Maurice A. Deane School of Law at Hofstra University

Scholarship @ Hofstra Law

Documents from Making Habeas Work: A Legal History (monograph)

Supporting Documents for Making Habeas Work

8-2-1767

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

Follow this and additional works at: https://scholarlycommons.law.hofstra.edu/ making_habeas_work_mono

Part of the Legal History Commons

Recommended Citation

"Judgment Book of Superior Court, Vol. F, 1767-1770, at 7-9, New Hampshire State Archives - McGregore v. Packer" (1767). *Documents from Making Habeas Work: A Legal History (monograph)*. 43. https://scholarlycommons.law.hofstra.edu/making_habeas_work_mono/43

This Judgment is brought to you for free and open access by the Supporting Documents for Making Habeas Work at Scholarship @ Hofstra Law. It has been accepted for inclusion in Documents from Making Habeas Work: A Legal History (monograph) by an authorized administrator of Scholarship @ Hofstra Law. For more information, please contact lawscholarlycommons@hofstra.edu.

altogether unsalesfice for the sums aforesaid each of them whereby an action hatter arisen to the said Feter to elimane .5 and have of the said Thomas the place and sums being ofthe value of Eight pounds twelve shillings and a penny and a half penny Lawfull money yet the said Thomas the often acquested has not paid the some but unjusty detains it to the Damage of the said Seler as he Says the serm of Inventry pounds. At which said Inferior bouch of common Pleas fust mentioned Judgment was render's that the main Defendant recover agams P the Plantilli both of bouch . Them which Judgment the said Peter appealed to the next Superior Couch of Judica-June to be held at Sortimouth in and for the Province africiaid when and where the Appeal was entered and the Oction Continued to this term. At this Serm the Sarties learning fully heard by their Council learning in the Saw the Care was committed to the Juny Swam aword mg to Law to by the if we who make return of their verdich thereon upon oath and sory the Jury are of opinion that the Goal was insufficient when the breach was made by the Prisoner and find for the appellee bost of Courts It is therefore considered that the former Judgment be and hereby is affurned and that the said Thomas recover agamst the said Deter bosts of Courts taxed at the sum of Swo pounds Suffeend shillings Itix penie Sawfull money Mollardo Sacher 0-I ames Mo Hard Stave hill in the County JA. JH. MM. IA of Efex and Choomie of the Massachusetts bay Eig Appellant against Thomas Backer of Portsmouth in the Province of New Settino Dearson Bery " Catoro Beng. Stevend Hamps hire Esq. and Shereff of said Sucome Appelled From Supply Clapp The Judgment of the Inferior Couch of Common pleas held at Palamouth in and for said Theomee on the fush Thursday next abner Haynes Betwe Shaw Edw? Castman following the first Suesday m September Mbb In on action abram Sametto of Deth commonied by the said Irmes against the said Themas En Coloby at the Inferior Court of Common pleas held at Portsmouth in I for said Province, on the first Thursday near following) the first Suesdani in June 1766 but presecuted at the Inferior baut of Common Pleas first mentioned in the following Hords Steph" Heniman Joseph Cochran Sam' Clobarts vist for an action of Debt for that Whenas the said fames

0 James by the Consideration of our Fustures of our Superior Court of Judication Indden at Soutimenthe within and for our said Province of New Hompshill on the second Jues day of November AD 1764 resoverd Jungment agrimst one aaron French of Hampstead in our said Proomie of New Hampshire yeoman for the sum of-Thurty eight pormas five shillings and eight Seme prodamation money damage and Sovenby one pound sice shit tings new Senor Costs of Sur as by the Rund thereof there remaining more fully appears more on the forth day of December AD 17/14 at Gotomouth afourand the said Pames Milland such out our Which of Caudion form the blacks office of men said Superior Count on that Judg-onent in due Form of Saw prescribed directed to the thereff of our Province of New Hampshire or hes Deputy com monding them of the Goods Challels or Lands of the said and satisfied to the said Pormes Melland at the value Thereof in money the afresaid sums being Thirty eight mounds five shillings and eight piece prostaniation money and Smenty one pound, six shillings New Tenon in the whole with Son shillings and for that While and thereof also to satisfy themselves for their own fees and for work of Goods Challets on Lands of the said aaron to be by hom shewn unto them or found within their Precinet to Quep-Jance of the said James to satisfy the sums aforenaid to take the Body of the said anon and how commuch to our Goat in Portimouth aforesaid and there keep firm until he should pay the full sums abougmentioned much their Thes on that he should be discharged by the said James the breditor or otherworse by order of Law and to make return of the same Whit with their doings therem unto our said bourt of Judication then neach to be holden at Portson outh within and for our said Province of New Hamp shire on the third Tuesday of Mary then next ensuing) which Time for returning said Execution afterwards was by a saw of our said Promie of New Hampshire ling the the 211 day of July 1765 the said Jomes Molland deliver'd the said Mark of Sury 1765 the said Jomes Molland deliver'd the said Mich of Execution to one asa Pater then a Deputy Sheriff of our said Showmed of New Hampshire in due form

