

Maurice A. Deane School of Law at Hofstra University

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Documents from Dimension I: Habeas Corpus  
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9-3-1771

### Judgment Book of Superior Court, Vol. G, Feb. 1771-Sept. 1773, at 126-27, 178-79, New Hampshire State Archives - Selectmen of Stratham

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#### Recommended Citation

"Judgment Book of Superior Court, Vol. G, Feb. 1771-Sept. 1773, at 126-27, 178-79, New Hampshire State Archives - Selectmen of Stratham" (1771). *Documents from Dimension I: Habeas Corpus as a Common Law Writ (article)*. 7.

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Anno regni Regis Georgii  
tertii undecimo

Province of  
New Hampshire  
Rockingham Co

At his Majesty's Superior Court of judicature held at  
Exeter in and for the County of Rockingham in the  
Province aforesaid on the first Tuesday in September in  
the eleventh Year of his Majesty's reign Annoque Domini  
one thousand seven hundred and Seventy one

I refer

The Honorable Theodor Atkinson Esq - chief Justice

The Hon<sup>ble</sup> { Meshech Weare  
Leveell Hubbard } Esquires Justices  
William Parker

Return of Grand Jurors

Methuen	Samuel Lane
	John Dearborn
Dover . . .	Elijah Tuttle
	Jonathan Hayes
Nottingham	James Glap
Hampton	Henry Elkins
Newmarket	James Hill
Epping .	Moses Page
Salem	Robert Parker
	Prince Long
Epworth .	Ruben Sanborn

Exeter	Phillips Gilman
	Elihu Coffin
Chester .	Samuel Roby
Durham	Francis Matthews
	Stephen Cogan
Brentwood	
Greenland	Samuel Pike
	Tales
	Thomas Merrill
	John Haven
	Andrew M Clary
	Satchel Clark



have been born for his costs and that he is dismissed  
 thereby the sum of two hundred pounds wherof for swearing  
 the said Judgment of our said Superior Court of judicature  
 and for recovering back the damages and costs of said  
 as also his costs the said Nathaniel Thompson brings this  
 suit and the said James comes and defends when he and  
 says that the former judgment of the said Superior Court  
 is in nothing erroneous and thereof puts himself on the  
 country upon which issue the Parties long fully heard  
 by their Council learned in the Law the case was committed  
 to the Jury sworn according to Law to try the issue who  
 make return of their verdict thereon upon oath and say  
 the Jury find reversal of the former judgment and restitution  
 with costs of Court for the Plaintiff.

It is therefore considered that the former judgment be and  
 lawfully is reversed and that the said Nathaniel Thompson recover  
 against the said James Thelle sixty pounds damage & costs  
 of Courts taxed at the sum of Twenty six pounds, seventeen  
 shillings and one Penny.

Selection of  
 Shatham or  
 Inhabitants of  
 Exeter

17th Dec 1771

The Selectmen of Shatham in the Province  
 of New Hampshire Appellants against the Inhabitants  
 of Exeter in said Province Appellees from the judgment  
 of the Court of General quarter Sessions of the Peace held  
 at Portsmouth in and for the Province aforesaid on the first  
 Tuesday in March A D 1771 upon a Petition then & there  
 exhibited in the following words vizt. The humble  
 Petition of John Tolson Yeoman William Pottle junr Gent  
 Benjamin Barker Yeoman Mark Wigger Yeoman & Daniel  
 Clark Yeoman all of Shatham in said Province Selectmen  
 and Overseers of the Poor there in behalf of the Inhabitants  
 of said Shatham sheweth that on the 20<sup>th</sup> day of January  
 A D 1766 one Mary Florence then and now a poor Inhabitant  
 of Exeter in said Province came into said Shatham and  
 being likely to become chargeable to the said Town of Shatham  
 the then Selectmen of said Shatham on the 18<sup>th</sup> day of  
 February 1766 caused the said Mary to be duly legally warned



wanted and carried out of said Shatham & delivered to the then Selectmen of said Exeter who then refused and the Selectmen of said Exeter have ever since neglected to take care of and provide for the said Mary (the said Mary having no Relations chargeable by Law with her maintenance) but have ever since suffered ~~her~~ the said Mary to impose herself upon and become burdensome to the Inhabitants of said Shatham by means whereof the Inhabitants of said Shatham have been put to considerable charge to support the said Mary who hath been lately sick for several Months past in said Shatham of all which the Selectmen of said Exeter from time to time have had due notice and been requested often to take away and provide for the said Mary which they have always hitherto refused to do, tho the Inhabitants of said Exeter were and are liable by Law to support and maintain said Mary she being now and for all the time aforesaid a poor Inhabitant of said Exeter. Wherefore your Petitioners in behalf of the Inhabitants of said Shatham humbly pray that the Inhabitants of said Exeter may be ordered and compelled to take and support the said Mary for the future and to pay the Inhabitants of said Shatham their reasonable charge for the said Mary's Support and maintenance for all the time past mentioned as aforesaid.

