306 Laurel Hill Road
Chapel Hill, NC 27514

March 26, 2010

Dear Jenk,

I enclose the following:

1. A report on the information I have gathered
2. Gilbert Stephenson's notes
3. Ed Barnes' notes
4. For your amusement, an essay I wrote on Northampton County.

The essay was the result of information I gathered looking into the nature of a slander suit by the brother of my second great grandmother against my third great grandfather. I never found what the alleged slander was, but in the course of looking at court records, some amusing material was turned up, primarily unrelated to the Stephensons, and I didn't want it to go to waste.

I retired at the end of 2009 after living almost 40 years in New York and moved to Chapel Hill. I have been spending most of my time trying to get settled into a new house and haven't had time to get back to genealogy research. I hope to later in the year now that I am near the State Archives in Raleigh.

Sincerely,

Alan

Alan Stephenson

Life, Litigation and Licentiousness

-- Northampton County, North Carolina

By Alan Stephenson

The incidents described in this essay are based on actual legal documents from the late 18th and early 19th centuries that can be found in Northampton County estate records and court minutes located in the North Carolina Office of Archives and History in Raleigh, North Carolina.

The more things change. . . .We live in the era of sex, drugs and rock and roll. Two centuries ago it was sex, alcohol and fighting -- in all its manifestations.

My third great grandfather, Arthur Stephenson, died in 1823 in Northampton County, years after the death of his first wife, my third great grandmother. It seems his last years were consumed with lawsuits, which continued even after his death.

Arthur's second wife Cherry clearly was not happy with the legacy he left her in his will: one-third of his land, which were her dower rights at law in any event, and the use of one slave, Aggy, but only until Cherry remarried or died. Cherry challenged the will and a jury empaneled by the lower Northampton County court found it not to be valid. On appeal, however, a second Superior Court jury found the will valid, leaving Cherry with her dower rights and Aggy. Almost 15 years later, according to the Northampton County tax list for 1837, Cherry was living in a log house, but she was listed with two black polls, having acquired a companion to Aggy.

The Stephenson and Martin families were neighbors and became related through the marriage of Arthur's son Jesse and Rhoda Martin, the daughter of Etheldred Martin. Family relations notwithstanding, in 1822 Rhoda's brother, Etheldred Jr. sued Arthur for slander. Unfortunately, the records do not reveal what Arthur said to slander young Etheldred, but they do show friends, neighbors and relatives being subpoenaed as witnesses, often on opposite sides of the case. Zaccheus Martin, Etheldred Jr.'s brother, and Thomas Martin, another relative, were called to testify on behalf of Arthur. Etheldred sued for $500 in damages. He technically won the suit, but received only a nominal judgment of 38 shillings in damages, and the jury even assessed most of the court costs against him.

Arthur's brother Benjamin Stephenson retaliated with his own lawsuit against Etheldred Jr. for trespass vi et armis claiming damages of $200, probably for some alleged injury to person or property, but the exact nature of the alleged wrong is not stated in the records. George Pledger, John Stephenson, Benjamin's and Arthur's brother, and Absalom Jenkins, among others, were called to testify on behalf of Benjamin. George Pledger and Isham Odom were called to testify for Etheldred. It appears that Etheldred won the case on the technical basis that the suit was not brought within the period required by the statute of limitations, and Benjamin was assessed $22.24 in court costs.

Arthur Stephenson was the subject of other lawsuits as well. In January 1822, Arthur, Jesse Bradley, George Pledger, Miles Boon and John Boykin were sued by Lawrence Cook, who obtained a judgment for $15.26 in damages. In August 1822, Mary Deloach obtained a judgment against Arthur for $100 plus interest from August 1821.

And in September 1822, Littleberry Long obtained a judgment against Arthur for $189.40 plus costs.

Arthur and his brother John Stephenson were found liable to Nancy Minchaw in March 1822 for $115.10 in unpaid debts. In December of the same year, Arthur's brother John and Elizabeth Rix were held liable for $16.23 for court costs in a suit by Elizabeth against Matthew Martin. It is unclear why John was a defendant, but as constable in Northampton County at the time, he may have been sued for some action he took against Martin in that capacity on behalf of Ms. Rix. John also lost a suit for 50 pounds to Wilham B. Cheatam in April 1823. In 1823, Arthur's father Abraham Stephenson was sued by Littleberry Mason for $100.72 and found liable for $50.86. Another relative, Amos Stephenson, was sued by Nicholas Brewer for $175 in October 1823.

