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8-2-1767

Judgment Book of Superior Court, Vol. F, 1767-1770, at 7-9, New Hampshire State Archives - McGregore v. Packer

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Altogether unsatisfied for the sum aforesaid each of them whereby an Action hath arisen to the said Peter to demand and have of the said Thomas the aforesaid sum being of the value of Eight pounds twelve shillings and a penny and a half penny Lawfull money yet the said Thomas tho often requested has not paid the same but unjustly detains it to the Damage of the said Peter as he Says the sum of Twenty pounds. At which said Inferior Court of common Pleas first mentioned Judgment was rendered that the said Defendant recover against the Plaintiff Cost of Court. From which Judgment the said Peter appealed to the next Superior Court of Judicature to be held at Portsmouth in and for the Province aforesaid when and where the Appeal was entered and the Action continued to this Term. At this Term the Parties being fully heard by their Council learned in the Law the Case was committed to the Jury Sworn according to Law to try the issue who make return of their verdict thereon upon oath and say the Jury are of opinion that the Goat was insufficient when the breach was made by the Prisoner and find for the Appellee Cost of Courts

It is therefore considered that the former Judgment be and hereby is affirmed and that the said Thomas recover against the said Peter Costs of Courts taxed at the sum of Two pounds Seventeen shillings Six pence Lawfull money

James M Hard of Haverhill in the County of Essex and Province of the Massachusetts Bay Esq^r Appellant against Thomas Sacker of Portsmouth in the Province of New Hampshire Esq^r and Sheriff of said Province Appellee From the Judgment of the Inferior Court of Common pleas held at Portsmouth in and for said Province on the first Thursday next following the first Tuesday in September 1766 In an Action of Debt commenced by the said James against the said Thomas at the Inferior Court of Common pleas held at Portsmouth in and for said Province on the first Thursday next following the first Tuesday in June 1766 but prosecuted at the Inferior Court of Common Pleas first mentioned in the following Words viz^t For an Action of Debt for that Whereas the said James

McHard & Sacker
Jed. M. M. M. M.
Jethro Pearson
Beny. Eaton
Beny. Stevens
Supply Clapp
Abner Haynes
Edw. Shaw
Edw. Eastman
Abram Smith
Enr Coloby
Steph. Animan
Joseph Cochran
Sam Roberts

James by the Consideration of our Justices of our
Superior Court of Judicature holden at Portsmouth within
and for our said Province of New Hampshire on the
second Tuesday of November A.D. 1764 reversed Judg-
ment against one Aaron French of Hampstead in our
said Province of New Hampshire Yeoman for the sum of
Thirty eight pounds five shillings and eight Pence procla-
mation money Damage and Twenty one pounds six shil-
lings and Tenor Costs of Suit as by the Record thereof
there remaining more fully appears and on the ^{fourth} day
of December A.D. 1764 at Portsmouth aforesaid the
said James McHard sued out our Writ of Execution from
the Clerks officer of our said Superior Court on that Judg-
ment in due Form of Law prescribed directed to the Sheriff
of our Province of New Hampshire or his Deputy com-
manding them of the Goods Chattels or Lands of the said
Aaron French within their Precinct to cause to be paid
and satisfied to the said James McHard at the value
thereof in money the aforesaid sums being Thirty eight
pounds five shillings and eight pence proclamation money
and Twenty one pounds six shillings New Tenor in the
whole with Ten shillings more for that Writ and thereof
also to satisfy themselves for their own fees and for work
of Goods Chattels or Lands of the said Aaron to be by him
shewn unto them or found within their Precinct to Accep-
tance of the said James to satisfy the sums aforesaid to
take the Body of the said Aaron and him commit to our
Goal in Portsmouth aforesaid and there keep him until
he should pay the full sums abovementioned with their
Fees or that he should be discharged by the said James
the Creditor or otherwise by order of Law and to make
return of the same Writ with their doings thereon unto
our said Court of Judicature then next to be holden at
Portsmouth within and for our said Province of New Hamp-
shire on the third Tuesday of May then next ensuing
which Time for returning said Execution afterward was
by a Law of our said Province of New Hampshire length-
ened out to the first Tuesday of August A.D. 1765 and on
the 26th day of July 1765 the said James McHard delivered
the said Writ of Execution to one Asa Bates then a Deputy
Sheriff of our said Province of New Hampshire in due
form