At which said Court of General Quarter Sessions of the Peace judgment was rendered that the Inhabitants of Exeter aforesaid should recover against the said John Pottle Barker Wiggan and Clark Selectmen & Officers as aforesaid Court of Just taxed at six pounds four Shillings & five pence.

From which judgment the said Selectmen of Shatham appealed to this Court when and where the Appeal was entered and exception was taken to the Appeal made by the said Appellants that this Court could not by Law sustain the same which point being fully argued it is considered that the Appeal did not lay and that this Court could not sustain the same.



then and there being the property of the said Clark and in his possession and other enormities be the said Jew to the said Clark then and there did contrary to the Law of this Province in that case made and provided and in evil example to others in like case offending

The said Benjamin Jew having on the 22 day of April A.D. 1778 recognized before Sam. Loomis Esq. in the Penal Sum of ten Pounds for his appearance at this Court to answer to the above Indictment. was then & there three times solemnly called to appear & answer to the same which he did not but made default

It is therefore considered that the said recognisance be and hereby is declared forfeited

Selection of  
Shatham v.  
Inhabitants of Exeter  
Feb. 1770

The Selectmen of Shatham in the Province of New Hampshire Complainants against the Inhabitants of Exeter in said Province Respondents upon a Writ of Certiorari brought and procured by the said Selection of Shatham against the said Inhabitants of Exeter founded upon a Complaint exhibited by the said Selection of Shatham against the said Inhabitants of Exeter at the General Quarter Sessions of the Peace held at Portsmouth in & for the Province of New Hampshire opened on the first Tuesday in June 1770 in the following words viz<sup>t</sup> The humble Petition of John Folsom Yeoman William Fiddle jun<sup>r</sup> Gent<sup>l</sup> Benj<sup>r</sup> Barker Yeoman Mark Wigger Yeoman and Daniel Clark Yeoman all of Shatham in said Province Selection & Curseors of the Poor there in behalf of the Inhabitants of said Shatham sheweth - That on the 20<sup>th</sup> day of January A.D. 1766 one Mary Florence then and now a poor Inhabitant of Exeter in said Province came into said Shatham & being likely to become chargeable to the said Town of Shatham the then Selection of said Shatham on the 16<sup>th</sup> day of February 1766 caused the said Mary to be duly and legally warned and carried out of said Shatham and delivered to the

then



Selection of said Exeter who then refused and  
 Selection of said Exeter have ever since neglected  
 take care of and provide for the said Mary (the said  
 Mary having no Relations chargeable by Law with her  
 maintenance) but have ever since suffered the said  
 Mary to impose herself upon & become burdensome  
 to the Inhabitants of said Shatham by means whereof  
 the Inhabitants of said Shatham have been put to con-  
 siderable charge to support the said Mary who hath  
 been lately sick for several Months past in said Shatham  
 of all which the Selection of said Exeter from time to time  
 have had due notice and been requested often to take  
 away and provide for the said Mary which they have always  
 hitherto refused to do tho the Inhabitants of said Exeter  
 were and are liable by Law to support and maintain  
 said Mary she being now and for all the time aforesaid  
 a poor Inhabitant of said Exeter Whereupon Petitioners  
 in behalf of the Inhabitants of said Shatham humbly  
 pray that the Inhabitants of said Exeter may be ordered  
 and compelled to take and support the said Mary for the  
 future and to pay the Inhabitants of said Shatham their  
 reasonable Charge for the said Marys support & maintenance  
 for all the time past mentioned as aforesaid

Upon inspecting the records and proceedings of the  
 Court of General Quarter Sessions of the Peace aforesaid it is  
 ordered by the Court that the proceedings be quashed

Benjamin Whiffenmore being brought before  
 the Court by Writ of Habeas Corpus informed the Court  
 that he was imprisoned without Bail or Mainprize by  
 a Writ signed by the worshipful Ezekiel Chase Esq  
 then one of his Majestys Justices of the Peace for the  
 Province of New Hampshire before whom the informant  
 was carried by a Warrant from and signed by the said  
 Justice