

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.

INNER TEMPLE, 6th Aug^t 1770.

JOHN MORGAN.

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.

INNER TEMPLE, 6th Aug^t 1770.

JOHN MORGAN.

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

NORTH CAROLINA
Newbern 24th August 1770

These are to Certify that Samuel Cornel 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 a^s^d 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 °Clock.