## Maurice A. Deane School of Law at Hofstra University

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4-8-1767

Provincial Case File No. 13058, New Hampshire Stare Archives -Petition of Anna Foss

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13058 Sovince of To the Son be hertices of his New Hampsh's Majerty's Super Court of Sudicature holden al Southon the Stay of april by adj The Humbles Selition of Anna the Wife A ~ Zachariah Sof of Soutamouth aforegaid Innholder, then Thab her said Husband by along Coursed Illusage and unkind heatment of her in so many Instance (a Sasticular detail of which would be tedeous Heater the tor beigd for the Vicienvalion ofher health & Jafety to leave him to throw her Self on the mercy of any acquaintanced friend for Tresent Support rather than Sustain Such Injunous Treatment any longer That she is Conscious of no just Offence given him nor any neglect of duty to him to give any ground or Colour for a ill usage & behavior to her but Seems to arise from unhappy un Meadinofs of Semper & ungovernd Sa fiers & Inequilarity for almost in the home breach with which he exemufics the great est lendernef he will express the most Gruel Analevolent things lot ofher without any apparent Gaure so that the he woudnot Juffer hor to Enjoy any Seace tas he has often bid her, she was allast recepitated to leave his house - That she cannot tous to any proposal of Beconciliation & ichurn having had Experience Ahepaid no regard lotte his montolemn Fromises of a kinderconduct and upon his whole management in this segan she thinks I no unjust reflection to that he is Subject to fits of destractions or entertain, Such Malignity of heart as renders her Safety too Frecarious for her Comfort Wherefore She prays that the may by and this Hon the fourt be presented in her selread & Separation & those who Entertain her with her necessary apparel & the puils of her Labour against the mults Clairns & Domand, of her Saw Hurband

also that he muy be to Obliged To Provide for and allow her her necessary alimony & Support and also Leliver her other order her bed drecepary bedding and the Shall Ever pray de \_\_\_\_ Anna Fofs

Manna Sols's Potetion read HOrdered to Lay for Conneleration \_\_\_\_ Feb 1767

GEORGE the Third, by the Grace of GOD, Province of of Great-Britain, France and Ireland, New-Hampfbire. KING, Defender of the Faith, Sc. To the Sheriff of Our Province of of New-Hamp/hire, his Under Sheriff, or Deputy, Greeting. ITE Command you that you fummon to Some John (If he may be found in your Precinct) to appear before our Juffices of Our Inferior Court of Common Pleas, to be holden at Portfinouth, within and for our faid Province of New. Hampfbire, on the first Thursday next following the first Tuesday of September () next, then and there in our faid Court to answer to Lechariah Folo of said Sortsmouth Innholder in an action of Trespats For that Anna the wife of the Plat from the family and company of him the Plat had departed and had abtented herself from the Plat and the give Plat line afterwards Vizton the V" Day of May NDer 67 at said Sortsmouth this fired the said Anna his wife in the family of the said John adams and then ther required the said John to deliver to the Plat the wife of him the Hat and the Pla! his wife afores and then there endeavoured and would have taken and carried away the said tohin motonly refused to deliver to the Plat his said Wife and would not permit him the Plat to take and carry away his said Wife Butalso The said John with force and army there the wife of him the Pla! then & always after thither to hath delained and hept; whereby, the Plat the Company, Comfort and Service of his said Wife for all the Time foresaid hatte lost and been deprived of and other Enormaties the Jaid John then & there to the Ala! did against the Peace and -To the Damage of the faid Line Dichariah (as he says) the Sum of Five hundred - Pounds, which shall then and there be made

to appear, with other due Damages; and have you there this Writ, with your Doings therein. Witness Daniel Warner, Esq, at Portsmouth, the glk Day of August with in the Sighthe Year of Our Reign. Annoque Domini. 1768

Vanhorthe

20 A Prices nume new agreeble to the tenor thereof new into the Same to him hereof reading the Same to him here of the Lack of the ans hop plea Jays Saw John Come on the Country (D John H-1768. I have Sumpioned the withe Me la her not quilly Luspent Depensy When unasher ed the within 5 America The within 574 78 , 757 . 14. mar 137 W. True Fichering for the Plan R Sers-11-Tinet

