

John W. Graham Presents Interesting Talk On Colonial Laws At Woman's Club Meeting

John A. Holmes Urges Passage of Forthcoming Bond Issue

John W. Graham was guest speaker at the Junior Woman's Club meeting last week, when he entertained the members with an interesting treatise of colonial law as found in the old records in the Chowan County Court House. The paper was prepared by Mr. Graham for a meeting of the North Carolina Society for the Preservation of Antiquities held in Raleigh last spring.

John A. Holmes was also a speaker at last week's meeting and presented some valuable information relative to the forthcoming bond election. He urged everyone to be certain that he or she is properly registered on the county election books, and to cast a ballot in the election. He stated that everyone is already aware of the need of a building program to relieve crowded and inadequate conditions in both white and colored schools, urging all to work toward the end that this important election is carried.

New members who were welcomed into the club were Mrs. Peter Carlton, Mrs. Guy Hobbs and Mrs. Joseph

Thorud. After a short business session Mr. Graham read the following paper, which is presented here for the benefit of history lovers:

I wish to express my great pleasure to have the opportunity to tell you something of the colonial law, courts and judges as disclosed by the records in the old Court House in Edenton.

Any examination of those records discloses that there lived in the small Town of Edenton during the colonial period such a goodly number of great men, interesting characters, rogues and rascals that necessarily I must limit my remarks to the broader aspects of colonial law, a few picturesque items from the court dockets, and brief mention of some of the outstanding lawyers and judges.

Courts were held in Albemarle County as early as 1670 and possibly prior thereto. The courts were held regularly, and in the absence of court houses, the dwellings of private citizens were utilized for that purpose.

Even though there were courts regularly held, the laws passed by the early assemblies must have been unknown in many cases, for they were not printed. Every new law was read in the hearing of the people at the next court after it had been made. In consequence of such public hearing, the laws were supposed to be known. This situation was not allowed to continue indefinitely, however, for the first book printed in North Carolina was Swann's Revisal of the Laws, published at New Bern in 1751.

No record of the existence of any court house in the colony has been found earlier than 1718. The first court house seems to have been used November 11, 1718, and was located in Edenton.

This was a wooden building 60 feet long, 20 feet wide and of 9 1/2 feet pitch. It was used not only as a court house, but also as the meeting place of the Assembly, and there was an office provided for the secretary of the Assembly. Although this building was in existence in 1729, it was destroyed by fire sometime between that date and 1766 when the Assembly authorized the building of the present handsome edifice in Edenton.

As disclosed by the records at Edenton, the criminal law was harsh, indeed, and provided punishment by the lash, branding, disfigurement of the person, banishment and in certain cases involving slaves found guilty of murder, execution by burning at a stake was provided.

The judgment in the case of one Samuel Pricklove, tried in March, 1680, is particularly illuminating on this point, for it was ordered that he "stand in the pillory three hours and lose his right ear, and be banished from this county forever, and to live in prison without bail in irons, or otherwise, until he shall be shipped for his transport, and there aboard kept in irons till at his place he be landed with costs and fees." Also of

like import are the cases reported from a court held in November, 1693, where William Shreene, "being found guilty of petty larceny, it was ordered that he be whipped to have 30 lashes upon his naked back, he being stripped to the waist"; and Robert White and Vincent White, his son, being found guilty of grand larceny, they craved benefit of clergy, which being granted, it was ordered that they be branded in the hand with the letter T upon the brawn of the left thumb, which was executed accordingly."

Although we are all familiar with the trials for witchcraft held in the New England colonies, I doubt that many of us know witchcraft was recognized as a crime in the colony of North Carolina, but the records show it to be so. At least one woman was executed for suspicion of witchcraft, and about 1690 two women were indicted for practicing witchcraft upon the "bodies of divers of His Majesty's liege subjects." Also, a civil suit for defamation of character was founded on the allegation that the defendant had called the complaining party a witch.

The civil cases considered by the early courts, in most instances, involved suits to recover land and arrest and imprisonment for debt. A person sued for debt faced a very serious matter, for upon issuing of the sum-

mons, he was arrested by the marshal, and upon failure to give bond with sureties to secure his attendance at the trial, he was imprisoned until trial, and upon judgment being found against him, and he being unable to pay, he was again imprisoned. After twenty days he could swear a pauper's oath and be released. This may seem an easy way for a recalcitrant debtor to escape an obligation, but if he was found to have sworn falsely, the penalty was that his ears be cut off.

When we consider the extreme scarcity of money in the province it is a wonder that most of the population did not languish in debtor's prison. This would undoubtedly have been true except for the fact that commodities and produce were used to discharge debts. From the beginning of the colony, tobacco was legal tender for the discharge of quit-rents, fines and governmentally imposed obligations. Judgments for damages were paid in deer skins, hides, tallow and small furs. Even pork meat and whale oil were used to discharge private obligations.

