

Colonial Courts

- Colonists used courts to control local affairs
- **Supported interests and ideas of their communities**
 - Ex. **Laws in Massachusetts enforced Puritan's religious views (efforts to combine church and state)**
- Sometimes protected individual freedoms
 - Ex. **John Peter Zenger** – freedom of the press
 - **charged with committing libel (a false statement) against a public official**
 - Andrew Hamilton, his attorney, argued he could publish whatever he wanted as long as it was true
 - jury's verdict = not guilty

Courts And Colonies

Great Britain



Courts And Colonies:

Courts and Colonies Reinier Baarsen, 1988 The Courts and the Colonies offers a detailed account of a protracted dispute arising within a Hutterite colony in Manitoba when the Schmiedeleut leaders attempted to force the departure of a group that had been excommunicated but would not leave This resulted in about a dozen lawsuits in both Canada and the United States between various Hutterite factions and colonies and placed the issues of shunning excommunication legitimacy of leadership and communal property rights before the secular courts What is the story behind this extraordinary development in Hutterite history How did the courts respond and how did that outside state law relate to the traditional inside law of the Hutterites Utilizing voluminous court records Esau provides a detailed and fascinating narrative of the prolonged disputes and litigation history of Hutterite colonies at Lakeside Oak Bluff Rock Lake and Huron He considers whether the legal action was consistent with the historic non resistance of Hutterites or whether it signaled a fundamental change in norms of Anabaptist perspectives on litigation He examines the past history of Hutterite litigation and how the roots of the schism related to controversy over the Schmiedeleut leadership and its alliance with the Bruderhof a group of Christian communalists living mainly in the Eastern United States At stake is the nature of freedom of religion in Canada and the extent to which our pluralistic society is prepared to accommodate the existence of groups that have an illiberal legal system that may not cohere with the outside legal system of the host society While this book will be of particular interest to scholars of law and religion it will also appeal to anyone in Anabaptist studies sociology anthropology political theory and conflict resolution

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