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10-9-1765

Judgment Book of Superior Court, Vol. E, May 1764 - Feb. 1767, at 194, New Hampshire State Archives - Pert v. Odel

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BUPBRIOR down t TIGE 节间图。17567

At his Majesty Superious Court Fromnee of Toldicatare held at Portomouth withing New Hampshire Son his Majesty Province of New Hampshire on the first Suesday in august being the Sixth day of Vacomonthe) in the fifthy can of the Reign of This majesty Fing George the third armoque Tresent The Honourable Theodore Athinson log & Chief Sustice Lore Cut The Honble Thomas Wallingford Logimes Justices & Severel Hubbard Sugimes Justices & Lax Peter ble Returns of Yew Vanires if we for grand furon -Grand Purous of sued for Sind Benj " Hast -Cortemousty -Portomouthe -17 Da Jim Robinson Woodbury Langdone Dovery-Ohmon Done -Joshud Wentworthe Hampton - -Thomas Diper Tobias Lahamangin Exetery-Cam ayres -Greenlar Ja anderson it -Hamptony Kondonderry --John balk John Jucky Ingstolon Loviah Dearborne Joseph Jennes n William types -Plastow, -Gushom Wentworth - ago former sworthy abel Davis Rober Volanders Hamptonfalls Sont Marden -John Sherburne Shenvingtong Durham -Jerem Bearlong north Hamptong James Robinson von Durgin Buntwood Paul Chesley-John learte Hampton falls. Trade Cummino the field Joseph Van borne jun? nathan Hoeg-Newington New towns ohntledgervood. Hudon Cevery Newmarket Stretham -Benj Leavel -Thomas Veazey Greenland ! John Folsom Joshua Haine -Worth Hampton David Sknowles

the fame Over afterwards on the vame day at Newington out of her hande & Population Eaveally lost which Oxen afterward on the fame day at faid Newington came to the hand & Pope foron of the Dofend by finding who the he well for the fame Oxen to be the Property of the Plat & of Right to her to belong & apportain hath not delivered the fame to the Mat the like quested but Contriving to wrong & Injure her in this Particular afterwards on the farme 26 theday of September at Newington a foresaid the Defend Converted & Disposed of the Tame Exents his own use To the Damage of the faid margaret as the vail to the sum of one hundred & fifty Counds " Att which faid Inferiour Court of Common Heas finde ment was rendered that the Plaintifrecover against the Se Seventy five Counds New tenor Damage y fort of fourt From which Judgement the Jaid William appeal. edothis bourt where & where the Spealwas intered & The Parties appearing & being fully heard by their townsel Learned in the Law, the leave was committed to the Jury Sworn according to fair to try the Ifue who made attentiof their Vendich there for upon oath & vay the Juny find for the uppelled fourteen Polinds Prollamation Imortey Damage the former Judgement be whereby is afirmed in four teen the faid William four teen Cound Lawfull money Damage fort of courts laxed at the churn of four Pounds two Shillings & Veven hence like money). of Clark angaon Gentleman Indrewblarkson W. JW. MW. Litte merchant John Nennet Gentleman Samuel Penhallow Mouth William Inight mendrant all of Postermouth pin the Province Mew Hampe hire Appellante against Jonahldarhof Greenland in faid hovine far henter Appeller Thom the Judgement of the Tinferiour bourt of Commons Pleas held at Portion outhing for faid hoven won the first 16 Gahan Wing where a obtmineal tue flay of Sune 1764 - In an action of Trespass theng Tho" Wallas Villa Signary there Commenced & Profecuted by the faid Jourah against the This John Langdon & others in the following words wir! In an action of Freupage for that the Defend at Portunt. egyulles Josiah Clork aforesais

