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Work

5-20-1760

**Judgment Book of Superior Court, Vol. D, Vol. D, May 1760 - Nov.
1763, at 27–28, New Hampshire State Archives - Monson v. Ban II**

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SUPERIOR

COURT



MAY 1760

through

NOV 1763

Province of N. Hampshire. - Judicature held at Portsmouth within

(and for his Majesty's Province of New Hampshire on the third Tuesday in May in the thirty third year of his Majesty's reign. Annoque Domini 1760.)

Present

Theodore Atkinson Esq^r Chief Justice
 Thomas Watlingford Esq^r Justice
 Meshuk Weare Esq^r Justice

A Commission appointing the Hon^{ble}. John Sumner & John Knight, Sen; Esq^{rs} special justices of this Court was published, & they were sworn and took their seats on the benches accordingly.

Returns of Seniors (Jures for Petit Jurors) Returns of Seniors (Jures for Grand Jurors)

Portsmouth	Thomas Parker	Portsmouth	William Beck
	Capt. Titus Miller	Hampton	Robert Moulton
	Capt. Edward Gate	South Hampton	James Haddock
Greenland	James Hooper	Dover	John Knight
Hampton	William Haines jun ^r	Hammersworth	Rich ^d . Whitpot
	John Sampson	Hampton	Andrew Tucker
Hampton Hills	Jacob Smith	Sumner Hill	John Neede
South Hampton	Christopher Gault	Hamden	Francis Jennip
Durham	Nathaniel Hill	Dipping	William Puckan
	Thomas Hestie	Greenland	David Heimes
Dover	Amos Robinson	Hampton Hills	Nathan Stanton
	James Tuttle	Durham	Jacob French
Hamington	Francis Drew	Hensington	Thomas Scroggs
Hammersworth	Jeremiah Archelcor	Kingstown	Daniel Sampson
Kingstown	Samuel Roberts	Exeter	Nathan Swett
	Caleb Fowler	Portsmouth	John Robinson
Exeter	Joseph Stetson		

which by said Inferiour Court of Common Pleas Judgement was rendered
 that the Defendant recover against the Plaintiff Cost of Court taxed
 two Pounds fouenteen Shillings from which by Judgement of
 said Inferiour Court of Common Pleas the said Thomas Durant
 appealed to this Court when and where the Appeal was entered
 and the parties appearing and being heard on the Plea in abate-
 ment It is considered that the Plea is sufficient to abate the writ,
 and that the writ abate, & the action be dismissed - & also considered
 that the said James recover against said Thomas Cost of Court
 taxed at the sum of five pound thirteen shillings New Jersey
 bills of Credit of said Province

Nonson Mansfield
 Edward Gale fore
 Thomas Parker
 James Moses
 William Haines
 John Samprey
 John Probeds
 Nathan Prescott
 Francis Holt
 James Tuttle
 Joseph Kellard
 Christ Gould
 Execution sued
 2th Term 1760 and
 it to John Moody
 one of the overseers
 of the Poor
 November 1760
 returned satisfid

Hannah Monson of Portsmouth in the
 Province of New Hampshire Widow Plaintiff against
 John Mansfield of Portsmouth yeoman Defendant.

On a Scire facias commenced and prosecuted by the said Han-
 nah in the following words, to wit "Mildred Monmouth
 Mansfield of Portsmouth in the Province of New Hampshire Widow
 before our Justices of our Superior Court of Judicature held at
 Portsmouth in and for said Province of New Hampshire on
 Tuesday the twenty fourth day of May by adjournment from
 the first Tuesday in February in the thirtieth year of our reign
 Anno Domini 1757 by the cooperation of our said Justices
 recovered against John Mansfield of said Portsmouth yeoman
 the sum of one hundred and twenty Pounds eight shillings
 damages and also Twelve Pound seven shillings & Six
 Pence cost and charges by her or her Surety in that
 behalf expended whereof the said John Mansfield is convicted
 as to us appears of record, & all the judgments be thereof
 rendered yet the Execution for said damages & Costs
 Remains

