

Ralph L. Correll Esq.

Sir:

Yesterday evening you made application to me on behalf of Josiah Turner jr., for a Bench warrant against John Honeycutt, Alex Ruffin and W. W. Holden. You also handed to me, - as a basis for the issuance of the warrant, as I suppose - a paper writing, purporting to be an affidavit of Josiah Turner jr., taken before J. R. Denton, Clerk Superior Court Wake County.

The law requires that the magistrate issuing a warrant shall examine the complainant under oath, and the warrant itself recites that - "It appears on the oath of" - the complainant, that some criminal act has been committed -

I therefore decline to act upon the said application for the following reasons

1<sup>st</sup> I cannot certify that "complaint has been made on the oath of Josiah Turner jr." - I do not know that such is the case - As the law requires the oath to be made before the magistrate who issues the warrant, the Clerk of the Superior Court of Wake had no power to take the examination, and Mr Turner could not be ~~properly~~ convicted of perjury if he had sworn fully before him to obtain the warrant.

2<sup>nd</sup> It is distinctly made my "duty" to examine the Complainant <sup>on</sup> ~~the~~ oath - I cannot issue a warrant until this antecedent duty is performed -

When Mr Turner shall apply to me in the manner prescribed by law his application will receive a candid hearing -  
Wm Turner Judge Sup Court 7<sup>th</sup> dist

Warrant of arrest  
for J. Turner,  
affiant Albany,  
warrant against  
Golden Brothers,  
M. d.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013