form of Law to be executed who on the 26th day of July AD 17/15 by Vintue of said Wait and for want of Goods Chattels and Lands of the said Maron French to satisfy the said Sums look the Body of the said charme French and committed in to our said Goal where the said Thomas Jacker this was mo ever Since hatto been theeper by force whereof the said aarow was in Custody of the said Thomas at said Loits mouth until about the first day of September last when the said Thomas Tacher being heeper of our Goal at Portsmouth aforesaid sufficied the said aaron? To go at lange where he would sorthout the Convent of the Said James Molland who then avas and still allogether un. satisfied for the sums afores and and each of them whereby an action hath anison to the said James Mo Hand to demand and have of the said Thomas Packer the afacesaid sume being of the walue of Finty levo pounds ten shillings then pence lawfull money yet the said Thomas the often requested hall not paid the same but neglect it to the Domage ofthe said James as he sail the sum of Jufty pounds At which said Inferior Couch of common pleas first mon tioned Judgment was undered that the Defondant? receiver agament the Plantiff his cast of bourt Thom which Judgment the said James Melland appealed to the mext superior Court of Judicature held at Bostomouth in and for the Province aforesaid when and where the appeal was entered and the action continued to this Term when the Sarry long fully heard by their Council learned in the Law the Case was committed to the Jury sworn au cording to saw to try the ifour who make return of their Verdict thereow upon Oath and say the Juny are of opinion that the Goal was insufficient when the Breach was made by the Lusoner 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 Pacher and hereby is affirmed and that the Said Thomas Pacher perover against the said James Molland Costs of Courts taxed at the Sum of Swo Sounds fifteen Shillings and six pence Lawful money? MoGregore & Pacher David Mo Kinegoll of London derry on JASTWMW 136 The Province of New Harnps have Clerk appell and against Thomas Parker of Portimouth in said "Province Eng" and Specille

form of Law to be executed who on the 20 day of July AQ 17/15 by Vintue of said Whit and for want of Goods Chattels and Sands of the saw claren French to valis /1 the said Sums took the Body of the said chron Thenet By force where of the said aarow was in Eustody of the said . Thomas at said Portsmouth initil about the first day of September last when the said Thomas Lacher being heeper of our Goad at Portsmouth aforesaid sufficied the said aaron? To go at large where he would without the Convent of the Said James Molland who then avas and still allogether un. Satisfied for the sums afnessed and each of them whereby an Action hath anisen to the said James Mothand to man and trace of the said James Mothand to man to a start and the said Themas the afnessed summe thening of the walke of Starty los pounds ten shillings & ten pince lawfull money yet the said Thomas the often requested half not paid the same but neglects it to the Domage of the said James as he sail the sum of Fifty pounds At which said Inferior Court of common pleas fust mentioned Judgment was undered that the Defendant receives agamst, the Plantiff his cast of bourt From which Judgment the said James Melland appealed to the mixt i upunion bouch of Judicature held at Bostomonth in and for the Province aforesaid when and where the appeal was entired and the action continued to this Term when the Parkys being fully heard by their Council learned in the Law the Case was committed to the Juny sworn ac. cording to Saw to try the ifour who make return of their Werdich there on upon Oath and say the Sury are of opinion that the Goal was insufficient when the Buach was made by the Livoner 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 Lacher and hereby is affirmed and that the said Thomas Lacher hereby is affirmed and that the said Costs of Courts necessary in a for the said Somes Molland Costs of Courts taxed at the Sum of Store Counds fifteen Shullings and six pence Sawful money Al Guerene & San David Mo Gregoll of London derry on JASTW MIN 17 The Province of New Tiamps how blesk appell and a quinst Thomas Packer of Portmouth in said "Province Erg" and