Remains to be made; Whereof the said Hannah hath supplicated
 us to Provide remedy for her in that behalf. Now to the End that
 Justice may be done, We Command you that you make known unto
 the said John Danfill that he be before our Justices of our said
 Superior Court of Judicature to be held at Portsmouth aforesaid
 within and for our Province of New Hampshire aforesaid on the third
 Tuesday of May Instant to shew cause if any he have wherefore the
 said Hannah ought not to have her Execution against him for
 the aforesaid damages and Costs, (and for them to do and receive that
 which our said Court shall then Consider." and the said
 John by his attorney comes & defends and says the Judgment aforesaid
 is fully satisfied and therefore the said Hannah ought not to
 have Execution against him as aforesaid and thereof puts himself
 on the Country upon which Issue joined the Parties were fully
 heard by their Counsell learned in the Law the case was committed
 to the Jury sworn according to Law to try the Issue whom after
 return of their verdict thereon upon oath they say they find
 for the Plaintiff Execution of the Judgment declared upon &
 Costs. In this case it appearing to the Court that the Plaintiff
 is non compos mentis it is therefore ordered by the Court that the
 Execution aforesaid be delivered to the overseers of the Town of
 the Town of Portsmouth, that they there pay the money to them
 that they pay to Mrs. Ningsham the Plaintiffs daughter what
 is due to her for the Support & care of the Plaintiff & for
 what she has advanced in this Suit for the commencement
 of the original action and direct as to the appropriation of
 what remains. It is therefore considered that the said Hannah
 recover against the said John the sum of two hundred & two pounds
 fifteen Shillings six pence damages & cost of the said John taxed at the sum
 of twenty pounds ten Shillings six pence to be paid as aforesaid.

Province of New Hampshire } At his Majesty's Superior Court of
 nature held at Portsmouth within and for
 his Majesty's Province of New Hampshire
 on the first Tuesday in August in the 31st
 year of his Majesty's reign anno Domini 1757

The Court adjourned to Tuesday 20th day of September
 next at ten of Clock before noon
 at Geo. Jaffrey Esq

Portsmouth Tuesday ten of Clock before noon September
 20th 1757 - The Court meet according to adjournment

- Grand Jury
- Joseph Lampron Subeeter
 - Perkins Ayres Justice
 - Joseph Lord Justice
 - Simon Knowles Kye
 - Wm Gateys Greenland
 - Tho^o Bickford Newington
 - Andrew Foulson Newmarket
 - Sam^l Prentiss Hampton falls
 - James Pinham
 - Nathan Lamborn Exeter
 - Eben^r Dearborn North Hampton
 - Joseph Wentworth Somersworth
 - David Stevens Stratham
 - Benj^o Johnson N^o Hampton

a Com^{is} appointing Jn^o Newmarket and
 Jn^o Knight Esq^r Special Justices of this Court
 who were qualified and took their seats on 4th Bench

Recorded

- Taken
- Conner Exeter
 - Nathan Johnson Greenland

The Court order of a Venire issue
 to of Sheriff to summon & return twelve
 men to serve as Jurors instantly - Venire
 issued Sep^r 22nd

October 6th 1757 Wiggemore
 Claggett & Samuel Livermore
 in Court and were sworn of oath
 of an Attorney at Law in this Court
 and were admitted as attorneys - Geo. Jaffrey Esq

Recorded

and John Garrison of
and John Sawyer
with them and report
Court under them shall be
not being entered thereon etc.
to appoint time and place.

Samuel Lupton & Robert
fully heard by their Counsel
to a Jury sworn according
of their Verdict thereon
appelles three pounds
Dam. and Cost of Courts

Fogg app^o vs
both parties being

Fogg app^o vs
as above

Swadlow app^o
requests for

in 1762

Joseph Grelat app^o vs John Habbert app^o
The Parties appear & being fully heard by their Counsel
learned in Law & Case was committed to a Jury sworn
according to Law to try of Issue who made Return of their
Verdict thereon upon Oath & Say of Jury find for the
Appell^t thirty three Pounds Ten Shillings Damage and
Cost of Courts

Law Judge

22 James Kille app^o vs Benj^o Jenkins app^o
Continued at request of appellee being sick & v

23 Joseph Atkinson app^o vs Thos^o Thompson app^o
The Parties appearing agree to refer this Case and all Contro
between them to be heard by Judge

Referred to Elean^r Demerret of Dover yeoman Jo
Ladd of Exeter Gentleman
Jno Burnam of Durham yeoman
John Burnam to appoint time & place of

