

Maurice A. Deane School of Law at Hofstra University

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10-8-1766

### Judgment Book of the Superior Court, Vol. E, at 357-58, New Hampshire State Archives - Ober v. Woodman

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SUPERIOR

COURT



MAY 1764

through

FEB. 1767

35/ Ober Esq.  
 vs Woodman  
 T. I. W. M. W. L. H.  
 Edward Cate for  
 Wm Demerrett  
 Joseph Evans  
 Amos Seavey  
 Isaac Libbey  
 Benj. Melish  
 Daniel Clarke  
 Simone Vaddo  
 John Brown  
 Benj. Page  
 Joseph Moulton  
 Eleazer Colman  
 Execution sued  
 October 8th 1766

John Ober of Salem in the Province of New Hampshire  
 Esq. Appellant, against Nathaniel Woodman of said  
 Salem Yeoman Appellee From the Judgement of  
 the Inferiour Court of Common Pleas held at Portsmouth in  
 for said Province, on the first Thursday next following the first  
 Tuesday in June 1766. An action of Trespass on the Case  
 commenced at the Inferiour Court of Common Pleas held at  
 Portsmouth, in & for said Province on the first Thursday  
 next following the first Tuesday in March 1766, but prosecuted  
 by the said Nathaniel against the said John, at the  
 Inferiour Court of Common Pleas first mentioned, in the  
 following words vizt. "In an Action of Trespass on the  
 Case for that whereas the said Ober on the twenty seventh  
 day of January last, was & long before, & ever since hath  
 been one of our Justices of the Peace for our said Province and  
 being a Justice of the Peace as aforesaid, had & now hath Cogni-  
 zance of all Civil Actions wherein the Demand is for any  
 Sum not exceeding forty Shillings arising within our said  
 Province, in which the Title of Land or any Real Estate is  
 not concerned, and by Reason of his said Office, was, & is  
 held & obliged to give out to any Person who requires the same,  
 & tenders the legal Fees, attested Copies of all Judgements,  
 Writs, & other Records before him, and in his custody as Jus-  
 tice aforesaid, & whereas on the same 27th day of January  
 the said Woodman at said Salem was impleaded before the  
 said Ober, Justice as aforesaid by one Alexander Gardin of said  
 Salem Yeoman in a Plea of the Case, and just proceedings  
 were therein had by the said Ober, Justice as aforesaid, that  
 the said Woodman in that Action before the said Ober, was  
 illegally condemned by the said Ober to pay, and did pay  
 the sum of twenty five Shillings Lawfull money, and  
 the said Woodman, in order that he might take Counsel  
 for his Relief & to recover back the money he found justly  
 was

was compelled to pay by the said Ober Justice as aforesaid, on the 29<sup>th</sup> day of January last, at said Salem, tendered to the said Ober six shillings Lawfull money, & demanded of the said Ober, an attested copy of the Judgement given against him as aforesaid, Nevertheless the said Ober ~~was~~ not ignorant of the Premises but continuing craftily & subtilly to defraud & Injure the said Woodman contrary to his the said Ober's Office, Oath, & Duty aforesaid, did not give to the said Woodman an attested copy of the Judgement aforesaid, but then & there utterly refused, & still unjustly refuses to give one. To the Damage of the said Woodman as he saith, the sum of Ten Pounds,

At which said Inferiour Court of Common Pleas first mentioned Judgement was rendered, that the Plat recover against the Defend<sup>t</sup> the sum of five Shillings Lawfull money Damage & Cost of Court. From which said Judgement of said Inferiour Court of Common Pleas the said John Ober 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 who made Return of their Verdict thereon upon oath & say the Jury find for the Appellee thirty Shillings Damage & Cost of Courts.

It is therefore considered that the former Judgement be & hereby is affirmed, in <sup>that</sup> that the said Nathaniel recover against the said John thirty Shillings Lawfull money Damage & Costs of Courts taxed at the sum of Eleven Pounds, Eleven shillings & three pence like money.

Thomas Jackson of Portsmouth in the Province of New Hampshire Painter Appellant against our Sovereign Lord the King Appellee. From the <sup>Judgement on</sup> Indictment given against the said Thomas, at the Court of general Sessions of the Peace hold at said Portsmouth in & for said Province on the first Tuesday of June 1706. the said Thomas appealed to this Court, & the Case was committed to the Jury who withdrew for trial & return into Court

Subscribed by  
J. M. W. L. C.