The family's involvement in litigation goes back to the 18th century. In 1785, Charles Stephenson lost a judgment to James Vaughan for 50 pounds in damages plus costs. In 1784, William Stephenson sued John Cobb for 500 pounds in damages, although the nature and outcome of this suit could not be found.

It appears that almost everyone, not just the Stephensons, was suing everyone else in Northampton County. John Stephenson, a constable, was often ordered to levy judgments against assets of defendants. In December 1823, he was ordered to levy a judgment for $21.57 in favor of Drury Nelson against Etheldred Martin Jr., the plaintiff in the earlier slander suit against Arthur. The same year John was also ordered to levy against the land of Etheldred Jr. adjoining the land of Benjamin Stephenson for a judgment of $30 plus interest from December 1820 in favor of Frederick Martin, a

relative of Etheldred Jr., and for a judgment for $3.66 plus interest in favor of George Pledger.

It seems young Etheldred was something of a dead beat and failed to pay even relatively small debts to his own family. Thomas and Frederick Martin obtained judgments against him for $9 and $3.83, respectively, plus interest. Drury Nelson, his brother-in-law, obtained yet another, for $3.98 plus interest.

Etheldred Jr. clearly had money problems. When his father's will was offered for probate at the 1822 September Term of the Northampton County court, Etheldred Jr., together with Drury Nelson, who had married one of Etheldred Sr.'s daughters, acting as guardian for their children, entered a caveat of deviasit vel non to the will of Etheldred Sr., objecting to its validity. Their objection was rejected by the jury, which found the will valid. Etheldred Jr. and Drury must have been dissatisfied with the bequests to them. Drury's children were left $15 each. Etheldred Jr., on the other hand, was forgiven an $80 debt to his father, given $12 outright and bequeathed the land where he was living at the time. No doubt Etheldred Jr. acted because he was not left sufficient liquid assets to pay his numerous debts, including the debts to his co-contestant, Drury Nelson. Even the land he was left by his father was levied against to satisfy judgments in favor of other creditors, as described above.

Fighting and Other Mayhem

The inhabitants of Northampton County found ways to pass the time besides suing each other. They seemed to have enjoyed physically assaulting each other.

In 1791, Etheldred Thomas was charged in several instances with assaulting different men. He was described as a school master and no doubt was a stern disciplinarian in the classroom.

In an 1822 case, John Jones v. Presley Harding, Hambleton Jones, possibly a relative of the party John Jones, testified in a deposition that Jones had abused Harding considerably. While sitting on the front part of an ox cart, Jones struck at Harding with a stick, which flew out of Jones' hand. According to the deposition, Harding told a mulatto man, Joshua Jackson, to give him the stick, and when he had the stick he challenged Jones to call him a damned rascal again. Jones did and Harding hit him with the stick and said if he called him a damned rascal yet again, he would give him "Damned Rascal". Jones accepted the challenge a second time, and, according to the witness, after being hit yet again by Harding, jumped off the cart and fled into the woods.

Interestingly, the authorities occasionally stepped in to prevent violence against blacks, at least if they were freedmen. In 1785, an indictment was presented against Nicholas Edmund, Benjamin Pebbles and Anthony Armstead for violence against Arthur Bird, "Negro".

The victims of physical violence were not just men. Lammont Land was indicted in August 1793 for forcing his way into a house and shooting a dog and beating the dog's female owner with a whip. In September 1793, Lucy Mann obtained a restraining order against Richard Mann, presumably her husband. In December 1788, John Deberry was indicted for breaking down the dwelling house of Hannah Rivard and assaulting Ms. Rivard.

Men were not the only perpetrators. In 1794, Jinnet, the wife of John Pipkin, was ordered taken to the county jail for threatening to "beat, wound, maim or kill" Penelope Johnston, "a single woman". It seems Mrs. Pipkin carried out her threats because later that year she was indicted for "beating, wounding and ill treating" Penelope. The record does not reveal whether what this single woman did to antagonize Mrs. Pipkin had anything to do with Mr. Pipkin.

