

THE

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COLONIAL RECORDS

PREFACE.

OF

NORTH CAROLINA ^(Colony)

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BY

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SECRETARY OF STATE

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[B. P. R. O. B. T. VIRGINIA. VOL: 13. O. 65.]

A JOURNAL OF THE PROCEEDINGS OF PHILIP LUDWELL AND NATHANIEL HARRISON COMMISSIONERS APPOINTED FOR SETTLING THE BOUNDARYS BETWEEN HER MAJESTYS COLONY AND DOMINION OF VIRGINIA AND THE PROVINCE OF CAROLINA.

Before we enter upon the Narrative of our proceedings it will be necessary to observe that on the arrival of Her Majestys Letters Mandatory directing the appointment of Comm^{rs} for settling the Boundarys between Virginia & Carolina, the President & Council thought fitt to appoint us on the 18th of Aprill last to be the Commissioners for that purpose, & on the 27th of the same month our Instructions were agreed on in Council. Thereupon M^r President (after having discoursed M^r Lawson one of the Commissioners of Carolina) writt to the s^d Comm^{rs} on the 5th of May notifying our being ready, & named the 9th of June as a proper time for a meeting of both Commissioners at Williamsburgh to concert & adjust the method of proceeding in this affair, In anwer to w^{ch} letter, M^r Lawson writt to the President that he had not seen M^r Moseley (the other Comm^r) that he was then very busy in settling the Palatines (in w^{ch} he expected to meet with much difficulty by reason of the distractions of that Government) and that therefore they the Comm^{rs} of Carolina could not meet us according to that appointment, but hoped they should be able to do it in July, & M^r Moseley in a letter of the 5th of June excused his attending the Meeting as not having then seen M^r Lawson nor the powers given them by the Lords Proprietors, but that when he had, he would give timely notice when they the Comm^{rs} of Carolina could meet.

Thus this matter stood at the arrival of the Lieut^t Governor who having thought it necessary to have our Instructions re-examined & considered before himself in Council, was pleased on the sixth of July to sign our Commission, & Instructions according as they had been agreed on.

On the 18th of July we received our Commission at Williamsburgh, & there hearing no farther of the intentions of the Comm^{rs} of Carolina, We writt the following Letter to them.

WILLIAMSBURGH July 18th 1710.

“Gentlemen

“Having received a Commission from Her Majesty’s Lieutenant Governor to Act in conjunction with you for settling the Boundaries between this Her Majestys Colony of Carolina we were in hopes that according to what you were pleased to writt to M^r President Jenings, you would have signified to us when you could conveniently have met us, for adjusting the proper methods of carrying on this work, but having heard nothing from you since Y^r Answer to the Presidents Letter, We think ourselves obliged very earnestly to desire you will let us know your last resolution, whether wee may expect to meet you at Williamsburgh any time this month; or if you do not think fitt to meett us there, we desire you to appoint some other place where we may meet you this month because the season of the year will not admitt of any longer delay. We are

Gent

Your most humble servants

PHIL: LUDWELL

NATT: HARRISON

Superscribe

“To Edw^d Moseley & Jn^o Lawson Esq^{rs}
“Comm^{rs} appointed by the Lords
“Proprietors of Carolina, for settling
“the Limits thereof or either of them
in North Carolina.

We communicated this letter to the Governor, who was pleased to desire we would press the Commissioners of Carolina to give the most expeditious dispatch that could be to this affair, whereupon we writt the following postscript to this letter.

“July the 19th 1710. Coll: Spotswood our Governor being very pressing to have this affair expedited as much as possible, we are obliged once more to desire you will please to appoint us the shortest day of meeting that can be, and that you will give this messenger the quickest dispatch with yo^r Answer, which will very much oblige

Gent

Y^r most humble servants

P L
N H

On the 1st of August I (Nath: Harrison) received the following letter from M^r Moseley by the same Messenger that carryed our letter to him.

NORTH CAROLINA July 25th 1710.

