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An Act to Impower the Superior Court of Judicature to Render Complete and Perfect Judgment for Damages and Costs in an Action Brought at Said Court by Zebulon Marsh Against Edward Hilton and to Award Execution Thereon

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Recommended Citation

"An Act to Impower the Superior Court of Judicature to Render Complete and Perfect Judgment for Damages and Costs in an Action Brought at Said Court by Zebulon Marsh Against Edward Hilton and to Award Execution Thereon" (1786). *Documents from Making Habeas Work: A Legal History (monograph)*. 60.

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LAWS
OF
NEW HAMPSHIRE

INCLUDING
PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED BY HENRY HARRISON METCALF, LL. B., A. M.

VOLUME FIVE
FIRST CONSTITUTIONAL PERIOD
1784-1792

CONCORD, N. H.
RUMFORD PRESS
1916

[CHAPTER 6.]

*State of
New Hampshire.* }

AN ACT TO IMPOWER THE SUPERIOR COURT OF JUDICATURE TO RENDER COMPLETE AND PERFECT JUDGMENT FOR DAMAGES AND COSTS IN AN ACTION BROUGHT AT SAID COURT BY ZEBULON MARSH AGAINST EDWARD HILTON & TO AWARD EXECUTION THEREON.

[Passed February 21, 1786. Original Acts, vol. 10, p. 6; recorded Acts, vol. 5, p. 158.]

Whereas Zebulon Marsh of Newmarket in the County of Rockingham & State aforesaid hath petitioned the General Court representing that Edward Hilton of Newmarket aforesaid brought against him an Action of Trespass on the Case at the Inferior Court of Common pleas held at Portsmouth on the first Thursday next following the first tuesday of June AD 1771 for saying that the said Edward had been intimate with the said Zebulon's wife, upon which Action, on an appeal to the Superior Court the said Edward recovered against the said Zebulon Ten pounds damages and fifty six pounds eighteen shillings & seven pence cost of suit—that the said Zebulon afterwards reviewed the said Action at the Superior Court of Judicature held at Exeter on the first Tuesday of September A D 1779 when the Jury found Reversion of the former Judgment restitution of the damages and Costs recovered on the appeal & costs of Courts and Judgment was awarded accordingly. But the Costs of Court had never been taxed in favor of the said Zebulon though he had often applied to the Court for that purpose, the Court doubting their power either to change the damages given on Review in paper money into hard money or to tax the Costs in the present money by which means the said Zebulon had never been able to obtain the fruits of his Judgment on Review wherefore the said Zebulon prayed the General Court to empower said Superior court to render Judgment for Damages and Costs in said Action of Review & to award Execution thereon, which representation on a full & fair hearing of the parties appearing just & the prayer of said Zebulon's petition reasonable. Therefore,

Be it enacted by the Senate & house of Representatives in General Court convened, that the said Superior Court of Judicature be & hereby are fully authorized and empowered to render complete & perfect the Judgment aforesaid on said Review yet remaining incomplete according as they may judge just and equitable for damages and Costs & to award Execution thereon notwithstanding any Objections which have been or

may be made thereto on account of said Judgment's being incomplete or otherwise.

[CHAPTER 7.]

*State of
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ESTABLISH AN EQUITABLE METHOD OF MAKING RATES AND TAXES "AND DETERMINING WHO SHALL BE LEGAL VOTERS IN TOWN "AND PARISH AFFAIRS: AND ALSO FOR REPEALING CERTAIN "ACTS HEREIN AFTER MENTIONED." AND TO EXPLAIN CERTAIN CLAUSES THEREOF.

[Passed February 22, 1786. Original Acts, vol. 10, p. 7; recorded Acts, vol. 5, p. 160. Laws, 1780 ed., p. 374. See acts of June 11, 1784 and November 9, 1784. Repealed by act of February 7, 1789.]

Whereas in and by the aforesaid Act it is among other things enacted that the buildings of non-residents be taxed at the rate of half of one per Cent; but the mode of collecting such Taxes is not clearly pointed out; although the mode of collecting taxes on *unimproved Lands* of non-residents is clearly ascertained in said Act, which omission has caused doubts to arise in the minds of Collectors within this State how they ought to proceed:—

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the several Collectors within this State shall proceed to collect all Taxes assessed on the buildings of non-residents, in the same manner as they are empowered to do, upon the unimproved Lands of Non-resident Proprietors of such Lands;—Any Law, usage, or custom to the contrary notwithstanding.

[CHAPTER 8.]

*State of
New Hampshire.* }

AN ACT TO CONFIRM THE TITLE OF A CERTAIN TRACT OF LAND IN RINDGE TO BARNABAS BARKER HIS HEIRS & ASSIGNS.

[Passed February 23, 1786. Original Acts, vol. 10, p. 8; recorded Acts, vol. 5, p. 164.]

Whereas Barnabas Barker of Rindge in the County of Cheshire & State aforesaid hath petitioned the General Court representing that in the year 1779 he bargained with one Thomas Sackville Tufton of Groton for a certain tract of Land lying in Rindge aforesaid, to wit, all of Lot number Seven in the Sixth