Violence was also directed against inanimate objects. In September 1785, Elisha Fly was indicted for cutting, defacing and destroying Eleanor Boone's pine trees to collect turpentine. In 1793, a warrant was issued for John Stoston and Lamont Land, presumably the same person who shot the dog and beat its owner, for violently attacking, breaking open and destroying the house of Martha Justice. In 1822, Moses Fort was sued for burning down a house, and the deposition of a witness, who had spent the night in the house before it was set on fire, was taken as far away as Alabama.

Fornicating

During this era, extramarital sex was a crime and the laws against it were vigorously enforced by the authorities. At the 1787 September Term of the Northampton County court, Charles Bird was indicted for "keeping a woman in his house and living in fornication". A year later, Jesse Webb was indicted for "not having the fear of God before his eyes[,] did live and still sometimes to live in a state of open and avowed adultery with one Patty Matthews contrary to the laws of God, contrary to good morals and to the evil example of all others offending in the like manner". In 1792, Thomas Sikes, yeoman, according to his indictment, "being a person of evil nature, fame and of dishonest conversation, with a certain Agnes Larks---Spinster, being a person of evil

fame and of lewd and dishonest conversation, did cohabit and live, and still doth cohabit and live in a State of Fornication, to the great displeasure of Almighty God, as evil example to all others in the like case offending against the peace and dignity of the State". William Party was indicted for keeping a disorderly house, and Benjamin Ward for "keeping a disorderly house/bawdy house". Probably the paramount compound crime for that era was allegedly committed by one Elizabeth Davis, who was indicted for "cohabitating with a slave named Ben, property of a [Mr.] Grissoms".

And then there was Elizabeth Pilkington, who managed to make it into the public records at least twice. In the 1820's, in State ex rel Pilkington v. Fly, the State of North Carolina brought a civil suit against William Fly to obtain support for the bastard child Mr. Fly had fathered with Ms. Pilkington. On a separate occasion, Henry B. Suter left a will in which his first bequest was $750 to each of "my two supposed daughters, daughters of Elizabeth Pilkington". Mr. Suter also left a bequest to William Stevenson of "one bond I now hold against him". Mr. Suter seems to have been an acquaintance of the Stephenson family, but fortunately the records to not reflect whether any of them knew Ms. Pilkington.

A Suspicious Character and Sheep

In May 1822, Benjamin Lashley gave a deposition in the store of Edward Dromjoole in Brunswick County, Virginia, in a suit (apparently for slander) by Thomas Raney against Hicks Fenn in the Northampton County court. His deposition reads [punctuation added]:

> "Question by the defendant [Fenn]. Do you believe that Mr. Edmond Bishop is a true spoken person?
>
> "Answer. He has been arraigned in the Methodist Church for telling falsehoods and from the evidence given in it appears that he has stated some things untrue.
>
> "Question by [Fenn]. Have I ever acted any thing dishonestly toward you?
>
> "Answer. You have not, we have had considerable dealing but I always found you strictly honest.
>
> "Question. Did you ever hear me say that Raney [the plaintiff] was a sheep stealer?
>
> "Answer. No. I heard you say before he brought suit that you never had kept a sheep tied out in Mr. Stanback's field till ten o'clock at night and brought in his house and killed.
>
> "Raney asked [Fenn] if he accused him of stealing a sheep. He [Fenn] said if the cap fit him he might wear it, but never did call him a sheep stealer.
>
> "Question. Did you never caution Mr. Raney against trading with your negroes?
>
> "Answer. I did.
>
> "Question. Why did you caution him so?
>
> "Answer. Because I thought him a suspicious character.
>
> "Question. Do you suppose that I could injure Mr. Raney's character?
>
> "Answer. I don't believe that you ever tried to injure Mr. Raney's character before this law suit.

"Question. Did not Mrs. King tell you that she expected I was owing her money?

"Answer. She did and called upon myself and I.W. Harrison to settle between you and her, and upon a settlement we found that she was in your debt.

"Question by the Plaintiff [Raney]. Why do you think me a suspicious character?

"Answer. Because I have heard from you having shooting matches [with] your sheep, and that you had a sheep belonging to Mr. Wilkins hung up by the heels just as he or some of the company found it out and had him taken down and that you have been wandering about in my [field?] staying all night with an old lousy negro of mine as he informed me. And further the deponent saith not."

