

pleased to indulge me with one year's leave of absence from my Government next Spring, I hope to have the honor of giving more satisfaction to the Society by a personal conversation with them on the state of the clergy here than I can hope to convey to them in a literary correspondence, at the same time I shall be happy in embracing your most obliging invitation to a particular acquaintance with you, with all due acknowledgements to the honorable Society and much esteem for yourself.

I am Sir, with regard &c.
W^m. TRYON.

[FROM N. C. LETTER BOOK. S. P. G.]

List of the Clergy in North Carolina.

July 1770.

COUNTY.	PARISH.	NAMES.
Beaufort	S ^t . Thomas's	Mr. Stewart
Bertie	Society	Mr. Johnston
Brunswick	S ^t . Philips	Mr. Cramp
Bute	S ^t . John	Mr. Cupples
Chowan	S ^t . Paul's	Mr. Earl
Craven	Christ Church	Mr. Reade
Dobbs	S ^t . Patrick	Mr. Millar
Duplin	S ^t . Gabriel	Mr. Briggs
Edgecomb	S ^t . Mary	Mr. Burgess Jun ^r
Granville	Granville	Mr. M ^c Carty
Halifax	Edgecomb	Mr. Burgess Sen ^r
Hertford	S ^t . Barnabas	Mr. Alexander
Johnston	S ^t . Stephen	Mr. Jones
New Hanover	S ^t . James	Mr. Wills
Northampton	S ^t . George	Mr. Barnett
Orange	S ^t . Matthew	Mr. Micklejohn
Pasquotank	S ^t . John	Mr. Fiske
Rowan	S ^t . Luke	Mr. Drage

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Henry E. M^cCulloh to Colonel Fanning.

LONDON 25th July 1770.

DEAR SIR,

When I reflect upon the nature of that Intimacy which subsisted between us for so many years, I own myself hurt by that neglect which I appear to experience from you, and which I am by no means conscious of having deserved. — The last letter I have from you, bears date in December 1768, — since which, I have wrote you several long and friendly letters; — particularly by Col^o Waddell, inclosing you sundry papers which I exerted myself to procure for your satisfaction. — I esteem and regard you as sincerely as any of your friends can do, — and shall be very sorry to find myself deprived of your Correspondence; but I must confess, if this letter does not procure me the favor of hearing from you, I shall conclude myself an Intruder, and cease to persecute you any more with my letters.

Permit me to refer you to our common friends, J. M., A. M. & J. H. for news, public and private. — I shall rejoice to hear from you, and of your health & happiness. My very sincere and affectionate wishes ever attend you.

Think me ever truly Yours,
HENRY E. M^cCULLOH.

4th August 1770.

D^r. S^r. I this day meet yours of the 24th April 1770, inclosing me sundries. I am amazed that the Court could see *any possible constructive uncertainty* (in the Opinion I sent you) *as to the Criminaliter et Scienter* of your case. — *Clearly, & in totidem verbis, they pronounce in your favour.* I refer to the inclosed letter wrote apart — as you may make use of it.

I meet no bill from M^r Hamilton. — I hope to inclose J. M's Opi^a as to your new Q — whether you ought to be exculpated? — One of the Opinions you desire shall be taken. — Strange! that *in such a case*, the Court should think any Man's Opinion *so proper to direct them*, as the Attorney Gen^l of England.

I did not expect M^r Hooper would have chose to appear against me. — I owe him no kindness for it. — I wrote J. F. on the subject: desire him to let you see the Paragraph, & I recommend it to you

as *my friend* to consider the Contents in the same light I desire Col. Frohock to do.—Mr M Jones sometime ago sent me a copy of the bill.—If your Chan^{er} is not mad, they will not think they possess jurisdiction.

Knowing you do not attend that Court, I had not tho^{ught} of troubling you to that purpose. Sho^{uld} you give yourself that or any other trouble in this suit, pray call upon my cousin Ben for such a recompense as you may determine proper.

I sincerely wish to approve myself your true & affectionate friend, & hope you do, and ever will do me the justice to think so.

I am most truly Dear Sir thine

H. E. M^cCULLOH.

P. S. I have the pleasure to add J. M.'s further Opinion, which I think sufficiently strong to convince Infidels; and if so, certainly the Hon^{ble} Justices of your Hon^{ble} Court. Serjt. M^cGlynn or Dunning I am now informed, will not be in town till Nov^r.—The Court if they are fools enough to think it needful, may adjourn till April next.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Henry E. M^cCulloh to Col: Edm: Fanning,
LONDON 4th Aug^t 1770.

DEAR SIR,

I this day meet your letter of the 23^d April last, desiring me to procure Serj: Glynn's or M^r Dunning's Opinion of your case, so as to be forwarded to you by the 22^d Sep^r. That in the nature of things, is now impossible;—those gentlemen being at this time, absent on the Circuit.—They will return in 4 or 5 weeks, when the Opinion shall be procured & forwarded with all possible dispatch. The Vessel by which this goes, sails on the 6th.

I had warm hopes that the Opinions sent you, would have prevailed *fully* in your favor, as to the *quo animo*, the *Criminaliter et Scienter* of your Case, they are most strong & clear in your favour and exculpation; and surely in the Case before us, no Man's opinion can have equal weight & authority with that of the Attorney-General of England.

