 858.  
 Hammond, Le Roy, petition for land, 47, 777; petition for reserve of land, 128; grants for signed by the Governor, 188, 505; petition for grant, 504; petition for grant postponed, 940.  
 Hammond, William, petition for land, 716; grant for signed by the Governor, 910.

- Hampton, Andrew, petition for land, 782.
- Harding, William, grant for signed by the governor, 697.
- Harnage, George, petition for land, 58; grant for signed by the Governor, 304.
- Harnage, Jacob, petition for land, 378; petition for new precept, 513.
- Harrigan, Patrick, grant for signed by the Governor, 942.
- Harris, Francis, appointed Justice of Peace, 428; grant for signed by the Governor, 670, 881; petition for land, 728, 848; grant ordered for, 818.
- Harris, Nathan, petition for land rejected, 320; petition for land, 660; petition for grant, 966.
- Harris, William, petition for certified plan, 972.
- Hart, Abraham, petition for land, 689.
- Hart, James, grant ordered for, 691.
- Hart, Peter, petition for land, 835.
- Hart, Samuel, petition for land, 834.
- Hart, Thomas, grant ordered for, 691.
- Hatcher, Robert, petition for land, 55, 127, 476.
- Haverin, Michael, petition for grant, 968.
- Hawthorn, Nathaniel, petition for land rejected, 37, 878.
- Hawthorn, Robert, petition for land, 799.
- Hazzard, Richard, Jr., petition for grant, 146; grant for signed by the Governor, 187.
- Heard, Barnard, petition for grant, 531; grant for signed by the Governor, 565.
- Heard, John, petition for grant, 68.
- Heard, Stephen, petition for grant, 140, 530; grant for signed by the Governor, 565.
- Hearn, Elizabeth, petition for land, 610.
- Hearn, James, petition for land, 499.
- Hearn, Thomas, grant for signed by the Governor, 729.
- Heaton, Isaac, petition for grant, 847; grant for signed by the Governor, 910.
- Heatton, Isaac, petition for land, 620.
- Heislear, George, petition for land, 339.
- Helvenstine, Frederic, petition for land, 864.
- Helvenstine, Jacob, petition for land, 224, 499; petition for new precept, 456; petition for grant, 686; grant for signed by the Governor, 696, 751.
- Helvenstine, Jeremiah, petition for grant, 69; grant for signed by the Governor, 161.
- Henderson, John, petition for land postponed, 814.
- Hendrick, Hans, petition for grant, 152; grant for signed by the Governor, 216.

- Herd, John, grant for signed by the Governor, 169.
- Heron, James, grant for signed by the Governor, 352.
- Herron, James, petition for land, 132.
- Hervey, Blassingame, petition for land, 552.
- Hervey, John, petition for land, 503.
- Hickombottom, Thomas, petition for grant, 535.
- Hicks, William, petition for land, 866.
- Hienley, Jacob, petition for land rejected, 271.
- Hierson, Harman, petition for land, 706.
- Hiesler, George, grant for signed by the Governor, 458.
- Higdon, John, petition for land, 959.
- Higginbottom, Thomas, grant for signed by the Governor, 565.
- Hill, James, grant to out of Quaker reserve, 817.
- Hill, John, grant to out of Quaker reserve, 817.
- Hinds, Christopher, petition for land, 551.
- His Majesty, the King, disallows act concerning slaves, 459; disallows act to encourage settlers, 460; disallows act concerning lands held under Carolina grants, 460; instructs His Excellency relative to lands south of Alatomaha, 460.
- Hixxon, William, grant to out of Quaker reserve, 817.
- Hobbs, William, grant for signed by the Governor, 244.
- Hodgin, John, grant ordered for, 693.
- Holliday, Ambrose, grant to out of Quaker reserve, 817.
- Hollingsworth, Joseph, grant ordered for, 692; petition for land, 788, 790.
- Holloway, John, petition for land, 55; grant for signed by the Governor, 159.
- Holmes, David, petition for land, 135; petition for grant, 384; grant for signed by the Governor, 458.
- Holwell, Luther, petition for land, 528.
- Hood, Jacob, petition for grant, 26, 130.
- Horn, Benjamin, petition for land postponed, 35; petition for land, 255; grant for signed by the Governor, 430.
- Horton, Nicholas, petition for land, 124, 521; grant for signed by the Governor, 352.
- Hosaick, Alexander, petition for land, 712.
- Houlton, Samuel, petition for land, 470.
- House, Robert, grant for signed by the Governor, 188.
- Houstoun, Sir Patrick, grant for signed by the Governor, 40; petition for land, 732, 791; member Commons House, 913.
- Howard, John, petition for reserve, 242; grant ordered for, 692.
- Howell, Caleb, day fixed for hearing caveat, 207; appointed Justice of Peace, 429.

- Howell, David, petition for land, 57, 444; grant for signed by the Governor, 304.
- Howell, James, petition for grant, 24; grant for signed by the Governor, 117; petition for land rejected, 457.
- Howell, John, petition for grant, 506.
- Howell, John, Sr., petition for land, 98, 287; grant for signed by the Governor, 565.
- Howell, Thomas, petition for grant, 266.
- Hubbard, Richard, petition for land, 170.
- Hudson, Charles, petition for land, 314.
- Hudson, Christopher, petition for land, 359, 600, 671.
- Hudson, Hall, petition for land, 133; grant for signed by the Governor, 352.
- Hudson, Robert, petition for grant, 213; grant for signed by the Governor, 279, 492; petition for land, 313, 359, 600, 671.
- Hudson, Samuel, petition for land, 499.
- Hughes, Peter, petition for land postponed, 174.
- Hughes, Philip, petition for land, 219; grant for signed by the Governor, 395.
- Hulagin, Patrick, petition for land, 655.
- Humphries, Joseph, petition for land, 289.
- Humphreys, Joseph, petition for grant, 533; grant for signed by the Governor, 608.
- Hunter, John, grant ordered for, 693.
- Hurson, Harman, grant for signed by the Governor, 910.
- Hurst, Lundy, under sentence of death, petition of, 245.

## I

- Illy, Jacob, petition for land, 889.
- Illy, Michael, petition for land, 924.
- Indians, Creek, required to observe terms of treaty, 248; talk to, 273, 275, make raid on Quaker settlement, 748; commit depredations in Wrightsboro, 749; strong talk to sent by Governor, 750.
- Indians, rum furnished to, 303.
- Inglis, Alexander, petition for land, 405; grant for signed by the Governor, 789.
- Inglis, Alexander & James Cuthbert, executors, petition to register grant, 537.
- Ingram, John, grant ordered for, 697.
- Innes, James, petition for grant, 235.
- Irish Protestants, memorial concerning, 432; further reservation of land for, 435; arrive from Ireland, 671.
- Iron Mine Hill, land at ordered to be reserved, 880.
- Ironmonger, Joseph, grant for signed by the Governor, 117; petition for land rejected, 725; petition for land postponed, 941.

- Irwin; Gerrard, grant for signed by the Governor, 729.  
 Irwin, Jared, petition for land, 481.  
 Irwin, John, appointed Justice of Peace, 429.  
 Irwin, Thomas, petition for land, 10; petition for grant, 345, 395.

## J

- Jackson, Aaron, petition for grant, 209.  
 Jackson, Absolom, grant ordered for, 692.  
 Jackson, Benjamin, petition for land, 833, 926; grant ordered for, 693.  
 Jackson, Colonel, of Augusta, letter from, 491.  
 Jackson, Francis, grant for signed by the Governor, 334.  
 Jackson, Isaac, grant ordered for, 693.  
 Jackson, James, grant for signed by the Governor, 118; appointed Justice of Peace, 429; petition for land, 441, 464; petition for grant, 843.  
 Jackson, John, petition for land, 249, 476, 520, 871; grant for signed by the Governor, 910.  
 Jackson, Thomas, grant ordered for, 691.  
 Jackson, Walter, grant ordered for, 693.  
 Jackson, William, grant for signed by the Governor, 910.  
 Jacquett, Joseph, petitions for land, 3, 4.  
 Jamieson, John, petition for land, 884.  
 Jarman, George, petition for land, 675; grant for signed by the Governor, 855.  
 Jarnegan, Ann, petition for land, 411.  
 Jenkins, Francis, petition for land, 89.  
 Jenkins, Owen, grant for signed by the Governor, 244.  
 Jervey, David, petition for grant, 238, 668.  
 John, Moore, petition for grant, 142; grant for signed by the Governor, 187.  
 Johnson, Andrew, grant for signed by the Governor, 117.  
 Johnson, Benjamin, petition for land, 95, 410; grants for signed by the Governor, 279, 609.  
 Johnson, Joseph, petition for land, 95; grant for signed by the Governor, 279.  
 Johnson, Lewis, grant for signed by the Governor, 244; appointed Justice of Peace, 428; appointed Commissioner at Savannah, 695.  
 Johnson, Margaret, petition for grants, 386, 534; grant for signed by the Governor, 608.  
 Johnson, Nathaniel, petition for reserve, 860.  
 Johnson, William, petition for grant, 27; petition for land, 284; grant for signed by the Governor, 473.  
 Johnson, William Martin, grant for signed by the Governor, 117.  
 Johnston, James, petition for land, 280; grant for signed by the Governor, 473.  
 Joiner, William, petition for land, 663.  
 Jones, Daniel, petition for land, 483.

- Jones, Francis, grant ordered for, 691.  
 Jones, Inigo, petition for land, 918.  
 Jones, James, grants for signed by the Governor, 305, 516; petition for grants, 346, 362, 420, 643.  
 Jones, John, petition for land, 123; grant for signed by the Governor, 279; grant ordered for, 691; land granted to, 853.  
 Jones, Noble, petition for island, 400; appointed Justice of Peace, 428; grant for signed by the Governor, 516.  
 Jones, Noble Wimberly, appointed Justice of Peace, 428; grant for signed by the Governor, 565; member of Assembly, 646, 911; petition for land, 950.  
 Jones, Richard, grant ordered for, 691.  
 Jones, Samuel, petition for land, 495; grant for signed by the Governor, 645.  
 Jones, Thomas, petition for land, 711, 955; petition for grant, 907.  
 Jones, William, petition for grant, 64, 138, 530; grants for signed by the Governor, 118, 161, 492, 565, 942; petition for land, 228, 317, 356, 840; member of Assembly, 647.  
 Jordan, Charles, petition for grant, 905.  
 Jordan, James, petition for land, 887.  
 Jordan, Matthew, petition for land, 805.  
 Jordan, William, petition for land, 622; grant for signed by the Governor, 774.

## K

- Keaton, Edward, appointed Justice of Peace, 429.  
 Kegar, Ulrick, grant for signed by the Governor, 216.  
 Kegle, Christian, affidavit of concerning murders, 332.  
 Kelly, John, caveat against Grant, 982; caveat against Robt. Smallwood, 983.  
 Kelly, Thomas, petition for grant, 325; caveat of against Smallwood, 942.  
 Kelsall, Roger, petition for resurvey, 201; appointed Justice of Peace, 431, 514; petition for land, 823.  
 Kelsall, Roger & Simon Munro, petition to renew warrant, 366; petition for grant, 366, 367; grants for signed by the Governor, 430, 458.  
 Kennedy, Hugh, grant for signed by the Governor, 116; petition for land 379.  
 Kennedy, John, grant ordered for, 697.  
 Kennedy, William, petition for land, 217; grant for signed by the Governor, 430.  
 Kesee, Thomas, petition to register grant, 138.  
 Kieffer, John Jacob, petition for land, 380; grant for signed by the Governor, 565.  
 Kilgore, Ralph, petition for land, 657; petition for grant postponed, 879.  
 Kilgore, William, petition for land, 9; petition for new precept, 558; petition for grant, 967.  
 King, John, petition for grant, 72; grant for signed by the Governor, 159.  
 King, Thomas, petition for land, 53, 674; grant for signed by the Governor, 188.

- Kirkwood, Robert, petition for land, 5, 90; petition for land rejected, 271; grant for signed by the Governor, 334.
- Klein, John, petition for land, 596; grant for signed by the Governor, 789.
- Knobelock, John, petition for land, 359.
- Knobelock, John, grant for signed by the Governor, 539.
- Knox, William, grants for signed by the Governor, 40, 334; grant ordered to pass to, 243.

## L

- Laller, Michael, petition for land postponed, 878.
- Lamb, Abraham, petition for land rejected, 115; caveat against Abraham Odam, 116; petition for land, 178, 252, 722; grant for signed by the Governor, 304.
- Lamb, Thomas, petition for land, 178; grants for signed by the Governor, 279, 458; petition for grant, 385; petition for land postponed, 513.
- Lambert, Andrew, petition for grant, 111.
- Lambert, James, petition for land, 364, 746; grants for signed by the Governor, 395, 820.
- Lamon, James, petition for land, 290, 299.
- Land for public uses reserved on Cumberland Island, 82; on St. Simon's Island, 186.
- Lang, Gottlieb, petition for land, 480.
- Lantor, Jacob, petition for land, 710.
- Large, John, petition for land, 341, 525; petition for grant, 534; grant for signed by the Governor, 608.
- Lastinger, John, grants for signed by the Governor, 84, 984; petition for land, 689, 799.
- Laurens, Henry, grant for signed by the Governor, 40.
- Lawson, Roger, grant for signed by the Governor, 117; petition for land, 805.
- Lazaretto, keeper for, 399; lazaretto to be fumigated, 631.
- Lean, Lambeth, petition for land, 348; grant for signed by the Governor, 395; petition for land, 781.
- Le Conte, John Eatton, petition for land rejected, 562; petition for land, 633.
- Le Conte, William, appointed Justice of Peace, 420; member of Assembly, 647; petition for grant, 842; member Commons House, 912; petition for land, 915.
- Le Conte, William & John Eatton, petition for land, 916.
- Lee, Thomas, petition for land, 50, 257; petition to register grant, 425; grant for signed by the Governor, 473; petition for grant for heirs of Thos. Tripp, 971; petition for grant, 972.
- Leman, James, petition for grants, 536; grants for signed by the Governor, 608, 671.
- Lemke, Herman Henry, grant for signed by the Governor, 188.
- Lemke, Henry Harman, Rev., grant of church lot at Ebenezer to, 351.

- Lemmon, James, grant for signed by the Governor, 630.
- Lemon, James, petition for land, 498, 920; grant for signed by the Governor, 630.
- Lester, Campbell, petition for land, 61.
- Levingston, William, petition for land, 719.
- Lewis, Abraham, petition for grants, 28, 322; grant for signed by the Governor, 369.
- Lewis, Benjamin, petition for land, 136, 690; grant for signed by the Governor, 352; petition to register grant, 723.
- Lewis, David, petition for land rejected, 80; petition for grants, 100, 327, 455, 904; petition for land, 168, 900; grants for signed by the Governor, 187, 983; appointed Justice of Peace, 429.
- Lewis, Isaac, petition for grant, 23; grant for signed by the Governor, 118.
- Lewis, Jacob, petition for land postponed, 728; petition for land, 850.
- Lewis, Joseph, petition for grant, 23; grant for signed by the Governor, 118.
- Lewis, Samuel, grant for signed by the Governor, 118.
- Lewis, Thomas, petition for grants, 24, 148; grants for signed by the Governor, 117, 187.
- Lietner, Viet, petition for land; 960.
- Lightfoot, Philip, petition for land, 887.
- Lightenstone, John, grant for signed by the Governor, 118.
- Limbacker, Christian, petition for land, 251, 637; petition for grant, 641; grant for signed by the Governor, 789.
- Limbacker, George, petition for land, 653; grant for signed by the Governor, 789.
- Linch, John, grant for signed by the Governor, 789.
- Lindsay, Elias, petition for land, 718.
- Lindsey, Moses, grant for signed by the Governor, 216.
- Linn, Thomas, grant ordered for, 691.
- Linsey, Isaac, grant for signed by the Governor, 83.
- Linsey, Moses, petition for grant, 155.
- Linsey, Thomas, petition for land, 14.
- Little River, petition of inhabitants concerning Indian raiders, 246; reserve on for North Carolina families, 303.
- Livingston, William, grant for signed by the Governor, 910.
- Lloyd, Thomas, petition for grant, 25; petition for land, 764, 796.
- Lockerman, Jacob, petition for grant, 66; grant for signed by the Governor, 118.
- Lockner, Israel, petition for land, 865.
- Lockridge, Robert, land held in reserve for, 815.
- Long, Gilbert, grant for signed by the Governor, 670.
- Long, William, petition for land, 675; petition for new precept, 975.
- Lord, Andrew, petition for land rejected, 606.
- Lord, William, petition for land, 194, 651; grant for signed by the Governor, 395; petition for grant, 844.
- Lott, Daniel, petition for land rejected, 36; petition for land, 97; grant for signed by the Governor, 334.



- Lott, John, petition for grant, 365.  
 Lott, John, Sr., petition for grant, 627; grant for signed by the Governor, 670.  
 Lott, Mark, petition for land, 451; petition for grant, 938.  
 Lott, Solomon, petition for grant, 102; grant for signed by the Governor, 187.  
 Love, William, petition for land rejected, 176.  
 Low, Isaac, grant ordered for, 691; petition for land, 965.  
 Loyer, Adrian, grant for signed by the Governor, 188.  
 Lucena, James, petition for land, 703; petition for new precept, 877.  
 Lundy, Abraham, petition for land, 48; petition for grant, 323, 386; petition for land postponed, 425.  
 Lyford, William, petition for land on Cockspur Island, 669.  
 Lyle, Matthew, grant ordered for, 697.  
 Lynch, John, petition for land, 638.  
 Lynn, John, petition for grant postponed, 270; petition for grant, 422; grant for signed by the Governor, 473.  
 Lynn, John, Sr., petition for land postponed, 320.  
 Lynn, Moses, petition for land, 413.  
 Lynn, William, land reserved for, 815.  
 Lyon, Samuel, petition for grant, 349; grant for signed by the Governor, 395.

## M

- Mabley, Thomas, petition for land, 527.  
 Macartan, Francis, petition for grant, 424.  
 Macartan, Francis & Martin Campbell, petition for land, 18; grants for signed by the Governor, 118, 565; petition for grant, 557.  
 Mackay, Alice, petition for land, 339; petition for grant, 559.  
 Mackay, Angus, grant for signed by the Governor, 608, 984; petition for land, 675.  
 Mackay, Donald, petition for land, 228; grant for signed by the Governor, 352; appointed Justice of Peace, 429.  
 Mackay, Donald, & James Spalding, petition for land, 374.  
 Mackay, James, grants for signed by the Governor, 41, 395, 789, 855; petition for land, 268, 517, 738, 746, 752, 882; appointed Justice of Peace, 428; caveat against Jos. Baker, 695; petition for grant, 743; petition for new survey, 787; exchanges land, 982.  
 Mackay, John, grant for signed by the Governor, 187.  
 Mackay, Patrick, grant for signed by the Governor, 697.  
 Mackay, Robert, petition for land, 675; grant for signed by the Governor, 819.  
 Mackay, Robert & John Francis Williams, petition for land, 723.  
 Mackay, Roderic, petition for grant, 70; grant for signed by the Governor, 118; petition for land postponed, 206; petition for land, 354, 598, 633.  
 Mackay, William, grant ordered for, 697.

- Mackenzie, Donald, petition for grant, 76; grant signed by the Governor, 161.
- Mackenzie, George, grant for signed by the Governor, 216.
- Mackenzie, William, petition for land, 45; petition for grant, 147; petition for negro under sentence of death, 246; grant for signed by the Governor, 609.
- Mackintosh, Alexander, grant for signed by the Governor, 118.
- Mackintosh, George, petition for lot in Frederica, 79; grants for signed by the Governor, 83, 188, 217, 608; petition for land, 165, 404, 724, 948; appointed Justice of Peace, 429, 431.
- Mackintosh, Lachlan, petition for land, 46, 404; grants for signed by the Governor, 84, 629; warrant issued to recalled, 282; appointed Justice of Peace, 429, 431; petition for survey to be received, 537; petition for new precept, 935.
- Mackintosh, William, grants for signed by the Governor, 84, 493, 729, 881; petition for land, 196, 372, 599, 672, 734, 962; petition for new precept, 392.
- Maddox, Joseph, petition for land, 549; petition for land for Quakers, 554.
- Maddock, Joseph, & Jonathan Sell, petition for land for Quakers, 690; grant ordered for, 691; land ordered to for cowpen, 694; petition in behalf of single men in Wrightsboro, 814.
- Maltby, John, petition for saw-mill land, 438.
- Manly, Mary, petition for land, 173.
- Mann, John, petition for land, 251, 550, 826; petition for grant, 508, 812, 976; grants for signed by the Governor, 565, 729.
- Mann, Luke, petition for land, 16, 317, 328; grants for signed by the Governor, 395, 729, 819.
- Maran, Charles, petition for land, 317; grant for signed by the Governor, 645.
- Marks, Richard, petition for land, 482.
- Marshall, Matthew, petition for land, 224; petition for grant, 684; grant for signed by the Governor, 751.
- Martin, Clement, Sr., petition for land, 260, 371; petition for Jekyl Island, 402; appointed Justice of Peace, 428; John Stevens grant to pass to, 514.
- Martin, Clement, Jr., petition for land, 434, 632, 856; appointed Justice of Peace, 428.
- Martin, James, grant for signed by the Governor, 160.
- Martin, John, petition for land, 106, 192, 436, 462, 612; grants for signed by the Governor, 188, 305, 695, 774; appointed Justice of Peace, 429; grant ordered for, 697; petition for grant of land ordered Brantley, 811.
- Martin, Oliver, grant for signed by the Governor, 160.
- Massman, James, petition for land rejected, 242.
- Mater, James, petition for land, 766.
- Matthews, Oliver, grant ordered for, 602.
- Matthews, Thomas, grant to out of Quaker reserve, 817.
- Matthewson, Hugh, petition for land, 312; grant for signed by the Governor, 458.
- Mattier, Lewis, grant for signed by the Governor, 84; petition for land, 705, 797; caveat heard, 880.