13058 Sume of George the third by the Grace of God New Hamp' S of Great Britam France and helpend Sung defender of the Faith to To the Sheriff of our Provence of new Hample his under Shoulf or Deputy grating ical) We command you that afour Summon John adams of Cortimouth withm our Groomee of new Hampshire Shopheeper (if he may be faind in your Quint) to appear before our Justices of our moren Court of common please near to be holden at Sommath nothin and for our said Presme of-New Hampshire on the first Thursday next following the first Tuesday in September near then & there on an said Cout to answer unto Lacharian Fof ofand Portmouth muchodder in an action of herpafs for that anna the Wife of the Stat from the Family and Company of hom the Pla had departed and had alesented hers alf from the Pla' against his will and consent, and the Stat this ofterwards out on the first Day of Mary AD 1767 at said Johnouth Led find the said anna hes Wife in the Family of the said John adams & then & there required the said John to deliver to the Plat the Wife of him the Stat and the Stat has Wife aforesaid then and there endeavoured & which have taken & canted away the said John not only refused to deliver to the Ola his said Wife and would not permit him the Plato take & carry away hes said Wife but also the said John with Fore and arms there

the Wile of hom the Statthen and always after hetherto hath detrined & heph whereby the Stat the Company Comfort & Service of his said Wife for all The Time oforeraid hath lost and been deprived of and other enormities the said John then & there to the Ha' ded agams to the Peace and to the Domage of the said Jackariah as he says the Som of two hundred perinds which shall this & there be made to appear with other due Damages and have you there this With with your doings therem Withefs Daniel Warner Eig ah Portmonth The north Day of august in the Oth year of our Reign Cinnoque Dommo Mois HWentworth GO A hue bony aller HMenhvarth 60 Gony exempted by Geo Hingles Broome of New Hamper & August 11." 1760 puesicant to the nothin precept I have summoned the norther named John adams to appear & answer aqualle to the Tenor there of by reading the same to hom The Packer Shoulds And the said John comes & defends when be and for Olea songs he is not guilty and thereof puts himself on the Country AMillion Parker And the Plat likewie for John Dukerng Buhmigtor the Star Copy eseamind Geo. Thing be Toir mill

Hepsibeth band of Lawful age Sertify & Days that in the begining of January 1766. The the Deponent Lived in the house of m? Lachadiach stops of Portomouth in the hovine of New Fampohie, where at aforlain time, mi stofs. was Very Unwell, & Late in the night after they were in bed, The the Deponent heard agreet noise, upon which Whe went into the bedroom where mi stofs day and found thach m? Jojo had Fund his Wife out of bed where the Depo. Your her in the Eartry Way in her Shift's, when mi Stops void her husband had used her Very Seo, and at the Same time this Depot heard . m. stofs fall his vais Wife a Jamm's bitch, allhore, & a Drunkard, and many other hand names, the Depot Says that she Lived in the voir Forts his hours , more than the months During which time he gave his vaid life mostfruel and abusive healment both in word aind deed, The Sepo Malso Vay's that minofe his bad Treatment of his vaid Wife was fontinual, that the had no peared with him night norday -This Depondays in the begining of aprice 1760 She was at the house of m John heams in soid contomouth when & Where the heard ? M. Adams Devere his mother said m? Sofe to Bedurn home and Live with her husband and the Depo! Declared & days from her personal and lertain knowledge that the void John Adam's nothings. Contacules organided his vaid mother in her fonduct, nor Sid Restrain or hinden her from Going home to m? Jose his Family . -Boston the 3th Day of December 176d. her Sch. Wm Howard. Hepsebeth & Condo mark Condo A True los att Allen worth le? (· . ·

Juffolkifs. Boston December 9: 1760 Deconally appeared before me the Subscriben One of his may estys fushees of the Searce for vaid founty of suffolt the above named sepristed fonde & being farefully Examined & Duly fautioned made Solemn Outh to the South of the above and Within wutten Declaration by her Subscribed, to be used in afained Depending and to be ony do at the Informan fourt of for mon pleas to be held at Sortsmouth in the Province of New Hampshire on the first Thursday next Following the first Inesday in consider in Docember Instant, between Toucharich trops of void Portomouth Slar & John adams of Sortomouth apresous Delly The vaid & Schnibah ford being and diving more than Thirty miles from soid Sortimouth the planes Tryal, the adverse farty Word the said Lach Jops being & Living more than Swenty miles Diftant from wais Costo mosto Boston the place of Caption was not Motified. nor present, Jaken at the Brequest of the Def Adamit and Scaled up of Milliam clocd and Soposition Obecaused the Deport was in patitants of the province of New Hampohire, When the ward Action wais formmened, because dis hear day and thoring to the f. Jechering lucie I of The lopy all Allenhertheles