24 Jabb Laves app^o vs W^m Elliot & app^o
Continued at request of app^o

ATW m^o 25 Jno Bonfill Plat vs Hannah Monson D^o
Thos Peire
Jno Goff
Jno Pittford
Jas Robinson
Sam^l Judge
Luke Mills
Sam^l Odierne
Morris Lamney
Benj^o Conner
Job Judkins
Jno Haggins
Thos Little

The Parties being heard by their Counsel learned in the
Law of Case was committed to a Jury sworn according to
Law to try of Issue who made Return of their Verdict the
on upon Oath & Say of Jury find specially in favor of

Continued to of next Term for adjourn^t

Province of New Hampshire
 Sup^d Court of Judicature Sept. 20th 1757

John Banfill Pl^t Hannah Monson Def^t the
 Jury find specially viz^t That the two Children of
 the said Hannah whose Shares & Proportion, she
 Demands, Died under the Age of twenty One years
 unmarried & without Issue there being several Brothers
 & Sisters surviving. And if the said Hannah has
 by Law a Right to the said Shares & Proportion as
 the next of kin to her said Deceased Children then
 they find for her Cost of Court. but if not, then they
 find for the Pl^t Reversion of the former Judgment
 & Costs

The J^rice foreman



Sept 21st 1753
Term when and where the Parties appearing and being heard by their Counsel
on the second Plea in abatement It is considered that the writ Abate upon that Plea
and that the former Judgement be hereby is reversed and that the Ap-
pellers recover against the Appellants Costs of Courts taxed at the sum
of forty six pounds

Barfill is only to
pay in what he has in the later acts in
the book
1753-2613

- Monson
- Barfill
- LAW. MW.
- Richard Downing
- William Baker
- Williamston
- Orlando Dugly
- Bernard Colby
- James Hobbs
- Mark Dewett
- Robt Campbell
- Wm Bachelour
- Wm Dewett
- Benj Scribner
- John Merdworth

Hannah Monson of Portsmouth in the Province of New Hampshire
Widow. Appellant against John Barfill of said Portsmouth Yeoman
Appellee From the Judgment of the Inferiour Court of Common Pleas held at s.
Portsmouth in and for said Province on the first Thursday next following the first Tues-

day in June 1755 in an action of the Case commenced by the said Hannah Monson ag-
st the said John Barfill at the Inferiour Court of Common Pleas held at Portsmouth in
and for said Province on the first Thursday next following the first Tuesday in March
1755 but prosecuted at the Inferiour Court of Common Pleas first mentioned in the
following words (namely) "In an action of the Case for that whereas Hugh Barfill Late of
said Portsmouth yeoman deceased husband of the Plaintiff and father of the Def^t was in his
lifetime seized and possessed of the said Real Estate and in or about the year 1724 did

seize and possess thereof in fee and of his own proper estate Intestate leaving seven
children his eldest son and his youngest son deceased the right & Interest to and in said Estate vested
in the said children in fee by virtue of the Law of our said Province in such Cases Provided
and afterwards viz on the 7th day of May 1734 by a Decree of the Judge of Probate for our said
Province for the time then being at the special Instance and request of the Def^t the
whole of the said Real Estate was settled upon and assigned to the Def^t the oldest son of
the said Hugh, pursuant to said Law at a certain price viz^t at six eighth parts of the
value of the whole according to an appraisement thereof made by Persons thereunto
lawfully appointed which the Def^t was according to said Decree and pursuant to Law to
pay to the other children of the said Hugh that is to say one eighth part to each of them
when and as they should respectively attain to the age of twenty one years or to the legal
representatives of such of them as should decease before that age with Lawfull Interest
for the same from the 7th day of May aforesaid until the same should be paid for their parts in
said Real Estate as by the said Decree in Court Produced may at Large appear by face
of which Decree the Def^t entered into the said Real Estate and still holds the same and
Plaintiff further says that each child's share and part of said sum at which the said
Real Estate was appraised as aforesaid was twenty five pounds the whole being six hundred
and one pounds which sum was so much Lawfull money of our said Province Lawfull
L. hundred and twenty five pounds in Lawfull

Monson
Grelley -
Execution of
Decr 1759
May 1760
Returned
Satisfied

Gannah Monson of Portsmouth in the province of New

Hampshire Widow Complainant against Richard Grelley of Ports-
mouth aforesaid hatter and a Deputy Sheriff within said province,
Defendant. The Complainant shewing that the said Mon-

son recovered a Judgement against the said Richard at their In-

feriour Court of Common Pleas held at Portsmouth aforesaid

on the first Tuesday of September 1759 in an action of Trespass on the

case then and there commenced & prosecuted by the said Hannah

against the said Richard in the following words (namely)