aforesaid, on the 3th day of September & D. N/63 with force & drones on ade a Certain list of Rates and therein die rate & tax the Plas in the hom of three Gound New Tenor and the Defend! also then & there with force as aforesais made a Warrant under their hands and Seals by Colour of Law Directed to Thomas Seave Collector of Rates for fair Town of Dort smouth Requiring him in our name to follect the faid Tax by Virtue of which Rate & Wassant the Jaid Jourah was there afterwards on the fame day taken & Imprisoned and in Orison a long time viz for the Space of twenty four hours & thereby Compelled to Expend diverse large Sums of money to obtain his Inlargement out of Prison against the Ceace and against the Laws of the Sand To the Damage of the vaid Josiah ashe faith the Sum of Fifty Pouriou? At which face Inferiour bount of formmon Please, The Defend the Sum of la Bounds New tenor Samage & bust taxed Nine Bounds Ten Shillings like money Enomwhich furgement the faid John Langdon & other appealed to the then next Superiout Court of Sudicature when where the appeal was intered the Action was continued to thistern when the Confert & desire of shoe Counfell for the appellee the Judges Inhabitants of Portson heardbytheir Courfell Seamed in the Law the leave was committed to the Juny Swown according to Law to by the Source who made return of their Verdeel thereon upon Oath & vay the Jury find for the appelies Ten Pounds New tenor Damage fortof fourts It is therefore Confidence that the former Judgement of the Inferious fourt the Shereby is affirmed in part shat the fair Joseach recover a galinest the fair John short of the said John Langdon Kothers, Ten Pounde New tenor Damage & fortof Tourts laxed at the Sum of Four Counts live Shillings & Seven pence kone fifth of a penny Lawfull money John Langdon Gentleman Andrew Clarkson Morchan Lingdon te John Dendet hugbanden an Samuel Senhallow Merchants tenties William Finight Merchant all of Portimousty in the

100 Frans rovince of New Hampshire Appellants against Samuel Rouben love Dearbo Tenness of Tye infaid Province husbandman appellee Timo Steven Thomas odel gement of the Inferiour bourt of Commone. amos Howard Portforouthy in & for faid Province on the first Zacoheus bolby Dearborn Blake In an Action of Frespate then & there Dankeyrant. and John Langdon & others in the following words. mofey Stevens WmB wfwell not mineal Than Action of Trespass for that the Defend as Port mouth Aot Wallace a foresaid on the 25th day of August AD. 1762, with force anno this fild gement nade a fertain list of Rates Therein and Satisfie de paid to San Jennefs in the Jum of Twenty light Journes old tenop, and the Defter fo then of there with Fone as aforesaid made a Warrant under their hands and Seals by Colour of Law Directed to Vamuel fate one of the follestors of rates for Portomouth Requiring him in our name to follet the Paid Jax by Virtue of which trate & Warrant the vaid Plat was there afterwards on the fame day takenand Imprisoned and in Preson a long time Detained vist the Spare of threshours & thereby Compelled to Expend diverse large Sums of money to obtain he Drifon by ain of the Veare & against laith the Sum of Fifty Bunden New tenor Damage & fout of fourt taxed nine Bound fourteens From which Judgement the helling like money aid John Langdon Syothers appointed to the then next Supe: Quouatine when Ywhere the appeal was Entered the action continued to this term when by the bonneits and desire of the Coursell for the appelled the suggest habitants of Outson! Set in Sudgement on this fire the Antisiapy and the being fully heard by their Counsell Learned in the Law the lase was committed to the jury swoundwording to Law to trytheffuerwhomade return of their Verdit thereon whom faythe Jung find for the appelled ten Pound Newtenor It is there fore bonsideres Samage & fost of pourto that the Jonner Judgement of the Inferiour bound be &

87 (191) hereby is affirmed and that the vaid Samuel Jennes recover against the faid John Langdon & others len Pounds New Henor Damage befort of Courts taxed at the Sum of five Sounds Even Shillings & four pence Lawfull money -DIENN Frost of New Castlein the Province of New Inhabitantog Hampshire Men hant Plaintif against The Inhabit. ants of New Castle aforesaid Defendants \_ Inang Ta. mW. Siff action of Review of an Action report he Cafe Commence John Judhins by the fair Joseph Trost against the fair Inhabitants at our Inferiour bourt of Common Pleas by law to Ed Go Butler Tacheus follo Ion Buchford have been held at Soitemouth intofor our faid how. John Hall. Stephen Oper inw on the first tue sday in march 1763 but held by merrifieldBerry Sam Dudloy agourment on the 21. day of vaid marchy and then the bartes matton Projecuted in the following words out "In an Actions marche 1960 as faid vertereas the Defend on the 5th day of in the sun of Swelve hundred Sixty nine Town & Seventer Shillings ord tenory as for the annexed Accot to ballance the fame they the Defend then & there in Confideration thereof promifed the Plat topay him that Sum on Demand and also whereas the fame Defend to afterwards then there being Indebto to the Plaintifin one other Jump of Swelve hundred Sixtynine Sound Seventeen Shillings bestonor for the like Thing by the fame Plaintiffbefore that time at the Special Instance and Request of the fame sefend and to the use of the fame Defend thaidout paid and appended, they the same befond afterwards then there in on fiderations thereof promised the Plainlifts pay him that East mentioned Sum on Domand. Yet the Defend although requested have not nor hath wither or any of them paid the faid Several Sums or any part thereof but trefuse To the Damage of the fair Joseph as he faithe the Sum of fivehundred Journe me At which fair Inferious Court offormmon Please held by adjournment as afores and Judge ment was rendered that the Plaintiff recover against the Inhabitante of New Costle three hundred & Seventeen Jounes rine Shillings & three pence Newtonor Damage & Cost of fourtlands light Pounds fourteen Shillings like money