- Mauve, Matthew, petition for land, 283; grant for signed by the Governor, 459.
- Maxwell, Audley, appointed Justice of Peace, 429.
- Maxwell, James, petition for grant, 202; petition for land, 753, 776; appointed Commissioner of Ogechee Ferry, 944.
- Maxwell, James, Jr., petition for grant, 484; grant for signed by the Governor, 539.
- Maxwell, Thomas, petition for land, 45, 85, 261; grant for signed by the Governor, 117, 304, 305.
- Maxwell, William, petition for land, 703; petition for grant, 939.
- May, William, petition for land, 864.
- Mayer, Michael, petition for land, 677.
- McBride, Margaret, petition for land, 252.
- McCarty, Daniel, grant ordered for, 691.
- McCleland, Brice, petition for land, 757; grant for signed by the Governor, 984.
- McCleland, Mary, petition for land, 719.
- McCleod, Donald, grant for signed by the Governor, 819.
- McClen, Robert, grant ordered for, 691.
- McCloud, Murdoc, petition for land, 54; grant for signed by the Governor, 188.
- McConchey, William, grant ordered for, 698.
- McCorie, Andrew, grant for signed by the Governor, 729.
- McCulloch, John, petition for grant, 235; petition for land, 673.
- McCulloch, John, Jr., petition for land, 757; grant for signed by the Governor, 855.
- McCulloch, Mary, petition for grant, 624; grant for signed by the Governor, 670.
- McCulloch, Patrick, grant ordered for, 698.
- McCulloch, John, Grant for signed by the Governor, 352.
- McCullough, Mary, petition for new precept, 78.
- McCurrie, Andrew, petition for grant, 101; grants for signed by the Governor, 187, 395; petition for land, 292, 548; appointed Justice of Peace, 789.
- McDaniel, George, grant for signed by the Governor, 334.
- McDaniel, James, petition for land, 60.
- McDonald, Alexander, petition for land postponed, 561; petition for land, 661.
- McDonald, Charles, petition for land, 203; grant for signed by the Governor, 304.
- McDonald, George, petition for land, 447; grant for signed by the Governor, 608.
- McDonald, William, petition for land, 51, 262; grants for signed by the Governor, 304, 473; petition for grant, 417.
- McDonnald, John, petition for land, 678; grant for signed by the Governor, 819.
- McDonnald, William, petition for land, 832.
- McDowell, George, grant for signed by the Governor, 630.
- McDowell, Thomas, petition for land, 762.
- McFarland, James, land reserved for, 817; petition for land, 928.
- McFarlein, John, petition for grant, 182.
- McFarlen, John, grant for signed by the Governor, 244.
- McFarlin, James, petition for land, 700.

- McFarlin, John, petition for land, 209.
- McGillivray, Lachlan, petition for lots, 200, 219; grants for signed by the Governor, 305, 608, 645, 910; petition for land, 403, 461, 775, 857; appointed Justice of Peace, 428; petition concerning garden lot postponed, 488; petition for grant, 556; garden lot granted to, 563; member of Assembly, 646.
- McGuire, Peter, petition for land, 926.
- McHenry, James, petition for grant, 155; grant for signed by the Governor, 217.
- McIlroy, Adam, grant ordered for, 698.
- McIntosh, George, member of Assembly, 647.
- McIntosh, Lachlan, petition for land, 196.
- McIntosh, Robert, petition for bounty, 678.
- McIntosh, Roderic, petition for land, 195.
- McIntosh, William, grants for signed by the Governor, 117, 645, 942; petition for new precept, 212.
- McIntosh, Winwood, grant for signed by the Governor, 40.
- McKay, Angus, petition for grant, 902.
- McKelvey, James, grant ordered for, 698.
- McKenna, Charles William, caveat against heard, 644.
- McKenzie, William, petition for grant, 535.
- McKinnen, Charles William, petition for land, 518.
- McLean, John, petition for grant, 29; grants for signed by the Governor, 117, 566; petition for land, 371, 824, 859, 917; appointed Justice of Peace, 428; petition for reserve, 917.
- McLeod, Roderic, grant for signed by the Governor, 84.
- McMurphay, Daniel, petition for land, 466.
- McMurphy, Daniel, petition for land, 760.
- McMurrin, William, petition for land, 13.
- McMurrin, William, petition for land, 837.
- McNeill, Daniel, grant ordered for, 698.
- McNovrill, William, petition for land, 837.
- Meally, John, petition for land, 760.
- Mearn, Charles, petition for new precept, 605.
- Memorial of Chief Justice and Provost Marshal relative to jail, 393; of John Rae, etc., concerning land reserved for Irish Protestants, 432; concerning cryer for the court, 946.
- Mercer, John, grant for signed by the Governor, 334.
- metzgar, Jacob, grant for signed by the Governor, 620.
- Metzger, Jacob, petition for land, 445; grant for signed by the Governor, 608.
- Meyer, Jacob, petition for land, 595; grant for signed by the Governor, 751.
- Mick, Frederic, petition for land, 889.
- Middleton, Arthur, petition for land, 542.
- Middleton, Holland, Jr., petition for land, 709; land reserved for, 816.
- Middleton, Holland, grant to out of Quaker reserve, 817.

- Middleton, Hugh, petition for land, 658; petition for grant, 874; grant for signed by the Governor, 942.
- Middleton, Robert, land reserved for, 815.
- Middleton, William, petition for land postponed, 381; petition for land, 673; grant for signed by the Governor, 820.
- Miles, William, petition for land, 784; grant ordered for, 693.
- Milledge, John, petition for land, 120, 226; grant for signed by the Governor, 395; appointed Justice of Peace, 428; member of Assembly, 646, 911.
- Milledge, Richard, petition for grants, 28, 105; grants for signed by the Governor, 160, 188.
- Millen, Stephen, petition for land, 521, 544; grants for signed by the Governor, 789.
- Miller, David, petition for land, 678; petition for new precept, 936.
- Miller, Elias, petition for grant, 141; grant for signed by the Governor, 216.
- Miller, John, petition for land, 761.
- Miller, Nathaniel, petition for land, 48, 523.
- Miller, Samuel, petition for grants, 181; grants for signed by the Governor, 216, 855.
- Miller, Stephen, petition for grant, 744.
- Mills, William, grants for signed by the Governor, 116.
- Mims, Richard, petition for land, 302; petition for land rejected, 319.
- Mingestoff, George, petition for land, 891.
- Minis, Abigail, petition for grants, 65, 505; grants for signed by the Governor, 161, 608; petition for new precept, 391; petition for land, 949.
- Mitchell, John, petition for grants, 414, 509; grant for signed by the Governor, 609.
- Mitchell, William, grant ordered for, 693.
- Mobley, James, grant for signed by the Governor, 671.
- Mobley, Thomas, grant for signed by the Governor, 670.
- Mobley, William, petition for land, 865.
- Montaigut, David, appointed Justice of Peace, 428.
- Montgomery, Barrot, petition for land, 204; grant for signed by the Governor, 352.
- Montgomery, David, petition for grant, 298.
- Moodie, Ann, petition for land, 17; grant for signed by the Governor, 83.
- Moodie, Thomas, petition for town lot, 88; grants for signed by the Governor, 40, 335; appointed Justice of Peace, 428.
- Mooney, James, grant ordered for, 691.
- Moore, Aaron, petition for land, 851.
- Moore, Andrew, grant ordered for, 698.
- Moore, Giles, petition for land, 358; petition for grant, 681.
- Moore, Jacob, petition for land, 598; petition for grant, 769; grant for signed by the Governor, 820.
- Moore, John, grant to out of Quaker reserve, 817.

- Moore, Matthew, grant ordered for, 697.  
Moore, Mordecai, grant to out of Quaker reserve, 817.  
Moore, Richard, grant ordered for, 691; petition for land, 928.  
Moore, Thomas, grant to out of Quaker reserve, 817.  
Moore, William, grants for signed by the Governor, 187, 458; petition for land, 208, 308.  
More, Joseph, petition for land, 893.  
Morel, John, petition for land, 191, 439; petition for grants, 664, 876; member of Assembly, 911.  
Morell, John, grant for signed by the Governor, 942.  
Moreman, Catharine, petition for grant, 31.  
Morer, John, petition for land, 92, 925.  
Morgan, Robert, petition for land, 551.  
Morgan, Thomas, petition for grant, 240; petition for reserve, 269; grant for signed by the Governor, 304; petition for land, 825, 953.  
Morris, John, petition for grant, 264; petition for land, 301; grant for signed by the Governor, 334.  
Morrison, Adam, grant ordered for, 698.  
Morrison, John, grant ordered for, 698.  
Morrow, George, grant ordered for, 692.  
Morrow, James, grant ordered for, 692.  
Morse, John, petition for grants, 27, 139, 415; grant for signed by the Governor, 473.  
Moses, Jacob, petition for land, 802.  
Mossman, James, Commissioner to repair Christ Church, 648; petition for land, 753.  
Motte, Abraham, petition for land, 197.  
Moxley, William, petition for land, 480; grant for signed by the Governor, 670.  
Mozoe, Daniel, petition for land, 253; grant for signed by the Governor, 459.  
Muckinfuss, Joseph, petition for land, 866, 922.  
Mulkey, John, grant for signed by the Governor, 855.  
Mulkey, Jonathan, petition for saw mill land, 131; petition for grants, 388, 485, 767; grant for signed by the Governor, 789.  
Mulkey, Moses, petition for land, 57, 483; petition for land rejected, 361; petition for land postponed, 393.  
Mulryne, John, member of Assembly, 646, 911.  
Mullryne, Catherine, grants for signed by the Governor, 40, 161.  
Mullryne, Claudia, grant for signed by the Governor, 116.  
Mullryne, John, petition for land, 122; grants for signed by the Governor, 161, 305; caveat against not sustained, 281; appointed Justice of Peace, 428.  
Munford, Robert, petition for land rejected, 175.  
Munro, Simon, petition for land, 201.  
Munroe, James, petition for grant, 684; grant for signed by the Governor, 729.  
Murphey, Joseph, petition for land, 79.

Murphey, William, petition for grant, 324; grant for signed by the Governor, 473.  
 Murphy, Edward, grant ordered for, 693.  
 Murphy, John, petition for land, 807.  
 Murphy, William, petition for land, 16.  
 Murray, David, petition for land rejected, 563.  
 Murry, John, grant ordered for, 693.  
 Muter, James, petition for land, 440, 465; grant for signed by the Governor, 492, 819; petition for new precept, 624.  
 Myers, Jacob, petition for land, 93.

## N

Nash, Thomas, petition for land, 14; caveat of against Jos. Brantley, rejected, 281; petition for new warrant, 299.  
 Nelson, John, petition for land, 34; petition for grants, 264, 387.  
 Nelson, John & Thomas, grant for signed by the Governor, 160.  
 Nephew, Peter, petition for land, 8, 91, 831; petition for grant, 73.  
 Netherclift, Thomas, petition for land, 164, 587, 719; grants for signed by the Governor, 789.  
 Nielson, Nicholas, petition for land, 519; grant for signed by the Governor, 566.  
 Ninion, Mary, petition for land, 800.  
 Niess, John, petition for land, 377; grant for signed by the Governor, 565.  
 Nix, James, petition for land, 446.  
 Noddings, George, petition for reserve, 205.  
 Nolebay, Christopher, petition for land, 359.  
 Noleboy, James, petition for grant, 600.  
 Norton, William, caveat against, 282; petition concerning son's land, 605; grant for signed by the Governor, 751.  
 Norton, William, Jr., petition for grant, 667.  
 Nunes, Moses, sent to passify Indians, 333.

## O

Oates, John, petition for land, 777, 838.  
 Oats, John, grant for signed by the Governor, 924.  
 O'Berry, James, petition for land, 96; grant for signed by the Governor, 335; petition for land rejected, 941.  
 O'Bryan, David, petition for grant, 142; grants for signed by the Governor, 187.  
 O'Bryan, Patrick, petition for land, 129.  
 O'Bryan, Thomas, petition for land postponed, 173.  
 O'Bryan, Timothy, petition for grant, 143; grant for signed by the Governor, 187.  
 O'Bryan, William, petition for land, 308.

- Odam, Abraham, caveat against, 116.  
Odam, Abraham, Sr., grant for signed by the Governor, 116.  
Odam, Abraham, Jr., grant for signed by the Governor, 217.  
Odam, Ephraim, petition for land, 715; grant for signed by the Governor, 910.  
Odam, Frederic, petition for grant, 149; grant for signed by the Governor, 187.  
Odam, Isaac, petition for land postponed, 878.  
Odam, Jacob, petition for land, 376; petition for grant, 626.  
Odam, Joshua, petition for land postponed, 878; petition for land, 930.  
Odam, William, petition for land postponed, 115; petition for grant, 262; petition for land, 316; grants for signed by the Governor, 334, 492.  
O'Daniel, Isaac, petition for land, 221.  
O'Daniel, Owen, petition for grants, 71, 141, 263, 455; grants for signed by the Governor, 539; petition for land, 798.  
Odensall, Charles, petition for land, 915.  
Odensell, Charles, petition for land, 858, 884; member Commons House, 912.  
Ogleby, James, grant for signed by the Governor, 160.  
Ogliby, James, grant for signed by the Governor, 83.  
Oliver, Alexander, grant ordered for, 693; petition for land, 709.  
Oliver, James, grant ordered for, 693; petition for land, 709.  
Oliver, John, grant ordered for, 692.  
Oliver, Samuel, grant ordered for, 691.  
Oran, Robert, petition for land, 482, 785; grant for signed by the Governor, 820.  
Ordner, Adam, petition for land, 337.  
Ordner, Henry, petition for land, 337; grant for signed by the Governor, 516.  
Orr, Benjamin, petition for grant, 234; grant for signed by the Governor, 279.  
Osgood, John, Jr., petition for land, 885.  
Osgood, Josiah, Jr., petition for land, 885.  
O'Sheals, Daniel, petition for land, 89, 130.  
Oswald, Joseph, grant for signed by the Governor, 459.  
Oswell, Joseph, petition for land, 355, 807; grant for signed by the Governor, 855.  
Ottolenghe, Joseph, appointed Justice of Peace, 428.  
Outerbridge, White, petition for bounty land, 493; grant for signed by the Governor, 645.  
Overton, Aaron, petition for land, 256; petition for grant, 470; grant for signed by the Governor, 516.  
Owen, Ephraim, grant to out of Quaker reserve, 818.  
Oxe, Frederic, petition for land, 617.  
Oxlin, John, grant for signed by the Governor, 83.



## P

- Pace, Knowles, petition for land, 661; petition for grant, 845; grant for signed by the Governor, 881.
- Pace, Thomas, petition for land, 131; petition for grant, 665; grant for signed by the Governor, 774.
- Pannell, William, petition for land, 378.
- Parker, Ann, grant for signed by the Governor, 160.
- Parker, Joseph, grant for signed by the Governor, 161.
- Parkins, Christian, grant for signed by the Governor, 820.
- Parkinson, John, petition for land, 135, 793; petition for grant, 384; grant for signed by the Governor, 458.
- Parris, Peter, petition for land, 676; petition for grant, 903.
- Parry, Francis, grant for signed by the Governor, 39; petition for grant, 625.
- Parsley, Nathaniel, petition for land, 682; grant for signed by the Governor, 729.
- Patten, John, grant for signed by the Governor, 279.
- Patton, John, petition for land, 5.
- Peacock, Thomas, petition for land, 200, 413, 526, 547, 634; petition for grant, 266, 769; grants for signed by the Governor, 305, 473, 729, 820.
- Pearce, James, petition for land, 96.
- Pearse, Edmund, grant for signed by the Governor, 608.
- Pearse, James, petition for grant, 641.
- Peat, Jonathan, petition for land, 839.
- Peirce, James, grant for signed by the Governor, 244.
- Pendry, William, petition for grant, 180; grant for signed by the Governor, 244.
- Pennington, Edward, petition for land, 894.
- Penny, John, petition for grant, 114.
- Penshear, Jean, petition for grant, 558.
- Penson, Aaron, petition for grant, 181; grant for signed by the Governor, 334.
- Peor, Robert, see Pior.
- Perkins, Christian, petition for land, 381.
- Perkins, John, grant to out of Quaker reserve, 817.
- Perkins, Peter, grant ordered for, 692.
- Perkins, Thomas, grant for signed by the Governor, 118.
- Perry, Isaac, grant for signed by the Governor, 117, 458; petition for land, 131.
- Perry, John, grant ordered for, 692.
- Perry, Joseph, petition for land postponed, 320; petition for land, 374; petition for grant, 627.
- Petty, Henry, petition for land, 497.
- Pettygrew, Jane, grant for signed by the Governor, 370.
- Phelps, William, petition for land, 838.
- Phillips, James, petition for land, 754.
- Phillips, Peter, grant ordered for, 693.

- Pierce, Edmund, petition for land, 440; grant for signed by the Governor, 630.  
Pierce, James, petition for land, 221.  
Pierce, Joshua, petition for land, 523; petition for grant, 721.  
Piercy, Joseph, grant for signed by the Governor, 729.  
Pierse, Edmund, petition for land, 203.  
Pilscher, William, petition for grant, 932.  
Pilsher, Edward, petition for land, 407; petition for grant, 683; grant for signed by the Governor, 751.  
Pilsher, William, petition for land, 553.  
Pinnell, William, petition for land, 501.  
Pinson, Aaron, petition for grant, 267.  
Pior, Robert, petition for land, 886.  
Planton, Christopher, petition for land, 964.  
Plummer, Micajah, petition to register grant, 268.  
Polhill, Hannah, grant for signed by the Governor, 116.  
Polson, John, appointed Justice, 429; petition for land, 952.  
Pool, Catherine, petition for land, 286.  
Pooler, Quintin, petition for land, 706.  
Ponshear, Jean, petition for land, 358.  
Ponshear, John, grant for signed by the Governor, 608.  
Porter, William, petition for land, 11, 850; grant for signed by the Governor, 279.  
Port, James, petition for land, 777, 826.  
Poulson, John, petition for land, 79; appointed Justice of Peace, 429.  
Powder money, address of Commons House concerning, 81.  
Powell, Captain, to adjust salvage, 492.  
Powell, James Edward, petition for land, 41, 120; appointed Justice of Peace, 428; grants for signed by the Governor, 645.  
Powell, Josiah, petition for land, 886.  
Powell, William, petition for land, 62, 80; petition for grants, 211, 420, 492; grant for signed by the Governor, 279; petition for land rejected, 538.  
Presbyterian congregation at St. Andrews, land granted to, 280.  
Preston, Henry, petition for lot postponed, 242; appointed Justice of Peace, 428; petition for land, 674; petition for new precept, 975.  
Prethro, Solomon, petition for land, 311; grant for signed by the Governor, 492.  
Price, John, petition for land, 795.  
Price, William, petition for land, 221.  
Pryce, Charles, appointed Justice, 428; petition for land, 475; grants for signed by the Governor, 608, 629.  
Pryce, Charles, Jr., petition for land, 958.  
Public accounts audited, 188, 397, 472, 912.  
Pugh, Francis, petition for land, 222; grant for signed by the Governor, 430; petition for grant, 933.  
Pugh, James, appointed Justice, 352; appointed Justice of Peace, 429.

## Q

- Quakers, for whom land was reserved, arrive, 432; land reserved for, 699, 816.  
 Quarterman, Robert, petition for land, 963.  
 Quarterman, Thomas, petition for land, 88, 756, 822, 862; grant for signed by the Governor, 334; land ordered for, 818.  
 Queensboro, church site laid out in, 788; township of land is exempt from quit rents, 981.  
 Quinlin, John, petition for land, 850.

## R

- Rabenhurst, Christian, appointed Justice of Peace, 429.  
 Raddick, John, petition for land, 94, 149; grant for signed by the Governor, 305.  
 Radick, John, petition for grant, 232.  
 Rae, John, petition for grants, 145, 326, 743; petition for land, 194, 437, 701, 857; grants for signed by the Governor, 216, 370, 608, 630, 789, 910; appointed Justice of Peace, 429; member of Assembly, 912.  
 Rae, John, Jr., grant for signed by the Governor, 216.  
 Rae, Robert, George Whitfield & Co., petition for land, 827.  
 Rahn, Conrade, grant for signed by the Governor, 244.  
 Rambo, ———, petition for land, 964.  
 Rand, Waffe, petition for land, 500; grant for signed by the Governor, 645; petition concerning land granted Philip Delegal, 772.  
 Randon, Peter, petition for land rejected, 37; caveat against Samuel Savery, 281; petition for land, 443; petition for land rejected, 877.  
 Rainer, Francis John, petition for land, 777.  
 Raines, Joseph, petition for land, 741, 922; caveat heard, 880.  
 Raiser, Dorothy, petition for grant, 239.  
 Raser, Israel, petition for land, 57; grant for signed by the Governor, 279.  
 Ratliff, Mark, petition for land postponed, 302.  
 Read, James, petition for land, 42, 882; petition for grant, 42, 969; grant for signed by the Governor, 160, 279; Commissioner to repair Christ Church, 648; appointed trustee for regulating the market, 648.  
 Red, John, petition for land, 783.  
 Red, Reuben, petition for land, 596; petition for grant, 767; grant for signed by the Governor, 789.  
 Red, Thomas, petition of to be heard on caveat, 206; petition for grant, 904.  
 Reddock, Colin, member of Assembly, 911.  
 Reddy, Thomas, petition for land, 198, 356; petition for new precept, 679.  
 Rees, Daniel, petition for land, 661.  
 Reeves, John, petition for land, 16; grant for signed by the Governor, 279.

- Reily, Patrick, petition for land, 307.  
Reinier, John Francis, petition for land, 757.  
Reitter, Michael, grant for signed by the Governor, 729.  
Reitter, Peter, grant for signed by the Governor, 305.  
Remshart, John, petition for land, 291; grant for signed by the Governor, 473.  
Rentz, John, petition for land, 979.  
Resta, Frederic, petition for grant, 101; grants for signed by the Governor, 160, 984; petition for land, 829.  
Rian, John, grant for signed by the Governor, 789.  
Richards, John, petition for land, 705; grant for signed by the Governor, 789.  
Richardson, Daniel, petition for land, 660.  
Richardson, Samuel & Susannah, petition of to register grant, 17.  
Rietter, Michael, petition for land rejected, 174.  
Rietter, Peter, petition for grant, 233.  
Ring, Christopher, petition for land rejected, 344; petition for land, 413, 829, 962; grant for signed by the Governor, 473.  
Rippon, Joseph, petition for land, 761.  
Roberts, Benjamin, petition for land postponed, 319.  
Roberts, James, petition for grant, 19; grant for signed by the Governor, 117, 304; petition for land, 615.  
Roberts, John, petition for grant, 150; grant for signed by the Governor, 216; petition for land, 806.  
Roberts, Josiah, petition for land, 595; grant for signed by the Governor, 751.  
Robinson, John, petition for land rejected, 727.  
Robinson, Sylvanus, grant for signed by the Governor, 244; petition for land, 780.  
Robinson, Townsend, grant for signed by the Governor, 83; petition for land rejected, 472.  
Robson, Clotworthy, grant ordered for, 697.  
Robson, Clotworthy & William Harding, petition for land, 828.  
Roche, Matthew, grant for signed by the Governor, 41, 334; petition for land, 85.  
Rock, John, petition for land, 771.  
Rogers, John, petition for land, 738; grant to out of Quaker reserve, 818.  
Rolland, widow, petition for land, 172.  
Rolland, Christian, petition for new precept, 390; grant for signed by the Governor, 493.  
Rollinson, George, petition for land, 449; grant for signed by the Governor, 608, 629.  
Romans, Barnard, petition for land, 171, 338, 414, 501; grant for signed by the Governor, 352.  
Rosebrouch, George, petition for land, 714.  
Rosebrook, George, petition for land, 977.  
Ross, Hugh, petition for land, 651; petition for grant, 871; grant for signed by the Governor, 942.

