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3-6-1781

Judgment Book of Superior Court, Vol. H, Feb. 1817 - Sept. 1819,  
at 474-76, New Hampshire State Archives - Atwood v. Jones  
(March 1781)

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# State of New-Hampshire.

At the Superior Court of Judicature  
holden at Portsmouth in and for the County of  
Rockingham on the first Tuesday of March in  
the year of our Lord one Thousand seven hundred  
& eighty one.

Present.

The Hon<sup>ble</sup> Meshech Weare Esq<sup>r</sup> Chief Justice

Hon: { Matthew Thornton } Esq<sup>r</sup> Justices.  
          { Leveret Hubbard }

Oliver Peabody & Moses Dow Esq<sup>r</sup> were admitted  
as Attornies at this Court & took the oaths accordingly

Att<sup>y</sup>. Sam<sup>l</sup>. Sherburne: C<sup>l</sup>

Returns of Grand Jurors Venires issued

Portsmouth Josiah Roberson John Leavitt.

Exeter Abner Blasdell Gideon Walker William Ham

Greenland Thomas Johnson Richard Tarleton

Hampton John Marston Samuel Towle

Newmarket

Hampton Jonathan Gram Josiah Lane.

Rye Joseph Jenness Foreman Simon Garland

Hampton falls

Talesmen { Samuel Sherburne Henry Sherburne  
              { John Cutts John Parrot

It is therefore considered by the Court that the said  
Abraham Dow the Respond<sup>t</sup> is not guilty & it is ordered  
that he be discharged.

Woodes  
Jones  
W. W. M. S. S. H.  
Thos. Martin  
Jehus Saller  
Henry Sherburne  
Merrys. Berry  
Eliphale Rogers  
Andrew Miggins  
Hudson Peavy  
Josiah Lane  
Moses Elkins  
John Batchelder  
Tim. Ham  
John Penhallows

Stephen Atwood of Province-town in the  
County of Barnstable & Commonwealth of Massachusetts  
Mariner Appellant against Thomas Jones of Newbury  
Port in the County of Essex & Commonwealth aforesaid.  
Merchant Agent for the Owners Marines & Mariners of  
the armed Schooner Rambler Benjamin Fuller Com-  
mander Appellee from the Judgment of a Court Maritime  
holden at Portsmouth aforesaid on the 14th day of Feb<sup>r</sup>  
1701 on a libel then & there preferred by the said Jones  
against the Schooner Ranger her apparel cargo & ap-  
purtenances in the following words viz<sup>t</sup>. Be it remembered  
that on the tenth day of Jan<sup>r</sup>. AD 1701 Thomas Jones of  
Newbury Port in the County of Essex & Commonwealth  
of Massachusetts Merchant for & in behalf of himself &  
others owners of the private armed schooner Rambler  
Benjamin Fuller Esq<sup>r</sup>. Commander & also for & in behalf  
of the officers marines & mariners belonging to the same  
comes into court & gives the Court to understand that  
the officers marines & mariners belonging to & onboard  
the said armed schooner did on or about the 26th day  
of Nov<sup>r</sup>. last past attack seize & take upon the high seas  
a certain schooner called the Ranger of the burthen of  
twenty five tons or thereabouts with her apparel appur-  
tenances & cargo Elisha Hopkins then being master  
thereof & the same schooner Ranger with apparel appur-  
tenances & cargo onboard afterwards the said Captors on the  
fourth day of Jan<sup>r</sup>. AD 1701 brought into the port of Pis

...aquavit within said state & jurisdiction of this court.  
 Now the Libellant avers that the said schooner Ranger  
 her apparel appurtenances & cargo were at the time of the  
 capture thereof as aforesaid the property of & belonging  
 to some inhabitant or inhabitants of Great Britain or  
 of some subject or subjects of the King of Great Britain &  
 that the same schooner Ranger then was & had been  
 carrying supplies to the enemies of the United States  
 of America employed by them & in their service. And  
 the Libellant further avers that the master & super-  
 cargo of said schooner at the time of said capture had de-  
 signs of carrying supplies to the enemy Wherefore by  
 the laws & resolves of this state in such case made & pro-  
 vided the same schooner Ranger her apparel appur-  
 tenances & cargo are forfeited & ought to be condemned.  
 The Libellant therefore prays process against the same  
 & that the same may be declared forfeited for the use  
 of the said owners captors & others concerned therein &  
 distributed as the law directs.

At which said Court Maritime Judgment was ren-  
 dered that the said Vessel her apparel appurtenances  
 & cargo should be forfeited & deemed lawful prize.

From which Judgment the said Stephen Litwood  
 appealed to the then next Superior Court of Judica-  
 ture to be holden at Portsmouth aforesaid on the first  
 Tuesday of March AD 1701 where & where the appeal was  
 entered & the parties being fully heard by their council  
 learned in the law the case was committed to a Jury  
 duly sworn to try the issue who make return of their  
 verdict on ~~in~~ oathway the Jury find for the  
 claimant restoration of property.

It is therefore considered that the former judgment be



10 & hereby is reversed & that the said schooner Ranger  
her apparel appurtenances & cargo be restored to the said  
Stephen Stwood according to his claim.

Butler vs  
Leavitt

M.W.M.S.H.

Noah Parker

Wm Wallace

John Whidden

Jon<sup>a</sup> Trickey

John Coleman

Jos<sup>h</sup> Hobbs

Amos Knowlton

Wm Lane

Wm Marden

Jm<sup>r</sup> Webster

Henry Sherburne

Thos<sup>r</sup> Moses

Judgm<sup>t</sup> satis

fied as "N. Rec."

in minute book

for this term

Benjamin Butler of Nottingham  
in the County of Rockingham & State of New Hampshire  
Esq.<sup>r</sup> App<sup>t</sup> against Stephen Leavit of Gilman town in  
the county of Strafford & State aforesaid Appellee from  
the judgment of the Inferior Court of Common Pleas  
holden at Exeter within & for the County of Rocking-  
ham on the first Tuesday of February AD 1781 in an ac-  
tion of debt then & there commenced & prosecuted by the S<sup>r</sup>  
Stephen against the said Benjamin in the following words  
viz in an action of debt for that whereas by an act of the  
late Colony now state of New Hampshire entitled "An act  
for the better regulating marriages & for punishing the  
neglect of registering births & burials" passed in the year  
of our lord one thousand seven hundred & seventy six  
among other things it is enacted that it shall & may be  
lawful for any justice of the peace in the county for  
which he is commissioned, to join persons in marriage  
provided the said persons shall have been published  
three public meeting days in the town or towns parish  
or parishes where such persons respectively live & shall  
before the solemnization of such marriage produce to  
the said justice a certificate of such publishing under  
the hand of the Clerk or Clerks of the towns or places where  
such persons so to be married live; & that if any justice  
shall presume to join any persons in matrimony with-  
out first having received such certificate as aforesaid  
such justice shall for every such offence forfeit & pay the