In an action of Trespass on the case for that whereas the Plaintiff

by the consideration of our justices of our Superior Court of Judicature

holden at Portsmouth in and for our said province on the

2^d Tuesday of June 1758 recovered Judgement against John Mansfield

of said Portsmouth yeoman for the sum of twelve pounds four

shillings Costs of Court whereof the said John was convicted by

the record of our said Court in the same Court remaining manifestly

appears and afterwards vizt on the twenty eighth day of August then

next following purchased our writ of Execution on the said Judgement

directed to the Sheriff of our said province his under Sheriff

or Deputy commanding them that of the goods Chattels or Lands

of the said John within their precinct to cause to be paid to the

said Hannah at the value thereof in money the aforesaid sum

with shillings more for that writ and thereof also to satisfy

themselves for their own fees and for want of goods Chattels or Land

of the said John to be by him shewn unto them or found within

their precinct to the acceptance of the said Hannah to take the bo-

dy of the said John and him committed unto our goal in Portsmouth

aforesaid and detain in their custody within the said goal until

he should pay the sum aforesaid with their fees or that he should

be discharged by the said Hannah the creditor or otherwise by

order of Law thereof fail not and to make due return of the said

writ with their doings therein into our said Superior Court

to be holden at Portsmouth aforesaid on the second Tuesday

of November then next and afterwards vizt on or about

The 1st day of October at said portsmouth the said Hannah
caused the said writ to be delivered to the said Richard who
then was and ever since hath been and still is a deputy sheriff
within and for our said province lawfully constituted & sworn
to be duly executed according to Law who then and there receiv-
ed and undertook to execute the same accordingly & after wards
on or about the fifteenth day of the same month of October
by virtue of the same writ the said Richard took the body of the
said John who whereupon paid the sum aforesaid to the said
Richard, yet the said Richard hath not paid the said sum of
twelve pounds four shillings to the plaintiff as he ought to have
done nor returned the said writ into our said Superior Court
as in the same writ he was commanded but hath embayled
the said writ and wholly secreted the same whereby the plat-
hath lost her money aforesaid, and is deprived of her remedy
for recovering her said debt. To the damage of the said
Hannah do she say the sum of twenty four pounds
at which said inferior Court of Common Pleas Judgement
was rendered that the plaintiff recover against the Defendant
the sum of twelve pounds four shillings new tenor damages &
cost of court taxed nine pounds twelve shillings the like
money. And which said Judgement of said inferior
Court of Common Pleas the said Richard appealed to this
Court but hath neglected to prosecute his said appeal
Therefore the said Hannah prays for affirmation of the
former Judgement with additional costs

It is therefore Considered that the former Judg-
ment be and hereby is affirmed and that the said Han-
nah recover against the said Richard the sum of
Twelve pounds four shillings bills of credit damage
and cost of court taxed at the sum of eighteen pounds
one shilling

Province of New Hampshire) At his majestys Superior Court of Judicature held at Portsmouth in and for his majestys Province of New Hampshire on the second Tuesday of June being 17th day of said month by adjournment from the third Tuesday in may ~~1758~~ ^{in the 13th year} of his majestys reign annoque Domini 1758 1758

a Commission appointing Hon. ^{Blay} M^o. Newmark Esq^r a Special Justice of this Court was published and if proper oaths were administered and the declaration subscribed

Returns of Grand Jurors
 Portsmouth - Israel True ||
 Benj^o. Macheys ||
 Dover Benj^o. Hanford ||
 Joseph Austin ||
 Hampton Jonathan Samborn ||
 Exeter Philip Whadley ||
 Theop^o. Gilman ||
 Somersworth Benj^o. Twombly ||
 Brintwood Benj^o. Swinber ||
 Londonderry William Humphry ||
 Chester Cap^o. Jon^o. Blunt ||
 S^o. Hampton Peubert Dimon ||
 East Kingstown Edw^o. Lislefield ||
 Kingstown Thomas Elmer ||
 Kensington James Samborn ||
 Hampton Falls Isaac Norton ||
 S^o. Hampton Josiah Norton ||
 Epping Benj^o. Dow ||
 Newmarket Jacob Fowler ||
 Durham Job Manal jur^o ||
 Rochester Alex^o. Hodgson ||
 Stratham Jon^o. Piper ||
 Greenland Thomas Herburne ||
 Newington Sam^l. Tabyon ^{Foreman} ||
 Nye James Marden ||
 Coleridge ^{Comptroller}
 Examine for Jurors to be called at Court
 Portsmouth + East Kingstown + Kingstown +
 Chester + Durham + Exeter +
 Brintwood + Kensington + Epping +
 to be delivered to of Sheriff to find
 Venires 18^o June 19th 1758