Ross, James, petition for land, 927.  
 Ross, John & William, petition for land, 827.  
 Ross, Thomas, petition for land, 792.  
 Rossell, James, Theodore, petition for land, 122.  
 Rotenburger, Christian, petition for lots in Ebenezer, 93; petition for land, 523.  
 Rotenburger, Christopher, petition for land, 523.  
 Rotlen, John, petition for land, 340.  
 Ryal, Arthur, petition for land rejected, 361.  
 Ryan, Daniel, petition for grant, 321, 390, 808; petition for land, 799, 893.  
 Ryan, John, petition for land, 357; petition for grant, 745.  
 Rum furnished Indians in recompense for houses burned, 303.  
 Russell, David, grant ordered for, 697.  
 Russell, William, Commissioner to repair Christ Church, 648.  
 Rutherford, James, petition for grant, 600.

## S

Sall, Henry, land reserved for, 814.  
 Sall, Jonathan, land reserved for, 814.  
 Sallens, Peter, petition for land, 7; petition for grant, 389; grant for signed by the Governor, 459; member of Assembly, 647.  
 Saltus, Samuel, petition for land, 673, 705.  
 Samson, Robert, grant ordered for, 698.  
 Samson, Samuel, land reserved for, 815.  
 Sanders, Joshua, petition for land, 711; petition for grant, 966.  
 Sanders, William, petition for land, 12, 376; grant for signed by the Governor, 516.  
 Sapp, Abraham, grant for signed by the Governor, 216.  
 Sapp, Elijah, grant for signed by the Governor, 855.  
 Sapp, Jesse, petition for land, 960.  
 Sapp, John, petition for grant, 185; grant for signed by the Governor, 244.  
 Sapp, William, petition for land, 803.  
 Sarzedas, Abraham, petition for land, 373; grant for signed by the Governor, 539.  
 Saunders, Joseph, grant ordered for, 607.  
 Saunders, Samuel, petition for land rejected, 319; petition for land postponed, 343.  
 Saunders, William, petition for land, 291; grant for signed by the Governor, 473.  
 Savage, Loveless, petition for land, 468, 502; petition for grants, 471, 554, 846; grants for signed by the Governor, 645, 729.  
 Savage, Robert, petition for grant, 231; grant for signed by the Governor, 305.  
 Savage, Thomas, petition for land, 821, 854; grant for signed by the Governor, 984.

- Javery, Samuel, caveat against not sustained, 281; petition for land, 737; petition for grant, 969.
- Saxe, Daniel, petition for land, 833.
- Scent, Solomon, petition for land, 91; grant for signed by the Governor, 689.
- Scott, Hamilton, petition for new precept, 680; petition for lot, 689.
- Screven, James, petition for land, 917.
- Scruggs, Richard, petition for land, 52, 196; petition for grant, 53; grant for signed by the Governor, 279; petition for land postponed, 426.
- Searcher of Customs, additional fees allowed to, 350.
- Sell, Jonathan, grant ordered for, 691.
- Sellers, John, petition for grant, 382; grant for signed by the Governor, 473.
- Seymour, James & Alexander Findlay, petition for land, 778.
- Shand, Peter, petition for land, 316; grant for signed by the Governor, 492.
- Sharp, Henry, petition for land, 227, 313; petition for grant, 688.
- Sharp, John, petition for land, 717.
- Sharp, Lydia, petition for land, 90; grant for signed by the Governor, 334.
- Sharrod, Alexander, petition for land, 704; caveat heard, 880.
- Sheftall, Hannah, petition for land rejected, 115; petition for land, 126; grant for signed by the Governor, 280.
- Sheftall, Mordecai, petition for land, 3, 199; petition for grant, 179, 506; grants for signed by the Governor, 279, 280, 516, 565; petition for Barrel's land, 301; petition to renew warrant, 368; petition for Lambert's land, 418, 450; petition for cowpen site, 779.
- Sheftall, Levi, grants for signed by the Governor, 41, 280, 516; petition for grant, 179; petition to register grant, 186; petition for Barrel's land postponed, 301; petition for Lambert's land, 418, 450; petition for land, 797.
- Sheppard, Nathaniel, petition for land, 835.
- Sherrard, Alexander, petition for land, 892.
- Sherrod, Alexander, petition for land, 783.
- Shevers, James, petition for grant, 906.
- Shick, John, petition for reserve land postponed, 425; petition for land, 929.
- Ship carpenters to perform quarantine, 565.
- Shirley, William, petition for land postponed, 35; petition for land, 137; petition for grants, 140, 267, 813, 872; grant for signed by the Governor, 942.
- Shrimp, John Frederic, petition for land, 758; grant for signed by the Governor, 983.
- Shrimp, Solomon, petition for land, 379; grant for signed by the Governor, 565.
- Shruder, Thomas, petition for land, 765, 863; grant for signed by the Governor, 789.
- Swidwell, John, grant ordered for, 692.
- Silk-culture, accounts for audited, 306, 644; persons named to adjust the salvage of silk, 492.

- Simpson, John, grants for signed by the Governor, 40, 539, 729, 789, 855; petition for land, 165, 372, 611, 786; appointed Justice of Peace, 429, 514; sworn Clerk of Assembly, 647; member of Assembly, 647; petition for grant, 741; member Commons House, 913.
- Simpson, William, petition for sawmill land, 43; petition for grant, 43; grants for signed by the Governor, 117, 279; appointed Justice, 428.
- Sims, Thomas, petition for land, 59, 635; grants for signed by the Governor, 117, 820, 855; petition for grant, 846.
- Singleton, Philip, petition for land, 524; petition for grant, 681.
- Skelly, William, grant ordered for, 698.
- Skillins, Elizabeth, petition for grant, 33; grant for signed by the Governor, 160.
- Slater, John, grant ordered for, 692.
- Sliterman, Peter, petition for grant, 298; grants for signed by the Governor, 370, 910; petition for land, 707.
- Slocum, Seth, petition for land, 620.
- Small-pox on board ship, 540; among negroes on brig "Britannia" from Africa, 699.
- Small, Samuel, petition for land rejected, 243.
- Smallwood, Matthew, petition for land, 649; petition for grant, 686; grant for signed by the Governor, 729.
- Smallwood, Robert, petition for land, 593, 839; grant for signed by the Governor, 881.
- Smart, Thomas, petition for land postponed, 302.
- Smith, Charles, petition for grant, 529; grant for signed by the Governor, 565.
- Smith, Ebenezer, petition for land, 657; petition for grant, 965.
- Smith, Job, petition for land, 759.
- Smith, John, grant for signed by the Governor, 188, 458; petition for land, 257, 613; named to adjust salvage, 492; member of Assembly, 647.
- Smith, Nicholas, petition for land, 594; grant for signed by the Governor, 819.
- Smith, Richard, grant to out of Quaker reserve, 817.
- Smith, Stephen, petition for land, 752.
- Smith, Zacharias, petition for land postponed, 208.
- Snyed, Henry, petition for land, 758.
- Snyder, Henry, grant for signed by the Governor, 983.
- Solomons, Solomon, petition for land, 724.
- Sotherton, Richard, petition for lot in Augusta, 809.
- Spalding, James, petition for land, 7, 497, 791; petition for new precept, 269, 680; petition for grant, 687, 849.
- Spencer, Thomas, petition for land, 825.
- Spencer, William, appointed Justice of Peace, 428.
- Springle, Charles, petition for land, 104.
- Stacey, John, petition for land, 239, 354; grant for signed by the Governor, 539.
- Stacy, John, grant for signed by the Governor, 459.
- Stafford, John, grant for signed by the Governor, 789.

- Stafford, Joshua, petition for grant, 976.
- St. Andrew's Parish, petition of inhabitants of concerning roads, 514.
- Stanhope, John, appointed keeper of the lazaretto, 427; petition for land, 725.
- Steadman, William, petition for land, 623; petition for island, 706.
- Stedham, John, petition for land, 761.
- Stedman, William, grant for signed by the Governor, 775.
- Stedler, Peter, petition for land, 312; petition for grant, 786; grant for signed by the Governor, 820.
- Steffard, John, petition for land, 290.
- Stefford, John, petition for land, 745.
- Steiner, Christian, petition for land, 197; petition for grant, 388.
- Steiner, David, petition for land, 224; grant for signed by the Governor, 430.
- Stephens, Samuel, grant for signed by the Governor, 645.
- Stephenson, Walter, grant ordered for, 697.
- Stevens, John, petition for land, 86, 916; grants of to pass to Clement Martin, 514; member of Assembly, 912.
- Stevens, Joseph, grants for signed by the Governor, 187, 352; petition for land, 198.
- Stevens, Samuel, petition for land, 462, 884.
- Stewart, Ann, petition for land, 950.
- Stewart, James, petition for land, 6, 192, 612, 742; grants for signed by the Governor, 116, 280, 395, 819, 942; petition to resign warrant and secure other land, 674.
- Stewart, John, appointed Justice, 428; petition for land, 710, 850.
- Stewart, John, Jr., land reserved for, 816.
- Stewart, Michael, petition for grant, 72.
- St. George's Parish, county court for, 397; organization in to punish Indians, 515; church site and glebe ordered for, 788.
- St. George & St. Paul Parishes, how justices shall grant certificates of character, 852.
- Stiener, Christian, grant for signed by the Governor, 751.
- Stiles, Samuel, petition for reserve, 747; grant ordered for, 818; grant for signed by the Governor, 855.
- Stiles, Samuel & Benjamin, petition for land, 796.
- Stincey, Archibald, petition for land, 955.
- Stirk, Benjamin, grant for signed by the Governor, 40; appointed Justice of Peace, 514; petition for land, 883.
- Stirk, John, petition for land, 704, 861; petition for survey, 809; petition for grant, 970.
- Stöne, Andrew, petition for land, 71; petition for grant, 188.
- Story, Robert, petition for land, 759; petition for grant, 967.
- St. Paul's Parish, justices for to serve as justices in St. George and St. Matthew Parishes 216; county court for, 397; glebe for use of minister of, 397; additional land ordered for, 747; land reserved for, 880.



- Strafford, Joshua, petition for land, 619.  
 Strauhager, Rodolph, grant for signed by the Governor, 645.  
 Strawhager, Rodolph, petition for land, 602.  
 Street, John, petition for grant, 236; grant for signed by the Governor, 352.  
 Stricklin, Henry, petition for land, 771.  
 Stricklin, Jacob, petition for land, 759.  
 Striegel, George, grant for signed by the Governor, 83.  
 Stringer, Francis, petition for sawmill land, 52.  
 Stubbs, Ann, grant ordered for, 691.  
 Stubbs, Deborah, grant ordered for, 691.  
 Stubbs, John, grant ordered for, 691; petition for land in Wrightsboro, 784.  
 Stutz, Michael, petition for land, 548, 591, 780; grants for signed by the Governor, 729; grant ordered to, 909.  
 Subdrien, Joseph, petition for land, 223; grant for signed by the Governor, 395.  
 Sullivan, Owen, petition for land, 954.  
 Sulivant, Thomas, petition for land, 374.  
 Sullivant, Thomas, grant for signed by the Governor, 566.  
 Sunier, Paula, grant for signed by the Governor, 305.  
 Sutherton, Richard, petition for grant, 327; grant for signed by the Governor, 983.  
 Swiger, George, petition for land, 134; grant for signed by the Governor, 352.  
 Swigheffer, Thomas, grant for signed by the Governor, 188.  
 Switzer, Gasper, petition for land, 526.

## T

- Tanehill, John, grants for signed by the Governor, 160.  
 Tannant, Harriott Cunningham, grant for signed by the Governor, 983.  
 Tannatt, Mary, petition for land, 950.  
 Tanner, John, petition for grant, 112; grant for signed by the Governor, 334; petition for land, 706.  
 Tanner, Robert, grant for signed by the Governor, 187, 775; petition for land, 616.  
 Tannett, Elizabeth, grant for signed by the Governor, 983.  
 Tapot, James, petition for land, 963.  
 Tarvin, William, petition for land, 783.  
 Tatnell, Josiah, grants for signed by the Governor, 116, 161, 370; petition for land, 287; appointed Justice of the Peace, 428; member of Assembly, 646.  
 Tatnell, Mary, grant for signed by the Governor, 41.  
 Taylor, James, petition for land, 801.  
 Taylor, John, petition for land, 781.  
 Taylor, William, petition for land, 55; petition for land postponed, 301.  
 Teale, John, petition for land, 254; petition for new precept, 512.

- Tebeau, James, petition for land, 765.
- Telfair, Edward, petition for land, 405, 951; grant for signed by the Governor, 608; member of Assembly, 646.
- Telfair, William, petition for land, 175, 406; grants for signed by the Governor, 370.
- Tettler, Matthew, petition for land postponed, 320.
- Thomas, Gideon, petition for land, 549.
- Thomas, Gilshot, petition for land, 292; petition for grant, 533.
- Thomas, John, appointed Justice in St. George, 352; appointed Justice of Peace, 429.
- Thomas, John, Jr., petition for land, 613; grant for signed by the Governor, 774.
- Thompson, James, grant ordered for, 698.
- Thompson, Laurence, grant ordered for, 692.
- Thompson, Nicodemus, petition for land, 716; grant for signed by the Governor, 910.
- Thompson, Richard, petition for land, 5; grant for signed by the Governor, 279.
- Throwits, Joel, land reserved for, 128.
- Tiegler, Lucas, petition for land, 979.
- Tiess, Nicholas, petition for land postponed, 490.
- Tilly, John, petition for land, 657.
- Tilley, John, petition for grant, 939.
- Tinkler, John, petition for reserve land postponed, 425; petition for land, 662, 710; petition for grants, 840, 870; grants for signed by the Governor, 910, 942.
- Tinley, William, petition for grant, 20.
- Tinnin, Hugh, grant ordered for, 692.
- Todd, John, petition for land, 293; grant for signed by the Governor, 369.
- Todd, William, grant for signed by the Governor, 774.
- Toland, John, grant ordered for, 698.
- Tomlenson, Samuel, grant for signed by the Governor, 820.
- Tomlinson, Samuel, petition for land, 708.
- Tondee & others, caveat against Wm. Norton not sustained, 282.
- Townsend, William, grant for signed by the Governor, 217.
- Treutlen, John Adam, grants for signed by the Governor, 116, 117, 217; appointed Justice of the Peace, 429.
- Trieutlen, John Adam, petition to register grant, 63; petition for land, 295, 754; petition for new survey, 770; grant for signed by the Governor, 983.
- Trieutlen, Adam, petition for land, 800.
- Trievner, Christian Frederic, petition for land, 736.
- Tubear, David, petition for land, 522.
- Tubly, John Joachin, petition for grant, 940.
- Tucker, Wood, land reserved for, 128.
- Turner, George Johnson, petition for grants, 30, 36; grant for signed by the Governor, 118.

Turner, John, petition for land, 717.  
 Turner, Lewis, petition for land, 125, 256; to be paid for work at light-house, 216; grant for signed by the Governor, 458.  
 Tybee, light-house at, £1000 ordered for, 774.

## U

Underwood, William, petition for land, 896.  
 Unseld, David, petition for land, 445; grants for signed by the Governor, 608, 629.  
 Upton, Benjamin, petition for land, 763, 956.  
 Upton, Edward, petition for land, 763.  
 Upton, George, petition for land, 56; petition for grant, 487; grant for signed by the Governor, 565.  
 Upton, John, petition for land, 714.  
 Upton, Richard, petition for land, 763.

## V

Valaton, Elizabeth, petition for grant, 232; grant for signed by the Governor, 352.  
 Vallaton, Jeremiah, petition for land, 8.  
 Vandyke, Peter, grant for signed by the Governor, 83.  
 Vann, Joseph, petition for grant, 26.  
 Vanzant, Gerard, petition for land, 253.  
 Vanzant, George, petition for land rejected, 908.  
 Vanzart, Gerard, petition for new precept, 688.  
 Vernon, Amos, grant ordered for, 692.  
 Vernon, Isaac, grant ordered for, 692.  
 Vincent, Hannah, petition for grant, 344; grant for signed by the Governor, 369; petition for land, 929.  
 Vincent, Thomas, petition for land, 121.

## W

Walden, Robert, petition for land, 927.  
 Walker, George, grants for signed by the Governor, 160, 670; petition for land, postponed, 393; petition for land rejected, 457; petition for land, 478.  
 Walker, Joel, petition for grants, 157, 630, 640, 743, 848; grants for signed by the Governor 819, 855.  
 Walker, Joseph, petition for land postponed, 425; petition for land, 794.

- Wall, Arthur, petition for land, 451; grant for signed by the Governor, 492.
- Wall, William, petition for grant, 843.
- Walraven, Elias, petition for land, 636; grant for signed by the Governor, 789.
- Walley's Point, reserved for public uses, 215.
- Wallicon, David, petition for land, 190.
- Walsh, Peter, petition for grant, 424; grant for signed by the Governor, 492.
- Walton, John, appointed Justice of the Peace, 431; petition for land, 702; member of Assembly, 912.
- Walthour, Jacob Gasper, petition for land, 864.
- Wannell, Joseph, petition for new warrant, 157; petition for grant, 383.
- Ward, Josiah, petition for land, 890.
- Warnell, Joseph, grant for signed by the Governor, 473.
- Warnock, Robert, grant ordered for, 697.
- Waters, John, petition for land, 309; grant for signed by the Governor, 492.
- Waters, Thomas, petition for lot in Augusta, 45; grant for signed by the Governor, 159.
- Watson, Charles, appointed Justice of Peace, 428; petition for land, 765; grants for signed by the Governor, 820, 984.
- Watson, Jacob, land reserved for, 816.
- Watson, James, petition for land, 554.
- Watson, John, land reserved for, 816.
- Watson, Thomas, grant ordered for, 691; petition for land, 784.
- Watt, William, grant for signed by the Governor, 911.
- Watts, Robert, petition for land, 735.
- Way, Edward, grant for signed by the Governor, 84.
- Way, Moses, petition for land, 407; grant for signed by the Governor, 696.
- Way, Parmenas, appointed Justice of Peace, 429.
- Way, William, petition for land, 737; grant for signed by the Governor, 855.
- Weatherford, Charles, petition for land, 220.
- Weatherford, Martin, petition for land, 764.
- Weathers, Edward, petition for land, 890.
- Weatherspoon, John, petition for grant, 240.
- Webb, William, petition for grant, 211; grant for signed by the Governor, 244.
- Webster, William, grant ordered for, 116.
- Weekley, George, grant for signed by the Governor, 942.
- Weekly, George, petition for land, 652, 901.
- Weekly, Thomas, grant for signed by the Governor, 819.
- Weitman, Ludwig, grant for signed by the Governor, 402.
- Welch, John, land reserved for, 815.
- Wells, Absolom, petition for grant, 30, 105, 238; grant for signed by the Governor, 187; petition for land, 357, 895; caveat against William Davis, 394.
- Wells, Andrew Elton, petition for land, 88.
- Wells, Benjamin, petition for land, 712; petition for grant, 977.

- Wells, John, petition for land, 289; grant for signed by the Governor, 473.
- Wells, Samuel, petition for land, 764.
- Wereat, John, petition for land, 494; petition for land postponed, 560; caveat heard, 670; petition for grants, 767, 869; grant for signed by the Governor, 911.
- Wereat, John, guardian, petition for land rejected, 513.
- Wertman, Ludwig, petition for land, 314.
- Wertsch, John, petition for land, 307, 335, 601, 735; grant for signed by the Governor, 492, 942.
- Wertsch, John Gasper, appointed Justice of Peace, 429.
- West, Charles, grant for signed by the Governor, 83; petitions for land, 353, 403.
- West, John, grant for signed by the Governor, 188.
- Westcoat, Daniel, grant for signed by the Governor, 370.
- Westcote, Daniel, petition for grant, 322.
- Westcott, Thomas, petition for grant, 185.
- Westley, James, petition for grant, 75; petition for land, 312.
- Westly, James, petition for land, 63.
- Weston, James, petition for grant, 555.
- Wetherspoon, John, petition for grant, 156; grant for signed by the Governor, 304.
- Whitefield, Andrew, petition for land, 295.
- Whitefield, James, appointed Justice of Peace, 428.
- Whitehead, Reason, petition for land, 61; grant for signed by the Governor, 304.
- Whitehead, Thomas, petition for land rejected, 427.
- Whitsit, John, grant ordered for, 692.
- Whitsitt, John, Jr., grant ordered for, 692.
- Whitter, Jacob, petition for land, 676.
- Wiggins, Jesse, petition for land rejected, 36.
- Willingham, William, petition for land, 724.
- Williams, Abraham, petition for land, 177; grant for signed by the Governor, 304.
- Williams, Britton, petition for land, 450.
- Williams, George, petition for land, 973.
- Williams, John Francis, appointed Justice of Peace, 429; petition for land, 724.
- Williams, John Francis & Robert Mackay, petition for land, 723.
- Williams, John, petition for land, 60, 342, 618, 621, 677; petition for new precept 770; petition for grant, 808, 931; grant for signed by the Governor, 881.
- Williams, Joseph, petition for land, 9; grant for signed by the Governor, 84.
- Williams, Lud, petition for land, 59.
- Williams, Pride, grant for signed by the Governor, 473.
- Williams, Pryde, petition for land, 283.
- Williams, Thomas, grant for signed by the Governor, 83.
- Williams, William, petition for land, 12; grants for signed by the Governor, 720, petition for grants, 183, 603, 687; grant for signed by the Governor, 244.

