



SENATE CHAMBER,

Raleigh January 25th 1870

Hon W. M. Lougee

Sir

In my remarks last night I stated thoroughly that ~~was~~ generally given by those men who justified the taking the law into their own hands — that it was useless to prosecute as the verdicts of two juries finding the same person guilty of Sarceny had been set aside. Your official conduct in the case to which you allude has been much condemned in my county and I am free to say did not meet my approbation. Still I have urged repeatedly that it was best to appeal to the Courts, although in some cases the result seemed be different from what we thought we had a right to expect. In answer to your first question I would say that the possession of stolen

property raised a presumption of guilt,
stronger or weaker according to the length
of time which has elapsed, and thrown
upon the person in whose possession
the property is found, the burden of show-
ing how he came by it. The weight of
the evidence arising from the possession
is a question for the jury and
not for the Judge. In answer to your second
question I would say that my recollection
is that the ~~possession~~ ^{stolen} of the books was traced
to the possession of Dennis Haynes about
three weeks after Parker's store had been
robbed. The Defendant attempted no
explanation of the manner in which the
property had come to his possession.
In answer to your third question I
would say that whether the evidence
was sufficient to justify conviction was a
question entirely for the jury. You will
recall that you refused to charge that
there was no evidence. I would also say
that the character of the property was also a
question for the jury as an element in the
strength of the testimony.

I believe I have answered your question
but if you wish further explanation I
would refer you to the decisions of our
Supreme Court which I believe will
sustain the position that I have taken.
In conclusion I state that I have no
disposition to do you any justice and
referred to the matter for the purpose
of giving the complainants of those who
find taking the law into their own hands
and not for the purpose of making any
assault upon your conduct.

Very Respectfully
Your Obedt Servt
J. H. Graham

John W. Graham

My dear Mother
I received your kind letter
of the 10th and was glad to
hear from you. I am well
and hope these few lines
will find you the same.
I have not much news to
write at present. I am
still in the same place
and doing the same work.
I have not seen any of
our friends here. I have
not time to write you
more fully. I will write
again soon. I love you
all very much.
Your affectionate son,
John W. Graham

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