Hepzibah Card of lawful agetestilys and says that in the beginning of January 1966 She the Deponent leved in the House of Mg Lachariah Fofs of Portrouth in the Province of new Hampshind where at a certain Time Mon Tops was very unwell and late in the night after they were in Bed She the Depenent heard a qual Noise upon which She wont into the Bedroom where Mo" Jofs lay and found that Mo Fofs had hund has Wife out of Bed where the Depininit saw her in The Entryway in her Shift when Me Jofs said her Flusband had weed her very ill and at the same the Deponent heard and Mo Sufs call hes said Wife a damined Bitch a Whow and a Drinkland and many other tiled Names The Dept says that She lived in the faid Tops his House more than Six Months During which Time he gave hes said Wife most cruel abusive Treatment both in Word and Died - The Depenent also says that Mo Forts his bad treatments of his Wife was continual that She had nopeace with him Night non Day This Dep? says in the beginning of april 1760 She was at the House of Me John adams in said Lor homauth when and where She heard said Mo adams define his Moother Said Mo. Fals to return home and leve with her Turbend and the Dept declares & sings from her personal & certain Finowledge that The said John adams no way & controuted or guided

quieled his said Mother in her Conduct, nor ded reshain or hinder her for going home to M Fofs hes Framily Baston the 3 Day of December 1760 Jul Hong Hepsebah & Card Ahue Copy all' Allen morth Col Copy examined by Geo: Thing be Juffolk Js Boston December 3 1760 personally appeared before me the Subscriber one of his ! Majesty's Justices of the Seare for said County of Sufforth the above married Seprelah band and beng cerefully examined & duly cautioned made solemn Oath to the huth of the above & withme written Deil as ation by her subscribed to be used in a Cause depending & to be hied at the mener Court of common pleas to be held at Porton outh in the Province of New Wamps hire on the full Thursday nesch following the furt Juerday m December mist. between Lacharah Fofs of Said Portmouth Sla and John adams of Solmouth afouraid Def. The said Hepribah Cond being and living more than thirty Miles from said Portmouth the Place of heads the adverse Party we the said Lachanah Jofs being living more Than Twenty Miles distants for said Borlow the place of caption was not notified nor present Johen at the request of the Del'adams and

Sealed up by

William Stodeland

John Suchering alloney to Lachariah Tofs excepts to the Deposition bucause the Depoment was Inhabitant of the Province of New Hompshire when the said action was commenced becaue This hears and farige to the ifsue Ahue Com Att HWentworth Cl Com escamma by Geo: Thingles

The times linker that the line and the first and stays that Chather to life up his hand against her but She has Chather to life up his hand against her but She has against him Jundrystimes of fee her lake a Cheor and put the ligainst him Jundrystimes of fee her lake a Cheor and put the has a file heat against his Atomach and mine that he has Lags of the Cheotr against his Atomach and him that he has Lags of the Cheotr against his Atomach and him that he has Jaid you do Dry Juil Hows whipe you and him that he has ben Drunk I have Deen her lake a Ar Towel and & Strike thim Sup Court June 21. 1769 by adjournment Geo. High a Bross the Frace PROVINCE OF ] TO Daniel Gened Eig & George Games, New HAMPSHIRE.] New HAMPSHIRE. Joner both of Portmonth Attesficht fait Sarah findeter shory anderfor aligned highthe John Partnes all of faito mouth of Sharhas Law of Jorn in the County OU are hereby Required to make your Appearance before you the Justices of His Majesty's Superiour Cours of Judicature ATT OF new Sulling - at Portfmouth to give Evidence of what you know relating to an Action or Planof then and there to be heard and tried betwixt. Tohn Adamis Stat mreises of Jach ! Top Def Hereof fail not, as you will answer your Default under the Pains and Penalties of the Law in that Behalf made and provided. Dated at Sorhmouth the Day of Year of bis Sept - in the Majesty's Reign, Annoque Domini. 1969

