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9-1787

**Judgment Book of the Rockingham County Superior Court, Vol. J.,
Sept. 1785 - Sept. 1788, at 267, New Hampshire State Archives -
Marsh v. Hilton,**

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Continued

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thesaid David

thereafterwards the same day had notice and by reason of the premises was and became liable to pay the same to the Plaintiff according to the tenor of the said order and being so liable there and there promised the Plaintiff to pay him the same accordingly yet the said David has not paid the same tho' requested but neglects it To the damage of the said Brown as he says the sum of thirty pounds This action was commenced by the said Benjamin against the said David at the Inferior Court of Common Pleas for said County of Rockingham June term 1785 and continued from term to term till December term above mentioned And the said David by John Pickering Esq. his attorney comes and defends when &c and says that he never promised in manner and form aforesaid and thereof puts himself on the country And the Plaintiff by William Parker Esq. his attorney joined the said issue After a full hearing of the parties the case was committed to a jury sworn according to law to try the issue who made return of their verdict thereon upon oath and said the jury find for the Plaintiff twenty three pounds three shillings damage and cost of court Whereupon judgment was rendered that the Plaintiff should recover against the said David Bachelor the sum of twenty three pounds three shillings damage and cost of suit taxed at three pounds eighteen shillings and four pence From which judgment the said David appealed to the Superior Court of Judicature holden at Ports mouth within and for the County of Rockingham on the fourth Tuesday of April Anno Domini 1786 when and where the appeal was entered and the action continued till this term And now the Appellant being three times solemnly called did not appear but made default and the Appellee appearing and proving his declaration It is therefore considered by the Court that the said Benjamin Brown Jun. recover against the said David Bachelor the sum of twenty three pounds seventeen shillings and six pence damage and cost of courts taxed at six pounds eleven shillings and six pence

Samuel Sherburne App. vs Joseph Bassett Adm. App.
Continued to next term by consent.

Lebulon Marsh of Newmarket in the County of Rocking
ham Cordwainer otherwise called Lebulon Marsh of Newmarket
Hillen
J.B. J.P. W.L.
Executioniff

April 1787 returned
 no part satisfied
 this found May
 15 1787 - Sept 17
 1787 returned
 satisfied in full

in the Province of New Hampshire Cordwainer Plaintiff against
 Edward Hilton of Newmarket in the County aforesaid Gentleman
 otherwise called Edward Hilton Junr. of Newmarket in the Province
 aforesaid Gentleman Defendant in an action of review of an action
 of trespass on the case commenced and prosecuted by the said Hil-
 ton against the said Marsh at the inferior court of common pleas
 held at Portsmouth in and for our Province aforesaid on the first
 Thursday next following the first Tuesday of June A.D. 1771 in the
 following words viz in an action of trespass on the case for that
 whereas the Pla^t now is and from the time of his nativity always
 hitherto hath been a person of good name fame credit & reputation
 and always free from the imputation of the crime of adultery
 in any manner whatsoever and hath always behaved himself
 as a good and honest subject of us and our predecessors Kings &
 Queens of Great Britain by means whereof he gained the good will
 and esteem of many of our liege subjects and by his industry and
 faithful and honest dealing maintained and supported himself to-
 gether with his wife and family in great credit and repute, neverthe-
 less the said Tebulon being in no wise ignorant of the premises
 but contriving and maliciously intending to injure and defame
 him the Plaintiff and to bring him into danger of punishment
 and also to create uneasiness jealousy and discord between him
 the Pla^t and his wife and totally to break up and ruin him and
 his family he the said Tebulon at said Newmarket on the first
 day of April current did willingly and maliciously
 speak publish pronounce and utter of and concerning the Plaintiff
 in the presence and hearing of divers of our liege subjects to whom
 the Plaintiff was well known these false scandalous and defa-
 matory english words viz: "Mr. Hilton speaking to and meaning
 the Plaintiff you have had to do with my wife and I can prove it
 thereby meaning and insinuating that the Plaintiff, being a
 married man, had committed adultery with his the said Tebulon
 wife. And the said Tebulon did there afterwards on the same
 day of his further malice in the presence and hearing of divers
 other of our liege subjects speak publish pronounce and utter of
 and concerning the Pla^t then and now being lawfully married
 these other false scandalous and defamatory english words viz.
 Mr. Hilton, meaning the Plaintiff, has had to do with my wife.