By early the following year, things had further deteriorated between Raney and Fenn. In January 1823, on a petition from Raney alleging that Fenn had threatened and attempted to do injury to Raney's person or property, the court ordered that Fenn provide surety of good behavior toward Raney. Upon his failure to do so, the court ordered him to be conveyed to the "common goal" of the county until the surety was provided.

Alcohol Consumption

The sale of alcohol was a lucrative business in Northampton County, often as a supplement to other businesses.

Hamlin Harris and his partners ran quite a variety store in 1822. They sued a customer for failing to pay a bill for, among other things, a black silk handkerchief, three tumblers, an almanac, a tin pan, two pairs of shoes, and a total of 6-1/2 gallons of brandy, whiskey and rum, and 17 cruets of brandy and whiskey.

James McKinzie failed to make timely payment of a bill to Carter Jones for moving his things from Halifax and providing him room, board and a "liberal supply of spirits" during the move.

Wright Allen, an associate and sometimes creditor of, and plaintiff against, the Stephenson family appears to have operated a tavern. In the first nine months of 1822, John Stephenson, the county constable, ran up a tab for over 13 gallons of brandy, about 4 gallons of whiskey, more than a gallon of rum and many "points" of beer.

Buxton Allen

One of the more colorful characters in the county in the 1820's was Buxton Allen, probably related to Wright Allen, and also an acquaintance of the Stephenson family.

Buxton may have been a partner of Wright Allen in operating a tavern because he submitted a bill to James Woodard in 1823 for several breakfasts, several helpings of brandy (which Woodward may have had with his breakfast) and horse feed. The bill also included $50 for "cash won on the election".

Buxton was also defendant in a law suit for a fight he had had with Phillip Dyland. In September 1823, the depositions of several witnesses were taken at Allen's house. The first witness, Wilkinson Davis, testified that on the day when the fight took place, Dyland challenged Allen to fight, but he refused saying that he had "for said [sic] fighting and would not do it if he could help it and went off and left." Davis further testified that Dyland

> "pursued him and urged a fight -- repeatedly and got before him ... and made every attempt of manly powers by saying he could whip [him] or that he intended to try it -- Dyland still showing a disposition to fight. Allen then said he would fight him and began to take of [sic] his cloaths [sic]. He Dylan was [al]ready striped [sic] before [Allen] got off his cloaths or placed in a situation to fight. Dyland struck and then they came together in a fight and they came to the ground.

Dyland was on top for a small space, then [Allen] turned him over and got on top so they were parted."

The deposition continued:

"Question by the plaintiff [Dyland]. Did not you hear Buxton Allen call me out of the door to Rasel [sic] with him. Answer: No.

"Question by the plaintiff. Did you not hear Allen say that he had bit off my ear and that he was sorry for it. Answer. I did not."

The next witness, James Daughtry, told a somewhat different story and showed that Dyland got just what he deserved. Daughtry testified that he was present when the dispute took place "at the fire in the yard" and that Allen was sitting in a chair on one side of the fire and Dyland on the other. Daughtry testified:

"They were talking about a Rasel. At length they did Rasel and Allen threw him. Dyland then got up in a passion and pulled off his cloaths and sayd [sic] that Allen had taken the advantage of him and threw him but he could not whip him. Allen sits down in the chair again and said fighting was a mean calling and that he had for said fighting any man."

But Dyland did not know when to stop, and ended up carrying things too far, as Daughtry's testimony shows:

"He Dyland still urged a fight with the said Allen by singing, crowing like a chicken and jumping around him and a telling him at the same time that he could whip him. Allen showing no disposition to fight[,] got up and left him and went in the house. Dyland pursued him in the house and there challenged him again. Allen then left him and went out and in a few moments it was said that they were at fight. Then I went out to them and saw them both come to the ground. Dyland was on top a while but Allen turned him over and then Dyland cried out -- I then parted them -- after they were both got on there [sic] feet -- Dyland said he was ruined for this world. Allen said he was afraid he had ruined him. I then asked how and he said his ear was bit off. I looked and his ear was off, the piece was found but not [at] the place where the fight was."

A third witness, Joel Pierce, testified similarly, but apparently did not see or hear anything about Dyland's ear and said that there was no sign of blood on Allen.

There cannot be any question, however, that Dyland lost part of his ear because that is difficult evidence to fake.

