

# **The Ames Foundation**

*Harvard Law School*

LITERARY DIRECTOR: MARY SARAH BILDER

## THE RECORD BOOKS OF THE MASSACHUSETTS BAY SUPREME COURT OF JUDICATURE: *ca. 1690 – ca. 1780*

EDITED FOR THE AMES FOUNDATION BY

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TRANSCRIPTION OF THE VOLUME FOR 1760–1762

THE AMES FOUNDATION

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## CONTENTS 1760–1762

<i>Session</i>	<i>Folio</i>
Charlestown, 29 January 1760.....	1r
Boston, 19 February 1760.....	10r
Plymouth, <sup>1</sup> 29 April 1760.....	32r
Barnstable, 6 May 1760.....	42r
Ipswich, 24 June 1760.....	52r
York, <sup>2</sup> 1 July 1760.....	65r
Cambridge, 5 August 1760.....	79r
Boston, 19 August 1760.....	93r
Worcester, 16 September 1760.....	114r
Springfield, 23 September 1760.....	124r
Taunton, 15 October 1760.....	144r
Salem, <sup>3</sup> 21 October 1760.....	154r
Charlestown, 27 January 1761 <sup>4</sup> .....	161r
Boston, 17 February 1761.....	166v
Plymouth, 12 May 1761.....	181v
Barnstable, 7 May 1761 <sup>5</sup> .....	188r
Ipswich, 9 June 1761.....	192r
York, 16 June 1761.....	198v
Falmouth, <sup>6</sup> 23 June 1761.....	208r
Cambridge, 4 August 1761 <sup>7</sup> .....	210v

---

<sup>1</sup> Modern spelling: ‘Plymouth’.

<sup>2</sup> The town is in Maine, but Maine at this time was part of the Province of Massachusetts Bay. Note that the justices went to Maine in the summer.

<sup>3</sup> The geography of this sequence is odd, but it is repeated twice below. Perhaps the justices rode from Taunton to Plymouth and took a boat to Salem.

<sup>4</sup> With the death of George II, the regnal year is now 1 Geo. III.

<sup>5</sup> If this date is to be believed, these entries are out of chronological order. If the chronology is right, they are also out of geographical order, assuming that the justices were coming from Boston. Perhaps both oddities can be explained by the availability of boats.

<sup>6</sup> This is Falmouth, Maine, not Falmouth, Massachusetts, as can be seen both by the county indication and by the fact that the entries start in mid-page.

<sup>7</sup> These entries also begin in mid-page.

Boston, 18 August 1761.....	221r
Worcester, 15 September 1761 .....	239v
Springfield, 22 September 1761 .....	250r
Taunton, 18 October 1761 .....	264r
Salem, 24 October 1761.....	272r
Charlestown, 26 January 1762.....	278r
Boston, 16 February 1762.....	288r
Plimouth, 27 April 1762 .....	323r
Barnstable, 4 May 1762 .....	330r
Ipswich, 8 June 1762.....	337r
York, 15 June 1762.....	348r
Falmouth, 22 June 1762.....	361r
Cambridge, 3 August 1762 .....	369r
Boston, 17 August 1762.....	380r
Worcester, 21 September 1762 .....	402r
Springfield, 28 September 1762 .....	416r
Taunton, 12 October 1762 .....	437r
Salem, 19 October 1762.....	452r

NP

Image 008-Left

<blank>

NP

Image 008-Right

1760-1762

<2col, colA>

A.	Leaf.
Angier v Barrows	35
Atwood's pet <sup>o</sup> . order on it	49.
Adams et al. Pearson et Ux <sup>r</sup> .	53.
Austin indicted	63
Allen. Ellinwood	105
Andrews indicted	141.
Andrews et al. Hall	148
Allen . White	155
Aborn's petition	158.
Aborn indicted	159.
Abbott's petition	165
Alden v Alden	182
Atwoods petition	190
The same	191
Aborn v Eaton	193
Allen's pet <sup>o</sup> .}	196
Andrews's pet <sup>o</sup> .}	
Arbuckle v Moor	204.
Allen's pet <sup>o</sup> .	206.
Adams sworn Attorney	239.
Allen v Shipman	253
Adams v Austin	256
Allen v Bakeman	272.
Aborn's petit <sup>o</sup> .	274.
Ayer v Boardman	339
Anderson v Same	365.

Aldis v Richardson	397.
Andrews's pet <sup>o</sup>	399.
Alvard v Baker	429.
Angier v Scott	430.
Almy v Almy	439
Andrews v Wilbore	444
The Same v Tisdale	446
Anthony v Shaw	446
Adams v Hale	455.
<2col, colB>	
B.	Le.
Bridge. v Bulkley	2.
Bowen . Burge	3.
Brooks's Petition	7.
Butterick's pet <sup>o</sup> .	8.
Bradbury's pet <sup>o</sup>	9.
Bowles' v Tilden	21.
Bird v Peirce	23
Brown's petit <sup>o</sup> .	30.
Burrington v Hathway	33.
Bates v Ripley	34.
Brown v Wall	34.
Barstow v Tisdale	35.
Barker v Lincoln}	36
Brown v Drew}	
Boney's pet <sup>o</sup> .	38
Bennett's pet <sup>o</sup> .	40
Barrow's pet <sup>o</sup> .	41.
Barrow. v Hinckley	42
Baxter ads ect Dom <sup>i</sup> . Regis	48.
Bell v Greenfeild	55.
Brimblecom v Brimblecom	58.
Bartlett's pet <sup>o</sup> .	63.
Blethen. v Powell}	65.

Beal v Beal}	
Bucknam v Tuck}	67.
Burnam v Woodbridge}	
Butler et al v Frost et al.	68.
Brimhall v Brackett	71.
Butler v Abbot	73
Bayley v Harford	75
Bragdon's pet <sup>o</sup> .	78
Brattle v Gray	85
Bradish v Learned	86.
Borland v Cutler	87.
Barret v Hadley	88.
Brown v Learned	89.
Blodget's pet <sup>o</sup> .	89
Buxton's pet <sup>o</sup>	91.
Bowditch v Binney	96.
Babcock v Higgins	96.
Brown v Sweetser	100.
Brattle et ux <sup>r</sup> . v Luce	106.
Boylstone v Taylor	107.
Ball indicted	110.
Bee v Bridges	114.
Bacon v Nurse	116.
Butler v Willson	118.
Bruce's pet <sup>o</sup> .	122.
Bull v Lee	134.
Burbank v Loomis	134.
Bush v Brooks	135.
Burghardt v Jacob	140.
Same v Trumble	140.
Brayton v Tisdale	151.
Barrows v Reed	152.
Brown v Boardman}	157.
Burrill's v pet <sup>o</sup> .}	

B. carried over  
<duplicates previous>

NP

Image 010-Left

<2col, ColA>

bro't over.	B.	Leaf
Berry v Carnes		178.
Bent's pet <sup>o</sup> .		178.
Bowdoin's pet <sup>o</sup> .}		179.
Blake's pet <sup>o</sup> .}		
Blancherd's pet <sup>o</sup> .		180.
Briant's pet <sup>o</sup> .		187
Bee v Hows		188
Burnall v Swift}		189.
Blish's pet <sup>o</sup> .}		
Burbank v Watts		192.
Burley v Ives		194.
Bradstreet v Willkins}		195.
Burnam v Somes}		
Bray's pet <sup>o</sup> .}		197.
Bell's pet <sup>o</sup> .}		
Prop <sup>rs</sup> . of new Township above}		198.
Berwick v Smith}		
Brown v Adams		206.
Berry's pet <sup>o</sup> .		207.
Bridge v Sartell		210.
Blair v Henry		211.
Brown v Sheaffe		216.
Blanchard v Campbell		162.
Brewer v Prescott		163
Bacon v Martin		164
Bruscowitz indicted		165.
Burk v Phillips		166.
Blanchard v Cochrean		168.



Bowles v Chambers	169.
Bromfeild v Franklin	170.
Bayard v Smith}	173.
Balstone v Gridley}	
Boylstone v Minot	176.
Ballard v Allen	177.
Baldwin v Bridge	217.
Brown v Savage	223
Ballard v M <sup>c</sup> .lean	227.
Beal v M <sup>c</sup> .Millan	233.
Bell v Jones	234.
Belcher's pet <sup>o</sup>	237.
Boxford 1 <sup>s</sup> . parish v Rogers	239.
Ballard v McIntier	241.
Blackmer v Moulton	252.
Bostwick et al. v Beach	256.
Burghard't v Church}	256
Bliss v Sherman}	
Biglow's pet <sup>o</sup> .	259.
Bicknall v Draper	269.
Broune v Williams	272.
Bryant v Hart	273.
Bennet's pet <sup>o</sup> .	276.
B. carried up.	
<2col, ColB>	
bro't up. B.	Leaf.
Bodge v Sprague	278.
Bray v Dix.}	280.
Brooks v Flagg}	
Beemis v Richardson	281.
Bradish indicted	286
Boston Inhabitants v Phillips	288.
Bird v Jackson et al	291.
Boylstone ads Dom <sup>i</sup> .Regis	292

Butler v Malcolm	294.
Brown v Fairbanks	295.
Baker v Frobisher	300.
Boylstone v Procter	301.
Barrett v Coppinger	306.
Brackett's pet <sup>o</sup> .}	313.
Brown's pet <sup>o</sup> .}	
Boies's pet <sup>o</sup> .	314.
Berry indicted	317.
Bumpass v Whitten	324.
Barker v Hatch	326.
Bates v Buker	327.
Burrill v Tirrill	327.
Bartletts pet <sup>o</sup> .	329.
Bray's pet <sup>o</sup> .	335.
Butler's pet <sup>o</sup> .	336.
Branham. v Stickney	337.
Blanchard v Frothingham	338.
Breed v Watts	340.
Brittun v Tucker}	341.
Breeden v Breed}	
Bradley v Lancaster}	342.
Bradley v Webster}	
Bagley's pet <sup>o</sup> .	344.
Boardman's pet <sup>o</sup> .	345.
Berwick pprs . v Hambleton	354.
Brackett v Sullivan	354
Berwick pprs v Clark	355.
Broadstreet v Hancock	356.
Bragdon's pet <sup>o</sup> .	357.
Burnam's pet <sup>o</sup> .	358.
Blithen's pet <sup>o</sup> .	366.
Bates's pet <sup>o</sup> .	387.
Baker v Frobisher	387.

Blake v Davis et al	392.
Blanchard v Dix}	397.
Blower v Blake}	
Belcher's pet <sup>o</sup> .	398.
Barristers called	400.
Biglow v Adams	405.
Braman. v Taft	407.
B. carried over	
NP	
Image 010-Right	
<2col, colA>	
bro't over      B.	Leaf
Burpee v Sawyer	408
Biglow v Cobleigh	412.
Battle's pet <sup>o</sup> .}	413
Beal's pet <sup>o</sup> .}	
Burbank v McLean	416.
Burt v Brooks}	420.
Billing v Scott}	
Belding v Pomroy	421.
Brown v Lee}	422.
Burghardt v Miller}	
Breeck v Grainger}	
Burrill v Keyes}	426.
Burrill v Noble}	
Bush v Reed}	
Browning v Day	428.
Billings v Baxter	429.
Blackwell ads. Dom <sup>i</sup> . Regis	440.
Bowen v Garey	443.
Blake v Snell	445.
Bryant v Perry}	445
Brintnall v Richardson}	
Barnes v Wyley	446

Brownel v Willis	446	
Briggs's pet <sup>o</sup> .	450.	
Bicknall v Draper	451.	
Brown v Henly	455.	
Bartlett v Plummer	456	
Bickford v Groves	458.	
<2col, colB>		
C.	Leaf.	
Cary. v Russell	5.	
Cary v Inches	10.	
Cleverly v Patterson	12.	
Same. v Same}	13.	
Carnes v Welch}		
Cranch v Quincy	13.	
Coffin et al v Goddard	19.	
Clap. v Peirce	25.	
Campbell's pet <sup>o</sup> .	27.	
Cradock's pet <sup>o</sup> .	28.	
Crocker v House	35.	
Chandler's pet <sup>o</sup> .	38.	
Curtis's pet <sup>o</sup> .	40.	
Cook's pet <sup>o</sup> .}	41.	
Clark's pet <sup>o</sup> .}		
Cruwell ads. Dom <sup>i</sup> . Regis	49.	
C. carried up.		
bro't up C.	Leaf.	
Coffin's pet <sup>o</sup> .	49.	
Crosby's pet <sup>o</sup> .}	50.	
Clark's pet <sup>o</sup> .}		
Chipman. v Ellinwood		57.
Cheever v Kendall	58.	
Clark's pet <sup>o</sup> .	59.	
Coolidge's pet <sup>o</sup> .	91.	
Clark v Kast	95.	

Calef v Witt	98.
Carnes v McMillian	104.
Clapham's pet <sup>o</sup> .}	111.
Cole's pet <sup>o</sup> .}	
Clark's pet <sup>o</sup> .}	112.
Cheney's pet <sup>o</sup> .}	
Clap. ads. Dom <sup>i</sup> . Regis	113.
Crocker v Brown.}	120.
Collins v Bruce}	
Colton v Hitchcock	128.
Collins v Cheney	130
Cowles v Miller	131.
Church v Smith	137.
Crocker indicted	142.
Cushing v Tabour	144.
Cobb. v Cole.}	145.
Same v Dean et al}	
Same v French}	
Chace v Chace	147.
Crafts v Proctor	156.
Currier v Morrill	157.
Clough's pet <sup>o</sup> .	158.
Church v Dodge	162.
Collins v Oakes	164.
Champney v Williams	166.
Clark v Kast}	175.
Same v Youil}	
Caton indicted	180.
Covil v Bumpas	182.
Crandon v Tinkham}	184
Same v Bryant}	
Churchill's pet <sup>o</sup> .	187.
The Hon'ble Judge Cushing, & Judges &c Comm.	188.

missioned Anew.<sup>1</sup>

Coffin v Butler	189.
Clark's pet <sup>o</sup> .	191.
Clark v Somes.}	196.
Coats's pet <sup>o</sup> .}	
Chandler's pet <sup>o</sup> .}	
Cummings v Ayer	203.
Clark v Staple	205
Clark v Wheelwright	206.
Coombs v Hamblen	209.
Chandler v Shattuck	213.
Chamberlain v Tyler	216.
Cummings's pet <sup>o</sup> .	219.
Conner v Downing.}	225.
Clark v Belcher}	

C. carried over

<duplicates previous>

NP

Image 012-Left

<2col, colA>

bro'tover C.	Leaf.
Cary v Brown}	227.
Comrin v March et al}	
Carnes. v Smith et Ux <sup>r</sup> .	229
Craddock v Erving	230
Coppinger v Pratt	231.
Cremor. v Matchet	232.
Carter v Prentice	242.
Curtice v Loomis	251.
Cooley v Church	258.
Curle indicted	261.
Clark v Goddard	266.
Chency v Lunt	274.

---

<sup>1</sup> Overwritten.

Collin's's pet <sup>o</sup> .}	275.
Coffin's pet <sup>o</sup> .}	
Chandler's pet <sup>o</sup> .	284.
Chardon v Holyoke	288.
Cobb. v Osment}	294.
Same v Pipone}	
Cazneau v Grenough	310.
Collier's pet <sup>o</sup> .	313
Crane v Sturtevant	323
Cahoon v Chace}	324.
Cushing v Fuller}	
Culnon v Stevens	328.
Cozens v Mayhew	331.
Covil v Nickerson	332.
Crocker's pet <sup>o</sup> .	334.
Carder v Peach	338.
Currier's pet <sup>o</sup> .	344.
Cutt v Hammond	348.
Cowins et al v Day et al	352.
Clark's pet <sup>o</sup> .	359.
Codman v Dunn	365.
Couillard v Winchell	366.
Cargill et al indicted	367.
Capen v Winslow et al	390.
Clark v Payson	392.
Clark v Prince	392.
Cheever v Metcalf	394
Clark v Watts	396.
Chandler v Newhall}	407.
Chapin v Harwood}	
Crawley v Child}	410
Cowdin v Webb}	
Caldwell v Clark}	
Case v Buck	410

Cutler v Loring	411.
Coleman indicted	415.
Chadwick v Huggins	422.
Collins v Grainger}	426.
Same v McLean}	
Cook v Barstow	429
Coburn v Hitchcock}	430
Colton v Codey}	
Cleaveland's pet <sup>o</sup> .	435
Cobb. v Crane	442
Crane v Whitmarsh	448.
Chace. v Swasey	449.
Carr v Skilling	454
Clark v Ingersole	456.
Cheever v Dale	458.
Caldwell's petition	461.
Cushing & others Made Barristers	400
<2col, colB>	
D.	Leaf.
Danforth v Crague	2.
Drury v Lealand	6.
Drake v Hellon	26.
Denham's pet <sup>o</sup> .	38.
Day's pet <sup>o</sup> .	62.
Davis v Nason	74.
Deering's pet <sup>o</sup> .	76.
Dennie v Ovey	93.
Dickinson v Balfour	100
Davis v Eastman	125.
Dewey v Dewey	127.
Same v Same	134.
Dwight v Collins}	137.
Same v Earle}	
Same v Spencer	138.



Dewey v Trumble	140.
Definx indicted	141
Same	142.
Dunham v Whitmarsh	151.
Dodge v Hellen	155.
Dommit vs Hall	167.
Dawes v Keen	183.
Dexter's pet <sup>o</sup> .}	190.
Dier's pet <sup>o</sup> .}	
Davis's pet <sup>o</sup> .	191.
Davis v Pearson}	192.
Diamond v Reed}	
Day's pet <sup>o</sup> .	196.
Deak v Harris	210.
Dusten v Jackwith	214
Dowse v Sheaffe	215.
Danforth v Hunt	216.
Davis v Hart	233.
Downe's pet <sup>o</sup> .	235.
Davis's pet <sup>o</sup> .	236.
Dexter indicted	237.
Dogget's pet <sup>o</sup> .	238.
Dunsmore. v Harrington	246
Downing v Day	252.
Diamond's pet <sup>o</sup> .	276.
Danforth v Dowse	282
Doke v Pike	297
Dolbear v Tomkins	298.
Demming. v Mason	311.
Dow indicted	317.
Doty v Tinkham	324.
Dillingham's pet <sup>o</sup> .	328.
Doty v Knowles	330.
Doane v Prince	334.

Dexter's pet <sup>o</sup> .	335.
Downing's pet <sup>o</sup> .	343.
Door v Frost	354.
Davee's pet <sup>o</sup> .	361.
Dennie v Webster	389.
D. carried over.	
NP	
Image 012-Right	
<2col, colA>	
bro t over     D.	Leaf.
Dolbear. v Spellman	392.
Deblois v Allen	393.
Davis's pet <sup>o</sup> .	400.
Dudley sworn Attorney	400
Dwight v Harwood	406.
Darymple v Hill	409.
Dennie's petit <sup>o</sup> .	413.
[^Dudley v Richards & others.	415^]
Dewey v Church	422.
Downing v Spencer	423.
Dickinson v Nash	428.
Dewey v Old	431.
Drinkwater v Hathway	439.
Durfey v Seekins	446.
Dogget v Healey	450.
Davis v Hodge	452.
Diamond v Boynton	458.
Day's pet <sup>o</sup> .	460.
E.	Leaf.
Ellis's pet <sup>o</sup> .	7.
Emmerson et al v Bradley	22.
Eastman's pet <sup>o</sup> .	59.
Emmerson v Libby	74.
Same v Willis	82.

Eddy v Poor	101.
Eager v Boynton	118.
Ely v Day	129.
Eddy v Stockbridge	149.
Emmerson v Burley	195.
Eaton indicted	197.
Ewing v Mansfeild	213.
Emmons's pet <sup>o</sup> .	237.
Eaton v Wilder	240.
Easterbrooks v Grout	246.
Ellsworth v Stoddard	256.
Ewing v Rowe et al	305.
Ensign v Smith	427.
Endicott v Hutchinson	453.
Ellis v Boyton	457.
Ellinwood indicted	461.
<2col, colB>	
F.	Leaf.
Foster v Parmenter	4.
Foster's pet <sup>o</sup> .	6
Faulkner v Leyr	16.
Fulton v Willson	18.
Fletcher v Turner et al	24.
Foster v Brewster	32.
Foster et al v Goodspeed	48.
Foster's pet <sup>o</sup> .	51.
Fry v Hawke	58.
Fisk's pet <sup>o</sup> .	60.
Fogg et al v Morrell	67
Freeze's pet <sup>o</sup> .	78.
Fuller's pet <sup>o</sup> .	90.
Frobisher et al v Rolfe	94.
Foye v Miller	101.
Foster v Edwards	105.

French's pet <sup>o</sup> .}	111.
Fulton's pet <sup>o</sup> .}	
Fairbanks v Fisher	145
Fuller v Swain	165
Faxon's pet <sup>o</sup> .	179.
Fullar indicted	198.
Frost v Rait	204.
Freeman v Gerrish	209.
Same v Thompson	210.
Foster v Scripture	212.
French v Beard	213.
Fessenden v Gale	217.
Fulton v Robins	231.
Ferriter v Upham}	234.
Frobisher v Holmes}	
Farnsworth v Adams	240.
Fellow's v Kimball	243.
Farnum v Legg	246.
Fowler v Clark	250.
Forsey v Bardwell	252.
Fowler v Rowlee}	258.
Feild v Hinds}	
Fowler's pet <sup>o</sup> .	260.
Fairbanks v Morey	265.
Fisher v Simmons	269
Fisher's pet <sup>o</sup> .	270.
Fessenden v Smith	278
Fletcher's pet <sup>o</sup> .	284.
Foster's pet <sup>o</sup> .	336.
Falmouth <del>pprs</del> v Hodgkins	361.
Freeman v Thompson	362.
Frost. v Whitney.	363.
Freeman v Thompson	364.
Fogg v Small	366.

Farr's pet <sup>o</sup> .	367.
Foy. v Jackson	385.
Fulton v Fosdick	391.
Fairservice v Hall	394.
Faneuil v Moore	395.
Fletcher v Joy	396.
Fessenden v Richardson	397.
Fletcher v Willson	411.
Fisk's pet <sup>o</sup> .}	414.
Foster indicted}	
Fay. indicted	415.
Ferris v Shaw	416.
Fairfeild v Eastman	419.
Fowler v Grainger	420.
Same v Barber	425.
Same v Grainger	428.
Foster v Crabtree	438.
Frazier v Boynton	457.
Fuller v Sterns	458
<duplicates previous>	
NP	
Image 014-Left	
<2col, colA>	
G.	Leaf
Graves v Sparhawk	1
Gardner v Mallet	3
Gardner et al v Gee et al	14.
Gay v Mason	18.
Godfrey v Macomber	26.
Goodwin v Paddock	35.
Garey v Ripley	37.
Gersham indicted	48.
Goldthwait v Putman}	56.
Gage v Foster}	

Same v Boardman	57.
Gott's pet <sup>o</sup> .	59.
George's pet <sup>o</sup> .}	60.
Giles's pet <sup>o</sup> .}	
Gray v Nelson	67.
Gilpatrick v Smith	72.
Goudy v Nelson	74.
Goodwin v Woodman	75.
Grow's pet <sup>o</sup> .	77.
Grout v Smith	81.
Gates v Gibbs	84.
Gould et al v Smith}	87.
Goddard v Learned}	
Gibb's pet <sup>o</sup> .	90.
Gould v Bosworth	93.
Goodwin v Allen	107.
Gould v Holland	116.
Grout. v Brown	120.
Galloway indicted	122.
Gibbs v Davis	124
Gilbert v Burt	125.
Graves v Sharer	128.
Graves v Emmons	138
Same v Same	139.
Gooding v Nicholls	147.
Gordon v Davis	177.
Gay's pet <sup>o</sup> .}	180.
Gyles's pet <sup>o</sup> .}	
Goodwin v Savery}	184.
Glover's pet <sup>o</sup> .	186.
Gorham v Sturgis}	188.
Same v Knowles}	
Gorham's pet <sup>o</sup> .	190.
The Same	191.

Gorham Town pprs v Willson	203.
Gooch v Burbank}	205
Gould et al v Hagens}	
Gilbert v Hutchinson}	
Grants pet <sup>o</sup> .	208.
Gooding et al v Gerrish	209
Gould v Wright	217
Gills pet <sup>o</sup> .	219.
Gatcomb. v Hill	223.
Gordon v Welch	224
Green et al pet <sup>f</sup> .	225.
G. carry'd up.	
<2col, colB>	
brot up.                      G.	Leaf.
Gamut v Dewing	228.
Griffin v Larkin	234.
Gould's pet <sup>o</sup> .	235.
Girauld's pet <sup>o</sup> .	236.
Gay's pet <sup>o</sup> .	238.
Gilson v Parker	246.
Goddard v Taylor	247.
Gould's pet <sup>o</sup>	248.
Gott's pet <sup>o</sup> .}	249.
Gill indicted}	
Granger v Fowler	254.
Graves v Huggins	255.
Gould v Kellogg	256.
Grainger v Johnson}	257.
Same v Bagg}	
Godfrey v Reed	270.
Griffin's pet <sup>o</sup> .}	275.
Gay et al pet <sup>o</sup> .}	
Gardner's pet <sup>o</sup> .	276.
Grimes v Whiting	278.

Gilbert v Randell	288.
Green v Coppinger.	290.
Gridley v Phillips	295.
Griffin v Bayard	300.
Gooch v Wentworth et	304
Green et al v Pitts et	304.
Same v Same}	305.
Same v Hancock et al}	
Gould et al v Wheelwright et al	306.
Gould v Tilson	309.
Gridley's pet <sup>o</sup> .	312.
Gould's pet <sup>o</sup> .	329.
Gorham v Thacher	332.
Gerry v Reith	340
Groves's pet <sup>o</sup> .	343.
Grant's pet <sup>o</sup>	344.
Gerrish's pet <sup>o</sup> .	345.
Gordon v Stevens	380.
Gould et al v Stevens	383.
Same v White	388.
Gould v Mead	393.
Greenough's pet <sup>o</sup> .	398.
Gridley. Benj <sup>a</sup> . Sworn Attorney.	400.
Grimes v Slaton}	403
Gould et al v Walker}	
Garnwell v Barns	406.
Goudenow v Cowdin	407.
Gayer v Matton	416.
Graves v Church	421.
Grainger v Benherd}	427.
Same v King}	
Same v Delf}	
Gray v Noble	430.
Gray v Ingersoll	430.



Goddard v Lee}	431
Glover v Hitchcock}	
Griswold v Ryan	434.
Godfrey v Macomber	438
Gilbert v Stevens	449.
Green v Hodgkins	452
Goldthwait v Calef	454.
Gray v Foster	459
NP	
Image 014-Right	
<2col, colA>	
H	Leaf.
Hunt v Learned	5.
Holbrooks pet <sup>o</sup> .	9.
Hooton et al v Parrot	16.
Hornby. v Jones	17.
Homans v Osborn	18.
Hough et al v Gregory	18.
Hooper v Tyng	20.
Homans v Adams.	23.
Holmes v Wooton	25.
Hatch's pet <sup>o</sup> .	27.
Hill's pet <sup>o</sup> .	28.
Hooper v Keith	33.
Harlow's pet <sup>o</sup> .	41.
Hearsey v Joy	48.
Hutchinson's pet <sup>o</sup> .	61.
Hodgkin's pet <sup>o</sup> .	62.
Heath indicted	63.
Hoar v Noyce	65
Hill's pet <sup>o</sup> .	78.
Hoar. v Littleton pps	79
Hill v Mills	85.
Harvey et al Pet <sup>o</sup> .	92.

Holland v Rowe}	93
Hewes v Lyon}	
Hasey v Tuttle	100.
Same v Same.	106.
Hearsey ads. Dom <sup>i</sup> . Regis	109.
Holbrook v Wheeler	115.
Harrington v Harrington}	119.
How. v Gibbs}	
Hill v Hollis	120
Hucker's pet <sup>o</sup> .}	121.
Hide's pet <sup>o</sup> .}	
How. v How	124
Harn's v Wakefeild	133.
Hind's pet <sup>o</sup> .	141.
Hathway ads. Dom <sup>i</sup> . Regis	147.
Hellen v Hunt	150.
Hartshorn v Thorndike	154
Hooper v Orne	157
Hardy's pet <sup>o</sup> .	159.
Hutchinson, the Hon'ble}	161.
Cheif Justice, Commission <sup>d</sup> .}	
&c}	
Haynes v Peabody	163.
Hall v Oakes	164.
Holdin v Wooley	165.
Hill v Gatcomb.	174.
Hall v Wiswall	174.
Henshaw's pet <sup>o</sup> .	179.
Hatch v Bates}	182.
Howland v Miller}	
Hill v Ware	186
The Hon <sup>ble</sup> . Cheif Justice}	188
Hutchinson & the Other Judges}	
Anew Commission <sup>d</sup> . &c }	

H carried up.	
<2col, colB>	
bro't up. H.	Leaf.
Howes v Bee}	189.
Harding's pet <sup>o</sup> .}	
Hallett's pet <sup>o</sup> .	190
Holton's pet <sup>o</sup> .	196
Haskell v Waters	198
Hooper v Gray	201.
Hanscom ads. Dom <sup>i</sup> . Regis	208.
Harris's pet <sup>o</sup> .	210.
Hunt v Farr	212.
Hay v Stimpson	216.
Hammond v Biglow	217.
Hammond v Preist}	218.
Same v Blair}	
Hodgman's pet <sup>o</sup>	218.
Haven's pet <sup>o</sup> }	219.
Hosmore's pet <sup>o</sup> .}	
Hatch and Winthrop, anew}	220
appointed Clerks of the Superior}	
Court &c &c}	
Hall v Rhodes	222
Hughes v Loring	223
Hutchinson Judge &c. v Henshaw	224.
Hallowell v Jenkins	226
Harris v Swift}	232.
Holmes v Frobisher}	
Hall v Hall	233.
Humphry's pet <sup>o</sup> .	238.
Hair ads. Dom <sup>i</sup> . Regis	243
Hall v Powers	245
How v Colton	247
Haskell's pet <sup>o</sup> .	248.

Hitchcock v Hinds	257.
Harmon v Grainger}	258.
Hamilton v Stoddard}	
Hodges v Richmond}	270.
Howard v Whitney}	
Hammond v Swetland	274.
Hale v Noyce	279
Hunt v Campbell	280
Hurd v Stanhope et al	282
Hunt v Bruce	283
Hill v Peirce	283.
Haven's pet <sup>o</sup> .	284.
How indicted	286.
Hatch Adm'or. v Homans}	293.
Homans v Paxton}	
Hall v McClelland	298.
Hallowell v Sloper	300
Same v Dalton	302
Hubbart v Greenleaf	304
Hamock v Sanger	310
Hudson & How indicted	315
The same	318
The same	319.
The same	320
The same	321.

H carry'd over

<duplicates previous>

NP

Image 016-Left

<2col, colA>

bro't over H. Leaf.

Howard v Howard 325

Hill v Munroe 327

Hammond's pet<sup>o</sup>} 328.

Howard's pet <sup>o</sup> .}	
Harlow's pet <sup>o</sup> .	329.
Hammond v Webiquish	332.
Hall's pet <sup>o</sup>	335.
Hart v Hobby}	338.
Hawks v Procter}	
Hook v Arnold	339.
Hodge v Arnold}	340.
Hughes v Boardman}	
Hooper v Foster}	341
Hale v Perkins}	
Hawkes v Dampney	342.
Hamond v Cutt}	348.
Haskell v Waldo}	
Hoar v Noyce	350
Horne v Downs	356
Hutchins's pet <sup>o</sup> .	358.
Hatch's pet <sup>o</sup> .}	359.
Hubbard's pet <sup>o</sup> .}	
Hight v Milliken	364.
Hall v M <sup>c</sup> .Millian	380
Hall v Thayer	382
Homans v Newman	384
Hallowell. v Dalton	390
Hall v Richardson	393
Hyslop v Greenleaf	395.
Hobby v Kilcup	396.
Hawks's pet <sup>o</sup> .	398.
Harrington v Keyes	402.
Hayward v Legg	406.
Heald v pps of Tomlinson	406.
Houghton v Wheelock	406.
How v Hall	408.
Hodgman v Harrington	411.

Henry v Fairfeild	421
Hamlin v Roberts}	423
Hallenbeck v Winchel}	
Hopkins v Dickinson}	
Hitchcock v Ward	425.
Hastings v Fletcher	428
Hoskin v Josselyn}	442
Hellen v Alden}	
Hammond v Snell	443.
Hodges v Tisdale	444
Harvey v Tisdale	445
Hoskins v Josselyn	447.
Hall v Wilbore	448.
Hathway v Sampson	449.
Harris v Davis	452.
Hoyt v Lowell	456.

<2col, colB>

I.	Leaf.
Johnson v Sears	36.
Jackson v Beal	86.
Jackson et al v Beal	87.
Jackson v Quincy	107.
Ingersoll v Smith}	131.
Same v Vangelder}	
Same v Robb}	
Same v Trumble	132.
Same v Hamblen	133.
Same v Winchel	134.
Isaac's v Smith	136.
Jacquith v Dusten	161.
Inman v Hunnewell	164.
Jeffries v Davis	166.
Jones v Dix}	176.
Same v Jackson}	

Same v Allen}	
Jackson v Carnes	177.
Inches v Bates	179
Jacobs v Clap	182.
Jackson v Nelson	184.
Jones v Tower	217.
Jackson v Foye	229.
Johnson v Morse	246.
Jones v Jones	259.
Jackson v Angier}	283.
Jones v Biglow}	
Jones v Robins	296.
Ingraham v Cook	299.
Jones's pet <sup>o</sup> .	313.
Jacob's pet <sup>o</sup> .	329.
Ingall's v Graly	339.
Ingraham & Cook et al	388.
Jones v Belcher	389.
Jerrison v Sawyer	408.
Jones's petit <sup>n</sup>	413.
Ingersoll v Sikes	417.
Isaacs s v Fowler	431.
NP	
Image 016-Right	
<2col, colA>	
K.	Leaf.
Keyes's pet <sup>o</sup> .	8.
Knowlton's pet <sup>o</sup> .	61.
King v Milliken	65.
Kendall v Stratton	84.
Kitteridge's pet <sup>o</sup> .	89.
Knower's pet <sup>o</sup> .	90.
Key's pet <sup>o</sup> .	91.
Keyes v Harrington	117.
King v Smith	148.

Kimball v Reed	155.
King's pet <sup>o</sup> .	157.
Kimball's pet <sup>o</sup> .	158.
King v Friswell	166.
Keif indicted	180.
Kimball v Reed	192.
Same v Somes	194.
King's pet <sup>o</sup> .	197.
Kettle's pet <sup>o</sup> .	219.
Killaran v Hallowell	234.
Knowl v Dewey et al	254.
Keith v Wait	257.
Keith v Keith	268.
Kimball v Boynton}	274.
King's pet <sup>o</sup> .}	
Keyes's pet <sup>o</sup> .	285.
King v Whitmore	309.
Knowles v Doty}	334.
Same v Doane}	
Kilbey's pet <sup>o</sup> .	335.
Knight v Thompson	340.
Kimball v Somes	341.
Knowlton's pet <sup>o</sup> .	345.
King v Purrington	363.
Same v Same	365.
Kilby v Rowe	382.
Kendall v Badcock	402.
Same v Goddard	406.
Knight v Hazen	407.
Knowlton v Clark	410.
Kellog v Shaw	420.
Kingsley v Patterson	423.
Kent v Roe	431.
Keyes v Colton	431.



The King v Perry	439.
Keith v Leonard	440.
Same v Babbit	441.
Kimball v Laphorn	453.
<2col, colB>	
L.	Leaf.
Loring v Woodward	5.
Longley's pet <sup>o</sup> .	8.
Leonard v Burge	33.
Latham v Snell	36.
Lewis's pet <sup>o</sup> .	38.
Lothrop's pet <sup>o</sup> .	50.
Lee v Roundy et al	57.
Lovejoy's pet <sup>o</sup> .	59.
Lydson's pet <sup>o</sup> .	78.
Lane v Tilson	107.
Lincoln's pet <sup>o</sup> .	111.
Legget v Carter	114.
Lynde v Gilbert	116.
Loomis v Watson	140.
Luther et al v Stockbridge	149.
Leonard v Allen	154.
Learned v Learned	164.
Same v Prentice	164.
Linkon v Smith	176.
Larkin v Hall	176.
Lambard v Tirrill	177.
Leavit v Gilbert}	185.
Same v Rogers}	
Lovell's pet <sup>o</sup> .	187.
The Hon <sup>ble</sup> : Judge Lynde & the}	188.
other Judges Commission'd anew}	
Linnel's pet <sup>o</sup> .	190
Lane's pet <sup>o</sup> .	196.

Lunt et al indicted	197.
Larrabee v Small	201
Libby's pet <sup>o</sup> .	207
Lad's pet <sup>o</sup> .	210
Longley v Trowbridge	214.
Lawrence v Eaton	216.
Lechmere Surv <sup>r</sup> . Gen <sup>l</sup> . his petition	226.
Leominister Inhab <sup>s</sup> . v Rogers	243.
Littlejohns v Brown	246
Litch v Hunt	246.
Lynds v Lynds	247.
Lansign v Beach}	257.
Lamberton v Webb}	
Leonard v Leonard}	
Loomis's pet <sup>o</sup> .	260
Lyon's pet <sup>o</sup> .	270.
Lane's pet <sup>o</sup> .	275
Lane v Beal}	280
Same v Reed}	
Littlefeild v Sheffeild	283.
Lawrence's pet <sup>o</sup>	285.
Loftus v Wheelwright	288.
Ledyard et al v Morton	292.
Lincoln v Hough	308.
Llyod v Hasey	309.
Lane indicted	316.
Leach v Boworth	326.
Leonard v Cook	327.
Little v Otis	330.

L. carried over

<duplicates previous>

NP

Image 018-Left

<2col, colA>

bro't over	L.	Leaf.
Lumbard v Dulap		333.
Little's pet <sup>o</sup> .		334
Low's pet <sup>o</sup> .		345.
Loring et al v Morton et ux <sup>f</sup> .		351.
Lake et Clark pp <sup>fs</sup> et al. vs Blanchard		354.
Loveit v Porterfeild		362.
Larkin v Milliken		364.
Lane v Tilson		395.
Logan v Whitney		396.
Lyon v Hewes		401.
Loughead v Foster		425.
Lamb v Colton		432.
Leonard v King		446.
Lopez naturaliz'd		450.
Ladd v Sargeant		457.
Lincoln v Boynton		458.
Lovejoy v Foster		459.
Low's pet <sup>o</sup> .		460.
Lindsey indicted		462.

&lt;\_&gt;

	M.	Leaf.
Morse v Fuller		4.
Moore v Indicott		10.
Murray v Bowles		21.
Malcolm v Avery et al		25.
Mayhew's pet <sup>o</sup> .		40.
Manning v Choate et al		52.
Manning v Boardman}		54.
Merry v Collins}		
M <sup>c</sup> .hard v Burley}		55.
Masters v Kimball}		
Marston v Boardman		57.
Morse's pet <sup>o</sup> .		61.

Morse's pet <sup>o</sup> .	62.
Maxwell v Bangs	75.
Morgaridge's pet <sup>o</sup>	76.
Millberry's pet <sup>o</sup> .	77.
Melledy v Eaton	81.
Mead v Graves	88.
Morris v Chamberlain	96.
Marston v Story	98.
M <sup>c</sup> Millian v Carnes	104.
Moor v Caldwell et al	115.
Merrit v Mathis	119.
Marsh v Porter	126.
Meacham v Montague	134.
M <sup>c</sup> Clister v Watson	135.
Munsell v Watson}	136.
Marvin v Watson}	
Morton v Nash	138.
Mitchel's pet <sup>o</sup> .	141.
Morey. v Hodges	146.
Morey. v Ripley	150.
Martin. v Lemmon	154.
Mackey et al v Ingraham	156.
Milliken's petition	158.
M carried up.	
<2col, colB>	
bro't up.                      M.	Leaf.
Mead v Learned	163.
Merick v Wooley	165.
M <sup>c</sup> .Taggert v Stevens	167.
Moulton v Blanchard	169.
Man's pet <sup>o</sup> .	171.
Marston v Story	173.
M <sup>c</sup> .Kenzie v Emmer	173.
Murdock v Turner	185.

Mayo's pet <sup>o</sup> .	191.
Martin v Hale	195
Marston v Sterling	205.
Moulton v Sullivan}	206.
Mayberry v Gerrish}	
Malcolm v Olbay	208.
Merrill's pet <sup>o</sup> .	210.
Merick v Hunt}	216.
Mellen v Parmenter}	
M <sup>c</sup> .Millian v Phillips}	222
M <sup>c</sup> . Kenzie v Mallbone}	
Moor v Leyr	224.
Malcolm v Haynes	226.
Mc.Kenzie v Pinto	230.
Man v <del>pprs.</del> Dorchester	232.
Marrow's pet <sup>o</sup> .	236.
Marsh. v Narraganset pprs	239.
M <sup>c</sup> .Clure v Stevens	242.
Mitchel v How	243.
Moor et al v Biglow	244.
M <sup>c</sup> .Carty et Ux <sup>r</sup> . petit <sup>o</sup> .	249.
Merrit v Harwood et al	253.
Mills v Rose	258.
Moreton v Wright}	259.
Same v Hubbard et al}	
Mitchel's pet <sup>o</sup> .}	
Marsh indicted	262.
Morey v Fairbanks	267.
Morey v Tisdale}	269.
Moshier v Crabtree}	
Melone v Carter	282.
Metcalf's pet <sup>o</sup> .	283.
Moore indicted	291.
Malcolm v Butler	294.

Murray v Vernon	297.
March et al v Comrin	307.
M <sup>c</sup> .Millian. v Campbell	309.
Moore v Swanton	310.
Moor's pet <sup>o</sup> .	314
M <sup>c</sup> .Neal indicted	321.
Mayo's pet <sup>o</sup>	334.
M <sup>c</sup> .Intire v Fuller	338.
Morgan v Pattin	339.
March v Boynton	339.
Merrill's pet <sup>o</sup> .	343.
Mooers indicted	345.

M. carried over

NP

Image 018-Right

<2col, colB>

bro't over. M.	Leaf
Morrell v Adams	355.
M <sup>c</sup> .intire v Nowell	356.
Morrell's pet <sup>o</sup> .}	357
Murphy's pet <sup>o</sup> .}	
Merrill's pet <sup>o</sup> .	358.
Milliken v Burnam	363.
Same v Obrian	364.
Malcolm v Ring	365.
Milliken v Hight	366
Man v Deering	366
M <sup>c</sup> Kenzie v Mallbone	390.
M <sup>c</sup> .nutt v Nurse	408.
Moor v Campbell	410.
Moor v Flagg}	411.
M <sup>c</sup> Intire v Green}	
Mills v Roe	425.
M <sup>c</sup> .Arthur v Ingersoll	427.

M <sup>c</sup> .Clister v Lincoln}	429.
Same v Kilborn}	
Moor v M <sup>c</sup> Ilvain}	432.
Man v Spelman}	
Marsh's pet <sup>o</sup> .	435.
Macomber v Taunton p <sup>ps</sup> .	437.
Morey v Britton}	443.
Same v Wilbore}	
Mason v Paul	444.
Morse v Freeman	452.
M <sup>c</sup> .hard v Sargent	457.
Mather v Barret	459.
Molloy indicted	462.
<_>	
N.	Leaf.
Newell v Gyles	97.
Newman et Ux <sup>r</sup> . v Dougherty	102.
Newman v Natick	104.
Newhall v Chandler	115.
Newell indicted	152.
Newman. v Homans	168.
Nichols v Bates	176.
Niles's pet <sup>o</sup> .	178.
Nash v Ingall	186.
Noyce v Hoar	202.
Noble v Grant	205.
Newbegin v Gray	209.
Noyes's pet <sup>o</sup> .	219.
Newhall's pet <sup>o</sup> .	236.
Newton v Nurse	245.
Nichols v Lynd	247.
North Hampton Inhab <sup>s</sup> . ads. Dom. Regis	254
Noble. et al v Smith	256.
Newcomb v Wilbore	268.

Norimore v Hallowell	272.
Newhall v Breed	273.
Neal v Vernon	299.
Newhall indicted	346.
Newman v Homans	383.
Neal's pet <sup>o</sup>	398.
Noyes v Stevens	403.
Nichols v Robinson	409.
Newcomb v Babbit	445.

<2col, colB>

O.	Leaf.
Ordway v Annis	56.
Osgood's pet <sup>o</sup> .	60.
Osborn et al v Osgood	105.
The Hon <sup>ble</sup> . Judge Oliver & }	188.
the Other Judges. anew Commission <sup>d</sup> . }	
Osborn v Chambers	192.
Oliver v Deering	295.
Orcutt's pet <sup>o</sup> .	313.
Osgood v Coleman	339.
Osgood v Reed	342.
Obrian v Milliken	348.
Oliver v Sale	385.
Otis's pet <sup>o</sup> .	400.
Oliver's pet <sup>o</sup> }	461.
Odell's pet <sup>o</sup> . }	

<\_>

P.	Leaf.
Parker v Lawrence	1.
Procter v Gilson	1.
Preist v Spring	4.
Page v Reed	6.
Paine v Sturgis et al	13.
Palmer v Quincy }	14.



