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Judgment Book of Superior Court, Vol. B, Sept. 1750 - Mar. 1754, at 260, New Hampshire State Archives - Bagley v. Elliot

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David Bagley of Newtown in the Province of New Hampshire
Husbandman Plaintiff against David Elliot of New Hampshire
Husbandman Defendant in an action of Review of an action of
Trespass commenced & prosecuted by the said David Bagley
against the said David Elliot at the Inferiour Court of
Common Pleas holden at Portsmouth in and for the said
Province on the first Thursday next following the first
Tuesday in March 1750 in the following Words Manly
in an action of Trespass for that the Defendant at Newtown
aforesaid on the 16th day of February Instant did take and carry
away to places unknown to the Plaintiff one Camblet Jacket
of the Value of Ten Pounds old Tennor & one Druggel Coat of
the Value of Twenty Pounds old Tennor said Coat & Jacket
being the property and in the Possession of the Plaintiff & also
Innocencies the Defendant then and there perpetrated & did against
our Peace & To the Damage of the said David Bagley as he saith
the sum of fifteen Pounds, at which said Inferiour Court of Common
Pleas Judgement was rendered that the Defendant Recover
against the Plaintiff Cost of Court - From which Judgement
of the said Inferiour Court of Common Pleas the said David
Bagley appealed to the then next Superior Court of
Judicature by law to have been holden at Portsmouth in the
said Province on the first Tuesday of August last but he did not
moult in the said Province on Monday the 9th day of September
then next following said August by Adjournment where where
Judgement was rendered that the said David Elliot Recover against
the said David Bagley Cost of Courts Taxed at the sum of Six Pounds
two Shillings new Tennor Bills of Credit which Judgement of

Bagley v Elliot
1750 M. 17.
Wm Bennett for
Geo. Little for
Jm Clark
Thompson for
Joseph Merrill
Saml Long
Joseph Wheeler
John Saulstram
Katharine Piffery
John Cranfield
John Haines
Katharine Seime
David Bagley
March 1750

The said Superior Court of Judicature the said David Bagley
says is wrong & Erroneous & ought to be Reversed Wherefore for the
Reversing of the Judgement of the said Superior Court of Judica-
ture & Recovering the Damages sued for in the Original Writ & re-
covering back the Cost thereby Granted to the said David Elliot
and his own Cost in this Behalf Expended The said David Bagley
brings this Suit - and the said David Elliot appears & Defends &
for plea says that the former Judgement of the Superior Court
in this writ mentioned is in nothing Erroneous & thereof puts
himself on the Country - upon which the parties - being fully
heard by their Court full learned in the law the Case was Com-
mitted to the Jury Sworn according to law to try the Issue
who made Return of their Verdict thereon upon Oath & say the
Jury find Specially & say if the King has by law a power to make
a Second Charter with additions of persons & Estates for a Town which
has one in full force at the time of making the second so as to
bind the Town thereby without their Consent then the Jury find
for the Defendant Costs - if not then they find for the Plaintiff
Reversion of the former Judgement fifteen pence Damage & Costs of
Courts the parties being heard by their Court full upon the Special
Verdict the Court are of Opinion that the King has not by law
a power to make a Second Charter with addition of persons &
Estates for a Town which has one in full force at the time of
making the second so as to bind the Town thereby without
their Consent. It is therefore Considered that the former
Judgement be & hereby is Reversed and that the said David
Bagley Recover against the said David Elliot fifteen
pence new Tenor Bills of Credit Damage and Costs Taxed
at the sum of Twenty five Pounds Thirteen Shil-
lings like Bills of Credit