"GENT

"This day I received yours of the 18th instant relating to the Boun-
 "darys between this Governm^t and Virginia, I think myself obliged to
 "acquaint you that I have taken all the necessary measures I possibly
 "could to bring it to some issue, for immediatly after my receipt of M^r
 "President Jening's Letter (which came from M^r Lawson) I dispatched
 "a Letter to Neus desiring M^r Lawson to inform me when he could
 "be at Leasure from his concerns with the Palatines lately arrived, that
 "we might attend this business; Since which on the nineteenth of the
 "last month I pressed him to a speedy Determination, but to this
 "time have received no answer which I ascribe to the great Distance he
 "is from me, at least an hundred miles, and three Large and difficult
 "Ferrys in the way. However I have adventured to appoint the one
 "and twentieth of August next for our meeting you at Williamsburgh
 "agreeable to M^r President Jening's request and yours, being desirous to
 "shew my ready compliyanse to anything that may make evident my
 "willingness to retrieve the passed time.

"I design to-morrow to send a Messenger directly to M^r Lawson to
 "advertise him hereof. In the meantime

I am

Gent

Your most humble servant

EDW^d MOSELEY

August 21st We went to Williamsburgh expecting to have meett the
 Comm^{rs} of Carolina, but they did not come. August 25th Being in-
 formed that M^r Hyde (Governor of North Carolina) was come to Wil-
 liamsburgh, and expecting the Comm^{rs} were come with him I (Philip
 Ludwell) went thither where I understood Mr. Lawson had been there,
 and was gone to Captain Jones' with design to return home speedily there
 being no news of M^r Moseley. I immediatly waited on the Governor
 to receive the Direçons how to proceed who was pleased to direct me to
 dispatch a Messenger early next morning to M^r Mosely to desire his Com-
 pany as soon as possible at W^{ms}burgh and in the mean time he was
 pleased to engage M^r Lawson to stay for the return of the Messenger.
 August 26th Early in the morning I sent away the following letter to
 M^r Nathaniel Harrison to be by him sent to M^r Moseley.

Virginia August 25th 1710. Conformable to your appointment in your
 letter of the 25th of July. We mett at W^{ms}burgh on the 21st instant where

we flattered ourselves we should have had the honour of your Company but being disappointed of it that day without hearing from you and also being informed that several Carolina gentlemen designed to wait on M^r Hyde that very day at Norfolk We concluded we should see you at Williamsburgh in two or three days Our Conjecture proved not altogether wrong for M^r Lawson arrived on Wednesday or Thursday (having been hindered a day or two in his passage) but not finding you here resolved to return home speedily Our Governor Coll. Spotswood being desirous to bring this affair to as speedy a Conclusion as may be (and being apprehensive that if we fail of a meeting while M^r Lawson is here it will be in vain to expect any further proceedings in Concert with you this year) commands us to desire y^r Company at W^{ms}burgh as soon as possible because M^r Lawson's affairs are very urgent and his Hon^r has undertaken to engage M^r Lawson to stay three or four days longer

We send this by an Express & hope to have the Honour of your Company at Williamsburgh by Wednesday next where we shall be always ready to do everything that can be expected for expediting this good Work and in the meantime, We are S^r

Your most humble servants

PHILIP LUDWELL
NATH: HARRISON

To EDWARD MOSELEY Esq^{rs} one of
the Commissioners appointed for
setting the bounds betwixt Vir-
ginia & Carolina, at his house in
North Carolina

As soon as this Letter was dispatched I sent a letter to M^r Lawson Inviting him to my house & to inform him that We had sent to M^r Moseley and expected he would come in four or five days, In answer to which he writt that he had already promised the Governor to stay for the return of the Messenger.

Aug^t 30. We mett the Carolina Commissioners in the Conference room in the Capitol. As soon as our Commissions on both sides were read M^r Moseley objected that we could not treat of this affair because there was a variance in our Commissions. For their Com^s impowered them only to Act in Conjunction with us and by the preamble of our Comm^{rs} it seemed that the Queen designed no more & yet our Commission impowered us to Act separately. This he insisted on very much questioning the Governors power to give such a Commission. We argued that it could be no objection that a Commission had too full a power given him to treat

That our Commission appointed us to Act in in Conjunction if they would, & to that end we were mett and if our Commission did go further to impower us to act seperately in case of disagreement that could be no objection till we had treated & tryed whether we could agree or not besides We thought that what we were appointed to do in case of Disagreement could not properly be called acting seperately since it was nothing but what was necessary for giving Her Majesty a full information of the Case whereby she might be enabled to make a Determination of it & as to the Governors power since he had given it under his hand that it was in pursuance of Her Majestys commands we should not doubt his power nor our own if she did not agree. At last M^r Lawson being satisfied M^r Moseley was forced to quitt the argument and then we proceeded as the Minuts taken by M^r Robertson will shew, but we must remark that M^r Moseley started all the captious Arguments and Exceptions that could be.