Returns of Jurors
 Portsmouth - Ephraim Tennett +
 Wm^o. John Powerly jur^o
 Dover - Oetis Baker +
 Jehabod Hagers
 Hampton - Edw^o. Shaw jun^o
 Exeter - Cap^o. James Leavel +
 John Bowdenock
 Somersworth - Maurice Hobbs
 Brintwood - Daniel Samborn ab
 Londonderry - James Mansley +
 Chester - Jacob Chase +
 S^o. Hampton - Samuel Page +
 East Kingstown - Joseph Bean + trump^o
 Kingstown - William Sleeper + trump^o
 Kensington - Jas^o. Samborn ab
 Hampton Falls - Samuel Duffett +
 S^o. Hampton - Samuel Paepeloor +
 Epping - Paul Ladd
 Newmarket - Stephen Comport +
 Durham - Samuel Dement jun^o
 Rochester - John Plummers + trump^o
 Stratham - William Moors
 Greenland - William Weeks
 Newington - Jethro Surbur +
 Nye - Job Jennes +
 Coleridge - Eliph^o. Daniels. m^o. Barnet
 m^o. Mason m^o. Mitchell
 Houghton Wm. Cox
 Jacob Forey

It appearing to y^e Court that there was a error in y^e bill of cost of five pounds four shillings recovered at Sup^o. Court in Sep^r 1757 by Mary G. Limon & Zeb: Giddings app^o & 4th Benj^o. Connor app^o ordered to be rectified in y^e record 1757

18
 J. A. W. M. 18
 Jas. Leavelle
 John D. Bennett
 Peter Baker
 John Hager
 Edward Hager
 Maurice Hobbs
 Jacob Chase
 Saml. Page
 Wm. Sleeper
 Saml. Prescott
 Saml. Parkhill
 J. A. W. M. 18
 James Leavelle
 Wm. Moore
 Wm. Weeks
 Eph. Bennett
 No. Emerson
 Job Bennett
 Saml. Prescott
 Dan. Struborn
 Edw. Shaw
 Sam. Knatchbull
 Jethro Furber
 Dual Ludd

18
 Saml. Middleton app't vs James Scaddle app'ee
 The Parties appearing and being heard by their Council
 learned in Law the case was committed to a Jury sworn
 according to Law to try it James who made return of their
 Verdict thereon upon, on the say of Jury find for
 app'lee Cost of Courts
 Jas.

J. A. W. M. 18
 Recorded

19
 Jas Kettle app't vs Benj. Jenkins app'ee
 The Parties appearing & being fully heard by their Council
 learned in the Law the case was committed to the Jury sworn according
 to Law to try the same who made return of their Verdict thereon upon
 oath and say the Jury find for the App'lee Cost of Courts
 Judgment

Recorded

20 Joseph Atkinson app't vs Robt. Thompson app'ee
 reported Judgment according to report
 no Execution
 to be granted till of app'ee pays
 Reference Costs

Recorded

21 Jacob Lavers app't vs William app'ee
 Continued by Consent of Parties
 Recorded

J. A. W. M. 18

22 John Banfill Pl't vs Hannah Morson Defend
 The Parties being fully heard on a Special Verdict
 The Court are of opinion that the said Plaintiff be allowed
 a right to of said Shaver's Proprietion as of next of kin
 to her said Deceased Children and that of Defend
 recover against of said Costs

Recorded

J. A. W. M. 18
 Jas. Leavelle
 John D. Bennett
 Peter Baker
 John Hager
 Edward Hager
 Maurice Hobbs
 Jacob Chase
 Saml. Page
 Wm. Sleeper
 Saml. Prescott
 Saml. Parkhill
 J. A. W. M. 18

J. A. W. M. 18
 Jas. Leavelle
 John D. Bennett
 Peter Baker
 John Hager
 Edward Hager
 Maurice Hobbs
 Jacob Chase
 Saml. Page
 Wm. Sleeper
 Saml. Prescott
 Saml. Parkhill
 J. A. W. M. 18