- Williamson, Benjamin, petition for grant, 108, 265; grant for signed by the Governor, 352.
- Williamson, Richard, petition for land, 738, 794; petition for new precept, 907.
- Williamson, William, grant for signed by the Governor, 41.
- Willson, Francis, grant for signed by the Governor, 729.
- Wilson, James, petition for land, 637.
- Wilson, John, petition postponed, 158.
- Wilson, Mary, petition for land rejected, 392.
- Wilson, Samuel, grant ordered for, 693.
- Wimberley, Thomas, grant for signed by the Governor, 216.
- Wimberly, Isaac, petition for grant, 151, 234; grants for signed by the Governor, 279, 855.
- Windes, Samuel, petition for land, 449.
- Winfree, Jacob, grant for signed by the Governor, 83.
- Winn, John, petition for land, 648, 732; grants for signed by the Governor, 819, 910; petition for grant, 875; grant for signed by the Governor, 984.
- Winslate, Samuel, petition for land, 834.
- Winter, Frederic, appointed to receive pay for barrack necessities, 515.
- Witter, Jonathan, petition for land, 12.
- Wood, Isaac, petition for land, 286, 601; grant for signed by the Governor, 645.
- Wood, Joseph, petition for grants, 106; grants for signed by the Governor, 160, 188; petition for land, 953.
- Woodland, James, caveat against Paul Fulton not sustained, 282; petition for grant, 469; grant for signed by the Governor, 516; petition for land, 862.
- Woodland, William, petition for grant, 212; grant for signed by the Governor, 334.
- Woodruffe, Joseph, petition for land, 793.
- Womack, Jesse, petition for land, 807.
- Womack, John, petition for land, 716.
- Womack, Richard, petition for grants, 153, 682; petition for land, 478, 590, 715; grants for signed by the Governor, 751, 774.
- Wrightsboro & Queensboro, townships of land in exempt from quit-rents, 981.
- Wrightsboro, laid out, 604; Indians commit depredations on, 749; petition of settlers of, 816; land between Wrightsboro and lower trading path, not to be granted, 853; grants to certain persons postponed, 941.
- Wright, Alexander, land added to grant of, 80; grant for signed by the Governor, 160.
- Wright, Charles, appointed Justice of Peace, 429.
- Wright, Jermyn & Charles, grant for signed by the Governor, 40; petition for land, 81, 258, 810; exchanges land, 216; petition for new precept, 487; petition to resign warrant, 487; petition for grant, 812.
- Wright, Jermyn, appointed Justice of Peace, 429; petition for land, 474, 914; petition for new precept, 680, 935.
- Wright, Sir James, see Governor Wright.

- Wright, Joseph, petition for land, 919.  
 Wright, William, petition for land, 164.  
 Writs of election for members to serve in General Assembly ordered, 880; for new parishes, 945.  
 Wyche, George, petition for land, 134, 254; petition for grant, 349; petition for new precept, 415; grant for signed by the Governor, 430.  
 Wylly, Alexander, petition for land, 162, 792; grants for signed by the Governor, 244, 370; appointed Justice of the Peace, 428; member of Assembly, 646.  
 Wylly, Richard, petition for new precept, 114, 329; grant for signed by the Governor, 430.  
 Wylly, William, petition for land, 733, 823; grant for signed by the Governor, 881.  
 Wynne, Francis, petition for land, 92, 456; petition for grants, 151, 347, 418; grants for signed by the Governor, 187, 516.  
 Wynne, Peter, Sr., petition for land, 130; petition for grant, 345.  
 Wynne, Peter, Jr., grant for signed by the Governor, 187.  
 Wynne, Peter, grant for signed by the Governor, 430.

## Y

- Yakeley, Jacob, petition for land, 832.  
 Yonge, Henry, appointed Justice of Peace, 428; grant for signed by the Governor, 430.  
 Yonge, Henry, Jr., petition for land, 810; grant for signed by the Governor, 910.  
 Young, Henry, Jr., petition for land, 974.  
 Young, Isaac, petition for land, 193; grant for signed by the Governor, 395; member of Assembly, 646, 911.  
 Young, James, petition for land, 718; grant for signed by the Governor, 910.  
 Young, John, petition for land, 15, 204; caveat against not sustained, 281; grant for signed by the Governor, 304.  
 Young, Peter, petition for land, 409; petition for grants, 744, 845.  
 Young, Thomas, grant for signed by the Governor, 40; caveat against J. Cubbege, 186; grant for signed by the Governor, 305.  
 Young, Thomas, & John Simpson, petition for grant of Ed. Gillman's land, 772.  
 Young, William, grants for signed by the Governor, 116, 820, 910; member of Assembly, 646, 911; petition for land, 717.  
 Younge, Henry, petition for land, 226.

## Z

- Zettler, Matthias, petition for land, 340.  
 Zeigler, George, petition for land, 97; grant for signed by the Governor, 334.  
 Zipperer, Christian, petition for land, 863.  
 Zubly, John Joachim, grant for signed by the Governor, 160; petition for land, 285; appointed Justice of Peace, 429.

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ALLEN D. CANDLER

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VOLUME XI

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PROCEEDINGS AND MINUTES OF THE  
GOVERNOR AND COUNCIL

FROM

April 3, 1770, to July 13, 1771

(From British Public Records Office, B. T.)

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ATLANTA, GA.  
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# INDEX.

## A

- Alexander, David, petition for land, 212; land and town lot in Queensboro granted to, 227.
- Alday, Josiah, grant for signed by the Governor, 205.
- Allen, John, petition for land; 212, 306; land and town lot in Queensboro granted to, 227.
- Anderson, David, petition for land, 136; grant for signed by the Governor, 376.
- Anderson, John, grant for signed by the Governor, 66; petition for land, 388.
- Anderson, Jonathan, petition for new warrant, 318.
- Anderson, Matthew, petition for land, 236.
- Andly, Gerrard, petition for land, 131.
- Andrew, Benjamin, grants for signed by the Governor, 28, 252; petition for land, 75; returned to legislature, 334.
- Andrew, James, petition for land, 92.
- Ansley, Thomas, lot in Wrightsboro granted to, 86.
- Antrobus, Isaac, petition for land, 192, 278, 279.
- Ashfield, Henry, lot in Wrightsboro granted to, 86.
- Ashton, Edward, petition for land, 339.
- Askins, John, petition for new warrant, 110.
- Askin, John, grant for signed by the Governor, 156.
- Attorney-General, opinion of as to certain laws, 375; report of to be published in gazette, 376.
- Audley, Gerrard, petition for land, 308.
- Austin, William, petition for land, 126.
- Austin, Richard, lot in Wrightsboro granted to, 86.
- Ayres, Thomas, petition for grant, 83, 171; grant for signed by the Governor, 252.

## B

- Bacon, John, petition for land, 218.
- Bacon, Jonathan, petition for land, 415.
- Bacon, Samuel, petition for land, 52; grant for signed by the Governor, 228.
- Bacon, William, petition for land, 415.
- Bags, Alexander, lot in Queensboro granted to, 85.
- Bailey, Joseph, grant for signed by the Governor, 205.
- Baillie, Alexander, petition for land, 285.

- Baillie, George, petition for land, 337; petition for new precept, 373.  
 Baillie, Joseph, petition for grant, 122.  
 Baillie, Robert, petition for new warrant, 111; petition for land, 278.  
 Baillie against McIntosh, caveat, 207.  
 Baillie against Westly, caveat, 206.  
 Baker, John, petition for land, 153.  
 Baker, Joseph, petition for land, 137.  
 Baker, William, Jr., grant for signed by the Governor, 47.  
 Baldwin, David, petition for land, 13; petition for grant, 199; grant for signed by the Governor, 303.  
 Ball, Edward, petition for grant, 401.  
 Ball, Samson, petition for land, 42; petition for grant, 402.  
 Banister, William, petition for land, 163.  
 Barnaby, John, petition for land, 389.  
 Barnard, Edward, petition for land, 135; petition for grants, 143, 381; returned to legislature, 334; petition for island, 346; petition for new warrant, 348.  
 Barnes, William, petition for land, 87.  
 Barnett, Nathan, petition for grant, 199; grant for signed by the Governor, 332.  
 Barnett, William, petition for grant, 198; grant for signed by the Governor, 332.  
 Bartholomew, John, lot in Queensboro granted to, 85.  
 Beatty, Joseph, petition for land, 211; land and town lot in Queensboro laid out for, 227.  
 Beatty, Thomas, lot in Queensboro granted to, 85.  
 Beasley, George, petition for land, 235.  
 Beck, George, lot in Wrightsboro granted to, 86.  
 Belcher, William, petition for new precept, 118, 329; letter from concerning new military company, 331.  
 Bell, Christian, petition for land, 184.  
 Bennet, William, grants for signed by the Governor, 156, 303.  
 Bennett, Hugh, petition for land, 89.  
 Bennett, William, petition for land, 115, 122, 190.  
 Berryhill, Alexander, petition for land, 389.  
 Berryhill, Andrew, petition for land, 175.  
 Bewie, James, grant for signed by the Governor, 60.  
 Bewling, Robert, grant for signed by the Governor, 60.  
 Bird, Andrew, grant for signed by the Governor, 47.  
 Bird, Burgon, petition for grants, 60.  
 Bird, Israel & Abraham, petition for grant, 49.  
 Bird, Israel, Abraham Bird & Hugh Bryan, grant for signed by the Governor, 228.  
 Blackman, William, petition for land, 349.  
 Blair, James, lot in Queensboro granted to, 85.  
 Blake, William, petition for grant, 324.  
 Blanchard, Robert, petition for land postponed, 177; petition for land, 379.

- Blanton, Christopher, petition for grant, 223; grant for signed by the Governor, 332.
- Blount, Jacob, petition for land, 388.
- Boit, William, grant for signed by the Governor, 66.
- Bolton, Robert, petition for grant, 22; grant for signed by the Governor, 84.
- Bord, Burgeon, grant for signed by the Governor, 112.
- Bourquin, Henry, petition for grant, 404.
- Bourquin, Jane, petition for land in trust, 243, 284.
- Bourquin, against Tinkler, caveat, 207.
- Bowles, John, grant for signed by the Governor, 112.
- Bowman, John, petition for grant, 31; grant for signed by the Governor, 156; petition for reserve, 224.
- Box, Philip, returned to the legislature, 333.
- Boyd, Joseph, petition for warrant, 351.
- Boykin, John, petition for land, 307, 343.
- Braddock, John Cutler, petition for land, 7; petition for grant, 201; grant for signed by the Governor, 303.
- Bradley, Joshua, petition for land, 16.
- Bradley, Richard, petition for land, 34; petition for new precept, 427.
- Bradwell, Hannah, petition for land, 189, 409; petition for grant, 425.
- Brady, Patrick, grants for signed by the Governor, 66, 156; petition for grant, 78.
- Brasher, Jesse, grant for signed by the Governor, 84.
- Bratcher, James, petition for land, 224.
- Brazel, Elijah, grant for signed by the Governor, 303.
- Braziel, Elijah, petition for grant, 203.
- Brazill, Elijah, appointed justice of the peace, 227.
- Brewton, Miles, garden lot granted to, 179.
- Briest, Frederic, petition for grant, 145; grant for signed by the Governor, 156.
- Brinnier, Ussilly, petition for land, 185.
- Brown, James, petition for land, 90, 264, 323; petition for hearing caveat, 225.
- Brown, John, lot in Queensboro granted to, 85.
- Brown, Richard, petition for new precept, 217; grant for signed by the Governor, 406.
- Brown, William, petition for land, 138, 166, 191; grant for signed by the Governor, 228.
- Brownhill, Thomas, appointed keeper of lazaretto, 28.
- Brunswick, town of laid out, 155; persons obtaining lots in must build on them, 385; forty lots in reserved for public uses, 385; lots under bluff reserved 386; expense of laying out town, how paid, 386; George Mackintosh directed to lay out town of, 387; persons applying for lots in to attend at State House, 405; conditions on which lots are to be granted, 431.
- Bryan, Hugh, Israel Bird and Abraham Bird, grant for signed by the Governor, 228.

- Bryan, Jonathan, returned to legislature, 333.
- Brydie, David, petition for grants, 104, 202; grants for signed by the Governor, 179, 228.
- Brydie, John, petition for land, 239.
- Bugg, Edmond, petition for land, 8.
- Bugg, Edmund, petition for grant, 203; grant for signed by the Governor, 205.
- Bulloch, Archibald, returned to legislature, 333.
- Bullock, James, memorial of, 226.
- Bullock against Douglass, caveat, 208.
- Buntz, Urban, petition for grant, 121; grant for signed by the Governor, 206.
- Burgess, Samuel, petition for land, 129.
- Burney, William, and Reason Whitehead, petition for land postponed, 176.
- Burt, Moody, grant for signed by the Governor, 29.
- Butler, Elisha, grants for signed by the Governor, 29.
- Butler, Elizabeth, petition for land, 418.
- Butler, James, Sr., appointed justice of peace, 111.
- Butler, Patrick, petition for land, 15.
- Butler, Shem, grant for signed by the Governor, 112.
- Campbell, Thomas, petition for land, 288.
- Candler, William, petition for grants, 20, 77; grants for signed by the Governor, 85, 113; petition to purchase land for grist and saw mill rejected, 301.
- Cannon, Joseph, petition for land, 403.
- Cantey, James, petition for land, 162; land ordered for, 330.
- Canty, William, petition for reserve postponed, 413.
- Capers, Richard, petition for grant, 324.
- Carney, against Graves, caveat, 208.
- Carson, John, lot in Wrightsboro granted to, 86.
- Carey, Alexander, petition for land postponed, 177; petition for reserve, 238.
- Cary, John, lot in Queensboro granted to, 85.
- Cartelledge, Edmund, Jr., petition for land, 273.
- Cartlidge, Edmund, petition for land, 347.
- Carter, Thomas, petition for land, 280; returned to legislature, 334.
- Castalow, James, petition for land, 165.
- Castalow, Thomas, petition for land postponed, 177.
- Castillon, James, grant for signed by the Governor, 406.
- Cater, Edward, petition for land, 350.
- Catlett, John, petition for land, 215.
- Cavenah, Charles, petition for land postponed, 154; petition for land, 244.
- Cavenah, Henry, petition for land, 186.

- Champneys, Roger, petition for land, 379.  
Chestnut, Alexander, lot in Queensboro granted to, 85.  
Chevalier, Charles Francis, petition for land, 100, 414.  
Churchwell, Charles, petition for grant, 364.  
Churchwill, Charles, petition for land, 131.  
Claiborne, Leonard, petition for grant, 294.  
Clark, Christopher, grant for signed by the Governor, 66.  
Clark, John, petition for new warrant, 110.  
Clark, Lawrence, petition for land postponed, 154.  
Clark, Lucy, petition for land, 71; petition for grant, 423.  
Clark, William, petition for new precept, 149; petition for land, 371.  
Clerk of Council to demand Journal of the House of Assembly, 335.  
Closeman against Creswell, 207.  
Cloud, Joel, lot in Wrightsboro granted to, 86.  
Cochran, Cornelius, lot in Wrightsboro granted to, 86.  
Cochran, John, petition for grant, 402.  
Cochran, Jonathan, petition for grant, 19, 356; grant for signed by the Governor, 84; appointed justice of peace, 111.  
Cock, Zebulon, petition for land, 70, 369.  
Cole, Jonathan, grant for signed by the Governor, 47.  
Cooke, Clement, petition for grant, 315.  
Cooper, Basil, and others, petition for land, 96.  
Cooper, Henry, petition for land, 389.  
Cooper, Isaac, petition for land, 15.  
Cooper, Richard, petition for land, 221.  
Cooper, Robert, grant for signed by the Governor, 332.  
Cooper, Samuel, petition for grant, 294.  
Commissary's accounts audited, 112.  
Corbet, Brinkley, petition for land, 14.  
Council, the, advises the Governor to dissolve the Assembly, 257; address of the Governor to, 257; advise the Governor to issue writs of election for new Assembly, 302.  
Cowper, Basil and others, petition for land, 96.  
Cowper & Telfairs, grant for signed by the Governor, 303.  
Crawford, Thomas, petition for grant, 59, 121.  
Croke, Richard Cunningham, returned to legislature, 334; takes oath as Clerk of Commons House of Assembly, 429.  
Cromley, George, petition for land, 106; grant for signed by the Governor, 179.  
Cuthbert, James, Dr., petition for land on purchase, 32.  
Cuyler, Telemen, grant for signed by the Governor, 84.  
Cuyler, Teleman, petition for grant, 169.

- Darby, John, petition for grant, 109.
- Darcey, Joseph, petition for land, 133.
- Darling, Andrew, grant for signed by the Governor, 28.
- Dasher, Christian, petition for land, 195.
- Davis, Francis, petition for land, 132.
- Davis, Myrick, petition for land, 270.
- Davis, William Ryan, under sentence of death for horse stealing, pardoned, 434.
- Day, Stephen, lot in Wrightsboro granted to, 86; petition for land, 282.
- Dean, Luke, petition for land, 27; petition for grant, 27.
- DeButts, John Collins, petition for land, 38.
- Defaulting jurors, 112.
- Delegal, David, petition for land, 378.
- Delegall, David, petition for land, 355.
- Delegal, George, petition for land, 301; returned to legislature, 334; petition for land for nephew rejected, 371.
- Delegal, Philip, petition for land, 269.
- Dell, Philip, petition for land, 25.
- Demerie, Raymond, petition for land, 411.
- Dennis, Abraham, lot in Wrightsboro granted to, 86.
- Dennis, Jacob, lot in Wrightsboro granted to, 86.
- Dennis, John, lot in Wrightsboro granted to, 86.
- Dennison, Patrick, petition for land, 11; grant for signed by the Governor, 180.
- Deputy Surveyor's fees, 431.
- Deveaux, James, petition for land, 93; petition for land for son, 390.
- Deveaux, William, petition for grant, 43, 106; grant for signed by the Governor, 432.
- Deverixso, Michael, petition for land, 300.
- Deverixso, Peter, petition for land, 391.
- Deverixso, Stephen, petition for land, 391.
- Dicks, David, grant for signed by the Governor, 28.
- Didcott, Elizabeth, petition for land, 100, 414.
- Dill, Philip, grants for signed by the Governor, 66, 377; petition for land, 136.
- Dixon, Thomas, petition for new precept, 84.
- Dodds, John, grant for signed by the Governor, 113.
- Donavan, John, petition for land, 392.
- Douglass, Daniel, petition for land, 307.
- Douglass, James, petition for land, 25; grant for signed by the Governor, 85.
- Douglass, Mary, petition for land, 3.
- Downes, Henry, appointed justice, 370.
- Driggers, a prisoner under sentence of death, clemency refused, 113; further reprieved, 123.

- Dugliss, Robert, petition for land, 132.  
 Duke, William, petition for land, 267.  
 Duncan, John, petition for land, 193; grant for signed by the Governor, 432.  
 Dungsent against Young, caveat, 206.  
 Dunham, John, petition for land postponed, 176.  
 Dunham, Mary & John Sandiford, executors, petition for grant, 75, 247.  
 Dunham, Mary, in trust, grant for signed by the Governor, 377.  
 Dunman, John, petition for land, 176, 285.  
 Dumvill, Robert, grant for signed by the Governor, 377.  
 Dunn, Benjamin, lot in Wrightsboro granted to, 86.  
 Dunn, Robert, petition for land, 353.  
 Durginits, Peter, petition for land, 342.

## E

- Eakles, Edward, lot in Wrightsboro granted to, 86.  
 Earl, John, petition for land, 279.  
 Elbert, Samuel, appointed justice, 376; petition for land, 392.  
 Ellam, William, lot in Wrightsboro granted to, 86.  
 Elliott, William, petition for grant, 328; grant for signed by the Governor, 406.  
 Elphenstone against Hegdon, caveat, 179.  
 Elphinston, Philip, petition for land, 17; petition for new precept, 374.  
 Emanuel, Amos, petition for land, 165; grant for signed by the Governor, 406.  
 Emanuel, Assa, petition for grant, 404.  
 Emanuel, Esa, petition for land, 118.  
 Emmitt, James, lot in Wrightsboro granted to, 86.  
 Erick, Adam, petition for land, 420.  
 Ewen, William, returned to legislature, 334.

## F

- Farley, Samuel, returned to legislature, 334.  
 Fields, Reuben, petition for land, 127.  
 Findlay, James, petition for land, 352.  
 Findley, William, petition for lot, 24.  
 Findley against Marshall, caveat, 208.  
 Finly, James, caveat of against Joseph Marshall, 305.  
 Fitch, Ann, petition for land, 393, 426.  
 Fitzgerald, David, petition for land, 120, 222.  
 Fitzgerald, James, petition for land, 180.  
 Fitzgerald, John, petition for reserve postponed, 63.  
 Flemen, David, petition for land, 243.

- Fleming, David, petition for land, 176.  
 Fleming, James, grant for signed by the Governor, 332.  
 Fleming, Samuel, lot in Queensboro granted to, 85.  
 Fleming, Thomas, grant for signed by the Governor, 406.  
 Flerl, John, appointed justice, 376.  
 Fletcher, James, petition for grant, 44; grant for signed by the Governor, 113.  
 Flyming, Thomas, petition for land, 265; petition for grant, 295.  
 Forbes, Donald, petition for grant, 292.  
 Forbes, John, petition for land, 6, 341, 342, 393; grant for signed by the Governor, 406.  
 Ford, Robert, petition for land, 72.  
 Fort George, ruinous condition of, 229.  
 Forrester, James, petition for land, 34; appointed justice, 376.  
 Forrester, Stephen, petition for grant, 168, 172; grant for signed by the Governor, 252.  
 Fox, Benjamin, petition for land, 160.  
 Fox, James, petition for land, 130.  
 Fox, John, petition for new precept, 28, 149; petition for grant, 171; grant for signed by the Governor, 252.  
 Fox, William, petition for land, 161; grant for signed by the Governor, 406.  
 Fox, John and William, executors, petition for grant, 173; grant for signed by the Governor, 205.  
 Francis, Frederic, petition for grant, 83; grant for signed by the Governor, 156.  
 Frasier, George, petition for land, 237, 241, 242, 244.  
 Frink, Samuel, petition for land, 270; petition for new precept, 216; grant for signed by the Governor, 377.  
 Frish, John Charles, petition for land, 399.  
 Fulker, Thomas, grant for signed by the Governor, 84.  
 Fulton, Paul, petition for land, 9; grant for signed by the Governor, 179.  
 Fusill, Moses, petition for land, 39; grant for signed by the Governor, 205.  
 Fusill, Thomas, grant for signed by the Governor, 205.  
 Fussell, Thomas, petition for grant, 119.

## G

- Galaspe, John, petition for land, 263.  
 Galphin, George, petition for plat, 157; grant for signed by the Governor, 252; petition for land, 310.  
 Galphin, George, Jr., petition for land, 90, 158; grant for signed by the Governor, 252.  
 Galphin, John, grant for signed by the Governor, 252.  
 Galphin, Thomas, petition for land, 90; grant for signed by the Governor, 303.  
 Garratt, Deverix, petition for land, 413.