This Conference ended without coming to any other agreement than that we would proceed to take more Affidavits on both sides & then make a Tryal of the Latitude at both the contested places. In order to which M^r Moseley agreed to come to Green Spring the next day, from whence we were to sett out to take the Virginia Affidavits first, but I (Nathaniel Harrison) being taken very ill of an Ague that night, I (Philip Ludwell) went to the Governor's next day to meet M^r Moseley & endeavour to put off our Survey for two days, but I found M^r Moseley very urgent to delay it much longer, for he said his horse was gravelled, & he had such urgent business that he must go home at last (the Governor pressing him very much) he came to this resolution that on Tuesday the 19th he would come to the house of M^r Nath: Harrison to proceed in taking our evidences in Virginia, and from thence we should go with him to Carolina to take their evidences, which we hoped might be done by the 28th, against which time he was to give M^r Lawson (whom he expected to see that night) notice to meet us with his Instruments to go & try the Latitude.

September 21st Having waited in vain these two days for M^r Moseleys coming We proceeded to Coll. Harrison's, where we mett with Thomas Cotton & took his Affidavit From thence we went to Henry Brigg's, where we mett Rich^d Washington & took his Affidavit from whence we proceeded in our way to Nottoway.

The 22nd We went to the Nottoway Indian Town, where we had appointed Henry Wych to meet Us to give his Deposition, but he did not come. Here we took the Examinations of three Wyanoake Indian women that live here; having given them strict Charge to tell nothing

but the truth. But the Nottoway Indian old men being gone to gather Chinkopens We deferred the taking their Examinations till our Return, and went to the Nansemond or Potchiak Indians Town. In our way thither we mett one Richard Bratwell who told us that he had entered for about 1000 acres of land with M^r Moseley and had it surveyed upon Maharine River, being persuaded to it by the s^d Moseley, who assured him it was in the Carolina Government and that Nottoway River was Wyanoake and he pretended to read a copy of the Carolina Charter which express'd that they were to begin at the North end of Carotuck Inlett, & to go to Weyanoake River or Creek being in $36\frac{1}{2}$ Deg Lat; & that M^r Moseley did take the Latitude of Nottoway River's mouth, & told him & others then present that it agreed, and from thence he run a due West Course to Maharine River, and we afterwards had y^e same acco^t from others. But M^r Moseley on our asking him, denyed that he had ever tried the lattitude of Nottoway River, tho' he owned he had run a line from the mouth of it due West to Maharine River, w^{ch} he did by order of their Council.

The 23rd. We took the Examinations of Great Peter the Nansemond Indian after his Examination he told us, that sometime before, he was sent for to Coll: Pollocks, where were Governor Hyde, M^r Lawson, Coll: Pollock & others, they examined him concerning the Wyanoake Indians and Weyanoke Creek that he gave them the same relation he has given us, and that thereupon Coll. Pollock was angry with him & said, such storys would do the Proprietors a mischief; he answered that he did not come of himself to tell any storys, but was sent for, & if he desired to hear it, he would tell him the truth, but if that would not please him he would not tell him a lye. That M^r Hyde said he was in the right, he said Coll. Pollock urged him very much to drink, but he thought they had a design upon him & would not.

Then we proceeded to the Maharine Indian Town and took their Examination. At this place there was one John Beverley, who reckons himself an inhabitant of Carolina, whom we desired to take notice of the manner of our proceeding in taking the Examinations and of the questions asked them. This man had been all up Wicocon Creek & had taken up some land in the Fork of the Creek where the Weyanoake Town stood and when we made the Indians mark out upon the ground, the Creek & Swamps, & the places where the Weyanoake Indians had Corn fields he confessed the Creek Swamps & old fields were as they described them.

The 24th we set out for M^r Moseley's.

