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**Newspaper Reports of
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Before 1801**

VOLUME I

Edited by

Stanton D. Krauss

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*To the memory of my parents,
Hyman J. and Frances Edelson Krauss*

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Introduction

This book, like my *Gentlemen of the Grand Jury*, is an effort to make more of our eighteenth-century legal history accessible to modern lawyers and scholars. It does so by providing newspaper stories about decisions of which the reporters and contemporary pamphlets provide no, or an incomplete, account, along with a comprehensive index that facilitates research on particular topics.¹

In addition to stories about court proceedings, each case report contains transcriptions of all of the extant newspaper commentary on the case, as well as any accounts of the crime, investigation, and punishment in criminal matters. Where a partial case report has already appeared, or where broadsides or pamphlets about, or legislative journals containing proceedings pertaining to, a case were published here in the eighteenth century, citations thereto are included in the footnotes.² Appendices report significant legal incidents in which no trial court decision in a pending case appeared in the newspapers.³

These documents shed abundant light on the substantive law and civil and criminal procedure of eighteenth-century America. They also reveal a good deal about the gap between the law on the books and the law in action in that era. As a result, this book will be of great value to legal and social historians, lawyers searching for the original understanding of the Bill of Rights, and ordinary Americans interested in our country's history.

1. The one exception to this rule is the Massachusetts case of *Derby v. Blake* (Sup. Jud. Ct. 1799). The *Columbian Centinel's* report of this decision, which appears here as Case 87 of Chapter 6, is reproduced in an appendix to volume 26 of the Massachusetts Reports. I have included it in these volumes because its placement in that collection of 1917 decisions has doubtless led many researchers to miss it.

2. In its Early American Imprints series, Readex has microfilmed and digitized all of the eighteenth century books, pamphlets, and broadsides cited in this book, and they are available for examination through research libraries across the country. Many of the pamphlets have also been reproduced in *American State Trials* (John D. Lawson ed. 1914–21).

3. Among other things, this diverse category includes reports of advisory opinions, accounts of investigations and examinations in criminal cases, stories about bail decisions, and the saga of one state governor's failed attempt to suspend and remove a number of judges.

Editorial Method

It was common for eighteenth-century newspapers to republish stories originally appearing in other papers. I have transcribed the first extant appearance of every item in this collection.

I have generally left the original spelling, typeface, and punctuation intact throughout. However, I have made some changes in the transcribed texts. I have followed more modern conventions regarding the form and location of quotation marks. I have substituted lower-case letters for footnote numbers or symbols used in the source material; numbered footnotes, as well as ellipses and text within angle brackets, are mine. Footnotes and reference marks aside, I have lowered all superior letters to the line.

I have referred to newspapers by the short titles introduced by Clarence S. Brigham in his two-volume *History and Bibliography of American Newspapers, 1690–1820* (1947). The full titles of these newspapers may be found in Brigham's book.

Acknowledgments

These volumes are a product of twenty-five years of work. In light of that fact, and the nature of the research that went into this project, it should be no surprise that I have incurred many debts to people who have helped me along the way. Space prohibits me from thanking all of them in this book, but I must recognize a number of them here.

Some are associated with Quinnipiac University School of Law, where I have been teaching since 1990. First among that group are Deans Terrance Benbow, Neal Cogan, Brad Saxton, and Jennifer Gerarda Brown, without whose support and generous financial assistance this book would not have been possible. Librarians Tina DeLucia and Linda Holt have arranged for me to borrow a great many, often obscure, items from other libraries.

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