Patteshall v Patteshall}	
Pierpoint v Fuller	23.
Parkman v Allen	24.
Putnam's pet <sup>o</sup> .	28
Packard v Hollis	36.
Patterson v Holmes	37.
Paine's pet <sup>o</sup> .	50.
Page et al v Bradley	52.
Page v Bradshaw	57.
Procter v Hart	58.
Pecker's pet <sup>o</sup> .}	63.
Plummer's pet <sup>o</sup> }	
Prescott v Frost	66.
Pepperrell v Haight	68.
Pennell v Small	69.
Plaisted et al v Lord	70.
Pepperrell v Goodwin	72.
Putnam v Kitteridge	85.
Page's pet <sup>o</sup> .	89.
Procter's pet <sup>o</sup> .	90
Pemberton v Pemberton	95.
Pryce v Hughes	101.
Power v Dougherty	102.
Phillips v Brinley	107.
Pearson v Davis	108.
Powell v Petitt	128.
P carried Over	
<duplicates previous>	
NP	
Image 020-Left	
<2col, colA>	
bro't over.	P. Leaf.
Pease v Adams}	133.
Same v Blodgett}	

Same v Watson	137.
Phelps v Bardwell	139.
Porter v Hills	149.
Prat v Whitmarsh	150.
Peirce v Ware	151.
Pickman v Hollis}	156.
Prince v Procter}	
Page's pet <sup>o</sup> .	157.
Pratt v Mills	163.
Phillips v Gridley	169.
Payson v Gregory	174.
Pope v Draper	177.
Purbeck et al pet <sup>o</sup> }	178.
Pratt's pet <sup>o</sup> }	
Prince v Thomas	181.
Pratt v Darling	185.
Parker's pet <sup>o</sup> .	187.
Phillips v Snow	188.
Parker v Swett et al}	194.
Procter's v Oakes}	
Porter's pet <sup>o</sup> .	197.
Pepperrell v Waldo	203.
Same v Nowell}	204.
Same v Harford}	
Same v Underwood}	
Parker v Underwood	211.
Powers v Wait	211.
Penniman v Milton	221.
Phillips v M <sup>c</sup> Millian	222.
Peck v Sale	225.
Price v Love	230.
Patterson v Cleverley}	235.
Paxton v Gray}	
Parkmans pet <sup>o</sup> .	236.

Price's pet <sup>o</sup> .	238.
Putnam v Putnam	241
Putney v Wiley	242.
Partridge v Clap	259.
Pegg indicted	271.
Pope v Hart	273
Peaslee v Pressey et al	274.
Porter's pet <sup>o</sup>	276.
Prentice's pet <sup>o</sup> .	284.
Pattin v Winter	297
Potter v Rogers	298.
Paxton v Province of Massa. Bay.	303.
Peirce's pet <sup>o</sup> .	312.
Packard v Packard	325
Paddock's pet <sup>o</sup> .	329.
Pease et al v Wright	333.
P. carried up	
<2col, colB>	
bro't up.                      P.	Leaf.
Procter v Riddan	337.
Patch v Spiller	342.
Pillsberry's pet <sup>o</sup> .	343
Perkins's pet <sup>o</sup> .	345.
Pepperrell et al v Burnam et al	352.
Same v Keays}	355.
Same v Hodsdon}	
Same v Gerrish	356.
Phippen's pet <sup>o</sup> .	359.
Pearson v Procter	362.
[^Prescot <del>vs</del> Barret et al exec <sup>rs</sup>	370.^]
Pecker v Webb	389.
Pierpoint v Campbell	394.
Pratt's pet <sup>o</sup> .	399.
Parker v Kendall	404.

Paine v Nicholls	405.
Partridge v Lynde	407
Perry v Webb	409
Page indicted	415.
Patterson v M <sup>c</sup> Clister}	421.
Pomroy v Fuller}	
Peebles v Patterson	423
Same v Ingersoll}	424.
Phelps v Willson}	
Pittees v Stockwell	430.
Pomroy v Lamb}	432.
Pynchon v Burbank}	
Pease v Hall}	434
Same v Printess}	
Pomroy's pet <sup>o</sup> .	435.
Paine v Eldridge	438.
Same v Same	441.
Paddleford v Ingall	448.
Procter v Kimball	453.
Peabody v Hale	455.
Poor v Bragg	457.
Putnam v Gilbert	458.
Prince v Rea}	459.
Perkins v Boynton}	
Parsons's pet <sup>o</sup> .}	460
Prince's pet <sup>o</sup> .}	
Pecker's pet <sup>o</sup> .	461.
<_>	
Q.	Leaf.
Quincy v Fitch	169.
Quincy sworn Attorney	239.
Quincy v Cranch	381.
NP	
Image 020-Right	

&lt;2col, colA&gt;

R.	Leaf.
Richardson's pet <sup>o</sup> .	6.
Robb v Ager	15.
Richards et al v Chickering	17.
Ruggles v Hollis	24.
Ruggles v Nurse}	25.
Rogers v Porter}	
Rhodes v Peirce	25.
Randell v Bates	35.
Rhodes v Kimball	36
Ring's pet <sup>o</sup> .	59.
Reith's pet <sup>o</sup> .	61.
Rolfe v Cummings	71.
Russell v Sheffeild	86.
Ross's pet <sup>o</sup> .	90.
Rhodes v Sherburn	97.
Rhodes v Beal	98.
Rogers. v Inhab <sup>ts</sup> . of Leominster	114.
Rice's pet <sup>o</sup> .	121.
Root v Collins	132.
Rowe v Holmes	138.
Riggs's pet <sup>o</sup> .	152.
Rowe v Sargent}	166.
Same v Osborn}	
Russell v Fulton	168.
Ruddock v Butler	171.
Richmond v Bosworth	184.
Rider v Crandon	185.
Read v Carver	186.
The Hon <sup>ble</sup> . Judge Russell &}	188.
the Other Judges anew Commiss <sup>d</sup> .}	
Rich's pet <sup>o</sup> .	190.
Rea's pet <sup>o</sup> .	196.

Richardson's pet <sup>o</sup> }	219.
Rand's pet <sup>o</sup> .}	
Richardson v Richardson	228.
Richardson v Nurse	233.
Royall v Allen	234.
Reed's pet <sup>o</sup> .	237.
Richardson v Lynds}	247.
Ryan v Owen}	
Rogers v Noble	250.
Reed v Valentine	264.
Reddington v Foster	274.
Richards's pet <sup>o</sup> .	276.
Robins v Jones	291.
Russell v Greenleaf	296.
Rowe v Pitts	303.
Rowe v Greenleaf	304.
Randell v Gilbert	311.
R carried up	
<2col, colB>	
bro't up R.	Leaf.
Rawson v Culnon	325.
Reed v Richmond	327.
Riders pet <sup>o</sup> .	328.
Robinson v Cushing	366.
Ridgeway v Lillie	380.
Richardson v Richardson	393.
Ruddock v Winter	395.
Ryan v Berry}	405.
Same v Hayden}	
Rogers v Craige}	408.
Rice v Town}	
Rogers v Emms	409.
Robinson v Farr	412.
Reed v Lee	420.

Ryan v Root	424.
Rose v Bancroft	425.
Ray v Taylor	427.
Raynham v King et al	437.
Richmond v Leonard	447.
Rust v Boynton	457.
Ross indicted	462.
<_>	
S.	Leaf.
Sawyer v Trowbridge	3.
Sargents pet <sup>o</sup> .	8.
Stevens v Hewes	11.
Salter v Phillips	14.
Sigourney v Malcolm	19.
Smith v Wiswall	20.
Smith indicted	28.
The same	29.
Strange v Tilson	33.
Sprague v Holmes	35.
Simons v Barstow	37.
Stetson's pet <sup>o</sup> .	38.
Sturtevant's pet <sup>o</sup> .}	39.
Stockbridge's pet <sup>o</sup> .}	
Studley's pet <sup>o</sup> .}	
Southworth's pet <sup>o</sup> .	40.
Snow's pet <sup>o</sup> .	49.
Sanders v Foster	57.
Smith v Fuller	58.
Stickney's pet <sup>o</sup> .	61.
Staple v Goodwin	71.
Scammon v Nelson	73.
Small v Woodman	75.
Strout's pet <sup>o</sup>	77.
Shaw's pet <sup>o</sup> .	78.

Smith et al v Bacon	84.
Stedman v Pratt	86.
S carried over	
<duplicates previous>	
NP	
Image 022-Left	
<2col, colA>	
bro't over S.	Leaf.
Saunderson v Mason	86.
Spring's pet <sup>o</sup> .	89.
Stevens v Watts et ux <sup>r</sup> .	98.
Scollay v Malcolm	102.
Savage v Blake	106.
Sanger v Drury	115.
Spear et al v Amsden	119.
Sherman v Hardy	120.
Staunton v Hartman	128.
Shelden v Breck	132.
Schutt v Munsell	134.
Spear v Dumbleton	136.
Sackett v Phelps	138.
Smith v Watson	139.
Simons v Fisher	145.
Seabury v Barden	150.
Sweet v Clark	152.
Southrick v Woodman	156.
Stevens v Green	159.
Smith v Beals}	162.
Stimpson v Green}	
Smith v Upham}	163.
Spring v Learned}	
Sprague v Oakes	164.
Smith's pet <sup>o</sup> .	165.
Stevens v M <sup>c</sup> Taggart	166.



Sturgis v Quincy	173.
Spurr's pet <sup>o</sup> .	178.
Story's pet <sup>o</sup> .	179.
Stetson v Alden	183.
Soule v Wright et al	185.
Sears v Hopkins	189.
Sparhawk v Goldthwait	195.
Symonds's pet <sup>o</sup> .	197.
Small v Waldo et al	199.
Sayward v Hobbs.}	205.
Sayer v Crane}	
Strout's pet <sup>o</sup> .	207.
Sartell v Wheeler	210.
Switcher v Mason	217.
Stevens v Oakes}	218.
Smith v Jackson}	
Stone indicted	220.
Smith v Fairservice	225.
Swift v Bayley	231.
Sweetser v Hancock}	233.
Swift sworn Attorney}	
Studson v Green	233.
Stevens v Brown	234.
Sheppard's pet <sup>o</sup> .}	235.
Savill's pet <sup>o</sup> .}	
Skinner's pet <sup>o</sup> .}	237.
Southcote indicted}	
S, carried up	
<2col, colB>	
bro't up.      S.	Leaf.
Sloan v Smith	252.
Spencer v Cooley	258.
Sexton's pet <sup>o</sup> .	260
Smith et al indicted	262.

Smith indicted	263.
Stephens et al. v Bollan et al	265.
Snell v Harvey	269.
Staples v Jenkins	270.
Smith v Gilbert	272.
Sargent et al Informacon ag <sup>st</sup> . ‘em	276.
Sherman et Ux <sup>r</sup> . v Brintnall	279.
Stratton v Biglow}	281.
Sparhawk v Whitney}	
Same v Preist	282.
Sparhawk’s pet <sup>o</sup> .	284.
Stevens’s pet <sup>o</sup> .	285.
Smelt v Wheelwright	289.
Swift v Bailey	298.
Spur v Paine	307.
Stevens v Stevens	308.
Sircomb v Winter	310.
Smith’s pet <sup>o</sup>	311.
Storer’s pet <sup>o</sup> .	312.
Story’s pet <sup>o</sup> .	314.
Swift’s pet <sup>o</sup> .	335.
Stone’s pet <sup>o</sup> .}	336.
Snow’s pet <sup>o</sup> }	
Swasey v Cummings	341.
Sargent’s pet <sup>o</sup> .	343.
Stevens’s pet <sup>o</sup> .	345.
Staple v Tucker	349.
Sherburn v Hallowell	353.
Sewall’s pet <sup>o</sup> .	357.
Silvester v Prebble	365.
Stevens indicted	378.
Scott v Draper	381.
Sinclair v Hallowell	380.
Spur v Shippey	386.

Stoddard v Salmon	392.
Sparhawk v Page	393.
Storer v Dix}	394.
Same v Peirce}	
Sewall v Mason	395.
Sheppard's pet <sup>o</sup> .	399.
Spur's pet <sup>o</sup> .	399.
Stevens indicted	400
Steven's v M <sup>c</sup> Clure	404.
Steward v Batchelor	409.
Smith v Livermore	411.
Stone's pet <sup>o</sup> .	412.
Stower's pet <sup>o</sup> .	414.

S carried over

NP

Image 022-Right

<2col, colA>

bro't over      S	Leaf.
Spooner v Burt	417.
Shaw v Fowler}	420
Scott v Johnson}	
Smith v Wait	421.
Strong v Goss	425
Smith v Gunn.}	433.
Shaw v Stebins}	
Strong v King}	
Stebbins's pet <sup>o</sup> .	434.
Shaw's pet <sup>o</sup>	435.
Spellman indicted	436.
Snow v King	444
Shaw v Smith	445.
Smith v Andrews}	447.
Seekins v Gilbert}	
Sanford v Babbit}	

Stead v Willbore	448.
Simmons v White}	449.
Smith's pet <sup>o</sup> .}	
Stephens v Plummer	456.
Stoning's pet <sup>o</sup> .	459.
<_>	
T.	Leaf.
Treadwell v Nutting	2.
Tufts v Champney	5.
Tyler v Sanger	5.
Taylor v Gardiner	19.
Townsend v Rice	24.
Tillson v Holmes}	37.
Same v Ley}	
Thompson's pet <sup>o</sup> .	61.
Thompson. v Thompson et al	74.
Tyler v Banks	74.
Tate v Gerrish	75.
Thompson v Hill	76.
Trowbridge v Little	82.
Tufts v Temple	84.
Taylor v Kendall	85.
Same v Sanger	87.
Tuttle v Hunnewell}	88.
Tufts v Oakes.}	
Tirrill ads. Dom <sup>i</sup> . Regis	110.
Tafts's pet <sup>o</sup> .	121.
Taylor's pet <sup>o</sup> .	141.
Talbut v Pitts	146.
Tabour v Ashley	150.
Same v Chace	151.
Tasker v Balch	154.
T. carried up.	
<2col, colB>	

bro't up.	T.	Leaf.
Tufts's pet <sup>o</sup> .		166.
Tolman v Humphry		177.
Tillson v Smith		181.
Thomas v Goose		185.
Turner's pet <sup>o</sup> .		186.
Taylor's pet <sup>o</sup> .		187.
Turner v Fuller		193.
Tarbutt v Somes		195.
Tyler v Waldo		200.
Tuck v Bucknam		202.
Tuck indicted		207.
Tufts v Lealand		218.
Turner v Stevens		221.
Tyng v Henshaw}		229.
Tresilian v Jenkins}		
Thornton's pet <sup>o</sup> .		236.
Thayer v White		245.
Tabour v Mosier		264.
Trip v Durfey		267.
Tarbox v Hubbill		273.
Turner's pet <sup>o</sup> .		275.
Tirrill v Gay		301.
Taylor v Bowdoin et al		304.
Talbut certiorari		306.
Timmins v Crane		309.
Thornton's pet <sup>o</sup> .		314.
Tyrrell indicted		318.
Tucker v Reed		340.
Same v Staple		349.
Town's pet <sup>o</sup> .		357.
Tower v Chipman		386.
Turner v Bates		394.
Tyler v Biglow		395.

Thayer v Thayer	402
Taylor v Adams	405.
Taft v Thayer et al	408.
Thayer v Thayer	412
Taylor v Collins	424.
Talcott v Stanley.}	433.
Townley v Frelland}	
Tuttle indicted	435.
Tyler's pet <sup>o</sup> .	438.
Tucker v Round	444.
Turner v Fuller	454.
Tarbox v Stacey	455.
Titcomb v Frothingham	456.
Trask's pet <sup>o</sup> .	461.
<duplicates previous>	
NP	
Image 024-Left	
<2col, colA>	
U. & V.	Leaf.
Underwood v Clark	4.
Upton's pet <sup>o</sup> .	8.
Vinton v Brattle et ux <sup>r</sup> .	19.
Veasey v Collins	135
Vanschaak v Smith	135
Same v Austin	136.
Vickery's pet <sup>o</sup> .	159.
Vose's pet <sup>o</sup> .	178.
Upton v Gilbert	342.
Vans v Boylstone	389.
Vernon v Brown	390.
Vans v Whitmore}	396.
Vinson v Cownis}	
Vanness v Ingessoll}	427.
Vanschaak v Brookins}	

Same v Grainger	428.
Utley v Rowlee	433.
Vaughan v Carver	445.
<_>	
W.	Leaf.
Welch v Tufts	2.
Wicker v Bridge	4.
Williams's pet <sup>o</sup> .}	7.
Warren's pet <sup>o</sup> .}	
Whittemore's pet <sup>o</sup> .	9.
Willson et al v Fisher	11.
Wheaton v Ripley	19.
Watts v Bromfeild	20.
Wheat v Oakes	21.
Wheatley v Man	26.
White's pet <sup>o</sup> .}	28.
Whipple's pet <sup>o</sup> .}	
Warren et al v Clap	32.
Witherill's pet <sup>o</sup> .	50.
Waite's pet <sup>o</sup> .}	62.
Wallingford's pet <sup>o</sup> .}	
Waldo v Bangs	69.
White v Allen	73.
Williams's pet <sup>o</sup>	91.
Whitney v Allen	96.
Wiswall v Hall	103.
Waite indicted	110.
Walker's pet <sup>o</sup> .}	112.
Wentworth's pet <sup>o</sup> }	
Wair indicted	122.
The Same	123.
W. carried up.	
<2col, colB>	
bro't up. W.	Leaf

Williams v Younglove}	125.
Same ads. Dom <sup>i</sup> . Regis}	
Watson v Campbell	129.
Woolcott v Brooks	133.
Watson v Smith et al	137.
Williams et al v Harvey	138.
Warner v Hind	139.
White's pet <sup>o</sup> .	140.
Woolcott's pet <sup>o</sup> .	141.
Wadkins indicted	142.
Winslow v Spooner	147.
Washburn v Ware	149.
White v Luther}	151.
Williams v Leonard}	
Ward v Elliot	155.
Town of Waltham. v. Town of Weston	161.
Wiswall v Hall	173.
Wadsworth's} petitions	179.
Whitmarsh's}	
Williams's}	
Watson v Turner	183.
Ware v Sherman et al.	186.
Waterman's pet <sup>o</sup> .	187.
White's pet <sup>o</sup> .	187.
Wise v Pickman	192.
Waters v Haskell	199.
Waldo et al v Small	200.
Winslow's pet <sup>o</sup> .}	206.
Whitney's pet <sup>o</sup> .}	
White v Blair}	215.
Same v Wethe}	
Ward v Grout	217.
Whittemore} v Larkin}	218.
Wheeler} their pet <sup>ns</sup> .}	



Waite}	
Winthrop and Hatch}	220.
anew appointed Clerks of}	
the Superior Court &c}	
Williams v Davis	221.
Winslow. v Thorp}	226.
Same v Gould}	
Same v Hopkins}	
Willson v Rogers	227.
Wallis v Symonds}	234.
Wendell v Waldo}	
Waldo's pet <sup>o</sup> .	238.
Willis v Emmerson	240.
Worcester prop <sup>rs</sup> . v Gates	241
Willard v Bancroft	246.
Washburn v Lynds	247.
Walker v Rich	248.

W. carried Over.

NP

Image 024 –Right

<2col, colA>

bro't over	W.	Leaf.
Whitney's pet <sup>o</sup> .		248
Watson v Utley		254.
Williams ads Dom <sup>i</sup> . Regis		255.
Warner v Church}		255.
Same v Young}		
Same v Killam}		
Williams indicted		260
Willbore v Willbore		266.
White v Carver		269.
Willbore's pet <sup>o</sup>		270.
Williams's pet <sup>o</sup>		271.
Wheeler v Arnold		274.

Woodbury's pet <sup>o</sup>	276.
Winter v Hamden	279.
Wood v Richardson	282.
Wood's pet <sup>o</sup> .	285.
Watt v Grant et al	292.
Wetherbee v Payson	296.
Walker v Gould	302
Wetherbee v Forsey et al	303.
Woodside v Blake	310.
White's pet <sup>o</sup> }	311.
Withington's pet <sup>o</sup> }	
Wing's pet <sup>o</sup> }	312.
Weld's pet <sup>o</sup> }	
Waldo's pet <sup>o</sup> .	314.
Welch indicted	316.
Welch jun <sup>r</sup> . indicted	318.
White v Little	325.
White v Sears	326
White's pet <sup>o</sup> .	328.
Wing v Nye	330.
Weed v Woodbridge	340
West's pet <sup>o</sup> .	344
Whitney et al v Lumbard	349.
Woodbridge v Burnam	351.
Wise v Pickman	354.
Wallingford v Downes	355.
White v Sands	356.
Ware's pet <sup>o</sup> .	359.
Wiswall v Hall	381.
Willard et Ux <sup>r</sup> . v Rogers	386.
Waterhair v Harris	388.
Winslow et al v Capen et al	391.
Whiting v Richardson	393.
Whitten's pet <sup>o</sup>	399.

Waite v Stevens	409.
Whipple v Nurse	409.
Willard Sworn Attorney	414.
Willard v Torrey	416.
Williams v Dwight	419.
W. carried up.	
<2col, colB>	
bro't up                      W.	Leaf.
Warner v Hinds	422.
Woodbridge v Newton	424.
Wilcox v Rowlee	425.
Willson v Goodrich	428.
White v Fowler	429.
Whittelsey v Warner	434.
Woodward v White	439.
Ware v Hoskins	444.
Walker v Cobb	448.
Williams's pet <sup>o</sup> .	449.
Willbore's pet <sup>o</sup> .	450.
Wicom v Hale	455.
Woodman v Peaslee	456.
Wardwell v Gilbert	459.
West's pet <sup>o</sup> .	460.
<_>	
Y.	Leaf
Young indicted	378
<_>	
Z.	Leaf.
Zekiel v Merchant.	188.
Zuill v Bradley	388.
Same v Greenleaf	397.
Same v <del>Batchelor.</del>	
Butcher	397.
<_>	

N:B. The first leaf begins  
the Record for the Year. 1760

The 161<sup>st</sup>. leaf begins  
the Record for the Year 1761.

The 278<sup>th</sup>. leaf begins  
the Record for the year. 1762.

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[1r]

Province of the}	Anno Regni Regis Georgii secundi
Massachusetts Bay}	magnæ Britanniae Franciæ et Hiberniæ
Middlesex xx}	tricesimo tertio

At His Majesty's Superiour Court of Judicature Court  
of Assize and General Goal Delivery held at Charlestown  
within and for the County of Middlesex, on the last  
Tuesday of January (being the 29<sup>th</sup>. day of said Month)  
Annoque Domini 1760

By the Honorable Stephen Sewall Esq<sup>r</sup> Chief Justice.

Benjamin Lynde}

John Cushing} Esquire's Justice's

Chambers Russell &}

Peter Oliver}

The Names of the Grand and Petit Jurors, present. Impannelled, and sworn,  
are in Writing on file;

<\_>

<<

Parker vs Lawrence

>>

Samuel Parker of Westford in the County of Middlesex Yeoman  
Appellant, vs Samuel Lawrence of said Westford Yeoman Appellee, from  
the Judgment of an Inferiour Court of Common Pleas held at Cambridge  
in and for the County of Middlesex on the third Tuesday of May AD 1759  
when and where the Appellee was plant, and the Appellant was def<sup>t</sup>.  
In a plea of Debt. for that the said Samuel Parker on the fourth day of  
October AD 1758. at Westford aforesaid, by his Obligation of that date, in Court  
to be produced bound himself to the said Samuel Lawrence in the sum  
of One hundred Pounds Lawful Money of New England to be paid him  
on demand, Yet the said Samuel Parker has not paid the said Sum  
tho' Requested but detains it. To the damage of the said Samuel Lawrence  
as he saith the sum of One hundred Pounds; At which said Inferiour  
Court, Judgment was rendred, that the said Samuel Lawrence  
Recover against the said Samuel Parker the sum of Five pounds  
Lawful Money Debt. (being the Chancery of the Bond to it's Just Debt, or  
damage) and Costs of Suit; This Appeal was bro't forward at the last  
Term of this Court for this County, when and where the Parties Appeared,  
and the Case After a full hearing was Committed to a Jury sworn accor=  
:ding to Law to try the same who Returned their Verdict therein upon  
Oath

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[1v]

Oath that is to say, they find for the Appellee the Forfeiture of the Penalty of the Bond sued on, being £100 Lawful money, and Costs, from whence said Appeal was Continued to this Court for Chancery; And Now the Parties Appeared, and being fully heard. It is Considered by the Court that the said Samuel Lawrence Recover against the said Samuel Parker the sum of One pound five shillings Lawful Money of this Province Debt, and Costs taxed at £9.8.4½

<<

Ex'co'n issued

18<sup>th</sup>. Feb<sup>y</sup>. 1760.

>>

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<<

Graves ~~vs~~ Sparhawk

>>

Joseph Graves Appellant ~~vs~~ John Sparhawk Appellee

Neither Party Appeared

<\_>

<<

Procter ~~vs~~ Gillson

>>

Nathan [.] Procter of Westford in the County of Middlesex Yeoman Appellant ~~vs~~ David Gilson of Dunstable in the Province of New Hampshire Husbandman appellee, from the Judgment of an Inferiour Court of Common Pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, when and where the Appellant was plant, and the appellee was def't, In a plea of Trespass on the Case for that the plant. on the first day of May 1758. at Westford aforesaid was

possessed of three young Cattle Viz<sup>t</sup>. two Steers about three years old both of a Red Colour, with some white on each [<sup>^</sup>of their rumps mark't with a Crop cut off each of<sup>^</sup>] their near Ears, also of a brindle Heifer about two years old marked with a Crop cut off the near ear, which Cattle were of the Value of sixteen Pounds lawful Money, & the Plant was then and there possessed of the same as of his own goods and Chattles, and Afterwards on the same day the said Nathan casually lost the same Cattle out of his Possession and the same Cattle Afterwards came into the hands of the said David by finding and the said David knowing the same Cattle of Right to belong to the pl<sup>t</sup> but Contriving to defraud him of the same, he the said David After=  
:wards Viz<sup>t</sup>. on the first day of May 1759. at Westford aforesaid Converted and disposed of the same Cattle to his own use, To the damage of the s<sup>d</sup>. Nathan Procter, as he saith, the sum of twenty five pounds; at which said Inferiour Court, Judgment was Rendred, upon the pleadings there, that the Writ be Abated, and that the said David Gilson Recover against the said Nathan Procter his Costs of Suit; Both Parties now Appeared (And the pleas in abatement, as on file, being overruled) [<sup>^</sup>and issue now join'd<sup>^</sup>] the Case After a full hearing was Committed to a Jury sworn

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[2r]

sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the appellant twelve pounds thirteen shillings and four pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Nathan Procter Recover against the said David Gillson the sum of twelve pounds thirteen shillings and four pence, Lawful Money of this Province Damage, and Costs taxed at £9.2.2

<<

Ex'c'on issued

13<sup>th</sup>. Mar, 1760.

>>

&lt;\_&gt;

&lt;&lt;

Treadwell ~~vs~~ Nutting

&gt;&gt;

John Treadwell of Westford in the County of Middlesex Gentleman Appellant ~~vs~~ John Nutting of said Westford Yeoman Appellee, from the Judgment of an Inferi<sup>or</sup>. Court of Common Pleas held at Concord in the County of Middlesex on the first Tuesday of September last, when and where the Appellee was plant. and the Appellant was deft. In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 17<sup>th</sup>. day of August last, and on file, at large appears) at which said Inferiour Court. Judgment was Rendred, that the said John Nutting Recover against the said John Treadwell the sum of One pound lawful Money damage, and Costs of Suit; Both Parties now Appeared, and after a full hearing of them upon the Plea in abatement, as on file, It is Considered by the Court that the Writ abate. that the Judgment of the Inferiour Court be Reversed, And that the said John Treadwell Recover against the said John Nutting Costs taxed at £

&lt;\_&gt;

&lt;&lt;

Danforth Esq<sup>r</sup>. Judge &C<sup>a</sup>. ~~vs~~ Crague

&gt;&gt;

Samuel Danforth of Cambridge in the County of middlesex Esquire, Judge of the Probate of Wills and Granting Letters of Administration in and for the said County of Middlesex Appellant ~~vs~~ James Crague of Rutland in the County of Worcester Gentleman Al<sup>s</sup>. dict<sup>s</sup>. James Crague Weaver of Sudbury in the County of Middlesex in the Province aforesaid, appellee, from the Judgment of an Inferiour Court of Common Pleas held at Charlestown within and for the County of Middlesex on the second Tuesday of December last, when and where the appellant was plant. and the appellee was deft. In a plea of Debt &C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of October last, and on file, at large appears) at which said Inferiour Court, Judgment was Rendred, that the said Samuel Danforth Judge &C<sup>ac</sup>. Recover against the said James Crague the sum of Eleven pounds two shillings and four pence lawful Money (being the Chancery of the



Bond to the just Debt or damage) and Costs of Suit; Both Parties now  
 Appeared, and having been fully heard in Chancery; It is Considered  
 by

<duplicates previous>

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[2v]

by the Court that the said Samuel Danforth (in his said Capacity) Recover  
 against the said James Crague the sum of Eleven pounds sixteen shillings  
 and four pence Lawful Money [ill], of this province [^debt^], and Costs taxed  
 at £4.12.10

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Ex'c'on issued

Jan'y 21<sup>st</sup>. 1761.

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<<

Bridge ~~vs~~ Buckley

>>

Benjamin Bridge of Lincoln in the County of Middlesex Gentleman  
 Appellant ~~vs~~ Peter Bulkley of Littleton in the same County Husbandman  
 Exe'cor of y<sup>e</sup>. last Will et Testament of Charles Bulkly late of said Littleton Gent, dec'ed,  
 Appellee from the Judgment of an Inferiour Court of Common Pleas held at  
 Concord in and for the County of Middlesex on the first Tuesday of Sept<sup>r</sup>.  
 last, when and where the Appellant was Plant. and the Appellee was  
 deft. In a plea of the Case, for that the said Charles at Charlestown in the  
 County aforesaid, on the sixth day of June AD 1757. owing the said Benj<sup>a</sup>.  
 twenty two pounds three shillings and ten pence, Lawful Money as by the  
 Account to the Writ Annexed appears. promised the said Benjamin to pay him  
 the same sum on demand, Yet the said Charles tho' often Requested in  
 his life time thereto Requested never paid the same, nor has the said Peter

tho' Often Requested ever paid the same but Neglects it. To the damage of the said Benjamin as he says the sum of thirty Pounds; At which said Inferiour Court, upon the demurer there Judgment was Rendred, that the said Peter Bulkly Exec'or as aforesaid, Recover against the said Benj<sup>a</sup>. Bridge Costs of Suit; Both Parties now Appeared. And the demurer being wav'd by Consent, [<sup>^</sup>and issue join'd upon the plea (as on file)<sup>^</sup>] the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs; It's therefore Considered by the Court that the said Peter Bulkley Exc'or &C<sup>a</sup>. Recover against the said Benjamin Bridge the sum of £11.18.0 Costs.

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Ex'c'on issued

23<sup>d</sup>: Jan'y 1761.

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Welch ~~vs~~ Tufts

&gt;&gt;

Thomas Welch of Medford in the County of Middlesex Glazier Appellant ~~vs~~ Pheebe Tufts of said Medford Widow Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Charlestown in and for said County, on the second Tuesday of December last, when and where the appellee was plant. and the appellant was deft. In a plea of Trespass on the Case for that Whereas the said Pheebe is and always was a person of good Fame and Reputation and free from the Crimes of Fornication, whoredom, and carnal Copulation with Negroes, of all which the s<sup>d</sup>: Thomas was well knowing but minding and maliciously Contriving to Ruin and Destroy her Character and Reputation and Subject her to

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Image 031-Right

3.

[3r]

to an ignominious corporal punishment, did on the first day of April last, at Medford aforesaid, with a loud voice in the hearing of diverse of His Majesty's leige Subjects falsely and Maliciously speak publish and declare of and concerning the said Pheobe these false and scandalous Words following namely "The Widow Tufts (speaking of and meaning the said Pheebe) is a Negro whore" "she (meaning the said Pheebe) had a Negro Bastard Born of her Body" (meaning born of the said Pheebe's Body) "she (again speaking of and meaning the said Pheebe) had a Mollatto Child that was born of her Body" (meaning born of the said Pheebe's Body) "there is a Negro Child that was born of her body (meaning born of the said Pheebe's Body that is as big as your Abner" (meaning Abner Lealand a man grown) The Widow Tufts (speaking of and meaning the said Pheebe) has had a Bastard by a Negro (meaning that the said Pheebe had had a Bastard Child born of her Body that was begotten by a Negro) And by means of the said Thomas's speaking and publishing the false and scandalous words aforesaid of and concerning the said Pheebe she has been brought into great Contempt and Disgrace exposed to the insults of her Neighbours and others, and suffered great Grief and Vexation of spirit to the damage of the said Pheebe Tufts as she says the sum of a hundred Pounds; at which said Inferiour Court Judgment was Rendred, that the said Pheebe Tufts Recover against the said Thomas Welch the sum of Four pounds lawful money damage, and Costs; Both Parties now appeared, And the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee two Pounds ten shillings Lawfull money of this Province Damage, and Costs. It's therefore Considered by the Court that the said Pheebe Tufts Recover against the said Thomas Welch the Sum of two pounds ten shillings Lawful money of this Province Damage, and Costs taxed at £5.8.5

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Ex'c'on issued

3<sup>rd</sup>. Mar, 1760.

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Bowen ~~vs~~ Burge

&gt;&gt;

William Bowen Appellant ~~vs~~ Moses Burge Appellee

Neither Party Appeared.

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Bowen ~~vs~~ Burge Exc<sup>r</sup>. &c<sup>a</sup>.

&gt;&gt;

William Bowen of Westford in the County of middlesex Yeoman  
 Appellant ~~vs~~ Samuel Burge and Moses Burge both of Westford aforesaid  
 Yeomen, Administrators of all the Goods, Chattles and Estate of Josiah  
 Burge

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[3v]

Burge late of said Westford Yeoman dec'd Intestate Appellee, from the  
 Judgment of an Inferiour Court of Common Pleas held at Concord in and for the  
 County of Middlesex on the first Tuesday of September last, when and where  
 the appellant was plant. and the Appellee's were defendants, In a plea of  
 the Case &C<sup>ae</sup> (as in the Writ tested the 26<sup>th</sup>. day of April last, and on file,  
 at large appears) At which said Inferiour Court Judgment was Rendred,  
 upon the demurer there, that the said Samuel Burge, and Moses Burge.  
 Administrators as aforesaid, recover against the said William Bowen  
 their Costs of Suit; Both Parties now Appeared, and the Appellant, in Court  
 Confessed Judgment for Costs. It is therefore Considered by the Court that the s<sup>d</sup>:  
 Samuel Burge, and Moses Burge Adm'ors as aforesaid Recover against the said  
 William Bowen Costs taxed at £6.6.5

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Ex'c'on issued.

18<sup>th</sup>. Feb<sup>y</sup>: 1760

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Gardner ~~vs~~ Mallet

&gt;&gt;

Joseph Gardner of Boston in the County of Suffolk Physician Compl<sup>t</sup>.  
~~vs~~ Ephraim Mallet of Charlestown in the County of Middlesex Labourer.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
 Concord within and for the County of Middlesex on the first Tuesday  
 of September last, he Recovered Judgment against the s<sup>d</sup>. Ephra<sup>m</sup>:  
 for Possession of the premisses demanded in the Writ, unless within two  
 Months Next. After entring up that Judgment, there should be paid by  
 the said Ephraim to the said Joseph £7.12.3. and Costs of Suit; from  
 which Judgment the said Ephraim Appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but  
 fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>.  
 with Additional Interest and Costs. It's therefore Considered by the  
 Court that the said Joseph Gardner Recover against the said Ephraim  
 Mallet Possession of the premisses demanded in the Writ and Costs, Unless  
 within two Months from this time, the said Ephraim pay to the said  
 Joseph the sum of Seven pounds fifteen shillings. and Costs taxed at  
 £3.12.2

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Ex'con issued

10<sup>th</sup>. April 1760

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Sawyer ~~vs~~ Trowbridge

&gt;&gt;

Thomas Sawyer of Bolton in the County of Worcester Yeoman Compl<sup>t</sup>.  
 vs Thomas Trowbridge of Shirley District in the County of Middlesex Miller.  
 The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at  
 Charlestown in and for the County of Middlesex on the second Tuesday of  
 December last, He Recovered Judgment against the said Tho<sup>s</sup>. Trowbridge  
 for

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Image 033-Right

4.

[4r]

for the Sum of £8.5.1 Lawful Money damage, and Costs of Suit, from which  
 Judgment the said Trowbridge Appealed to this Court and Recogniz'd with  
 Sureties According to Law to Prosecute the same with Effect but fail'd so to  
 do. Wherefore the Complainant Ppray'd Affirmation of said Judgment  
 with Additional Interest and Costs. It is therefore Considered by the  
 Court that the said Thomas Sawyer Recover against the said Thomas  
 Trowbridge the sum of Eight Pounds six shillings and four pence  
 Lawful Money of this Province damage, and Costs Taxed at £4.11.4

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Ex'c'on issued

15<sup>th</sup>. Feb<sup>y</sup>: 1760.

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<<

Foster Esq<sup>r</sup>. vs Parmenter et al

>>

Richard Foster of Charlestown in the County of Middlesex Esq<sup>r</sup>. and  
 Sheriff of the same County, Complainant vs Phinehas Parmenter and  
 Benoni Pratt both of Framingham in the same County, [<sup>^</sup>Husbandmen<sup>^</sup>] the Compl<sup>t</sup>. shew'd  
 That at an Inferiour Court of Common Pleas held at Concord in and for  
 the County of Middlesex on the first Tuesday of September last, he  
 Recovered Judgment against them for the sum of £29.2.2 Lawful Money  
 debt, and Costs of Suit; from which Judgment they Appealed to this

Court and Recogniz'd with sureties according to Law to Prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. Pray'd Affirm<sup>a</sup>. of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Richard Foster Recover against the said Phinehas Parmenter, and Benoni Prat the sum of twenty Nine pounds fifteen shillings Lawful Money of this Province debt, and Costs taxed at £3.8.1

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Ex'c'on issued  
19<sup>th</sup>: Feb<sup>y</sup>. 1760.

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Underwood ~~vs~~ Clark

&gt;&gt;

Joseph Underwood of Natick in the County of Middlesex Tanner Complainant ~~vs~~ Isaac Clark of Hopkinton in the same County Husband=  
:man. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, he Recovered Judgment against the said Isaac for the sum of £4.16.3. Lawful Money, damage, and Costs of Suit, from w<sup>ch</sup>: Judgment the said Isaac Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Joseph Underwood Recover against the said Isaac Clark the sum of four pounds eighteen shill<sup>s</sup>. and four pence Lawful

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[4v]

Lawful Money of this Province damage, and Costs taxed at £3.19.6

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Ex. issued

19<sup>th</sup> Feb<sup>y</sup>. 1760.

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Morse ~~vs~~ Fuller

&gt;&gt;

Samuel Morse of Natick in the County of Middlesex Yeoman Compl<sup>t</sup>.  
~~vs~~ Richard Fuller of Newton in the same County Husbandman. The Compl<sup>t</sup>:  
 that at an Inferiour Court of Common Pleas held at Concord in and for  
 the County of Middlesex on the first Tuesday of September last, he Recovered  
 Judgment against the said Richard for the sum of £3.9.2 Lawful Money  
 damage, and Costs of Suit, from which Judgment the said Richard  
 appealed to this Court and Recogniz'd with sureties according to Law to  
 prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd  
 Affirm<sup>a</sup>. of said Judgment with Additional Interest and Costs, It is  
 therefore Considered by the Court that the said Samuel Morse Recover  
 against the said Richard Fuller the sum of three Pounds. eleven shill<sup>s</sup>.  
 and two pence Lawful money of this Province damage, and Costs tax'd  
 at £3.13.9

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Ex'c'on issued

12<sup>th</sup> Feb<sup>y</sup>. 1760.

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Priest ~~vs~~ Spring

&gt;&gt;

James Preist of Bolton in the County of Worcester Joyner, Compl<sup>t</sup>. ~~vs~~ Jedediah  
 Spring of Watertown in the County of Middlesex Husbandman, The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Concord in &  
 for the County of Middlesex on the first Tuesday of September last, he Recovered



Judgment against the said Jedediah for the sum of £4.6.4 Lawful Money damage, and Costs of Suit; from which Judgment the said Jedediah Appealed to this Court and Recogniz'd with sureties According to Law to Prosecute the same with Effect, but fail'd so to do Wherefore the Compl<sup>t</sup>. Pray'd Affirmation of said Judgment with Additional. Interest and Costs. It's Therefore Consider'd by the Court that the said James Preist Recover against the said Jedediah Spring the sum of Four pounds eight shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.19.10

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Ex'c'on Issued

20<sup>th</sup>. Feb<sup>y</sup>. 1760.

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Wicker ~~vs~~ Bridge

&gt;&gt;

John Wicker of Spencer District in the County of Worcester Gentleman, Complainant ~~vs~~ Benjamin Bridge of Lincoln in the County of Middles<sup>x</sup>. Gentleman, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, he Recovered Judgment against the said Benjamin for the sum of £7.18.9. Lawful Money damage, & Costs

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Image 034-Right

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[5r]

.Costs of Suit; from which Judgment the said Benjamin Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Wicker Recover against the said Benjamin Bridge the sum of Eight pounds two shillings Lawful money of this

Province damage, and Costs taxed at £4.14.0

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Ex'c'on issued

18<sup>th</sup>. Febr'y 1760.

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<<

Hunt ~~vs~~ Learned

>>

John Hunt of Watertown in the County of Middlesex Esq<sup>r</sup>. Complainant  
~~vs~~ Henry Learned of said Watertown Barber, The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of Common Pleas held at Charlestown in and for the County  
 of Middlesex on the second Tuesday of December last, he Recovered Judgment  
 against the said Henry for the sum of £13.13.5½ Lawful Money dam<sup>as</sup>.  
 and Costs of Suit; from which Judgment the said Henry appealed to  
 this Court and Recogniz'd with sureties according to Law to prosecute  
 the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional Interest and Costs:  
 It is therefore Considered by the Court that the said John Hunt Recover  
 against the said Henry Learned the sum of thirteen Pounds eighteen  
 shillings and five pence Lawful money of this Province damage, &  
 Costs taxed at £3.9.6

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Ex'c'on issued

12<sup>th</sup>. April 1760.

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Tufts vs Champney

>>

William Tufts of Charlestown in the County of Middlesex Yeoman,  
 Complainant vs Richard Champney of Cambridge in the same County  
 Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas

held at Charlestown in and for the County of Middlesex on the second Tuesday of December last, he Recovered Judgment against the said Richard for the sum of £8.17.8 Lawful money Damage, and Costs of Suit; from which Judgment the said Richard Appealed to this Court. and Recognized with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It is therefore Considered by the Court that the said William Tufts Recover against the said Richard Champney the sum of Eight pounds Nineteen shillings and a penny Lawful Money of this Province Damage, & Costs taxed at £3.2.7

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Ex'c'on Issued

3<sup>rd</sup>: March 1760.

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Mary

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[5v]

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Cary vs Russell

&gt;&gt;

Mary Cary of Charlestown in the County Middlesex Widow Compl<sup>t</sup>. vs Nathaniel Russell of Littleton in the same County Esq<sup>r</sup>. The Compl<sup>t</sup> shew'd that at an Inferiour Court of Common Pleas held at Concord in the County of Middlesex on the first Tuesday of September last, she Recover'd Judgment against the said Nathaniel for the sum of £32.16.3. Lawful Money debt [+], and Costs of Suit; from which Judgment he appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs, It is therefore Considered by the Court that the said Mary Cary Recover

against the said Nathaniel Russell the sum of thirty three Pounds  
eleven shillings Lawful Money of this Province Debt [+], and Costs  
taxed at £3.8.6

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no Ex'c'on issued.

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Tyler ~~vs~~ Sanger

>>

Royal Tyler of Boston in the County of Suffolk Esq<sup>r</sup>. Executor of the  
last Will and Testament of William Tyler late of said Boston Esq<sup>r</sup>. dec'ed.  
Compl<sup>t</sup>. ~~vs~~ Richard Sanger of Sherborn in the County of Middlesex  
Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas  
held at Concord in and for the County of Middlesex on the first Tuesday  
of September last, he Recovered Judgment against the said Richard  
for the sum of £16.13.8 Lawful Money debt, and Costs of Suit. from  
which Judgment the said Richard Appealed to this Court and Recogniz'd  
with sureties According to Law to prosecute the same with Effect but fail'd so to do,  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Interest and Costs. It's therefore Considered by the Court that the said Royal  
Tyler Recover against the said Richard Sanger the sum of Seventeen pounds  
one shilling and five pence Lawful Money of this Province debt, and  
Costs taxed at £3.10.4

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Ex'c'on issued

29<sup>th</sup>. feb, 1760.

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Loring et al ~~vs~~ Woodward

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Israel Loring Clerk, William Cook Clerk, [+]  
 Daniel Woodward, and Daniel EasterBrook Gentlemen, Samuel Parris,  
 [+], Hezekiah Moore, and William Rice Yeomen all of  
 Sudbury in the County of Middlesex Plaintiff's ~~vs~~ John Woodward of Sudbury  
 aforesaid Yeoman, On a Writ of Scire Facias, to shew cause &C<sup>a</sup>: (as in the Writ  
 tested the 17<sup>th</sup>. day of January In<sup>s</sup>.) And on file, at large Appears) [<sup>^</sup>The plts appear'd &<sup>^</sup>] The  
 said John  
 Woodward, altho' Solemnly called to come into Court [+]  
 did

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[6r]

did not appear, but made default; It is therefore Considered by the Court  
 Israel Loring, William Cook, Daniel Woodward, Daniel Easterbrook, Samuel  
 Parris, Hezekiah Moore, and William Rice Recover against the said John Wood=  
 :ward the sum of thirty one pounds six shillings Lawful Money of this  
 Province Debt, and four pounds and four pence like Money; and also for the  
 Costs of this suit taxed at £2.19/.

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Ex'c'on issued

3<sup>rd</sup>. Mar, 1760.

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Drury ~~vs~~ Lealand

>>

Thomas Drury of Framingham in the County of Middlesex Yeoman  
 Complainant ~~vs~~ Abner Lealand of Medford in the same County Innholder.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Concord  
 in and for the County of Middlesex on the first Tuesday of September last, he Recover'd  
 Judgment against the said Abner for the sum of £8.19.8 Lawful Money  
 damage, and Costs of Suit; from which Judgment the said Abner appealed

to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Drury Recover against the said Abner Lealand the sum of Nine Pounds five shillings and two pence Lawful Money of this Province [<sup>^</sup>damage<sup>^</sup>] and Costs taxed at £3.11.1

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Ex'c'on issued

19<sup>th</sup>: Feb<sup>ry</sup>: 1760.