The 25th we arrived at M^r Moseleys, who seemed surprized at our coming having as he told us sent a Messenger to excuse his not meeting us at M^r Harrison's and prevent our disappointment, here we stayed this day & the next in expectation of Edward Smethwick & Francis Tomms two witnesses w^{ch} M^r Moseley sent for, but they both made excuses that they were not able to come. While we were here M^r Moseley showed us a Letter from M^r Lawson dated from Little River the sixth of September wherein he complains of the shortness of the time for taking the Latitude (tho much later than he had formerly agreed on at our meeting at W^{ms}burgh his pinnace not being come for him, however he promised to meet or get his Instruments at the place appointed if possible, and recommending to M^r Moseley a brass semi circle that was in that neighborhood in case his did not come—but amongst the rest he writt that he thought it would be of very ill consequence for them to submit to our appointments. This Semi Circle M^r Moseley showed us, but said he did not think fit to carry it to the place appointed to try the Latitude, it being so small that it could not be certainly determined thereby; for the Radius was but 6 inches, & was not capable of being graduated to less than 10 minutes, wherefore he would depend upon M^r Lawson bringing or sending his Instrument.

The 27th. We proposed to M^r Moseley to go to his Evidences but Smethwick living at a great distance up Morattuck River, & M^r Moseley not desiring us to go thither we went to Francis Tomm's house and took his declaracions being a Quaker, and here we must observe that M^r Moseley acted very disengenuously, for when Thom's answered some of our questions to w^{ch} M^r Moseley had made no objection, tho he answered the same things over several times we could not without quarrelling prevail with him to set down the answers in y^e same terms that Tomms spoke them, but would be putting other words of a different signification into his mouth, and endeavouring to prevail with him to speak them.

The 28th. We went to James Farlows to take his affidavit but M^r Moseley having given him no notice of our coming, he was gone 12 or 15 mile from home towards M^r Moseleys home, which was directly back again, and M^r Moseley not insisting upon him as a material evidence (for he told us he did not know what he could say, but that having lived in Appomatus he supposed he could say something) We proceeded to Maherine River to meet M^r Beverley & M^r Allen the Surveyors with whom we had appointed to meet M^r Moseley and M^r Lawson the next day at Wicocon or Wyanoake Creek.

The 29th. We went to Wycocon Creek where we mett M^r Moseley but M^r Lawson sent an Excuse & and one to act in his room ; They had no sort of Instrument with them. He took the Latitude at noon with M^r Beverleys Sea Quadrant, the Radius whereof was two foot 3 inches, & well graduated to two Minutes & a good plumb & fine thread. We found the Zenith distance of the sun to be 43^{deg}: 16^m the Declination of the Sun we allowed to be 6^d: 33^m. The Parallax we allowed to be two min: By w^{ch} observa^on the Latitude appeared to be 36^d: 41^m. The day being very clear, this observation was taken at the window Earlis about 2 miles up the Creek, there being no firm land nearer but all sunken marsh & Pocoson. Our horses getting from us last night, we could not reach this place till a quarter after eleven, so that we had not time to fix the quadrant to stand by itself, but held it by hand rested by a stake of a fence & standing on another stake: To this M^r Moseley objected that it was lyable to error & not so nice & certain as it ought to be, wherefore we resolved to stay till next day and take another observa^on. This day we examined Jn^o Smith W^m Bush Rich Booth & Charles Merrit.

The 30th. We took the affidavit of William Hooker, and M^r Moseley took the affidavit of Lewis Williams Then we proceeded again to take the latitude at the same place as yesterday having fixed the quadrant very firm & nicely, & used a horse hair to the plumb instead of the thread, and according to the best of our observation we found the zenith distance to be 43^d: 29^m The Declination we allowed to be 6^d. 57^m the Paralax 2^m. By which observation the latitude appeared to be 36^d 40^m. But some flying clouds intercepting the sun for some few minutes, this observation could not be depended upon to a minute, yet M^r Beverly was positive he was within 4 or 5 minutes at y^e utmost, & we verily believe it was not above 5 or 6 minutes betwixt the last fair observation, & the time we found the sun was considerably fallen: but M^r Moseley being dissatisfyed we resolved to stay another day & take a new observation for his satisfaction. This day we went down the Creek by water to the mouth of it, & took y^e Courses & Distances of the meanders, & found the Creeks mouth to be 20 Poles to y^e southward of the place where we took the observation. Here Chowan River is about a quarter of a mile wide and the Creek near 100 yards. It may not be improper in this place to observe a true reason for M^r Moseleys leaving behind him his Brass Instrument for trying the latitude, that what he was pleased to Give, of its being too small: For he owned he had with the same Instrument taken the latitude of his own house, & afterwards showed us a map