to the Ha ragamith our Searce & contrary to Law To the Damage of the Said Samuel Gilmon pon Samuel 330 Tolsom & John Haid Guman as they say the Sum at which void Inferior Court of common pleas fust mentioned Judgment was rendered that the Del to should recover agamist the Plat Cost of Court From which Judgment the said Guman Folum and Guman appeated to this Court when & where the appeal was entered and the Parties bing fully heard by their Councel learned in the Law The Care was committed to the funy's worn awording to Law to hig the ifue who make return of their Verbach theren upon Oath and say the Jury Find for the appellees It is therefore considered that the former Judg-Cortrof Courts mentiles hereby is affinned and that the said John Nue David Trogg & Biley Gilman recon agands the said Samuel Gilman jun Samuel Telsens John Ward Gilman Corts of Courts taxed at the fum. Job o adams Zacharian \$95 of Portmouth in the JA MY II Provonce of New Hamps here Innholder appell ant Nath Batcheller Geo Wentworth agamsh John adams of said Sommouth Shopkuper appellee from the Judgments of the inferior Court of mm Thineh Nathan Marston common Pleas held at Portmouth in & for the Decinie Jon " Trukey Nath Inench afouraid on the fur Thursday near following the m Thompson first Tuesday in December 1/60 In an action of hespals The Marston commenced by the said Iachanah agamin the raid ab" Clark John at the Inferior baut of Common Pleas held at Jos: Godfrey moreau Wilson Sorting my for the Province afores and on the furt Henry Smesher Thunday need fell owing the fur hereday in den Execution ified 1760 but prosecuted at the menor bout of common aliquet Mag Pleas furt mentioned in the following Woode vist

In an action of Thespale for that anna the the Hole of the Stat from the Trainicity & Company of him the Plat had departed and had absented heredef from the Stat against his Will and Conunt and the Sta there afterwards our on the first Day of May AD 17by ah said Portmouth did find the said anna hes Wife in the Tramily of the said John Adams and then and there required the said John to Deliver to the Sta. The Wele of him the Stat and the Stat has Wife aforesaid then & There indeavoured & would have taken and carried away the said John not only refund to deliver to the Sta his said Wife and would not permit from the Sta to take & cany away his said Wife but also the raid John with force and arms there the Wife of from the Stat then and always after hetherto hath detained & heph whereby the Plat the Company Comfort and Service of his raid Wife for all the Time a forer and hath lost & been deprived ofand other enounties the said John then & there to the Ild did against the Scale and to the damage of the said Lachariah as he says the Sum of Two humaned. pounds" at which said menion Court of common pleas fuit mentioned Judgment was rendered that the Def's holed recover againsh the Sta' Cost of Court From which Judgment the said Lachariah appealed Tothes Court when and where the appeal was entered & mu Parties being fully heard by their Councel learned mothe Lew the Gave was committed to the Jury voor auching to Law to by the Spue who make return of then Und ich thereon upon Oath and say the Jung find for the appell and the Sum of Sure pounds lawful Moreces Damage & book of beach It is therefore considered that the former Judgment be & hereby a reversed and that the said Jack anat Soft recover agains the raw John adams Fur Dundo Lawful Money Damage & Gut of Courts tareed at the Sum of Swon Barnes ten Thelmour

said Second of New Hamps here at Patroneethe 305 on the fuch Junday of august next, to show cause) if any he have where fai the faid Theman Jortleyn ought not to have hes execution against from the Said Jonathan Moulton for her Debt or Damage & Coils aforeraid and further to do & receive that which in shed bouch shall then consider ( The Plantiff appearing by his allowney and the Def lumg volemnly called ded not appear but made default, It is therefore considered that the said Thomas Joilleyn recover againsh the Said Jonathan Moulton Thirty three Poinds three Shillings & Seven pence Damage & Corts of Courts taxed at the Sum of Three paindi fifteen Shillings Adams & Tals 0/11 HOants of Pahmouth in the Trainie SA TW MW IH of new Hampshice Thenkeeper Plantiff agamin Lactionate Nath Folson The Marden Fels of said Porton out Innholder Def! man allen of-Jer h Bunam review of an action of hespafs commenced at the inforces Julius Filher Court of common pleas hild at said Lortmouth in and forh Wingato for said Troomed on the fust Thunday next following the Jorh & Bean John Hall ful Tuesday m Sept 1760 but prosented at the inferier Israel Guman beut of common pleas held at said South on the fuit gob Clements j Thursday nech foll owning the fust Tuesday in December ab" Brown 1768 by the raid Tachariah against the said John m Mofes Barleh The following Words our in an action of Thespals for that alen time Matthew anna the Wife of the Station the Family & Company of Execution of Ceto 4: 17hg -July 170 rehund satisfied how the Ha had departed and had absented herself forme the Plat againsh her Will & consent and the Plat there afterward, vor on the furt Day of May MD ylig at said John outh ded find the said anna her Wife in the Tramely of the said John adomes and then and there required the said John to deliver to the Pla the Wife of hom the Stat and the Sta' his Wife afourand then & This endeavoured and would have taken & carried away The raid John not only refused to deliver to the Stan hus said Wife and would not permit from the Pla