several times and with several other women thereby meaning & insinuating, that the Pla^t. had several times committed the heinous crime of adultery with the said Lebulon's wife and also that he had frequently committed the said crime with other women by means of the speaking publishing pronouncing and uttering of all which false scandalous and defamatory english words the Pla^t. in his aforesaid good name fame credit and reputation is greatly hurt injured and damnified and the peace and harmony which had always before subsisted in his family is much disturbed and broken all which is to the damage of the said Edward as he says the sum of one hundred pounds. At which said inferior court of common pleas judgment was rendered that the defendant recover against the Plaintiff cost of court taxed at five pounds one shilling and ten pence. From which judgment the said Hilton appealed to our then next Superior Court of Judicature held at Exeter in and for our County aforesaid on the first tuesday in September A^D 1771 when and where the appeal was entered and the action continued to the term of said Court held at ^{the} Exeter on the first tuesday in September A^D 1772 when and where judgment was rendered that the former judgment should be and thereby was reversed and that the said Edward Hilton jun^r. should recover against the said Lebulon Marsh ten pounds damage and costs of courts taxed at the sum of fifty six pounds eighteen shillings and seven pence. Which judgment of our said Superior Court of Judicature the said Lebulon Marsh says is wrong and erroneous and ought to be reversed because it ought to have been for his costs and that he is damnified thereby in the sum of one hundred and fifty pounds. Wherefore for reversing the said judgment of our said Superior Court of Judicature and for recovering back the damages and costs thereby granted to the said Edward Hilton jun^r. and also to recover his own costs the said Lebulon Marsh brings this suit. This action was commenced by the said Lebulon against the said Edward at the Superior Court of Judicature holden at Portsmouth within and for the County aforesaid on the first tuesday of March A^D 1773 and continued from term to term till September term 1779. And the said Edward Hilton by Oliver Whipple Esq^r. his attorney comes and defends when he and for plea says the said judgment is in nothing

erroneous and this he prays may be inquired of by the Country
 And the Plaintiff by John Pickering Esq: his attorney joins said
 issue 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 made return of their verdict thereon upon oath and said
 The jury find for the Plaintiff reversion of the former judy
 ment with restitution and costs of Courts: By virtue of an
 act of the General Court passed February 21st 1786 empowering the
 Superior Court to render the judgment on this action complete the
 action was brought forward to the last term and then continued
 to this term And now the parties being heard It is considered by
 the Court that the former judgment be and hereby is reversed
 and that the said Lebulon Marsh recover against the said Edward
 Hilton Jun: the sum of sixty six pounds eighteen shillings and
 seven pence damage and Costs of Courts taxed at sixty nine pounds
 sixteen shillings and seven pence

Mary Hutchins & App^{ts} vs William Morris App^{ts}
 Continued to next term at Appellies request.

Jennep & vs
 Libbey
 D. 113. 12. 112
 Writ of Possession
 11. Sep. 30th 1786
 April 1787 returned
 possession given
 Alias forced for costs
 Aug. 13th 1787

Simon Jennep of Ryge Richard Jennep and Thomas
 Jennep of Deerfield all in the County of Rockingham Gentlemen
 Administrators of the estate of Richard Jennep Jun: late of said
 Ryge Esq: deceased Intestate Plaintiffs Appellants against Abraham
 Libbey of Ryge aforesaid husband man Defendant Appellee from
 the judgment of the inferior Court of common pleas holden at
 Exeter within and for the County of Rockingham on the se
 cond tuesday of August Anno Domini 1786 in an action of
 ejectment wherein the said Simon Richard & Thomas in their
 said capacity demand against the said Abraham a mesuagium
 and tract of land with the appurtenances thereof situate in said
 Ryge and bounded as follows Northerly by land of James Hobbs
 easterly by land of Nicholas Dolbear southerly by the Country road
 and westerly by land of John Garland and said James Hobbs
 containing eighteen acres and one half acre and also one other
 lot of land situate in said Ryge containing three quarters of an
 acre bounded northerly by the said Country road easterly by land
 of Bickford Lang and southerly and westerly by land of said Lang
 and say that they were seized of the tenements aforesaid with