of that part of Carolina w^{ch} he had made from his own surveys; by w^{ch} he must certainly know what course & distance Weyanoake or Wicocon Creek was from his house, and thereby could tell within 10 minutes in what latitude the Creek lay according to that Instrument But if by bringing that Instrument he should have discovered to us that the said Creek was in the latitude of their charter, or perhaps to the Northward of it (as it appeared to be by our Quadrant) it might have been difficult for him with all the subtlety whereof he is Master, to have found a specious excuse against so plain a Demonstration, whereas by bringing no Instrument of his own he left himself at full liberty to find fault with ours.

The 1st of October was very cloudy, so that we could take no observation, and the sky threatening bad weather, we resolved to stay no longer, but to go back to the Maherine Indians to examine them again in M^r Moseley's presence, & in our way thither we took the examination of John Brown.

The 2nd The Maherine Indians not being at home we proceeded to the Nansemond Indian Town, in order to take the latitude at Nottoway Rivers mouth, & to examine those Indians; but when we came there, most of the Indians were gone abroad to get Chincopens & it being a rainy day we could take no observation.

I (Philip Ludwell) came up Chowan River almost from Wicocon Creek by water with M^r Beverley & set the Courses of the River as we came up, & guessed the distances, by w^{ch} we might be enabled to compute how near our observations at the two places agreed, & we found them to agree very near.

At the Nansemond Town the Interpreter told us that when he went down to Wicocon Creek with a Nansemond Indian called Robin Tucker who was sent by the Indians to shew us the Creek on w^{ch} the Wyanoakes formerly lived, he called at one William Williams's house, where he met with one M^r Maul (who is y^e same person appointed by M^r Lawson to supply his place at our taking the Latitude) and that being sometime in the House and the Indian left without, as soon as he (the Interpreter) came out, the Indian told him, That man (meaning M^r Maul) was not good for he had been (persuading) him to deny that the Weyanoakes had lived on Wicocon Creek, & promised him two bottles of powder and a thousand shott to do it. Upon w^{ch} we examined the Indian charging him not to tell a ly of the Gentleman, & he assured us it was very true. This M^r Maul is M^r Lawson's Deputy Surveyor.

The 23rd. We went to the mouth of Nottoway River and in an old field on y^e North East side of Chowan just opposite to the Lower side of

Nottoway River, called by the people of Carolina Weyonoake Creek, We cutt off the logs of a small tree, and fixed the Quadrant very nicely to the stumps of it, & the day being very clear we had a good observation. We found the zenith distance to be $^{\circ}45: ^{m}6$. the Declination we allowed for that day to be $^{\circ}8: ^{m}4$ the Parralax $^{m}2$ by which observation the latitude of the place appeared to be just 37 Deg: But the Gentlemen were not satisfied yet, tho they stood continually looking on y^e Instrument at M^r Beverleys elbow, the pretence for their cavilling here was on this occasion M^r Beverley while he perceived the sun still rising let the Instrument stay a considerable time, and when he thought the sun at the highest, he then moved it, by which means it altered about 10 min: from what it was before, and we did not perceive the sun to rise any more afterwards. Upon which they agreed it was all uncertain, & that this could not be taken for the sun's true latitude; we endeavoured to continue there, & M^r Beverly desired M^r Moseley to try it himself: but they would allow no Instrument to be fitt for taking the Latitude except M^r Lawson's, w^{ch} they design to have some time or other, and then they expect we should meet them again. We think the observacons wery exact, but they cavill at every thing, for no other reason (as we can find) but only to delay for we understand M^r Moseley has perswaded people to take up & has already survey'd almost all the land in dispute near the mouth of the rivers that is of any value, telling them that they need be in no doubt, that Nottoway River lay exactly in the Latitude of their Charter & that he ran a West line from thence to Maherine River and the people on this acco^t believe themselves very safe.

That he has himself taken up a great deal of land there, part of w^{ch} he has sold & there are yet no patents issued for any of those lands but he hopes to procure them (as we suppose) upon the arrival of a Governor or other settlement of their Government) yet fears he shall not only lose his own land but be forced to refund what the poor people have paid him if it be determined to belong to Virginia before he can obtain patents in Carolina, so that t'is not to be wondered he has fished for so many pretences to obstruct a work upon the Determination whereof his own Interest is like to suffer.