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Page vs Reed

&gt;&gt;

Jonathan Page of Lunenburg in the County of Worcester Yeoman.  
Appellant ~~vs~~ Richard Reed of Marblehead in the County of Essex Esquire,  
Appellee, from the Judgment of an Inferiour Court of Common Pleas  
held at Worcester in and for the County of Worcester on the first Tuesday  
of November AD 1757. when and where the Appellant was plant.  
and the Appellee was defendant. In a plea of Trespass on the Case &C<sup>a</sup>.  
(as in the Writ tested the 29<sup>th</sup>: day of April AD 1757, and on file, at large Appears)  
at which said Inferiour Court Judgment was Rendred, upon the demurer  
there, that the said Richard Reed shou'd Recover against the said Jon<sup>a</sup>.  
Page Cost of Suit: This Appeal was enter'd and brought forward. At the  
Superiour Court of Judicature Court of Assize and General Goal delivery,  
held at Worcester within and for the County of Worcester on the third  
Tuesday of September AD 1758. when and where the Parties Appeared,  
and this Action, was Referr'd to W<sup>m</sup>. Brattle Esq<sup>r</sup>. Major Joseph Jackson,  
and Major Edward Hartwell; And from thence said Appeal was  
Continued

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[6v]

Continued to the Superiour Court of Judicature &C<sup>a</sup>. held at Worcester in and for the County of Worcester on the third Tuesday of September last, said Referrees having made no Report; when and where the Parties appeared, and this Action was withdrawn from said Referrees (they 'not having agreed upon a Report): and Referred (by Consent of the Parties) to Thomas Whiting Esq<sup>r</sup>. John Gibson, and Stephen Hall Esq<sup>r</sup>. the Determination of the last named Referrees, or of any two of them, to be final, and Report to be made as soon as might be; the Parties agreeing that Report might be made and Judgment enter'd therupon, in any County; And then said Action was further Continued, from the last Mentioned Term, and Transferr'd to this Court, said Referrees not having made Report; And Now at this Court. Both Parties Appeared. And two of the last named Referrees Viz<sup>t</sup>. said Whiting, & Gibson, made Report in Writing under their hands as on file, which was Read and accepted by this Court; and pursuant to the same Report: It is Considered by the Court. that the said Jonathan Page Recover against the said Richard Reed the sum of Six pounds twelve shillings Lawful money of this Province damage, and Costs taxed at £15.11.9

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Ex'c'on issued.

15.<sup>th</sup>. Feb<sup>y</sup>. 1760.

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Order on. Foster's Pet<sup>o</sup>.

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Upon Reading the Petition of Lydia Foster Administratrix of the Estate of David Foster late of Hopkinston in said County 'dec'ed Intestate, Wherein the Petitioner shew'd that the said Deceaseds Estate is Insolvent and not sufficient to pay his just debts. The Petitioner therefore pray'd this Court to Licence and Authorize her, (in her said Capacity) to make Sale of the whole of the said Deceaseds Real Estate, that so the proceeds of the Sale thereof, might

be applied towards discharging his just debts: Ordered that the prayer of this Petition be Granted, and that that said Lydia Foster (in her said Capacity) be and hereby is Impowered to make sale of the whole Real Estate of the said Dec'd for the Ends afores<sup>d</sup>. as pray'd for: and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the sale, and Account with the Judge of Probate for said County (of the Produce of said Estate) as the law directs;

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Order on Richardson's Petition

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Upon Reading the Petition of Jonathan Richardson Administrator of the Estate of John Cotton late of Newton in said County Physician dec'd Intestate, Wherein the Petitioner shew'd That the said deceased's Estate is Insolvent

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[7r]

Insolvent and not sufficient to pay his just Debts: The Petitioner therefore pray'd this Court would Licence and Authorize him (in his said Capacity) to make Sale of the whole of the said Deceaseds Real Estate that so the proceeds of the Sale thereof, may be applied towards discharging his just Debts: Ordered that the prayer of this Petition be granted, and that the said Jonathan Richardson (in his said Capacity) be and hereby is Impowered to make Sale of the whole Real Estate of the said Deceased for the Ends afores<sup>d</sup>: as pray'd for, And to pass and execute a good deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the sale and account with the Judge of Probate for said County, (of the Produce thereof) as the Law directs;

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Order on Ellis's Peto:

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Upon Reading the Petition of Thomas Ellis Administrator of the Estate of Joseph Comecho late of Natick in said County (Indian) dec'd Intestate, wherein the Petitioner shew'd that the Personal Estate of the said dec'd is not Sufficient his just Debts. The Petitioner therefore pray'd this Court to Licence and authorize him (in his said Capacity) to make Sale of two thirds of the said deceaseds Real Estate (first Advising with the Indian Guardians) the other third being set of to his Widow for her dower, that so with the proceeds of the sale thereof, he might be Enabled to Satisfy the demands against said Dec'ds Estate, so far as the same would extend; Ordered that the prayer of this Petition be Granted, & that the said Thomas Ellis (in his s<sup>d</sup>. Capacity) be and hereby is Impowered to make Sale of said two thirds of the dec'ds Real Estate, for the Ends afares<sup>d</sup>: as pray'd for, and to pass and Execute a Good Deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifi= :cations thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs;

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Order on Brooks Pet<sup>0</sup>.

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Upon Reading the Petition of Caleb Brooks Administrator of the Estate of Joseph Tufts late of Medford in said County dec'd Intest<sup>a</sup>. wherein the Petitioner shew'd that the Personal Estate of the said deceased is not Sufficient to pay his just debts; The Petitioner therefore this Court to Licence and Authorize him (in his said Capacity) to make Sale of so much of the said Deceased's Real Estate (where it cou'd be best spared) as wou'd be Sufficient to satisfy his just Debts; Ordered that

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[7v]

Ordered that the Prayer of this Petition be Granted, and that the said Caleb Brooks (in his said Capacity) be and hereby is Impowered to make Sale of one thousand and twenty five pounds worth of the said Tufts Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for. And to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof. the Petition<sup>r</sup>. to post up notifications thirty days before the same be sold, and Account with the Judge of Probate for said County, as the Law directs;

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Order on William's Petition

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Upon Reading the Petition of Hepzibah Williams Administrator of the Estate of Nehemiah Williams late of Sudbury in said County dec'd Intestate, wherein the Petitioner shew'd that the personel Estate of the said deceased is insufficient to pay his just Debts. The Petitioner therefore Pray'd this Court to Licence and Authorize her (in her said Capacity) to make Sale of so much of the said Dec'eds Real Estate (where it can be best spared) as may be Sufficient for the purpose aforesaid; Ordered that the prayer of this Petition be granted, And that the s<sup>d</sup>. Hepzibah Williams (in her said Capacity) to make Sale is Impowered, to make Sale of one hundred and thirty five pounds worth of the said deceased's Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd; and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up notifications thirty days before the Sale, and Account with the Judge of Probate for said County, as the Law Directs;

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Order on Warren's Pet<sup>o</sup>.

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Upon Reading the Petition of John Warren Administrator of the Estate of Josiah Warren late of Groton in said County deceased Intestate, wherein the Petitioner Shew'd that the said Deceaseds Personal Estate

is not Sufficient to pay his just Debts. The Petitioner therefore pray'd this Court would Licence and Authorize him (in his said Capacity.) to make Sale of so much of the said Dec'eds Real Estate (where it cou'd be best, spared) as might be Sufficient for the purpose aforesaid: Ordered that the Prayer of this Petition be Granted, & that the said John Warren (in his s<sup>d</sup>. Capacity) be and hereby is Impowered to make sale of One hundred pounds worth of the said dec'eds Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for, and to pass and

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8.

[8r]

and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up notifications thirty days before the Sale, and Account with the Judge of Probate for said County, as the Law directs;

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Order on Sergeants Pet<sup>o</sup>.

>>

Upon Reading the Petition of David Sergent Administrator of the Estate of Thomas Wheeler late of Malden in said County deceased Intestate Wherein the Petitioner shew'd That the Personal Estate of the said deceased is not sufficient to pay his just debts. The Petitioner therefore pray'd This Court would Licence and authorize him (in his said Capacity) to make Sale of so much of the said dec'eads real Estate (where it cou'd be best spared) as might be Sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted and that the said David Sergent (in his said Capacity) be and hereby is Impowered to make Sale of Ninety Pounds worth of the said Dec'eds Real Estate for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up notifications thirty days for sale and account with the Judge of Probate for said County, as the Law directs;

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Order on Upton's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Joanna Upton Administratrix of the Estate of Ezekiel Upton late of Reading in the same County, dec'eds Intest<sup>a</sup>. Wherein the Petitioner shew'd that the Personal Estate of the said Dec'ed is not Sufficient to pay his just debts; The Petitioner therefore pray'd this Court to authorize and Impower her (in he said Capacity) to make Sale of so much of the said Dec'eds Real Estate (where it cou'd be best spared) as wou'd be Sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted, and that the said Joanna Upton (in her said Capacity) be and hereby, is, Impowered to make Sale of Seventy pounds worth of the said dec'eads Real Estate for the purpose aforesaid (such as will be least Prejudicial to the whole) as pray'd for. And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the petitio<sup>r</sup>. to post up notifications thirty days before the sale and account with the Judge of Probate for said County, as the Law Directs;

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Order on Key's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Mary Keyes Administratrix of the Estate of Zebediah Keys late of Chelmsford in the same County dec'ed Intestate. Wherein

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[8v]

Wherein the Petitioner shew'd that the Personal Estate of the said Dec'ed is insufficient to pay his just Debts. The Petitioner therefore pray'd this Court would Licence and Authorize her (in her said Capacity) to make Sale of so much of the said Deceaseds Real Estate (where it cou'd be best spared) as might be Sufficient for the purpose aforesaid: Ordered that the prayer of this

Petition be Granted, and that the said Mary Keyes (in her said Capacity) be and hereby is Impowered to make Sale of Fifty two pounds worth of the s<sup>d</sup>: dec<sup>'</sup>eds Real Estate for the Ends aforesaid (such as will be least prejudicial to the whole) as Pray'd for. and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof the Petiti<sup>o</sup>. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs;

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Order on Longley's Pet<sup>o</sup>.

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Upon Reading the Petition of Mary Longley Administratrix of the Estate of Joseph Longley late of the District of Shirley in the same County; dec<sup>'</sup>ed Intestate Wherein the Petitioner Shew'd that the Personal Estate of the said Deceased is insufficient to Satisfy his just Debts. The Petitioner there= fore pray'd this Court would Licence and authorize her (in her said Capacity) to make Sale of so much of the said Deceaseds Real Estate (where it cou'd be best Spared) as might be Sufficient for the purpose aforesaid. Ordered that the prayer of said Petition be Granted, And that the said Mary Longley (in her said Capacity) be and hereby is Impowered to make Sale of thirty five pounds worth of the said Dec<sup>'</sup>eds Real Estate for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for. and to Pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and Account with the Judge of Probate for said County, as the Law directs

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Order on Butterick's Petition

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Upon Reading the Petition of John Butterick Administrator of the Estate of Charles Flint late of Concord in said County deceased Intestate. Wherein the Petitioner shew'd that the Personal Estate of the said Deceased is not Sufficient to pay his just Debts. The Petitioner therefore pray'd this Court to

Licence and Authorize him (in his said Capacity) to make Sale of so much of the said deceaseds Real Estate (where it cou'd be best spared) as might be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted, and that the said John Butterick in

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[9r]

(in his said Capacity) be and hereby is Impowered to make Sale of twenty five pounds worth of the said Deceaseds Real Estate for the Ends aforesaid, (such as will be least Prejudicial to the whole) as pray'd for. And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County as the Law directs

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Holbrook's Pet<sup>o</sup>. Granted.

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The Petition of Ezra Holbrook et al for division of Land, as on file, allow'd;

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Bradburys Pet<sup>o</sup>. Granted.

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The Petition of Barnabas Bradbury et al for division of Land, as on file, allow'd;

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Order on Whittemore's Petition

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Upon Reading the Petition of Josiah Whittemore Administrator of the

Estate of Samuel Trumbal late of Charlestown in said County deceased Intestate. Wherein the Petitioner shew'd that the debts justly owing from the said Intestate, exceeds the Apprized Value of his whole Estate. The Petitioner therefore pray'd that this Court would licence him (in his s<sup>d</sup>. Capacity) to make Sale of the whole of the said Deceased Real Estate in

Order to discharge his Debts; Ordered that the Prayer of this Petition be Granted, and that the said Josiah Whittemore (in his said Capacity) be & hereby is Impowered to make Sale of the whole Real Estate of the said Intestate, for the Ends aforesaid, as pray'd for. And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate for said County et of the Produce thereof, as the Law Directs;

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Recommendation of Brown's Acco<sup>t</sup>.

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Order'd that it be Recommended to the Court of General Session's of the Peace for this County, to allow Nathaniel Brown fifty shillings for firing and Candles provided for this Court, in this and, last January Term.

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Adjournment of the Court

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Charlestown January 31, 1760 The Court  
enter'd

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[9v]

entered up Judgment according to the Verdicts and then  
the Court Adjourned without day.

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Image 039-Right

10.

[10r]

Province of the} Anno Regni Regis Georgii secundi Magnæ  
 Massachusetts Bay} Britanniaë Franciæ et Hiberniæ Tricesimo  
 Suffolk Ss} tertio

At His Majesty's Superiour Court of Judicature Court

of Assize and General Goal Delivery, held at Boston  
 within and for the County of Suffolk on the third Tuesday  
 of February (being the 19<sup>th</sup>. day of said Month) Annoque  
 Domini 1760

By the Honorable [.]  
 Stephen Sewall Esq<sup>r</sup>: Chief Justice  
 Benjamin Lynde }  
 John Cushing }  
 Chambers Russell & } Esquire's Justices.  
 Peter Oliver. }

The Names of the Grand, and Petit, Jurors present. Impannelled, & Sworn,  
 are in Writing, on file;

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Moore ~~vs~~ Indicott Exc'or.

&gt;&gt;

William Moore of Boston in the County of Suffolk Housewright  
 Appellant ~~vs~~ John Indicott of said Boston Merchant Executor of the  
 Testament of John Indicott of said Boston Gentleman dece'ased Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at  
 Boston in and for the County of Suffolk on the first Tuesday of January  
 AD 1754. when and where the Appellant was Plaintiff and the Ap'lee  
 was defendant, In a plea of the Case for that the said John the Testator in  
 his lifetime Viz<sup>t</sup>. on the fourth day of December Anno Dom' 1749. at Boston



aforesaid being indebted to the plan't four thousand one hundred and twenty eight pounds in old tenor bills of Credit of this Province for so much by him Received of sundry persons for the plant, and to his use promist to pay it to the plant, on demand. Yet he never paid the same in his life time, neither hath the said John his Executor ever paid it (being of the Value of Five hundred fifty pounds seven shillings and four pence of Lawful Money) tho' Requested, but Neglects it, To the damage of the said William as he saith the sum of Seven hundred pounds; At which said Inferiour Court (upon the Demurer there) Judgment was Rendred that the said John Indicott Exe'cor as aforesaid, Recover against the said William Moore

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[10v]

More Costs of Suit; This Appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston within and for the County of Suffolk on the third Tuesday of February AD 1754. when and where the Parties Appeared and by their Consent, this Appeal was Continued to the [^then^] Next term of this Court for this County, and so from term to term to the Superiour Court of Judicature &C<sup>a</sup>. held at said Boston for said County, on the third Wednesday of Febru'ary last, by Adjournment, when and where the Appellant Appeared, but the Appellee altho' Solemnly called to come into Court did not appear, but made default, and from thence this Appeal was further Continued to the Superiour Court of Judicature &C<sup>a</sup>. held at said Boston for said County, on the third Tuesday of August last, by Consent of Parties. and from that Term, said appeal was Continued to this Court for Judgment; And Now both Parties Appeared, and upon the appellee's default made as aforesaid; It is Considered by the Court that the said William Moore. Recover against the Estate of the said John Indicott dec'ed, in the hands of the said John Indicott Executor as aforesaid, the sum of Five hundred and fifty pounds eight shillings, Lawful Money of this Province Damage, and Costs taxed at £15.16.10

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Ex'c'on issued

8<sup>th</sup>. Mar, 1760.

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&lt;&lt;

Cary ~~vs~~ Inches

&gt;&gt;

Samuel Cary of Charlestown in the County of Middlesex Gentlem<sup>n</sup>:  
 appellant ~~vs~~ Henderson Inches of Boston in the County of Suffolk Merch<sup>t</sup>.  
 Appellee, from the Judgment of an Inferiour Court of Common Pleas  
 held at Boston in and for the County of Suffolk on the first Tuesday  
 of January AD 1757. when and where the Appellee was plant and the  
 appellant was defendant, In a plea of the Case &C<sup>a</sup>. (as in the Writ tested  
 the 22<sup>nd</sup>. day of June AD 1756. and on file, at large Appears) At which s<sup>d</sup>.  
 Inferiour Court Judgment was Rendred, that the said Henderson  
 Inches, Recover against the said Samuel Carey the sum of Ninety  
 three pounds seventeen shillings and eight pence half penny Lawful  
 money damage, and Costs of Suit; This appeal was bro't forward at  
 the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the  
 County of Suffolk on the third Tuesday of February AD 1757. when and  
 where the Parties appeared, and by their Consent said appeal was  
 Continued to the then Next Term, of said Court for this County; and so from  
 term, to term, to the Superiour Court of Judicature &C<sup>a</sup>. held at Boston  
 in and for said County of Suffolk on the third Tuesday of August  
 last,

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11.

[11r]

:last, by Consent when and where the Parties Appeared, and Referr'd, this Action  
 to Samuel Wentworth, Samuel Hughes, and John Powell, the Determination  
 of said Referrees, or of any two of them, to be final, and Report to be made as

soon as might be. and from thence said Appeal was Continued to this Court, no Report being made; And now both Parties Appeared, and the s<sup>d</sup>: Referrees, made Report in Writing under their hands, which was Read and Accepted by the Court, and pursuant to the same Report, on file; It is Considered by the Court that the said Henderson Inches Recover against the said Samuel Cary, the Sum of Ninety three pounds seventeen shillings and eight pence  $\frac{1}{2}$ <sup>d</sup>. lawful Money of this Province Damage, and Costs taxed at £7.2.9 $\frac{1}{2}$ <sup>d</sup>.

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Ex'c'on issued

25<sup>th</sup>, Mar, 1760

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&lt;&lt;

Stevens ~~vs~~ Hawes

&gt;&gt;

John Stevens Plaintiff ~~vs~~ Samuel Hawes Defendant

This Action is dismiss, the Def<sup>t</sup>. being dead, and no Executor or Adm'or appearing;

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Wilson et al. ~~vs~~ Fisher et al.

&gt;&gt;

Ephraim Willson and Nathaniel Kingsbury Yeomen, and William Avery Gentleman, all of Dedham in the County of Suffolk Deacons of the first Church of Christ in said Dedham [<sup>^</sup>who sue in behalf of said Church<sup>^</sup>] Plaintiff's ~~vs~~ David Fisher and Daniel Gay both of said Dedham Yeomen Defendants, In a plea of Review of a plea of Trespass commenced and prosecuted at an Inferiour Court of Common Pleas held at Boston in and for said County of Suffolk on the first Tuesday of April AD 1756. by the said Wilson and Kingsbury, and one Joseph Wright since deceased, in the Capacity of Deacons as aforesaid, against the said Fisher and Gay in the following words Viz<sup>t</sup>. "In a plea of Trespass for that "the said David and Daniel, on the twentieth day of December last, with

"force and Arms broke and enter'd the close of the said Church Situate in  
 "Walpole in the same County bounded as follows Northerly partly on  
 "Land of Thomas Adams and partly on land of John Hall. Westerly on the  
 "line between the Town of Medfield and Walpole, southerly partly  
 "on land of Aquila Robins, partly on land of William Robins, and  
 "partly on land of Josiah Morse, easterly partly on land of the s<sup>d</sup>:  
 "John Hall and partly on Common Land. said Close containing  
 "about one hundred and fifty Acres, and then and there the said  
 "Daniel and David with force as aforesaid cut down a Tree of the s<sup>d</sup>:  
 "Church growing in the said Close of the Value of forty shillings, and  
 carried

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[11v]

"carried it away and many other Enormities the said Daniel and David  
 "then and there did against the Kings Peace, And to the Damage of the said  
 "Joseph; Ephraim, and Nathaniel, qualified as aforesaid as they say, the  
 "sum of Six Pounds"; At which said Inferiour Court Judgment was Render'd  
 that the said Joseph Wright, Ephraim Wilson, and Nathaniel Kingsbury  
 Recover against the said David Fisher and Daniel Gay the sum of twenty  
 shillings lawful Money damage, and Costs of Suit; from which  
 Judgment the said David Fisher and Daniel Gay, Appealed to the Superiour  
 Court of Judicature Court of Assize and General Goal Delivery held at  
 Boston in and for said County of Suffolk on the third Tuesday of August  
 AD 1756. from which same Court the Action aforesaid was Continued to the  
 then Next Term of said Court for said County, and so from Term to Term  
 unto the Superiour Court of Judicature Court of Assize and General  
 Goal Delivery, held at Boston in and for said County, on the third Tuesday  
 of February AD 1758, when and where Judgment was Render'd that the  
 former Judgement be Reversed, and that the said David Fisher, and Daniel  
 Gay Recover against the said Ephraim Wilson and Nathaniel Kingsbury  
 (the said Wright being then dead) Costs of Courts taxed at eight pounds  
 Nineteen shillings and two pence, which same Judgment the plan'ts

[+] say is wrong and Erroneous, and that they (in their Capacity aforesaid) are damnified the sum of twenty pounds, as shall then and there be made to appear: Wherefore for Reversing the Judgment last Mentioned, and Recovering back from the said Fisher and Gay the same Costs, and for Recovering Judgment against them, for the sum of Six pounds (damage laid in the Original Writ) and Cost of Courts, the said Wilson Kingsbury & Avery qualifi'd as aforesaid, bring this suit. This Action of Review was brought forward, at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for the County of Suffolk, on the third Tuesday of February AD 1759. when and where the Parties appeared, And the said David Fisher and Daniel Gay, came and defended (by Benjamin Prat Esq<sup>r</sup>. their Attorney) and says the last mentioned Judgment is in Nothing erroneous and thereof put &C<sup>a</sup>: upon which [<sup>^</sup>plea<sup>^</sup>] Issue being Joined, the Case After a full hearing was Committed to a Jury Sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find Specially Viz<sup>t</sup>: "That in the Year 1641. "John Phillips sold to the Church in Dedham (there then being only "one

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Image 041-Right

12.

[12r]

"one Church in Dedham) three Acres of Land part of and house lott, And  
 "Afterwards in the same year, Joseph Kingsbury in exchange and [<sup>^</sup>for<sup>^</sup>] other  
 "Considerations Granted to the Church in Dedham three Acres more both which  
 "Grants are in the Case; and on the 11<sup>th</sup>: day of January 1642. the Proprietors  
 "of Dedham passed a Vote Respecting a Division of some of their Lands and to  
 "sett apart some lands for Public Use as in the Vote Copy whereof is in the Case  
 "is expressed; And on the 6<sup>th</sup>. day of Feb<sup>y</sup>. in the same year the same Proprietors  
 "made a grant to said Town of Dedham of 40 Acres in manner as is expressed  
 "in their Vote Copy whereof is in the Case; And Afterwards in the year 1644.

"the Inhabitants of said Dedham voted that certain Feoffees should have  
 "certain Lands in said Town formerly set apart for Public Use for the  
 "use of a School as in said Vote, also in the Case is Expressed; That after  
 "in the year 1656 the propr'iers passed a Vote Respecting Rights and Divisions  
 "Copy whereof is in the Case, and Difficulties arising touching such  
 "matters they passed their Vote of 16<sup>th</sup>. Feb<sup>y</sup>: 1659. Copy whereof is in the Case  
 "that the Arbitrators therein Named made their Award Copy whereof is in  
 "the Case, which award was Accepted and thereupon the Rights of Cow  
 "Commons and other Rights of Dividends were Stated by said  
 "Proprietors, and that of said Church among others, and Recorded in  
 "their old paper Cover'd Book pages 6 & 7. In Pursuance of these proceedings  
 "the Proprietors in the Year 1664 Granted the Land in Question to the  
 "Church in Dedham and their Successors forever. Copy of their Vote  
 "is in the Case. After this the Proprietors purchased King Phillips  
 "Right in Lands held by them in propriety, said Church being then  
 "Considered as proprietors was taxed with the other proprietors for the  
 "Payment thereof And Afterwards in the year 1666, a Rate was made on  
 "the said Proprietors for the Charge of laying out the dividend near Medfield  
 "and the said Church was Rated as a proprietor the sum of six shillings and  
 "eight pence thereto; And Afterwards in y<sup>e</sup> Year 1736. The second Congregation Ch'h  
 "in said Dedham was gathered; And in the Year 1739. the third Congrega=  
 "tional Church in said Dedham was gathered; that there has been a  
 "Constant Succession in said first Church of Ministry and Deacons from  
 "the time of the grant aforesaid to this time, and the same first Church  
 "has had a a Constant Possession of the said Close untill the Cutting afores<sup>d</sup>:  
 "That the deft<sup>s</sup>. are members one of the said second Church, and the others  
 "of the said third Church in said Dedham, and by the Direction & Coman'd  
 "of the said second and third Churches, on the day Mentioned in the  
 "Declaration Entred into y<sup>e</sup> said Close and cut the tree therein set forth  
 "And

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[12v]

"And if said second and third Churches or either of them had any Right to the  
 "Premises or any proportion thereof. Then the Jury find for the Deft<sup>s</sup>. Costs, otherwise  
 "they find for the Plant<sup>s</sup>. twenty shillings, and Costs." And from thence said  
 Action was Continued to the last Term of this Court, for this County, for Advise=  
 :ment on said Verdict: and then said Action of Review was further Continued  
 to this Court by Consent for Argument [<sup>^</sup>on said Verdict<sup>^</sup>]: and now both Parties Appeared, And  
 having been fully heard by their Council, And After Mature Advisement  
 on the said Special Verdict, It is Considered by the Court that the former  
 Judgment be Reversed And that the said Ephraim Willson, Nathaniel  
 Kingsbury, and William Avery Recover against David Fisher and  
 Daniel Gay the sum of twenty shillings Lawful Money of this Province  
 Damage, and Costs taxed at £32.8.5½

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Ex'c'on issued

14<sup>th</sup>. (1760) April.

&gt;&gt;

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&lt;&lt;

Cleverly vs Patterson

&gt;&gt;

Stephen Cleverly of Boston in the County of Suffolk Mariner Appellant  
 vs James Patterson of said Boston Mariner appellee, from the Judgment of an  
 Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk  
 on the first Tuesday of July last, when and where the appellant was plaintiff and  
 the appellee was defendant, In a plea of Trespass on the Case for that the Defend<sup>t</sup>.  
 on the thirteenth day of December last, being Indebted to the plant Fifty two  
 Pounds six shillings according to the Account to the Writ Annexed, at Boston  
 aforesaid promised the plaintiff to pay him the same on demand, and also  
 the defendant on the fourteenth day of April 1758. at a place called S<sup>t</sup>.  
 Christophers in Boston aforesaid received of the Plaintiff another sum of one  
 hundred forty eight peices of eight and one bit (being of the Value of Thirty  
 five pounds eleven shillings and a half penny Lawful Money to Negotiate  
 and lay out in Rum or Sugar to the Plant's best profit and advantage, and  
 thereof to Render him a reasonable Account on demand, Yet the defendant

hath never Rendered him any Account thereof tho' Requested; And also the Defendant on the Eleventh day of September last in Consideration the Plant, at his Special Instance and Request had became Master of Another of the defendant's Sloops, and proceeded on board the same and acted in s<sup>d</sup>. Capacity, for the space of two Months, at Boston aforesaid promised the plan't to pay him therefor as much as the same should be Reasonably worth, Now the plant. in fact says the same was reasonably worth another sum of nine pounds six shillings and eight pence, Yet the defendant hath never paid either of the sums aforesaid tho' Requested, but Neglects and Refuses to pay either of them, or any part thereof, to the Damage of the said Stephen

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[13r]

Stephen as he saith the sum of Fifty eight pounds; At which said Inferiour Court Judgment was Rendred ~~was Rendered~~, that the said James Patterson recover against the said Stephen Cleverly Costs of Suit; This Appeal was bro't forward at last Term of this Court for this County, and from thence Continued to this Court, by Consent; and Now both Parties Appeared, and the Case, After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that, is to say, they find for the Appellant Reversion of the former Judgment Sixteen pounds eighteen shillings and nine pence Lawful Money damage, and Costs. It's there-fore Considered by the Court that the former Judgment be Reversed, and that the said Stephen Cleverly Recover against the said James Patterson the sum of Sixteen pounds eighteen shillings and nine pence Lawful Money of this Province Damage, and Costs taxed at £6.0.2

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Ex'c'on issued

10<sup>th</sup>. Mar, 1760.

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&lt;&lt;

Cleverly ~~vs~~ Patterson

&gt;&gt;

Stephen Cleverly of Boston in the County of Suffolk Mariner  
 Appellant ~~vs~~ James Patterson of said Boston Mariner Appellee, from the  
 Judgment of an Inferiour Court of Common Pleas held at Boston in and  
 for the County of Suffolk on the first Tuesday of July last, when and where the  
 Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of Trespass upon  
 the Case, for that the said Stephen at Boston aforesaid on the fifth day of  
 March AD 1759. being Indebted to the said James the sum of Seven Pounds  
 and three pence Lawful Money of this Province to ballance the Account  
 to the Writ Annexed, then and there promised the said James to pay him the  
 same Sum on demand. Yet the said Stephen tho' Requested hath never paid  
 the same, but Refuses to pay it. To the damage of the said James, as he  
 saith, the sum of Twelve Pounds; at which said Inferiour Court  
 Judgment was Rendred, that the said James Patterson Recover against  
 the said Stephen Cleverly the sum of Seven pounds and three pence  
 Lawful Money damage, and Costs of Suit: This Appeal was bro't forward  
 at the last Term of this Court for this County, and from thence Continued  
 to this Court, by Consent: And now both Parties Appeared, and the Case  
 After a full hearing was Committed to a Jury sworn According to Law to  
 try the same who Returned their Verdict therein upon Oath, that is to say,  
 they find for the appellee One shilling lawful Money of this Province  
 damage, and Costs. It is therefore Considered by the Court that the s<sup>d</sup>.  
 James Patterson Recover against the said Stephen Cleverly the sum  
 of one shilling lawful money of said province dam<sup>a</sup>. et Costs taxed at £

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Thomas

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Image 043-Left

[13v]

&lt;&lt;

Carnes vs Welch

&gt;&gt;

Thomas Carnes Appellant ~~vs~~ John Welch jun<sup>r</sup>: Appellee

Neither Party appeared

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Paine ~~vs~~ Sturgis et al

&gt;&gt;

William Paine of Boston in the County of Suffolk Miller, Appellant ~~vs~~ Samuel Sturgis Esq<sup>r</sup>. and Archibald M<sup>c</sup>.Neil Gentleman. both of Boston aforesaid, and Stephen Brown of Charlestown in the County of Middlesex Mariner, Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the appell<sup>t</sup>. was plant. and the Appellee's were defendants. In a plea of Trespass upon the Case &C<sup>a</sup>. (as in the Writ on file, bearing date the 18<sup>th</sup>. day June last, may at large appear) At which s<sup>d</sup>: Inferiour Court Judgment was Rendred, that the said Samuel Sturgis, Archibald M<sup>c</sup>.Neil, and Stephen Brown Recover against the said William Paine Costs of Suit; This Appeal was bro't forward at the last Term of this Court for this County. when and where the Parties Appeared, And Referr'd this Action to John Powell, John Rowe Esq<sup>r</sup>., and Henry Bromfield, who were to determine what was justly due to the Appellant, and also to determine what Sum each of the said Appellees ought to pay to the said appellant, And if said Referrees should judge y<sup>t</sup>. either of the Appellees ought not to pay the Appellant any sum, then such Appellee should have his Costs, to be paid as said Referrees should determine; the Determination of said Referrees, or of any two of them, to be final: Report to be made as soon as might be, and from thence said Appeal was Continued to this Court, by Consent, no Report being made; and Now the Parties Appeared, and the said Referrees, made Report in Writing as on file, which [<sup>^</sup>was<sup>^</sup>] Read and Accepted by the Court, and pursuant thereto; It is Considered by the Court that the said William Paine Recover against the said Archibald M<sup>c</sup>.Neil the sum of twenty pounds eight shillings and 4½<sup>d</sup> penny Lawful Money of this Province Damage, and Costs taxed at £3.13.8 And against the said Stephen Brown, the sum of twenty pounds eight shillings and 4½<sup>d</sup>: Lawful money of this Province [<sup>^</sup>dam<sup>a</sup><sup>^</sup>] and Costs taxed at £3.13.10 And that the said Samuel Sturgis Recover against the said Archibald M<sup>c</sup>.Neil and Stephen Brown Costs taxed at £

&lt;&lt;

2 Exe'c'ons issued

in fav<sup>o</sup>. Paine. one

agst<sup>r</sup> M<sup>c</sup>Neil, and  
 one against  
 Brown for said  
 Sums, each  
 23<sup>d</sup>. May 1760.

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Cranch ~~vs~~ Quincy

>>

Richard Cranch of Braintree in the County of Suffolk Cardmaker  
 Appellant ~~vs~~ Josiah Quincy of said Braintree Esq<sup>r</sup>. Appellee, from the  
 Judgment

NP

Image 043-Right

14.

[14r]

Judgment of an Inferiour Court of Common Pleas held at Boston in and for  
 the County of Suffolk on the first Tuesday of July last, when and where the  
 appellee was plant and the Appellant was defendant, In a plea of  
 Debt. &C<sup>a</sup>. (as in the Writ Tested the 11<sup>th</sup>. day of June last, and on file at large  
 Appears) At which said Inferiour Court Judgment was Rendred that the  
 said Josiah Quincy Recover against the said Richard Cranch the sum of  
 One hundred and seven pounds three shillings Sterling Money of Great  
 Britain, being the Chancery of the Bond sued on, to its just debt. and  
 Costs of Suit; This appeal was bro't forward at the last Term of this Court  
 for this County, and from thence Continued to this Court. by Consent: And now  
 the Parties Appeared and being heard, It is Considered by the Court that the  
 Josiah Quincy Recover against the said Richard Cranch the sum of One  
 hundred and ten pounds one shilling and eight pence lawful Money of  
 Great Britain debt, being the Chancery of the bond sued on unto its just  
 debt and Damage, and Costs taxed at £4.7.7

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Ex'c'on issued

13<sup>th</sup> Feb'y 1761.

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Palmer ~~vs~~ Quincy Esq<sup>r</sup>

>>

Joseph Palmer of Braintree in the County of Suffolk Cardmaker  
Appellant vs Josiah Quincy of said Braintree Esq<sup>r</sup> appellee, from the Judgment  
of an Inferiour Court of Common Pleas held at Boston in and for the County  
of Suffolk on the first Tuesday of July last, when and where the Appellee  
was plant. and the appellant [x] was def't In a plea of Debt, &C<sup>a</sup>. (as in  
the Writ tested the 11<sup>th</sup>. day of June last, and on file, at large Appears) At w<sup>ch</sup>.  
said Inferiour Court Judgment was Rendred that the said Josiah Quincy  
Recover against the said Joseph Palmer the sum of two hundred sixty one  
pounds ten shillings and three pence, being the Chancery of the bonds  
sued on, to its Just Debt and Damage, and Costs of Suit; This Appeal was  
bro't forward at the last Term of this Court for this County, and from  
thence Continued to this Court, by Consent; and now both Parties Appeared,  
and being fully heard. It is Considered by the Court that the said Josiah  
Quincy Recover against the said Joseph Palmer the sum of two hundred  
and seventy one pounds seven shillings. Sterling Money of Great Britain  
Debt, being the Chancery of the bonds sued on unto their just Debt and  
Damage, and Costs, taxed at £4.6.4

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Ex'c'on issued

10<sup>th</sup>. Mar, 1760

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Patteshall ~~vs~~ Patteshall

>>

Margarett Patteshall Appellant vs Richard Patteshall Appellee  
Neither Party Appeared.

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Grace

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Image 044-Left

[14v]

&lt;&lt;

Gardner et al Ex<sup>ors</sup>. ~~vs~~ Gee Ex'ors

&gt;&gt;

Grace Gardner of Boston in the County of Suffolk Widow and Joseph Gardner of said Boston Gentleman, executors of the last Will and Testament of John Gardner late of said Boston Gentleman deceased, appellant ~~vs~~ Sarah Gee of said Boston Widow Executrix of the last Will and Testament of Elizabeth Gardner late of Boston aforesaid Widow dec'ed Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellee was was plant, and the Appellant's were defendants', In a plea of Debt &C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup>. day of June last, and on file, at large appears) At which said Inferiour Court Judgment was Rendred, that the said Sarah Gee Executrix as aforesaid, Recover against the Estate of the said John Gardner dec'ed in the hands of the said Joseph Gardner, and Grace Gardner Executors as aforesaid, the sum of One hundred forty six Pounds eighteen shillings and eight pence lawful Money (being the Chancery of the Bond sued on to its just Debt) and Costs of Suit; This Appeal was bro't forward at the last Term of this Court for this County, when and where the Parties Appeared, and the Appellants in Court (by James Otis Esq<sup>r</sup>. their Attorney) Confessed the forfeiture of [<sup>^</sup>the penalty<sup>^</sup>] of the Obligation sued on; and from thence said Appeal was Continued to this Court for Judgment; And Now Both Parties Appeared, and having been fully heard: It is Considered by the Court that the said Elizabeth Gee Executr<sup>x</sup>. as aforesaid, Recover against the Estate of the said John Gardner deceased in the hands of the said Grace Gardner and Joseph Gardner Executors as aforesaid. the sum of One hundred and forty Six pounds thirteen shillings and four pence lawful Money of this Province debt, and

Costs taxed at £4.9.5

N.B. By Agreement on file

£17.1.11.<sup>3</sup>/<sub>4</sub> is to be released by M<sup>rs</sup>. Gee out of this Judgment.

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Salter ~~vs~~ Phillips

>>

Sampson Salter of Boston in the County of Suffolk Brewer

Appellant vs Gillam Phillips of said Boston Esq<sup>r</sup>. Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for said County of Suffolk on the first Tuesday of January AD 1759. when and where the Appellant was plant and the appellee was defendant, In a plea of Ejectment of three fourth parts of one fifth part of a Messuage in said Boston bounded Westerly by a bevill line on pudding lane there measuring on a streight line about Ninety one feet and includes a jett, Northerly on said lane of about ten feet six inches, Southerly with a bevill on an Alley and land belonging to said Gillam there Measuring about Seventy two feet, then turning off

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Image 044-Right

15

[15r]

off and measuring easterly on said Alley about eighteen feet five Inches then turning again and Measuring on said alley to said Salters Land Southerly about five feet, Easterly on land of said Salter and John Powell there measuring about Sixty feet, Northerly on said Powell's land there measuring about twenty eight feet, ten inches, then turning off Easterly on said Powells land and there Measuring about eight<sup>[^een^]</sup> feet, then northerly on an house and land of said Gillam there Measuring about thirty one feet, and of the Appurtenances thereof, for that the s<sup>d</sup>. Sampson on the second day of August AD 1755. was Seized of the said proportion of said Messuage and appurtenances in his demesne as of fee, by the Conveyance of Samuel Butler and Mary Butler and Isaac Loring and Mary Loring

of said Date, Yet the said Gillam has entered thereinto and Disseized him thereof, and unjustly holds him out of the same. To the damage of the said Sampson Salter, as he saith the sum of one hundred pounds; At which said Inferiour Court Judgment was Rendred, upon the demurer there, that the said Gillam Phillips Recover against the said Sampson Salter Costs of Suit; This appeal was brought forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in the County of Suffolk on the third Wednesday of February AD 1759 by Adjournment, and from thence said Appeal was Continued to the Superiour Court of Judicature &C<sup>a</sup> held at said Boston for said County on the third Tuesday of August last, when and where the Parties appeared, And the Demurer being wav'd by Consent, and Issue Joined [<sup>^</sup>on the plea (as on file)<sup>^</sup>] the Case After a full hearing

was Committed to a Jury Sworn According to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find Specially Viz<sup>t</sup> "that Hannah Phillips on the thirty first day of March AD 1727. was Seized of the aforesaid Messuage and its Appurtenances for "term of her life, and Henry Phillips her son was then seized of the "Remainder thereof in fee, that on the sixth day of July AD 1729. said Henry "Phillips died so seized of said Remainder without Issue, his said "Mother, the said Gillam Phillips his brother, Hannah Savage, and Faith "Russell his Sisters, and Peter Butler, Samuel Butler, Hannah Bass, & "Mary Loring Children of Mary Butler then deceased another "Sister of said Henry, Surviving him, that the said Hannah Phillips on "the nineteenth day of February AD 1744 by her deed duly Acknowledged "and Registred conveyed one fifth part of [+] the aforesaid Messuage "and its Appurtenances to the said Gillam Phillips and his heirs "that on the fifth day of January AD 1755, the said Hannah died, and that

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Image 045-Left

[15v]

"that the said Gillam, Hannah Savage, Daniel Russell Esq<sup>r</sup>. and said Faith "his Wife, Peter Butler, Samuel Butler, Hannah Bass, and Mary Loring

"then Entered into said Messuage and its Appurtenances, and were Seized  
 "thereof in fee, the said Gillam of two fifth parts, the said Hannah Savage,  
 "of one fifth part thereof, the said Daniel and said Faith his Wife in  
 "her Right of another fifth part thereof, And the said Peter, Samuel, Hannah  
 "Bass and Mary Loring of the other fifth part thereof; And that Isaac  
 "Loring and said Mary his Wife, on the second day of August AD 1755  
 "being Seized of one fourth part of one fifth part of said Messuage & its  
 "appurtenances in fee in her Right, by their deed of that date duly  
 "acknowledged and Registered for a Valuable Consideration Conveyed it  
 "to the said Sampson Salter and his heirs, And that the said Samuel Butler  
 "on the same day being Seized of one fourth part of one fifth part of said  
 "Messuage and its Appurtenances in fee by his Deed of that date duly  
 "acknowledged and Registered for a Valuable Consideration Conveyed his  
 "said Share thereof, to the said Sampson Salter and his heirs; And that  
 "Afterwards Viz<sup>t</sup>. on the seventeenth day of May AD 1756. the Judge of the  
 "Probate of Wills &C<sup>a</sup>. for the County of Suffolk, Upon the Petition of the said  
 "Gillam Phillips, setting forth, that the s<sup>d</sup>. Messuage could not be divided  
 "amongst the heirs at law, without prejudice thereto, Assigned the s<sup>d</sup>.  
 "Messuage and its Appurtenances to the said Gillam and his heirs  
 "And if the said Assignment is good in law to pass the said two fourth  
 "parts of one fifth part of said Messuage and its Appurtenances to said  
 "Gillam and his heirs, the Jury finds for the said Gillam Costs of Court;  
 "otherwise they find for the plaintiff. possession of said two fourth parts  
 "of one fifth part of the premisses, and Costs": And said Appeal was  
 further Continued to this Court, for Argument; And now both  
 Parties appeared, and being fully heard by their Council, And  
 Mature Advisement had, on said Special Verdict. It is Considered by  
 the Court, that the said Gillam Phillips Recover against the said  
 Sampson Salter Costs, taxed at £4.6.5

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Robb vs Ager

&gt;&gt;



James Robb of Boston in the County of Suffolk Sugar-boiler Plaintiff  
 vs Daniel Ager of said [^Boston^] Silk Dyer Defendant, In a plea of Review of a plea  
 of Trespass upon the Case, Commenced and prosecuted at an Inferiour  
 Court of Common Pleas held at Boston in and for said County, on the  
 first Tuesday of January AD 1759. by the said James against the said  
 Daniel

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Image 045-Right

16.

[16r]

Daniel in the words following Viz<sup>t</sup>: "In a plea of Trespass upon the Case for  
 "that the defendant at said Boston on the tenth day of January AD 1757. owed the pl<sup>t</sup>.  
 "thirteen pounds sixteen shillings and ten pence  $\frac{1}{4}$  to ballance the Account to the  
 "Writ Annexed, And promist the plan<sup>t</sup> to pay him the same sum of on demand. Yet the  
 "defendant tho' Often Requested to pay said sum to the plant has not done it, but  
 "neglects it; And Also for that the plan<sup>t</sup> between the second day of December AD 1755. And  
 "the tenth day of January AD 1757. at said Boston Supplied the def<sup>t</sup>at his Request w<sup>th</sup>.  
 "Ninety seven Gallons and  $\frac{1}{2}$  of Molasses 107 $\frac{1}{4}$  of loaf Sugar and 19.2.17 of brown  
 "Sugar other then what is mentioned in said Account and in Consideration  
 "thereof the def<sup>t</sup>. then and there promist the plan<sup>t</sup> to pay him as much money as  
 "he Reasonably deserved [^therefor^] on demand; Now the plan<sup>t</sup> avers he Reasonably deserved  
 "therefor sixty three pounds Nine shillings and 6. $\frac{3}{4}$ <sup>th</sup> of which the def<sup>t</sup>. has had  
 "Notice and often been Requested to pay the same to the plan<sup>t</sup>, Yet tho' Requested  
 "has paid no more then Forty Nine pounds twelve shillings and eight pence  
 " $\frac{1}{2}$  the Remainder being thirteen pounds 16<sup>s</sup>/10<sup>d</sup> $\frac{1}{4}$ <sup>th</sup>. which he Unjustly Neglects  
 "and Refuses to pay. To the Damage of the said James, as he saith, the sum of  
 "Seventeen pounds'; At which said Inferiour Court Judgment was Rendred,  
 that the said James Robb Recover against the said Daniel Ager the sum  
 of Nine Pounds eighteen shillings and two pence, farthing, Lawful  
 Money damage, and Costs of Suit; from which Judgment the said Daniel  
 appealed to the Superiour Court of Judicature Court of Assize and  
 General Goal Delivery, by Law appointed to have been held at Boston  
 in and for said County, on the third Tuesday of February last, but held

there for said County, on the third Wednesday of the same Month, by Adjournment from the same Tuesday, when and where Judgment was Rendred that the former Judgment be Reversed, and that the said Daniel Ager Recover against the said James Robb Costs, taxed at four Pounds ten shillings: which same Judgment the said James Says is wrong and Erroneous, and that he is thereby damnified the sum of twenty five pounds, as shall then and there be made to appear; Wherefore for Reversing the same Judgment and Recovering back from the said Daniel the same Costs, and for Recovering Judgment against him for the sum of Seventeen pounds (the damage laid in the Original Writ) and Cost of Courts, he the said James brings this suit; The Parties Appeared. and the said Daniel (by James Otis Esq<sup>r</sup>. his attorney) came and said the last Mentioned Judgment is in nothing Erroneous and thereof put himself upon the Country; After which the Defendant (in Court) Confessed Judgment for Six pounds thirteen shillings and four pence Lawful

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[16v]

Lawful Money damage (with which the plan't is Content) It's therefore Considered by the Court that the said James Robb Recover against the said Daniel Ager the sum of Six pounds thirteen shillings and 4<sup>d</sup> Lawful Money of this Province Damage; Costs not to be taken on either side;

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Hooton et al ~~vs~~ Parrot

>>

John Hooton Oar=maker, Francis Shaw Gentleman, Thomas Tufton mariner, and Richard Hooton merchant all of Boston in the County of Suffolk Appellants ~~vs~~ Benjamin Parrot of said Boston Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when &

where the appellants were plaintiffs and the appellee was Defendant  
 In a plea of Trespass & C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of December last, and on file,  
 at large appears) At which said Inferiour Court Judgment was Rendred,  
 that the said Benjamin Prarrot Recover against the said John Hooton  
 Francis Shaw, Thomas Tufton, and Richard Hooton Costs of Suit; The Parties  
 appeared, and Referr'd this Action to Benjamin Hallowell Esq<sup>r</sup>  
 Timothy M<sup>c</sup>.Daniel, and John Phillips: the Determination of said  
 Referrees, or of any two of them, to be final, and Report to be made to this  
 Court if it might be; And said Referrees Reported in Writing under  
 their hands, as on file, which was Read and Accepted by the Court  
 And pursuant to the same; It is Considered by the Court that  
 the said Benjamin Parrot Recover against the said John Hooton,  
 Francis Shaw, Thomas Tufton, and Richard Hooton Costs taxed at £15.17.2½

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Ex'c'on issued

7<sup>th</sup>. march 1760.

