

Henley, Peter ^[1]

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Henley, Peter

by Henry A. Robertson, Jr., 1988

1724–25 Apr. 1758

Peter Henley, chief justice of North Carolina, was the son of John Henley of Wotton Abbas, Dorset, a member of Parliament. The family had been granted Wotton Abbas early in the reign of Queen Anne. Peter obviously was related to Sir Robert Henley, Earl of Northington and lord chancellor, who was also from Wotton Abbas. Phocion Henley (1728–64), musical composer, may have been his brother. Peter Henley was educated at Corpus Christi College, Oxford, admitted to Middle Temple on 26 Apr. 1744, and called to the bar on 28 June 1748. Letters patent from George II, dated 15 Nov. 1755, named him chief justice of North Carolina in place of [Enoch Hall](#) ^[2], deceased.

Hall, as early as January 1753, had been asked by the [Board of Trade](#) ^[3] to explain his absence of almost four years from the colony and to inform the board of his plans to return and resume his duties. These queries were prompted by the representation of [Thomas Child](#) ^[4], attorney general of North Carolina, who was then in England. When [Arthur Dobbs](#) ^[5] arrived at New Bern in October 1754 to take office as governor, he found [James Hasell](#) ^[6] serving as chief justice. Hasell was not trained in the law and, although Dobbs said "he seems a good-natured man and bears a good character here in private life," was not considered suited for the position. Dobbs, therefore, requested that a "worthy good lawyer" be appointed. Upon the death of Hall, Henley received the royal warrant and qualified in the colony as chief justice on 5 Dec. 1755, when he took the oaths required by the Assembly.

Henley's principal accomplishment during his brief tenure in the office was to meet with [King Hagler](#) ^[7] of the [Catawba Indian Nation](#) ^[8] to reassure him and his people that the government of North Carolina intended to honor the provisions of the treaty negotiated in February 1756 between the North Carolina and Virginia governments and the [Cherokee](#) ^[9] and Catawba nations. This conference, held in May 1756 at the home of Peter Aaran in Salisbury, resulted from a dispute between the Cherokees and the Catawbas. Hagler spoke of the perfidy of the Cherokees, who planned to enter an alliance with the French; however, he promised that his own people would remain loyal to the English and defend them "or go down into the grave with them."

One concern of the Catawbas was the disposition of a white woman they had taken from the Cherokees who had seized her as they came from Virginia after an abortive engagement with the Shawnees. At her persuasion they had stolen horses, saddles, and other goods. When Hagler expressed the hope that she would not be put to death, Chief Justice Henley assured him that the woman, an indentured servant, would be returned to her master. With Solemnity Hagler said: "I am glad of it. I am always sorry to lose a woman. The loss of one woman may be the loss of many lives because one woman may be the mother of many children." The report of the conference noted that his audience was amused, and, observing this, the king added that he "spoke nothing but the truth."

In the same serious tone Henley addressed Hagler, his warriors, and young men. He reiterated the determination of his government to preserve peace and harmony, to suggest the enactment of laws against the sale of strong liquor to the Indians, to propose to the governor an allocation of public money as a gift for certain obligations, to supply them with ammunition, and to build a fort for their protection. As a token of his sincerity Henley presented the king with powder and lead, adding a promise to honor a prior commitment that a house be built for him.

Henley's public reputation and performance of his official duties impressed [Governor Dobbs](#) ^[10], who recommended on 27 Dec. 1757 that he be appointed a member of the Council if his health was restored, but Henley died the following spring. He was interred in St. Paul's Church, [Edenton](#) ^[11].

Before leaving England, Henley had been on the point of marrying Agnes Tucker of Corytown, Devon, towards which she advanced £400 "out of her own private fortune." However, as Henley wrote, "the Marriage was postponed to be compleated at a future Day," and he gave her his bond for the amount advanced. In his will, made a few months before his death, he provided that the amount, with interest, be paid to her. The will also left property to a son, John, but there is no mention of a wife or the mother of the son. When specifying the name of an executor of his will, Henley made provisions for the education of his son and the protection of his property for the benefit of the child. Henley held over 1,500 acres of land in [Anson](#) ^[12], [New Hanover](#) ^[13], and [Orange](#) ^[14] counties as well as three lots in [Edenton](#) ^[11]. Among his extensive and valuable estate, he listed furniture, china, silver, livestock, a chariot, five slaves, a print of Governor Dobbs,

five busts of members of the royal family (purchased by Thomas Baker at the sale), books, and personal apparel.

In an address of the Assembly^[15] to the Council on 2 Jan. 1760 on the occasion of complaints that the incumbent chief justice had extorted legal fees from his clerks, the character of Peter Henley was cited. He was described as a man who impartially administered his office, dividing the fees fairly with his clerks, and as a just executor of the laws and of justice. His death, the address continued, was lamented by everyone who wished to see the government strengthened.

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Dictionary of North Carolina Biography, University of North Carolina Press. ^[30]

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