It is clear that Dyland was taunting the wrong man. That same year Buxton Allen was indicted for assault and battery on Winborne Benthall in an unrelated incident.

1823 was a busy year for Buxton. Sarah Garris obtained a judgment against him to recover past payments towards the support of a bastard child. Jesse Underwood also sued Buxton for depriving him of the service and assistance of Rachel Underwood, his daughter and "servant", in that "on a certain day and on diverse other days and times, [Allen] debauched and carnally knew the same Rachel" resulting in Rachel becoming pregnant, and during the period of her pregnancy, her father was deprived of her services and performances of his "necessary affairs and business". Mr. Underwood also claimed he had to expend money for the nursing and care of Rachel and the delivery of her child. It seems Underwood was unsuccessful in his suit because in December 1823 he was ordered to pay the costs of the suit. He succeeded, in any event, in publicly humiliating his daughter.

Southern Circumlocution, or "Beating Around the Bush"

Southerners love to talk and sometimes think they can talk their way out of anything, occasionally stopping just short of crossing the line between evasion and an outright lie.

A man named Jeffreys and Willis Boddie were involved in litigation involving the purchase and hire of two slaves for which Jeffreys had given Boddie a note. Apparently, Boddie had sued Jeffreys for nonpayment of the note and Jeffreys had filed

his own suit against Boddie for usury. Jeffreys was quite anxious for Boddie to forgive him and settle the matter, it appears because Jeffreys feared the controversy would injure his standing in the community.

At a deposition, James Wood, who seems to have been a lawyer for one of the parties, is testifying about a conversation he overheard between Boddie and Jeffreys at Bryant's Crossroads where Boddie lived.

According to Wood, Jeffreys asked Wood to go into Boddie's house and ask him to come out so that he could talk to him. Wood's deposition then proceeds [punctuation added]:

> "Boddie replyed [sic] he had no chat for no such a man, but Mr. Jeffreys begged I would go again and desire him to come and see him as he was sorry for treating him as he had done. I went as many as two or three times when Boddie observed I will go and see him but he would not forgive him. When Boddie came to Mr. Jeffreys, Jeffreys began to beg all pardon for treating him as he had done sometime before at his house at a constable's sale . . . [that] he had a family and had children and that Boddie would ruin him if he did not forgive him. Boddie observed, 'As you beg I must forgive you although you treated me meaner than any person ever did and ordered me to return the work heretofore mentioned compromised.' In the presence of Jeffreys and at the time after Boddie had forgiven him, Jeffreys observed, 'Well as you have been good enough to drop your suit against me the usury suit against you shall be drop[ped].'
>
> "Boddie reply'd, 'You drop the usury suit against me. What right have you to drop it?'
>
> "Jeffreys observed, 'I know how I can do it; or I reckon I can do it.'
>
> "[Boddie] answered and told Mr. Jeffreys if he thought it proper [to] give Mr. Boddie an indemnity, which he Jeffreys agreed to do to make good all damage he Boddie should sustain on account of the said usury suit, and requested me to write one, which I did and the said Jeffreys signed it.
>
> "Boddie then said, 'Mr. Jeffreys you said to me the other day that several men had tryed [sic] to ruin you and I was one. Now tell me how I ever injured you.' He Jeffreys answered and called on me, and said, 'You know when a man is mad he does not know what he is about, and I was mad at that time and did not know what I was about thinking that day'; that Mr. Boddie had come to my house to buy my property.

> "Boddie made answer, 'Mr. Jeffreys you have been in debt to me several years. Did I ever appear to wish to injure you?' Jeffreys answered no, he Boddie had befriended him.
>
> "Boddie then observed, 'I understand it is said that I have received usury of you, and you are the witness. Now tell me how I ever received usury of you.' Jeffreys answered and said, 'No way as I know of.'
>
> "Boddie observed, 'What way do they say I received it? 'I do not know', replyed Jeffreys, 'unless it was because I bought your land.' And further the deponent sayeth not."

One wonders whether Boddie heard that last little bit about the land and in fact dropped his law suit against Jeffreys. Having convinced Boddie to let bygones be bygones and even indemnified him against his pending usury suit for the purchase of slaves, Jeffreys no doubt had another one in mind, for a debt he owed Boddie for the purchase of land.