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Faulkner ~~vs~~ Lehr

&gt;&gt;

James Falkner of Medford in the County of Middlesex Gentleman  
 appellant ~~vs~~ Christopher Leher of Boston in the County of Suffolk Baker  
 Appellee, from the Judgment of an Inferiour Court of Common Pleas held  
 at Boston in and for the County of Suffolk on the first Tuesday of Jan'y  
 last, when and where the appellee was plant and the appellant  
 was Defendant, In a plea of Trespass & C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup>. day of Nov<sup>r</sup>.  
 last, and on file, at large Appears) At which said Inferiour Court  
 Judgment was Rendred, that the s<sup>d</sup>. Christopher Lehr Recover against  
 the said James Falkner the sum of Six Pounds Lawful Money dam<sup>a</sup>.  
 and Costs of Suit; The Parties Appeared, and the Appellant (in Court)  
 Confessed Judgment for Six pounds Lawful Money damage, and  
 Costs; It is therefore Considered by the Court that the said Christopher  
 Leher

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Image 046-Right

17.

[17r]

Leher Recover against the said James Falkner the sum of Six Pounds Lawful Money of this Province Damage, and Costs taxed at £4.7.7

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Hormby ~~vs~~ Jones

>>

James Hormby of Boston in the County of Suffolk Mariner Appell<sup>t</sup>  
~~vs~~ John Jones of said Boston Merchant Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in & for said County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant. and the appellee was defendant, In a plea of trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 15<sup>th</sup>. day of December last, and on file, at large appears)' At which said Inferiour Court Judgment was Rendred that the said James Hormby Recover against the said John Jones the sum of One hundred and seventeen pounds fifteen shillings and five pence three farthings Lawful money damage, and Costs of Suit.

The Parties Appeared. and Referr'd this Action, together with another Appeal, wherein the said Jones is Appellant et al the said Hormby is Appellee, and all other demands, to John Rowe Esq<sup>r</sup>. William Downe Cheever, and Lewis Turner, the Determination of said Referrees, or of any two of them, to be final, and Report to be made as soon as might be; which same Referrees made Report in Writing under their hands, which was Read and Accepted; and pursuant to the same Report, on file. It is Considered by the Court that the said James Hormby Recover (in this Action) against the said John Jones the Sum of One hundred and twenty pounds three shillings and five pence, Lawful money of this Province Damage, and Costs taxed at £5.3.6

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Ex'c'on issued 17<sup>th</sup>. Mar 1760.

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And in the other Action wherein the said Jones is Appellant; that the said  
Hormby Recover against him, Costs taxed at £1.12.7

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Ex'c'on issued for s<sup>d</sup>. Costs.

17<sup>th</sup>. March. 1760.

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Richards et al ~~vs~~ Chickering

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Joseph Richards Esq<sup>r</sup>. and Samuel Richards Yeoman, both of Dedham  
in the County of Suffolk Plaintiffs ~~vs~~ Samuel Chickering of said Dedham  
Yeoman defendant. In a plea of Review of a plea of Trespass, Commenced  
at an Inferiour Court of Common pleas held at Boston in and for said  
County of Suffolk, on the first Tuesday of July AD 1758. but prosecuted at  
an Inferiour Court of Common Pleas held at said Boston on the first  
Tuesday of October AD 1758. by the said Joseph and Samuel Richards  
against the said Samuel Chickering in the words following Viz<sup>t</sup>:  
"In a plea of Trespass, for that the defendant on the twentieth day of  
"June last, and at Sundry days and times between said twentieth  
"day

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Image 047-Left

[17v]

"day of June last, and the 12<sup>th</sup>. day of June ins<sup>t</sup>. with force and Arms the plant<sup>s</sup>.  
"close in Dedham aforesaid, containing about Sixty eight Acres Adjoining  
"to Red Ceader Hill near Poweset bounded beginning at a Stump and  
"Stones at the Easterly Corner of said Hill on Medfield line from thence  
"to a crooked white Oak tree marked, thence to a great black Oak tree  
"marked thence, thence to a small white Oak marked, thence to a white  
"Oak fell down marked, thence to a white Oak marked, thence to another  
"white Oak marked, from thence to a stone in Chickering's Line, thence to  
"a stooping black Oak marked butted on land of said Chickerings East,

"north East, and Southeast. thence to a small walnut tree marked at the  
"northeasterly Corner of Clark and Fishers land on common land from  
"thence to an heap of Stones on the top of Red Cedar hill on Medfield line  
"butting Westerly on said Clark and Fishers land, from thence on Medfield  
"line to the first Mentioned bounds, butted Southerly on Medfield line, in the  
"plant's Seizen and Possession being broke and entered into cutt felled and  
"Carried away forty of the plants' trees standing and Growing thereon  
"of the Value of twenty four pounds and many other outrages committed  
"against our peace. and to the Damage of the said Joseph and Samuel  
"as they say, the sum of Fifty six pounds"; At which said Inferiour Court  
last mentioned, Judgment was Rendred that the said Samuel Chickering  
Recover against the said Joseph and Samuel Richards Cost of Suit: from  
which Judgment the said Joseph Richards and Samuel Richards Appealed  
to the Superiour Court of Judicature Court of Assize and General Goal  
Delivery by Law Appointed to [have?] been held at Boston in and for  
the County of Suffolk on the third Tuesday of February last, but held  
there, for said County, on the third Wednesday of the same Month,  
by Adjournment from the same Tuesday: And from said Court said  
Action was Continued to the Superiour Court of Judicature Court of  
Assize and General Goal Delivery, held at said Boston within &  
for said County, on the third Tuesday of August last, when and  
where Judgment was Rendred that the said Samuel Chickering  
Recover against the said Joseph Richards and Samuel Richards  
Costs, taxed at Eleven pounds fourteen shillings and two pence;  
which same Judgment the said Joseph Richards and Samuel  
say is wrong and Erroneous, and that they are thereby damnified  
the sum of Seventy Pounds, as shall then and there be made to Appear;  
Wherefore for Reversing the Judgment last mentioned, and Recovering  
back from the said Samuel Chickering the same Costs, and for  
Recovering

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Image 047-Right

18.

[18r]

Recovering Judgment against him for the sum of Fifty six pounds (the damage laid in the Original Writ) and Cost of Courts, they the s<sup>d</sup>: Joseph Richards and Samuel Richards bring this suit; The Parties Appeared, and the said Samuel Chickering (by Oxen bridge Thacher his Attorney) defended &c<sup>a</sup>. and say'd the last Judgment was in nothing erroneous and thereof put himself on the Country. upon which issue being Joined, the Case After a full hearing was Committed to a Jury sworn According to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Defendant Costs. It's therefore Considered by the Court that the said Samuel Chickering Recover against the said Joseph Richards and Samuel Richards Costs taxed at £4.18.0

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Ex'c'on issued

26<sup>th</sup>. Mar, 1760.

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Homans vs Osborn Esq<sup>r</sup>

&gt;&gt;

John Homans of Dorchester in the County of Suffolk Yeoman Appellant vs John Osborn of Boston aforesaid Esquire Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was Plan't and the Appellee was defendant In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the [ ]<sup>th</sup> day of [ ] last, may at large Appear) At which said Inferiour Court Judgment was Rendred, that the said John Osborn Recover against the said John Homans Costs of Suit; The Parties Appeared, in Court, And upon the Appellees enacting to give the appellant Security, to apply the Money Sued for, to the Use for which the Appellant paid it, The Parties then submitted the Matter of Costs to the Court; And it is Ordered by the Court that each party bear his own Costs herein;

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Fulton ~~vs~~ Willson

&gt;&gt;

David Fulton of the Manor of Moreland in the province of Pennsylvania Weaver, Complainant ~~vs~~ Thomas Willson of a place called Topsham near Brunswick within the County of York Gentleman  
 The Compl<sup>t</sup>. shew'd that the said Thomas purchased from the Clerk of this Court's, Office a Writ of Review against him, and Delivered the same to one of the Deputy Sheriffs of this County, who Served the same pursuant to a Law of this Province, whereby the Compl<sup>t</sup>. was held to Appear and Answer at this Court, but the said Thomas hath fail'd to prosecute his said Writ of Review, Wherefore the Compl<sup>t</sup>. pray'd. Judgm<sup>t</sup>. for Costs, It is therefore Considered by the Court that the said David Fulton

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Image 048-Left

[18v]

Fulton Recover against the said Thomas Willson Costs taxed at £2.7.0

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Ex'c'on issued 31<sup>st</sup> Mar, 1760.

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Hough et a Ex'c'ors ~~vs~~ Gregory

&gt;&gt;

Atherton Hough of Boston in the County of Suffolk Mariner, and Jane his Wife, executrix of the Testament of John Doane late of Boston aforesaid Esq<sup>r</sup>. deceased Appellant ~~vs~~ David Gregory of said Boston Taylor Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the appellants were plaintiffs and the Appellee was defendant, In a plea of Debt, for that on the first day of June AD 1752. according to the old Stile, the said John demised his Messuage in Boston aforesaid on the South side



of School house lane and between the Messuage in the Occupation of Ellis Willson on the East and of John Winslow on the West, to the said David to hold from year to year at will paying to the testator therefor the Rent of Four pounds lawful money in four equal quarterly payments by force whereof the said David then entred into the tenements aforesaid and held the same untill the twelfth day of December AD 1755. before which time the s<sup>d</sup> testator died Viz<sup>t</sup>. in November 1755. and on the said twelfth of December the sum of Fourteen pounds for the Rent aforesaid during that time was behind yet the said David hath not paid it, tho Requested but still Unjustly detains it. To the damage of the said Atherton and Jane as they say the sum of Fifteen Pounds; at which said Inferiour Court Judgment was Rendred, upon the demurer there, that the said David Gregory Recover against the said Atherton Hough and Jane his Wife Costs of Suit; Both Parties now Appeared, and the Demurer was wav'd by Consent, and the Issue tender'd at [<sup>s<sup>d</sup></sup>. Inf. Court<sup>^</sup>] being Joined, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant's Reversion of the former Judgment fourteen pounds Lawful Money damage, and Costs. It's Therefore Considered by the Court that the former Judgment be Reversed, and that the said Atherton Hough, and Jane his Wife, Exe'cut<sup>x</sup>. as aforesaid Recover against the said David Gregory the sum of Fourteen pounds Lawful Money of this Province Damage, Costs taxed at £6.4.0

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Ex'c'on issued.

8<sup>th</sup>. Mar, 1760.

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Gay ~~vs~~ Mason

&gt;&gt;

Jeremy Gay of Needham in the County of Suffolk Husband-  
:man appellant ~~vs~~ William Mason of Newton in the [.] County  
of

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Image 048-Right

19.

[19r]

of middlesex Husbandman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was Plant and the Appellee was defendant, In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup> day of September last, and on file, at large Appears) At which, said Inferiour Court Judgment was Rendred, that the said William Mason Recover against the said Jeremiah Gay Costs of Suit; The appellant appeared, but the Apl<sup>ee</sup> Altho' Solemnly called to come into Court did not appear but made Default It is therefore Considered by the Court that the said Jeremiah Gay Recover against the said William Mason the money sued for, being Nine Pounds one shilling Lawful Money of this Province Damage, and Costs taxed at £4.2.10

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Ex'c'on issued

8<sup>th</sup>. Mar, 1760.

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Sigourney ~~vs~~ Malcom

&gt;&gt;

Andrew Sigourney of Boston in the County of Suffolk Distiller appell<sup>t</sup>. vs Allan Malcom residing in said Boston Coaster Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the Appellant was plant and the Appellee was def<sup>t</sup> In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the first day of September last, and on file, at large appears) At which said Inferiour Court Judgment was Rendred, that the said Allan Malcom Recover Costs; The appellant appeared, but the appellee altho' Solemnly Called to come into Court did not Appear, but made Default; It's

therefore Considered by the Court that the said Andrew Sigourney  
Recover against the said Allan Malcom the sum of twenty shillings  
lawful Money of this Province Damage, and Costs taxed at £4.16.5

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Ex'c'on issued

8<sup>th</sup>. Mar, 1760.

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Vinton ~~vs~~ Brattle Esq<sup>re</sup>. et Uxor

>>

John Vinton of Dudley in the County of Worcester Esq<sup>r</sup>. Appellant ~~vs~~  
William Brattle of Boston in the County of Suffolk Esq<sup>r</sup>. and Martha, his  
Wife Administratrix of the Estate of James Allen late of Boston afores<sup>d</sup>.  
Esq<sup>r</sup>. dec'ed Appellees, from the Judgment of an Inferiour Court of Common  
Pleas held at Boston in and for said County of Suffolk on the first Tuesday  
of January last, when and where the appellees were plants and the Appell<sup>t</sup>.  
was defendant, In a plea of Debt &C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup>. day of  
December last, and on file, at large appears) at which said Inferiour  
Court, Judgment was Rendred, that the said William Brattle, and  
Martha his Wife Recover against the said John Vinton the sum of One  
hundred

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[19v]

hundred and nineteen Pounds and four pence, lawful Money debt et being  
the Chancery of the bonds sued on. to their just Debt and Damage, and  
Costs of Suit; Both Parties now Appeared, And After a full hearing of  
them in Chancery: It is Considered by the Court that the said William  
Brattle and Martha his Wife Administratrix as aforesaid, Recover  
against the said John Vinton the sum of Ninety four pounds Seventeen  
shillings and four pence lawful money of this Province Debt (being  
the Chancery of the Bonds sued on to their just Debt or damage) and Costs  
taxed at £3.12.5

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Ex'c'on issued

3<sup>rd</sup>. Mar, 1760.

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Wheaton vs Ripley

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Ephraim Wheaton. Appellant vs Christopher Ripley App'lee  
neither Party Appeared.

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Taylor vs Gardiner

&gt;&gt;

William Tailor of Dorchester in the County of Suffolk Merchant Appell<sup>t</sup>.  
vs Silvester Gardiner of Boston in said County Physician Appellee, from the  
Judgment of an Inferiour Court of Common Pleas held at Boston in and for  
the County of Suffolk on the first Tuesday of January last, when and where  
the Appellant was Plant and the Appellee was defendant. In a plea of  
Debt, &C<sup>a</sup>: (as in the Writ tested the 18<sup>th</sup>. day of December last, and on file, at large  
appears) At which said Inferiour Court Judgment was Rendred, that the s<sup>d</sup>:  
Silvester Gardner Recover against the said William Tailor Costs of Suit;  
Both Parties Appearing, the Appellant pray'd leave to discontinue this  
Action, which was Granted. It is therefore Considered by the Court that  
the said Silvester Gardiner Recover against the said William Tailor  
Costs of Courts taxed at £2.10.9

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Ex'c'on issued  
16 Sept<sup>r</sup>. 1760.

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Coffin et al vs Goddard et al

&gt;&gt;

William Coffin Distiller, Hopestill Foster Gentleman, Solomon  
Kneeland Fellmonger, and Johnson Jackson Distiller, all of Boston in the  
County of Suffolk Appellants vs John Goddard of Roxbury and Oliver Vose  
of Milton in said County Butchers Appellees, from the Judgment of an  
Inferiour Court of Common Pleas held at Boston in and for said County  
of Suffolk on the first Tuesday of January last, when and where the  
Appellants were plaintiffs and the Appellees were Defendants, In a plea  
of Trespass upon the Case, for that the Deft<sup>s</sup>. at Boston aforesaid on the  
twenty second day of last October hired the plants boat being a two Mast  
boat

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Image 049-Right

20.

[20r]

boat then lying at said Fosters Wharff in Boston aforesaid to proceed from said Wharff directly to Hull in said County and back again to said Wharff in Consideration thereof the Deft<sup>s</sup>. then and there agreed and promised to pay the plant's for the hire of said boat the sum of Four shillings and to Return the same on the same day safe and unhurt to the wharffe aforesaid and the Deft<sup>s</sup>. then Rec'd said Boat and proceeded in her to hull aforesaid and there Remained with the said boat a longer time then they hired her for Viz<sup>t</sup>. 'till the twenty third or twenty fourth day of said October, when and where by their imprudent and careless managment and contrary to their Agreement and promise aforesaid they Suffered the said boat to Stave against the Rocks so as to Render her wholly unfit for [<sup>^</sup>business<sup>^</sup>] ~~business~~ and have thereby Ruined said boat being of the Value of twenty six pounds thirteen shillings and four pence, and the Deft<sup>s</sup>. Refuse to pay and Satisfy the Pl<sup>ts</sup>. therefor, tho' Requested, but Neglect so to do, which is to the damage of the said William, Hopestill, Solomon, and Johnson, as they say the sum of thirty pounds; At which said Inferiour Court Judgment was Rendred that the said John Goddard and Oliver Vose Recover against the said William Coffin, Hopestill Foster, Solomon Kneeland, and Johnson Jackson Costs of Suit; Both Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon their Oath that is to say they find for the Appellees Costs, It is therefore Considered by the Court that the said John Goddard and Oliver Vose Recover against the said William Coffin, Hopestill Foster, and Solomon Kneeland, and Johnson Jackson Costs taxed at £5.3.7

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Watts ~~vs~~ Bromfield Ex<sup>r</sup>.

&gt;&gt;

Alexander Watts of marblehead in the County of Essex Trader Appellant, ~~vs~~ Abigail Bromfield of Boston in the County of Suffolk Widow Executrix of the Testament of Edward Bromfield late of said Boston Merchant dec'd Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 1<sup>st</sup>. day of august last, and on file, at large appears) at which said Inferiour Court Judgm<sup>t</sup>. was Rendred that the said Abigail Bromfield [<sup>^</sup>Executrix as afores<sup>d</sup><sup>^</sup>] Recover against the s<sup>d</sup>: Alexander Watts the sum of thirty three pounds fourteen shillings and nine pence three farthings Lawful Money damage, and Costs of Suit; Both Parties Appeared, and the Appellant in Court (by his Attorney M<sup>r</sup>:

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[20v]

M<sup>r</sup> Kent, Confessed Judgment for thirty three pounds fourteen shillings and nine pence three farthings, Lawful Money damage, & Costs, It's therefore Considered by the Court that the said Abigail [<sup>^</sup>Bromfield Executrix as<sup>^</sup>] afores<sup>d</sup>: Recover against the said Alexander Watts the sum of thirty three pounds fourteen shillings & nine pence three farthings lawful money of this Province Damage, & Costs taxed at £4.2.11

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Ex'c'on issued

8<sup>th</sup>. march 1760.

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Hooper ~~vs~~ Tyng

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Benjamin Hooper of Biddeford in the County of York Trader Appellant ~~vs~~ John Tyng of Boston in the County of Suffolk Merchant Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in & for the County of Suffolk on the first Tuesday of January last, when and where the Appellee was plant and the Appellant was defend't In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 2<sup>nd</sup>: day of October AD 1759. and on file, at large Appears) At which said Inferiour Court Judgment was Rendred that the said John Tyng Recover against the said Benjamin Hooper the sum of Seventy eight pounds ten shillings and eleven pence half penny lawful money damage, and Costs of Suit; The Parties now Appeared, and the Appellant in Court, Confessed Judgment for Forty Pounds Lawful money damage, and Costs. It is therefore Considered by the Court that the said John Tyng Recover against the said Benjamin Hooper the sum of Forty pounds Lawful money of this Province damage, and Costs taxed at £

NB. This Judgm<sup>t</sup>. is Satisfied;  
see Receip<sup>t</sup>. on file.

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Smith ~~vs~~ Wiswell

&gt;&gt;

James Smith of Mendon in the County of Worcester Blacksmith Appellant  
~~vs~~ Samuel Wiswell of Bellingham in the County of Suffolk Husbandman  
 Appellee, from the Judgment of an Inferiour Court of Common Pleas held  
 at Boston within and for the County of Suffolk on the first Tuesday of Jan'y  
 last, when and where the Appellee was plant and the Appellant was  
 defendant, In a plea of Trespass on the Case for that the plant is and for  
 more then thirty Years last past, has been the owner of a Moiety of all the  
 Iron Oar and Iron Mines in a certain peice of land in Bellingham  
 aforesaid lying between an hill called Ridge hill and the swamp,  
 containing by estimation about seven Acres formerly belonging to one  
 Jacob Parker with a Right to dig off and dispose of the Moiety aforesaid  
 to his use and to Receive the benefit thereof and of a Moiety of the  
 Neat profit of what should be dug out of the same, that in [<sup>^</sup>or<sup>^</sup>] about  
 the

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Image 050-Right

21.

[21r]

the Year of our Lord 1748 the def't became Owner of the land aforesaid  
 wherein said Mine and Oar whereof the plant had and still has a right  
 to the Moiety as aforesaid, and the def'. tho' he well knew the same after=  
 :wards Viz<sup>t</sup>. on the first day of October 1757. and at sundry times between  
 said first day of October and the eleventh day of September last,  
 Contriving to deprive the plant of his Right aforesaid, entered on said peice  
 of Land claimed the whole Mine and Oar aforesaid, dug up one hundred  
 twenty tons of said Oar of the Value of Seventy Pounds and converted the whole  
 thereof to his own use and tho Requested Refused and still Refuses to suffer the  
 plant to enjoy or use his Right and priviledge aforesaid Or to suffer him  
 to have any benefit thereof. Whereby the plant has lost his Moiety of the

Oar aforesaid and all benefit from and improvement of his mine afores<sup>d</sup>.  
 for the time aforesaid, being of the Value of Forty pounds, all which is to the  
 damage of the said James Smith, as he saith, the sum of Forty pounds;  
 At which said Inferiour Court Judgment was Rendred, that the said  
 Samuel Wiswell Recover against the said James Smith Cost of Suit;  
 Both Parties now Appeared, and the Case After a full hearing was  
 Committed to a Jury Sworn According to Law to try the same. who  
 Returned their Verdict therein upon Oath, that is to say, they find  
 for the Appellant Reversion of the former Judgment thirteen pounds  
 Lawful Money damage, and Costs. It is therefore Considered by  
 the Court that the former Judgment be Reversed, and that the said  
 James Smith Recover against the said Samuel Wiswell the sum of  
 thirteen pounds lawful Money of this Province damage, and  
 Costs taxed at £15.7.7

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Ex'c'on issued

14<sup>th</sup>. Mar, 1760.

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Bowles ~~vs~~ Tilden

&gt;&gt;

Lemuel Bowles of Boston in the County of Suffolk Coaster Appell<sup>t</sup>.  
~~vs~~ Samuel Tilden of Marshfield in the County of Plimouth Yeoman  
 Galen Clap of Situate Yeoman, and John Jones jun<sup>r</sup>. of said Scituate in  
 said [^County^] of Plimouth Yeoman appellees, from the Judgment of an Inf<sup>r</sup>.  
 Court of Common held at Plimouth in and for the County of Plimouth  
 on the first Tuesday of April AD 1759. when and where the Appellees were  
 plants and the appellant was defendants. In a plea of Account &C<sup>a</sup>.  
 (as in the Writ tested the 14<sup>th</sup>. day of March AD 1759, and on file, at large appear)  
 At which said Inferiour Court, Judgment was Rendred that the said  
 Samuel Tilden, Galen Clap, and John Jones jun<sup>r</sup>. Recover against the  
 said

[&gt;&gt;SSLSSS&lt;&lt;]



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[21v]

said Lemuel Bowles the Sum of Five hundred pounds lawful Money damage, and Costs of Suit; This Appeal was Entred at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Plimouth in and for the County of Plimouth on the last Tuesday of April AD 1759. when and where the Parties Appeared, and Referr'd this Action to Thomas Hill Jabez Hatch, and Rob<sup>t</sup>. Pierpont, the determination of said Referrees, or of any two of them to be final, and Report to be made in this County as soon as might be, and from thence said Appeal was Continued and transferr'd to this Court, said Referrees not having made Report, And Now both Parties Appeared, and the said Referrees made Report in Writing under their hands, as one file, which Read and Accepted, and pursuant thereto, It's Considered by the Court that the said Samuel Tilden, Galen Clap, and John Jones jun<sup>r</sup>. Recover against the said Lemuel Bowles the sum of One hundred and ten pounds thirteen shillings and four pence Lawful money, of this Province damage, and Costs taxed at £3.6.9 .N.B. Jon<sup>a</sup>. Lord who was Bail for the appellant (now in his Majesty's Goal in this County) delivers him up and he stands committed hereupon.

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Murray ~~vs~~ Bowles

&gt;&gt;

Mathew Murray of Boston in the County of Suffolk Mariner  
Complainant ~~vs~~ Lemuel Bowles. now Residing in said Boston  
Mariner. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of Octobe<sup>r</sup>. last, he Recovered Judgment against the said Lemuel for the sum of £22.5.8 Lawful Money damage, and Costs of Suit; from which Judgment the said Lemuel Appealed to this Court and Recogniz'd w<sup>th</sup>. Sureties According to Law to prosecute the same with Effect, but fail'd

so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs. It is therefore Considered by the Court that the said Mathew Murray Recover against the said Lemuel Bowles the sum of twenty two pounds twelve shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £3.17.8 N.B. James Boies who was Bail for the s<sup>d</sup>. Lemuel, a prisoner in his Majesty's Goal in this County, now in Court delivers up the s<sup>d</sup>. Lemuel and he stands Committed hereupon.

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Ex'c'on issued

24<sup>th</sup>. mar, 1760.

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Wheat ~~vs~~ Oakes

&gt;&gt;

Samuel Wheat of Boston in the County of Suffolk Physician  
Complainant ~~vs~~ Edward Oakes of Medford in the County of Middlesex  
Brickmaker and Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferiour  
Court

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Image 051-Right

22.

[22r]

Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, he Recovered Judgment against the Edward for the sum of £16.4.4 Lawful Money damage, and Costs of Suit; from which Judgment the said Edward Appealed to this Court and Recogniz'd with sureties according to Law of prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It is therefore Considered by the Court that the said Samuel Wheat Recover against the said Edward Oakes the sum of Sixteen pound nine shillings and eight pence Lawful

money of this Province damage, and Costs taxed at £3.5.3

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Ex'c'on issued

12<sup>th</sup>. mar, 1760

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Emerson et al vs Bradley

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Richard Emmerson, Nehemiah Emerson, and James Symonds  
Yeomen, and Jonathan Dusten Gentleman, all of Haverhill in the County  
of Essex Appellants vs Daniel Bradley of said Haverhill Gentleman appellee,  
from the Judgment of an Inferiour Court of Common Pleas held at Salem in and  
for the County of Essex on the last Tuesday of December AD 1758. when and where  
the Appellee was Plant and the Appellants were defendants, In a plea of Trespass.  
on the Case &C<sup>a</sup>. (as in the Writ tested the 13<sup>th</sup>. day of November AD 1758. and on file  
at large Appears) At which said Inferiour Court Judgment was Rendred  
that the said Daniel Bradley Recover of the said Richard Emerson, Nehemiah  
Emerson, James Symonds, and Jonathan Dusten ten pounds Money damage,  
and Costs taxed at £ . This appeal was Entered at the Sup<sup>r</sup>.  
Court of Judicature Court of Assize and General Goal Delivery, held at  
Ipswich within and for the County of Essex on the second Tuesday of June A  
D 1759. when and where the Parties appeared: and then this Action and  
all demands respecting the Parties Mills and Dams and the improvement of  
the same, and the stream, and how for the future the Parties shou'd make Use  
of the stream and water. and what Mills and dams they shall Rebuild or keep  
up, & how they should use the same and draw the Water; and all other  
personal demands between said Parties, was Submitted to the determina=  
:tion of Benjamin Lincoln, Elijah Cushing, and Josiah Edson jun<sup>r</sup>. Esquires,  
the Determination of said Referrees, or of any two of them, to be final, and  
Report to be made, in this County, as soon as might be; And from that Court  
said Appeal was Continued and transferr'd to this time, said Referrees  
having made no Report: and now both Parties Appearing. the Referrees

aforesaid Reported in Writing under their hands, as follows Viz<sup>t</sup>. "Pursuant to  
 "the Rule annexed, the Referrees After having fully heard the Parties their  
 "Pleas

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[22v]

"Pleas & C<sup>a</sup>. and Carefully Viewed the premises in Controversy, Report. We find  
 "for the Appellee the Original Plaintiff twenty shillings damage, and Cost  
 "of Courts. And with Respect to the Special Matters Referr'd, we unanimously  
 "Determine first. that the said Daniel Bradley and James Symonds  
 "have, and shall hereafter have an Equal Right to [^in^] the stream, at a place  
 "called the West River, across which there has been a dam built, and is now  
 "in part standing, on which they or their immediate Predecessors Erected  
 "two Mills each. and that neither Party shall hereafter set up, and  
 "keep at that place more then the Number of Mills aforesaid, at one and  
 "the same time; nor draw the water for any other purpose but for the  
 "benefit of said Mills. further when the said James Symonds his heirs  
 "or Assigns shall see Cause to Repair their two Mills or either of them  
 "at the place aforesaid; he or they shall lay the Water Wheel or Wheels  
 "of the Mill or Mills at the same depth in the River at least no lower, then s<sup>d</sup>:  
 "Bradleys Grist Mill now lyes; and that neither of them hereafter shall  
 "alter the same unless by the Mutual Consent of both: And Whereas the  
 "dam aforesaid by Means of Several breaches in the same is Now Rendred  
 "useless to both Parties; We determine that they may forthwith proceed to  
 "finish the Repairs aforesaid, where it is now begun, the Expences  
 "arising thereby to be Equally borne by them; and if either party  
 "shou'd Refuse, the other to have full liberty to proceed to Repair the  
 "whole, with liberty of digging the Earth of Either side of the River  
 "for the purpose aforesaid, and of Joining the dam to the land of either  
 "Party as shall be Necessary to secure the same; one half the Value of the  
 "s<sup>d</sup>. Dam to be Reimbursed by the other owner at the time of his coming  
 "into the improvement thereof, by. Erecting a Mill or Mills thereon; the  
 "Value aforesaid to be determined by two Indifferent persons, And that

"the Justices of the General Sessions of the Peace for the County of Essex be  
 "desired to appoint two such, further from the twenty second of October.  
 "old stile to the twelfth day of April, Yearly and every year hereafter  
 "the Water to be Improved by the owners aforesaid interchangeably by weeks  
 "the said Bradley to begin; unless their should be such a Redundancy  
 "of Water as to overflow the dam or Wastway, in that Case the owner  
 "who otherwise would have no Right to Improve any part of said Water  
 "may use that overpluss for the benefit of his Mill or Mills, untill the  
 "same is Reduced to the top of the dam or wast way aforesaid, and no  
 "longer; and neither party in his Week of Improving the stream  
 "aforesaid, to leave the water lower then three feet from the head or top  
 "of

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Image 052-Right

23.

[23r]

"of the Dam, And if one of the Parties and not the other shall improve the Water after the  
 "twelfth day of April to the twenty second day of October O.S. in any Year or Years  
 "hereafter, the person so Improving the same shall pay all damages arising by  
 "flowing the land and Meadows above in that time: as to the Dam Erected by Richard  
 "Emmerson and others about sixty or seventy Rods below the Mills abovementioned,  
 "We determine that the hight of the same shall not hereafter Exceed three feet, that  
 "is to say, three feet from the floor of the Waste Gate Floom as it now lyes. [We find the  
 "Ballance due from Daniel Bradley and James Symonds to Nehemiah Emerson  
 "for flowing his land from the first erecting their dam to this time, sixteen pounds  
 "thirteen shillings and four pence lawful Money, ~~and~~ by them to be paid said  
 "Emerson in the following Proportion Viz<sup>t</sup>: Daniel Bradley Nine Pounds 6/8<sup>d</sup>.  
 "and James Symonds Seven pounds six shillings and eight pence, and for time to  
 "come, we Award the Yearly damage the said Emerson may Sustaine in his land  
 "being flow'd. by that stoping of the Water at the said Bradley and Symonds dam  
 "aforesaid, from the twenty second of October to the twelfth day of April Old  
 "stile. at twenty six shillings and eight pence each year; to be paid by said  
 "Bradley and Symonds Yearly and every year in equal halves so long as the dam

"by them or others under them shall be kept up: Also We find due from Daniel  
 "Bradley and James Symonds to Richard Emerson in the Capacity of a Guardian,  
 "for flowing of land in his Possession Nine Years two pounds Eight shillings  
 "in full for the damage he has Sustained; to be paid by Bradley and Symonds  
 "in equal halves. And we also find due from James Symonds to Daniel  
 "Bradley fifteen shillings and four pence the Damage Sustained [<sup>^</sup>by him<sup>^</sup>] in  
 "flowing his land; the damage of flowing Symonds land being first  
 "deducted: And we Award the said Bradley Yearly the sum of two  
 "shillings lawful Money in Consideration of the damage he sustain'd in  
 "having more of his land flow'd then Symonds, to be paid by the said  
 "Symonds, so long as the dam by them shall be kept up. We also find due  
 "from Richard Emerson and others to Daniel Bradley the sum of twenty  
 "shillings for damage done him in his land by the Erecting their dam below:  
 "And this to be a final End of all Controverseys both Real and personal subsis=  
 "ting between the Party's; The Cost of this Reference at Haverhill, by Order  
 "of the Referrees has been paid Equally by the Parties; and Each One to  
 "bear his own Expence";] which Report was Read and Accepted, And  
 [+] Judgment  
 [+] here is, Entred According to the same Report.

&lt;&lt;

3 Exc'o'ns issued the  
 21<sup>st</sup>. Feb<sup>y</sup> 1760. in fav<sup>o</sup>.  
 Bradley Viz<sup>t</sup>. 1 ags<sup>t</sup>.  
 Emerson et al deft<sup>s</sup>.  
 for £1.0.0 et Costs et  
 £26.8.3 Costs. 1 ags<sup>t</sup>.  
 Emerson et al deft<sup>s</sup>.  
 for 20<sup>d</sup>/ dam<sup>a</sup>. and 1  
 ags<sup>t</sup>. Symonds only  
 for 15/4 dam<sup>a</sup>. dld,  
 said Bradley

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Robert

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Image 053-Left

[23v]

&lt;&lt;

Pierpont vs Fuller

&gt;&gt;

Robert Pierpont of Boston in the County of Suffolk Gentleman Compl<sup>t</sup>.  
 vs Richard Fuller of Newton in the County of Middlesex Yeoman, The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Boston in and  
 for said County of Suffolk on the first Tuesday of January last, he Recovered  
 Judgment against the said Richard for the sum of £2 damage, and  
 Costs of Suit; from which Judgment the said Richard Appealed to this  
 Court and Recogniz'd with sureties According to Law to prosecute the same  
 with Effect but has fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
 of said Judgment with Additional Costs. It is therefore Considered by the  
 Court that the said Robert Pierpont Recover against the said Richard  
 Fuller the sum of Two pounds Lawful money of this Province Damage.  
 and Costs taxed at £3.7.8

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Ex'c'on issued

12<sup>th</sup>: mar, 1760.

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Bird vs Peirce

&gt;&gt;

Jonathan Bird of Dorchester in the County of Suffolk Yeoman Executor of  
 the last Will and Testament of Benjamin Bird late of said Dorchester Esq<sup>r</sup>.  
 dec'ed, Complainant vs Zebulon Peirce of Dorchester aforesaid Blacksmith.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
 Boston in and for the County of Suffolk on the first Tuesday of October AD 1759.  
 he Recovered Judgment against the said Zebulon for the Possession of a  
 Tenement and Land in said Dorchester with their Appurtenances,

unless the said Peirce Pay'd ~~said~~ him the sum of One hundred and forty eight pounds two shillings lawful Money, in two Months After the Entring up of that Judgment; and Costs of Suit; from which Judgment the said Peirce Appealed to this Court and Recogniz'd with Sureties According to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the pray'd Affirmation of that Judgment with Additional Costs. It is therefore Considered by the Court that the said Jonathan Bird Recover against the said Zebulon Peirce the Possession of the Premises demanded, in the Writ and Costs, Unless the said Zebulon, pay him, within two Months from the time of entering up this Judgment, the sum of One hundred and Fifty pounds seven shillings lawful Money, of this Province Debt and Costs, w<sup>ch</sup>. are taxed at £3.7.4

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Fac<sup>e</sup>. Ha<sup>e</sup>. issued24<sup>th</sup>. May 1760

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Homans vs Adams Exr.

&gt;&gt;

John Homans of Dorchester in the County of Suffolk Yeoman Compl<sup>t</sup>.  
vs Elizabeth Adams of Boston in the same County Widow Executrix  
of the last will et Testament of [~] of

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Image 053-Right

24.

[24r]

of Joseph Adams late of said Boston Physician dec'd. The Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of Common Pleas held at Boston in and for  
the County of Suffolk on the first Tuesday of January last, he Recovered Judgm<sup>t</sup>.  
against the Estate of the said Joseph in the hands of the said Elizabeth Execut<sup>x</sup>.  
aforesaid the sum of Sixty four pounds fifteen shillings, lawful Money, being  
the Chancery of the bond sued on to its just Debt, and Costs of Suit; from



which Judgment the said Elizabeth Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional and Costs. It's therefore Considered by the Court that the said John Homans Recover against the said of the said Joseph Adams dec'd in the hands of the said Elizabeth Adams Executrix as afores<sup>d</sup>: the sum of Sixty five pounds four shillings Lawful Money of this Province Debt, and Costs taxed at £3.16.6 Boston Oct<sup>r</sup>. 13, 1761. Mem<sup>o</sup>. That this Judgment is fully discharged by my receipt on said Exe'ckon filed in the office Jno. Homans.

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Ex'c'on issued

30<sup>h</sup>. April 1760.

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Parkman ~~vs~~ Allen

&gt;&gt;

Samuel Parkman of Boston in the County of Suffolk Shopkeeper Compl<sup>t</sup>. ~~vs~~ James Allen of said Boston Taylor, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, he Recovered Judgment against the said James for the sum of £76.11.6 Lawful Money debt, & Costs of Suit; from which Judgment the said James Appealed to this Court and Recogniz'd with sureties According to Law to prosecute the same w<sup>th</sup>. Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest and Costs. It's therefore Considered by the Court that the said Samuel Parkman Recover against the said James Allen the Sum of Seventy Seven pounds, and six pence lawful Money of this Province Debt, and Costs taxed at £3.12.10

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Ex'c'on issued

30<sup>th</sup>. ap. 1760.

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Townshend vs Rice

&gt;&gt;

William Blair Townsend of Boston in the County of Suffolk  
 Merchant, Complainant vs Phinehas Rice of Framingham in the  
 County of Middlesex Yeoman, The Compl<sup>t</sup>. shew'd that [+] at an Inf<sup>r</sup>.  
 Court of Common Pleas held at Boston in and for the County of Suffolk  
 on the first Tuesday of January last, he Recovered Judgment against  
 the said Phinehas for the sum of £50.2.6 lawful Money debt, and  
 Costs of Suit; from which Judgment the said Phinehas Appealed  
 to

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Image 054-Left

[24v]

to this Court and Recogniz'd with sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of  
 said Judgment with Additional Interest and Costs. It is therefore Considered  
 by the Court that the said William Blair Townshend Recover against the  
 said Phinehas Rice the sum of Fifty pounds nine shillings and sixpence  
 Lawful money of this Province Debt, and Costs; [-] Boston March 27<sup>th</sup>. 1760.  
 I Acknowledge to have Received full satisfaction for the above Judgment,  
 saving the Costs, w<sup>ch</sup>. M<sup>r</sup>. Dand has Rec'd W<sup>m</sup>. Blair Townsend  
 Witness Arodi Thayer

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Ruggles vs Hollis

&gt;&gt;

Benjamin Ruggles of Braintree in the County of Suffolk Yeoman  
 Complainant vs Thomas Hollis of Braintree aforesaid Gentleman, The  
 Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Boston in  
 and for the County of Suffolk on the first Tuesday of October last, he Recovered  
 Judgment against the said Thomas for the sum of £21.5.7 lawful Money  
 debt, and Costs of Suit; from which Judgment the said Thomas Appealed

to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs  
It's therefore Considered by the Court that the said Benjamin Ruggles recover against the said Thomas Hollis the sum of twenty one Pounds ten shillings lawful Money of this Province debt, and Costs taxed at £3.11.0

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Ex'c'on Issued

11<sup>th</sup>. mar, 1760.

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Fletcher ~~vs~~ Turner et al.

&gt;&gt;

Thomas Fletcher of Concord in the County of Middlesex Gentleman Compl<sup>t</sup> ~~vs~~ Lewis Turner Mariner and John Luce Merchant both of Boston aforesaid.  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk, on the first Tuesday of January last, he Recover'd Judgment against the said Lewis and John for the sum of £73.15.1 Lawful Money Debt, and Costs of Suit; from which Judgment the said Lewis and John Appealed to this Court and Recogniz'd with sureties According to Law to prosecute the same with Effect but fail'd so to do, Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs.  
It's therefore Considered by the Court that the said Thomas Fletcher Recover against the said Lewis Turner, and John Luce the sum of seventy four pounds three shillings and eight pence Lawful Money of this Province Debt, and Costs taxed at £4.7.3

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Ex'c'on issued

1<sup>st</sup>. Ap<sup>l</sup>. 1760

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25.

[25r]

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Malcom ~~vs~~ Avery et al.

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Daniel Malcom of Boston in the County of Suffolk Mariner Compl<sup>t</sup>.  
vs John Avery Merchant and William Moore Distiller both of Boston aforesaid  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
Boston in and for the County of Suffolk on the first Tuesday of January  
last, he Recovered Judgment against them for the sum of £28.14.8.  
Lawful money Damage; and Costs of Suit; from which Judgment the said  
John and William Appealed to this Court and Recogniz'd with sureties  
according to Law to prosecute the same with Effect but fail'd so to do, Where=  
:for the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs,  
It's therefore Considered by the Court that the said Daniel Malcom Recover  
against the said John Avery and William Moore the sum of twenty eight  
pounds fourteen shillings and Eight Pence Lawful Money of this  
Province damage, and Costs taxed at £3.11.6

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Ex'c'on issued

24<sup>th</sup>. mar, 1760.

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Ruggles v Nurse

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Nathaniel Ruggles of Roxbury in the County of Suffolk victualler  
Complainant ~~vs~~ Timothy Nurse of Rutland district [<sup>^</sup>in the County of worcester<sup>^</sup>] Innholder, The  
Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of Common Pleas held at Boston in and for the  
County of Suffolk on the first Tuesday of January last, he Recovered  
Judgment against the said Timothy for the sum of £2.13.4 Lawful  
Money damage, and Costs of Suit; from which Judgment the said

Timothy Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Nathan<sup>l</sup>. Ruggles Recover against the said Timothy Nurse the sum of two pounds thirteen shillings and four pence Lawful Money of this Province damage, and Costs taxed at £5.1.0

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Ex'c'on issued

2<sup>nd</sup>. April 1760

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Rogers ~~vs~~ Porter

&gt;&gt;

Margarett Rogers of Boston in the County of Suffolk Widow Compl<sup>t</sup>. ~~vs~~ Frederick Porter of said Boston Esq<sup>r</sup>., The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of Common Pleas held at Boston in and for the County of Suffolk, on the first Tuesday of January last, she Recovered Judgment against the said Frederick the sum of £4.11.9½ Lawful Money damage, and Costs of Suit; from which Judgment he Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but faild so to do. Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgm<sup>t</sup>. with

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[25v]

with additional Costs, It's therefore Considered by the Court that the said Margarett Rogers Recover against the said Frederick Porter the sum of Four pounds eleven shillings and nine pence ½ lawful Money of this Province damage, and Costs taxed at £5.9.2

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Ex'c'on issued

17<sup>th</sup>. mar, 1760.

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Clap ~~vs~~ Peirce

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Noah Clap of Dorchester in the County of Suffolk Gentleman, & Treasurer of said Town of Dorchester, Complainant ~~vs~~ Zebulon Peirce of said Dorchester, Blacksmith, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, he Recovered Judgment against the said Zebulon for the sum of £44.19.9 lawful Money debt, & Costs of Suit; from which Judgment the said Zebulon appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect. but fail'd so to do. Wherefore the Compl<sup>t</sup>. Pray'd Affirm<sup>a</sup>. of said Judgment with Additional Interest and Costs. It is there=  
:fore Considered by the Court that the said Noah Clap Recover against the said Zebulon Peirce the sum of Forty five pounds fourteen shillings and nine pence lawful money of this Province Debt. & Costs taxed at £3.6.11

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Ex'c'on issued

10<sup>th</sup>. Mar, 1760.

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Rhodes ~~vs~~ Peirce

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Joseph Rhodes of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. ~~vs~~ Isaac Peirce of said Boston Baker. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, he Recovered Judgment against the said Isaac for the sum of £31.18/. Lawful Money damage, and Costs of Suit; from which Judgment the said

Isaac Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Addition<sup>l</sup> Interest, and Costs. It's therefore Considered by the Court that the said Joseph Rhodes Recover against the said Isaac Peirce the sum of thirty two pounds two shillings and eight pence lawful Money of this Province damage, and Costs taxed at £3.7.9

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Ex'c'on issued  
10<sup>th</sup>. Mar, 1760.