The first instance of lawyers being disciplined occurred in 1695. A court held in November of that year ordered: "Whereas Coll. Wilkinson and Captain Henderson Walker hath of-

fered sundry affronts to the members of this court, ordered that neither Coll. Wm. Wilkinson nor Capt. Henderson Walker be from henceforth allowed to plea as attorney in this court (Continued on Page Seven)

the girder came in contact with a high voltage wire, rendering both men unconscious. They were taken to Chowan Hospital, where they were treated for shock and both soon recovered.

Workmen Narrowly Escape Serious Injury

Julian Broughton and W. G. Sawyer, employees of J. L. Batton & Bro., narrowly escaped serious injury Saturday while working at the new theatre on West Eden Street. While moving a heavy steel beam,

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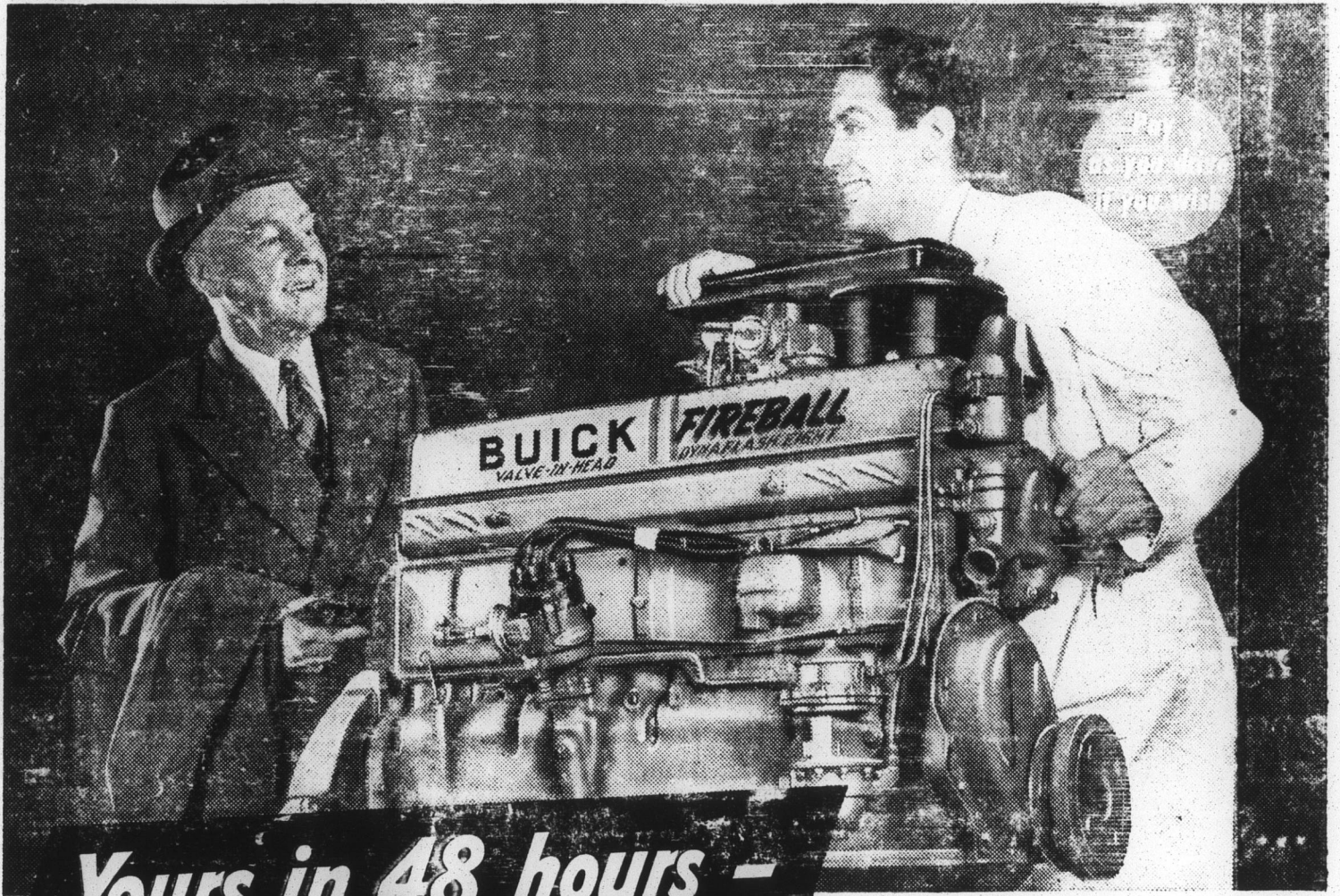
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Robert L. Pratt
Chief of Police

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