Thereff of said Caronice appellee, Shom the Judgment Bring Baton Bring Baton of the Inferior Cours of Common Pleas Till at Portsmouth next following the first Jues day in September 1766 In Supply Canp an action of Trespats on the case commonced at the Almer Haynes Edward Shaw Inferior Couch of Common pleas held at Sortim outto afore Edis Eastman said on the first Thursday moch following the first Tuesday abrom Smith in June Mills but prosecuted by the said David agasnos abrom Smuth Err Coleby Meph. "Heniman " Jaid Thomas at the Inferior Court of Common Reas Joreph Cochran fust mentioned in the fattenonig Hordes vor In an action of Sam Roberts Trespats on the Case for that whereas one aaron French hand for value need promised the said David MoGugone to pay him or hes order the sum of Swe hundred Journes Ele Tenor or Lawful money equal thereto upon Demand with Invelve and a half po bench for annum Interest for the same until paid new the said Davie Aller mark saith that the said anon never paid the said Sum of Supe Tumand pounds nov the Interest Thereof to him the said David the often requested and the said David Me Gregore on The 23th day of July 17/15 at Partmenthe of created suid out an Wait of attackment form the Clerks Office of our Inferior bouch of common Reas for the Provence a foresaid directed to The Shaiff of our said Province of New Homps have his under Shouff or Deputy commanding them in our Name to allach the Goods on Estate of the said Qaren French to the value of One hundred and fifty pounds and for want of such Goods or Estate of the said amon to take the Body of the said anon If he could be found in their Greenet and form safely keep vo that they might have him before our Justices of an Inferior Couch of Common Slear next to be holden at Southon out within and for our said Province of New Hamps here on the first Thursday near following the fish Triesday in September then next enduing and to have there that Whit with their of ongs therein and the said David Me gregere on the 96th day of July AD 1763 delivered the some Whit of altachments to one as a Sate then leening a Deputy Sheriff for our said howmer of New Hampohere in due form of Law to be executed who on the some 26th day of July c1D. 1765 for want of Goods and Estate of the said amon took the Body of the and

sale Claven and him committed unto our Goat in Ports (9 mouth whereof he the vaio Thomas Pacher then was and we since hall been Reeper by force whereof the said Caron mas in the Custody of the said Thomas at said Palsmouth until about the first day of September 1765 when the said Themas Sacher berg Reeper of our said Goal at Solsmouth aforesaid suffered the shid anon to go at large where he would not how the Consent of the said David Megregore who then was and still is altagether unsatisfied for the said Fure hune and pounds and the Interest thereof and so the said David hall been by means of the Premifees depressed and hondred of the recovery of his Debt and Damages afresaid to the Damage of the shid David as he sails the sum of Juffip pounds" Cthwhich Inferior Court of common Pleas first mentioned Judgment mas service that the Defendant accover against the Plan tiff Cost of Courts Them which Judgment the said David Mc Gregore appealed to the next Superior Couch of Judicative held as Palsmouth in and for the Prevince aforestied when and where the appeal was entered and the action ben housed to this Form when the Partys being fully heard by their bouneit learn's in the face the base was committed to the Juny sworn awording to Said to his the Ifsue who make rehan of their Vordech thereon upon Oath and Sory the Jury are of apinion the the Goal was insufficient when the Breach was made by the Prisoner and find for the appellee Costs of Courts It is there for considered that the former Judgment be and hereby is affirmed and that the said Theman Duchece recover against The said David MiGregores Costs of Courts Jaxed at the sum of Swo pounds Suffeen Shittings and six pence Sawful mener Jaffney o Halls George Saffrey of Portsmouth in the JA. JWMW 24 Pethro Pearson abna Haynes Choomie of New Hampshire Esg. Appellant against Edward Shaw Benjamin Stall jun" John Hall and Isaac Hall all of Baning Inoch menill. tow in the Grownie afores and Ausbandmen appellees. From Silas Sulle Saward Lastman the Judgment of the Inferior Court of Common Pleas alam Sanetto Benj Laton held at Solumouth in and for said Province on the first En Coleby Thursday near following the first Tuesday in Sept 1765 In: Cochian Henh" Herriman

Jan Cobuls