

## TRIAL OF GHOSTS.

In the January, 1934, issue of the *CANADIAN BAR REVIEW*<sup>1</sup> there appeared a very interesting note on *The Murder of a Ghost* by Mr. G. C. Thomson.

Ghosts have given much trouble in many countries at different periods of history. In at least one instance ghosts were actually put on trial. This occurred in Iceland in A.D. 1002 and the incident is recorded in *Eyrbyggja Saga*,<sup>2</sup> one of the most striking of the ancient sagas.

The Icelanders while constantly indulging in private wars and recognizing vikingism as an honourable calling, created and maintained an intricate system of law. They were extremely law-abiding and their legal structure made elaborate provision for the definition of legal rights and their investigation and determination by legal process.<sup>3</sup>

So keen was the taste for legal subtleties and intricacies that there existed in ancient Iceland schools of law. Thus young men gathered around sages like Njáll<sup>4</sup> or Skapti Thóroddsson, just as the aristocratic youth of Rome frequented the house of Tib. Coruncanius or Q. Mucius Scaevola.

The Sagas are accordingly permeated with legal lore. An amazing illustration of the faith which the Icelanders had in the efficacy of legal remedies is to be found in *Eyrbyggja Saga*.

A powerful and influential chieftan named Thóroddur, living at Breidifjörð, in the western part of Iceland, had, just before Christmas, been shipwrecked and drowned along with several companions in the fjord. Their boat was washed ashore but the bodies were never recovered. Thereupon the widow, Thurídur, along with the eldest son, Kjartan, invited several friends to the traditional funeral feast. On the first night of the feast, as soon as the fire was lighted in the banquet hall, Thóroddur and his companions entered, dripping wet and took their seats.

The guests were delighted to see them and extended to them a hearty welcome for it was deemed that those who attended their own funeral banquet would fare well with Rán.<sup>5</sup> The ghosts acknow-

<sup>1</sup> 12 C.B. Rev. 30.

<sup>2</sup> circa A.D. 1250.

<sup>3</sup> Grágás, Arnarnaganaean edition.

<sup>4</sup> Njáls Saga, which is to be found in English translation under the title of *The Saga of Burnt Njál*.

<sup>5</sup> The goddess of the sea and the wife of Aegir.

ledged no greeting but remained in silence until the fire burnt out whereupon they rose and left. The next night they returned at the same time and behaved in the same way. This continued not only while the feast lasted, but even afterwards.

The servants became superstitious, refused to enter the hall, and no cooking could be done. Kjartan thereupon lit a second fire, leaving the big one to the ghosts. But bad luck followed the visits of the ghosts, men died and the widow Thurídur became ill. Kjartan decided to seek the counsel of his uncle, Snorri, an eminent lawyer of western Iceland.<sup>6</sup>

Upon Snorri's advice Kjartan and seven others with him went to the hall door and upon the arrival of the ghosts, formally summonsed Thóroddur and his companions for trespass and for causing men's deaths. Then they instituted a Door Court (*Dyradómur*) and set forth the suits, following the regular proceedings of a *Thing* Court. Evidence was adduced, witnesses heard, the cases summed up, verdicts delivered and judgments rendered. When the judgment word was given on each individual ghost, each rose and quitted the hall and was never seen thereafter.

As far as we know this is the only recorded instance of troublesome apparitions being dealt with by solemn legal proceedings.

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<sup>6</sup> This same Snorri took an active part in the debates at Althing (or Parliament) on the question of the introduction of Christianity in A.D. 1000. Cf. Ari (Fródi) Thorgilsson, *Íslendingabók*, circa A.D. 1300.