Danfull
Monson
U.S.M.M.
Circuit Court
Aug 28 1758

John Danfull of Portsmouth in the Province

of New Hampshire yeoman Plaintiff against Hannah
Monson of said Portsmouth Widow, Defendant,

on review of an action of the case commenced by the said
Hannah against the said John at our Inferiour Court of
Common Pleas holden at Portsmouth within and for our
said Province of New Hampshire on the first Thursday
next following the first Tuesday in March Annoque Domini
1755. and prosecuted by the said Hannah against the
said John at our Inferiour Court of Common Pleas hold-
en at Portsmouth in and for said Province on the first
Thursday next following the first Tuesday in June (being
the fifth day of said month) 1755 In the following words

(namely) In an action of the case for that whereas Hugh
Danfull late of said Portsmouth yeoman deceased late
husband of the plaintiff and father of the Defendant
was in his life time seized and possessed of Real and
Personal Estate and in or about the year 1729. died seized
and possessed thereof in fee and as of his own proper Estate,
Intestate leaving seven children his lawfull Issue & next
of kin, three of whom he had by the plaintiff and who
were born of her body, and upon his decease the right &
Interest to and in said Estate vested in the said Children
in fee by Virtue of the Law of our said Province in such Cases
provided, and afterwards viz on the seventh day of May
1734 by a decree of the Judge of Probate for our said Province
for the time then being, at the special Instance and request
of the defendant the whole of the said real Estate was settled
upon and assigned to the defendant the eldest son of the
said Hugh pursuant to said Law at a certain price viz
at six eighth parts of the value of the whole according to
an appraisement thereof made by persons thereunto lawfully
appointed which the defendant was according to said decree

and Pursuant to Law to pay to the other Children of the
 said Wth that is to say one eighth part to each of them
 when and as they should respectively attain to the
 age of twenty one years or to the legal representatives
 of such of them as should decease before that age,
 with lawfull Interest for the same from the said seventh
 day of May aforesaid untill the same should be paid
 for their parts in the said real Estate, as by the said
 decree in Court produced may at large appear, by
 force of which decree the def^t entered into the said real
 Estate and still holds the same, And the plaintiffe
 farther says that each child's share or part of said sum
 at which the said real Estate was appraised as aforesaid
 was Twenty five pounds, the whole being six hundred
 and one pounds which sum was so much Lawfull money
 of our said Province, Twenty five pounds of which is equal
 in value to two hundred & Twenty five pounds in lawfull
 bills of credit of our said Province of the new Tennor,
 That two of the said Children born of the body of the Plain^t
 died after their said Father in their Infancy unmarried
 without lawfull Issue and Intestate, their respective
 parts of the said appraisement and value of the said
 real Estate not being paid, Whereupon the right of their
 said parts of said sum came to and vested in the Plat^e
 as the next of kin and Legal Representative of each of
 her said Children by said Law, and thereupon the Plat^e
 became Intituled to their respective parts of said sum,
 And the plaintiff farther says that each of said Children
 if they had lived to this time would have been more than
 Twenty one years of age, whereby their parts of said sum are
 become due and payable with the lawfull Interest thereon
 which Interest amounts to the sum of ninety pounds
 like lawfull money as aforesaid, for each of said parts, and
 as said Interest has not been paid nor any part thereof
 the Defendant ought to pay Interest for the same untill paid,
 That