- Geffers, John, petition for land, 310.  
General Assembly prorogued, 112.  
Georgia Gazette, notice of caveat to be published in, 155.  
Gerard, Deveroux, petition for grant, 22.  
Gerrard, Devereux, grant for signed by the Governor, 66.  
Gersham, Joseph, grant for signed by the Governor, 47; petition for land, 160.  
Gervin, Robert, lot in Queensboro granted to, 85.  
Getson, Samuel, grant for signed by the Governor, 113.  
Gibbons, William, executor, petition for hearing caveat, 152; memorial of, 209; petition for grant, 251.  
Gibbons & Martin, executors, petition for land for heirs of Joseph Gibbons, 288.  
Glebe, land reserved for clergyman of Established Church for a. 304; land reserved for Presbyterian clergyman for a glebe, 304.  
Gnann, Andrew, petition for land, 38.  
Gnanns, Michael, petition for land, 313.  
Goldwire, James, petition for land, 380.  
Goldwire, John, petition for land, 141; grant for signed by the Governor, 377.  
Golightly, Charles, petition for land, 142; grant for signed by the Governor, 228.  
Goodall, Mary, petition for land, 320.  
Gordon, James, petition for grant, 123.  
Gordon, John, petition for land, 100.  
Governor Wright, land granted to, 112; address of to Council concerning House of Assembly, 253; reply of to the Council, 257; thanks Council, 260; submits questions concerning House of Assembly to the Board, 335; granted leave to visit England, 429; receives talk from Emistesego and replies to same, 429.  
Graham, James, grants for signed by the Governor, 84.  
Graham, John, petition for land, 5, 57, 181, 289, 322, 340, 373; petition for new precept, 27, 148, 204, 374; grants for signed by the Governor, 47, 85, 303, 332, 432.  
Grand jury, presentments of, 225.  
Grants of land in this province signed by Governor of South Carolina recorded, 302.  
Grant, James, petition for grant, 291.  
Grant, Peter, petition for land, 49; petition for new warrant, 150; petition for grant, 291.  
Graves, James, grant for signed by the Governor, 29; petition for new precept, 375.  
Gray, George, grant for signed by the Governor, 29; petition for land, 286.  
Gray, Robert, petition for land, 281.  
Gray, Thomas, petition for land, 185.  
Greemes, William, petition for reserve, 226.  
Green, David, affidavit of, 225.

- Green, John, petition for land, 72, 420; petition for grant, 120; grants for signed by the Governor, 252, 332.
- Green, John, Jr., petition for grant, 108, 220; grant for signed by the Governor, 156.
- Green, Thomas, petition for grant, 361.
- Greer, David, lot in Queensboro granted to, 85.
- Gretion, John, petition for land, 130, 319.
- Grierson, John, complaint concerning band of armed men, 48.
- Groves, Allen, petition for land, 319.
- Gruber, John, grant for signed by the Governor, 29.
- Guin, Roam, grant for signed by the Governor, 431.
- Guin, Roan, petition for land, 183.
- Gwinnett, Buttin, petition for land, 347.
- Gwinnett, Button, petition for land, 367.

## H

- Habersham, James, qualifies for administering the government, 432.
- Habersham, James, Jr., returned to legislature, 334.
- Haden, James, lot in Queensboro granted to, 85.
- Hadon, William, petition for warrant, 356.
- Hall, John, petition for land, 51; petition for grant, 109; grant for signed by the Governor, 113.
- Hall, John, and George Harnage, petition for land, 51; grant for signed by the Governor, 228.
- Hamilton, Andrew, petition for land, 234.
- Hammond, LeRoy, petition for acre of rock, 26.
- Hampton, Andrew, petition for grant, 250; grant for signed by the Governor, 332.
- Hardin, William, petition of John Newman for grant for, 309.
- Harding, William, petition for land, 76; lot in Queensboro granted to, 85.
- Harnage, George, petition for land, 51.
- Harnage, George and John Hall, grant for signed by the Governor, 228.
- Harnoll, John, petition for land, 265.
- Harris, Francis, concurs with Council, 260.
- Harris, Nathan, petition for grant, 356.
- Hart, James, lot in Wrightsboro granted to, 86.
- Hart, Peter, lot in Wrightsboro granted to, 86.
- Hart, Samuel, lot in Wrightsboro granted to, 86.
- Harvey, John, grants for signed by the Governor, 84, 156.
- Haven, William, land reserved for, 421; appointed naval officer, 428.
- Haverin, Michael, petition for grant, 77; grant for signed by the Governor, 113.
- Hawthorn, Nathaniel, petition for land, 238.
- Hawthorn, Robert, petition for grant, 61, 174.

- Hazard, Richard, petition for land, 306.  
Hegdon, —, caveat against, 179.  
Helvenstine, Frederic, petition for grant, 108; grant for signed by the Governor, 124.  
Helvenstine, John, grant for signed by the Governor, 124.  
Hemp, Jonathan, petition for land, 369.  
Hershman, John Gasper, petition for land, 277.  
Hervey, John, petition for grant, 46.  
Hickey, John, petition for bounty, 125; petition for land, 235.  
Higgenbotham, Thomas, grant for signed by the Governor, 180.  
Higginbotham, Thomas, petition for land, 16.  
Hill, Edmund, petition for land, 274.  
Hill, James, grant for signed by the Governor, 333.  
Hill, John, grant for signed by the Governor, 333.  
Hillsboro, Earl of, letter from to the Governor, 302; letter from concerning conduct of House of Assembly, 429.  
Hinds, Christopher, petition for land rejected, 251.  
Hix, William, petition for grant, 424.  
Hixxon, William, lot in Wrightsboro granted to, 86.  
Hobbs, William, petition for land, 185.  
Hodgin, John, lot in Wrightsboro granted to, 86.  
Hodsden, John, petition of to sell land of John Gray, 145.  
Hollingsworth, Valentine, petition for land, 393.  
Holmes, David, petition for land, 165, 277; grant for signed by the Governor, 406.  
Holmes, Samuel, petition for grant for Quintin Pooler, 394.  
Horton, Nicholas, petition for land, 43, 52; grant for signed by the Governor, 113.  
Houlton, Samuel, petition for grant, 118; grant for signed by the Governor, 205.  
House of Assembly, address of Governor concerning the, 253.  
Houstoun, James, petition for land, 138.  
Houstoun, Sir Patrick, petition for land, 10, 240; grant for signed by the Governor, 180; returned to legislature, 334; appointed justice, 376.  
Howard, John, lot in Wrightsboro granted to, 86.  
Howell, Philip, appointed justice, 376.  
Hudson, Charles, petition for land, 117.  
Hudson, Samuel, petition for grant, 45; grant for signed by the Governor, 113.  
Huguenin, David, petition for land, 54; petition for grant, 365.  
Huegunin, David, petition for grant, 365.  
Hume, James, petition for land, 412.  
Hunter, John, lot in Wrightsboro granted to, 86.

## I

- Illy, Jacob, petition for land, 36; grants for signed by the Governor, 47, 205; caveat against Wm. Mackintosh, 65.  
 Illy, Michael, grant for signed by the Governor, 228.  
 Illy against Mackay, caveat, 208.  
 Inglis, Alexander, petition for land, 263.  
 Irby, Henry, petition for land, 283.  
 Ireland, petition of sundry persons from that warrants be prolonged, 156.  
 Irvine, John, petition for land, 33; petition to prolong time for surveying land, 216; grant for signed by the Governor, 332.

## J

- Jackson, Absolum, lot in Wrightsboro granted to, 86.  
 Jackson, Benjamin, lot in Wrightsboro granted to, 86.  
 Jackson, Isaac, lot in Wrightsboro granted to, 86.  
 Jackson, James, petition for grant, 20; grants for signed by the Governor, 85; petition for land, 98.  
 Jackson, James & Co., petition for land, 98.  
 Jackson, Thomas, lot in Wrightsboro granted to, 86.  
 Jackson against Cleaker, caveat, 207.  
 Jackson against Joiner, caveat, 207.  
 Jameison, John, grant ordered for, 305, 330.  
 Jamieson, John, returned to legislature, 334.  
 Jenkins, Owen, petition for land, 318.  
 Johnson, Joseph, appointed justice of peace, 205.  
 Johnson, Lewis, petition for land, 354.  
 Johnson, William, petition for land, 361.  
 Johnston, James, petition for land, 97, 277; petition for grant, 296; grants for signed by the Governor, 332, 406.  
 Johnston, John, petition for land, 195.  
 Johnston, William, petition for grant, 78.  
 Jones, James, petition for land, 276, 317.  
 Jones, John, appointed justice of peace, 179.  
 Jones, Joseph, petition for land, 195, 298, 345.  
 Jones, Noble, takes oaths as Councilor, 333.  
 Jones, Noble Wimberly, petition for new precept, 69; grant for signed by the Governor, 228; returned to legislature, 333.  
 Jones, Samuel, appointed justice of peace, 179.  
 Jones, Thomas, petition for land, 236.  
 Jones, Tobias, petition for land, 345.

Orahson against Graves, caveat, 207.  
 Jordan, Charles, petition for grant, 21; petition for land, 95; grant for signed by the Governor, 180.

## K

Kamp, Jonathan, petition for land, 71.  
 Keebler, John, petition for land, 349.  
 Kelly, Thomas, petition for land, 158.  
 Kelsall against Fenn, caveat, 207.  
 Kennedy, John, lot in Queensboro granted to, 85.  
 Kilgore, William, petition for grant, 364.  
 Knife, Andrew, petition for grant, 107; grant for signed by the Governor, 179.

## L

Lamb, Abraham, grant for signed by the Governor, 29.  
 Lamb against Myers, caveat, 207.  
 Lambert, James, petition for land, 321.  
 Lambright, John, petition for land, 50.  
 Langley, Nathaniel, petition for land, 67; petition for grants, 327; grant for signed by the Governor, 377.  
 Lanier, Benjamin, petition for land, 194; grant for signed by the Governor, 432.  
 Lassiter, Thomas, petition for land, 284.  
 Law, Joseph, petition for land, 412.  
 Lawson, Roger, grant for signed by the Governor, 47.  
 Lawrence, Henry, petition for land, 421.  
 LeConte, William, petition for land, 87; grant for signed by the Governor, 206; returned to legislature, 334.  
 LeConte against Spencer, caveat, 208.  
 Ledbetter, Ephraim, petition for land, 151.  
 Ledbetter, William, petition for land, 355.  
 Ledger, Alexander, petition for land, 282.  
 Lee, John, petition for land, 262.  
 Lee, Thomas, Sr., grant for signed by the Governor, 124.  
 Lee, Thomas, Jr., petition for land, 11, 200; grant for signed by the Governor, 377.  
 Lemen, James, grant for signed by the Governor, 66.  
 Lemke, Timothy, petition for land, 187; grant for signed by the Governor, 432.  
 Leniere, Lemuel, petition for land, 395.  
 Lewis, Abraham, petition for land, 394.  
 Lewis, Benjamin, petition to register grant, 300.  
 Lewis, David, grant for signed by the Governor, 228; petition for grant, 357.

- Lewis, Jacob, petition for land, 71, 276; grant for signed by the Governor, 205.  
 Lewis, Samuel, petition for land and lot in Queensboro, 273.  
 Lietner, Andrew, petition for land, 189.  
 Lietner, Viet, petition for grant, 167; grant for signed by the Governor, 252.  
 Lightfood, Philip, grant for signed by the Governor, 66.  
 Livingston, William, petition for land, 281.  
 Lindesay, Elias, petition for grant, 200.  
 Lindsay, Elias, petition for grant, 82; grant for signed by the Governor, 303.  
 Lockhart, Samuel, petition for land, 311, 312.  
 Lockridge, Robert, lot in Wrightsboro granted to, 86.  
 Lord, William, grant for signed by the Governor, 47.  
 Low, Isaac, lot in Wrightsboro granted to, 86; grant for signed by the Governor, 303.  
 Low, Joseph, petition for land, 411.  
 Lows, Isaac, petition for grant, 200.  
 Lucena, James, land reserved for, 33; petition for grant, 58; grant for signed by the Governor, 124; petition for land, 381.  
 Lucena against Ward, caveat, 208.  
 Lynch, Thomas and Alexander Rose, petition for land on Cumberland Island rejected, 178.  
 Lyon, Samuel, grant for signed by the Governor, 113.  
 Lysle, Matthew, lot in Queensboro granted to, 85.

## M

- Mackay, Angus, petition for land, 328.  
 Mackay, James, petition for land, 323; renounces claim to land, 330.  
 Mackintosh, George, petition for land, 141, 202, 343; grant for signed by the Governor, 376; directed to survey and lay out town of Brunswick, 387.  
 Mackintosh, John, petition for land, 162.  
 Mackintosh, Lachlan, petitions for land, 146; petition for new precept, 150.  
 Mackintosh, Robert, petition for land rejected, 225.  
 Mackintosh, Roderic, grant for signed by the Governor, 303.  
 Mackintosh, William, caveat against, 65; petition for land, 141, 182, 336, 337; petition for new precept, 150; petition for new warrant, 151; petition for Alexander McDonald's land, 275; grant for signed by the Governor, 376.  
 Maddock, Joseph, lot in Wrightsboro granted to, 86; grant for signed by the Governor, 333.  
 Maddocks against Red, caveat, 208.  
 Maddocks against Murray, caveat, 208.  
 Mahanahan, Charles, petition for land, 192.  
 Mann, John, mistake in grant corrected, 179.  
 Marin, David, grant for signed by the Governor, 377.

- Marshal, Joseph, disputed land granted to, 305.
- Marshall, Joseph, petition for land, 341; petition for grant, 367.
- Marshall, Matthew, petition for land, 73; grant for signed by the Governor, 252.
- Marshall and Finlay, caveat of, 123.
- Martin, Clement, Sr., petition for land, 271.
- Martin, Clement, Jr., petition for land, 3; grant for signed by the Governor, 47, 180; petition for plat and grant, 96.
- Martin, James, petition for grant, 62; grant for signed by the Governor, 113.
- Martin, John, petition for land, 74, 264; lot in Queensboro granted to, 85; grant for signed by the Governor, 252.
- Matthews, Daniel, grant for signed by the Governor, 206.
- Maxwell, William, petition for grant, 61; grant for signed by the Governor, 124.
- McBee, Robert, petition for land, 316.
- McBride, Samuel, petition for grant, 103.
- McCalvey, James, lot in Queensboro granted to, 85.
- McCarty, Cornelius, memorial of, 231.
- McCarty, Daniel, grant for signed by the Governor, 180.
- McCarty, Jacob, petition for land, 15; petition for grant, 198; grant for signed by the Governor, 303.
- McCarty, Mr., caveat against Walton heard, 28.
- McClellan, Robert, lot in Wrightsboro, granted to, 86.
- McClelland, Mary, petition for grant, 59; grant for signed by the Governor, 156.
- McConkey, William, lot in Queensboro granted to, 85.
- McCormick, John, petition for land, 128.
- McCormick, Patrick, petition for land, 128; grant for signed by the Governor, 377.
- McCormick, Robert, petition for land, 213; grant for signed by the Governor, 432.
- McCulloch, Nathaniel, petition for land, 116.
- McCurrie, Andrew, petition for land, 74, 284; grant for signed by the Governor, 252.
- McDaniel, Daniel, petition for land, 188.
- McDonald, Archibald, petition for land, 163.
- McDonald, Charles, petition for land, 279.
- McDonald, John, grant for signed by the Governor, 47.
- McDowall, Thomas, petition for grant, 290.
- McFarland, William, petition for land, 346.
- McFarlin, James, lot in Wrightsboro granted to, 86; petition for land, 266.
- McGee, Patrick, petition for land, 213; land and town lot in Queensboro laid out for, 227.
- McGillivray, Lachlan, grants for signed by the Governor, 29.
- McGowan, David, petition for grant, 425.
- McInfuss, Michael, petition for land, 133.

- McIntosh, George, returned to legislature, 333; petition for land, 381.
- McIntosh, John, grant for signed by the Governor, 406; petition for land, 413.
- McIntosh, Lachlan, petition for land, 134, 419
- McIntosh, Roderic, petition for land, 182.
- McIntosh, William, grants for signed by the Governor, 377, 432.
- McIntosh against McCullough, caveat, 209.
- McKay, Robert, petition for land, 286
- McKenzie, William, petition for land for George McKenzie, 378; appointed Collector at Sunbury, 430.
- McKewen, James, petition for land, 67, 88.
- McLean, John, grant for signed by the Governor, 66; petition for land, 338; petition for grant, 366
- Mcleland against Quarterman, caveat, 207.
- McLervy, Adam, lot in Queensboro granted to, 85.
- McQueen, Ann, petition for land postponed, 27.
- Mercer, John, grant for signed by the Governor, 29.
- Merchants of Savannah, memorial of, 229
- Mezell, David, petition for land, 132.
- Mick, Frederic, grant for signed by the Governor, 66
- Mick, Gasper, petition for land, 317.
- Mickle, Matthew, petition for land, 312, 316
- Middleton, Holland, Jr., lot in Wrightsboro granted to, 86
- Miles, William, lot in Wrightsboro granted to, 86
- Millen, Stephen, returned to legislature, 334
- Miller, John Paul, Jr., petition for land, 116; grant for signed by the Governor, 332.
- Miller, Nathaniel, petition for land, 114, 400
- Miller, Samuel, petition for land, 5, 139, 159; caveat of against Thomas Peacock, 178; petition for new precept, 299; grant for signed by the Governor, 406.
- Mingostoff, George, petition for grant, 196; grant for signed by the Governor, 393
- Mitchell, John, petition for land, 117; petition for grant, 456
- Mitchell, William, lot in Wrightsboro granted to, 86.
- Mizzell, Sarah, petition for land, 343
- Mix, James, petition for grant, 80
- Montaigut, David and Joseph Ottolenghe, justices, report of concerning negro convict, 305
- Montgomery, John, petition for reserve postponed, 64
- Mooney, Joseph, lot in Wrightsboro granted to, 86.
- Moor, Joseph, petition for land, 395
- Moore, Aaron, petition for land, 287
- Moore, Elizabeth, petition for land, 283



- Moore, George, petition for land, 162.  
 Moore, Gila, grant for signed by the Governor, 179.  
 Moore, Giles, petition for grant, 104.  
 Moore, John, lot in Wrightsboro granted to, 86.  
 Moore, Matthew, lot in Queensboro granted to, 85.  
 Moore, Mordecai, lot in Wrightsboro granted to, 86.  
 Moore, Richard, lot in Wrightsboro granted to, 86; petition to register grant, 400.  
 Moore, Thomas, lot in Wrightsboro granted to, 86; petition to register grant, 400.  
 Moore, William, petition for land postponed, 155; petition for land, 421.  
 Moreman, Thomas, petition for grant formerly ordered brother, 30; grant for signed by the Governor, 124.  
 Morer, John, grant for signed by the Governor, 66.  
 Morgan, Thomas, petition for new precept, 148.  
 Morison, Adam, lot in Queensboro granted to, 85.  
 Morison, John, lot in Queensboro granted to, 85.  
 Mounsey, Isaac, petition for land, 344.  
 Muckenfuss, Joseph, petition for grant, 79.  
 Muckenfuss, Michael, petition for reserve, 57.  
 Muckinfuss, Michael, petition for grant, 368.  
 Mulkey, John, petition for land, 320.  
 Mullryne, John, petition for farm lot, 280.  
 Mullryne, John and Richard Williamson, tied in election for legislature, 334.  
 Murphy, Edward, lot in Wrightsboro granted to, 86.  
 Murray, Charles, petition for land, 408.  
 Murray, David, petition for new warrant, 110, 300.  
 Murray, Stephen, petition for grant, 326; grant for signed by the Governor, 431.  
 Muttear against Rains, caveat, 208.

## N

- Nephew, Peter, grants for signed by the Governor, 85, 113; petition for land, 222, 223.  
 Nesler, Adam, petition for land, 267.  
 Nester, Adam, petition for lot postponed, 155.  
 Netherclift, Thomas, petition for land, 100, 101, 261, 268, 382.  
 Nevell, John, petition for land, 10.  
 Nevill, John, petition for grant, 327; grant for signed by the Governor, 406.  
 Newman, George, petition for land, 127.  
 Newman, John, petition for grant for William Harden, 300.  
 Noble, Thomas, petition for land, 164; grant for signed by the Governor, 406.  
 Nunes, Moses, petition for land, 114; petition for vacant lot, 204; grant for signed by the Governor, 303.

## O

- Oates, John, petition for land, 407.  
 Oates, Tamer, petition for land, 7.  
 O'bryan, Patrick, petition for grant, 23.  
 Obryan, Patrick, grant for signed by the Governor, 66.  
 Obryan, William, petition for land, 92.  
 O'Bryan, William, petition for land, 140.  
 Odam, Frederick, petition for grant, 158, 221.  
 Odam, Joshua, grant for signed by the Governor, 29; petition for land, 346.  
 O'Daniel, against any person, caveat, 207.  
 Odensall, Charles, grants for signed by the Governor, 29.  
 O'densell, Charles, grants for signed by the Governor, 66.  
 Oliver, Alexander, lot in Wrightsboro granted to, 86.  
 Oliver, James, lot in Wrightsboro granted to, 86.  
 Oliver, John, lot in Wrightsboro granted to, 86.  
 Oliver, Samuel, lot in Wrightsboro granted to, 86.  
 Osgood, John, petition for land, 35; grant for signed by the Governor, 205.  
 Osgood, Josiah, grant for signed by the Governor, 29.  
 Oswald, Joseph, petition for grant, 293.  
 Oswell, Joseph, petition for land, 53; grant for signed by the Governor, 406.  
 Ottolenghe, Joseph, petition for land, 11.  
 Ottolenghe, Joseph and David Montaignut, justices, report of concerning negro convict, 305.  
 Owen, Ephraim, lot in Wrightsboro granted to, 86.

## P

- Pacaton, Isaac, petition for grant, 424.  
 Papot, James, grant for signed by the Governor, 89.  
 Paris, Peter, petition for grant, 168; mistake in order to be rectified, 205; grant for signed by the Governor, 252.  
 Parkinson, John, petition for land, 298.  
 Payne, Samuel, petition for grant, 19; grant for signed by the Governor, 85.  
 Peacock, Thomas, petition for land, 52; caveat against, 178; grant for signed by the Governor, 228.  
 Peacock, William, petition for land, 36, 94; grant for signed by the Governor, 205.  
 Pearce, Joshua, petition for grant, 360.  
 Peat, Jonathan, petition for land, 137.  
 Pennington, Edward, grant for signed by the Governor, 66; petition for land, 187.  
 Perkins, John, lot in Wrightsboro granted to, 86.  
 Perkins, Peter, lot in Wrightsboro granted to, 86.