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Holmes ~~vs~~ Wooton,

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Nathaniel Holmes of Boston in the County of Suffolk Distiller  
Complainant

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26.

[26r]

Complainant ~~vs~~ John Wooton of Lexington in the County of Middlesex mariner. The Compl<sup>t</sup> shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January, he Recovered Judgment against the said John for the sum of £39.0.3.<sup>d</sup> Lawful Money debt, and Costs, of Suit; from which Judgment the said John Appealed to this Court and Recogniz'd w<sup>th</sup>: sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional [<sup>^</sup>Int<sup>t</sup> et<sup>^</sup>] Costs, It's therefore Considered by the Court that the said Nathaniel Holmes Recover against the said John Wooton the sum of thirty Nine Pounds four shillings and eleven pence Lawful Money of this Province Debt, and Costs taxed at £4.17.6

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Ex'c'on issued

26<sup>th</sup>. Mar, 1760.

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Drake ~~vs~~ Hellon

&gt;&gt;

David Drake of Stoughton in the County of Suffolk Husbandman,  
 Complainant ~~vs~~ Ratliffe Hellon of Taunton in the County of Bristol  
 Trader, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common  
 Pleas held at Boston in and for the County of Suffolk on the first  
 Tuesday of October last, he Recovered Judgment against the said  
 Ratliffe for the sum of £7.5.8 Lawful Money damage, and Costs  
 of Suit; from which Judgment the said Ratliffe Appealed to this  
 Court and Recogniz'd with sureties according to Law to prosecute  
 the same with Effect, but fail'd so to do, Wherefore the Compl<sup>t</sup>. Pray'd  
 Affirmation of said Judgment with Additional Costs and Int<sup>t</sup>.  
 It's therefore Considered by the Court that the said David Drake  
 Recover against the said Ratliffe Hellon the sum of Seven Pounds  
 eight shillings and eight pence, Lawful Money of this Province  
 Damage, and Costs taxed at £4.1.10

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Ex'c'on issued

24<sup>th</sup>. Mar, 1760.

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Wheatly ~~vs~~ Mann

&gt;&gt;

John Wheatlfy of Boston in the County of Suffolk Taylor Complainant vs  
 Ebenezer Man of Wrentham in the same County Gentleman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Boston in and  
 for the County of Suffolk on the first Tuesday of October last, he Recovered



Judgment against the said Ebenezer for the sum of £53.18.9 Lawful Money debt, and Costs of Suit; from which Judgment the said Ebenezer appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd

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[26v]

pray'd Affirmation of said Judgment with Additional Interest and Costs It's therefore Considered by the Court that the said John Wheatley Recover against the said Ebenezer Man the Sum of Fifty five Pounds one shilling and seven pence lawful Money of this Province Debt, and Costs taxed at £3.6.10

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Ex'c'on issued

19<sup>th</sup>. July 1760.

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Godfree ~~vs~~ Macumber

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Richard Godfree of Taunton in the County of Bristol Gentleman Appellant ~~vs~~ Thomas Macumber of said Taunton Yeoman, Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the fourth Tuesday of March AD 1756. when and where the appellee was plan't and the Appellant was defendant, In a plea of Ejectment wherein the said Thomas demands against the s<sup>d</sup>: Richard the Possession of Forty one acres of land lying and being in Taunton aforesaid, and is bounded as followeth Viz<sup>t</sup>. beginning at a flat stone marked T. a walnut Sapling being marked facing towards said Stone, on the Northerly side of that Fence which stands a little southward from James Macumber<sup>s</sup>, Seller, thence South twenty degrees West to another Stone marked with T, on the Easterly side of the way that leads

from Lawrence Hart's to pole plain thence south Easterly on the Easterly side of said way to a third stone marked T. thence east about twenty degrees South to a maple tree marked, thence south about fourteen degrees west to a small Burch marked, thence east about fifteen degrees South to a great white Oak tree marked by the side of three mile river on the East side of the great River, thence [<sup>by</sup>] said three mile River down stream to a Small Elm Sapling by said River side on the northerly side of a fence which now standeth there, thence on a streight line by marked trees about west twenty nine degrees North to the first Mentioned flat Stone or however the said Land is bounded according to the known bounds of the same with It's Appurtenances, And says that he himself was Seized thereof in his Demesne as of fee, in a peaceable time in the King's Reign in the Year of our Lord GOD one thousand seven hundred and thirty one taking the profits thereof Yearly to the Amount of Forty shillings by the Year and ought to have held the same Quietly. yet Neverthe= :less the said Richard hath since Entered into the same Premisses Unjustly Ejected the said Thomas and now holds him out of the Possession thereof. To the damage of the said Thomas Macumber as

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27.

[27r]

as he saith the sum of One hundred pounds; at which said Inferiour Court Judgment was Rendred, that the said Thomas Macumber Recover against the said Richard Godfrey Possession of the land sued for, and Cost of Court: This appeal was entre'd and bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Taunton in and for the County of Bristol on the second Tuesday of October AD 1756. when & where both Parties appeared, and upon the ap'lant. agreeing to wave his plea in Abatem<sup>t</sup>. the said Appeal was Continued to the Next Term of said Court for said County, by Consent; [<sup>and from thence to the s<sup>d</sup>: Superior court held at S<sup>d</sup>: Taunton AD 1758<sup>^</sup>] to the End that Stephen Hosmore Surveyor, with two Chainmen</sup>

under

oath, might take a plan of the Land in Controversy, and Run and mark out thereon all the lines and places which each party should desire: And from the Court in 1758, last Mentioned, said Appeal was further: Continued to the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Taunton within and for the County of Bristol on the last Tuesday of October AD 1759. by Virtue of an Order of the General Court; at the Motion of the appellant that he might get other lines drawn up [<sup>on</sup>] the plan: when and where both Parties appeared, & the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find Specially Viz<sup>t</sup>. "that on the second day of Febr'y. 1732, the said Thomas Macumber Richard Godfrey, father of the Appellant "together with Samuel Williams, Seth Sumner, and John Godfrey entered "into and signed a parole Agreement, a Copy of which is in the Case, "The Jury further find that in pursuance of said Agreement. Samuel "Pitts, Israel Dean, and James Williams on the 17<sup>th</sup>. of March 1732, "made a Report to the Proprietors of Taunton, which Report is Entred "upon the Proprietors of said Taunton<sup>s</sup>. Books, a Copy of which is on "file in the Case, And if upon the whole matter it shall appear to "the Court that the said Report amounts to an Award by Law & "that the Right and Freehold of the said Thomas Macumber are "lawfully determined thereby then the Jury find for the said "Richard Reversion of the former Judgment and Costs, otherwise "they find for the said Thomas Macumber Possession of the premises "and Costs"; and from thence said Appeal was Continued and trans= :ferred to this Court, by Consent, for Argument, and Judgment thereon, & Now the Parties Appeared in Court, and After a full hearing of them by their Council, and Mature Advisement on said Special Verdict had; It is Considered by the Court that the said Thomas Macumber Recover against

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[27v]

against the said Richard Godfree the Possession of the premises sued for  
and Costs taxed at 12.17.6

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Fac. Habe. issued

19<sup>th</sup>. June 1760.

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Order on Hatch's Pet'o.

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Upon reading the Petition of Nathaniel Hatch of Dorchester in the  
County of Suffolk, Executor of the last Will and Testament of Estes  
Hatch late of Roxbury in said County Esqr. deceased, Wherein the Petiti<sup>or</sup>.  
Shew'd that the Personal Estate of the said Estes Hatch, except what is  
given away by said Will in Specific Legacies, amounts to the sum  
of £29.16.8 only, That there appears to be due from said Estate (as by the  
Certificate Annex't to said Petition) the sum of £1019.11.1¼, The Petiti<sup>or</sup>.  
therefore pray'd the licence of this Court to sell the Real Estate of the  
said Estes to the Value of One thousand pounds, to Satisfy the Debts  
aforesaid and Charges of Sale; Ordered that the Prayer of this  
Petition be Granted, and that the said Nathaniel Hatch, in his said  
Capacity, be and hereby is Impowered to make Sale of One  
thousand pounds worth of the said Estes's Real Estate for the Ends  
aforesaid, (such as will be least Prejudicial to the whole) as pray'd  
for, and to pass and Execute a Good Deed or Deeds in the Law for  
Conveyance thereof the Petitioner to post up notifications thirty  
days before the Sale and Account with the Judge of Probate for said  
County, as the Law directs;

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Order on Campbell's Pet<sup>o</sup>.

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Upon Reading the Petition of Elizabeth Campbell Administratrix of the Estate of her late husband Thomas Cambell late of Boston Merch<sup>t</sup>. deceased. Wherein the Petitioner shew'd that by the Accounts which she has exhibited to the Judge of Probate &c for the County aforesaid, the whole Personal Estate of the said Thomas amounts to £5932.15.9<sup>3</sup>/<sub>4</sub> including the Debts due and not Rec'd, and the Debts due from the Estate amount to £6495.1.3<sup>3</sup>/<sub>4</sub>. so that there is a deficiency of Personal Estate to the amount of £562.5.6, that the only Real Estate which he left in this Province is a Messuage in Boston appriz'd at the Sum of £666.13.4 in which she has her Right of Dower, Wherefore, for the Payment of the said intestate's Debts, she therefore pray'd this Court that she might be Authorized to sell two third parts of said Messuage and the Reversion of the other third, and to execute a deed or Deeds of Conveyance accordingly; Ordered that the prayer of

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[28r]

of this Petition be Granted, and that the said Elizabeth Campbell in her said Capacity, be and hereby is Impowered to make Sale of said two third parts of said Messuage, and the Reversion of the other third, for the Ends aforesaid as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up notifications thirty days before the sale, and Account with the Judge of Probate for said County of the Produce thereof, as the Law directs:

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Order on Hills Pet<sup>o</sup>.

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Upon Reading the Petition of Rebecca Hill Administratrix of the Estate of Abraham Hill late of said Boston Mariner dec'd. Wherein the Petitioner shew'd that said Dec'ds Personal Estate fall short of paying his

just Debts the sum of thirty Nine pounds nineteen shillings and four pence as appears by a Certificate from the Judge of Probate for said County, on file, The Petitioner therefore pray'd that this Court, would Authorize and Impower her, in her said Capacity, to make Sale of a house and land Apprized at Forty pounds lawful Money, situate in Charter street, in said Boston, for payment of his just Debt; Ordered that the Prayer of this Petition be Granted, and that the said Rebecca Hill Administratrix as aforesaid, be and hereby is Impowered to make Sale of said house and land for the Ends aforesaid, as pray'd for. the Petitioner to post up Notifications thirty days before the sale, and to pass and Execute A Good Deed or Deeds in the Law for Conveyance thereof: and Account with the Judge of Probate for said County, of the Produce thereof, as the Law Directs.

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Order on putnam's pet<sup>o</sup>.

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The Petition of David Putnam et al for division of land, as on file, Allow'd;

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Order on White's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of John White of Dorchester in the County of Suffolk aforesaid Yeoman, and Administrator on the Estate of his father John White late of said Dorchester Gentleman deceased. Wherein the Petitioner shew'd that he had Settled with the Judge of Probate for said County, an Account of Administration on the personal Estate which account has been allowed and a ballance is thereon due to him, of £79.12.6 lawful money, the Petitioner therefore

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[28v]

therefore pray'd this Court would Grant an Order or Permission for the Sale of so much of the Real Estate as should be Sufficient to Reimburse the Petitioner, and to pay the Charge of such Sale; Ordered that the Prayer of this Petition be Granted, and that the said John White in his said Capacity, be and hereby is Impowered to make Sale of Eighty five pounds worth of the said Dec'eds Real Estate, for the Ends afores<sup>d</sup>: as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitio<sup>r</sup>. to post up Notifications thirty days before the Sale and Account fo the Judge of Probate for s<sup>d</sup>: County, of the Produce thereof, as the Law directs;

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<<

Cradocks Pet<sup>o</sup>.

>>

The Petition of George Cradock Esq<sup>r</sup>. Collector of the Port of Boston, for a Writ of Assistance, as on file Allow'd;

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Wt. issued 1st. Mar, 1760

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Whipples et al Petition.

>>

The Petition of James Whipple jun<sup>r</sup>. and others, for division of Land, as on file Allow'd;

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<<

Akely's Indictm<sup>t</sup>.

>>

The Jurors for the Lord the King for the Body of this County, did upon their Oath present That Francis Akely of Boston aforesaid Wheelwright did on the first day of November last, at Boston aforesaid with force and Arms Assault One Robert Williams and him

greivously beat bruise wound and Evil Entreat and other  
 Injuries did, against the Peace of the said Lord the King his Crown  
 and Dignity to which Indictment the said Francis was [<sup>^</sup>Set to the Bar &<sup>^</sup>] arraigned  
 [+] and upon his arraignment, [+], plead Guilty;  
 The Court having considered his Offence. Order that he pay the sum  
 of two pounds as a fine to the King, & that he become [<sup>^</sup>bound<sup>^</sup>] by way of  
 Recognizance in the Sum of twenty pounds with two sureties in ten  
 pounds each for his keeping the Peace untill the Next Term, And  
 that he pay Costs of Prosecution standing Committed untill this  
 Sentence shall be performed.

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<<

Smith's Indictm<sup>t</sup>.

>>

The Jurors for the Lord the King, for the Body of this County, did upon  
 their Oath present, that David Smith of Boston aforesaid Shopjoiner did  
 there

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29.

[29r]

there on the seventh day of January last, between the hours of nine and  
 twelve of the Clock in the Night of the same day, with force and Arms  
 feloniously Brake and Enter the Shop in Boston aforesaid, of one Andrew  
 Lepear, and take steal and Carry away, one Beaver Coat without sleeves,  
 the forebody of a Green damask Jackett, three quarters of a Yard of Green  
 Manchester Bays, two Yards and an half of German Serge, two Yards  
 and an half of Shalloon, five yards and a quarter of Black Serge, sixteen  
 dozen and an half of Buttons, half a Yard of Cloth called Everlasting,  
 three Yards of Garlick, a Black Cloth Jackett, two dozen of twist Buttons,  
 a Scarlet Broad Cloth Jackett, five Eighth of a Yard of Scarlet Broad Cloth,  
 one Green Jackett, three Yards and an half of Oznabriggs, and a  
 pine Box. the Goods and Chattles of the said Andrew Lepear, and



Altogether of the Value of Nine pounds, against the peace of the said Lord the King, and the Law of this Province in that Case made and provided; On which Indictment the said David was arraigned [+] and upon his Arraignment plead not Guilty, A Jury was thereupon sworn to try the Issue. M<sup>r</sup>. David Spear foreman, and Fellows, who having fully heard the Evidence, upon their Oath say that the said David Smith is Guilty. The Court having Considered his Offence Order that he be whipped twenty five Stripes upon his naked back at the Public Whipping post, that he pay the said Andrew Lepar, trible the Value of the Goods Stoln, being twenty seven pounds, (the Goods Returned to be accounted part) and that he pay Costs of Prosecution standing committed untill this Sentence shall be performed, Costs are taxed at £5.15.8 And in Case the said Smith shall not within twenty days from this time (being the 4<sup>th</sup>. of March) pay the said Lepar the said trible damages and Costs, Ordered that the said Lepar may dispose of the said Smith in Service to any of His Majesty's leige Subjects, for the Term of five Years;

&lt;\_&gt;

&lt;&lt;

Smith's Indictment

&gt;&gt;

The Jurors for the Lord the King for the Body of this County, did upon their Oath Present, That David Smith of Boston afores<sup>d</sup> Shop-Joiner, having on the seventh day of January last, feloniously taken Stolen and Carried diverse Goods and Chattles, out of the Shop in Boston aforesaid, of one Andrew Lepar which then was and ever since has been, so Encompassed with

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[29v]

with, & Surrounded by, Dwelling Houses, and other wooden Buildings, near

and adjoining to the same Shop that the Burning thereof, especially in the Night would, greatly Endanger not only the Houses aforesaid, but the lives of those that dwelt therein; Of all which the said David Smith was well knowing, Yet he regardless of the lives and property of the Subjects of the said Lord the King, wickedly and maliciously, Contrived and Determined, to set on fire and burn the Shop aforesaid, and the other Buildings aforesaid, in order to cover and conceal the said Felony committed by him as aforesaid, and Accomplish his other wicked purposes, and Dessigns, And thereupon the said David Smith, There afterwards on the said seventh day of January last, between the hours of nine and twelve of the Clock in the Night of the same day, in Order and with a [^wicked &^] malitiose Intent and Design, to set on fire and Burn the said Shop and the other Building's aforesaid, did with force and arms Voluntarily and Malitiously Enter the shop aforesaid, and put and place a large Iron Pot filled with Charcoals upon the floor of the same Shop, and set on fire and Enkindle the same Charcoal in the Pot aforesaid, and lay thereon, a pine box four feet long and fifteen Inches Wide, Extending from the Charcoal fire aforesaid, to the said Andrew's Shop board, in the same Shop, and thereby set on fire and burnt the Box aforesaid, y<sup>e</sup>. Fingres whereof reached unto, & set on fire the Shop Board aforesaid Land would have set on fire Burnt and Destroyed the said Shop, and all the Buildings afores<sup>d</sup>. and laid great part of the Town of Boston aforesaid in Ashes, had not the fire Afterwards been, against the said Davids will, then and there Instantly discovered, and Extinguished. and so the Jurors aforesaid, upon their Oath say that the said David Smith, being Utterly void of Benevolence, Pity and Compassion, and alltogether regardless of the Interest and lives of the Inhabitants of the Town of Boston afores<sup>d</sup>: did there on the said seventh day of January last, between the hours of Nine and twelve of the Clock in the Night of the same day Voluntarily and Malitiously in manner and form afores<sup>d</sup>. Contrive, attempt, and Endeavour, to set on fire, Burn and Destroy, the Shop aforesaid and Buildings thereunto Adjoining in Order to hide and Conceal the Felony aforesaid, by him

Committed as aforesaid, and to Accomplish his other wicked Designs and purposes; he the said David at the same time well knowing that the Shop aforesaid, was so Encompassed with and

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30.

[30r]

and Surrounded by dwelling houses and wooden Buildings, Near and adjoining thereunto, that the Burning the Shop aforesaid, especially in the Night would greatly Expose [^and Endanger^] the Buildings aforesaid, And also the dwelling places and the lives of many of the Inhabitants of the Town of Boston aforesaid, in Evil and pernicious Example to others, against the Peace of the said Lord the King his Crown and Dignity; Upon which Indictment the said David was; set to [+] the Barr, [^and Arraigned^] and upon his arraignment, plead not Guilty, a Jury was thereupon sworn to try the Issue, M<sup>r</sup>. David Spear foreman and Fellows, who having fully heard the Evidence, on their Oath say that the said David Smith is Guilty The Court having Considered his Offence. Order that he be set upon the Gallows for the space of one hour, with a Rope about his neck, and one End thereof, cast over the Gallows; that he be publicly whipped thirty nine Stripes upon his naked back, and that he pay Costs of Prosecution Standing committed untill this Sentence shall be performed; Costs are taxed at £1.18.8

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Order on Brown's Pet<sup>o</sup>..

>>

Upon Reading the Petition of Nathaniel Brown Administrator of the Estate of William Marshall late of Boston Victualler deceased, wherein the Petition<sup>r</sup> shew'd, that it hath been made to appear to the Hono<sup>'</sup>ble the Judge of Probate for said County, a Certificate whereof is on file, that the whole of the Real as well and personal Estate of the deceased is

insufficient to pay his just Debts; The Petitioner therefore pray'd for an Order or Permission from this Court for Sale of the said Real Estate Consisting only of an Old house [^and land^] in Boston, Apprized at Eighty pounds: Ordered that the prayer of this Petition be Granted, and that the s<sup>d</sup>: Nathaniel Brown, in his said Capacity, be and hereby is Impower'd to make sale of the said Dec'eds Real Estate for the Ends aforesaid as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up notifications thirty days before the sale and Account with the Judge of Probate for said County, of the Produce thereof, as the Law Directs.

&lt;\_&gt;

&lt;&lt;

Arnold et al fined

&gt;&gt;

Samuel Arnold of Braintree, and David Rice of Weymouth two delinquent Jurors, are fined twenty one shillings and 4<sup>d</sup>. Each;

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[30v]

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Walter's Pet<sup>o</sup>. allow'd.

&gt;&gt;

The Petition of William Walter Esq<sup>r</sup>. Collector of the Ports of Salem & Marblehead, for a Writ of Assistance, as on file, Allow'd; W<sup>t</sup> issued 1<sup>st</sup> Mar 1760

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&lt;&lt;

Court adjourn'd without day.

&gt;&gt;

Boston March 4<sup>th</sup>. 1760.

The Court enter'd up Judgment according to the verdicts, and then adjourn'd without day. Att<sup>r</sup>. Sam Winthrop Cler.

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[32r]

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Province of the} Anno Regni Regis Georgii secundi magnæ  
 Massachusetts Bay} Britanniae Franciæ et Hiberniæ tricesimo tertio  
 Plymouth ss}

At his Majesty's Superiour Court of Judicature, Court  
 of Assize and General Goal Delivery, held at Plymouth in  
 & for the County of Plymouth [+]  
 on the last Tuesday of April (being the 29<sup>th</sup>. day of said  
 month) Annoq Domini 1760.

By the Honorable Stephen Sewall Esq<sup>r</sup>. Chief Justice.

Benjamin Lynde}

John Cushing} Esquire's Justices.

Chambers Russell et}

Peter Oliver}

\

The Attorney General being absent, The Court appoint James Hovey  
 Esq<sup>r</sup>. to act as Attorney for the King, at this Term;

The Names of the Grand and Petit Jurors. present, Impannel'd, and Sworn, are in Writing on file;

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Howard vs Hoskins

>>

Benjamin Howard Appellant ~~vs~~ Samuel Hoskins Appellee,  
The Appellant by his Attorney Coll<sup>o</sup>. Otis pray'd leave to discontinue this Action paying Costs, and it was Granted; It is therefore Considered by the Court that the said Samuel Hoskins Recover against the said Benjamin Howard, Costs taxed at £

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<<

Warren et al ~~vs~~ Clap

>>

James Warren of Plimouth in the County of Plimouth Esquire, and Sheriff of the same County, and Nathaniel Goodwin of said Plimouth Merchant, Plaintiffs ~~vs~~ Elijah Clap of Middleborough in the same County Gentleman Defendant, On a Writ of Sire facias to shew Cause &C<sup>a</sup>. (as in the Writ tested the 23<sup>d</sup>. day of February AD 1758, and on file, at large appears) This Action was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Plimouth within and for said County, on the second Tuesday of May AD 1758. pursuant to a Resolve of the General Court; and from thence was

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[32v]

was Continued to the last Term of this Court for this County by [<sup>^</sup>con<sup>^</sup>]sent of Parties; & then said Action was further Continued from said Term, to this Court, at the Motion of the def<sup>t</sup>. the Plan't not Oposing it; And now both Parties Appeared, [<sup>^</sup>and pleaded to issue (as on file) and issue being joined<sup>^</sup>] ~~and the case~~ After a full hearing was Committed to a Jury sworn

according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find that Ebenezer<sup>r</sup>. Wood, did avoid, as the plant declar'd in said Writ: It is therefore Considered by the Court that the said James Warren, and Nathaniel Goodwin Recover against the said Elijah Clap the Money sued for, being, eight [+] Pounds fifteen shillings and Nine Pence  $\frac{1}{4}$  Lawful Money of this Province Debt, and Costs of this Suit, taxed at £4.9.1

&lt;&lt;

Ex'c'on issued

14<sup>th</sup>. May 1760.

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Foster vs Brewster

&gt;&gt;

Samuel Foster of Kingston in the County of Plimouth Gentleman  
 appellant vs Isaac Brewster of Kingston Aforesaid Blacksmith Appellee  
 from the Judgment of an Inferiour Court of Common Pleas held at Plim<sup>o</sup>.  
 in and for said County of Plimouth on the first Tuesday of April AD 1759.  
 when, and where the Appellant was Plaintiff and the Appellee was  
 defendant, In a Plea of Trespass on the Case for that the Plant is, and  
 from his Nativity has been a person of Good Character and Reputation.  
 and of a Religious, Virtuous, Sober life, [<sup>^</sup>free<sup>^</sup>] from the Crime of Theft. and all.  
 Just Imputation thereof, of all which the defendant was well knowing;  
 yet maliciously Contriving, to ruin the Plaintiff's Character, and to  
 expose him to disgrace and the Penalties of the laws against stealing  
 on the first day of April AD 1758. At Kingston Aforesaid, in the hearing of  
 Many of the Kings Good Subjects, he the said Def<sup>r</sup>. Utter'd these  
 False and Scandalous words of and Concerning the Plant. Viz<sup>t</sup>: "Samuel  
 Foster (meaning the Plan't) came into my Shop, and stole his Pockets full  
 of my Spikes and carried them off." I "was in the Grist Mill and looked out  
 of a Crack in the Mill House, and saw him come out of the Shop with  
 his Pockets full of my spikes, that he stole". And the def<sup>r</sup>. Continuing his  
 Malice and Designs Aforesaid, speaking of the plan't. at diverse other times

and days between said first day of April, and the third day of January AD 1759, in the hearing of many Good Subjects, at Kingston Aforesaid, He the Def<sup>t</sup>. Uttered and Repeated all the false and Scandalous words afores<sup>d</sup>. of and concerning the Plan't. in manner aforesaid, and Afterwards on the third day, of January AD 1759. The Def<sup>t</sup>. Continuing his Malice and wicked Designs Aforesaid. at Kingston Aforesaid in hearing of

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[33r]

of many of the Kings Good Subject, Uttered these false and Scandalous words of and concerning the Plan't, Viz<sup>t</sup>." He (speaking of and meaning the plan't) stole his Pockets full of my spikes, 'tis not matter what Crack I looked through when I saw him steal them, I did see him steal them, that is enough, and I wish he had a Bullet hole through his heart;" and by reason of the deft<sup>s</sup>. uttering, repeating and Publishing the lies and scandalous words and expressions aforesaid, the Plan't has been Expos'd to great disgrace, Danger, and Expence, all which is to the Damage, of the said Samuel (as he saith) the sum of Five hundred Pounds; At which said Inferiour Court, Judgment was Rendred, that the Def<sup>t</sup>. Isaac Brewster Recover against the Plan't Samuel Foster Costs of Suit: This Appeal was bro't forward at the last Term of this Court for this County, and from thence Continued to this Court, by Consent; and Now Parties Appearing, the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, That is to say, they find for the Appellee Costs: Its therefore Considered by the Court that the said Isaac Brewster recover against the said Samuel Foster Costs taxed at £

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Strange ~~vs~~ Tilson

>>



Benjamin Strange of Freetown in the County of Bristol a Minor  
 Appellant ~~vs~~ Perez Tilson of Plimouth ~~of Plimouth~~ in said County of  
 Plimouth merchant Appellee, from the Judgment of an Inferiour Court of  
 Common Pleas held at Plimouth in and for the County of Plimouth on the  
 second Tuesday of April last, by Adjournment, when and where the  
 Appellee was Plan't and the Appellant was def<sup>t</sup>. In a Plea of Trespass upon  
 the Case, and is for that the said Benjamin at Plimouth aforesaid on  
 the first day of March last, was Indebted to the said Perez the sum of  
 thirteen Pounds One shilling and two Pence for sundry Necessary's  
 the said Perez Supplied the said Benjamin with, before that time  
 at his Special Instance and Request agreeable to the Account Annex'd  
 to the Writ, and then and there the said Benjamin Promised the said  
 Perez to pay him for the same on demand. Yet the said Benjamin, tho'  
 Requested has not paid the same, notwithstanding; but he denies to do  
 it. To the Damage of the said Perez Tilson, as he saith, the sum of twenty  
 Pounds; At which said Inferiour Court Judgment was Rendred  
 that the Plant Perez Tilson Recover against the def<sup>t</sup>. Benjamin  
 Strange the sum of seven Pounds ten shillings damage, and Costs  
 of

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[33v]

of Suit: Both Parties Appearing. The Case after a full hearing was Com'itted  
 to a Jury sworn according to Law to try the same, who Returned their  
 Verdict therein upon, Oath that is to say, They find for the Appellee eleven  
 Pounds Lawful Money damage, and Costs. It is therefore Considered  
 by the Court that the said Perez Tilson Recover against the said Benj<sup>a</sup>.  
 Strange the sum of Eleven Pounds lawful Money of this Province  
 Damage, and Costs taxed at £4.18.10

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Ex'c'on issued

21<sup>st</sup>. June 1760.

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Burrington vs Hathway

&gt;&gt;

Robert Burrington of [T?F?]iverton in the County of New Port and Colony of Rhode Island Esq<sup>r</sup>. Appellant vs Ebenezer Hathway of Freetown in the County of Bristol Esq<sup>r</sup>. Appellee, from the Judgm<sup>t</sup>. of an Inferiour Court of Common Pleas held at Plimouth in and for said County of Plimouth on the second Tuesday of April last, by adjournment, when and where the Appellant was Plan't and the appellee was defendant, In a Plea of Trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 14<sup>th</sup> day of March last, and on file, at large appears) At which said Inferiour Court Judgment was Rendred, that the said Ebenezer Hathway the Def<sup>t</sup>. Recover against the Plan't Robert Burrington Cost of Court; The Parties now Appeared, and the Appellee in Court Confessed Judgment for five pounds five shillings and Nine Pence lawful Money dam<sup>a</sup>. and Costs. It's therefore Considered by the Court that the said Robert Burrington Recover Against the said Ebenezer Hathway the sum of Five Pounds five shillings and nine Pence lawful money of this Province Damage, and Costs; I Aknowledge to have Rec'ed the above sum, and Costs  
Witness Sam. Winthrop[ ]Robert Burrington

&lt;\_&gt;

&lt;&lt;

Hooper vs Keith

&gt;&gt;

Nathaniel Hooper Appellant vs Amos Keith Appellee  
This Action is dismist for the irregularity of the Proceedings

&lt;\_&gt;

&lt;&lt;

Leonard vs Burge

&gt;&gt;

Samuel Leonard of Bridgwater in the County of Plimouth Yeoman

Appellant ~~vs~~ Samuel Burge of Wareham in the same County Yeoman, Ap'lee  
 from the Judgment of an Inferiour Court of Common Pleas held at Plimouth  
 in and for said County, on the first Tuesday of April 1759. when and where  
 the Appellee was Plant, and the Appellant was def't In a Plea of Trespass  
 upon

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[34r]

upon the Case, for that the said Samuel Leonard at Wareham aforesaid  
 on the second day of December AD 1756 by his Note of hand of that date for Value  
 Received Promised to pay the said Samuel Burge 300£ of Good Refined Iron  
 and 100£ and a half of good well drawn Bloomery Iron, for Cartwheel five, three  
 Inches and a Quarter wide, all to be delivered at M<sup>r</sup>. Gershom Morses at Wareham  
 aforesaid, at or before the 15<sup>th</sup>. day of April then Next, which Iron the Plan't Avers  
 to be of the Value of Six Pounds Lawful Money, Yet Notwithstanding the said  
 Samuel Leonard tho' Requested hath not Paid said Iron but denies to do it. To the  
 Damage of the said Samuel Burge, as he saith, the sum of ten Pounds;  
 At which said Inferiour Court Judgment was Rendred, that the said Samuel  
 Burge Recover against the said Samuel Leonard the Sum of Five Pounds  
 four shillings lawful money damage, and three pounds eleven shillings &  
 seven Pence Costs of Court: Both Parties Appearing the Case After a full hearing  
 was Committed to a Jury sworn according to Law to try the same who Returned  
 their Verdict therein upon Oath, that is to say they find for the Appellee six  
 Pounds Lawful money damage, and Costs: It is therefore Considered by  
 the Court that the said Samuel Burge Recover against the said Samuel  
 Leonard the sum of Six Pounds Lawful Money of this Province Damage,  
 and Costs taxed at £ 9.14.7

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Ex'c'on issued

21<sup>st</sup>. June 1760.

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Bates ~~vs~~ Ripley

&gt;&gt;

Joseph Bates of Hanover in the County of Plimouth Yeoman Appellant  
~~vs~~ Hezekiah Ripley of Kingston in the same County Mariner Appellee, from  
 the Judgment of an Inferiour Court of Common Pleas held at Plimouth in &  
 for said County of Plimouth on the first Tuesday of October last, when and,  
 where the Appellant was Plan't and the Appellee was defendant In a Plea of  
 Account for that he should Render his Reasonable Account for the time he  
 was Bailiff to the said Joseph at Hanover aforesaid, and thereupon the said  
 Joseph says that Whereas the said Hezekiah Ripley had been Bailiff to the s<sup>d</sup>.  
 Joseph at Hanover Aforesaid, from the 1<sup>st</sup>. day of May 1754 to the last day of June  
 AD 1754, and during all that time had the Care and Management of  
 three Cord of the Plant<sup>s</sup>. Oak Wood, and one Cord and an half of the plants  
 Walnut Wood to the Value of two pounds fourteen shillings to Merchandize &  
 make Profits thereof for and to Render a reasonable Acco<sup>t</sup>. thereof to the said  
 Joseph whenever he should be thereto requested Nevertheless the said Hezek<sup>h</sup>.  
 tho' ften Requested hath not yet Rendred an Account thereof, to the said  
 Joseph but hitherto hath refused Altogether so to do, Wherefore the said Joseph  
 saith he is thereby Injured and hath sustain'd Damage to the Value of  
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[34v]

three Pounds, and therefore he has bro't this Suit, all which is To the Damage  
 of the said Joseph Bates as he saith the sum of three Pounds; At which said,  
 Inferiour Court Judgment was Rendred, that the Def. Hezekiah Ripley  
 Recover against the Plan't Joseph Bates, his Costs taxed at fifteen  
 shillings and six pence; The Parties Appeared, and the Case After a  
 full hearing was Committed to a Jury sworn According to Law to try the  
 same, who Returned their Verdict therein upon Oath that is to say, they find  
 that the Appellee is the Plaintiffs Bailiff las he hath declared in his Writ;  
 And the Court thereupon Assigned Nathaniel Little, and Joseph Cushing

Auditors to examine, and State the Accounts in the Case, and to make Report to the Court, as soon as may be, And Pursuant to their Report to the Court, on file, which was Read and Accepted; It is Considered by the Court that the said Joseph Bates Recover, Against the said Hezekiah Ripley the sum of two Pounds fourteen shillings Lawful Money of this Province Damage, and Costs taxed at £

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Brown ~~vs~~ Wall

>>

Robert Brown of Plymouth in said County of Plymouth Esquire, Plaintiff ~~vs~~ John Wall of Plimton in the same County Husbandman, def<sup>t</sup>. In a Plea of Review of a Plea of Trespass upon the Case Commenced and Prosecuted at an Inferiour Court of Common Pleas held at Plymouth in and for said County, on the first Tuesday of January last, by the said John against against the said Robert, in the words following, Viz<sup>t</sup>. “in a plea of “Trespass upon the Case’’&C<sup>a</sup>. (as in said Writ of Review tested the 25<sup>th</sup>. day of July last, and on file, more fully will Appear). Both Parties Appeared, and John Wall of Plymouth in the County of Plymouth Mariner, who in said Writ, is Named John Wall of Plimton in the County of Plymouth Husband=  
:man, and upon whom said Writ was served, Comes and Defends &C<sup>a</sup>. (by James Hovey Esq<sup>r</sup>. his Attorney) and says that at the purchase & Service of this Writt he was, and for a long time before had been and still is Resident and Comorant in Plymouth in the County of Plymouth, and was not Resident and Commorant at Plimton in the County of Plymouth, as the Plan’t in said Writ Supposes, and this he is Ready to Verify, Wherefore he Prays Judgment that the same Writ may be Abated, and he Allowed his Costs; And After a full hearing of the Parties on said Plea; It’s Considered by the Court that the Writ Abate upon said plea, and that the said John Wall Recover against the Robert Brown, Costs taxed at £

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Randell vs Bates.

>>

Ezra Randell of Situate in the County of Plimouth Shipwright Compl<sup>t</sup>.  
 vs Samuel Bates of Hingham in the County of Suffolk Trader. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Plimouth in and  
 for the County of Plimouth on the second Tuesday of April, by Adjournment,  
 he Recovered Judgment against the said Samuel for the sum of £7.0.8  
 Lawful Money damage and Costs of Suit: from which Judgment the s<sup>d</sup>.  
 Samuel Appealed to this Court and Recogniz'd with sureties according to  
 Law to Prosecute the same with Effect, but fail'd so to do. Wherefore the Comp<sup>lt</sup>.  
 Pray'd Affirmation of said Judgment with Additional Interest and Costs;  
 It is therefore Considered by the Court that the said Ezra Randell  
 Recover against the said Samuel Bates the sum of Seven Pounds One shilling  
 Lawful money of this Province Damage, and Costs taxed at £3.16.2

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Ex'c'on issued

29<sup>th</sup>. May 1760.

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Goodwin vs Paddock

>>

Nathaniel Goodwin of Plimouth in the County of Plimouth Merchant  
 Complainant vs Thomas Paddock of Middleborough in the same County Hus=  
 :bandman, The Comp<sup>lt</sup>. Shew'd that at an Inferiour Court of Common Pleas  
 held at Plimouth in and for the County of Plimouth on the first Tuesday of  
 July last, he Recovered Judgment against the said Thomas for the sum of  
 £2.19.8½ Lawful Money Damage, and Costs of Suit; from which Judgment  
 the said Thomas Appealed to this Court and Recogniz'd with sureties

according to Law to Prosecute the same with effect but fail'd so to do, Where=  
 :fore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs.  
 It is Considered, therefore, by the Court. that the said Nathaniel  
 Goodwin Recover against the said Thomas Paddock the sum of two Pounds  
 Nineteen shillings and eight Pence [<sup>^</sup>½<sup>^</sup>] Lawful Money of this Province  
 Damage, and Costs taxed at £2.19.6

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Ex'c'on issued

30<sup>th</sup>. May 1760

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Crooker ~~vs~~ House.

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David Crooker of Pembroke in the County of Plimouth Yeoman  
 Complainant ~~vs~~ James House of Hanover in the same County Esq<sup>r</sup>. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Plimouth in &  
 for said County, on the first Tuesday of October last, he Recovered Judgment  
 against the said James for the sum of £6.6.4 Lawful Money damage, and  
 Costs of Suit: from which Judgment the said James Appealed to this Court and  
 Recognized with Sureties according to Law to Prosecute the same with  
 Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. Pray'd Affirmation of s<sup>d</sup>.  
 Judgment with Additional Interest, and Costs; It's therefore Considered  
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[35v]

by the Court that the said David Crooker Recover against the said  
 James House the Sum of Six Pounds ten shillings and five Pence Lawful  
 money of this Province Damage, and Costs taxed at £3.8.5

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Ex'c'on issued

14<sup>th</sup>. May 1760.

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Barstow vs Tisdale

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James Barstow of Duxborough in the County of Plimouth aforesd  
 Shipwright Complainant vs John Tisdale of Taunton in the [+] County  
 of Bristole Yeoman. The Complt. shew'd that at an Inferiour Court of Common  
 Pleas held at Plimouth in and for the County on Plimouth on the second  
 Tuesday of April Instant, he Recovered Judgment against the said John for  
 the sum of £32.7.8. Lawful money of this Province Damage, and  
 Costs of Suit; from which Judgment the said John Appealed to this Court  
 and Recognized with sureties according to Law to Prosecute the same  
 with Effect, but fail'd so to do. Wherefore the Complt. Pray'd Affirmation  
 of said Judgment with Additional Interest, and Costs. It's therefore  
 Considered by the Court that the said James Barstow Recover against  
 the said John Tisdale the sum of fifty two pounds eleven shillings &  
 and two pence Lawful money of this Province Damage, and Costs  
 taxed at £3.9.4.

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Ex'c'on issued

30th. May. 1760.

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Angier vs Barrows et al.

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John Angier of Bridgwater in the County of Plimouth Clerk  
 Complt. vs Ebenezer Barrows Yeoman, and Combs Barrows Cord=  
 :wainer [^both of Middleborough in the County of Plymouth.^]; The Complt. shewd that at an  
 Inferiour Court of Common  
 Pleas held at Plimouth in and for the County of Plimouth on the first.  
 Tuesday of January last, he Recovered Judgment against them for  
 the sum of £3.0.4. Lawful money damage, and Costs of Suit; from which  
 Judgment the said Ebenezer and Combs appealed to this Court and



Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Complt. pray'd Affirmation of said Judgment with additional Interest and Costs. It is therefore Considered by the Court that the said John Angier Recover against the said Ebenezer Barrows and Combs Barrows the sum of three pounds one shilling and six pence Lawful Money of this Province Damage, and Costs, taxed at £ .

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Sprague vs Holmes

&gt;&gt;

John Sprague of Killingsly in the County of Windham in the Colony of Connecticut Yeoman, Complainant vs Hezekiah Homes of

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36.

[36r]

of Pembroke in the same County of Plimouth Gentleman. The Complt. shew'd that at an Inferiour Court of Common Pleas held at Plimouth for the County of Plimouth on the first Tuesday of January last, he Recovered Judgment against the said Hezekiah for the sum of £3. Lawful Money damage, and Costs of Suit: from which Judgment the said Hezekiah Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Complt. pray'd Affirmation of said Judgment with Additional [+]. and Costs, It's therefore Considered by the Court that the said John Sprague Recover against the said Hezekh. Holmes the sum of three Pounds Lawful Money of this Province Damage, and Costs taxed at £4.16.11.

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Ex'c'on issued

22 may 1760

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Johnson ~~vs~~ Spears.

&gt;&gt;

John Johnson of Bridgwater in the County of Plimouth Gentleman,  
and one of the Deputy Sheriffs of said County, Complainant ~~vs~~ David  
Sears of Middleborough in the same County Gentleman, The Complt. shew'd  
that at an Inferiour Court of Common Pleas held at Plimouth in and  
for the County of Plimouth on the first Tuesday of January last, he Recovered  
Judgment against the said David for the sum of £2.6.7. Lawful Money  
damage and Costs of Suit; from which Judgment the said David  
appealed to this Court. and Recognized with sureties According to law  
to Prosecute the same with Effect. but fail'd so to do. Wherefore the  
Complt. pray'd Affirmation of said Judgment with Additional Int. &  
Costs. It's therefore Considered by the Court that the said John  
Johnson Recover against the said David Sears the Sum of two pounds  
seven shillings and four Pence lawful money of this Province dama.  
and Costs. taxed at 3.16.0.

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Ex'c'on issued.

22d. May 1760.

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Packard ~~vs~~ Hollis

&gt;&gt;

Isaac Packard of Bridgwater in the County of Plimouth Yeoman  
Complainant ~~vs~~ Thomas Hollis Braintree in the County of Suffolk  
Gentleman, The Complt. Shew'd that at an Inferiour Court of Common Pleas  
held at Plimouth in and for the County of Plimouth on the first Tuesday  
of January last, he Recovered Judgment against the said Thomas for  
the Sum of £47.6.11. Lawful money Damage, and Costs of Suit; from  
which Judgment the said Thomas Appealed to this Court and Recogniz'd  
with sureties according to Law to prosecute the same with Effect, but fail'd  
so to do, Wherefore the Complt. pray'd Affirmation of said Judgment with

Additional.

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[36v]

Additional Interest and Costs. It is therefore Considered by the Court that the said Isaac Packard Recover against the said Thomas Hollis the sum of Forty eight Pounds fourteen shillings and three pence Lawful Money of this Province damage, and Costs taxed at £4.2.4.

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Ex'c'on issued.

22d. may 1760.

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Latham ~~vs~~ Snell

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Robert Latham of Bridgwater in the County of Plimouth Innholder. Complainant ~~vs~~ Nathaniel Snell of Taunton in the County of Bristoll Gentleman. The Complt. Shew'd that at an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the second Tuesday of April last, by Adjournment, he Recovered Judgment against the said Nathaniel for the sum of £14.4.8 Lawful Money Damage, & Costs of Suit, from which Judgment the said Nathaniel Appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Complt. Pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Robert Latham Recover against the said Nathaniel Snell the sum of Fourteen Pounds four shillings and four pence Lawful money of this Province Damage, and Costs taxed at £3.18.10.

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Ex'c'on issued

22 May. 1760.

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Barker ~~vs~~ Lincoln

&gt;&gt;

Prince Barker of Pembroke in the County of Plimouth Yeoman  
Complainant ~~vs~~ John Lincoln of said Pembroke Coaster. The Complt.  
Shew'd that at an Inferiour Court of Common Pleas held at Plimouth  
in and for said County, on the first Tuesday of October last, he Recovered  
Judgment against the said John for the sum of £4.10.0 Lawful Money  
damage, and Costs of Suit; from which Judgment the said John Appealed  
to this Court and Recogniz'd with sureties according to Law to Prosecute  
the same with Effect, but fail'd so to do. Wherefore the Complt. Pray'd  
Affirmation of said Judgment with Additional Interest and Costs,  
It is therefore Considered by the Court that the said Prince Barker  
Recover against the said John Lincoln the sum of Four Pounds twelve  
shillings and six pence Lawful money of this Province Damage, &  
Costs taxed at £3.2.5.

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Ex'c'on issued

28th. Aug. 1760.

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Brown ~~vs~~ Drew

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Robert Brown of Plimouth in the County of Plimouth  
Esquire,

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[37r]

Esquire Complainant, ~~vs~~ Nicholas Drew of said Plimouth Shipwright,

The Compl't. shew'd that at an Inferiour Court of Common Pleas held at Plymouth in and for the County of Plymouth , on the first Tuesday of Octoer. last, he Recovered Judgment against the said Nicholas for the sum of £19.3.0 Lawful Money damage, and Costs of Suit; from which Judgment the said Nicholas Appealed to this Court and Recogniz'd with sureties According to Law to prosecute the same with Effect, but fail'd so to do, Wherefore the Compl't. Pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Robert Brown Recover against the said Nicholas the sum of Nineteen Pounds twelve shillings and four pence Lawful money of this Province Damage, and Costs Taxed at £3.2.8.

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Ex'c'on Issued.

23d. Octo. 1760.

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Patterson ~~vs~~ Holmes.