form of Law to be executed who on the 26th day of July
 AD 1765 by Virtue of said Writ and for want of Goods
 Chattels and Lands of the said Aaron French to satisfy
 the said Sums took the Body of the said Aaron French
 and committed him to our said Gaol whereshe the said
 Thomas Packer then was and ever since hath been keeper
 by law wherof the said Aaron was in Custody of the said
 Thomas at said Portsmouth until about the first day of
 September last when the said Thomas Packer being keeper
 of our Gaol at Portsmouth aforesaid suffered the said Aaron
 to go at large where he would without the Consent of the
 said James McHard who then was and still altogether un-
 satisfied for the sums aforesaid and each of them whereby an
 Action hath arisen to the said James McHard to demand
 and have of the said Thomas Packer the aforesaid sums
 being of the value of Fifty two pounds ten shillings & ten
 pence lawfull money yet the said Thomas the often requested
 hath not paid the same but neglects it to the Damage of
 the said James as he saith the sum of Fifty pounds

At which said Inferior Court of common Pleas first
 mentioned Judgment was rendered that the Defendant
 recover against the Plaintiff his cost of Court

From which Judgment the said James McHard
 appealed to the next Superior Court of Judicature held at
 Portsmouth in and for the Province aforesaid when and where
 the Appeal was entered and the Action continued to this Term
 when the Parties being fully heard by their Council learned
 in the Law the Case was committed to the Jury sworn ac-
 cording to Law to try the issue who make return of their
 Verdict thereon upon Oath and say the Jury are of opinion
 that the Gaol was insufficient when the Breach was made
 by the Prisoner and find for the Appellee Costs of Courts

It is therefore Considered that the former Judgment be
 and hereby is affirmed and that the said Thomas Packer
 recover against the said James McHard Costs of Courts
 taxed at the Sum of Two Pounds fifteen Shillings and six
 pence lawfull money

David McGregore of London Clergy or
 the Province of New Hampshire Clerk Appellant against
 Thomas Packer of Portsmouth in said Province Esq^r and
 Sheriff

McGregore J. Packer
 J.A. W.M. 1766

form of Law to be executed who on the 26th day of July A^d 1765 by Virtue of said Writ and for want of Goods Chattels and Lienes of the said Aaron Trench to satisfy the said Sums took the Body of the said Aaron Trench and committed him to our said Goats whereto the said Thomas Parker then was and ever since hath been keeper by force whereof the said Aaron was in Custody of the said Thomas at said Portsmouth until about the first day of September last when the said Thomas Parker being keeper of our Goats at Portsmouth aforesaid suffered the said Aaron to go at large where he went without the Consent of the said James McHard who then was and still altogether unsatisfied for the sums aforesaid and each of them whereby an Action hath arisen to the said James McHard to demand and have of the said Thomas Parker the aforesaid sums being of the value of Fifty two pounds ten shillings & ten pence lawfull money yet the said Thomas the often requested hath not paid the same but neglects it to the Damage of the said James as he saith the sum of Fifty pounds

At which said Inferior Court of common Pleas first mentioned Judgment was rendered that the Defendant recover against the Plaintiff his cost of Courts

From which Judgment the said James McHard appealed to the next Superior Court of Judicature held at Portsmouth in and for the Province aforesaid when and where the Appeal was entered and the Action continued to this Term when the Partys being fully heard by their Council learned in the Law the Case was committed to the Jury sworn according to Law to try the issue who make return of their Verdict thereon upon Oath and say the Jury are of opinion that the Goats was insufficient when the Breach was made by the Prisoner and find for the Appellee Costs of Courts

It is therefore Considered that the former Judgment be and hereby is affirmed and that the said Thomas Parker recover against the said James McHard Costs of Courts taxed at the Sum of Two Pounds fifteen Shillings and six pence lawfull money

David McGregor of London derry in the Province of New Hampshire Clerk Appellant against Thomas Parker of Portsmouth in said Province Esq^r and Sheriff

McGregor & Parker

JA. TH. M. 1765

8
Thomas Harrison
Benj. Eaton
Benj. Stevens
Juppy Dagg
Abner Haynes
Edward Shaw
Edw. Eastman
Abner Smith
Err Coleby
Steph. Hediman
Joseph Cochran
Sam Roberts