- Perry, John, petition for land, 380.  
Perry, Joseph, petition for grant, 245.  
Phelps, William, petition for land, 339.  
Pickhalt, George, petition for land, 396.  
Pier, Robert, grant for signed by the Governor, 66.  
Pierce, Joshua, grant for signed by the Governor, 432.  
Pilsher, William, petition for grant, 297; grant for signed by the Governor, 377.  
Pilson, Thomas, petition for land, 74.  
Pinnell, William, petition for grant rejected, 248; petition for grant, 250.  
Plummer, Nathaniel, petition for land, 36; grant for signed by the Governor, 205.  
Polson, John, petition for land for Judith Polson, 102; petition for grant, 249;  
grant for signed by the Governor, 332.  
Pooler, Quintin, petition for grant, 175, 358; petition for land, 298; petition of  
Samuel Holmes for grant to pass to, 394; grant for signed by the Gov-  
ernor, 431.  
Pooler, Quinton, petition for land, 183.  
Poulson, John, petition for new precept, 148.  
Powell, James Edward, takes oaths as Councilor, 434.  
Powell, John, petition for land, 271.  
Powell, Josiah, returned to legislature, 334.  
Price, William, petition for land, 418.  
Price against Harris, caveat, 208.  
Pritchard, James, petition for land, 89, 92.  
Proclamation continuing all officers in their places, 434.  
Prothers, Solomon, petition for land, 339.  
Pryce, Charles, petition for new precept, 299.  
Public accounts audited, 123, 434.  
Pugh, Francis, petition for grant, 202; grant for signed by the Governor, 303.

## Q

- Quarterman, Robert, petition for land, 215.  
Quarterman, Thomas, grant for signed by the Governor, 47; petition for land,  
191.  
Queensboro, lots granted to settlers of, 85.  
Queensboro and Wrightsboro, instructions to Surveyor General concerning  
grants prepared for settlers in, 28.

## R

- Rae, John, petition for new precept, 46; petition for land, 135; grant for  
signed by the Governor, 205; returned to legislature, 334.  
Rae, Robert, George Whitfield & Co., petition for grant, 18; grant for  
signed by the Governor, 228.

- Raddock, Collin, petition for land, 101; grants for signed by the Governor, 205; returned to legislature, 334.
- Raines, Joseph, petition for land, 42; grant for signed by the Governor, 113.
- Read, James, grant for signed by the Governor, 85; concurs with Council, 260; appointed Commissioner of Loan Office, 303; takes oath as Councilor, 434.
- Read, William, petition for warrant, 351.
- Redding, William, petition for land, 70.
- Rentz, George, petition for land, 419.
- Rentz, John, petition for lot, 407.
- Reiser, Dorothy, grant for signed by the Governor, 180.
- Reser, Adam, petition for land, 41; grant for signed by the Governor, 84.
- Rian, William, grant for signed by the Governor, 252.
- Richardson, Benjamin, petition for land, 396.
- Ring, Christopher, grant for signed by the Governor, 84.
- Riter, John, petition for land, 316.
- Rivers, Thomas, petition for land, 322.
- Roberts, Josiah, petition for land, 166; grant for signed by the Governor, 406.
- Robson, Chothworthy, lot in Wrightsboro granted to, 85.
- Rock, John, petition for land, 14; petition for grant, 358.
- Roch, John, grant for signed by the Governor, 431.
- Rodgers, James, petition for land, 210; land and town lot laid out for in Queensboro, 227.
- Rodgers, Robert, petition for land, 211; land and town lot laid out for in Queensboro, 227.
- Rollinson, George, petition for land, 282.
- Rose, Alexander and Thomas Lynch, petition for land on Cumberland Island rejected, 178.
- Ross, James, grant for signed by the Governor, 66.
- Ross, Thomas, grant for signed by the Governor, 29; petition for land, 408.
- Russell, David, lot in Queensboro granted to, 85; petition for land, 321.
- Russell, Jane, petition for land, 7; grant for signed by the Governor, 180.
- Ryan, Daniel, petition for land, 25; petition for grant, 82; grant for signed by the Governor, 156.
- Ryan, John, petition for land, 400.
- Ryard, John, petition for land, 306.
- Rylander, John Martin, petition for land, 30; grant for signed by the Governor, 206.

## S

- Sall, Henry, lot in Wrightsboro granted to, 86.
- Sall, Jonathan, lot in Wrightsboro granted to, 86.

- Sallens, Peter, petition for land, 55; grants for signed by the Governor, 228, 377; petition for grant, 246.
- Sampson, Samuel, lot in Wrightsboro granted to, 86; petition to register grant, 400.
- Sampson, William, land and town lot in Queensboro laid out for, 227.
- Samson, William, petition for land, 213.
- Sapp, William, petition for grant, 62, 325.
- Saunders, Joseph, lot in Queensboro granted to, 85.
- Saunders, Joshua, petition for grant, 357.
- Saunders against Pinion, caveat, 207.
- Savage, Robert, petition for land postponed, 154.
- Screven, James, grants for signed by the Governor, 66, 113.
- Scruggs, Richard, petition for land, 6.
- Scruggs against Moreman, caveat, 208.
- Sell, Henry, petition to register grant, 400.
- Sellers, John, petition for grant, 325.
- Sergison, Patrick, petition for grant, 300.
- Sharp, John, petition for grant, 144.
- Shaw, John, petition for land, 13.
- Sheperd, Richard, petition for land postponed, 301.
- Sherbert, James, petition for land, 317.
- Sherrard, Alexander, grant for signed by the Governor, 47.
- Shirley, William, petition for land, 313.
- Shirley against Wells, caveat, 206.
- Shruder, Thomas, petition for grant, 58; grants for signed by the Governor, 84, 303; petition for land, 139, 167, 194, 419.
- Shruder, Thomas, Deputy Surveyor, report of, 226; memorial of, 330; memorial of respecting fees, 384.
- Sidewell, John, lot in Wrightsboro granted to, 86.
- Silivant, Thomas, petition for land, 51.
- Simpson, Elizabeth, petition for land, 99, 239.
- Simpson, James, petition for land, 234, 348; grant for signed by the Governor, 406.
- Simpson, John, petition for grant, 216; petition for new precept, 219; grant for signed by the Governor, 406.
- Simpson against Lewis, caveat, 208.
- Skelly, William, lot in Queensboro granted to, 85; petition for land, 211; land and town lot in Queensboro laid out for, 227.
- Skinner, William, petition for land, 69.
- Slater, John, lot in Wrightsboro granted to, 86; petition for land, 266.
- Slocumb, Seth, petition for grant, 245; grant for signed by the Governor, 377.
- Smallwood, Robert, petition for land, 137.

- Smith, Ebenezer, petition for grant, 362.  
 Smith, Job, Jr., petition for land, 340.  
 Smith, John, petition for land, 88, 129, 233, 234; grant for signed by the Governor, 377.  
 Smith, Richard, lot in Wrightsboro granted to, 86.  
 Smith, Stephen, petition for grant, 169.  
 Snider, Andrew, petition for land, 352.  
 Snook, David and others, grant for signed by the Governor, 124.  
 Spalding, James, petition for grant, 170; grants for signed by the Governor, 252; returned to legislature, 334.  
 Spence, Peter, Surgeon, petition for land, 401.  
 Spencer, Sarah, petition for land, 56, 192; petition to resign precept, 91; grant for signed by the Governor, 432.  
 Spencer, William, petition for land, 397.  
 Spring Hill, cemetery at, 65; glebe at, 65.  
 Stacey, John, petition for land, 161; grant for signed by the Governor, 406.  
 St. Andrew's Parish, glebe land in surveyed, 65.  
 Stanley, David, petition for land, 17.  
 Stanley, John, petition for land, 16.  
 Stevens, John, grant for signed by the Governor, 66; returned to legislature, 334.  
 Stevens, Samuel, petition for new precept, 64; land granted to, 305.  
 Stevens, Thomas, petition for land, 35; petition for grant, 219; grant for signed by the Governor, 333.  
 Stevens, Walker, lot in Queensboro granted to, 85.  
 Stevens, William, petition for land, 187.  
 Stuart, Allen and Ann, petition for land, 397.  
 Stewart, James, petition for land, 410.  
 Stewart, John, petition for land, 18, 286; grant for signed by the Governor, 333.  
 Stewart, Peter, petition for land, 130.  
 Stincey, Archibald, petition for grant, 280.  
 Stirk, Benjamin, petition for land, 76.  
 Stirk, Hannah, petition for land, 353, 370, 372; petition for grant, 410; grant for signed by the Governor, 432.  
 Stirk, John, petition for land, 33, 95; petition that Surveyor General survey plat, 146; petition for land rejected, 177; petition for reserve, 196; grant for signed by the governor, 228.  
 Stiver, Daniel, petition for land postponed, 153.  
 Story, Robert, petition for grant, 363.  
 Stokes, Anthony, petition for land, 31, 263; petition for new warrant, 147; grants for signed by the Governor, 156, 205, 377.

- Strahager, Rodolph, grant for signed by the Governor, 332.  
 Strawhager, Rodolph, petition for land, 94, 222.  
 Stringer, Francis, petition for land, 8.  
 Strobaradt, George, petition for land, 240, 241, 242, 265, 309, 355.  
 Stubbs, Jacob, land in Wrightsboro granted to, 405.  
 Stubbs, John, lot in Wrightsboro granted to, 86.  
 Sullivan, Thomas, petition for land, 41, 152; petition for grant, 244.  
 Sullivant, Thomas, grant for signed by the Governor, 377.  
 Surveyor General, to keep the numbers of town lots granted in his office, 28; fees of, 430.  
 Sym, Hugh, petition for land, 37; grant for signed by the Governor, 205.

## T

- Tannatt, Mary, petition to exchange land, 102.  
 Tanner, Ludwig, petition for land, 272.  
 Tanner, William, lot in Wrightsboro granted to, 86.  
 Tarver, Thomas, petition for land, 40, 190.  
 Tatnell, Josiah, petition for land, 308; petition for land on St. Simon's Island, 387.  
 Telfair, Edward, grant for signed by the Governor, 85; petition for land, 314.  
 Telfair, William, petition for land, 99, 239.  
 Telfair & Cowper, grant for signed by the Governor, 84.  
 Thomas, Deniel, Sr., petition for grant, 80.  
 Thomas, Daniel, Sr., petition for grant, 80.  
 Thomas, Daniel, petition for land, 201; grant for signed by the Governor, 303.  
 Thomas, Gideon, petition for land, 338.  
 Thomas, Gilshot, petition for grant, 173.  
 Thompson, James, lot in Queensboro granted to, 85.  
 Thorn, David, petition for land, 398.  
 Thornton, Samuel, petition for land, 134.  
 Tilley, Joseph, petition for land, 188.  
 Timmens, John, petition for land, 214.  
 Tinkler, John, petition for land, 68.  
 Tomlinson, Samuel, petition for land, 37.  
 Triebner, Christopher Frederick, grant for signed by the Governor, 84.  
 Tricutlen, John Adam, petition for land, 93, 354; returned to legislature, 334.  
 Tubear, David, petition for grant, 416.

## U

- Underwood, Sarah, petition for land, 186.  
 Underwood, William, grant for signed by the Governor, 66.  
 Unsell, David, petition for land, 411.  
 Upton, John, petition for grant, 120, 220, 365.  
 Upton against Sheftall, caveat, 208.

## V

- Vallancier, John, petition for reserve, 272.  
 Vernon, Amos, lot in Wrightsboro granted to, 86.  
 Vernon, Isaac, lot in Wrightsboro granted to, 86.  
 Vincent, Hannah, grant for signed by the Governor, 156.

## W

- Wade, Nehemiah, petition for land, 184.  
 Walden, Robert, lot in Wrightsboro granted to, 86.  
 Wall, William, petition for land, 40.  
 Wallace, William, petition for land, 261.  
 Walthour, Jacob Gasper, grant for signed by the Governor, 29.  
 Walton, John, petition for land, 274; petition for Woodruff land, 274;  
 petition for Watts' land, 275; grants for signed by the Governor, 332.  
 Walton, Mr., caveat against heard, 28.  
 Wand, John, petition for land, 32; petition for new precept, 327.  
 Warnock, Robert, lot in Queensboro granted to, 85.  
 Warren, Benjamin, petition for land, 157; petition for new precept, 319.  
 Waters, Tamer, petition for grant, 206.  
 Watson, Charles, petition for land, 53.  
 Watson, Jacob, lot in Wrightsboro granted to, 86.  
 Watson, John, lot in Wrightsboro granted to, 86.  
 Watson, Sepha, petition for land, 315.  
 Watson, Thomas, lot in Wrightsboro granted to, 86.  
 Watts, Robert, land formerly ordered for granted John Walton, 275.  
 Way, Moser, grant for signed by the Governor, 332.  
 Way, Moses, petition for grant, 218.  
 Weatherford, Martin, petition for grant, 197; grant for signed by the Governor, 303.  
 Weathers, Edward, grant for signed by the Governor, 66.  
 Wells, Absolum, petition for land, 142; petition for grant postponed, 248.  
 Welsh, James, petition for land, 236.



- Welsh, John, lot in Wrightsboro granted to, 86.  
Wertsch, John, grant for signed by the Governor, 113.  
Wertsch, John and others, grant for signed by the Governor, 332.  
West, Charles, deceased, land ordered to, 304.  
Wheat, William, petition for land, 270.  
Whitsett, John, lot in Wrightsboro granted to, 86.  
Whitters, Jacob, petition for grant, 247.  
Williams, John Francis, petition for new precept, 217.  
Williams, Chaplin and Pride, petition for land, 344.  
Williams, Ezekiel, petition for land, 152.  
Williams, Jesse, petition for land, 128.  
Williams, John Francis, petition for land, 54; petition for new precept, 217.  
Williams, John, petition for grant, 24; grant for signed by the Governor, 29, 47; petition for a reserve postponed, 63; petition for land, 183.  
Williams, Stephen, petition for grant, 60; grant for signed by the Governor, 124.  
Williams, William, grant for signed by the Governor, 29; petition for land, 140, 159; petition for grant, 403.  
Williamson, Benjamin, petition for land, 9.  
Williamson, Richard, grants for signed by the Governor, 47, 66, 252; petition for land, 68.  
Williamson, Richard and John Mullryne, tied in election for legislature, 334.  
Williamson, William, petition for land, 267, 287; grant for signed by the Governor, 432.  
Wills, Mary, petition for land, 398.  
Willson, James, petition for grant, 370.  
Willson, John, petition for land, 50; petition for grant, 203.  
Wilson, James, petition for land, 12.  
Wilson, Samuel, lot in Wrightsboro granted to, 86.  
Wilson, Thomas, petition for land, 153; grant for signed by the Governor, 303.  
Wimberly, Isaac, petition for land, 115; petition for new precept, 330.  
Winkler, George, petition for land, 314.  
Winn, John, petition for land, 12; grant for signed by the Governor, 179.  
Winn, John, Jr., petition for land, 55.  
Winsey, Abraham, petition for land, 272.  
Winslete, Samuel, lot in Wrightsboro granted to, 86.  
Witter, Jacob, petition for land, 73; grant for signed by the Governor, 377.  
Womack, Jesse, grant for signed by the Governor, 66.  
Womack, John, petition for land, 368, 422.

- Wood, David, grant for signed by the Governor, 377.  
 Wood, Thomas, petition for land, 164.  
 Woodland, James, petition for grant, 45; grant for signed by the Governor, 85.  
 Woodtuff, Joseph, petition for land, 193; land formerly ordered to granted to John Walton, 274; grant for signed by the Governor, 432.  
 Wright, Sir James, see Governor Wright.  
 Wright, Jermyn and Charles, petition for land, 105; petition for grant, 174, 360; grants for signed by the Governor, 377.  
 Wright, Jermyn, petition for land postponed, 26; petition for grant, 106, 359; returned to the legislature, 334; grant for signed by the Governor, 377; petition for land, 417.  
 Wright, Joseph, petition for land, 4, 56, 97.  
 Wrightsboro and Queensboro, see Queensboro.  
 Wrightsboro, lots granted to settlers of, 86; land ordered certain persons on forfeited, 383.  
 Writs of election, Secretary ordered to issue, 303.  
 Wyche, George, grant for signed by the Governor, 332.  
 Wychee, George, petition for grant, 144.  
 Wycke, George, petition for grant, 249. /  
 Wylly, Alexander, petition for grant, 79; appointed Clerk of Council, 210.  
 Wylly, Campbell, grant for signed by the Governor, 180.  
 Wylly, Richard, petition for land, 238; returned to legislature, 333; petition for land, 423.  
 Wylly, Susannah, grant for signed by the Governor, 180.  
 Wylly, William, petition for grant, 44, 295; petition for land, 91; grant for signed by the Governor, 112.  
 Wylly, William, Jr., grant for signed by the Governor, 180.

## Y

- Yakely, Jacob, grant for signed by the Governor, 252.  
 Yakley, Jacob, petition for grant, 172.  
 Yarbrough, Manoah, petition for land, 40; petition for grant, 326; grant for signed by the Governor, 406.  
 Yonge, Henry, Jr., petition for land, 364.  
 Yonge, Henry, warrant issued to for five thousand acres, 155; grant for signed by the Governor, 332; petition for island, 400; appointed member of Council, 427; sworn as member of Council, 427; takes oath as Councilor, 434.  
 Yonge, Philip, petition for an island, 350.  
 Young, Isaac, returned to legislature, 334.

- Young, Thomas, petition for land, 237.  
Young, William, returned to legislature, 333; petition for land, 399.  
Young against Tunnagan, caveat, 207.  
Youngblood, Benjamin, petition for land, 269.  
Youngblood, Peter, petition for land, 268.

## Z

- Zetler, Daniel, petition for grant, 105.  
Zetler, John Martin, petition for land ordered Lucas Moser, 125.  
Zetler, Matthias, petition for grant, 105.  
Zetler, Nathaniel, petition for grant, 105; grant for signed by the Governor, 206.  
Ziegler, Lucas, petition for land, 416.  
Zipperer, Christian, grant for signed by the Governor, 180.  
Zipprer, Christian, petition for grant, 81.  
Zubly, John Joachim, petition for grant, 21; grant for signed by the Governor, 85.

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BY

ALLEN D. CANDLER

VOLUME XII

PROCEEDINGS AND MINUTES OF THE  
GOVERNOR AND COUNCIL

FROM

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VOLUME XIII

---

JOURNAL OF THE COMMONS HOUSE  
OF ASSEMBLY

January 7, 1755, to December 16, 1762, Inclusive

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COMPILER'S PREFACE TO THE JOURNAL OF  
THE COMMONS HOUSE OF ASSEMBLY.

---

Under the King's government in Georgia the legislative power was vested in three branches, the King's Governor, the King's Council, sitting as an "Upper House," and the Commons House of Assembly. The Governor could recommend to the two Houses such measures as he deemed advisable and he had the veto power, and no bill could become a law without his approval, and then it had to go to England for the King's approval.

The powers of the Council sitting as an Upper House were not clearly defined. At first the Commons House of Assembly denied to it the right to originate bills, and did not recognize the right the councilors claimed to call themselves "the Upper House of Assembly," but insisted that they were only a Council with advisory powers. But later on they recognized them as the Upper House and conceded to them the right to inaugurate measures and insist on amendments to all bills passed in the Lower House except money bills. These had to originate in the Commons House, and could not be amended in the Upper House.

The members of the Commons House of Assembly were elected by the qualified electors, and an elector to be qualified had to be not under twenty-one years old and had to own fifty acres of land in the parish in which he offered to vote; and to be qualified to sit in the Commons House of Assembly he had to own five hundred

acres anywhere in the province. The members of the Commons House of Assembly chose their own Speaker, but their choice could be, and sometimes was, negatived by the Governor, when they had to elect another. The members were elected for no definite period, but continued until the Governor thought proper to dissolve them; and they could adjourn themselves only from one day to the next, but adjournments for a longer period had to be made by the Governor.

"Their proceedings were conformed to the Commons in Great Britain, and they chose their own Messenger and Doorkeeper, but the Governor appointed the Clerk." The members served without pecuniary compensation.

This and the two following volumes contain all the Journals of the Commons House of Assembly now in existence from the first meeting of the first royal legislature on the 7<sup>th</sup> of January, 1755, to the final adjournment of the last on the 16th of June, 1782. These Journals are full and complete up to Habersham's legislature in April, 1772. The Journal of this legislature seems to be imperfect and sometimes conflicting. During the turbulent times which followed there was but little effort at legislation. There was no harmony between the legislative and executive departments, the representatives of the people not being in accord with the Governor. The Journals for this entire period are meager and imperfect. From March, 1776, to May, 1780, there was no session of the legislature, and for nearly three years of this time there was no semblance of royal government in the province. In July, 1779, six months after the British forces captured and occupied Savannah, Governor Wright returned

and resumed the duties of his office, and in the following May issued writs for the election of a new legislature, but no constitutional quorum for the transaction of business appeared. It required eighteen members to make a quorum, when at no time more than fifteen appeared. The Governor sought in the emergency the advice of the Chief Justice and Attorney General, and was advised by them that under existing circumstances laws passed by this legislature would be valid, and it therefore organized as a legislature and passed a few laws, the most important of which was the disqualifying act of 1782, published elsewhere in this compilation, but only the most meager and fragmentary Journals of the proceedings of this legislature can now be found, either here or in London. The first we have is that of May 9, 1780, and the last June 16, 1782, about three weeks before the British evacuated the State. These Journals are so fragmentary and disconnected that they afford no intelligible account of what was done or attempted, but such as they are, we have included in this compilation.

THE  
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VOLUME XVI

---

JOURNAL OF THE UPPER HOUSE OF  
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PREFACE TO THE JOURNAL OF THE UPPER  
HOUSE OF ASSEMBLY.

---

The Upper House of Assembly was the King's Council sitting as a branch of the Legislature. It was composed of fourteen persons, all appointed by the King to serve during his pleasure; twelve Councilors in ordinary and two extraordinary, the Surveyor General of Customs and the General Commissioner of Indian Affairs. As a Council they sat with the Governor to advise him in the discharge of the executive duties, and he performed all important acts "by the advice of his Majesty's Council." When sitting as an Executive Council the Governor presided. As a legislative body it was presided over by the senior member of the body, who was styled the President of the Council. It, for a long time, seldom originated bills, but confined its work to amending and perfecting such as were sent up to it by the Commons House of Assembly. But during the last few years of British rule it originated some bills which were passed by the Commons House, but appropriation and tax bills had to originate in the Commons House, and had to pass as the Commons House had passed them, for the Upper House was not permitted to amend them.

Indeed, the Assemblymen, all of whom were elected by the people, who were qualified to vote were always jealous of the Council and disputed their right to call themselves "the Upper House of Assembly" until a few years prior

## PREFACE.

to the subversion of the King's government in the province, when they seem to have recognized their right to the title.

