

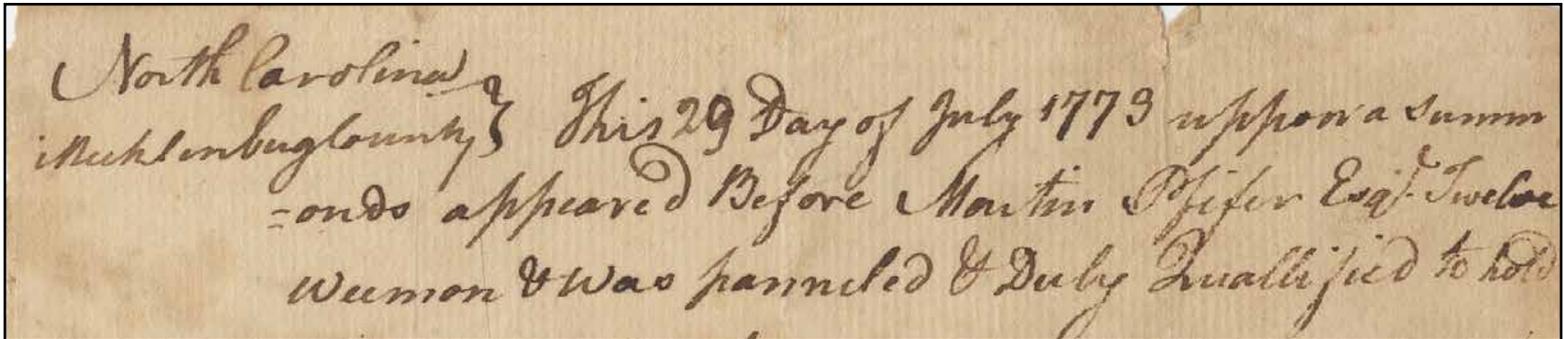
All Female Jury in Colonial North Carolina

Martin Pfifer (aka Phifer)

Colonial Indictment by a Jury of 12 Women of an unwed mother whose baby died under unexplained circumstances. North Carolina, 1773

Mecklenburg County, North Carolina: July 29, 1773

\$4500



Holograph document Signed in the text by Martin Pfifer. Approximately 6" x 7½". Old folds and tiny tears, very good or better. The document summarizes the case of Margaret (Rote) Smith, alleged to have born a child out of wedlock and that she soon asked her employer's slave to bury.

The women, who were gathered by "Street Searching" and "Duly Qualified" are listed by name. Signed by the forewoman; the other jury women are listed below in the same hand and they were charged to "Return us your Verdict" in this case of suspicious death. Their verdict was:

"We return by our forewoman that Margaret Rote Smith, Servant of William Sipards Does appear to have had a child... & Confessed as follows. That she had a child on the Monday before Jacob Slough was married with Christian Obenshanes Daughter and on Tuesday Night being the night of the wedding she wanted her Master's Negro to bury it he s[ai]d. He would not But took it and Carried it away but where she new not til afterwards the Negro told her he had carried it to Mathias Mitchels Barn."

The accused woman was apparently an indentured servant. In the indictment she was afforded some anonymity by being provided with the name "Rote" (a variant on "Roe" or "Doe") but her real name, Smith, was added after the indictment was made. The slave is identified by his race and owner but is otherwise unnamed. We could find no further resolution of the case.

Martin Pfifer, the Justice of the Peace, was a Swiss immigrant who first settled in Pennsylvania. In 1756, he moved to Big Cold Water Creek in the mountains of Southwestern North Carolina. There he pioneered a successful farm and became a community leader. His farm was a strategic point during the French and Indian War, and he regularly served in the Colonial Legislature. At his death in 1791 he owned three plantations, large amounts of property, a grist mill, and 18 slaves.

An uncommon example of an all-female jury in Colonial America. [\[BTC#415495\]](#)

North Carolina
in Newbern County } This 29 Day of July 1773 upon a Summons
-onds appeared Before Martin Telfer Esq. Twelve
Women & was pannelled & duly qualified to hold
a Jury of Search on sundry young women
and upon strict searching and Return by our
forewoman that Margret Note ^{smith} servant of William
Lipards does appear to have a Child & after by
her own Confession she had a Child & Confesses
followes that she had a Child on the Monday before Jacob
Blough was married with Christian Benshires Daughter
and on Tuesday Night being the Night of the wedding she
wanted her Masters Negro to bury it in so he would not
But took it and Carried it away but where she knew not
til after wards the Negro told her he had Carried it to
Mathias Mitchels Barn this are Returns as
our Verdict signed by

Elisabeth Wiser
Margret Merloth

Magdal Stuar

Jusannah Post

Molly Ayres

Mary Morgedent

Margret Benshure

Catherine Dry

Mary Waller

Elisabeth Patterson

Mary Kane

Catherine Blackwidder