The 4th After a very hard journey we arrived at Nath^l Harrison's where we found M^r Moseley's letter of excuse dated Sunday September the 17th with a Copy of Smethwicks Affidavit. The messenger that brought this letter returned to M^r Moseleys while we were there. We asked him when he arrived at M^r Harrisons? he answered on the Friday after we set out, and being asked what made him so long on his

journey as from Sunday to Friday, he answered he did not set out on his Journey till Tuesday, w^{ch} was the day we were to meet.

To the Hon^{ble} Alexander Spotswood Esq^{re} Her Majestys Lieutenant Governor of Virginia—

May it please yo^r Hon^r

Having in the preceding Journal given yo^r Hon^r a full account of our proceedings hitherto in this affair. We humbly beg leave to offer yo^r Hon^r our thoughts upon the state of the Case, which from the best observations we have made appears to us to stand thus.

On the part of Virginia

1st There are two positive Evidences of good fame to the place & name of Weyano-ake Creek.

2nd Several Evidences corroborating the Indians account of the Weyanoak Indians having bought land & lived upon the said Creek and very near it for several years, not long before the Grant of the Carolina Charter: from whence probably the Creek took its name, having no name before that we heard of.

3rd All our Evidences are unanimous as to the name of Nottoway River which with the Indians account, corroborated by English Evidences of the Weyanoaks paying an acknowledgement to the Nottoways (who lived there long before) for living on that River, makes it seem improbable the name of that River should be changed from their living a few years upon it, at least twenty five miles from the mouth, when they lived much longer upon Blackwater without altering the name of it.

4th The Evidences on the part of Virginia are all men of good Credit and agree very well in their relation.

5th The Latitude of Weyanoak or Weycocon Creek appears to agree very near with the Carolina Grant whereas Nottoway River appears to be thirty minutes to the Northward of it.

On the part of Carolina

1st They have no Evidences that speak to the name of Weyanoak or Weycocon Creek at the time of their Grant.

2nd All their Evidence runs to the name of Weyanoak River & not one calls it a Creek & indeed Nottoway River seems to be the main branch of Chowan River, & it is Navigable (if it were cleared) as high as the head of Blackwater Swamp, whereas there Charter runs expressly to Weyanoak Creek & that is called a Creek to this day.

3rd Their Witnesses are all very ignorant men & most of them men of ill fame that have run away from Virginia & some of them concerned in Interest & we plainly discover several of them did not understand what they swore in their Affidavits & we observe that all of them contradict themselves or one another.

Upon Consideration of the whole Case as the Circumstances have appeared to be in the whole Course of our Progress, we are clearly convinced that the place call'd Weycocon is the place called Weyanoak Creek in the Carolina Charter, & from the backwardness of the Carolina Comm^{rs} to meet us & to bring this business to a conclusion, together with the frivolous objections they make upon all occasions to retard our proceedings, & some other Observations we have made, which are too tedious to insert here, we cannot choose but believe that they or one of them at least is convinced of this in his own Judg^t (if he would be so ingenuous as to own it) but either for private interest or some other reason to themselves best known they hope to put off the Decision for some time.

Signed. PHILIP LUDWELL.

N. HARRISON.

Vera Copia

WIL: ROBERTSON S^t. Com.

[B. P. R. O. B. T. VIRGINIA. VOL. 13. O. 65.]

AT A COUNCILL HELD AT THE CAPITOLL THE 24th
DAY OF OCTOBER 1710.

Present

The Hon^{ble} the Lieut^t Govern^r

Edw^d Jenings

Henry Duke

Dudley Diggs

Jn^o Smith

Rob^t Carter

Jn^o Lewis

Jn^o Curtis Esq^{re}

W^m Churchill

Ja: Blair Com^{rs}

and

Phillip Ludwell

W^m Byrd Esq^{re}

Upon reading & considering at this Board the Journal & report of Phillip Ludwell Esq^{re} & Nath^l Harrison Gents Commissioners appointed for settling the Boundaries between this her Majestys Colony & the province of Carolina. The Councill are of opinion, that for obviating any misrepresentations w^{ch} may be made in England by the Com^{rs} on the