This and the following volume contain all the Journals of the body now in existence. Up to the beginning of the disturbances that culminated in the War of the Revolution they are full and complete. From that time forward they are meager, imperfect and fragmentary. From the subversion of the King's government in the early part of 1776, to its restoration in 1779, there are, of course, no Journals, for there was no royal government in the province. After the return of Governor Wright he called a Legislature, which met in May, 1780, and continued until June, 1782. This Legislature was an unconstitutional body, for never at any time was there present a lawful quorum of the Commons House of Assembly. Still, the Governor recognized it, from necessity, as a Legislature, and feeble efforts at legislation were made, but very little was accomplished.

While we have imperfect Journals of the proceedings of the Lower House of this Legislature, we have been unable to find even a vestige of a Journal of the Upper House, either here or in England.

(From B. P. R. O.—B. of T., Georgia.)

## GEORGIA

### Copy of the Journal

OF THE

### COUNCIL IN ASSEMBLY

OF

### His Majesty's Province of Georgia

---

from the 7<sup>th</sup> Day of January 1755,  
to the 21<sup>st</sup> Day of February following  
both Days inclusive.

Rec<sup>d</sup> with Gov<sup>r</sup> Reynolds's Letter  
dated y<sup>e</sup> 28<sup>th</sup> Feb<sup>r</sup> 1755.

Rec<sup>d</sup> May y<sup>e</sup> ..... 1755.

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STATUTES ENACTED BY THE ROYAL LEGISLATURE  
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## PREFATORY NOTE

At the suggestion of some of the most learned lawyers in Georgia and most careful students of Georgia jurisprudence, we are including in this and the following volume literal transcripts of the acts of the royal legislature of the province from the incumbency of Captain John Reynolds, the first royal governor, up to the final withdrawal of royal government in 1782. Of these old statutes many have never been in print at all, and those that have ever been have for many years been entirely obsolete and do not appear in any of the compilations, digests, or the Codes of Georgia laws. They will be found to be of much interest, not to the mere case lawyer, but to those members of the bar who study law as a science and endeavor to ascertain the cause and reason for the enactment of each statute by the legislature; for instance, at the establishment of royal government in the province, scarcely anything was done without express authority of the legislature. The qualified voters elected members of the legislature, and the legislature elected all other civil officers from the Governor down. In addition to that no toll bridge, ferry, turn-pike, nor any other similar enterprise could be undertaken by private companies without specific authority from the legislature. The rates of toll were always fixed by the legislature in the charters granted to such enterprises, and all the rights, privileges and immunities enjoyed by such companies were prescribed in their charters. These legislative enactments regulating such companies are the foundation, the mud-sills, of all our corporation laws of today. As is well known to every lawyer, about half the civil business transacted in our courts at this time is connected with or grows out of corporations, banks, railroads, insurance companies, etc., and hence the study of these old corporation laws, enacted by the royal legislature before Geor-

gia was a State, is not only interesting but profitable to the practitioner who desires to fully qualify himself to deal in our courts with questions in which the rights of the people on the one hand and the rights of corporations on the other are involved.

Many of these old statutes have been sought for and found in the archives rooms of our capitol, and those not found there were secured from the British Public Record Offices in London, where, up to this day, every paper relating to the colony of Georgia while she was a British province, has been carefully preserved.

The Commons House of Assembly, which enacted these statutes, was elected by the qualified voters of the province. The Upper House was composed of counselors appointed by the crown. This House was made to conform as nearly as possible to the British House of Lords. No bill could originate in the Upper House. They had power, after the Lower House had inaugurated measures, to review them and suggest such amendments as in their judgment would improve the proposed laws, but they could not amend a bill at all. All they could do was to suggest. Thus the two Houses of the Legislature were constituted, and when a bill had met the approval of both Houses it was transmitted to the Governor, who represented the King, for his approval or disapproval. If he approved the measure, it was put into effect at once; if he vetoed it, that was the end of it; but even after the Governor had approved a bill and it had been put into effect, it was sent to London to be passed upon by the King and his Council there. If approved by the King and Council, it stood as a permanent law. There was no prescribed time in which it should be approved or disapproved by the King. Sometimes a bill was allowed to remain operative in the province for two or three years, and then it was taken up by the King and Council and vetoed, when it became inoperative.

We have exhausted every means to make this compilation perfect, but it is possible, and indeed probable, that some Acts may have been lost, but none of very great importance. At all events, the compilation is believed to be as complete as it is possible to make it after the lapse of so many years.



THE  
COLONIAL RECORDS  
OF THE  
STATE OF GEORGIA

VOLUME XIX  
PART I

STATUTES, COLONIAL AND REVOLUTIONARY,  
1768. TO 1773.

COMPILED AND PUBLISHED UNDER AUTHORITY  
OF

THE LEGISLATURE

BY

ALLEN D. CANDLER, A. M., LL. D.

ATLANTA, GA.  
CHAR. P. BYRD, STATE PRINTER.  
1911.

THE FOLLOWING VOLUME WAS FILMED  
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THE  
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VOLUME 21.

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ORIGINAL PAPERS

CORRESPONDENCE, TRUSTEES, GENERAL  
OGLETHORPE AND OTHERS.

1735-1737.

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## PREFACE.

On October 26, 1910, Ex-Governor Allen D. Candler passed to his reward at the ripe age of seventy-six years. The end came peacefully to the aged public servant at his home in Atlanta, Ga., surrounded by the sorrowing members of his bereaved household. The extent of his labors as Compiler of State Records was vast. He left at his death, in manuscript, some twenty-four volumes, in addition to thirty volumes already compiled and published, covering the Colonial, Revolutionary and Confederate periods.

To the memory of Governor Candler, Georgia owes a profound debt of gratitude. Time will not diminish this obligation; for as the years go by the measure of service which he rendered Georgia as her first Compiler of Records will grow in popular recognition. He filled this office from 1902 to 1910—a period of eight years, but the area of his researches covered the better part of two centuries.

Except for certain records in the Spanish Archives at Seville, pertaining to the Colony of Georgia and dealing with the Spanish Wars, little remains to be done in the Colonial period beyond supplying an index for the first three volumes of the series. To the Revolutionary period it is only necessary to add a Roster, together with such additional data as may be obtained under a Democratic administration from the War Department in Washington, D. C. The Confederate Records, though still incomplete, are well advanced.

To Miss L. T. Henderson, Governor Candler's faithful assistant in office, the appreciative thanks of the State are due for her painstaking and efficient work in editing his unfinished manuscripts. These only need to be indexed with care by one familiar with Georgia's history, so that in each instance the key-word may be supplied; and for the convenience of students making historical investigations, it is also important to extend the work by making marginal annotations. As rapidly as the funds will permit, the manuscript volumes will be put into print.

These great periods—the Colonial, the Revolutionary, and

the Confederate—Governor Candler has made, in a peculiar sense, his own; and whatever the task of the future Compiler in shaping Georgia's history for other periods may be, these belong to him and to him they will be accredited while the archives of our State endure. With the Compiler's pen in his hand—unwearied to the last—Governor Candler fell asleep

“His twelve long hours

Bright to the edge of darkness. Then

The calm repose of twilight and the crown

Of stars.”

Succeeding Governor Candler in office, came Ex-Governor William J. Northen, than whom Georgia never bore a more devoted son. Stainless in every act of his life, he was a model public servant, a man without fear and without reproach. But ill-health, incident to advanced years, prevented this noble old Roman from realizing the full measure of his ambition in the office of Compiler; and to the infirmities of age there were added certain political embarrassments. But the manuscript of the present volume—number twenty-two—shows that Governor Northen carefully scrutinized every paragraph, while his familiar hand-writing appears throughout the manuscript in frequent notes and captions. When too feeble to write, he supervised with the utmost care the work of his stenographer; and the last sentences which he ever framed for these records were dictated with great physical pain from his death-bed. He passed away at the age of seventy-eight years, on March 24th, 1913, just as the opening chapters of the present volume were going to press. Georgia will ever cherish the memory of this pure patriot and hold in affectionate remembrance his manifold virtues.

In succeeding by executive appointment to an office filled by these choice spirits and adorned by these splendid names, the present Compiler enters upon his task with serious misgivings. The standard set by his predecessors is high. But he takes up the unfinished work of these men with the conscientiousness that whatever he may lack of wisdom to make him worthy of such an honor, he can at least count upon love to keep him loyal. The office of England's poet-laureate was not more reverently assumed by Tennyson when he became in 1851 the Court Singer

of the Victorian Age; and if I may paraphrase the laureate's lines, addressed to the Queen, it will be to make them read—

“Georgia—since your royal grace  
To one of less desert allows  
This laurel greener from the brows  
Of men who uttered nothing base—

Take, Madam, this poor book of mine,  
For though the faults were thick as dust  
In vacant chambers, I could trust  
Your kindness.”

LUCIAN LAMAR KNIGHT.

ATLANTA, GA., July 1, 1913.

**Ceremonies at the Unveiling of a Monument to Ex-Governor Allen D. Candler in Alta Vista Cemetery, at Gainesville, Ga., on June 3, 1913 by Members of his Official Household**

On June 3, 1913, the grave of Ex-Governor Allen D. Candler, in Alta Vista Cemetery, at Gainesville, Ga., was most impressively marked by a handsome shaft of marble, the funds for which were contributed by the members of Governor Candler's official household. These included the various appointees commissioned by the lamented former chief magistrate during his term of office as Governor. The Candler lot is in the center of the burial ground, an area some twenty-five acres in extent, perhaps a mile distant from the court house. It crowns one of the loftiest hills near Gainesville, and justifies the classic name "Alta Vista" by giving the visitor a glimpse of shadowy mountain ranges in the distance. Near the Governor, in the same family square, sleeps his distinguished father, Capt. Daniel G. Candler, a former Mayor of Gainesville; while, in the immediate neighborhood, repose Gen. James Longstreet, Dr. Richard Banks, Gov. James Milton Smith and a host of noted Georgians. At the unveiling exercises there were a number of visitors present from various parts of Georgia, besides a multitude of Gov. Candler's admiring fellow citizens of Gainesville, who were there with moistened eye-lids to tell of the love in which they held the illustrious Georgian. Overhead a blue sky beamed upon the vast concourse of people gathered at the grave of Governor Candler. The following brief resume is condensed from a report of the unveiling exercises which appeared in the Gainesville Herald, of June 5, 1913, a paper edited by Mr. Guy Clopton. Says this account:

**PROGRAM IN DETAIL.**

"The officials of the city of Gainesville, the Candler Horse Guards, the Daughters of the Confederacy, the old soldiers of the county, and hosts of friends assembled on the public square

**INTRODUCTION**

at 9:30 o'clock and then the Candler Horse Guards, mounted, followed by a train of automobiles left for the Southern depot to meet the distinguished guests who came up from Atlanta and other points to take part in and to witness the ceremonies.

"In the same order the guests were brought to the public square and a line was at once formed for the march to Alta Vista, where the unveiling took place.

"When the hour arrived for the unveiling to take place, Col. S. C. Dunlap introduced Hon. J. W. Lindsey, marshal of the day, who after a short speech called on Presiding Elder Rev. Luke G. Johnson to ask God's blessing upon what was about to take place. Mr. Johnson offered a touching and beautiful prayer befitting the occasion. Mr. Lindsey then introduced Judge Hamilton McWhorter, of Athens, who presented the monument to the family, the city and the State. Judge John S. Candler was then introduced and accepted it in behalf of the family. Mayor P. E. B. Robertson was then introduced and accepted it in behalf of the city. Hon. Lucian L. Knight, representing the Governor of Georgia, who was necessarily absent, was then presented to the audience, and accepted it in behalf of the State.

"Upon leaving the cemetery the guests were carried to the Princeton hotel where they took lunch as guests of the City of Gainesville. After lunch the visitors were treated to an automobile trip through the principal streets of the city, and to Brenau College and Riverside Military Academy, ending at the Southern depot. They left for their respective homes on an afternoon train.

**INSCRIPTION ON THE MONUMENT.**

The inscription on the monument follows:

"Placed to the memory of Allen Daniel Candler by his appointees to office and places of honor while Governor of Georgia."

Nov. 4, 1834.

Oct. 26, 1910.

A Graduate of Mercer University in the Class of 1859.  
A Soldier and Colonel in Army Confederate States, 1861-1865.  
A Member of the House of Representatives of Georgia, 1873-1878.

Senator, 1878-1880.

Member of the Congress of the United States, 1883-1891.

Secretary of State, 1894-1898.

Governor of Georgia, 1898-1902.

Compiler of State Records, 1902-1910.

"He was an upright man, a patriotic citizen, a true soldier, and a faithful public servant, who in peace and in war, exemplified the virtues of incorruptible integrity, fearless courage, and unselfish devotion to the welfare of his country."

#### JUDGE HAMILTON McWHORTER'S ADDRESS OF PRESENTATION.

In presenting the monument to the family, the city of Gainesville and the State of Georgia, Judge McWhorter made the following address:

"Ladies and Gentlemen:

"This is a notable occasion. For the first time in the history of the State an official family assembles to pay this tribute to their official chief—who dedicated his life and his talents to his State and his country.

"This tribute was not evoked merely because we were members of his official family, but because we were thereby introduced into that more intimate and confidential relationship from which we could better understand and appreciate the genuineness of his nature, the sincerity of his heart, the soundness of his principles, and those other virtues of head and heart which evoke admiration, esteem, confidence and love.

"This memorial is a tribute by those who knew him best, and, therefore, by those who loved him most.

"It is the voluntary memorial of those who sat around his official fireside—who caught and treasured the words of his wisdom—who were inspired by his friendship and affection—who were cheered by his sympathy and counsel—who were cautioned by his admonition and sustained by his love—who basked in the sunshine of his great heart and nature, and who, in their tears, followed him here, to his last resting place, and, in their love and devotion, would erect this simple shaft to his enduring memory.

"His friends throughout this great commonwealth, if occasion had authorized it, would have lovingly joined in this memorial and if all of them had been permitted to co-operate in this tribute of affection, this simple shaft would have been metamorphosed in height and breadth and elaboration into a mighty and imposing monument, but we preferred this simple tribute—this token of love and affection from his official family and we feel that his loving and guiding spirit, which hovers around and about us today, reflecting the golden heart of his honest, but rugged nature, appreciates this simple token set in love, rather than statues of bronze and columns of marble raised high, in pomp and parade.

"Allen Daniel Candler literally dedicated himself to his country. He died in the seventy-sixth year of his age and for thirty-five years was the trusted and devoted servant of the State he loved.

"As a member of the House of Representatives, Senator, Congressman, Soldier, Secretary of State, Governor and Compiler of Colonial Records, his life is so interwoven into the warp and woof of the State that its history cannot be written without recording his contribution to it.

"A Georgian by birth, he loved his State as his mother, and in the rare ruggedness and honesty of his nature, when promoting her interest, he not only expressed his own convictions with absolute and open frankness, but whenever the occasion required he did not hesitate to stimulate the timid or combat the derelict whenever her welfare or honor was in issue.

"He loved and was true to his friends.

"He lived and basked in the sunshine of their presence.

"He was companionable to a degree and shed light and happiness along the pathway of life.

"He was of rugged but gentle nature, optimistic in vision, diplomatic in conception and advice, comprehensive in thought, wise in counsel, but positive and robust in action.

"He was a constructionist by nature and not a pessimist—he sought to build and not to destroy.

"He preferred to give rather than to receive, and he gave freely his time and talents to the construction and development of his section without the sordid care of self, and, therefore, his personal pecuniary returns were not always commensurate with his works, but he was compensated in the patriotism of his pur-

pose, the completion of his plans and the resulting development, growth and prosperity of his section and country.

"He sowed that others might reap, but in the generousness of his nature he was content to be without reward save in the development and fulfillment of his conceptions and his enterprise.

"He did not love money, but preferred man to Mammon.

"He was enamored of the prosperity, growth and progress of his City, his County, his State and his Country, and relatively was careless and unmindful of his own pecuniary interest.

"He builded for progress and not for selfish exploitation.

"Rugged by nature and of simple economy, mere money and wealth held no attraction for him, nor did luxury or ease appeal to him. He was moved by a profound sense of duty, and, while diplomatic in dealing with non-essentials, he was inflexible even to bluntness in the defense of essential principles.

"He belonged, by birth, nature and tradition, to the old school of statesmen who believed in the Constitution of the fathers with a simple but profound and enduring faith.

"As a Representative he legislated for all the people, and as an executive he believed in economy, probity in official life and the preservation of every just right guaranteed by the Constitution, with its motto of 'Justice, Wisdom and Moderation.'

"As an official he was ever patient, almost to the limit of indulgence, and never irritable, sensitive or hypercritical and no overbearing conduct marked or marred his official life. He loved and trusted those officially associated with him and they loved and honored him.

"In reflecting upon his life and character we are reminded of the Roman proverb:

"'He whom the gods love dies young.'

"However old in years they may live, even beyond three score and ten, they are still young in nature, in heart and in spirit.

"The touch of the gods, by the Roman proverb, imparts a crown of glory which dissipates the chill of age, preserves youth, lubricates the wear of time, rejuvenates the nature and spirit from the blight of growing old, and, like the Gulf Stream, warms the winters of the passing years.

"This halo of glory rested upon him.

"He died young, not in years, but in nature and heart and spirit.

"He was young in hope, young in sympathy and young in the warmth of his affection and love for his fellow man.

"He was not a churchman, but in his life and character, in its final essence, he stood for the faith of all Christian creeds—a profound reverence for his Creator, an abiding faith in His revealed Word, a complete reliance on the Blood of the Cross and an unbounded and unselfish love and kindness for his fellow man, and when the end came, we are taught that his spirit, like Abou Ben Adhem's, who also loved his fellow man, was wafted by the angels of peace and love into the bright and beautiful beyond, where 'Behold, his name led all the rest.'

"His life was gentle;

"And the elements so mixed in him, that Nature might stand up and say to all the world, 'This is a man.'

"All hail to Allen Daniel Candler as a man, citizen, husband, father, soldier, statesman and patriot, whose memorial we now present to his City and to his State.

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At the conclusion of Judge McWhorter's address, Miss Annie Candler, youngest daughter of the late Governor, released the veil.

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SPEECH OF JUDGE JOHN S. CANDLER ACCEPTING THE MONUMENT  
ON BEHALF OF THE FAMILY OF GOVERNOR CANDLER.

Judge John S. Candler, a kinsman of the lamented Governor, was next presented to the audience. In a voice tender with emotion, showing the full heart out of which he spoke, Judge Candler said:

"Col. Lindsey, Judge McWhorter, Ladies and Gentlemen,  
Friends and Associates of Governor Candler:

"At the request of his immediate family, and as the youngest member of the generation of the Candler family, of which Governor Candler was the oldest, it is my great honor and pleasure to accept for the family this tender tribute of your love and friendship, erected on this spot, to mark his last resting place, and to preserve for posterity the opinion which you hold of his virtues, and the achievements of his life.

"This is a rare occasion, one not soon to be forgotten, and the like of which has not, within my memory, been seen in Georgia.



The sentiment involved in this act of yours is as pure and sweet as the air from those blue mountains, at whose feet he now sleeps, and upon whose bosom he first drew the breath of life. He was born at an epochal time in this State, and reached manhood while his State was in the midst of the greatest crisis through which it has ever passed.

"In what is now Lumpkin County, in the year 1834, he was born. He was given the name honored by his father, his grandfather, and his great grandfather, and at the hour of his death the name was as unsullied as it was when first bestowed upon his great grandfather at Callan, in Kilkenny, Ireland. Our generation and our branch of the family owe much to the immediate generation preceding us. Our grandfather, Daniel Candler, died in Columbia County, Georgia, in the year 1816, at the early age of thirty four, leaving five sons, the oldest of whom was but twelve years of age, the youngest less than two. The two oldest sons, William and John, in early manhood, married Georgia girls, and removed from Georgia, the one to Arkansas, the other to Louisiana. The three younger, Samuel, Daniel and Ezekiel, remained in Georgia. From the lower counties of Richmond and Columbia, they soon found their way to the hills and mountains of the northern portion of the State. Samuel, my father, married in Cherokee County, the daughter of Noble Beall. Daniel, the father of the Governor, married Miss Mathews, of the family of Governor Mathews. Ezekiel married in Coweta County, Miss Williams, of that large family which has done so much for Western Georgia. Each of these brothers did loyal service for the State, as militia officers in the Indian border warfare, that marked the first thirty years of the nineteenth century, while still in their teens and early manhood, and in their old age, they proved their love and loyalty in support of the tenets of their State, under the Stars and Bars in the War between the States. They taught their boys to honor their names, by teaching them the binding strength and power of love of family, love of home, love of State, and love of Country. By their example, we were shown that in honest, faithful labor, in whatever walk of life was entered, was to be found the only royal road to success, and that with honor, truth and loyalty as our watchwords, we would always have the love, confidence and respect of our fellowmen.

"Governor Candler lived up to all his family traditions and

training. He loved his family with a tenderness that none could know, who had not the privilege of seeing it under the roof that sheltered it. His gallant, tender, touching affection for the wife of his bosom was as sweet and beautiful at the hour of his departure as it was on his bridal morn. His loving solicitude for the children of his loins was like unto Jesse for David and of Jacob for Joseph and Benjamin. As he loved his wife, with ardor and strength, prized her purity and guarded her honor with jealous care, so loved he his State and Country, and ever held his life devoted to the same high service. As he was at all times solicitous of the welfare of his children, so was he watchful of the interests of his State. He loved and trusted his friends, and today you each and all bear witness to the fact that no man whom he knew to be his friend, was ever by him forgotten, when favors were to be bestowed or honors conferred, and with him, his friends were always right. If they had faults he was too full of their virtues to perceive their errors, and if at any time one openly went wrong, he looked the other way and left it to some one else to chide them.

"In his veins, coursed the blood of the Puritan and the Cavalier. On Naseby's Field, the hand of the Puritan, William Candler, along side Oliver Cromwell, sought the life of the Cavalier Phillip Slaughter, in fiercest struggle, but at Guildford Court House, Eutaw, the Cow Pens, and finally at Yorktown, the lineal descendant of that same Candler, who fought with Cromwell against royalty joined hand with Samuel Slaughter, a lineal descendant of the Cavalier Phillip and fought side by side against the oppressing Mother Country for that new-born freedom and higher glory never dreamed of by their ancestors.

"Georgia in her early days did well to invite the Puritan from New England, the Scotch Highlander from Maryland and North Carolina, and the Cavalier from Virginia, to occupy her lands and make their homes on her rich plains and amid her lofty hills. On her soil, the sons and daughters of these early settlers have mingled their blood, and given us a people that in purity of purpose, lofty ideals and high character, have illustrated the greatness and grandeur of their early ancestry. Of such blood was he, whose memory you honor today, and of such are each and all of you. This day will bear fruit for good, and wherever the story of the friendship of Damon and Pythias is remembered,

the love of David for Jonathan is read, this loving act of yours will be told, and Georgia friendship will be honored and extolled.