to take & carry away hes said Wife but also the said John with force of ains there the Wife of him the Ita . then and always after hetherto hath delanded & kept whereby the Plat the Company Comfort & Service of his said Moje for all the Time aforciaid hath lost & been deputied of And other enormities the said John then and there to the Plat ded against the Seace and to the Damage of the said Lachareate as he say the Sum of two hundred panies At which Said Infector Couch of common plear Judgment was undered that the Del'shard recover agamich the Stat Cost of Couch From which Judgment the Taid Tachanah ap-pealed to the them need Superior Court of Judie ature when and where the appeal was entered & Judgment was rendered that the former Judgment should be and thereby was revenued and that the said Tach awah Fiofs thend recover against the said John adams Fine Downdi lawful Money Dannage & Costs of Courts Which we gudgment of our said Superior Court of Judicature the said John says is wring & enencous and ought to be revened & ought to have been for his Cents and that he would be ought to have been for his Certs and that he is daminified thereby in the Sum of Thirty pounds where for neversing the read Judgment of our said Superior Court of Juduature & for secovering bach the Damages & book aferes and also her East the said John adams loungs this Sout And the raid Lachareals comes of defends when the and says that the said Judg menth is in nothing erro. neares and of this put monulf on the Country upon which ifue the Cartres being fully heard by their Count al learned in the Law the Care was committed to the Jury swan according to Lew to by the free who make return of their Verdech thereon upon Oath & say the Jury find for the Sta' recreasion of the former Judgment, restitution of the Sun paid to with twelve pounds deven Shilling ;

Shillings & var Bence & Corts of Courts 307 It is therefore considered that the vaid John adams rueves against the vaid Lacharah Jofs Twelve Parinds cleven Chillings & sox pence damage & Costs of Courts taxed at the Curr of Suppounds one Shelling & sever Pencer Sambon ". Sheppard ... Sacob Sattoant of Epsom on the JA JM MM I Province of New Hamps here Husbandman appellant Nath Tholson againsh Benjamm Sheppard of said Epsom Eig appee Ton Blanchan from the Judgment of the inferror Couch of common Jouph Whereple The Marsen Dear held at Sortmonth in & for the Showme aforeraid Jer Bunanc on the not Thursday next following the furt Tuesday Valerstmo Matthews In June Mig in an allem of the Case then and there Jail Mingale commenced prosecuted by the Said Sanborn aganit Sushand Sanborn John Wall the raid Shepherd on the following Words out "In and and allow of the Care for that whereas the said Benjamin Anach Gelman Me Brown on the 17 Day of april 1762 at Nothing ham in said Soumce by a note of that Dale by form signed for value received moniced the Sta to pay from Three Humand pound, de Jenen of the value of one hund? & forthy parsel lawful Money on demand yet the raid Benyanmu Shuppaid has not paid the same though often requested but neglects in Ind for that whereas The said Benjamme afterwards on the Inventue the Day of February in 9 1769 an Sommath aforeraid owing the Ila' another Sum of our eighty four pound, thisteese Spilings bis three ponce lawful Money aunding to the annexed account and to ballance the same he the suid Benjamin then Where in consideration thereof promised the Sta to pay from that Samelastmon timed Sum on demand yet the said Benjamm has not paid the same the often requested but shell neglects th to the Damage of the said Sanborn as he says the Sum of Four hundred Donieds" at which Said infinion Court of Common JUleas