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10-16-1765

Judgment Book of Superior Court, Vol. E, at 201, New Hampshire State Archives - McCrellis v. Sheppard

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Considered that the former judgement be hereby is Reversed
& that the said John recover against the said Samuel the
Promises sued for. Costs of Courts taxed at the sum of five
Pounds five Shillings & six pence Lawfull money

William McCrellis of Nottingham in the Province of
New Hampshire Yeoman Appellant against Benjamin
Sheppard Esq. Joseph Cilley junr. & Samuel Tilton Yeomen
all of Nottingham aforesaid Appellees. From the Judgement
of the Inferiour Court of Common Pleas. held at Portsmouth
for said Province on the 12th day of March 1765 by adjournm.
from & next ensuing the first Tuesday of said March in
an Action of Trespass then & there Commenced & Prosecuted
by the said William against the said Benjamin Joseph &
Samuel in the following words (viz) "Manutation of Trespass
for that the Defend^t on the 10th day of November 1763 at Notting-
ham aforesaid with force & arms & without Lawfull right
lawe. made an assement on the Poll & Estate of the Pla^t
of fifteen Pounds old tenor. towards paying the Minister of the
Gospel in said Town for that year of the Congregational order
knowing the Plaintiff to be a member of the Church of England
at Portsmouth aforesaid and to be one of the Parishioners of that
Parish to which the said Church belongs. and gave a Paper
purporting to be a Warrant by Colour of Law to one Caleb
Burleigh Commanding & Requiring him in our name to
levy & collect the same sum of £ from the Pla^t & to pay the same
to one Benjamin Butler then the Minister of the Gospel in
said Town as aforesaid & to levy the same by Distress & Sale of
the Pla^t's Goods Chattels & Estate if not otherwise paid & for
want thereof to commit the Pla^t to the Common Goal of our
said Province there to remain until the Plaintiff should pay
the same. & the Pla^t avers that at the time of making and
assement. he was a member Parishioner of the said
Church of England & duly paid & performed his ^{parishonal} Taxes Dues
& Duties there, & that by Virtue of said assement and
Warrant the said Burley on the 18th day of January last at
Nottingham aforesaid in manner & form aforesaid made
an Assault on the Body of the Pla^t & beat wound & evilly
treated

Wm. McCrellis
vs Sheppard
EA. J. W. M. 1766
Reuben Dearborn
Timo. Stevens
Thomas Odell
Amos Howard
Zachew Colby
Dearborn Blake
Dan Grant
Moses Stevens
Wm Graham
Wm Bufwell
Tho. Wallace
Tho. Bartlett
Execution of
not 16th 1765
Feb 1766 Re-
minded & copied

treated & committed to our Goal in Portsmouth aforesaid &
 him there for the space of Forty Eight hours Detained against
 the Law & Customs of the Land, & until he paid the sum of
 Seven Pounds eight Shillings & seven pence to obtain his Re-
 lease. & other Innomities then & there did against our Peace
 & to the Damage of the said William as he saith the sum of
 one hundred Pounds. At which said Inferiour Court of
 Common Pleas judgement was rendered that the Def^t recover
 against the Plat Cost of Court. From which Judge-
 ment the said William appealed to this Court when & where
 the Appeal was Entered & The Parties appearing & 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
 whom made return of their Verdict thereon upon Oath &
 say the Jury find for the Appellant Sixty Shillings Lawfull
 money Damage & Cost of Courts. It is therefore
 considered that the former Judgement be & hereby is rever-
 sed & that the said William recover against the said Benjamin
 Joseph & Samuel three Pounds Lawfull money Damage &
 Cost of Courts taxed at the sum of Seven Pounds five Shillings
 & five pence one farthing like money.

Henry Page
 Thos. M. M. M.
 Doubenly Dearborn
 Timothy Stevens
 Thomas Odel
 Arnos Howard
 Laureus Colby
 Dearborn Blake
 Dan^d Grant
 Moses Stevens
 Wm. Graham
 Wm. B. Wells
 Tho. Wallard
 Tho. Bartlet
 Execution
 Aug^r 10th 1765

Stephen Kenny of Nottingham in the Province
 of New Hampshire the husbandman Appellant against Isaac
 Page of Londonderry in said Province husbandman Appellee
 From the Judgement of the Inferiour Court of Common
 Pleas held at Portsmouth in & for said Province on the 19th
 day of March 1765 by adjournment from & next ensuing the
 first tuesday of said March. In an action of the Case
 then & there commenced & prosecuted by the said Isaac
 against the said Stephen in the following words (vizt.)
 In an action of the Case for that the Defend^t at Portsmouth
 aforesaid on the 20th day of December AD 1764 by his note
 under his hand for value received Promised one Ezekiel
 Greley to pay him or his order the sum of fifteen Spanish
 Mills Dollars upon Demand. with ten Percent. per Annun
 Interest for the same untill paid. and the said Ezekiel there
 afterwards