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 acquaint-
ance with you, with all due acknowledgements to the honorable
Society and much esteem for yourself.

I am Sir, with regard &c.

Wm. TRYON.

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

List of the Clergy in North Carolina.

July 1770.

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>PARISH</th>
<th>NAMES</th>
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<tbody>
<tr>
<td>Beaufort</td>
<td>S. Thomas's</td>
<td>Mr. Stewart</td>
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<td>Bertie</td>
<td>Society</td>
<td>Mr. Johnston</td>
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<td>Brunswick</td>
<td>S. Philip</td>
<td>Mr. Cramp</td>
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<td>Bute</td>
<td>S. John</td>
<td>Mr. Cupples</td>
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<td>Chowan</td>
<td>S. Paul's</td>
<td>Mr. Earl</td>
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<tr>
<td>Craven</td>
<td>Christ Church</td>
<td>Mr. Reade</td>
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<td>Dobbs</td>
<td>S. Patrick</td>
<td>Mr. Millar</td>
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<td>Duplin</td>
<td>S. Gabriel</td>
<td>Mr. Briggs</td>
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<tr>
<td>Edgecomb</td>
<td>S. Mary</td>
<td>Mr. Burgess Jun'</td>
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<td>Granville</td>
<td>Granville</td>
<td>Mr. M'Carty</td>
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<td>Halifax</td>
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<td>Hertford</td>
<td>Edgecomb</td>
<td>Mr. Burgess Sen'</td>
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<td>Johnston</td>
<td>S. Barnabas</td>
<td>Mr. Alexander</td>
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<td>New Hanover</td>
<td>S. Stephen</td>
<td>Mr. Jones</td>
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<td>Mr. Will</td>
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<td>Orange</td>
<td>S. George</td>
<td>Mr. Barnett</td>
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<tr>
<td>Pasquotank</td>
<td>S. Matthew</td>
<td>Mr. Micklejohn</td>
</tr>
<tr>
<td>Rowan</td>
<td>S. Luke</td>
<td>Mr. Drage</td>
</tr>
</tbody>
</table>

Letter from Henry E. McCulloch 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 sev-
eral long and friendly letters; — particularly by Col. Waddell, inclos-
ing 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 pro-
cure 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.
II. 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. McCULLOH.

4th August 1770.

Dr. S. — This day meet yours of the 24th April 1770, inclosing me
sundrys. I am amazed that the Court could see any possible con-
structive uncertainty (in the Opinion I sent you) as to the Criminali-
tes of Solicitor of your case. — Clearly, & in toto tempus, they pronounce
in your favor. I refer to the enclosed letter wrote apart — as you
may make use of it.

I meet no bill from Mr. Hamilton. — I hope to inclose J. M's Opia
as to your new Q — whether you ought to be exculpatd? — 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's of England.

I did not expect Mr. 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.—M'M Jones sometime ago sent me a copy of the bill. — If your Charev is not mad, they will not think they possess jurisdiction.

Knowing you do not attend that Court, I had not the pleasure of troubling you to that purpose. Sho you give yourself that or any other trouble in this suit, pray call upon my cousin Ben for such a recompence 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'Culloh.

P. S. I have the pleasure to add J. M.'s further Opinion, which I think sufficiently strong to convince Inidels; and if so, certainly the Honble Justices of your Honble Court. Serjt. McGlynn or Dunng I am now informed, will not be in town till Nov.—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'Culloh to Col. Edm. Fanning,

London 4th Augst 1770.

DEAR SIR,

I this day meet your letter of the 23rd April last, desiring me to procure Serj. Glynn’s or M’Dunning’s Opinion of your case, so as to be forwarded to you by the 22nd Sep. 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 & Scienter of your Case, they are most strong & clear in your favor 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 Adversary such reasonable time as to allow the Opinion desired, to reach you.

I am Sir Your Obed. Servant

HENRY E. M'Culloh.

[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 Extensively did demand receive and have of one Adam Moss 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. MCGUERE, A. G.

I think this Indictn vague & uncertain, so that it could not be supported, on a Writ of Error — There are not any of ye 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° same names, for the like quantity of Land in y° same County — And for other reasons, unnecessary to Enumerate.

John Morgan.

Inner Temple, 6th Augst 1770.

With respect to the last question, on Mr. 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 Mr. Fanning.

John Morgan.

Inner Temple, 6th Augst 1770.

[From MS. Records in Office of Secretary of State.]

North Carolina

Newbern 24th August 1770.

These are to certify that Samuel Cornel Esq 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 Blythe Dobbs Esq. this day took the Oaths before me as by Law required & Subscribed the Test, in presence of The Honble John Rutherford and Robert Palmer Esq.

Wm. Tryon.

Let it be Entered in the Council Journals
By His Excellency's Command

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's Henderson Esq.

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