two Shillings and nine pence New tenor Bills of fredit Which faid judgement ofour faid Superiour Court of Sudi. cature the fair facob says is wrong & Erroneous Lought to be Reversed & that he is damnified thereby in the Sum five hundred Tounds , Wherefore for the rever fing the faid Judgement ofour face Superiour fourt of Judicature soon rece. vering back the Damage woods (thereby granted to the fact Twothy in his face faracity ofor his own foots in that Be. half Expended the fair facol brings this suit and the fair Timothy Underwood, comes & Defends be and fays the Judgement of the Superious fourt last mentiones is un nothing Erroneous & of this hits himselfon the Country uportionich four the Parties of pearing being fully he are by their four fell Seamed in the Saw the face was committed to the Jung Sworn according to Law to by the House who made return of their Verdit thereon whon bath & vay the dung for for the Degend fort of sut t witherefore forwidere that the faid Timothy in vaid Capacity reso ver against the vaid Jarob fort of fourt layed at the Sum of four Gound thirteen Shirings Derofully money Pert in Odel & JAJW: MW. LIGE WWWWW JOH of Stretham in the Province Rawlings of Stretham a foresaid hufbandman his quarties Uppellant against Thomas Odel Yeoman. Samuel San Ordivainer Stephen Boardman Jeomang William Soule Jun! & Simon Wiggin Jun! Gentlemengall of Stretham afore faid Appeller Thom the Judgement of the Inferious trenting fourt of Common Reas held at Fortemouth inte for vaid outstand 1765 by advarrament outstand 1765 Province on the 12th day of March 1765 by advarrament In an Action of Thew hals then there former riced and the faid Thomadool firmiel I me Kephen Boardman William Boule Jun's & Sumon Miggin in the following words, vista In an Action of Trespassor the Defender at Stresham a forestail on the sollday of July 1763 with gove.

Jone & Arms, made a Certain List of Rales and therein de · (190) nate & lay the Plat in the Sum of Fifeen Bounds & three prente Id tenor and the Defend did also there & there in manner as aforesaid, make allawant under the whands y chale by fo low of Law Directed the fame to one Satisfiel Clashe lo for faid Town of Streshame beginning hint, in our name to follet the vaid Jax by Virtue of which hate & Warrant the and William Port was aftorwards on the 12! I day of December 764. there taken & Omprisoned and in Prison a long time Detained ouz! for the Space of twenty four hours of thereby Competted Expond divers large Tume of money to obtain his Enlargement out of Prison against the Deare & the Sayer of the Land To the Damage faith ) by his Juardian as a forward the Sum of Fifty Coun Atwhite faid Inferiour fourt of formmon Pleas. Judge: ment was rendered that the Defend recover against the Plas From which Judgement Portoffourt. the faid William Pert by his falo Guardian appealed to this ownt when & where the appeal was intered & the Parties ap: the Law the fave was committed to the far today to try the Isue who made return of their Certit there It is therefore Considered that the former Judgement be hereby is affirmed that the fair Thomas Alghen Boardman William Pottle Jun & Simon Wiggen recover against the faid William Port who Propertes by his quardians foot of fourts taxed at the Sum of three Counds Seventeen Shillings & Sispenie Lawfill money myomask James M. Wolmul Rof Londonderry in the Clandening Province of New Hampshure Yeoman administrator of the Estate of John M Givedy late of Haverhill in the County of Clair & Province of the majo authorisetts Bay Gentleman anobimeneal Thockallace