

Maurice A. Deane School of Law at Hofstra University

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8-24-1748

Provincial Case File No. 22344, New Hampshire State Archives - Peter Johnson's mittimus

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(22244)

Province of } To the Hon^{ble} the Justices of the Supreme
New Hampshire } of Judicature at Portland August 22nd 1748

Humbly Sheweth Peter Johnson^{late} resident in Portland
in sd Province Baker - That he is now imprisoned
for refusing to serve
as a Slave to George Mapey of Portsmth afores^d without
having liberty to dispute wth right of sd Mapey to the
Service of your Petitioner ^{who is free man} but unjustly condemned to suffer
imprisonment ^{by Mistake granted by some of the Justices held July 10: 1748} without liberty to answer for himself
as by the Mistake in w^{ch} hands of sd Prison keeper may
appear - wherefore as this is a case of General Goal
Delivery your Petitioner pray that he may be brought
before this Hon^{ble} Court & be heard with respect to &
Cause of his Commitment & that he may be ~~being~~
discharged - and your Pet^r shall pray for

A Prayer for sd Pet^r

Sup. Court Portsmth August 22nd 1748 Ordered that sd Petitioner
Peter Johnson be brought before this Court at the Adjournment
& that Geo: Mapey be notified to appear & shew what right
he hath to sd Service of sd Petitioner

Geo: Jeffreys CC

Prov. of } Aug. 29th 1748 Pursuant to the within
 New Hamp. } Docket to me directed I have here in Court
 the body of the within named Peter Johnson
 and the day and cause of his taking and
 Detaining it in the words following viz -

Prov. of }
 New Hamp. } To the Keeper of His Majesties Goal at
 (Seal) } Lortmth in the Prov. of New Hamp. Greeting
 Whereas Complaint is made to me the Subscriber
 by Geo: Masey of Lortmouth in said Province
 that he hath a negro man named Peter
 Johnson which refuseth to Labour and is
 Stubborne and rebellious

These are therefore in the
 majes. Name to require you to take the body
 of the said Peter Johnson into the said Goal and
 him keep safely until he the said Peter shall
 behave himself so that his said master shall
 take him out or be otherwise released by due
 order of Law Dated at Lortmouth the 10th day of
 July in the 22^d year of His majes. reign annoque
 Domini 1748

Sam^l Hart Sur. Peace

att. Tho: Packer Sh^r and Keeper of His
 majes. Goal in Lortmouth

I have also notified the within named Geo: Masey
 to appear at the time and place within mentioned
 to shew Cause if any he hath why the within named
 Peter should not be enlarged Tho: Packer Sh^r

Upon which Petition a writ issued to the Sheriff haper of
his Majesty's Court to have under safe Conduct before this Court
on the twenty sixth day of August Inst -
with Cause of his taking and detaining, to Do and Receive
all those things which this Court shall then and there Consider
and also to notify George Massey of Portsmouth a fore said Carter
that he may then and there shew Cause if any he have why
the said Peter may not be enlarged - The said George Ap-
pearing in Court & Says that the said Peter Johnson is
his Slave or Servant for life lawfully purchased of Joseph
Hicks of Dover in N Province Gentleman by Deed of Sale
bearing Date the fourth day of July 1740 ready in Court to be
produced that he was lawfully committed to Prison by sentence
and Mittimus of one of his Majesty's Justices of the peace
for said Province for refusing to labour & for being Stub-
born & Rebellious wherefore the said George prays that
the said Peter may be detained in Prison untill he shall
become Submissive & dutifull or untill he the said George
shall see cause to enlarge him & W^m Parker his Attorney
and the said Peter in Court Says ^{by Mr Emery his attorney} that ~~he~~ never
was the Slave or Servant for life of the said Joseph Hicks
nor under any obligation to serve him as such but is &
always was a free born Subject of the King of Great
Britain and under no Obligation to serve the said George
Massey as his Slave & this he prays may be enquired
of by the Country & that he may be enlarged -

upon which Issue 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 who
upon Oath say the Jury find Peter Johnson a free man -

It is therefore Considered that the said Peter Johnson is
a free man and that he be enlarged and that the Sheriff
set him at Liberty and that the said George Massey pay
Costs taxed at the sum of three pounds eight Shillings lawfull money -

SUPERIOR
COURT



AUG. 1744
through
AUG. 1748

Robert Mellin of Portsmouth in the Province of New Hampshire
 the Baker Complainant against Samuel Bathrick of said Ports-
 mouth Bricklayer Defendant. The complaint shewing that
 the Inferiour Court of Common Pleas held at Portsmouth in
 said Province the said Robert recovered Judgement against
 said Samuel for the sum of three pounds seven Shillings & Six
 pence lawfull money Damage & Cost taxed twenty Shillings and Six
 pence like Money from which Judgement the said Samuel Ap-
 pealed to our then next Superiour Court of Judicature and he
 refused to prosecute the same but failing so to do the said Ro-
 bert prays that the former Judgement may be affirmed. It is
 therefore Considered that the former Judgement be and hereby
 is affirmed and that the said Robert recover against the said
 Samuel the sum of three pounds seven Shillings & Six pence
 lawfull money Damage & Costs taxed at the sum of five pounds
 three Shillings lawfull money.

Mellin Bathrick
 J. S. C. H. S. W. M. W.
 Execution issued
 Sept. 17. 1748

For if a new venire should be found for a sufficient number of persons to appear at the adjournment of ~~the Court~~ ^{the Court} by the Court that a venire ^{shall} issue immediately to the Sheriff to summon Emprisoned & Retard thirty men qualified by law to serve as jurors at the adjournment of this Court on Monday ^{the 11th} day of this Instant August —

[illegible]

Portm: Aug. 24. 10 o'clock before noon Court meet accord-
ing to adjournment — (prel.)

ing to Corporation must be present
The Genl. & Col. Geo. J. Hays Genl. & Col. Pauline Hays
Henry Clerk of Congress, their ill. who named of special order

Geo: Deane
Post Office

Ex^{to} In^o Steeper

Jeis Johnson

1897. Miller
Dr. J. Wright
Dr. J. Wright
Dr. J. Wright

Prof. Eilman & Mrs.
Joseph Santome Esq.

John Bush

Mr. Gov. Whitehall

John Fair, Perkins Street. New Orleans

Thos. Bennett
Lark & Protection

Ham Clifton with Engr
Johanna Stale

Walter Clarke
Henry Taylor

pa: ~~Atto~~ fine

Stephⁿ Sanborn & Son - Greenb^l W^h -
Atavim

My dearest son

Meig. Don. Frickel & Co. 1000

James, Joseph, John
and William. 1848

Friend: I am in Clifford County
Nevada - Sawyer Pa

Aug²³: The adjourn to Monday 10 o'clock A.M. Court meet according to adjournment
Sept³: Court adjourned to Monday 12 of September at 10 o'clock