"Amid the noise and bustle of your Capitol City, on a beautiful morning in October, 1910, he fell asleep. We took him up and brought him back to the foot of these hills, which he loved so well, that here, under the shade of the oaks, where in youth he played, he might sleep well. God rest him, and God bless you, his friends, whom he loved so well."

REMARKS OF MAYOR ROBERTSON ACCEPTING THE MONUMENT FOR  
THE CITY OF GAINESVILLE.

The following were the well-chosen words employed by Mayor P. E. B. Robertson in accepting the Candler monument on behalf of the city of Gainesville, said he:

"It is not for me on this occasion, surrounded by a people who are familiar with almost every event of his life, to speak at length upon the career and character of Mr. Candler.

"We share with the South the glory achieved by his valor on the field of battle.

"We divide with the nation his magnificent service as a member of congress.

"Of his wise administration of the affairs of state we take our part, but as a favorite citizen, one who in his early life stood foremost in the upbuilding of our city and the development of this favored section, as a neighbor and fireside friend he was our own.

"As a statesman, loyal to his convictions and who never betrayed a trust, we honored him. But as a sympathetic friend and ever ready counsellor and helper, we loved him.

"With grateful acknowledgements of the thought and sentiment that erected this monument, and with the highest appreciation of the man it commemorates, we accept it.

"We promise you to keep, protect and preserve it."

SPEECH OF HON. LUCIAN LAMAR KNIGHT ACCEPTING THE MONU-  
MENT FOR THE STATE OF GEORGIA.

In receiving the monument on behalf of the great State of Georgia, as a representative of the Governor, and as a successor

to the deceased in the office of Compiler of Records, Hon. Lucian L. Knight made the following address. Said he:

"Mr. Chairman, Ladies and Gentlemen:

"On behalf of the great State of Georgia whose interest in this hour is paramount, I am here by commission of the Governor to speak for three millions of people, in whose minds today there is but a single thought and whose hearts in homage to this gentle Georgian beat as one. Sir, no ordinary patriot slumbers here. Since Oglethorpe stood on Savannah's bluff and swept the primeval solitudes of an infant Colony, there has not appeared upon the scene in Georgia one who loved the State with more unselfish love or who served the Commonwealth with a purer ardor of devotion. He wooed the historic muse of Georgia like a lover and he placed upon her brow a wreath which no autumn sun will ever wither.

"With Allen D. Candler patriotism was a passion. He loved Georgia with every pulse-beat of his great heart. There was not a foot of her soul, from the sea to the cedars, which he did not cherish as his own native heath, and there was not a page of her history that his own unwearied pen did not help to brighten. He bore a name illustrious in Georgia from the Revolution, and the ties of a glorious ancestry bound him to the old mother-land. His friends and his foes alike were Georgia's. He knew no comrade in the ranks who could not pronounce the shibboleths of his faith and in the lexicon of his allegiance to principle there was no such word as surrender. He led these men of the hills in a hundred fights for Democracy, but he never sounded a truce, he never ordered a retreat, and never once, while he held it, did the old flag of his party droop in dishonor on the field. No tainted shilling ever rested in the palm of his hand and no dictate of self-interest ever swerved him by a hair's breadth from the path of right. Great and true man, honor was his shield; his golden motto: duty without fear.

"One of the most beautiful pictures, Mr. Chairman, in the annals of our state, is the picture of Allen D. Candler in his old age, devoting himself with the enthusiasm of a youth to the task of compiling the immortal records of Georgia. There he sits in a committee room at the State Capitol, bent with the weight of three-score years and ten. His strength is well-nigh spent. He is almost at the end of his long journey. But he seems to wax young again at his work and to catch from the glow of

◀ Georgia's historic dawn some of the lost sun-beams of his own morning skies. Instead of enjoying a leisure which he has well earned in the service of the State, he is toiling away over musty files, often-times far into the night. It is no easy task upon which this veteran is intent. To use a familiar term, it is drudgery; but the sacredness of the task to him gives it a divine charm—the alchemy of his touch makes it golden; and, whatever some may say, he is giving the State a service for which coming generations will call him blessed. He is reclaiming, from the dark sea-caverns of forgotten yesterdays, many a radiant gem to sparkle in the crown of Georgia's history. He is deepening, on the hill sides and in the valleys, many a faded epitaph for Georgia's scroll of fame. He is doing with his pen for Georgia what Old Mortality with his chisel did for Scotland. Patiently, with an infinite regard for detail, he is sifting and sorting the records from which the future glorious history of his State is to be written. Page upon page, volume after volume, grows the splendid pile. But the pen at last falls from the nerveless grasp of the old man's hand, his eyelids droop, his lips close, and Allen D. Candler is, at rest forever.

"It matters not in what aspect of his character or at what stage of his career we are pleased to consider him, he is always the same high-minded patriot, the same true man among men. On the floors of Congress, in the office of Secretary of State, in the exalted chair of Governor, and in the arduous role which was last assigned him of compiling the State Records of Georgia, he was steadfastly true to every trust. Like an old knight of the tournament, he passed away in his armor of combat, with many a brave indentation on the battered shield, and with many a wreath of laurel on his wrinkled brow. He rendered the State no knightlier service than the one in which he was last engaged and no finer chivalry than his at 76 ever found an echo in the Arthurian legends. As Compiler of the State Records of Georgia, he literally immolated himself upon the altar of his State; and to him belongs the crown of life, for he was faithful even unto death.

"Sufficient time has not elapsed for the historian's final word concerning Governor Candler's work. The warmth of feeling with which we must approach him in melting to the ice of cold analysis. But this much is true: he was the stalwart champion of the plain people of Georgia. He was the yeoman's fast friend;

and by every tie of kinship he was knit to the sturdy men of the mountains. If his speech was blunt, it was honest. He dealt in no innuendoes. His foes always knew where to find him. In public speaking and in private discourse he called a spade a spade. He thought for himself. He wore no man's collar and he felt no party's lash. Sincerity mirrored itself in every action and in every utterance of his life. He scorned hypocrisy and sham and cant with the lofty scorn of the noble Cato. Whether spoken or written, the ring of the pure gold was in his words. They always rang true to truth; and they gushed from his soul like the limpid crystal of his mountain streams. In his compassions he was as tender as a woman. In his charities he was as broad as a planet. In his convictions of right and wrong he was as fixed as a star in the firmament. Easy of access, by nature jovial, fond of boon companions, full of genial mirth, he was vine and flower in the sunshine, but he towered like Mt. Yonah in the storm. Fighting for Georgia in the Civil War, he partially lost his sight, an infirmity which caused him in one of his heated campaigns upon the hustings to be dubbed "The one-eyed plow-boy of Pigeon Roost." But never was an epithet more happily bestowed. It swept him from triumph to triumph. In the race for Governor, it wrote victory upon his banners; and on every page of Georgia's history which records the public acts of Allen D. Candler it is written that he labored with an eye single to the welfare of his people.

"Within the sound of my voice, in this beautiful citadel of the dead, there lies moldering in the dust more than one favorite son of this proud old State. Over there sleeps Longstreet, the beloved "Old War Horse of Lee." Not far away lies Milton Smith, an honored Governor, above whose couch no marble minstrel sings. In one of the earliest graves to be made in this sacred area sleeps a pioneer doctor of the old school whose name is memorialized in the great county of Banks. Here, too, are Estes and Sanders. But the soil of Alta Vista cemetery holds no keepsake sweeter than the dust which here lies waiting for the eternal dawn to wake it; and underneath the violets of his native land he will slumber sweetly on till the morning breaks upon yonder mountains. Georgia accepts this monument which loyal and loving hands have reared. She will ever guard it with her tenderest care; and hither, in an age of commerce, she will

send her pilgrims to do honor to an old patriot for whom an eagle never glistened. In many an anxious hour of the future there will beam upon this tomb a star and there will come from out this sepulchre a message which will fire the hearts and nerve the sinews of men. But the most enduring monument to Allen D. Candler is built in the archives of Georgia. There his epitaph is written for the ages to come. No foe to Georgia's honor will ever scale her walls so long as the spirit of Allen D. Candler shall walk her ramparts nor will an unrighteous law ever stain her statute books so long as the memory of this just man shall sweeten the pillars of her capitol."

MOVEMENT TO CREATE A NEW COUNTY IN GOVERNOR CANDLER'S  
HONOR.

From the files of the "Atlanta Constitution" for June 2, 1913, the following editorial paragraph is taken:

"The dedication of the monument to the late Allen D. Candler, at Gainesville, next Tuesday, June 3, calls to mind the fact that Georgia, as a rule, has done little to honor the memory of her deceased chief executive. Occasionally there is a monument erected to a deceased governor and now and then a new county is named in honor of one of them, but history indicates that such is the exception rather than the rule. While those who were in the State service with Governor Candler and as a result of his appointment are erecting in his honor this simple shaft at his former home, other friends have chosen his name for the new county which it is proposed to establish with Metter as the county seat and to be formed from portions of Bulloch, Emanuel and Tattnall. Although, in common with every successful politician, he had his enemies, this double honor is indicative of the esteem in which Governor Candler was held. It is interesting, too, that the name Candler should have been selected for a new county in the Southern section of the State, whereas Governor Candler's home was in North Georgia. There is every indication that the people of Metter and the surrounding territory will succeed in establishing the justice of their claim to a new county before the coming legislature and that Candler County will thus become a new and important political subdivision of the State. In the creation of new counties within the last ten years only two have been named in honor of Governors of Georgia: Stephens and Jenkins.

THE  
COLONIAL RECORDS  
OF THE  
STATE OF GEORGIA

---

COMPILED UNDER AUTHORITY  
OF

THE LEGISLATURE

BY

ALLEN D. CANDLER, A. M., LL. D.

EDITED IN PART BY

WM. J. NORTHEN, LL. D.  
Compiler of Records

REVISED AND PUBLISHED BY

LUCIAN LAMAR KNIGHT, M. A.  
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VOLUME 22.

Part I.

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ORIGINAL PAPERS, CORRESPONDENCE,  
TRUSTEES, GENERAL OGLETHORPE  
AND OTHERS.

1737-1739.

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ATLANTA, GA.  
CHAS. P. BYRD, STATE PRINTER.  
1913

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1737-1740.

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ORIGINAL PAPERS, TRUSTEES, PRESIDENT  
AND ASSISTANTS, AND OTHERS.

1750-1752

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THE  
Revolutionary Records

OF THE  
STATE OF GEORGIA

VOLUME I

INTRODUCTORY REMARKS,  
MISCELLANEOUS PAPERS,  
COUNCIL OF SAFETY,  
PROVINCIAL CONGRESS,  
CONSTITUTION OF 1777,  
CONFISCATION AND BANISHMENT,  
SALES OF CONFISCATED ESTATES,  
1769 to 1782.

COMPILED AND PUBLISHED UNDER AUTHORITY

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BY

ALLEN D. CANDLER

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## PREFATORY NOTE.

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The following compilation contains all authentic records and documents relating to the Revolutionary period of Georgia history that the compiler has been able to find after a most careful, thorough and diligent search. While it is not presented as a complete compilation, it is believed that it contains most of the official records made during the period of which it treats, certainly all that are now in existence, and to supply the place of original papers not now in existence, well authenticated copies and extracts from contemporaneous publications have been utilized.

That many official records of this important period, once in existence, have been irretrievably lost, cannot be doubted, because our early historians have made copious extracts from many that cannot now be found. Among the most valuable records known to have been lost and, consequently, not now available for this compilation, are the Minutes of the Executive Office up to the fourteenth of January, 1778, the Journal of the proceedings of the Constitutional Convention of 1776-7, not a vestige of which, nor even a list of the names of the delegates who sat in it, having been anywhere discovered, and the Journals of the several sessions of the legislature held prior to the seventeenth day of August, 1781. The destruction of these Minutes and Journals was a serious and irreparable loss. We have, however, the true result of the labors of the convention, and these legislative sessions in the Con-

stitution of 1777, and the Acts of these legislatures, all of which are included in this compilation.

Several causes conspired to bring about this ever to be regretted loss of important records and documents. First of all, when, in December, 1778, Savannah, the seat of government, was captured by the British, all the records of the state made prior to that time were also captured and either carried away or destroyed, except a few relating to the Office of the Secretary of State, which were saved only by the vigilance of the incumbent of the office, John Milton, who, disregarding the orders of Governor Houstoun, conveyed his records first to Charleston and then, when that city was threatened, to Newbern, North Carolina, and, finally, when that state was invaded by the enemy, to Annapolis, where they remained till after the close of the war.

Many records made after the fall of Savannah, during the progress of the war, either fell into the hands of the enemy and perished or were lost in transportation, from place to place, in the effort to save them from destruction; while the loss of such as are known to have survived the war is probably mainly due to the carelessness of historians and persons, who contemplated writing histories and afterwards abandoned the idea, in borrowing them and never returning them to the Archives Rooms of the Capitol. In this way it is positively known some of them were lost.

Again, we have abundant reason to believe that during the progress of the War for Independence, when a state of semi-anarchy prevailed from the cessation of British rule when the royal government was arrested, and before

the constitutional government was thoroughly established in all of its departments, many things of an official character were done of which no written record was ever made, and this condition of semi-anarchy prevailed in the state during almost the entire period of the war, for Governor Martin said in his inaugural address in January, 1782, that then it could be said for the first time that the government provided for in the constitution was organized and in operation in all of its departments. One of our most careful and painstaking historians, speaking of the conditions which prevailed in the state at this time, has said, "The government of Georgia during the Revolutionary period was feeble, uncertain and peripatetic. Few records of this transition stage in the development of the state have been preserved, and they are at best fragmentary and unimportant," and our research has established the truth of what he said.

Still, notwithstanding this paucity of official records, due to the causes mentioned, much matter of an official or semi-official character has been found which is of too much interest to be omitted, and yet to include it in this compilation, disjointed and disconnected as it is, without explanation or comment, much of it would be almost, if not quite, unintelligible. The compiler has therefore deemed it not improper to include it in an introductory with such comment and reference to contemporaneous occurrences as seem necessary to weave all of it into a connected narrative, and thus make it intelligible to the reader.

Some of these scattered and disjointed papers thus utilized have been found in the Archives Rooms and in

THE  
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STATE OF GEORGIA

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VOLUME II

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MINUTES OF THE EXECUTIVE COUNCIL, FROM JAN  
UARY 14, 1778, TO JANUARY 6, 1785, AND  
JOURNAL OF THE LAND COURT, FROM  
APRIL 6 TO MAY 26, 1784

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VOLUME III

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JOURNAL OF THE HOUSE OF ASSEMBLY

From August 17, 1781, to February 26, 1784

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## COMPILER'S PREFACE TO JOURNALS OF THE HOUSE OF ASSEMBLY.

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In inaugurating the republican government in Georgia our Revolutionary fathers adhered as closely as possible to the forms and practices which had prevailed under the king's government. Acts were passed continuing in force all acts of the royal legislatures not in conflict with the Constitution which had just been adopted, and the rules of court and of procedure in the legislature which had hitherto prevailed were continued; but there were, under the Constitution of 1777, several respects in which the lower house of the legislature differed from the lower House under the king's government. Under the royal government this body was called the "Commons House of Assembly." It was composed of members elected from the parishes and districts by electors who had to have, before they could vote, certain qualifications, the most important of which were that an elector must be not less than twenty-one years old, and must own not less than fifty acres of land in the parish in which he desired to vote; or, in lieu thereof, other taxable property of the value of fifty pounds sterling. To be qualified to sit in the Commons House of Assembly he had to have, in addition to the qualifications of an elector, certain other qualifications, the most important of which were that he must not be a papist and must own, anywhere in the province, at least five hundred acres of land, or, in lieu thereof, other property of the value of five hundred pounds sterling. The members elected their own speaker, but the king's governor had the right to "negative" their choice, when they had to elect another and another until they elected one acceptable to the governor. They elected their own doorkeepers and messengers, but the governor appointed their clerk and adjourned, prorogued and dissolved them at pleasure. In the transaction of business they conformed very closely to the rules of the House of Com-

mons of Great Britain. They served without pecuniary compensation.

When the king's government was subverted and the republic was established, this body was called, not the Commons House of Assembly, but simply the House of Assembly. It was composed of members chosen, not from the parishes or districts as under the king's government, but from the eight counties into which the state had been divided, each county having ten members except Liberty, which had fourteen, and Glynn and Camden, which had one each. The port and town of Savannah was given four members, and the port and town of Sunbury two members "to represent their trade." They elected their own speaker and other officers, adopted their own rules of procedure, and adjourned without consulting with or interference by the governor, who was himself elected by them. The qualifications of an elector were that he must be twenty-one years old, must have paid taxes on property valued at ten pounds, "or be of a mechanical trade." No person holding a title of nobility could vote, and failure of any qualified voter to cast his ballot in any election subjected him to a fine of five pounds sterling.

The qualifications of a representative were that he must be twenty-one years old, a resident for twelve months in the county for which he sat, of the Protestant religion, and possessed, in his own right, of two hundred and fifty acres of land, or some property to the amount of two hundred and fifty pounds, and no person holding any title of nobility could hold any office of trust, profit or honor. Members of the Continental Congress could sit, speak and vote in the House of Assembly as other members.

The House of Assembly was alone clothed with power to make, amend and repeal laws for the government of the State, and the power to pardon offenders was lodged in it. Out of their own number they chose, on the first day of each annual session, an executive council composed of two members from each county except Camden and Glynn. During the sessions of the House of Assembly all of the members of the executive coun-

cil were required to be present, but their powers were only advisory. They could not pass, amend or repeal laws, but all bills introduced in the House of Assembly were, before being put on their passage, submitted to them for their advice and suggestions. The house could accept their advice and adopt their suggestions or not as it saw fit. The governor had no veto power.

During recesses of the House of Assembly one-half of the executive council, one member from each county, was required to remain at the seat of government to counsel and advise the governor in the discharge of the executive duties, and he began all important orders, proclamations, etc., with the words, "by and with the consent of the Honorable the Executive Council," etc.

This volume contains the Journals, so far as it is now possible to find them, of the House of Assembly from the adoption of the Constitution of 1777, to the close of the session, February 26, 1784.

These Journals have never heretofore been printed.



ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

COLONY OF GEORGIA.

1755 . . . . . to . . . . . 1774.

*Now First Printed.*

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WORMSLOE.  
MDCCLXXXI.

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## PREFATORY NOTE.

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In 1752 the "Trustees for establishing the Colony of Georgia in America," after executing its trusts for twenty years, surrendered their Charter to the Crown. The Colony thereupon passed under the control of the "Board of Trade and Plantations."

Upon the nomination of the "Lords Commissioners for Trade and Plantations," Captain John Reynolds, of the Royal Navy, was, on the 6th of August, 1754, appointed by his Majesty, King George II., Governor of Georgia, with the title of "*Captain General and Governor in Chief of his Majesty's Province of Georgia, and Vice Admiral of the same.*" In the Province, therefore, he was the immediate and highest representative of the Crown. As Captain General he commanded the militia; and, as Vice Admiral, with him rested the power, in time of war, of issuing warrants to the Court of Vice Admiralty to grant commissions to privateers. As Governor he was one of the constituent parts of the Colonial Legislature, possessing sole power to convene, adjourn, prorogue, or dissolve the General Assembly, and to approve or veto any bill passed by that body. He appointed officers who did not receive their warrants directly from the Crown, was the custodian of the Great Seal, presided at the sessions of the Court for the Correction of Errors, granted probate of wills, issued letters of administration, and collated in cases of vacant benefices.

The Governor's Council—usually consisting of twelve members, appointed and commissioned by the Crown—were associated with the Governor as an advisory body. When sitting in a legislative capacity they were styled the "*Upper House of Assembly.*" To the Governor they occupied a relation not unlike that sustained by the Privy Council to the King. In fact, they formed a Provincial House of Lords. They discharged also judicial functions, and sat with the Governor as a Court of Appeals.

The Commons House of Assembly, or *Lower House*, was composed of nineteen members returned from the several settlements—constituting the Colony—in accordance with writs of election issued by the Governor and Council. They were the immediate representatives of the people and their interests, and their deliberations conformed to the precedents established for the governance of the English House of Commons.

Such, in a word, was the composition of the General Assembly of the Colony of Georgia by which the Acts, comprised in the following pages, were passed.

The Royal Government of the Province continued, with occasional interruptions encountered during the progress of the Revolution, until the evacuation of Savannah by the King's forces on the 11th of July, 1782. No formal legislation in the interest of the Crown appears to have been either had or reported after 1774.

Captain John Reynolds, the first Royal Governor, entered upon the duties of his office in October, 1754. He was succeeded, in 1756, by Governor Henry Ellis, who, in a few years, in consequence of failing health, solicited a recall. His request was granted, and on the 13th of May, 1760, Sir James Wright was nominated as his successor. These three were the only Royal Governors who ever presided over the Colony of Georgia. The Acts passed by the General Assembly, that they might acquire absolute force, needed the sanction of the Home Government. As soon, therefore, as they had received the approval of the Governor in Council, the seal of the Colony was attached and they were duly filed. Duplicate originals were immediately prepared, fully authenticated, and forwarded for the consideration of the Lords Commissioners for Trade and Plantations. If by them ratified, they became statute laws for the guidance of the Province. Of the action of the Home Government the Colonial Officers were seasonably advised. When approved, these duplicate original Acts, regularly endorsed, were filed in the appropriate office in London. Detaching the colonial seal from them appears to have been the final attestation of Royal sanction. In the Office of the Secretary of State of Georgia may still be found many, if not all, of the original acts contemporaneously filed in the Colonial Department in Savannah by the proper officers of the Crown.

As many of the Acts of the General Assembly of the Colony of Georgia were published, about the times of their passage, in Savannah, at first in

separate form, and subsequently by James Johnston in thin pamphlets embracing the legislation of each session, the object of this compilation is to present only such of them as were never printed, either in the manner above indicated, or in the digests prepared at a later period by Messrs. Robert and George Watkins, and by Messrs. Horatio Marbury and William H. Crawford. In compassing this purpose we have been materially assisted by Governor William Ewen's copy of the Colonial Acts. He appears to have carefully preserved all of them which found their way into type, and to have caused them to be substantially bound in a volume. The MS. index is in his own handwriting.

To these Colonial Acts, now for the first time appearing in type,\* references have been added which will explain the scope of other legislation by the General Assembly of the Colony of Georgia upon kindred topics.

The following publication fills a hiatus in the printed legislative enactments of Georgia, and possesses no little historical value.

\* A few of them have, in substance, been printed, but not with the full text here presented.