I have no doubt the Court will be pleased to continue this *Advisari* such reasonable time as to allow the Opinion desired, to reach you.

I am Sir Your Obed: Servant
HENRY E. M^cCULLOH.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Indictment against Fanning and an English opinion in regard thereto.

NORTH CAROLINA }
Hillsborough District }

At a Superior Court of Justice begun and held for the District of Hillsborough at the Town of Hillsborough on the Twenty second day of March in the Ninth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c, and in the year of our Lord one Thousand Seven Hundred and Sixty Nine, Before the Honourable Martin Howard Esquire, Chief Justice and Richard Henderson Esquire his Associate Justice of the said Court.

The Jurors for our Lord the King upon their Oath Present that Edmund Fanning late of Orange County Esquire on the Tenth day of May in the Seventh year of the Reign of our Sovereign Lord George the Third King of Great Britain &c at Orange County aforesaid by Colour of being Register of the said County of Orange Unlawfully Unjustly and Extorsively did demand receive and have of one Adam Moses the sum of six shillings proclamation Money for and as a Fee for Registering a Deed from one Henry Bray and Sarah his wife to the said Adam Moses for Two Hundred Acres of Land lying in Orange County whereas in Truth and in Fact there was then no such Fee due to the said Edmund Fanning as Register of the said County of Orange in that behalf to the great Damage and Oppression of the said Adam Moses and against the Peace of our said Lord the King his Crown and Dignity.

T. M^cGUIRE, A. G.

I think this Indictm^t vague & uncertain, so that it could not be supported, on a Writ of Error—There are not any of y^e Indorsements

mentioned (tho' that is matter of Evidence)—Nor any peculiar specification of the Deed — not even the date — nor any other Marks, whereby it could be distinguished from another, between persons of y^e same names, for the like quantity of Land in y^e same County— And for other reasons, unnecessary to Enumerate.

JOHN MORGAN.

INNER TEMPLE, 6th Aug^t 1770.

With respect to the last question, on M^r Fanning's Case, I conceive a full answer is given in my former opinion. [See page 33 *ante*.— EDITOR.] I do not see the least foundation, for criminating the Defendant, and I am therefore clearly of opinion, he ought, in every respect, to be Exculpated.

In my opinion on the Second Question, I observed that a Prosecutor had his Election, either to proceed for the Penalty, by action; or for *Criminal* punishment, by Indictment.

This, perhaps, hath induced a Supposition, that I doubted, with respect to the Case in question. But, if my answer is reconsidered, I apprehend 'twill clearly appear, I was only attempting to Elucidate (if it required any Elucidation) the *Second* section of the Act of Assembly, & to shew that it doth not restrain the operation of the *Common Law* — Yet I had not, nor could I have it in contemplation to apply any Criminality to M^r Fanning.

JOHN MORGAN.

INNER TEMPLE, 6th Aug^t 1770.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA
Newbern 24th August 1770

These are to Certify that Samuel Cornet Esq^r having produced His Majesty's *Mandamus* bearing date the 10th day of May 1770 appointing him to be of His Majesty's Council for this Province in the Room of Edward Brice Dobbs Esq^r. this day took the Oaths before me as by Law required & Subscribed the Test, in presence of The Hon^{ble} John Rutherford and Robert Palmer Esq^{rs}.

W^m. TRYON.

Let it be Entered in the Council Journals
By His Excellencys Command

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA } Inferior Court August Term 1770.
Rowan County }

* * * * *

The Presbyterian Congregation of Cathey's settlement by their Elders and others have signified and in open court certified to the justices thereof that they have built a meeting-house in the settlement aforesaid, called and known by the name of the Presbyterian Frame meeting house for the public Worship of God according to the deceipline of the Church of Scotland, 'tis therefore ordered by the Court,

That the said Presbyterian Meeting-House be deemed and held a public Licensed Meeting-House and that all those who shall hereafter meet therein shall be intituled to all the Immunities and priviledges granted by the several Acts of Parliament in such case made and provided and also that the above certificate and this order be Registered.

* * * * *
This day came into open Court Andrew Allison Esquire late High Sheriff for the County of Rowan and tendered a settlement of his Collections of taxes for the af^{sd} County for the year 1768 and made oath in open court that he had collected only 205 taxes for that year and offers for reasons as follows, That owing to a refractory disposition of a set of people calling themselves Regulators refusing to pay any taxes or other publick money to a sheriff or any other officer whatsoever by which means many well disposed people neglect to discharge their public dues as the burden must consequently fall very heavy on the well meaning few and desires to be recommended to His Excellency the Governor, Council & General-Assembly for such Redress as they in their wisdom shall seem meet.

NORTH CAROLINA } to wit,
Salisbury District }

At a Superior Court of Justice begun and held for the district aforesaid at the Court House in Salisbury on the twelfth day of September in the (X) tenth year of our reign Anno Domini 1770.

Present

The Hon Rich^d Henderson Esq.

The Hon Court adjourned till tomorrow morning at 10 o'Clock.