&gt;&gt;

Thomas Patterson of Plimouth in the County of Plimouth Mariner, Complainant ~~vs~~ John Holmes of said Plimouth Mariner. The Compl'te. Shew'd that at an Inferiour Court of Common Pleas held at Plymouth in and for the County of Plimouth on the first Tuesday of January Last, He Recovered Judgment against the said John for the sum of £4.2.6. Lawful Money Damage, and Costs of Suit, from which Judgment the said John Appealed to this Court and Recogniz'd with sureties according to Law the same with Effect, but fail'd so to do. Wherefore the Compl't. Pray'd Affirmation of said Judgment with Additional [+] and Costs. It's Therefore Considered by the Court that the said Thomas Patterson Recover against the said John Holmes the sum of Four pounds two shillings and Six pence Lawful money of this Province Damage, and Costs taxed at £5.0.0 ½.

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Ex'c'on Issued

11th. mar, 1761.

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Tilson ~~vs~~ Holmes

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Perez Tilson of Plimouth in the County of Plimouth Merchant Complt.  
Hezekiah Homes of Pembroke in the same County Gentleman. The Complt.  
Shew'd that at an Inferiour Court of Common Pleas held at Plimouth in &  
for the County of Plimouth on the first Tuesday of July last, he Recovered  
Judgment against the said Hezekiah for the sum of £11.3.4 Lawful  
Money damage, and Costs of Suit; from which Judgment the said Hezekh.  
appealed to this Court and Recogniz'd with sureties according to Law  
to prosecute the same with Effect, but fail'd so to do. Wherefore the Complt.  
Pray'd Affirmation of said Judgment with Additional Interest, &  
Costs

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[37v]

Costs. It is therefore Considered by the Court that the said Perez Tilson  
Recover against the said Hezekiah Holmes the sum of Eleven Pounds  
fourteen shillings and four pence Lawful Money of this Province  
Damage, and Costs Taxed at £3.0.10.

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Ex'c'on issued

14th. June 1760.

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Tilson ~~vs~~ Ley

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Perez Tilson of Plimouth in the County of Plimouth Merchant. Complt.  
~~vs~~ Isaac Ley of Birdgwater in the County of Plimouth aforesaid Labourer

The Complt. shew'd that at an Inferiour Court of Common Pleas held at Plymouth in and for the County of Plymouth on the first Tuesday of July last, he Recovered Judgment against the said Isaac for the sum of £4.1.3 Lawful Money damage, and Costs of Suit; from which Judgment the said Isaac Appealed to this Court and Recogniz'd with sureties According to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Complt. pray'd Affirmation of said Judgment with Additional Interest and Costs It's therefore Considered by the Court that the said Perez Tilson Recover against the said Isaac Ley the Sum of Four pounds five shillings and 3d. Lawful Money of this Province Damage, and Costs taxed at £3.1.8.

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Ex'c'on issued

1st. Decem. 1760.

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Sim'ons ~~vs~~ Barstow

&gt;&gt;

Isaac Simmons of Buxborough in the County of Plymouth Yeoman Complainant ~~vs~~ Joshua Barstow of Hanover in the County of Plymouth Gentleman. The Complt. Shew'd that at an Inferiour Court of Common Pleas held at Plymouth in and for the County of Plymouth on the first Tuesday of October last, he Recovered Judgment against the said Joshua for the sum of £9.18.3 damage, and Costs of Suit; from wch. Judgment the said Joshua Appealed to this Court and Recogniz'd with sureties, according to Law to prosecute the same, with Effect, but fail'd so to do, Wherefore the Complt. Pray'd Affirmation of said Judgment with Additional Interest and Costs, It's therefore Considered by the Court that the said Isaac Simmons Recover against the said Joshua Barstow the Sum of ten pounds four shillings and eleven pence lawful Money of this Province Damage, and Costs taxed at £3.10.4.

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Ex'c'on issued

3h. Augt. 1760.

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Garey ~~vs~~ Ripley

&gt;&gt;

Stephen Garey of Norton in the County of Bristol Housewright  
 Complainant ~~vs~~ Christopher Ripley of Bridgwater in the County of  
 Plymouth Housewright. The Complt. shew'd that at an Inferiour  
 Court

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[38r]

Court of Common Pleas held at Plymouth in and for the County of Plimo.  
 on the first Tuesday of October last, he Recovered Judgment against the said  
 Christopher for the sum of £3.2.1 Costs of Suit, from which Judgment the  
 said Christopher Appealed to this Court and Recogniz'd with sureties accor=  
 :ding to Law to prosecute the same with effect but fail'd so to do. Wherefore the  
 Complt. pray'd Affirmation of said Judgment with Additional Costs. It's  
 therefore Considered by the Court that the said Stephen Garey Recover  
 against the said Christopher Ripley the sum of five pounds five shills.  
 and a penny, Lawful money, Costs.

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Ex'c'on issued

13. Augt. 1760.

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Order on Lewis's Peto.

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Upon reading the Petition of Mary Lewis of Rochester in said  
 County, Sole Administratrix on the Goods, Chattles, Rights, and Credits of  
 her late Husband Ebenezer Lewis of said Rochester deceased, Wherein the



Petitioner shew'd, That the debts of the deceased are Forty Pounds Lawful Money more than his Personal Estate will pay; The Petitioner therefore Pray'd this Court, that she might be Impowered to make of so much of the Real Estate of the deceased, as would pay said Debts; Ordered that the Prayer of this Petition be Granted, and that the said Mary Lewis (in her sd. Capacity) be and hereby is Impowered to make Sale of Forty five pounds worth of the said deceased's Real Estate. for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyances thereof, the Petition. to post up notifications thirty day's before the sale, and Account with the Judge of Probate for said County, as the Law directs.

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Order on Stetson's Peto.

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Upon Reading the Petition of John Stetson of Pembroke in the County of Plimouth Husbandman Administrator on the Estate of Timo. Stetson of Pembroke aforesaid Husbandman deceased, Wherein the Petition. Shew'd that the Estate of said Dec'ed' is Insolvent: The Petitioner therefore pray'd that he might be Impowered to make Sale of all the said Dec'ed's Real Estate for the Payment of his Debts, so far as the same would Extend; Ordered that the prayer of this Petition be Granted, and that the said John Stetson Adm'or as aforesaid. be, and hereby is, Impowered to make sale of all the said Deceased's Real Estate, for the Ends aforesaid, as pray'd for, And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof the Petition. to Post up Notifications thirty days before the sale and

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and Account with the Judge of Probate for said County (for the Produce thereof) as the Law Directs;

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## Order on Donham's Petition

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Upon Reading the Petition of Rebecca Donham of Plimton in the County of Plimouth Widow Admr. on the Estate of James Donham late of sd. Plimton dec'd, Wherein the Petitioner shew'd That the Estate of said Dec'd is Insolvent, and therefore pray'd that she might be Impowered to make Sale of said Deceaseds Real Estate for the Payment of his Debts, so far as the same will Extend; Ordered that the prayer of this Petition be Granted, & that the said Rebecca Donham (in her said Capacity) be and hereby is Impowered to make Sale of the whole of said Dec'ds Real Estate for the Ends aforesaid, as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof the Petitor. to post, up notifications thirty days before the Sale, and Account with the Judge of Probate for said County (of the produce thereof) as the Law Directs,

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## Order on Chandler's Petition.

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Upon Reading the Petition of Joshua Chandler of Duxborough in the County of Plimouth, Wherein the Petitioner shew'd that he was Adm'or appointed by the Judge of Probate, to the Estate of Joseph Chandler late of sd. Duxborough dec'd, which said Estate is Represented Insolvent. The Petitioner therefore pray'd this Court to Enable and Impower him to sell the whole of the said Real Estate for to pay the debts due from said Estate (only exceptg the Widow Susanna Chandlers Right of Dower in said Estate during the Term of her Natural Life); Ordered that the Prayer of this Petition be Granted, and that the said Joshua Chandler (in his said Capacity) be & hereby is Impowered to make Sale of the whole Real Estate of said dec'd for the Ends aforesaid. as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, of the produce thereof, as the Law directs.

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Order on Bonney's Peto.

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Upon Reading the Petition of Ichabod Bonney Administrator on the Estate of Thomas Bearce late of Pembroke deceased, Wherein the Petitor. shew'd that the Estate of the said Holmes is insufficient to pay his Debts, & The Petitioner therefore pray'd that this Court would give him liberty in his said

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[39r]

said Capacity) to make Sale of the whole of the Real Estate of the said Joshua Bearce dec'ed in Order to pay his just Debts as far as the same will go, and to give good Deed or Deeds of the same, in his aforesaid Capacity; Ordered that the prayer of this Petition be Granted, and that the said Ichabod Bonney (in his said Capacity) be and hereby is Impowered to make Sale of the whole of said Deceaseds Real Estate for the Ends aforesaid, as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitor. to post up Notifications thirty days before the Sale and account with the Judge of Probate for said County (of the Produce thereof) as the Law directs.

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Order on Wadsworth's et al. Petition.

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Upon Reading the Petition of John Wadsworth and Mercy Hatch, wherein they shew'd That whereas the said John Wadsworth and Mercy Hatch are Adm'ors to the Estate of Josiah Hatch late of Pembroke deceased, which is Represented Insolvent, and the Creditors to said Estate are in want of their Money; The Petitors. therefore pray'd that they might have an Order from this Court to sell the Real Estate of the said Deceased, for to pay the Just Debts and Charges (excepting the Widow of the said Deced's Right of Dower during her Natural

Life in it): Ordered that the prayer of this Petition be Granted, and that the said John Wadsworth and Mercy Hatch Adm'ors as aforesaid, be and hereby are Impowered to make Sale of the whole of said Deceaseds Real Estate, for the Ends aforesaid, as prayed for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioners. to post up Notifications thirty days before the Sale, and account with the Judge of Probate for said County, (of the produce thereof) as the Law directs.

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Order on Sturtevant junr.s Petition

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Upon Reading the Petition of Josiah Sturtevant junr: Adm'or of the Estate of John Sturtevant late of Hallifax dec'ed, for Sale of his real Estate; and wherein the Petitioner shew'd that said Estate has been Represented Insolvent, and will fall very short of paying the Debts due from said Estate; The Petitioner therefore pray'd this Court to grant him Liberty to sell the Real Estate of said Deceased (excepting what is sett off for the Widow's dower) that so he might to be Enabled to pay the Several Creditors their proportion he Attending the directions of the Law Relating to the Sale of Insolvent Estate's: Ordered that the prayer of this Petition be Granted. and that the sd. Josiah Sturtevant junr. (in his said Capacity) be and hereby is Impowered to

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to make Sale of the whole of said Dec'eds Real Estate for the Ends aforesaid, as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitor. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, (of the Produce thereof) as the Law directs.

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Order on Stockbridge's Petition.

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Upon Reading the Petition of David Stockbridge Administrator on the Estate of Daniel Lewis late of Pembroke in the County of Plimo. Esqr. deceased. Wherein the Petitioner shew'd that the said Estate is Represented Insolvent, that the Inventory of said Estate amounts to about four hundred pounds, that the Claims Already laid before the Commissioners amounts to three hundred pounds, that there is yet a great Number of Claims on said Estate which will undoubtedly make the same insolvent; that if the Real Estate is not sold before the Next Year it will be a great damage, to the Creditors some of said Debts being on Interest and some not; upon the whole The Petitiour. Pray'd this Court that he might be Impowered to make Sale of the whole of the Real Estate of said deceased: and thereupon it is Ordered by the Court that the prayer of this Petition be Granted, and that the said David Stockbridge (in his said Capacity) be and hereby is Impowered to make Sale of the whole of said Deceaseds Real Estate for the Ends aforesaid, as pray'd for. the Petitiour. to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitiour. likewise to post up Notifications thirty days before the sale, and Account with the Judge of probate for said County, (for the produce thereof) as the Law directs.

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Order on Studley's Peto.

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Upon Reading the Petition of David Studley of Situate in the County of Plimouth Yeoman, Executor of the last Will and Testament of David Studley late of Hanover in said County Yeoman, deceased Wherein the Petitioner shew'd that the Estate of said dec'ed is insolvent, the Petitioner therefore pray'd that he might be Impowered to make Sale of all the said Deceaseds Real Estate for the Ends aforesaid, as pray'd for. the Petitiour. to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitiour. likewise to post up notifications thirty days before the sale, and Account with the Judge of probate for said County, (for the produce thereof) as the

Law directs.

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Order on Studley's Peto.

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Upon Reading the Petition of David Studley of Situate in the County of Plimouth Yeoman, Executor of the last Will and Testament of David Studley late of Hanover in said County Yeoman, deceased Wherein the Petitioner shew'd that the Estate of said dec'ed is insolvent, the Petitioner therefore pray'd that he might be Impowered to make Sale of all the said Deceaseds Real Estate for the payment of his Debts, so far as the same will extend; Ordered that the Prayer of this Petition be Granted. and that the said David Studley (in his said Capacity) be and hereby is Impowered to make Sal of the

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the whole of said Dec'eds Real Estate for the Ends aforesaid as pray'd for. and to Pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof the. Petition. to post up notifications thirty days before the Sale, and Account with the Judge of Probate for said County, (of the Produce thereof) as the Law directs;

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Order on Curtis's Peto.

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Upon Reading the Petition of Sarah Curtis of Situate in said County Widow Admr. on the Estate of John Curtis late of said Situate dec'ed, Wherein the Petitioner shew'd that the personal Estate of said Deceased is insufficient to pay his just Debts; the Debts amounting to Sixty Eight Pounds fourteen shillings and five pence, one ninth, and five thirteenths, as by a list thereof on file; and the personal Estate but to thirteen pounds twelve shillings and eight pence, the

Real Estate of said dec'd's amounting to one hundred forty three pounds seven shillings and four pence; The Petitioner therefore pray'd that she might be impowered to make Sale of the whole of said Deceased's Real Estate or so much thereof as shall be Sufficient to pay said Debts and the Charge of Sale: Ordered that the prayer of this Petition be Granted, and that the said Sarah Curtis (in her said Capacity) be and hereby is Impowered to make Sale of Ninety pounds worth of the said Dec'ds Real Estate for the Ends aforesd. as pray'd for. (such a part of the same as will least Prejudice the whole) and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof the Petitor. to post up Notifications thirty days before the sale and Account with the Judge of Probate for said County, as the Law directs;

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Order on Southworth's Petition

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Upon Reading the Petition of Thomas Southworth Howland Adm'or on the Estate of Mr. Consider Howland late of said Plimouth Gentleman dec'd Wherein the Petitioner shew'd, That the whole Estate which he died seased and Possessed off, is Insufficient to pay the debts due from said Estate, and the same is greatly insolvent: The Petitioner therefore Pray'd this Court to grant him liberty to make Sale of the deceaseds whole Real Estate for the benefit of the Creditors, or otherwise as said Court should see fit; Ordered that the Prayer of this Court be Granted, and that the said Thos. Southworth Howland (in his said Capacity) be and hereby is Impowered to make Sale of the whole of said Deceased's Real Estate for the Ends as pray'd for. and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitor. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, (of the produce thereof) as the Law directs.

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Order on Mayhew's Pet<sup>o</sup>.

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Upon Reading the Petition of Thomas Mayhew of Plimouth in the County of Plimouth Merchant Adm<sup>r</sup> or on the Estate of M<sup>rs</sup>. Rebecca Wethrell of Plimouth aforesaid widow deceased, wherein the Petiti<sup>o</sup>. shew'd that upon making up his Account with the Judge of Probate for said County, this day, there is a Ballance of 41.18.5. due to the Petitioner to enable him to pay and discharge the debts due from said Estate, The Petiti<sup>o</sup>. therefore pray'd this Court to enable him to sell and dispose of so much of her Real Estate as will amount to that sum, with the Additional Charge that may arise thereon; Ordered that the prayer of this Petition be Granted and that the said Thomas Mayhew (in his said Capacity) be and hereby is Impowered to make Sale of Fifty Pounds worth of the said Dec<sup>d</sup>'s real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as Pray'd for. The said Thomas Mayhew to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup>. to post up Notifications thirty day before the Sale, and Account with the Judge of Probate for said County, as the Law directs;

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Order on Bennett's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Isaac Bennett of Middleborough in the County of Plimouth, wherein the Petitioner shewed that as he said Isaac, was Administrator on the Estate of Isaac Bennett late of said Middleborough, dec<sup>d</sup>: had by Petition, obtain'd leave to sell some land for the discharge of the debts due from said Estate; and As the Lands did not sell for enough to pay the Administrator his balance, as might Appear by the Settlement with the Probate Judge, wanting seventeen Pounds Eighteen shillings and one farthing; And as there is a Ballance now due to the said Isaac the Administrator, the sum of £17.18.0¼ The Petiti<sup>o</sup>. pray'd this Court to grant a further Liberty to sell more of



the land to the value of twenty eight pounds, which the Petitioner, tho't wou'd be Sufficent to Answer the Debts due from the said Estate, & to Compleat a division on said Estate: Ordered that the Prayer of this Petition be Granted, and that the said Isaac Bennett (in his said Capacity) be and herby is Impowered to make Sale of twenty eight Pounds worth of the said Dec'eds real Estate for. the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof the petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and Account with the Judge of Probate for said County, as the Law directs;

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41.

[41r]

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Order on Barrow's Pet<sup>o</sup>.

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Upon reading the Petition of Moses Barrow of Plimton Administrator on the Estate of John Carver late of Plimton in the County of Plimouth dec'ed, wherein the Petitioner shew'd that the Debts due from the Estate of the said Carver dec'ed, amounts to twelve Pounds Nine shillings and a half penny more then the whole of the Personal Estate, The Petitioner therefore Pray'd he may be Impowerd to sell so much of the real Estate as might be Sufficent to pay the debts due from his Intestate, and what further Charge might arise thereon; Ordered that the Prayer of this Petition be Granted, and that the said Moses Barrow (in his s<sup>d</sup>. Capacity) be and hereby is Impowered to make Sale of Sixteen Pounds worth of the said Dec'eds real Estate, for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for. and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitio<sup>r</sup>; to post Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs;

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Order on Harlow's Petition

&gt;&gt;

Upon reading the Petition of John Harlow of Plimouth in the County of Plimouth Cooper Administrator on the Estate of George Holmes late of said Plimouth dec'ed, wherein the Petitioner shew'd that the said Estate is in solvent and insufficient to pay the demands against the same, The Petitioner therefore Pray'd this Court. that he might be Impowered to make Sale of all the said Dec'eds real Estate for the Payment of his Debts, So far as the same would Extend; Ordered that the Prayer of this Petition be Granted, and that the said John Harlow (in his said Capacity) be and hereby is Impowered to make Sale of the whole of said Dec'eds real Estate for the Ends aforesaid as Pray'd for, et the Petitio<sup>r</sup>. to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof; the Petitio<sup>r</sup>. likewise to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County (of the Produce thereof) as the Law Directs.

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Order on Cook's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Ephraim Cook and Mary Cook both of Kingston in the County of Plimouth Administrators on the Estate of Nath<sup>l</sup>. Cook late of said Kingstown Gentleman dec'ed, wherein the Petitioner shew'd that the Estate of said Deceased is Insolvent: The Petitioner therefore Pray'd this Court to Impower him to make Sale of all the real Estate for the

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Image 071-Left

[41v]

the Payment of his just Debts so far as the same wou'd Extend; Ordered that the Prayer of this Petition be Granted. and that the said Mary Cook and Eph<sup>a</sup>.

Cook (in their said Capacity) be and hereby are Impowered to make Sale of the whole Real Estate of the said Dec'd, for the Ends aforesaid as Pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, (of the produce thereof) as the Law directs:

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Order on Clark's Pet<sup>o</sup>.

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The Petition of Judah Clark et al for division of Land, as on file;  
Allow'd.

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Plymouth May 2<sup>nd</sup>. 1760. The Court entered up Judgment according to the verdicts & then adjourn'd without day. Att<sup>r</sup>. Saml. Winthrop Cler

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Adjournment of the Court.

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Image 071-Right

42.

[42r]

Province of the} Anno Regni Regis Georgii secundi Magnæ  
Massachusetts Bay} Britannia Franciæ et Hiberniæ tricesimo tertio.  
Barnstable}

At His Majesty's Superiour Court of Judicature Court  
of Assize and General Goal Delivery held at Barnstable  
within the County of Barnstable and for the Counties of  
Barnstable and Dukes County, on the first Tuesday of May  
(being the 6<sup>th</sup>. day of said Month) Annoq: Domini 1760.

By the Honorable. Stephen Sewall Esquire Chief Justice

Benjamin Lynde. }

John Cushing } Esquire's Justices

Chambers Russell et }

Peter Oliver. }

The Attorney General being absent, the Court appoint James Otis Esq<sup>r</sup>.  
to Act as Attorney for the King at this Term.

The Grand Jurors Present Impannel'd, and sworn are as follows Vizt.

Cornelius Tobey foreman, Rob<sup>t</sup>. Davis, Seth Hamlen, Orris Bacon, Joseph Lothrop,  
Mordecai Ellis, Jn<sup>o</sup>. Dillingham, Joshua Blackwell, William Freeman, Jabez  
Snow, Andros Hodge, Abraham Hedge, Will<sup>m</sup>. Knowles, Edward Knowles,  
Reuben Eldridge, Benj<sup>a</sup>. Collins., James Covil, Seth Donham, Stephen  
Luce, Noah Look, Cornelius Bassett, et Jethr'o Allen.

The Names of the Petit Jurors Present, Impannel'd & sworn are in  
Writing, on file:

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Barrow vs Hinckley

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Silvanus Barrows of Windham in the County of Windham in the  
Colony of Connecticut in New England Feltmaker Appellant ~~vs~~  
Isaac Hinkley jun<sup>r</sup>. of Barnstable in the County of Barnstable Gentle<sup>n</sup>.  
Appellee, from the Judgment of an Inferiour Court of Common Pleas  
held at Barnstable within and for the County of Barnstable on the second  
Tuesday of May AD 1755, when and where the Appellant was Plan't and the  
Appellee was defendant, In a Plea of Trespass upon the Case &C<sup>a</sup>. (as in the Writ  
tested the 19<sup>th</sup>. day of April AD 1755. and on file, at large Appears) At which  
said Inferiour Court Judgment was Rendred that the said Isaac Hinkley  
Recover against the said Silvanus Barrows the sum of Nineteen  
shillings

[Folios 42v-47r Missing]

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[47v]

Nineteen shillings and nine pence for his Costs of Suit; This Appeal together w<sup>th</sup>. two others [x] wherein the said Isaac is Appellant and the said Silvanus is Appellee, was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Barnstable within and for the County of Barnstable, and for the Counties of Barnstable and Dukes County, on the fourth Tuesday of July AD 1755. when and where, the Parties Appearing the same three Appeal's, were Referr'd, w<sup>th</sup>. all other demands between them; to Jabez Snow, James Lewis, and Benjamin Crocker, the Determination of said Referees, or of any two of them of to be final, and they to Report as soon as might be: and then said three Appeal's were Continued to the Superiour Court of Judicature &C<sup>a</sup>. held at Barnstable in and for said County of Barnstable, and for the Counties of Barnstable and Dukes County: on the fourth Tuesday of July AD 1756: said Referrees not having made Report. and [^from thence the same Appeal's were Continued to the Court in 1757. no Report being made^] at w<sup>ch</sup>. Court, Eleazer Freeman, and Stephen Wing, were Appointed Referrees instead of the said Lewis, and Crocker, and then said three Appeals were further Continued to the Next Term of this Court for this County, said Referrees not having made Report: which Term was held at Barnstable within the County of Barnstable and for the County's of Barnstable and Dukes County, on the first Wednesday of May AD 1758 (Pursuant to a Resolve of the Great and General Court for this Province) when and where the Parties Appeared, and said Referrees made Report to the Court, but it was not Accepted, and at the Motion of said Barrows, and upon his Promise [+] to Allow the said Hinkley interest from this time, on what he should finally Recover: the said Appeal's were Recommitted to said Referrees; and from thence said Appeals were Continued to the Superiour Court of Judicature &C<sup>a</sup>. held at Barnstable in the County of Barnstable, and for the Counties of Barnstable and Dukes County. on the first Tuesday of May AD 1759 there being no Report made by said Referrees; and from thence to this Court by the Parties Consent; & Now both Parties Appeared. and [+] the said Referrees made Report in Writing under the hands of two of said Referrees, Viz<sup>t</sup>. the said Jabez Snow, and Eleazer Freeman, which was Read & Accepted,

by the Court, and pursuant to the same Report on file, It's Considered by the Court that in the Action brought forward by the said Silv<sup>a</sup>. Barrows against the said Isaac Hinkley. [+] the said Isaac Hinkley Recover against the said Silvanus Barrows Costs taxed at £2.19.11 and in the first of the aApeals bro't forward by the said Isaac Hinkley against the said Silvanus Barrows, That the said Isaac Recover against the said Silv<sup>a</sup>. Barrows the sum of Nine Pounds twelve

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Image 072-Right

48.

[48r]

twelve shillings Lawful Money of this Province Damage, and Costs taxed at £12.8.5. and that the other Appeal bro't forward by the said Isaac Hinkley, be dismiss. N. B. The Judgment for £9.12.0 dam<sup>a</sup>.

is satisfied in part viz<sup>t</sup>. for £8.8.8. as

P<sup>r</sup>. receipt on file.

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Foster et al ~~vs~~ Goodspeed jun<sup>r</sup>.

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Nathan Foster of Barnstable in the County of Barnstable Yeoman, and Mary his wife, and Benjamin Lothrop of said Barnstable a Minor, who sues by the said Nathan his Next Friend Appellants ~~vs~~ John Goodspeed jun<sup>r</sup>. of said Barnstable Yeoman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March last, when and where the Appellants were Plants and the Appellee was def<sup>t</sup>. In a Plea of Trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 4<sup>th</sup>. day of last March, on file, at large Appears) At which said Inferiour Court Judgment was Rendred, that the def<sup>t</sup>. Recover against the plants his Costs of Suit; Both Parties Appeared, and the Appellants pray'd leave to discontinue this Suit, which is Granted: It's therefore Considered by the Court that the said John Goodspeed jun<sup>r</sup>. Recover against the said

Nathan Foster, and Mary his Wife, and Benjamin Lothrop. Costs. taxed at  
£5.7.8

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Ex'c'on issued

May 23<sup>d</sup>. 1760.

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Baxter vs Dom'i. Rex

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<duplicates previous>

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[48v]

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Gershom's Indictment

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The Jurors for the Lord the King for the Body of this County did upon their Oath Present That Jonathan Gershom of Chilmarke in the County of Dukes County aforesaid, Indian man Labourer, not having the fear of God before his Eyes, but being moved and seduced by the Instigation of the devil on the twenty second day of November last, at Chilmarke in s<sup>d</sup>. County of Dukes County, with force and Arms in and upon one Sarah Gershom late of Chilmarke aforesaid Spinster in the Peace of God and our s<sup>d</sup>. Lord the King, then and there being, feloniously willfully and of his Malice aforethought did make an Assault; and that the said Jonathan Gershom with a certain wooden Stick or Trammel of the Value of six Pence which he the said Jonathan Gershom in his right hand then and there had & held: the said Jonathan Gershom in and upon the Neck of the said Sarah Gershom then and there feloniously willfully and of his Malice Aforethought did strike and thereby gave to the said Sarah Gershom, then and there with s<sup>d</sup>. wooden Stick or Trammel upon her Neck one Mortal wound, of which said Mortal

wound the said Sarah Gershom Languished, and on the twenty fourth day of November aforesaid at said Chilmarke in said County died; And so the Jurors aforesaid upon their Oath aforesaid, do say that the said Jonathan Gershom the said Sarah Gershom in manner and form aforesaid feloniously willfully and of his Malice aforethought did kill and Murder against the Peace of our said Lord the King his Crown and dignity; upon which Indictment the said Jonathan Gershom was brought and sett to the Barr and Arraigned; and upon his Arraignment Plead not Guilty. & for trial put himself upon God and the Country. a Jury was thereupon sworn to try the Issue, M<sup>r</sup>. Thomas Hallet foreman, & fellows. who having fully heard the Evidence, went out to Consider thereof, and Returned with their Verdict, and upon their Oath say, that the said Jonathan Gershom is not Guilty. It is therefore Considered by the Court that the said Jonathan Gershom go without Day.

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Hearsey vs Joy

&gt;&gt;

Abner Hearsey of Barnstable in the County of Barnstable  
Physician Complainant vs Simon Joy Yeoman, and Jonathan Joy  
Labourer both of Weymouth in the County of Suffolk in New England.  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
Barnstable in and for the County of Barnstable on the third Tuesday  
of September last, he Recovered Judgment against them for the sum  
of £94.6.8 Lawful Money damage, and Costs of Suit; from which  
Judgment

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49.

[49r]

Judgment they Appealed to this Court, and Recogniz'd with Sureties according  
to Law to Prosecute the same with Effect but fail'd so to do. wherefore the Compl<sup>t</sup>.  
Pray'd Affirmation of said Judgment with Additional Interest and Costs.



It's therefore Considered by the Court that the said Abner Hearsey Recover  
 against the said Simon Joy and Jonathan Joy the Sum of ninety eight  
 Pounds four shillings and six pence Lawful Money of this Province  
 Damage, and Costs taxed at £4.1.4

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Ex'c'on issued

20<sup>th</sup>. Dec'em. 1760.

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Crowell ~~vs~~ The King

no papers filed.

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Order on Coffins Pet<sup>o</sup>.

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Upon Reading the Petition of Samuel Coffin and Eunice Coffin  
 Adm'ors on the Estate of Jonathan Coffin late of Nantuckett Mariner dec'ed  
 wherein the Petitioner Shew'd that they being Appointed by the Judge of  
 Probate for the County of Nantuckett to be Administrators on the Estate of Jonathan  
 Coffin late of Nantuckett aforesaid Mariner deceased, and having  
 Exhibited an Inventory into the Registry of the Court of Probate for the  
 County of Nantuckett of all the Estate both Real and Personal of the said dec'ed.  
 it appears to be as follows (in) the Real Estate of the said Deceased in the County  
 of Dukes County was apprizd at one hundred and forty seven Pounds fourteen  
 shillings and eight pence, and the Personal Estate in said County was  
 apprizd at two Pounds twelve shillings: And the Real Estate at Nantucket  
 was Apprizd at one hundred Pounds; and the Personal Estate at  
 Nantucket was apprizd at thirty five Pounds fifteen shillings and one penny,  
 of which the Judge of Probate hath allowed to the Widow for the Necessaries  
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[49v]

twenty seven Pounds ten shillings and five pence; and the Just Debts due to several persons amounts in the whole to Seventy seven Pounds nine shillings and three pence three farthings: so that the Remainder of the Personal Estate of the said Deceased, being insufficient to pay and Discharge his Just Debts as aforesaid. The Petitioners therefore desir'd, Leave, Power, and Authority, to make Sale and dispose of Part of the Real Estate of the said Dec'eds, which is in the County of Dukes County, in order to Pay and Discharge the Just Debts of the said Deceased as aforesaid. Ordered that the Prayer of this Petition be Granted: And that the said Samuel Coffin. and Eunice Coffin, in their Capacity as aforesaid, be and hereby are Impowered to make Sale of Seventy Pounds worth of the said Deceased's Real Estate. for the Ends afores<sup>d</sup>. (such as will be least prejudicial to the whole) as Prayed for; and To Pass & execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for the said County of Dukes County, as the Law Directs.

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Order on Atwoods Pet<sup>o</sup>.

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Upon Reading the Petition of James Atwood Administrator of the Estate of Israel Atwood late of Eastham in the County aforesaid Yeoman deceased, Wherein the Petitioner shew'd that the Personal Estate of said deceased is insufficient to pay his Just Debts; the Debts amounting to £53.6.8 including Charges of Administration and the Personal Estate but to twenty seven Pounds seventeen shillings and four pence. His Real Estate amounting to Forty six Pounds six shillings and eight pence. The Petitioner therefore Pray'd that he might be allowed, to make Sale of as much of said Deceased's Real Estate as would be sufficient to pay his said Debts, the Charges of Sale. and Charges of Administration. Ordered that the prayer of this Petition be granted, and that the said James Atwood, in his said Capacity. be and hereby is Impowered to make Sale of thirty Pounds worth of the said Deceased's Real Estate, for the

Ends aforesaid (such as will be least Prejudicial to the whole) as Pray'd for, and to pass and Execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County of Barnstable, as the Law Directs.

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Order on Snow jun<sup>r</sup>s. Pet<sup>o</sup>.

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Upon Reading the Petition of Stephen Snow jun<sup>r</sup>. of Eastham in the County

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[50r]

County of Barnstable aforesaid, sole Administrator on the Goods, Chattles, Rights and Credits, of John Hopkins late of Truro in said County deceased. wherein the Personal Estate of said Deceased falls short of paying the Deceased's Just Debts, Charges of Administration, and Necessaries allow'd the Widow; the sum of twenty four Pounds 17/2, And the whole of the Real Estate of said deceased is Appriz'd at no more than forty six Pounds thirteen shillings and five pence, And the Petitioner therefore Pray'd the Court would Grant the Liberty to sell the whole of the said deceased's Real Estate (Reserving, the Widow's dower) to Enable him to Pay said Deceased's Just Debts, and the Charges of the Sale. Ordered that the Prayer of this Petition be granted, And that the said Stephen Snow jun<sup>r</sup>. (in his said Capacity) be and hereby is Impowered to make Sale of the whole of the Real Estate of said Dec'd. for the Ends aforesaid as pray'd for. and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof; the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County of Barnstable (for the Product thereof) as the Law directs.

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Order on Withrell's Pet<sup>o</sup>.

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Upon Reading the Petition of William Withrell of Eastham Yeoman Sole. Administrator on the Goods, Chattles, Rights, and Credits of John Brown late Eastham dec'd. wherein the Petitioner shew'd that the Personal Estate of said deceased falls short of paying the deceaseds just debts, funeral Charges and Charge of Administration, and necessities allowed the Widow, the sum of four pounds two shillings, and the whole of the Real Estate is apprized at no more than N7ine pounds three shillings and two pence, except a small peice of meadow which the deceased hath in Reversion now worth about forty shillings, and decaying. And the Petitioner pray'd this Court to grant him Liberty to make Sale of the whole of said Dec'eds Real Estate (Reserving the Widow's Right of dower during Life) in Order to Enable him to pay the said deceased's Debts. Ordered that the prayer of this Petition be granted, and that the said William Withrell (in his said Capacity) be & hereby is Impowered to make Sale of the whole of the said Deceased's Real Estate for the Ends aforesaid, as pray'd for. and to pass and execute a Good deed or deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup>r. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County of Barnstable (of the Produce thereof) as the Law directs.

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Order on Crosby's Pet<sup>o</sup>.

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Upon Reading the Petition of Eleazer Crosby [<sup>^</sup>of Harwick<sup>^</sup>] Sole Executor to the last

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[50v]

last Will and Eleazer Crosby late of Harwick Aforesaid dec'd, Wherein the Petiti<sup>o</sup>r. shew'd that the Personal Estate of said Deceased falls short of paying the Debts due from the said Dec'eds, and Legacies in his said Will. the sum of One hundred

forty four Pounds 17/8. The Petitioner therefore Pray'd for Liberty to make of so much of said Dec'eds real Estate as to enable him to pay said sum of one hundred and four Pounds 17/8. Ordered that the Prayer of this Petition be granted, and that the said Eleazer Crosby (in his said Capacity) be and hereby is Impowered to make Sale of One hundred and fifty Pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as Pray'd for. And to Pass and execute a good Deed or Deeds in the Law for Conveyance thereof; the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate, for said County of Barnstable, as the Law directs.

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Order on Pain's Pet<sup>o</sup>.

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Upon reading the Petition of Barnabas Paine Esq<sup>r</sup>. of Truro, sole Administrator on the Estate of Thomas Paine late of said Truro deceased. Wherein the Petitioner shew'd that said Estate is Insolvent and the whole thereof both Real and Personal, falls short of paying said Deceased's Just Debts. The Petitioner therefore pray'd Liberty to make Sale of the whole of said Deceased's Real Estate (reserving the Widow's dower) for the payment of his just Debts. Ordered that the Prayer of this Petition be granted and that the said Barnabas Paine Esq<sup>r</sup>. (in his said Capacity) be and hereby is Impowered to make sale of the whole Real Estate of the said Deceased's, and for the Ends aforesaid, as pray'd for. The said Petition<sup>r</sup>. to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. also to post up Notifications thirty days before the Sale and Account with the Judge of Probate, for said County of Barnst<sup>a</sup>. (for the Produce thereof) as the Law directs.

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Order on Clark's Pet<sup>o</sup>.

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The Petition of Thomas Clarke et al for division of land: as on file; aAow'd.

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Order on Lorthrop's Pet<sup>o</sup>.

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The Petition of Joseph Lorthrop for division of land, as on file;  
Allow'd.

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[51r]

The Petition of Nathan Foster for division of land, as on file,  
Allowed.

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Adjournment of the Court

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Barnstable May 8<sup>th</sup>. 1760. The Court adjourn'd without day.  
Att<sup>r</sup>. Sam<sup>l</sup> Winthrop Cler.

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[51v]

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[52r]

Province of the }	Anno Regni Regis Georgii secundi magnæ
Massachusetts }	Britaniæ Franciæ et Hiberniæ trisisimo quarto
Bay Essex ss }	

At His Majesty's Superiour Court of Judicature, Court  
of Assize and General Goal Delivery held at Ipswich  
within and for the County of Essex, on the fourth Tuesday

of June (being the 24<sup>th</sup>. day of said Month) Annoque Domini  
1760. by Adjournment from the second Tuesday of said  
month: the day by Law prefix'd for holding the said  
Court;

By Honorable Stephen Sewall Esq<sup>r</sup>. Chief Justice  
Benjamin Lynde}  
John Cushing} Esquires Justice's  
Chambers Russell &}  
Peter Oliver}

The names of the Grand and Petit Jurors present, Impanel'd and sworn  
are in Writing, as on file:

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Manning ~~vs~~ Choate Esq<sup>r</sup> Judge &c<sup>a</sup>.

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Benjamin Manning of Salem in the County of Essex Mariner  
appellant ~~vs~~ John Choate of Ipswich in the same County Esq<sup>r</sup>. Judge of the  
Probate of Wills and granting Administrations within the said County;  
appellee, from the Judgment of an Inferiour Court of Common Pleas  
held at Salem within and for the County of Essex on the second Tuesday  
of July AD 1758. when and where the Appellee was plan't and the  
appellant was defendant. In a plea of Debt, for that the said Benjamin  
at Ipswich aforesaid, on the 12<sup>th</sup>. day of April in the Year of our Lord 1756.  
by his bond of that date in Court to be produced bound himself to  
Thomas Berry late of Ipswich in the County aforesaid Esq<sup>r</sup>. dec'd  
Judge of the Probate of Wills and granting Administrations within the  
County aforesaid, in ten Thousand pounds Lawful Money of this  
province, to be paid to the said Thomas Berry Judge as aforesaid  
or his Successors in said Office or Assigns on demand. Yet the said  
Benjamin tho' Requested has not paid the said ten thousand pounds  
but Neglects it. To the damage of the said John Choate Judge as afores<sup>d</sup>  
as he saith, the sum of ten thousand pounds; at which said  
Inf<sup>r</sup>.

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[52v]

Inferiour Court, Judgment was Rendred, That the said John Choate Recover  
against the said Benjamin Manning ten Thousand pounds, Lawful  
Money Debt, and Costs; This Appeal was bro't forward at the Superiour  
Court of Judicature, Court of Assize and General Goal Delivery, held at  
Salem in and for the County of Essex on the third Tuesday of October AD

1758. and from thence Continued to the Next Term, by the Parties Consent, and from the said Term this appeal was further Continued to the Superiour Court of Judicature &C<sup>a</sup>. held at Salem in and for said County of Essex, on the fourth Tuesday of October last, by Virtue of an Order of the General Court, when and where the Parties appeared, And The Court appointed Bchabod Plaisted, and Stephen Higginson Esq<sup>rs</sup>. auditors to examine the Appellants accounts, and then said Appeal was further Continued to this Court; said Auditors not having made Report; and now both Parties appearing, said Auditors Reported in Writing under their hands, as on file: and after a full hearing of the Parties in Chancery. It is Considered by the Court that the said John Choate Judge as aforesaid, Recover against the said Benjamin Manning the sum of three hundred and eighty pounds seventeen shillings and six pence Lawful Money of this province Debt, and Costs taxed at £

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Page et al ~~vs~~ Bradley.

&gt;&gt;

Elizabeth Page of Haverhill in the County of Essex Spinster, above the age of twenty one years, Peter Page Labourer, Mehetable Page, Hannah Page Spinsters, Joshua Page, Jonathan Page, David Page, and Daniel Page, labourers and Ruth Page Spinster, all of the same Haverhill Infants under the age of twenty one years, who sue by Hannah Page of the same Haverhill Widow their Mother and Next Friend Appellants ~~vs~~ Daniel Bradley of said Haverhill Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Salem within and for the County of Essex on the second Tuesday of July AD 1758. when and where the appellants were plan'ts and the Appellee was deft. In a plea of Trespass upon the Case, &c<sup>a</sup>. (as in the Writ tested the 26<sup>th</sup>. day of June AD 1758, and on file, at large Appears) At which said Inferiour Court, Judgment was Rendred, that the said Daniel Bradley, Recover of the said Elizabeth Page, Peter Page, Mehetable Page, Hannah Page, Joshua Page, Jonathan Page, Daniel Page,



David Page, and Ruth Page, Costs; This Appeal was bro't forward at the Superiour Court of Judicature, Court of Assize and General Goal Delivery

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Image 078-Right

53.

[53r]

Delivery held at Salem within and for the County of Essex on the third Tuesday of October AD 1758. when and where the Parties Appeared, and the appellants confessed Judgment for Costs: and thereupon the Parties Submitted it to Joseph Gerrish jun<sup>r</sup>. and Joseph Frie Esq<sup>r</sup> and David Chase to determine the Yearly Damage done the appellants, by overflowing their Land by the Milldam and obstructing the passage to the appellants pastures, and Also what the Appellants should be Allow'd for the Labour done and Materials found in building and Repairing the Mill aforesaid, exclusive of what the said Joshua and the Appellants have already received by Improvement or otherwise: the Determination of said Referrees, or of any two of them, to be final, they to make Report as soon as might be; and from thence the said Appeal was Continued to the Next Term of this Court, for this County, by the Parties Consent. and so from term to term (by their Consent) to this Court; And now both Parties Appearing, said Referrees Reported in Writing under their hands in these words. "Pursuant to said Rule, The "Referrees having Carefully viewed the premisses, fully heard the Parties, their "Pleas &c<sup>a</sup>. Report. That the Yearly damage done by the said Daniel Bradley to "Elizabeth Page and others appellants, named in the Original Writ. By "overflowing their Land, by the said Daniel's Mill Dam, and thereby "Obstructing the passage to said appellants pasture. As he has overflow'd "said Land and Obstructed said Passage for three years past, is Five pounds "four shillings & Year, for each of said Years to be accounted from the twenty "second day of October old Stile, to the twelfth day of April following, old Stile, "also that said appellants shall be allow'd for the Labour done and Materials "found in building and repairing the Mills aforesaid, exclusive of what the "said Joshua, father of the said appellants, and what the said Appellants "have already Received by Improvement or by any payment made before

"this date, by the said Daniel Bradley, or any otherwise, the sum of Thirty  
 "two Pounds six shillings and eight pence, which together with the sum  
 "aforesaid amounts in the whole to the sum of Forty seven pounds  
 "eighteen shillings and eight pence lawful money, and this to be a final  
 "End of all the Matters Referr'd. The Parties Severally to bear the Costs  
 "they have been at for the Referrees at Their Respective Houses, And the  
 "said ~~the said~~ Daniel Bradley to pay the Referrees Costs, being three pounds  
 "six shillings": which was Read and Accepted and pursuant thereto: It is  
 Considered by the Court that the said Elizabeth Page, Peter Page, Mehetable  
 Page, Hannah Page, Joshua Page, Jonathan Page, David Page, Daniel Page,  
 and Ruth Page Recover against the said Daniel Bradley, the sum of  
 Forty seven pounds eighteen shillings and eight pence Lawful Money  
 of this Province Damage, and three pounds six shillings, Costs of this  
 Reference

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Image 079-Left

[53v]

Reference, and the Costs of Court, since the Reference, which are taxed  
 at £1.15.0.

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Ex'c'on issued

31<sup>st</sup>. July 1760.

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Adams et al Ex'ors vs Pearson et al Ux<sup>r</sup>. Adm<sup>x</sup>.

>>

Samuel Adams, Shipwright and Archelaus Adams Joiner both  
 of Salisbury in the County of Essex, Executors of the last Will and Testament  
 of Archelaus Adams late of Newbury in the same County Yeoman dec'd  
 Appellants vs Jeremiah Pearson of Newbury in the same County Taylor,  
 and Mary his wife, as she the said Mary is Administratrix of all  
 and Singular the Goods, Chattles, Rights and Credits that belonged

to Stephen Adames late of the same Newbury Yeoman deceased,  
 intestate, Appellees, from the Judgment of an Inferiour Court of Common  
 Pleas held at Salem in and for the County of Essex on the Last Tuesday  
 of December AD 1758. when and where the Appellee's were plan'ts &  
 the Appellants were defendants, In a plea of the Case &c<sup>a</sup>. (as in the  
 Writ tested the 11<sup>th</sup>. day of said December, and on file, at large appears)  
 At which said Inferiour Court Judgment was Rendred that the said  
 Jeremiah Pearson and Mary his Wife, Recover against the Estate of the s<sup>d</sup>.  
 Archelaus Adams dec'ed in the hands and under the Administration  
 of the said Samuel Adams and Archelaus Adams Executors as aforesaid,  
 the sum of twenty nine pounds two shillings and four pence, Money  
 damage, and Costs; This Appeal was bro't forward at the Superiour  
 Court of Judicature Court of Assize and General Goal Delivery, held  
 at Ipswich aforesaid, for this County, on the second Tuesday of June  
 last, when and where the Parties appearing, the Action and all other  
 demands between them, in their Respective Capacities, were Referr'd  
 to William Atkins Esq<sup>r</sup>. Ralph Cross, and Cutting Bartlett, the  
 Determination of them the said Referrees, or of any two of them, to  
 be final and Report to be made as soon as might be; and from  
 thence said appeal was Continued to the last term, of this Court  
 for this County, by Consent; & from said Term, to this Court, by Consent;  
 and now both Parties appeared, and the said Referrees made Report  
 in Writing under their hands, as on file, which was read and Accepted;  
 et Pursuant thereto: It is Considered by the Court that the said Samuel  
 Adams, and Archelaus Adam Executors as aforesaid, Recover against  
 the Estate of the said Stephen Adams dec'ed, in the hands of the said  
 Jeremiah Pearson, and Mary his Wife, Administratrix as aforesaid,  
 Costs taxed at £5.19.10

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Richard

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Image 079-Right

54.