Sherriff of said Province Appellee. From the Judgment
of the Inferior Court of Common Pleas held at Portsmouth
on and for the Province aforesaid on the first Thursday
next following the first Tuesday on September 1766. In
an Action of Trespas on the case commenced at the
Inferior Court of Common Pleas held at Portsmouth afore
said on the first Thursday next following the first Tuesday
in June 1766 but prosecuted by the said David against
The said Thomas at the Inferior Court of Common Pleas
first mentioned in the following Words vizt "In an Action of
Trespas on the Case for that whereas one Aaron French
on the 18th day of April A.D. 1761 by his Note under his
hand for value recd promised the said David McGregore
to pay him or his order the sum of Five hundred Pounds
Sterling or Lawful money equal thereto upon Demand
with Twelve and a half p Cent p Annum Interest for
the same until paid now the said David McGregore in fact
saith that the said Aaron never paid the said Sum of Five
hundred Pounds nor the Interest thereof to him the said
David the often requested and the said David McGregore on
the 25th day of July 1765 at Portsmouth aforesaid sued out
an Writ of Attachment from the Clerks Office of our Inferior
Court of common Pleas for the Province aforesaid directed to
the Sherriff of our said Province of New Hampshire his under
Sherriff or Deputy commanding them in our Name to Attach
the Goods or Estate of the said Aaron French to the value of
One hundred and fifty pounds and for want of such Goods
or Estate of the said Aaron to take the Body of the said Aaron
if he could be found in their Precinct and him safely keep so
that they might have him before our Justices of our Inferior
Court of Common Pleas next to be holden at Portsmouth
within and for our said Province of New Hampshire on the
first Thursday next following the first Tuesday on September
then next ensuing and to have there that Writ with their
Doings therein and the said David McGregore on the 26th day
of July A.D. 1765 delivered the same Writ of Attachment to
one Asa Pattee then being a Deputy Sherriff for our said
Province of New Hampshire in due form of Law to be exe-
cuted who on the same 26th day of July A.D. 1765 for want
of Goods and Estate of the said Aaron took the Body of the
said

said Aaron and him committed unto our Goat in Ports-
mouth whereof he the said Thomas Parker then was and
ever since hath been Keeper by force whereof the said Aaron
was in the Custody of the said Thomas at said Portsmouth
until about the first day of September¹⁷ 1765 when the said
Thomas Parker being Keeper of our said Goat at Portsmouth
aforesaid suffered the said Aaron to go at large where he would
without the Consent of the said David McGregore who then
was and still is altogether unsatisfied for the said Five hundred
pounds and the Interest thereof and so the said David
hath been by means of the Premises deprived and hindered of
the recovery of his Debt and Damages aforesaid to the Damage
of the said David as he saith the sum of Fifty pounds

At which Inferior Court of common Pleas first mentioned
Judgment was given that the Defendant recover against
the Plaintiff Costs of Court

From which Judgment the said David McGregore appealed
to the next Superior Court of Judicature held at Portsmouth
in and for the Province aforesaid when and where the Appeal
was entered and the Action continued to this Term when the
Parties being fully heard by their Council learned in the Law
the Case was committed to the Jury sworn according to Law
to try the Issue who make return of their Verdict thereon
upon Oath and say the Jury are of opinion the the Goat
was insufficient when the Breach was made by the Prisoner
and find for the Appellee Costs of Court

It is therefore considered that the former Judgment be and
truly is affirmed and that the said Thomas Parker recover
against the said David McGregore Costs of Courts taxed at the
sum of Two pounds Fifteen Shillings and six pence Lawful
monies

George Jaffrey of Portsmouth in the
Province of New Hampshire Esq. Appellant against
Benjamin Hall jun^r. John Hall and Isaac Hall all of Barrington
in the Province aforesaid Husbandmen Appellees. From
the Judgment of the Inferior Court of Common Pleas
held at Portsmouth in and for said Province on the first
Thursday next following the first Tuesday in Sept^r 1765
In an Action of Trespass then and there commenced
and

Jaffrey v Halls
J.A. J.W. A.W. D.H.

- Petho Pearson
- Abner Haynes
- Edward Shaw
- Enoch Merrill
- Silas Tuttle
- Edward Eastman
- Abam Smith
- Benz^r Eaton
- En Coleby
- Dr. Cochran
- Steph^r Heriman
- Sam^r Roberts