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Documents from Dimension II: Habeas Corpus
as a Legal Remedy (article)

Supporting Documents for Making Habeas
Work

12-4-1766

Judgment Book of Superior Court, Vol. E, May 1764 - Feb. 1767, at 83-84, New Hampshire State Archives, at 428 - Weare v. Weare,

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The Court order that Venires be issued for thirty
Petit Jurors, & twenty Grand Jurors, to the several Towns
& places as in the Paper on file

November 27th 1766
The Court adjourn'd without Day
All matters of Record for August Term 1766
Recorded
Geo: Jaffrey Clk:

Anno regni Regis Georgii
Tertii Septimo

Province of New Hampshire

At his Majestys Superior Court of Judicature held at
Portsmouth in and for said Province on the first Tuesday
of February in the Seventh year of his Majestys reign
Annoque Domini One Thousand Seven hundred & Sixty seven

Present

The Hon. ^{ble}	Thos. Atkinson Esq. ^r Chief Justice	
The Hon. ^{ble}	{ Thomas Wallingford Meshack Weare Severett Hubbard }	Esq. ^r Justices

George Jaffrey Esq.^r Clerk of this Court having resigned
said office George Thmg was appointed & sworn into said
Office and the Court order that the late Clerk deliver the
files & records to the present Clerk

proceedings against the Pla. are to his great Trouble vex-
ation and disturbance and to the Damage of the said
Jonathan Moulton as he says the sum of Eight hundred
pounds.

At which said Inferior Court of common Pleas
Judgment was rendered that the Pla. recover against the
Def. Two hundred pounds Lawfull money Damage & Cost
of Court - From which Judgment the said Jonathan & John
appealed to this Court when & where the
appeal was entered and the Parties being 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 made Re-
turn of their Verdict thereon upon oath and say the Jury find
for the Appellants Costs of Courts

It is therefore considered that the former Judgment be it
hereby is reversed and that the said Jonathan ^{Swett} and John Chace
recover against the said Jonathan ^{Moulton} Cost of Courts Taxed at
the sum of

From the Judgment of this Court the said Jonathan ^{Moulton}
moved for an Appeal to the Governor and Council as a Court
of Appeals which was granted on Condition that the said
Jonathan give Security to prosecute the Appeal with Effect
Accordingly the said Jonathan as Principal in the sum of
One hundred pounds Lawfull money William Parker Esq. of
Portsmouth Richard Nason of Hampton in said Province Esq.
as Sureties each in the sum of Fifty pounds like money Acknow-
ledge themselves indebted said sums respectively as Principal
& Sureties unto the said Jonathan Swett and John Chace in
Case the said Jonathan Moulton shall not prosecute this
Appeal at the next sitting of the Court of Appeals with Effect
and if the said Jonathan Moulton shall not pay the Damage
and Costs that may be awarded in case the Judgment of this
Court shall be affirmed

Weshech Wear and Richard Nasons Esq. &
Nathan Tilton and Nathaniel Gove Husbandmen all
of Hampton Falls in the Province of New Hampshire
Appellants against Jonathan Wear of Hampton Falls aforesaid
Husbandman Appellee - From the Judgment of the Inferior
Court of Common Pleas held at Portsmouth in and for s. Province
on the first Tuesday next following the first Tuesday in De-
cember 1766. In an Action of Debt & Damages commenced at the Inferior
Court of common Pleas held at Portsmouth in and for s. Province

Heare &c
Heare
J. A. W. 1766
Capt. Donnet
Said Scribner
Nathan Jones
Bolt Drake
John French
James Wallace
Thos. Stevenson
Edw. Tibbets
Sam. Butler
David Lee
all a
on Nath

129 - on the first Thursday next following the first Tuesday in
September 1766 but Prosecuted by the said Jonathan against
the said Meshech, Richard, Nathan, and Nathaniel at their
Inferior Court of common pleas first mentioned in the following
words viz. "In an Action of Trespass for that the Def.^s at Portm^o
aforesaid on the 30. day of October 1765 with force & arms did
make a certain List of Rates called a Ministers rate & therein
the Def.^s in manner aforesaid did illegally rate & assess the Pla.^t
in the sum of fifteen shillings and eleven pence one farthing
Lawfull money and also the Def.^s in manner aforesaid did then
and there make a certain Warrant under their hands and seal
directed to one John Tilton then being one of the Constables of the
Town of Hampton falls thereby requiring him in our name to
Collect the said fifteen shillings and eleven pence (one Farthing)
from the Pla.^t by force of which List of Rates and Warrant the
Pla.^t was afterwards at Hampton falls aforesaid by the said John
Tilton by Color of Law taken and imprisoned in Prison a long
time detained viz for the Space of twenty four hours and till he
was obliged and compelled to lay out and expend divers large Sums
of money to obtain his enlargement out of Prison amounting to
five pounds. And other Contumacies to the Pla.^t the Def.^s then and
there perpetrated and did against the Peace and against the
Law of the land to the Damage of the said Jonathan Ware as
he saith the sum of Ten pounds. At which said Inferior
Court of common Pleas first mentioned Judgment was rendered
that the Pla.^t recover against the Def.^s Fifty shillings Lawfull money
damage and Cost of Court Taxed five pounds two Shillings like
money. From which Judgment the said Meshech Richard
Nathan and Nathaniel appealed to this Court when and where
the appeal was entered and the Parties being 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 made return of their
Verdict thereon upon oath and say the Jury find for the Appellants
Cost of Courts - It is therefore considered that the former Judgment
be and hereby is reversed and that the said Meshech Richard
Nathan and Nathaniel recover against the said Jonathan
Costs of Courts Taxed at the sum of Eight pounds Seven teen
Shillings and six pence Lawfull money

JAM: W. L. H.
Nathaniel
Lutwyche

James Matthews of Meremac in the Province of
New Hampshire Husbandman Appellant against Edward
Polstone Lutwyche of said Meremac in said Province Esq.
Appellee. From the Judgment of the Inferior Court of