[54r]

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Manning v Boardman

&gt;&gt;

Richard Manning of Ipswich in the County of Essex Gentleman appell<sup>t</sup>.  
 vs John Boardman jun<sup>r</sup> of said Ipswich Yeoman, as he is Administrator  
 of the Estate of Jacob Boardman late of said Ipswich Yeoman Appellee,  
 Appellee, from the Judgment of an Inferiour Court of Common Pleas  
 held at Ipswich in and for said County of Essex on the last Tuesday of  
 March AD 1759. when and where the appellant was plan't and the Ap'lee  
 was Defendant. In a plea of the Case &c<sup>a</sup>. (as in the Writ tested the 12th day of  
 February AD 1759. and on file, at large appears): At which said Inferior  
 Court Judgment was Rendred, upon the Pleadings there, that the said  
 John Boardman Recover against the said Richard Manning Costs:  
 This appeal was bro't forward at the Superiour Court of Judicature Court  
 of Assize and General Goal Delivery held at Ipswich within and  
 for said County, on the second Tuesday of June AD 1759. when and where  
 the parties appeared, and the plea in abatement was Argued, and  
 then said appeal was Continued to the Next Term of this Court, for  
 Argument, and from that term, to this Court for Judgment, by Consent;  
 And now both Parties Appeared, and the Parties being heard: It is  
 Considered by the Court that the Action be Barred, and that  
 the said John Boardman jun<sup>r</sup>. Recover (as Adm'or as afores'id) against  
 the said Richard Manning Costs taxed at £2.4.8

N.B. The mony tendred was paid in Court.

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Ex'c'on issued

2<sup>nd</sup>: Aug. 1760

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Merry ~~vs~~ Collins

&gt;&gt;

Elizabeth Merry of Lynn in the County of Essex Widow Appellant  
~~vs~~ William Collins of said Lynn Esq<sup>r</sup>. Appellee, from the Judgment of an  
 Inferiour Court of Common pleas held at Salem in and for the County  
 of Essex on the last Tuesday of December AD 1758. when and where the  
 appellant was plan't and the appellee was def't. In a plea of Trespass upon  
 the Case for that the defendant on the 8<sup>th</sup>. day of July AD 1757 and from that  
 time to this was and is one of the Kings Justices assigned to keep the peace  
 within and for said County, and the plant on the said 8<sup>th</sup>. day of July  
 was pregnant with a female Bastard Child afterwards born of her body  
 and now alive, and one Richard Mower then of Lynn aforesaid Mariner,  
 but since deceased, was the father of the said Child and was liable to be  
 persued by the said Elizabeth and held to assist her in the Mainteanance  
 of the said Child. And the said Elizabeth afterwards Vizt. on the said  
 eighth day of July made Complaint and Oath at Marblehead in the  
 same County, before the Worshipfull Joseph Blaney then one of the King's  
 Justices begotten her with the Child with which she was then  
 Pregnant

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Image 080-Left

[54v]

Pregnant, and procured a lawful Warrant from the same Justice directed  
 to either of the then Constables of the said Town of Lynn Commanding  
 them to apprehend the Body of the said Richard and to have him before  
 the said Joseph or some other Justice of the Peace for the said County  
 that a lawful Procedure might be had against him upon her Complaint  
 aforesaid, and afterwards to wit, on the same 8<sup>th</sup>. day of July the said  
 Elizabeth delivered the same warrant to one William Phillips.  
 then a Constable of the said Town of Lynn to be by him. Executed and  
 Afterwards Vizt. on the ninth day of the same Month of July, the said  
 William Phillips by force of the said Warrant took the Body of the said

Richard Mower and some time after in the same month he Convened and Carried the said Richard before the said William Collins in said Lynn, and the same time he the said William Collins at his own house in Lynn aforesaid Undertook to take Cognizance of the Warr<sup>t</sup>. and Complaint aforesaid, but the Def<sup>t</sup>. then and there Contrary to his Oath and Duty as a Justice of the Peace Corruptly and fraudulently Contriving to Deceive and Injure the plant and to prevent her from having any benefit by the Complaint and Warrant aforesaid, and by the taking and Convening of the said Richard as aforesaid, before him as aforesaid, he the said William Collins wrote a false & Deceitfull Return of the said William Phillips doings on the back of the said Warrant and Caused the said Phillips the Constable as such to sign it, in the same Return setting forth and expressing that he the said Phillips had by Virtue thereof taken the Body of the said Richard and Convened him before the said Joseph Blaney Esq<sup>r</sup>. Contrary to the fact. Yet the Defendant keep't the said Warrant and against the Will of the said Elizabeth declared then and there that his Court and the hearing of the Complaint and the procedure thereon, was adjourned to some then future day, without causing the said Richard to become bound to appear at any other time or place to answer the said Elizabeth's Complaint aforesaid. And the Def<sup>t</sup>. then suffered and Caused the said Richard to make his Escape, and he Escaped went to Sea, and there dyed; and the plant could never Procure the said Richard to be taken after he had so escaped, and she has lost all benefit of the Complaint and Warrant aforesaid and of the said Richard's being taken as aforesaid, and she has been put to great Expence in and about the process aforesaid, and to maintain the said Child herself, by Reason of the Negligence, Malfeasance, and defraud of the Def<sup>t</sup>. in his office of a Justice of the Peace as aforesaid, all

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Image 080-Right

55.

[55r]

all which is to the damage of the said Elizabeth as she says the sum of Sixty five pounds; at which said Inferiour Court Judgment was Rendred

that the said William Collins Recover against the said Elizabeth Merry

Costs: This Appeal was bro't forward at [<sup>Sup<sup>r</sup></sup>. Court of Judicature &c<sup>a</sup>. held at Ipswich for s<sup>d</sup>. County on the second Tuesday of June last, et Continued to<sup>^</sup>] the last Term of this Court, for this County,

and then Continued to this [<sup>time<sup>^</sup></sup>], by Consent; and now Both Parties Appeared

and the Case After a full hearing was Committed to a Jury sworn according

to Law to try the same who Returned their Verdict therein upon Oath

that is to say they find for the Appellee Costs, It is Therefore Considered by

the Court that the said William Collins Recover against the said Elizabeth

Merry Costs, taxed at £4.16.3

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Ex'c'on issued

28<sup>th</sup>. Aug. 1760.

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M<sup>c</sup>Hard ~~vs~~ Burley Ex'or

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James M<sup>c</sup>Hard of Haverhill in the County of Essex Esq<sup>r</sup>. Appellant ~~vs~~ Andrew Burley of Ipswich aforesaid Gentleman, Executor of the last will and Testament of Andrew Burley late of said Ipswich Esq<sup>r</sup>: Dec'ed Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Salem in & for the County of Essex on the last Tuesday of December AD 1758. when and where the appellant was plan't and the Appellee was def't In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 8<sup>th</sup>. day of Dec'em 1758. and on file, at large appears) At which said Inferiour Court Judgment was Rendred that the said Andrew Burley Exec'utor &C<sup>a</sup>. Recover against the said James M<sup>c</sup>Hard Costs; This appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Ipswich within and for the County of Essex on the second Tuesday of June AD 1759. when and where the Parties appeared, and Referr'd this Action, with all other demands, to William Atkins Esq<sup>r</sup> et

Amos Peaslee Esq<sup>r</sup> et Michael Farley, the determination of said Referrees or of any two of them, to be final, and Report to be made, as soon as might be; and then said Appeal was by the parties Consent, Contin<sup>d</sup>. to the last Term of this Court, for this County: and then again Continued to this Court, Charles Hodge being first chosen, by the Parties, a Referree instead of said Amos Peaslee Esq<sup>r</sup> and Now both Parties Appearing said Referrees (towit said William Atkins and Charl<sup>s</sup>. Hodge) made Report in Writing under their hands, which was Read and accepted, by the Court, and pursuant thereto, now on file: It is Considered by the Court that the said James M<sup>c</sup>Hard Recover against the Estate of the said Andrew Burley dec<sup>'ed</sup>, in the hands of the the said Andrew Burley Executor as aforesaid, the sum of Sixteen pounds six shill<sup>s</sup>. and eight pence lawful Money of this Province, Damage, and Costs taxed at £6.15.0

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Ex'c'on issued

29<sup>th</sup>. July 1760.

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[55v]

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Bell ~~vs~~ Greenfield

&gt;&gt;

Samuel Bell of Salem in the County of Essex Bricklayer Appellant ~~vs~~ Archibald Greenfield of said Salem Coaster Appellee, from the Judgm<sup>t</sup>. of an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March AD 1759. when and where the appellant was plant and the Appellee was defendant, In a plea of the Case & C<sup>a</sup>. (as in the Writ tested the 12<sup>th</sup>. day of March AD 1759. and on file, at large appears) at which said Inferiour Court, Judgment was Rendred, that the said Archibald Greenfield Recover against the said Samuel Bell



Costs; This Appeal was brought at the Superiour Court of Judicature &c<sup>a</sup>. held at Ipswich in and for said County of Essex on the second Tuesday of June last, and then Continued to the Superiour Court of Judicature &c<sup>a</sup>. held at Salem in and for said County of Essex on the fourth Tuesday of October (by Virtue of a Special Order of the General Court.) at the Parties Consent, when and where both Parties appeared, And Referr'd this Action to Jacob Ashton, Gideon Foster, et Peter Fry, Report of said Referees, or of any two of them to be final; and to be made to the Court. as soon as may be, and from the Court last Mentinued, said appeal was further Continued to this Court, by Consent: And now both Parties appearing, said Referrees Reported in Writing under their hands, as on file, and pursuant to the same Report, which was Read and Accepted: It's Considered by the Court that said Samuel Bell Recover against the said Archibald Greenfield the sum of Fifteen shillings and a half penny Lawful Money of this Province damage, and Costs taxed at £

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Master's ~~vs~~ Kimball

&gt;&gt;

Abraham Masters of Manchester, in the County of Essex Housewright Appellant ~~vs~~ Thomas Kimball of Marblehead in the same County Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Newbury in and for the County of Essex on the last Tuesday of Sept<sup>r</sup>. AD 1759. when and where the appellant was plan't and the Appellee was defendant, In a plea of Account &c<sup>a</sup>. (as in the Writ tested the 28<sup>th</sup>: day of August AD 1759. and on file, at large appears) At which said Inferiour Court Judgment was rendred that the said Thomas Kimball Recover against the said Abraham Masters Costs: This Appeal was bro't forward at the last Term of this Court for this County, when and where the Parties appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find that the Appellee is the Appellant's bailif, as he declares of the twenty quintels of Fish: and Joshua

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[56r]

Joshua Orne Esq<sup>r</sup>. and Deacon Robert Hooper were Assign'd Auditors, by the Court, to examine the Accounts between the Parties; and then said Appeal was Continued to this Court, under said Audit. And both Parties Appearing, said Auditors now made Report in Writing under their hands as one file, which was read and Accepted; and pursuant thereto: It's Considered by the Court that the said Abraham Masters Recover against the said Thomas Kimball, the sum of Four pounds seven shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £7.9.4½

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Ex'c'on issued

24<sup>th</sup>. July 1760.

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Goldthwait ~~vs~~ Putnam

>>

Joseph Goldthwait Appellant ~~vs~~ Amos Putnam Appellee

Neither Party appeared

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Rhodes ~~vs~~ Kimball

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Samuel Rhodes of Marblehead in the County of Essex Shoreman

Appellant ~~vs~~ Joshua Kimball of said Marblehead Wiggmaker appellee, from the Judgment of an Inferiour Court of Common Pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, when and where the Appellee was plan't and the Appellant was defendant. In a plea of the Case, &c<sup>a</sup>: (as in the Writ tested the 10<sup>th</sup>. day of September last, and on file at large appears) At which said Inferiour Court Judgment was rendred, that the said Joshua

Kimball Recover against the said Samuel Rhodes twenty two pounds Eight shillings and two farthings lawful Money Damage, and Costs; This Appeal was bro't forward at the last Term of this Court for this County, when and where the Parties Appeared et this action and all demands between them was Referred to Robert Hale Esq<sup>r</sup>. John Higginson and William Pynchon the Determination of said Referees, or any two of them, to be final and Report to be made as soon as may be, and then said Appeal was Continued to this Court, by Consent; and now both Parties appearing, the said Referees made Report under their hands, as on file, which was Read and accepted, pursuant therefore to the same: It is Considered by the Court that the said Joshua Kimball Recover against the said Samuel Rhodes the sum of nine pounds and an half penny Lawful Money of this Province Damage, and Costs taxed at £10.5.7

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Ex'c'on issued

26<sup>th</sup>. Mar. 1761.

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Ordway ~~vs~~ Annis

&gt;&gt;

Peter Ordway of Newbury in the County of Essex Yeoman, appellant ~~vs~~ Rolf Annis of Bradford in the same County Cordwainer, and Sarah his Wife Appellee, from the Judgment of an Inferiour Court of Common Pleas held at

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[56v]

at Salem in and for the County of Essex on the second Tuesday of July AD 1759. when and where the appellee's were Plant's and the appellant was defendant. In a Plea of the Case &C<sup>a</sup>. (as in the Writ tested the 26<sup>th</sup>. day of June AD 1759. and on file, at large appears) at which said Inferiour Court Judgment was Rendred that the said Rolf Annis and Sarah his Wife Recover against the said

Peter Ordway the sum of thirteen pounds three shillings and five pence Lawful money damage, and Costs. This Appeal was bro't forward at the last Term of this Court for this County, when and where the Parties appeared, and Entred into a Rule of Court to Referr this Action, with all other demands to Joseph Coffin, Moses Gage, and John Brown, the Determination of said Referrees, or any two of them, to be final. and to make Report, as soon as may be, and from thence the same appeal was Continued to this Court, by Consent; And now the Parties appearing, the said Referrees, made Report in Writing under their hands, as on file. Pursuant therefore, to the same, [<sup>^</sup>report<sup>^</sup>] which was read and Accepted. It is Considered by the Court, that the said Rolf Annis and Mary his Wife recover against the said Peter Ordway the sum of Six pounds four shillings lawful Money of this Province Damage, & Costs taxed at £8.10.10

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Gage jun<sup>r</sup>. ~~vs~~ Foster

&gt;&gt;

Nathaniel Gage jun<sup>r</sup> of Bradford in the County of Essex Yeoman appellant ~~vs~~ William Foster of Newbury in the same County Innholder appellee, from the Judgment of an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, when and where the appellant was Plant and the Appellee was defendant. In a plea of the Case, for that the defendant at said Newbury on the second day of January AD 1759. by his note of hand of that date for Value Received, did promise the plan't by the Name of Nathaniel Gage to pay him the sum of two pounds and six pence Money, on demand, with lawful Interest' till paid, Yet the defend<sup>t</sup>. tho' Often Requested has not paid the same but Neglects it. To the Damage, of the said Gage, as he saith, the sum of Six pounds; At which said Inferiour Court Judgment was Rendred that the said William Foster Recover (upon the demurer there) against the said Nathaniel Gage Costs; Both Parties appeared, and the plan't wav'd his Demurer, and Join'd the Issue tender'd [as on file<sup>^</sup>] upon which the Case after a full hearing, was Committed

to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant the Money sued

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Image 082-Right

57.

[57r]

sued for, being two pounds four shillings Damage, and Costs. It is therefore Considered by the Court that the said Nathaniel Gage jun<sup>r</sup> Recover against the said William Foster the sum of two pounds four shillings lawful Money of this Province Damage, and Costs taxed at £5.13.1½

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Ex'c'on issued

24<sup>th</sup>. July 1760.

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Gage ~~vs~~ Boardman

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Amos Gage appellant ~~vs~~ Offin Boardman appellee

Neither Party appeared

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Chipman ~~vs~~ Ellingwood.

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John Chipman of Marblehead in the County of Essex Gentleman Compl<sup>t</sup>.  
~~vs~~ David Ellingwood of Beverly in the same County Coaster. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Salem  
 in and for the County of Essex on the last Tuesday of December AD 1759. he  
 Recovered Judgment against the said David for the Sum of £3 dam<sup>a</sup>.  
 and Costs: from which Judgment the said David appealed to this  
 Court and Recogniz'd with sureties According to Law to prosecute the  
 same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>: pray'd

affirmation of said Judgment with Additional Costs; It is therefore  
 Considered by the Court that the said John Chipman Recovered agas<sup>t</sup>.  
 the said David Ellingwood the sum of three pounds Lawful Money  
 of this Province Damage, and Costs taxed at £3.7.3

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Ex'c'on issued

24<sup>th</sup>. July 1760.

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Lee ~~vs~~ Roundy et al

&gt;&gt;

Jeremiah Lee of Marblehead in the County of Essex Esq<sup>r</sup>. Compl<sup>t</sup>.  
~~vs~~ Abraham Roundy of said Marblehead Labourer, and Huldah  
 Bassett of said Marblehead Widow. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>.  
 Court of Common Pleas held at Salem in and for the County of Essex  
 on the last Tuesday of December last, he Recovered Judgment against  
 the said Abraham and Huldah, for Possession of a Mansion House with  
 the land under and Adjoining to it, with the Appurtenances situate in  
 Marblehead in said County; from which Judgment they Appealed to this  
 Court, and Recogniz'd with sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment, with Costs of this Court; It is Therefore  
 Considered by the Court that the said Jeremiah Lee Recover against  
 the said Abraham Roundy and Huldah Bassett Possession of the premisses  
 demanded in the Original Writ, and Costs of this Court, taxed at £1.14.7

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Fa<sup>s</sup>. Hab<sup>c</sup>. issued10<sup>th</sup>. Oct<sup>o</sup>. 1760

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Benjamin

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[57v]

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Marston v Boardman

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Benjamin Marston of Marblehead in the County of Essex Merchant  
Compl<sup>t</sup>. ~~vs~~ John Boardman of Newbury in the County afores<sup>d</sup>: Shipwright.  
The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held  
at Salem in and for the County of Essex on the last Tuesday of December  
last, he Recovered Judgment against the said John for the sum of  
£66.18.8. Lawful Money damage, and Costs; from which Judgment  
the said John appealed to this Court and Recogniz'd with sureties  
according to Law to prosecute the same with Effect. but fail'd so to do, Where-  
:fore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Costs. It is therefore Considered by the Court that the said Benjamin  
Marston Recover against the said John Boardman. the sum of sixty  
six pounds Eighteen shillings and eight pence. Lawful Money of  
this Province Damage, and Costs taxed at £

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Sanders ~~vs~~ Foster

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Jacob Sanders of Swansea in the County of Bristol Husbandman  
Complainant ~~vs~~ William Foster of Newbury in the County of Essex Innholder  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
Salem in and for the County of Essex on the last Tuesday of December last, he  
Recovered Judgment against the said William for the sum of £21 Lawful  
Money damage, and Costs of Suit; from which Judgment the said William  
Appealed to this Court, and Recogniz'd with sureties according to Law to  
prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>:  
pray'd affirmation of said Judgment with Additional Interest and Costs.  
It's therefore Considered by the Court that the said Jacob Sanders recover  
against the said William Foster the sum of twenty one pounds, twelve shill<sup>s</sup>.  
Lawful Money of this Province damage, and Costs taxed at £5.12.0

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Ex'c'on Issued

24<sup>th</sup>: July 1760.

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Page ~~vs~~ Bradshaw

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Jeremiah Page of Danverse in the County of Essex and province  
aforesaid Brickmaker, Complainant ~~vs~~ Stephen Bradshaw of Medford in the  
County of Middlesex and province aforesaid Brickmaker, The Compl<sup>t</sup>.  
shew'd tha tat an Inferiour Court of Common Pleas held at Salem  
in and for the County of Essex on the last Tuesday of December last, he  
RJudgment against the said Stephen for the sum of £23.19.5  
Lawful Money debt, and Costs of Suit; from which Judgment, the s<sup>d</sup>:  
Stephen appealed to this Court, and Recogniz'd with sureties according  
to Law to prosecute the same with Effect, but fail'd so to do, Wherefore  
the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional  
In<sup>t</sup>.

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[58r]

Interest and Costs. It's therefore Considered by the Court, That the said  
Jeremiah Page Recover against the said Stephen Bradshaw the sum of twenty  
four pounds ten shillings and ten pence Lawful money of this Province debt  
and Costs taxed at £3.7.10½

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Ex'c'on issued

24<sup>th</sup>: July 1760.

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Procter vs Hart

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John Procter jun<sup>r</sup> of Danverse in the County of Essex Innholder  
Compl<sup>t</sup>. vs Jonathan Hart of Lynn in said County Husbandman, The  
Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Salem  
in and for the County of Essex on the last Tuesday of December last, he Recovered  
Judgment against the said Jonathan for the sum of £2.15.1 Lawful Money,  
Damage, and Costs of Suit; from which Judgment the said Jonathan Appealed  
to this Court, and Recogniz'd with Sureties according to Law to prosecute the same with  
Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment  
with additional Interest and Costs. It's therefore Considered by the Court, that  
the said John Procter ju<sup>r</sup>. Recover against the said Jonathan Hart the sum of two  
pounds sixteen shillings Lawful money of this Province Damag,e and Costs  
taxed at £3.18.4

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Ex'c'on issued  
7<sup>th</sup>. Augt. 1760.

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Cheever vs Kendell

>>

Joshua Cheever of Lynn in the County of Essex Gentleman Compl<sup>t</sup>.  
vs Elijah Kendell of Framingham in the County of Middlesex Yeoman  
The Compl<sup>t</sup>. pray'd shew'd that at an Inferiour Court of Common Pleas  
held at Salem in and for the County of Essex on the last Tuesday of December  
last, he recovered Judgment against the said Elijah for the sum of £7.4.5.  
Lawful Money damage, and Costs; from which Judgment the said Elijah  
Appealed to this Court and Recogniz'd with sureties according to Law to  
prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
pray'd Affirmation of said Judgment with Additional Interest, and  
Costs. It's therefore Considered by the Court that the said Joshua  
Cheever Recover against the said Elijah Kendell the sum of seven  
pounds seven shillings and nine pence Lawful Money of this

Province Damage, and Costs taxed at £3.14.4

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Ex'c'on issued.

24<sup>th</sup>: July 1760.

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Fry ~~vs~~ Hawke jun<sup>r</sup>

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James Fry of Andover in the County of Essex Esq<sup>r</sup>. Complainant  
~~vs~~ Moses Hawke jun<sup>r</sup>. of Lynn in said County, Yeoman, The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Ipswich in  
 and for the County of Essex on the last Tuesday of March last, he Recover'd  
 Judgment

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[58v]

Judgment against the said Moses for the sum of £129.4.7. Lawful Money  
 Damage, and Costs of Suit: from which Judgment the said Moses appealed  
 to this Court, and Recogniz'd with sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd affirmation  
 of said Judgment with Additional Interest, and Costs. It's therefore Considered  
 by the Court, that the said James Fry Recover against the said Moses Hawk  
 jun<sup>r</sup>. the sum of One hundred and thirty pounds nineteen shillings  
 Lawful Money of this Province Damage, and Costs taxed at £3.13.10

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Ex'c'on issued

25<sup>th</sup>. Mar, 1761.

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Brimblecom ~~vs~~ Brimblecom jun<sup>r</sup>. et aliouss

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Samuel Brimblecom Sen<sup>r</sup>. of Marblehead in the County of Essex  
 Shoreman Complainant ~~vs~~ Samuel Brimblecom jun<sup>r</sup>. of said Marblehead  
 Shoreman, and William Coles of said Marblehead Mariner, The Comp<sup>l</sup>. shew'd  
 that at an Inferiour Court of Common Pleas held at Ipswich in and for the  
 County of Essex on the last Tuesday of March last, he Recovered Judgment  
 against them for the sum of £185.4.3. Lawful Money Debt. and Costs of  
 Suit; from which Judgment the said Samuel jun<sup>r</sup>. and the said William  
 appealed to this Court and Recogniz'd with sureties According to Law  
 to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
 pray'd affirmation of said Judgment with Additional Interest and  
 Costs. It's therefore Considered by the Court that the said Samuel  
 Brimblecom sen<sup>r</sup>. Recover against the said Samuel Brimblecom jun<sup>r</sup>.  
 and William Coles, the sum of One hundred and eighty seven pounds  
 fifteen shillings and three pence, Lawful Money of this Province Debt.  
 and Costs taxed at £3.14.10

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Ex'c'on Issued

27<sup>th</sup>. Sept<sup>r</sup>. 1760.

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Smith ~~vs~~ Fuller

&gt;&gt;

Walter Smith of Danverse in the County of Essex Cooper  
 Compl<sup>t</sup>. ~~vs~~ Timothy Fuller of Middleton in the same County Gentleman,  
 The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas  
 held at Salem in and for the County of Essex on the last Tuesday of  
 December last, he Recovered Judgment against the said Timothy  
 for the sum of £5. Lawful money damage, and Costs of Suit; from  
 which Judgment the said Timothy appealed to this Court and  
 Recogniz'd with sureties according to Law to prosecute the same  
 with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
 of said Judgment with Additional Costs; It's therefore Considered  
 by the Court that the said Walter Smith Recover against the s<sup>d</sup>.

Timothy Fuller the sum of Five pounds Lawful money of this  
Province

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[59r]

Province Damage, and Costs taxed at £9.9.3

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Ex'c'on issued}

7<sup>th</sup>: Oct<sup>o</sup>. 1760}

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Order on Lovejoye's Petition

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Upon reading the Petition of Hannah Lovejoye Administratrix of the  
Estate of her Husband William Lovejoy late of Andover in said County of  
Essex dec'ed Intestate. Wherein she shew'd that the debts due from said  
Estate are sixty five pounds fifteen shillings and two pence more then  
all his personal Estate will pay. The Petitioner therefore pray'd this Court  
would give her Power to sell seventy pounds of the Real Estate of the s<sup>d</sup>:  
deceased, where least Prejudicial to the whole, to discharge said Debt and  
some other small Debts, which she has not yet the just Account off:

Ordered that the Prayer of this Petition be Granted, and that the said  
Hannah Lovejoy, in her said Capacity, be and hereby is Impowered  
to make Sale of Seventy pounds worth of the said Dec'eds Real Estate  
for the Ends aforesaid, as pray'd for. (such as will be least prejudicial  
to the Remainder) and to pass and execute a Good Deed or Deeds in the  
Law for Conveyance thereof. the petitio<sup>n</sup> to post up notifications thirty  
days before the Sale, and Account with the Judge of Probate for said  
County, as the Law directs;

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Order on Gott's Pet<sup>o</sup>:

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Upon Reading the Petition of Mary Gott Administratrix of the Estate of her husband Daniel Gott late of Wenham in said County dec'd Intestate, Wherein the Petiti<sup>o</sup>. shew'd that the debts against said Estate amount to Fifty six pounds one shilling and eight pence one farthing more then all his personal Estate. she therefore pray'd this Court to Impower, her to sell part of said Intestate's Real Estate (where it wou'd be least prejudicial to the whole) Sufficient to discharge the Debt aforesaid, ordered that the Prayer of said Petition be Granted, and that the s<sup>d</sup>: Mary Gott. (in her said Capacity) be and hereby is Impowered to make sale of Sixty pounds worth of the said Dec'eds Real Estate, for the Ends aforesaid, as pray'd for, (such as will least Prejudice the whole) and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the Petiti<sup>o</sup>: to post up notifications thirty days before the Sale and account with the Judge of Probate for said County, as the Law directs;

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Order on Ring's Pet<sup>o</sup>.

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Upon Reading the Petition of Abigail Ring Administratrix  
of  
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[59v]

of the Estate of her husband Moses Ring late of Gloucester in the said County of Essex dec'd Intestate, wherein the Petiti<sup>o</sup>. shew'd that the Debts due from the Estate of the said Dec'ed are two hundred and fourteen pounds 10/ et 10<sup>d</sup>½, more then all his Personal Estate will pay. The Petiti<sup>o</sup>: therefore pray'd this Court would give her power to sell two hundred and twenty pounds of the Real Estate of the said Dec'ed, where least Prejudicial to the same, to discharge said Debts; Ordered that the prayer of this Petition be Granted, and that the said Abigail Ring, in

her said Capacity, be and hereby is Impowered to make Sale of two hundred and twenty pounds worth of the said dec'eds Real Estate for the Ends aforesaid (such as will least prejudice the whole) as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof; the Petitioner to post up notifications thirty days the Sale and Account with the Judge of Probate for said County, as the Law directs;

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Order on Clark's Pet<sup>o</sup>.

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Upon Reading the Petition of Judith Clark Administratrix of the Estate of her late Husband Joseph Clark of Methuen in said County dec'ed Intestate. Wherein the Petitioner shew'd that the debts against said Estate are one hundred and thirty five pounds Nine shillings and seven pence halfpenny more than all his personal Estate will pay. The Petitioner therefore pray'd this Court would Impower her to make Sale of the whole of said dec'eds Real Estate (the Widows dower excepted) it being apprizd at but one hundred and eighty six pounds thirteen shillings and four pence, in order to discharge said Debt, and some others yet due, and Charges; Ordered that the prayer of this Petition be Granted, and that the said Judith Clark (in her said Capacity) be & hereby is Impowered to make sale of the said Dec'eds Real Estate for the Ends aforesaid, as pray'd for; and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the Sale, and account with the Judge of Probate for said County (of the Produce thereof) as the Law Directs,

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Order on Eastman's Petition

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Upon Reading the Petition of Martha Eastman Administrat<sup>x</sup>. of the Estate of her husband Jonathan Eastman late of Salisbury in said County of Essex dec'ed Intestate. wherein the Petitioner shew'd

that the Debts due from the Estate of the said Dec'd are £13.4/4  
more

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[60r]

more then all his personal Estate. The Petitioner therefore pray'd this Court to give her power to sell sixteen pounds of the Real Estate of the said Dec'd where it wou'd be least Prejudicial, to discharge said Debt, and some other small Debts not accounted for: Ordered that the prayer of this Petition be Granted, and that the said Martha Eastman, in her said Capacity, be and hereby is Impowered to make Sale of sixteen pounds worth of the said dec'ds Real Estate, for the Ends aforesaid such as will be least Prejudicial to the whole) as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law Directs:

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Order on George's Petition

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Upon reading the Petition of Margaret George Administratrix of the Estate of her Husband Benjamin George late of Newbury in said County, of Essex dec'd Intestate. Wherein the Petitioner shew'd that the debts due from the Estate of the said Dec'd are Nine pounds Seventeen shillings and nine pence more then all the Personal Estate of the dec'd wou'd pay. The Petition<sup>r</sup>. therefore pray'd this Court would give her Power to sell fifteen pounds worth of the Real Estate of the said Dec'd to Discharge said Debts and further Charges which wou'd necessarily arise; Ordered that the prayer of this Petition be Granted, and that the said Margaret George (in her said Capacity) be and hereby is Impowered to make Sale of Fifteen pounds worth of the said Dec'ds Real Estate, for the Ends aforesaid (such as will least Prejudice the whole) as pray'd for, and to

pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the Petition<sup>r</sup>. to post up notifications thirty days before the Sale and account with the Judge of Probate for said County as the Law Directs;

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Order on Osgood's Petition

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Upon reading the Petition of John Osgood Adm<sup>r</sup> or of the Estate of John Ring late of Salisbury in said County of Essex dec<sup>'</sup>ed Intestate wherein the Petitioner shew<sup>'</sup>d that the debts due from the Estate of the said dec<sup>'</sup>ed are twenty seven pounds four shillings and one penny more then all his personal Estate will pay: [^The Petition<sup>r</sup>. therefore pray<sup>'</sup>d this Court to Impower her to sell thirty pounds of the Real Estate of said dec<sup>'</sup>ed to discharge said Debt and Several other small one's yet due^] Ordered that the Prayer of this Petition be granted, and that the said John Osgood, in his said Capacity, be and hereby is Impowered to make Sale of thirty pounds worth of the Real Estate of said Dec<sup>'</sup>ed for the Ends aforesaid (such as will be least prejudicial to the whole) as pray<sup>'</sup>d for, and to pass. and Execute a

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a good Deed or Deeds in the Law for Conveyance thereof. the Petitioner to post up notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs:

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Order on Fisk's Pet<sup>o</sup>..

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Upon Reading the Petition of Ebenezer Fisk Adm<sup>r</sup> or of the Intestate part of the Estate of his bother Theophilus Fisk late of Wenham dec<sup>'</sup>ed. Wherein the Petitioner shew<sup>'</sup>d that the Debts against said Estate are twenty pounds four shillings and eight pence one farthing more then



all his personal Estate will pay; The Petitioner therefore pray'd this Court to Impower him to sell twenty five pounds of said deceaseds Real Estate where least Prejudicial, for the payment of said debt, and others still due; Ordered that the prayer of this Petition Granted, and that the s<sup>d</sup>. Ebenezer Fisk (in his said County) be and hereby is Impowered to make Sale of twenty five pounds worth of the said Deceaseds Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for. and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale, & Account, with the Judge of Probate for said County, as the Law Directs;

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Order on Gile's Pet<sup>o</sup>:

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Upon Reading the Petition of Samuel Giles Adm<sup>r</sup> of the Estate of Alice Defrance late of Marblehead Widow dec<sup>'ed</sup> Intestate. Wherein the Petitioner shew'd that the debts against said Estates are twenty seven pounds Eleven shillings and eleven pence more than all his personal Estate will pay. The Petitioner therefore pray'd this Court would Impower him to sell thirty pounds worth of said Intestates Real Estate (where least Prejudicial) to discharge said debt. and other debts yet due: Ordered that the prayer of this Petition be Granted, and that the said Samuel Giles (in his said County) be and hereby is Impowered to make Sale of thirty pounds worth of the said dec<sup>'eds</sup> Real Estate, for the Ends aforesaid, (such as will be least prejudicial to the whole) as pray'd for. and to pass and Execute a Good G d or Deeds in the Law for Conveyance thereof, and to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, as the Law directs;

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Order on Knowlton's Petition}

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Upon Reading the Petition of Elizabeth Knowlton Adm<sup>x</sup>. of the Estate of her husband Abraham Knowlton Jun<sup>r</sup>. late of Ipswich dec<sup>'</sup>ed Intestate Wherein the Petitioner shew'd That the debts against her said husbands Estate are one hundred and Nineteen pounds two shillings and ten pence one farthing, more than all his personal Estate will pay: The Petitioner therefore pray'd this Court would Impower her to make sale of the whole of her said husbands Real Estate (her dower therein excepted) being apprized at One hundred and thirty three pounds six shillings and eight pence, that the debt aforesaid might be Discharged with other debts still due; Ordered that the Prayer of this Petition be Granted, and that the said Elizabeth Knowlton, (in her said Capacity) be and hereby is Impowered to make Sale of the whole Real Estate of the said Abraham dec<sup>'</sup>ed for the Ends aforesaid, as pray'd for; and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup>n. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, as the Law Directs

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Order on Stickney's Petition

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Upon Reading the Petition of Benjamin Stickney Adm<sup>'</sup>or of the Estate of his Bother Thomas Stickney late of Rowley dec<sup>'</sup>ed Intestate. Wherein the Petiti<sup>o</sup>n shew'd That the debts due from the Estate of the said Deceased are £29.10.1 more than all his personal Estate will pay. The Petitioner therefore pray'd this Court would Impower him to make Sale of so much of the said dec<sup>'</sup>eds Real Estate to discharge said Debt and four pounds more for the Discharge of some other small Debts and the Charge of Sale of said Estate; Ordered that the Prayer of this Petition be Granted. and that the said Benjamin

Stickney (in his said Capacity) be and hereby is Impowered to make sale. of thirty three pounds ten shillings and one penny's worth of said Deceaseds Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for s<sup>d</sup>: County, as the Law Directs.

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Order on Morse's Pet<sup>o</sup>.

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Upon Reading the Petition of Jane Morse Administratrix of the Estate of her husband of Isaac Morse late of Newbury dec'ed Intestate; Wherein the Petitioner shew'd that the debts against said Estate are seventeen pounds nineteen shillings and eleven pence half penny more than all his Personal

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[61v]

Personal Estate. The Petitioner therefore pray'd this Court to Impower her to sell twenty two pounds worth of the said dec'eds Real Estate for the Ends aforesaid, (such as will be least Prejudicial to the whole) as pray'd for, And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, as the Law Directs;

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Order on Thompson's Petition

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Upon Reading the Petition of George Thompson and Lydia his Wife, as she is Administratrix of the Estate of John Reith late of Marblehead deceased. Wherein the Petitioner shew'd that the debts due from said Estate amount to Sixteen pounds ten pence more than all his Personal Estate and

therefore pray'd leave to sell so much of said Deceaseds Real Estate as would be Sufficient to Satisfy the said Debts and Charges; Ordered that the prayer of this Petition be Granted, and that the said George Thompson and Lydia his Wife, as she is Adm<sup>x</sup>. as aforesaid, be and, they, hereby are Impowered to make Sale of twenty pounds worth of the said Dec'eds Real Estate for the Ends afores<sup>d</sup>: (such as will least Prejudice the whole) as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup>. to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs;

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Order on Reith's Pet<sup>o</sup>:

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Upon Reading the Petition of Richard Reith Adm'or of the Estate of Robert Laskin dec'ed. Wherein the Petitioner shew'd that the debts due from said Estate are more than the whole is worth, And therefore pray'd leave to sell the whole of said Deceased's Real Estate: Ordered therefore that the Prayer of this Petition be Granted, and that the said Richard Reith (in his said Capacity) be and hereby is Impowered to make Sale of the whole of the said Dec'eds Real Estate for the Ends aforesaid as pray'd for; and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (of the Produce thereof) as the Law directs;

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Order on Hutchinson's Petition

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Upon Reading the Petition of Ruth Hutchinson Administratrix of the Estate of her husband M<sup>r</sup>. Ambrose Hutchinson late of Danverse in said County. Wherein the Petitioner shew'd that the Estate of her said husband dec'ed

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[62r]

dec'd has been represented of Probate of his Will, as Insolvent, and the Creditors have Already been too long kept out of their money. The Petitioner therefore pray'd this Court to Impower her to make Sale of the Lands belonging to said Estate, That so she might to able to pay said Creditors, so much of their due, as said Estate will yeild; Ordered that the Prayer of this Petition be Granted, and that the said Ruth Hutchinson, in her said Capacity, be and hereby is Impowered to make Sale, of the Real Estate of the said Ambrose Hutchinson dec'd, for the Ends aforesaid as pray'd for; And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, she to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (of the Produce thereof) as the Law Directs

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Order on Hodgkin's Petition

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The Petition of John Hodgkins Guardian of Thomas Hovey of Ipswich a person Non Compos Mentis, Wherein the Petitioner shew'd that the debts against said Estate amount to Eighty Nine pounds ten shillings and half penny more than all said Non Compas's personal Estate will pay; The Petitioner therefore pray'd this Court would Impower him to make Sale of part of s<sup>d</sup>: Hovey's Real Estate (where least prejudicial) for the payment of the sum aforesaid: Ordered that the Prayer of this Petition be Granted, And that the said John Hodgkins (in his said Capacity) be and hereby is Impowered to make Sale Ninety pounds worth of the Real Estate of the [+]  
said Non Compos for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup> to post up Notifications thirty days before the Sale and Account with the Judge of Probate, for said County, as the Law directs;

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Order on Day's Pet<sup>o</sup>:

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Upon Reading the Petition of Zebedee Day Administrator of the Estate of Elizabeth Denning late of Gloucester dec'd Intestate, Wherein the Petitioner shew'd the debts against said Estate are thirty Nine pounds seventeen shillings and eight pence three farthings, and the whole of said deceased Real and personal Estate is Valued at but Forty two pounds five shillings and four pence. The Petitioner therefore pray'd this Court to Impower him to make Sale of the whole of said Deceaseds Real Estate, for the payment of her Just Debts, so far as the same would extend; Ordered that the prayer of this Petition be Granted, and that the said Zebedee Day (in his said Capacity) be and hereby is Impowered to make Sale of the whole Real Estate for the Ends aforesaid, as pray'd for, and to pass and Execute a Good Deed or Deeds

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[62v]

Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (of the Produce thereof) as the Law directs

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Order on Morse's Pet<sup>o</sup>..

&gt;&gt;

Upon Reading the Petition of Moses Morse Adm'or of the Estate of Anthony Morse late of Newbury in said County deceased Intestate, Wherein the Petitioner shew'd that the debts against said Estate are thirty two pounds seven shillings and six pence more than all his personal Estate will pay: The Petitioner therefore pray'd this Court would Impower him to sell the whole of said Dec'eds Real Estate, ( it being incapable of division) Apprized at Sixty Nine pounds three shillings and four pence for the payment of the debt aforesaid, and other debts still due from said Estate: Ordered that the prayer of this Petition be Granted, and that the said Moses Morse Adm'or as aforesaid, be and hereby is Impowered to make Sale of the whole

Real Estate of the said Dec'd. for the Ends Aforesaid, as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale, and Acco<sup>t</sup>.. with the Judge of Probate for said County, (of the Produce thereof) as the Law directs;

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Order on Waite's Pet<sup>o</sup>..

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Upon Reading the Petition of Elizabeth Waite Adm<sup>i</sup> of the Estate of her late husband Aaron Waite of Ipswich in said County dec'd Intestate, Wherein the Petitioner shew'd that the debts against said Estate are thirty nine pounds Nineteen shillings and Nine pence, more than all the dec'eds personal Estate: The Petitioner therefore pray'd this Court would Impower her to sell part of said deceaseds Real Estate (where least Prejudicial) for the discharge of the debt Aforesaid, And other Charges; Ordered that the prayer of this Petition be Granted, and that the said Elizabeth Waite Admx. as afores<sup>d</sup>: be and hereby is Impowered to make Sale of part of said Dec'eds Real Estate (such as will least Prejudice the whole) for the Ends, as pray'd for, and pass and Execute A Good Deed or Deeds in the Law for Conveyance thereof the Petition<sup>r</sup>: to post up Notifications thirty days before the Sale; and Account with the Judge of Probate for said County (of the Produce thereof) as the Law directs;

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Order on Wallingford's Pet<sup>o</sup>:

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Upon Reading the Petition of Mary Wallingford Adm<sup>x</sup>. of the Estate of her husband Joseph Wallingford late of Rowley dec'd Intestate Wherein the

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[63r]

the Petitioner shew'd That the debts against said Estate are Thirty pounds six shillings and one penny half penny more than the Personal Estate; The Petitioner therefore. pray'd this Court would Impower her to sell said Intestates Real Estate, for payment of the debt aforesaid: Ordered that the prayer of this Petition be Granted, and that the said Mary Wallingford (in her said Capacity) be and hereby is Impowered to make Sale of the whole of the dec'eds Real Estate for the Ends Aforesaid, as pray'd for; and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up notifications thirty days before the Sale & Account with the Judge of Probate for said County (of the produce thereof) as the Law directs;

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Order on Pecker's Pet<sup>o</sup>:

&gt;&gt;

Upon Reading the Petition of James Pecker Adm<sup>r</sup> of the Estate of his father John Pecker late of Haverhill dec'ed Intestate, Wherein the Petitioner Shew'd That the debts against said Estate are two hundred and ten pounds eleven pence half penny, more then all the dec'eds personal Estte and his Lands, this Court formerly granted the Petitioner pewel to sell; The Petitioner therefore pray'd this Court to Impower him to sell two hundred and twenty pounds worth of the dec'eds Real Estate (where least Prejudicial to the whole) for discharging the debt aforesaid, and some other debt still due, and Charges of Sale; Ordered that the prayer of this Petition be Granted, and that the said James Pecker Adm<sup>r</sup> or as aforesaid, be and hereby is Impowered to make Sale of two hundred and twenty pounds worth of the said Dec'eds Real Estate, for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for. And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof the Petition<sup>r</sup> to post up Notifications thirty days before the Sale, and Acco<sup>t</sup> with the Judge of Probate for said County, as the Law Directs.

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Plumer's Pet<sup>o</sup>. Allow'd

&gt;&gt;



The Petition of John Plummer jun<sup>r</sup> et al for division of Land,  
as on file; Allow'd

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Bartlett's Pet<sup>o</sup>: Allow'd

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The Petition of Thomas Bartlett jun<sup>r</sup> et al for division of land,  
as on file; Allow'd

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Heath's Indictm<sup>t</sup>:

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The Jurors for the Lord the King for the body of this County, did upon  
their

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[63v]

their Oath present, That Joshua Heath late of Salem in the Province of  
New Hampshire Labourer, on the tenth day of March last, at Haverhill  
in said County of Essex, Minding and Contriving to defraud and Deceive  
One Sarah Herriman, did then and there with force and Arms  
Voluntarily and Corruptly Utter to her to the said Sarah Six false and  
Counterfiet Peices of Money forged and made in Imitation of and to Resemble  
true Spanish Mill'd Peices of Eight then Currant Money in this province  
and the Currency whereof then was Established and Regulated by the  
Laws of this Province, he the said Joshua at the same time, well knowing  
the Six peices aforesaid by him Uttered to the said Sarah to be false and  
Counterfeit, when he Uttered the same to her as Aforesaid, Against the  
Peace of the said Lord the King, And the Law of this Province in that Case  
made and provided; To [<sup>^</sup>upon<sup>^</sup>] this Indictment the said Joshua Heath, was sett to the  
barr and Arraigned, and upon his Arraignment plead Guilty: The Court  
having Considered his Offence Order that he pay the sum of ten pounds  
as a fine to the King, that he be set in the pillory for the space of one hour,

that he Suffer two Months imprisonment, and that he pay Costs of Prosecution, standing Committed untill this sentence shall be performed;

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Austin's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present, That Abiel Austin jun<sup>r</sup>. late of Salem in the province of New Hampshire an Infant, on the fourth day of March last, at Haverhill in the said County of Essex, being of the Age of discretion, and Minding and Contriving to defraud and Deceive Samuel White Esq<sup>r</sup>.. did then and there with force & Arms Voluntarily and Corruptly Utter to the said Samuel, One false and Counterfeit peice of Money forged and made in Imitation of and to Resemble, a true Spanish Mill'd peice of Eight then Currant Money in this Province, & the Currancy thereof then being Regulated by the Laws of this province he the said Abiel at the same time well knowing the peice of Money by him so Uttered to be false and Counterfiet, when he Uttered the same to the said Samuel White Esq<sup>r</sup>.. as afores<sup>d</sup>: Against the peace of the said Lord the King, And the Law of this Province in that Case Made and provided; To [<sup>^</sup>upon<sup>^</sup>] which Indictment the said Abiel Austin jun<sup>r</sup>. was set to that & Arraigned, and upon his Arraignment Plead Guilty: The Court having Considered his Offence, Order that he pay the sum of ten pounds as a fine to the King, that he Suffer two Months imprisonment, and that he pay Costs of prosecution, standing Committed, untill this Sentence shall be performed;

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Ipswich

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[64r]

Ipswich June 26<sup>th</sup>. 1760. The Court enter'd up Judgment according to the verdicts, and then adjourn'd without day. Att<sup>r</sup>. Sam. Winthrop Cler.

