

Hall, Enoch ^[1]

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by Jon G. Crawford, 1988

d. 18 Oct. 1753

Enoch Hall, chief justice, was born in England and lived at Newbegin, Northumberland. He was educated at Staple's Inn, one of the Inns of Chancery. On 21 Apr. 1744 he was appointed chief justice of the province of North Carolina by the king's warrant, replacing the deceased [William Smith](#) ^[2]. The letters patent empowered him to hold office "during Our pleasure and his Residence within our said Province" and to convene supreme courts of judicature as necessary. Although it is not known when Hall assumed his post in the colony, his immediate predecessor, the interim chief justice [John Montgomery](#) ^[3], died in May 1744. Hall was an active chief justice, for there is evidence that he rode the circuits on assizes as well as hearing cases in the formal chambers of his court. His judicial competence was questioned by his adversaries, and in fact he was only called to the bar in England in May 1750, after entering Gray's Inn on 28 Nov. 1749.

As chief justice, Hall served on many commissions and he was closely associated with two efforts at judicial reform. In March 1746 he was named to a commission to revise and print the laws of the province. This obligation required Hall and three others to compile and index the laws then in force, noting statutes that were obsolete, and to print the results. The books of colonial laws were then to be distributed to leading officials of the province. In 1749, Hall sponsored a bill calling for the speedy establishment of more courts of justice and, interestingly, for more equal representation of all subjects in the lower house of the Assembly.

Several cases indicate the political connection of Hall with the faction of Governor [Gabriel Johnston](#) ^[4]. [Henry McCulloch](#) ^[5] alleged that Hall unfairly suppressed evidence in his case against the governor, but [Samuel Swann](#) ^[6], a member of the Provincial Council, supported Hall. In April 1749 Governor Johnston complained that Hall and Joseph Anderson, judge of the Admiralty Court, had exceeded their authority in the investigation of [Macrora Scarborough](#) ^[7], another councillor. The charge was that they heard too many witnesses, allowed several changes of venue to obtain more evidence, and heard some testimony in secret. Two weeks later, Hall wrote to Scarborough that he would no longer give summons to his witnesses and that all depositions must be taken at New Bern.

In July 1749, Hall obtained a royal license to return to England for eighteen months to recover his health. The General Assembly had acted in April to see that he was paid a debt of £222 for riding circuits. The county sheriffs had been delinquent in payments to Hall, and it appears from a list of March 1773 that his estate was then owed nearly £1,200 in arrears. It was probably this default that led him to return to England. In 1750 Hall was still active, writing to advise the governor that six counties had withheld their taxes and refused to provide jurors for assize courts. He urged the passage of his bill to increase the number of courts and to provide better regulation of them. Three years later, the [Board of Trade](#) ^[8] noted his long absence from his colonial post and urged him to return. Nevertheless, Hall died in England without resuming his duties in North Carolina. He was replaced by [Peter Henley](#) ^[9] on order of the secretary of state on 20 May 1755.

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Additional Resources:

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