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10-9-1768

Judgment Book of Superior Court, Vol. E, May 1764 - Feb. 1767, at 375-77, New Hampshire State Archives - Sandborn v. Reid

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## a we be the trop TRUDOO MAY 1764 Auroveli FEE. 1767

hich Judgement the faid Barnabas appealed to this when where the appeal was Entered, & The Carties of Law. The bafe was committed to the Juny, Swofn according to Law to try the Sprenwho made Return of their Vordict thereon upon Oath & say the Jung fire for the spellant the Sumof five founds & bofts of Courts. It is there forestone ideres that the former Judgement be & hereby is reversed & that (The faid Barnabas resour against the faid Eleazer five Sounds Lawfull money Damage & bofts of bourts taxed at the Sum Ten Hounds one Shilling & dix pence like money Tames Sandborn of Hampton in the Province of New Rande Hampohne Jeoman & Esther his wife Appellants against From the Sudgement of the Inferiour Court of Common pleas help at portionouth, in & for faid Province on the first thurs: day next following the first treesday indunc 1766, Man of Jetterminen ted at the Inforiour bount of bommon Hear held at raid to for said Pravine on the first thursday nort following the first transday March 1766, but prosecuted at the Information Count floommon stead fasty If ther his wife against the faid Thornes, in the following words viz "Il an Action of Debt for that whereas the faid James Sandborn & Esther his wife Before our Justices of our Superious fourt of Judicature holden at fortsmouth within for our said Province, on the thind tuesday in May being the 15theday of said Months Innoque Domini 1764 By the Confideration of our faid Justices of our faid Suficions Court Indicature had Recovered against Jonathan Towle of Hampton aforevaid Tradery otherwife called Sonathan Towle baid Hampton Trader For the Sum of Sixty Six Bounds live Shillings Damages & Eighteen Bounds Three Shilling New Tenor boft of Such whereof the fair Sonathan Sowle is Judicature, there remaining more fully appears. And

afterwards the fair James Sandborn & Esther his wife, at porting a forevaid viz fon the 26th day of May 1764, purchased our Writ I Execution in due form of Law dates the faire 26th day of May aforevail, upon the Judgement aforevail, Directedby us To the Sheriff of our province of New Hampshire, his under Sheriff or Deputy, Commanding the said Sheriff, under Sheriff or De: buty, that of the Good, Chattels or Lands of the faid Sonathan within their precinct, they should Cause to be paid x Sates. Liedunto the faid James & Either, at the value thereo ney, the aforesaid Sums being lighty four founds eight With and there of also Nown Trees, And for want of nunto them or found within their precinct to the Acceptance of the faid varnes & Esther to fatisfy the Sums aforesaid, We Commanded the faid Sheriff, his under Sheriff or Deputy to take the Body) The faid Sonathang, & him commit unto our youl in Totsmouth in our Provinces of New Hampshire paporesais and detain in their bustody within our faid youl until the and Sonathan should hay the full Sum abovernentioned with their fees, or that hep the vaid Sonathan should be scharged by the faid James & Esther the breditors, orother. Which faid Whit of laccution Un order of Law ( which factorwards on the o, to Execute, By Virtue of which Executions, the faid Thomas Trand afterwards on the vaid 29th day of May 1764 aforesaid, at Hampton a foresaid, then being a Deputy Sheriff of our faid Province, Took & arrested aid Jonathan Towley! & him the faid I on alhan Towley then & there had hept in his bustody in Execution for the Pamages & bofts aforesaid, and the Jaid Jonathan Towlys

being as a forevaid in bustody of the faid Thomas Rand, then Deputy Sheriff aforevaid, in Execution for the Damages foresaid, & being in form aforesaid Detained, the faid Thomas Randaftenwards on the 15th day of November 1764 al portono. aforevaid, thembeing a Deputy Shoriff as aforevaid, Suffered the faid Jonathan Towle at portinoutho, aforesaid, freely to g Landborn & lesther his wife of their Damages & Cofts afores being not Satisfied, whereby and totion hath accrued to the Plaintiffs to demand and have of the faid Thomas Rand the aforevaid Sumsbeing of the Value of Sixteen Pounds Nine teen Shillings Leven pence & one farthing Lawfull money) fet neverthelefs the fair Thomas hand, the often requested Shaw not yet rendered to the plaintiffs, the a foresaid Sims but hath hitherto requised & still doth refuse to render the James Sandborn as he fays the sum of Frenty five At which faid Infliour bourt of born mon pleas, Judgement was rendered that the Defend. recover against the plaintiff fort of Court on Byther hir wife which Sudgement the faid James Sandborn appealed to this Court of the appellee being Solemnly called to come into bout did not appear but made Default - Histherefores Considered that the former Indgement bet hereby is reversed, & that the faid James & Esther his wife revover against the Paid Thomas Eighteen Pounds Lawfull money Damaged Cofts of Courts laved at the Sum of Six from sten Shits I Sex pence like money Thomas Grear of Chester in the Province of New Hamp. Chiefter Jeoman Appellee Inom the Judgement of the