That each of said parts with the lawfull Interest for the same amounts to one hundred and Sixty five pounds lawfull money equal in value to four hundred ninety five pounds new tenor bills of Credit as aforesaid and with the Interest for and upon said Interest amounts to the sum of three hundred pounds lawfull money aforesaid equal in value to nine hundred pounds in bills of Credit aforesaid, which sum the Defendant ought by Law to pay to the plaintiff as the legal Representative & next of kin to each of said children, which sum is now due and owing to her from the Defendant as aforesaid amounting in the whole to the sum of One thousand eight hundred pounds, yet the deft hath not paid the same tho' often thereto requested but still denies to pay it, To the damage of the said Hannah as she says the sum of five hundred pounds, at which said Inferiour Court of Common Pleas holden in June aforesaid judgment was rendered that the defendant recover against the Plaintiff cost of Court, from which Judgment the said Hannah then Plaintiff appealed to our then next Superiour Court of Judicature, by law to have been holden at Portsmouth aforesaid on the first Tuesday of August anno Dom: 1755 but holden at said Portsmouth on the twenty seventh day of January 1756 by adjournment, when & where the said appeal was entered and the action continued to our then next Superiour Court of Judicature by Law to have been holden at said Portsmouth on the first Tuesday of February 1756 and so from Court to Court untill our Superiour Court of Judicature by Law to have been holden at Portsmouth aforesaid on the first Tuesday of February 1757 but holden at Portsmouth aforesaid on the twenty fourth day of May Annoque Domini 1757 by adjournment, at which said Superiour Court of Judicature last mentioned the said action was tryed and Judgment was rendered, that the former Judgment should be annul'd thereby was reversed and that the appellant (the said Hannah Monson) ^{should} recover against the appellee (the said John Banfill) One hundred ninety pounds

Eight Shillings new tenor Damages and Cost of Courts
 taxed twelve pounds seven Shillings and Six pence the like
 money — Which Judgment of our said Superior Court
 of Judicature (last mentioned) the said John Banfill says
 is wrong and erroneous and ought to be reversed, and that
 he is Damned thereby the sum of Four hundred pounds
 Wherefore for reversing the said Judgment of our said
 Superior Court of Judicature (last mentioned) and for
 recovering back the Damages & Costs thereby granted
 to the said Hannah and for recovering his own Cost in
 that behalf expended; the said John Banfill brings this
 Suit — And the said Hannah comes & Defends
 and says that the former Judgment was in nothing
 erroneous and that the damages were not high enough
 and thereof puts herself on the Country upon which
 Issue joined the parties being fully heard by their Counsell
 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 thereupon Oath and say the Jury find
 Specially viz^t That the two Children of the said Hannah
 whose shares and proportions she demands did under the
 age of twenty one years unmarried and without Issue there
 being several brothers and Sisters surviving & if the said
 Hannah has by law a right to the said Shares and
 proportions as the next of kin to her said deceased children
 then they find for her Cost of Court, but if not then they
 find for the plaintiff's reversion of the former Judgment
 and Costs — And Judgment continued to this term
 when and where the parties being fully heard thereon,
 The Court are of Opinion that the Def^t has by Law a right
 to the said Shares and Proportions as the next of kin to
 her said deceased children and that the Defendant recover
 against the plaintiff Costs —

JH —

It is therefore considered that the said Hannah Monson recover against the said John Banfill costs of Court taxed at the sum of twelve Pounds four shillings.

Merrill v. Proprietors of Bow

John Merrill v. Proprietors of Bow continued to next term, attorney of the petitioner, John Merrill, being absent by sickness.

King v. Power

Our Sovereign Lord the King against Anthony Power Respondant continued to next term by order of Court.

King v. Merrill

Our Sovereign Lord the King v. John Merrill Respondent, continued to next term, by order of Court.

King v. M. Adams

Our Sovereign Lord the King v. William M. Adams Respondent, continued to next term, by order of Court.

King v. Mann

Our Sovereign Lord the King v. Benjamin Mann Respondent, continued to next term by order of Court.

The Court Order & Direct that a Venire facias issued to the severall Towns for Appointment of Grand Jurors to serve at next Term to be held on second Tuesday in November next also for Petit Jurors to serve at said Term

- Grand Jurors
- from Portsmouth one
 - from Dover one
 - from Hampton one
 - from Laeter one
 - from Somersworth one
 - from Londonderry one
 - from Chester one
 - from St. Marys one
 - from Last Kingstons one
 - from Kingstons one
 - from Hertsington one
 - from Hampton Falls one
 - from North Hampton one
 - from Spung one
 - from Newmarket one
 - from Durham one
 - from Stratham one
 - from Greenland one

- Petit Jurors
- from Portsmouth three
 - from Dover three
 - from Hampton two
 - from Exeter three
 - from Somersworth one
 - from Brintwood one
 - from Londonderry one
 - from Chester one
 - from South Hampton one
 - from Last Kingstons one
 - from Kingstons one
 - from Hertsington one
 - from Hampton Falls one
 - from North Hampton one
 - from Spung one
 - from Newmarket one
 - from Durham one
 - from Stratham one

- Newington One
- from Rye One

all matters of Record for this Term
Proved Geo: Jaffreyll