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[64v]

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Image 090-Right

65.

[65r]

Province of the}	Anno Regni Regis Georgii secundi magnæ
Massachusetts Bay}	Britanniæ Franciæ et Hiberniæ tricesimo
York ss}	quarto

At His Majesty's Superiour Court of Judicature Court of

Assize and General Goal Delivery, held at York within  
and for the County of York, on the first Tuesday of July (being  
the first day of said Month) Annoq Domini 1760. by  
Adjournment from the third Tuesday of June, the  
day by Law prefixed for holding said Court.

By the Honorable Stephen Sewall Esq<sup>r</sup>.. Chief Justice

Benjamin Lynde}

John Cushing} Esquires Justices

Chambers Russell et}

Peter Oliver}

The Names of the Grand, and Petit. Jurors, present, Impannelled, and sworn:  
are in writing, on file.

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King ~~vs~~ Milliken

&gt;&gt;

Richard King Appellant ~~vs~~ Benjamin Milliken Appellee

## Neither Party Appeared

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Blethen vs Powell

&gt;&gt;

John Blethen Appellant vs Jeremiah Powell Appellee

This Action is dismissed, the Appellant being dead and no Executor or Administrator Appearing.

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Beal vs Beal

&gt;&gt;

Manwaring Beal of York in the County of York Fisherman Appellant vs Josiah Beal of York aforesaid Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at York in and for said County, on the second Tuesday of April AD 1759. when and where the Appellee was plaintiff and the Appellant was defendant, In a plea of Ejectment wherein the plaintiff demands against the defendant.. a certain Lot of land in York aforesaid, being three Rods in breadth and six Rods in length bounded as follows Vizt Northerly by York River so called Easterly by land of the defendant.. southerly

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[65v]

Southerly by his Land, and Westerly by land of the plaintiff. the said Lot demanded being the strip of land Running in breadth from the said River from high water mark, to the land of the defendant.. three Rods and lying in length between the Land of the plaintiff and the land of the defendant.. with the Buildings and Appurtenances thereof, For that whereas one Edward Beal late of York aforesaid yeoman deceased late father of the plaintiff and defendant.. being Seized of the said Lot of land with other lands in his demesne as of fee, on the tenth day of July 1735. by his deed of Bargain and Sale of that date, duly Executed and Recorded and Tready in Court to be produced for the Consideration therein mentioned Sold and

Conveyed the same with other Lands to the plant in fee, by force of which Conveyance the plan't is well Intitled to the said premisses demanded in fee, and ought to Recover Possession thereof, accordingly. Yet the defend't hath unlawfully Entered into the same and withholds the Possession thereof from the plant: To the Damage of the said Josiah as he says, the sum of One hundred pounds; At which said Inferiour Court Judgment was Rendred, that the said Josiah Beal Recover against the said Manwaring Beal part of the premisses Sued for Vizt one Rod and half Rod of land in Wedth to Extend across the lot on the south side of the stone wall, which is now standing on the Premisses sued for; and Cost of Court taxed at Five pounds one shilling and five pence. This Appeal was bro't forward at the last Term of this Court for this County, and thence Continued to this Court by Consent; And Now the Parties Appeared, and the Case after a full hearing was Committed to a Jury sworn According to Law to try the same who Returned their Verdict therein upon Oath that is to say, they having viewed the premisses, find for the Appellant Reversion of the former Judgment and Cost,. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Manwaring Beal, Recover against the said Josiah Beal Costs taxed at £10.18.8

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Ex'c'on issued

6<sup>th</sup>. Aug: 1760.

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Hoar ~~vs~~ Noyes

&gt;&gt;

Jonathan Hoar of Concord in the County of Middlesex Esq<sup>r</sup> Appellant  
~~vs~~ Josiah Noyce of Falmouth in the County of York Gentleman Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at York in  
 and for the County of York on the second Tuesday of July AD. 1758. when  
 and where the Appellant was plant, and the Appellee was def<sup>t</sup>..

In a plea of Trespass and Ejectment for that one Anthony Brackett  
 on the twelfth day of November A.D. 1757. at York aforesaid. demised

to the plan't a tract of land with It's appurtenances in said Falmouth containing about one hundred and thirty Acres bounded as follows  
Viz<sup>t</sup>:

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Image 091-Right

66.

[66r]

viz<sup>t</sup>: beginning at back cove at the South East Corner of the Land now or late of Benjamin Skilling then Runing west by an high way and from thence Southerly by the said high way to the first bounds of lands belonging to the said Anthony now in possession of one Baker on said high way thence easterly by the same to a stake thence Southerly to the Creek or Salt Water, and thence by the salt water to the bounds first mentioned, To Have and to Hold the same to the plan't his Executors and Administrators the Term of three years then Next ensuing. by Virtue of which demise the plant then entered into the premisses afores<sup>d</sup>: with its appurtenances and was possessed thereof, and the plant being thereof so possessed the def<sup>t</sup>.. Afterwards Viz<sup>t</sup> on the same day with force and Arms into the premisses aforesaid, with its appurtenances which the said Anthony had Demised to the plant in form aforesaid, for the Term aforesaid (which is not yet passed) entered; And the plant from the premisses aforesaid ejected and other outrages committed to the great damage of the plant, and against the King's Peace, all which is To the damage of the said Jonathan Hoar (as he saith) the sum of one hundred pounds; At which said Inferiour Court, Judgment was Rendred that the said Josiah Noyce Recover against the said Jonathan Hoar Cost of Court taxed at Five pounds three shillings and four pence; This Appeal was bro't forward at the last Term, of this Court for this County; when and where the Parties appeared, And it was agreed in this Action, that each Party might make use of any papers or Evidences that were filed in the Case between Anthony Brackett, and the Appellee's Father. And that a Survey be taken of the Land in Controversy (by John Small Serveyor, with two Chinmen under Oath) And all the lines Run and marked that either party shou'd desire; Return to be made to the Court at the Next Term, and from thence

said Appeal was Continued to this Court, And now both Parties Appeared, And the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant Reversion of the former Judgment Possession of the Premisses, for the Term sued for; and Costs. It's therefore Considered by the Court That the former Judgment be Reversed, And that the said Jonathan Hoar Recover against the said Josiah Noyce Possession of the premisses, for the Term sued for, and Costs taxed at £16.12.2½

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Ex'c'on issued

23<sup>d</sup>: July 1760.

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Prescot Esq<sup>r</sup>.. ~~vs~~ Frost

&gt;&gt;

Benjamin Prescot of Danverse in the County of Essex Clerk, and Mary his Wife in her Right Appellants ~~vs~~ John Frost of York in the County of York Gentleman appellee, from the Judgment of an Inferiour Court of Common pleas

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[66v]

pleas held at York in and for the County of York on the first Tuesday of April last, when and where the Appellant's were plant's and the Appellee was defendant, In a plea of Ejectment wherein they demand against the said John one sixth part of one hundred and eighteen Acres of land situate in Berwick in said County of York, and lying in Common with two hundred and fifty Acres, more or less, besides the whole of which is bounded as follows Vizt beginning at an Elm tree marked C:F: 1709, on the Northerly Branch of the little River by the side of a Mastway which goes across said River and from the said Elm tree, two hundred and forty poles east North east to a beach tree marked C:F: 1709, from thence south east two hundred and forty poles to a burch tree marked

C:F.; from thence West South West to the aforesaid Little River, from thence on the aforesaid River to the Elm tree first Mentioned; with the Appur'ces thereof, which premisses demanded the Plan't's claim as the Right and Inheritance of the said Mary and say; that John Frost late of New Castle in the province of New Hampshire Esq<sup>r</sup>.. dec'ed was in his life time seized in his demesne as of fee, of the said sixth part demanded in Common & Undivided with the owners of the five sixth parts of said one hundred and eighteen Acres, and being so seized thereof, on the 20<sup>th</sup>: day of January Anno Domini 1731. made his last Will and Testament thereof, of that date, and in and by the same, devised the said Premisses demanded to the said Mary then his Wife, in fee, and Afterwards in or about the Year 1732. the said Testator died so seized thereof, and by the said Will, since duly proved, approved, and Allowed; or an Authenticated Copy thereof in Court produced, may at large Appear; by force of which devise the plant's. in the Right of the said Mary, are well Intitled to the said premisses. in fee, and ought to Recover possession thereof, accor=

:dingly, Yet the def<sup>t</sup>.. hath Entered and unlawfully withholds the Possession thereof from the plant's. to the Damage of the said Benjamin and Mary as they say, in her Right, the sum of One hundred pounds; At which said Inferiour Court Judgment was Rendered, upon the Demurer there, that the said John Frost Recover against the said Benjamin Prescott, and Mary his Wife. the sum of two pounds three shillings and ten pence, Cost of Suit; Both parties Appeared, and the demurer being wav'd by Consent the Issue tender'd [<sup>at s<sup>d</sup>. Inf<sup>r</sup>. Court & on file<sup>^</sup>]</sup> was Now Joined,

and then the Case, After a full hearing was Committed [<sup>to a Jury<sup>^</sup></sup>] Sworn-accor=

:ding to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, They find for the Appellee Costs. It's therefore Considered by the Court that the said John Frost Recover against the said Benjamin Prescott, and Mary his Wife, Costs taxed at £

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[67r]

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Fog et al ~~vs~~ Morrell}

&gt;&gt;

James Fog, and Samuel Fernald both of Kittery in the County of York Yeoman, and Mary Hammit of said Kittery Singlewoman and Spinster, said Mary being a Minor and under the Age of twenty one Years, and sues by Joseph Fernald of Kittery aforesaid yeoman her Guardian and Next Friend Appellants ~~vs~~ Thomas Morrell of Berwick in said County Labourer. Appellee, from the Judgment of an Inferiour Court of Common Pleas held at York in and for the County of York on the first Tuesday of April last, when and where the Appellant's were plant's, and the Appellee was def<sup>t</sup>.. In a plea of Trespass &C<sup>a</sup>: (as in the Writ tested the 12<sup>th</sup>: day of March last, and on file at large Appears). At which said Inferiour Court Judgment was Rendered, That the said Thomas Morrell shou'd Recover against the said James Fog, Samuel Fernald, and Mary Hammit the sum of two pounds twelve shillings and eight pence, Cost of Suit; Both Parties Appeared, and the Appellant's (in Court) Confessed Judgment for Costs. It's therefore Considered by the Court that the said Thomas Morrell Recover against the said James Fog, Samuel Fernald, and Mary Hammit, Costs taxed at £

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Bucknam ~~vs~~ Tuck

&gt;&gt;

Samuel Bucknam of North=Yarmouth in the County of York Yeoman Appellant ~~vs~~ Andrew Tuck of said Northarmouth Yeoman Ap'lee from the Judgment of an Inferiour Court of Common Pleas held at York in and for the County of York, on the first Tuesday of April last, when and where the Appellee was plant, and the Appellant was def<sup>t</sup>.. In a plea of Trespass upon the Case for that whereas the def<sup>t</sup>. at said North Yarmouth on the first day of March 1751. by his Note under his hand of that date promised the plan't to pay him or Order, the sum of ten pounds five shillings, Lawful Money upon demand, with Lawful Interest 'till paid being for Value Rec'd

Received, And Also for that whereas the defendant at said northyarmouth on the twenty eighth day of January AD 1755. by his other Note under his hand of that date, promised the plan't to pay him or Order the sum of two pounds ten shillings and nine pence Lawful Money upon demand, with Lawful Interest' till paid, being for Value Rec'ed; Yet the def'. tho' often Requested hath not paid either of the sums aforesaid, but Altogether Refuses so to do, To the damage of the said Andrew Tuck (as he saith) the Sum of twenty pounds; At which said Inferiour Court. Judgment was Rendered, that the said Andrew Tuck shou'd Recover against the said Sam<sup>l</sup>. Bucknam the sum of Eighteen pounds seventeen shillings and three pence, Money

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[67v]

Money damage, and the sum of Four Pounds seven shillings and six pence Costs of Suit; Both Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Confirmation of the former Judgment, in part Viz: for the sum of three pounds seven shillings and three pence, Lawful Money damage and Costs; It's therefore Considered by the Court, that the said Andrew Tuck Recover against the said Samuel Bucknam the sum of three pounds seven shillings and three pence Lawful Money, of this province Damage, and Costs, taxed at £.

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Burnam vs Woodbridge

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Job Burnam of Scarborough in the County of York Yeoman Ap'lant vs Paul Dudley Woodbridge of York aforesaid Yeoman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at York in and for the County of York on the first Tuesday of January last, when and where the Appellee was plant, and the Appellant was def't In a plea of

the Case for that whereas the said Job at York aforesaid, on the 23<sup>d</sup>: day of June AD 1759. by his Note of hand of that date for Value Received, promised the plant to pay him or order ten pounds thirteen shillings Lawful Money on demand with Interest 'till paid. Yet the def't hath not paid the same tho' Requested but Unjustly Neglects it. To the damage of the said Paul Dudley Woodbridge (as he saith) the sum of twenty pounds; At, w<sup>ch</sup>: said Inferiour Court, Judgment was Rendered that the said Paul Dudley Woodbridge shou'd Recover against the said Job Burnam the sum of ten pounds thirteen shillings, money damage, and the sum of two pounds Nineteen shillings and two pence Cost of Suit. Both Parties now Appeared and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment and Costs. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Job Burnam Recover against the said Paul Dudley Woodbridge, Costs taxed at £8.5.10.

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Ex'c'on issued

11<sup>th</sup>. July 1760

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Gray ~~vs~~ Nason

&gt;&gt;

James Gray of Biddeford in the County of York Yeoman Ap'lant  
~~vs~~ Benjamin Nason of said Biddeford Yeoman, Appellee, from the  
 Judgment of an Inferiour Court of Common Pleas held at York in and for  
 the

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[68r]

the County of York on the second Tuesday of July last, when and where the

Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of Trespass on the Case for that whereas the plant. on or about the twenty third day of April AD 1758 at said Biddeford, was possessed of ten thousand feet of good Merchantable pine Boards of the Value of twenty pounds lawful Money, as of his own proper Goods and Chattles, and being so thereof possessed, the same Boards afterwards on or about the same twenty third day of April aforesaid, at said Biddeford out of his hands and Possession Casually lost; which Boards Afterwards Viz. on or about the same twenty third day of April aforesaid, at said Biddeford came to the hands and Possession of the said Benjamin by finding: Yet the said Benjamin Altho' he well knew the said Boards to be the property of the plant, and of Right to him to belong and appertain hath not delivered the said Boards to the plant, tho' Often thereto Requested. but contriving and fraudulently intending to wrong and Injure the plant in this particular; Afterwards viz. on or about the same twenty third day of April aforesaid, at Biddeford, the said Benjamin Converted and disposed of the same Boards to his own use; to the damage of the said James, as he saith, the sum of thirty pounds; At which said Inferiour Court Judgment was Rendred, that the said Benjamin Nason shou'd Recover against the said James Gray the sum of One pound six shillings and five pence Cost of Suit. Both Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs: It's therefore Considered by the Court that the said Benjamin Nason Recover against the said James Gray Costs, taxed at £.

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Lady Mary Pepperell Exc<sup>x</sup> vs Hought.

&gt;&gt;

Lady Mary Pepperell of Kittery in the County of York Widow, sole acting Executrix of the last Testament of Sir William Pepperell late of Kittery Aforesaid Baronet dec<sup>'ed</sup> Appellant vs William Hight of Berwick [<sup>in</sup>] the same County Shopkeeper Appellee, from the Judgment of an Inferiour Court of Common Pleas held at York in and for the County of York on the first Tuesday of January last, when the Appellant was plant, and the Appellee,

was def't, In a plea of the Case, for that whereas the said William Hight at Berwick Aforesaid, on the sixteenth day of November 1755. by his promise=sary Note of that date by him then and there signed by the Name of William Hight, promised to pay to one Solomon Goodwin, or his order, the sum of fifty four pounds Nine shillings Lawful Money, at, or, before, the

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[68v]

the first day of November then next ensuing the date of said Note, it being for value Received by him the said William Hight, and afterwards viz. on the 20<sup>th</sup> day of July AD 1756. the said sum of fifty four pounds and nine shillings being unpaid. and before the time appointed for payment of the same Note. the said Solomon Goodwin by his indorsement upon the same Note, by him, then and there signed, for Value Rec'd: Ordered the payment of the said sum of fifty four pounds. and nine shillings to the plants [<sup>s</sup>d: Testator<sup>^</sup>], of which the said William Hight at Berwick Aforesaid. on the same twentyeth day of July 1756. had Notice and became liable to pay the said Sum to the plan't's sd: Test. and being so thereof liable, in Consideration thereof then and there promised to pay the said sum to the plant<sup>s</sup>. Testator as afores<sup>d</sup>: at the time in the said Note mentioned for payment of the same, which time is long since passed. but the said William Hight hath not paid the said sum to the plant 'tho thereto Requested but Refuses to pay it. To the damage of plant eighty pounds; At which said Inferiour Court Judgment was Rendred, that the said William Hight shou'd Recover against the Goods or Estate of Sir William Pepperell dec'ed, in the hands and under the Administration of Lady Mary Pepperell Executrix as aforesaid Cost of Court. Both parties now appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs: It's therefore Considered by the Court that the said William Hight Recover against the Estate of the said sir William Pepperell dec'ed in the hands and under the Administration of the said Lady Mary Pepperell Execut<sup>x</sup>..

as aforesaid, Costs taxed at £4.19.3

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Ex'c'on issued

1<sup>st</sup>. Aug<sup>s</sup>. 1760

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Butler et al ~~vs~~ Frost et al

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Samuel Butler, and Thomas Butler both of Berwick in the County of York Husbandmen, and Mehitable Butler and Mercy Butler both of s<sup>d</sup>: Berwick Widows, Appellants ~~vs~~ William Frost of said Berwick Gentleman and Love his Wife in her Right Appellee's from the Judgment of an Inferiour Court of Common Pleas held at York within and for the County of York on the First Tuesday of April last, when and where the Appellee's were Plaintiffs and the Appellant's were defendants, In a plea of Ejectment, wherein they demand against the deft's.. one fifth part of sixty Acres of land more or less, situate in Berwick aforesaid near a place [^called^] Quamphegon bounded on the west in part by the high way and in part by Lands heretofore of William Lord, now in possession of Tilly Higgins

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[69r]

Higgins, and on the North by the highway in part, and partly by a small lot of Thomas Abbot, and on the East by land now in Possession of said Higgins, and on the South by the Lands of Humphrey Chadburn Esq<sup>r</sup>. in part, and in part by said Higgins; with the Buildings and Appurtenances, which the plant<sup>s</sup>. Claim as the Right and Inheritance of the said Love in fee, & say that her father Thomas Butler late of Berwick Aforesaid Yeoman deceased Intestate, was in his life time seized of the said sixty Acres, more or less bounded as aforesaid, in his demesne as of fee, and being so seized

thereof some time in the year of our Lord 1747. died so seized thereof Intestate, leaving lawful Issue Thomas Butler and Moses Butler his sons, and Elizabeth Goodwin (the Wife of Thomas Goodwin), and the said Love his Daughters his Children and Next of 'kin to whom the same descended, by the Law of y<sup>e</sup> province of the Massachusetts Bay aforesaid, in such cases provided Viz. to the said Thomas two fifth parts thereof, And to the s<sup>d</sup>: Moses, Elizabeth, and Love, each one fifth part thereof; and the plant<sup>s</sup>: ought to Recover Possession of one fifth part thereof in Right of the said Love accordingly. Yet the def<sup>s</sup>. have Illegally entered and withhold the same from the plant<sup>s</sup>. To the damage of the said William Frost and Love Frost, as they say the sum of two hundred pounds; At which said Inferiour Court Judgment was Rendered, that the said William Frost and Love his Wife, shou'd Recover against the said Samuel Butler, Thomas Butler, Mehitable Butler, and Mercy Butler, one fifth part of fifteen Acres of the Weste[<sup>r</sup>]most part of the Land sued for, and Cost of Court. Both Parties Appeared, And Agreed (in Court) that the Appellants shall within one Month from this time (July 7<sup>th</sup>;) give the Appellees security to pay them thirty three pounds six shillings & 8<sup>d</sup>., Lawful Money with Interest, in one year from this time, And That the Appellees shall in Consideration thereof execute to the Appellants, in one month from this time, a good Deed of Release of all the Appellees Right and demand to the whole tract of land and buildings described in the Writ as aforesaid; And that the Appellants shall pay Costs.

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Waldo ~~vs~~ Bangs

&gt;&gt;

Francis Waldo of Falmouth in the County of York Esq<sup>r</sup>: Appellant ~~vs~~ Joshua Bangs of said Falmouth Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Falmouth in and for said County, on the first Tuesday of October last, when and where the Ap'lee was plan't and the Appellant was defendant, In a plea of the Case for that the def<sup>t</sup>. at Falmouth Aforesaid, on the fourth day of December AD 1753 owing

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[69v]

owing the plant, sixteen pounds eight shillings, Lawful Money according to the Account annexed to the Writ, promised to pay the same to him on demand; And Also for that the def<sup>t</sup>. there, afterwards on the twelfth day of April AD 1759 in Consideration that the plant had before that time there, at the defendt<sup>s</sup>. special Instance and Request provided for Henry Wallis and his Wife, meat Drink washing and Lodging, other ten Weeks besides the ten weeks mentioned, in the Account Annexed, to the Writ; promised him the said plant to pay him such further sum of Money as he Reasonably deserved to have for the same, Now the plant avers that he Reasonably deserved to have and receive therefor, the further sum of sixteen pounds ten shillings, Lawful Money. And Also for that the def<sup>t</sup>. there. Afterwards on the same day in Consideration that the plant had before that time there, at the def<sup>t</sup><sup>s</sup>. special Instance and Request provided, for one John Wimble and his Wife, and Children, other Entertainment, for the space of three Weeks, besides the Entertainment in the Account annexed, to the Writ; mentioned. promised to pay him the plant as much more Money therefor, as the same was Reasonably worth, and as the plant deserved to have on demand. Now the plant avers that the same was Reasonably worth, and he Reasonably deserves to have therefor, the further sum of three pounds; Yet the def<sup>t</sup>. tho' Requested hath not paid the sums Aforesaid, nor either of them but Neglects it. To the damage of the said Joshua, as he says, the sum of Fifty pounds; At which said Inferiour Court Judgment was Rendered, that the said Joshua Bangs shou'd Recover against the said Francis Waldo the sum of ten pounds four shillings, Money damage, and Cost of Court. Both Parties Appeared, and the Case. After a full hearing was Committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment, and Costs. It's therefore Considered by the Court That the former. Judgment be Reversed, and that the said Francis Waldo Recover against the said Joshua Bangs, Costs taxed at £4.14.6.



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Ex'c'on issued

Sept<sup>r</sup>. 20<sup>th</sup>. 1760.

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Pennell ~~vs~~ Small jun<sup>r</sup>..

&gt;&gt;

Thomas Pennell of Falmouth in the County of [^York^] Shipwright  
 Plaintiff ~~vs~~ Samuel Small jun<sup>r</sup>: of Scarborough in the same County,  
 Yeoman defendant' In a plea of Review of a plea of Ejectment &C<sup>a</sup>; (as  
 in the Writ [^of review^], on file, tested the twenty second day of February last; at large  
 Appears). The Parties Appearing, The plaintiff pray's leave to discontinue  
 this

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Image 095-Right

70.

[70r]

this Suit, and it is granted: And the def<sup>t</sup>.. pray'd for Costs. It's thereupon Considered  
 by the Court that the said Samuel Small jun<sup>r</sup>. Recover against the said  
 Thomas Pennell Costs, taxed at £

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Plaisted et al ~~vs~~ Lord

&gt;&gt;

Ichabod Plaisted of Salem in the County of Essex Esq<sup>r</sup>.., John Hirst  
 late of Boston in the County of Suffolk, since of London in the County of  
 Middlesex in Great Britain Merchant, Edmund Quincy of Portsmouth  
 in the province of New Hampshire Merchant and Anne his Wife in her Right,  
 and Olive Hirst of said Portsmouth Singlewoman spinster Plaintiffs ~~vs~~  
 Mary Lord of Berwick in the same County Widow defendant, In a plea of  
 Review of a plea of Ejectment, commenced at an Inferiour Court of Com'on  
 Pleas held at York on the first Tuesday of April AD 1756. by the plant<sup>s</sup>. in

this Writ of Review, against the said Mary, and one Joseph Lord, and Jabez Lord, but prosecuted at an Inferiour Court of Common pleas held at said York the second Tuesday of July AD 1756. by said Plant<sup>s</sup>. against the said Mary (who undertook and was Admitted by the same Court Solely to defend in the said Action of Ejectment) in the words follow:<sup>g</sup>  
 Viz<sup>t</sup>: “In a plea of Ejectment wherein the plan<sup>t</sup><sup>s</sup>. demand against  
 "the deft' the Possession of a tract or parcel of land in Berwick Aforesaid,  
 "Containing twenty Acres, or be the same more or less, bounded towit,  
 "beginning at the Northwesterly Corner of lands Called James Frost's  
 "Land at Beach hill, and Running North North West fifty six poles, then  
 "West by South forty four poles, then south by East seventy four poles, then  
 "North East by East sixty poles, to the first Station, bounded on the North=  
 ":easterly side by the high way that leads towards Blackbery Hill, And on  
 "the southeasterly side by Lands lately called James Frost's land, and on  
 "the Northwesterly and southerly sides by Lands late of Samuel Plaisted  
 "late of Berwick Aforesaid Esq<sup>r</sup>.. dec'd, however the same is Reputed to be  
 "bounded. which twenty Acres of land more or less, so bounded, the plant<sup>s</sup>.  
 "claim as their Right and Inheritance in fee of the said Ichabod Plaisted,  
 "John Hirst, Anne Quincy, and Olive Hirst, for that the aforementioned  
 "Samuel Plaisted Esq<sup>r</sup>., was in his life time; namely in the Year 1728.  
 "Seized of the same with other his lands in Berwick aforesaid, in  
 "fee; taking the profits thereof to the Value of One hundred pounds a  
 "Year, and in or about the same Year of our Lord 1728. one Richard  
 "Lord Unjustly entered upon the twenty Acres Aforesaid, and  
 "disseised the said Samuel Plaisted Esq<sup>r</sup>.. of the same and Afterwards  
 the

<duplicates previous>

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[70v]

"the said Samuel Plaisted died in or about the Year 1732, Intestate and  
 "without Issue, not having reEntered into the premisses nor any ways

"Released or Conveyed this his Right to the same. And the plant<sup>s</sup>. in fact say  
 "that the said Ichabod Plaisted the plant, is Brother to the said Samuel, and  
 "the said John Hirst, Anne Quincy, and Olive Hirst, are Children of Mary  
 "Hirst dec'd who was sister of the said Samuel, all heirs of the said Sam<sup>el</sup>..  
 "Plaisted Esq<sup>r</sup>. dec'd, and as heirs as aforesaid, the plant<sup>s</sup>. in their Right  
 "aforesaid claim and demand the said twenty Acres of land more or less  
 "with the Appurtenances as their Right and Inheritance in fee, and into which  
 "the deft<sup>s</sup>. have no Entry but After the Disseison which the said Richard Lord  
 "made against the said Samuel Plaisted within thirty Years last past; Yet  
 "they unjustly hold the Possession of the same, from the plant<sup>s</sup>. to the damage  
 "of the said Ichabod Plaisted, and John Hirst, Edmund Quincy and Anne  
 "his Wife, and Olive Hirst, as they say, the sum of two hundred pounds"; At  
 which same Inferiour Court Judgment was Rendred, that the s<sup>d</sup>: Ichabod,  
 John Hirst, Edmund Quincy and Anne his Wife, and Olive should Recover  
 against the said Mary, the premisses sued for, and Cost of Court, from w<sup>ch</sup>:  
 Judgment the said Mary Appealed to our Superiour Court of Judicature Court  
 &C<sup>a</sup>: held at York in and for said County of York on the third Tuesday of  
 June AD 1757. from which Court said Appeal was Continued to our Superiour  
 Court of Judicature &C<sup>a</sup>.. held at York in and for said County of York, on  
 the third Tuesday of June AD 1758. when and where Judgment was  
 Rendered that the former Judgment be Reversed, and that the said  
 Mary Lord Recover against the said Ichabod Plaisted, John Hirst,  
 Edmund Quincy and Anne his Wife, and Olive Hirst Cost of Courts  
 taxed at Nine pounds 16<sup>s</sup>/8<sup>d</sup>; Which same Judgment the said Plant<sup>s</sup>.  
 say is wrong and Erroneous, and that they are thereby damnified  
 the sum of two hundred and twenty pounds, as shall then and there  
 be made to appear. Wherefore for Reversing the same Judgment and  
 Recovering back from the said Mary the same Costs; and for Recovering  
 Judgment against her, for the premisses sued for, and Costs of Courts;  
 they the plant<sup>s</sup>. (in this Writ) bring this suit. Both Parties Appeared,  
 and the said Mary (by Edmund Trowbridge Esq<sup>r</sup>: her Attorney) comes  
 and Defends, and says That the last Judgment afores<sup>d</sup>: is in Nothing  
 erroneous; whereon Issue was Joined, and the Case After a full hearing  
 was Committed to a Jury sworn according to Law to try the same, who

Returned their Verdict therein upon Oath, that is to say, they find  
for the defendant Costs. It's therefore Considered by the Court That  
the

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Image 097-Right

71.

[71r]

the said Mary Lord Recover against the said Ichabod Plaisted, John Hirst  
Edmund Quincy and Anne his Wife, and Olive Hirst, Costs taxed  
at £.

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Brimhall ~~vs~~ Brackett

>>

Joshua Brimhall of Falmouth in the County of York Cloathier A pla'nt  
~~vs~~ Anthony Brackett of said Falmouth Yeoman Appellee, from the Judgm<sup>t</sup>..  
of an Inferiour Court Of Common Pleas held at Falmouth in and  
for the County of York on the first Tuesday of October last, when and  
where the Appellant was plaintiff and the Appellee was defendant  
In a plea of Ejectment wherein the said Joshua demands against the s<sup>d</sup>:  
Anthony the Possession of two fifths and one half fifth, of twenty Acres of  
Upland and sixteen Acres of Saltmarsh or Meadow or thereabouts, situate  
in the Town of Falmouth aforesaid, the whole bounded as follows Viz<sup>t</sup>: Easterly  
on the Road leading from the Neck to back Cove Northerly on a Creek which is  
one of the Boundaries of Moses Pearsons Esq<sup>r</sup>.. farm formerly Ann Mittens and so  
up said Creek to the head thereof westerly on land in Possession of M<sup>r</sup>.. Thomas  
Thomas, Southerly on land in Possession of said Thomas Tomes, John Thomas Jun<sup>r</sup>..  
Joseph Quinby, Edward Chapman, and Doctor Nathaniel Coffin till it  
comes to the Road that leads from Stroudwater to the Neck and then by said  
Road last mentioned till it meets with the said Road leading from the  
Neck to back cove; and the said Joshua says that he in time of peace in our  
Reign within twenty years last past, was seized of the premisses demand=  
ed in his demesne as of fee by taking the profits thereof to the Value of

forty shillings a year, and being so seized, the def<sup>t</sup>.. Afterwards entered on the premisses and without Judgment unjustly disseized him thereof, and ever since hath and now doth with hold the possession thereof from him, To the damage of the said Joshua Brimhall (as he saith) the sum of two hundred pounds; At which said Inferiour Court Judgm<sup>t</sup> was Rendered, that the said Anthony Brackett shou'd Recover against the s<sup>d</sup>: Joshua Brimhall the sum of Five pounds eleven shillings, Costs of Suit. Both Parties now appeared, and the Case, After a full hearing, was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the Appellee Costs. It's therefore Considered by the Court that the said Anthony Brackett Recover against the said Joshua Brimhall Costs taxed at £10.3.8½

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Ex'c'on issued

25<sup>th</sup>: Aug: 1760.

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Rolf ~~vs~~ Cummings et Uxor Exc<sup>x</sup>.

&gt;&gt;

Samuel Rolf of a New Settlement called Narragansett N<sup>o</sup>: 1. within said

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[71v]

said County of York Husbandman Appellant ~~vs~~ Donald Cummings of Biddeford in said County Physician, and Elizabeth his Wife Executrix of the last Will and Testament of William Cole late of said Biddeford Yeoman deceased Appellee, from the Judgment of an Inferiour Court of Common Pleas held at York in and for the County of York on the first Tuesday of April last, when and where the Appellee's were plant<sup>s</sup>. and the Appell<sup>t</sup>. was defendant, In a plea of the Case, for that the defendant on the 17<sup>th</sup>. day of November 1752, by his promisory Note under this hand of that date, for Value

Rec'd, at Narragansett aforesaid; promised to pay to the said William (then in life) the sum of ten pounds Lawful Money on demand, with Lawful Interest till paid; Yet the def. tho' Requested, did not pay the same in the life time, of the said William, nor hath he since the decease of the said William paid the same nor any part thereof, to the Plant<sup>s</sup>. nor to either of them, tho' Often Requested, but hath and still doth Refuse to pay the same, To the damage of the said Donald and Elizabeth in their said Capacity, as they say the sum of twenty pounds; At which said Inferiour Court Judgment was Rendred, upon the demurer there, that the said Donald Cummings, and Elizabeth his Wife in said Capacity; shou'd Recover against the said samuel Rolf the sum of fourteen pounds Nine shillings Money damage and the sum of two pounds twelve shill<sup>s</sup>.. and two pence Cost of Suit. The Parties Appeared, and the Demurer afores<sup>d</sup>: being wav'd by their Consent: the def<sup>t</sup>.. (by W<sup>m</sup>.. Parker Esq<sup>r</sup>.. his Attorney) says he never promised in manner and form as the pl<sup>ts</sup>. declare, and thereof put himself upon the County. upon which, Issue being Joined, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath. That is to say they find for the Appellant Reversion of the former Judgment, and Costs. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Samuel Rolf Recover against the Estate of the said William Cole dec'd, in the hands of the said Donald Cummings and Elizabeth his Wife Executrix as aforesaid, Costs taxed at £7.7.3

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Ex'c'on issued

15<sup>th</sup>: sept<sup>r</sup>: 1760.

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Staple ~~vs~~ Goodwin

&gt;&gt;

Joseph Staple Appellant ~~vs~~ Ichabod Goodwin Appellee

Neither Party Appeared.

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Same vs y<sup>e</sup>. same

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Joseph Staple of Kittery in the County of York Taylor Plaintiff vs  
Ichabod

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72.

[72r]

Ichabod Goodwin of Berwick in the same County Gentleman defendant, In a  
Plea of Review of a plea of Trespass on the Case, Commenced and prosecuted at  
an Inferiour Court of Common Pleas held at York within and for s<sup>d</sup>.. County,  
on the first Tuesday of April AD 1758. by the said Joseph against the said  
Ichabod in the words following viz. "In a plea of Trespass on the Case for that  
"whereas the said Ichabod at Kittery aforesaid, on the last day of March 1756.  
"being Indebted to the plant in the sum of Forty six pounds eighteen shillings,  
"and nine pence, Lawful Money for Value Rece'd, according to the Annexed  
"Account, and to Ballance the same; then and there in Consideration  
"thereof, promised to pay the said sum to the plant on demand. And Also  
"for that the said Ichabod at Kittery aforesaid, on the last day of March afores<sup>d</sup>:  
"in Consideration of Four Hogsheads of Rum and sundry other Goods and  
"merchandize which the Plant had before that time supplied the def<sup>t</sup>.. w<sup>th</sup>:  
"an Account whereof is hereto Annexed; he the def<sup>t</sup>.. then and there  
"promised the plan't to pay him for the same so much Money as the same  
"was Reasonably worth, and the plant saith the said Rum and other  
"Goods and Merchandize was Reasonably worth Eighty Nine pounds Lawful  
"Money, Yet the def<sup>t</sup>.. hath not paid either of said sums to the plant (tho' often  
"Requested) but Neglects and Refuses to pay the same. To the damage of the s<sup>d</sup>:  
"Joseph (as he saith) the sum of two hundred Pounds," At which said Inf<sup>r</sup>..  
Court Judgment was Rendered, that the said Joseph Staple shou'd Recover  
against the said Ichabod Goodwin the sum of Forty five pounds five  
shillings and seven pence farthing, Money Damage and Cost of Court  
taxed at Four pounds, and three pence; from which Judgment the s<sup>d</sup>:

Ichabod Appealed to our Superiour Court of Judicature Court of Assize and General Goal Delivery, held at York within and for the County, of York on the third Tuesday of June AD 1758. when and where the Parties Appeared; and upon the Appellants agreeing to pay the Apl'ee Interest from that time, upon what he shou'd Recover in that Action, said Appeal was Continued to our Superiour Court of Judicature &C<sup>a</sup>: held at said York for said County, on the third Tuesday of June last, (by Consent of both Parties) when and where Judgment was Rendred that the former Judgment be Reversed, and that the said Ichabod Goodwin Recover against the said Joseph Staple Costs, taxed at six pounds sixteen shillings and nine pounds; which same Judgment the said Joseph says is wrong and Erroneous and that he is thereby damnified the sum of two hundred and twenty pounds; as shall then and there be made to Appear, Wherefore for Reversing the last Mentioned Judgment, and Recovering

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[72v]

Recovering back from the said Ichabod the said Costs, and for Recovering Judgment against him, the said Ichabod for the sum of two hundred Pounds (the Damage, laid in the original Writ) and Costs of Courts; he the said Joseph brings this Suit. The Parties Appeared and the said Ichabod (by James Otis Esq<sup>r</sup>: his Attorney) said that the last Recited Judgment is in nothing Erroneous, and of this put &C<sup>a</sup>. upon which, Issue being Joined, the Case, After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Plaintiff Reversion of the former Judgment Restitution of the Costs recovered thereby being £6.18.3d: Also forty six pounds eight [x] shillings and eight pence. money damage, and Costs of Courts. It's therefore Considered by the Court that the former Judgment be Reversed, And that the said Joseph Staple Recover against the said Ichabod Goodwin, Restitution of the Costs Recovered, by the said Goodwin against him on the appeal, being Six pounds 18/3d. And Also the sum of Forty six pounds eight shillings and eight pence Lawful Money of this Province Dam<sup>a</sup>..



and Costs of Courts taxed at £22.1.7½. including s<sup>d</sup> sum of £6.18.3.

N:B. Judgment is also here entred for £1.7.2. for Interest as p<sup>r</sup>: Agreement in June term 1758.

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Ex'c'on issued

9<sup>th</sup>: Aug: 1760.

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Pepperell Exc vs Rich & Goodwin

>>

Lady Mary Pepperell of Kittery in the County of York Widow, as she is Executrix of the last Will and Testament of Sir William Pepperell late of the same Kittery Baronet dec'ed Complainant ~~vs~~ Paul Goodwin Labourer, and Peter Rich Yeoman, both of Wells in the same County; The Compl<sup>t</sup>: shew'd that at an Inferiour Court of Common Pleas held at York in and for the County of York on the first Tuesday of January last, she Recovered Judgment against them for the sum of £58.11.9 Lawful Money dam<sup>a</sup>..., and Costs of Suit; from which Judgment the said Paul, and peter Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>: pray'd Affirmation of said Judgment with Additional Interest and Costs.

It's therefore Considered by the Court that the said, Lady, Mary Pepperell Recover against the said Paul Goodwin, and Peter Rich, the sum of Sixty pounds three shillings and nine pence Lawful Money of this Province Damage, and Costs [<sup>^</sup>taxed<sup>^</sup>] at £3.14.3

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Ex'c'on issued

11<sup>th</sup>. July 1760

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<<

Gillpatrick ~~vs~~ Smith

>>

Thomas Gillpatrick jun<sup>r</sup> of Biddeford in the County of York

Blacksmith Complainant ~~vs~~ Daniel Smith of Arundell in the same County Coaster; The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common

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73.

[73r]

Common Pleas held at York in and for the County of York on the second Tuesday of July las,t he Recovered Judgment against the said Daniel for the sum of £9.3.4 Lawful Money damage, and Costs of Suit. from which Judgm<sup>t</sup>.. the said Daniel appealed to this Court and Recogniz'd with Sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Thomas Gillpatrick Recover against the said Daniel Smith the sum of Nine pounds three shillings and four pence Lawful Money of this Province damage, and Costs taxed at £4.19.11

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Ex'c'on issued

29<sup>th</sup>: Aug: 1760.

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Scammon ~~vs~~ Nason

>>

Samuel Scammon of Biddeford in the County of York Yeoman Complainant ~~vs~~ Benjamin Nason of said Biddeford Yeoman, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at York in and for the County of York on the first Tuesday of January last, he Recovered Judgment against the said Benjamin for the sum of £7.0.5 Lawful Money damage, and Costs of Suit. from which Judgment the said Benj<sup>a</sup>.. Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>:

pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Samuel Scammon Recover against the said Benjamin Nason the sum of Seven pounds and five pence Lawful Money of this Province Damage, and Costs taxed at £4.4.4

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Ex'c'on issued

12<sup>th</sup>. Aug<sup>st</sup>. 1760

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White Admx. ~~vs~~ Allen

>>

Eunice White of York in the County of York Widow as she is adx<sup>r</sup>.. of the Estate of Samuel White late of Biddeford in the same County Physician deceased intestate Appellant ~~vs~~ Elisha Allen of said Biddeford Innholder, Appellee, from the Judgment of an Inferiour Court of Common pleas held at York in and for the County of York on the first Tuesday of April last, when and where the Appellee was plant, and the Appellant was def<sup>t</sup>.., In a plea of the Case &C<sup>a</sup>: (as in the Writ tested the 16<sup>th</sup>: day of March AD 1759 and on file, at large Appears) At which said Inferiour Court Judgment was Rendred that the said Elisha Allen shou'd Recover against the Goods or Estate of the said Samuel White in the hands and under the Administration of the said Eunice White

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[73v]

White Administratix as aforesaid, the sum of three pounds thirteen shillings money damage, and the sum of Seven pounds Nineteen shillings and eight pence Cost of Suit. Both Parties Appeared, & the Appellant, Confessed Judgment for three pounds thirteen shillings. money damage, and two pounds ten shillings Costs: And Judgm<sup>t</sup>..

is entered Accordingly.

I Acknowledge to have Rec'd the above sums in full Satisfaction  
of this Judgment. Elisha Allen.                      Witness Sam Winthrop Cler

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White ~~vs~~ Allen

>>

Eunice White of York in the County of York Widow, as she is  
Administratrix of the Estate of her late Husband Samuel White late  
of Biddeford in the same County Physician, Complainant ~~vs~~  
Elisha Allen of said Biddeford Trader. The Compl<sup>t</sup>. shew'd that at  
an Inferiour Court of Common Pleas held at York in and for the  
County of York on the first Tuesday of January last, she Recovered  
Judgment against the said Elisha for the sum of £7.19.10 Lawful  
Money of this Province damage, and Costs of Suit. from which  
Judgment the said Elisha Appelled to this Court, and Recogniz'd  
with sureties According to Law to prosecute the same with Effect  
but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>:  
Judgment with Additional Interest and Costs. It's therefore Considered  
by the Court that the said Eunice White Administratrix as  
aforesaid; Recover against the said Elisha Allen the sum of Eight  
pounds four shillings and six pence Lawful Money of this  
Province damage, and £6.1.8<sup>d</sup>: Costs.

I Acknowledge to have Received the above sums in full satisfaction  
of this Judgment. s Livermore Atty to E White.                      Witness Sam Winthrop Cler.

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Butler ~~vs~~ Abot

>>

Moses Butler and Thomas Butler both of Berwick in the County  
of York Husbandmen, Executors of the last Will and Testament of Capn. Moses  
Butler late of Berwick aforesaid dec'ed Complainants, ~~vs~~ William Abbot  
of said Berwick Husbandman. The Compl<sup>t</sup>'s. shew'd that at an Inferiour  
Court of Common Pleas held at York in and for the County of York on

the first Tuesday of April last, they Recovered Judgment against the s<sup>d</sup>:  
William for the sum of £4 Lawful Money damage, and Costs  
of Suit. from which Judgment the said William Appealed to this Court, &  
Recogniz'd

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74.

[74r]

Recogniz'd with sureties according to Law to prosecute the same with Effect, but  
fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
with Additional Costs. It's therefore Considered by the Court that the s<sup>d</sup>:  
Moses Butle,r and Thomas Butler Axecutors as aforesaid Recover against  
the said William Abbot the sum of four pounds Lawful Money of this  
Province damage, and Costs at £6.1.5

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Ex'c'on issued

5<sup>th</sup>.. Jan'y 1761.

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Davis ~~vs~~ Nason

>>

Timothy Davis of Northyarmouth in the County of York Joiner Compl<sup>t</sup>..  
~~vs~~ Benjamin Nason of Biddeford in the same County Yeoman. The Compl<sup>t</sup>.  
Shew'd that an Inferiour Court of Common Pleas held at York in and for  
the County of York on the first Tuesday of April last, he Recovered  
Judgment against the said Benjamin for the sum of £66.9.8½ dam<sup>a</sup>:  
and Costs of Suit. from which Judgment the said Benjamin Appealed to  
this Court and Recognized with sureties according to Law to prosecute  
the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. Pray'd  
Affirmation of said Judgment with Additional Interest and Costs. It's  
therefore Considered by the Court that the said Timothy Davis Recover  
against the said Benjamin Nason the sum of sixty seven pounds ten

shillings and six pence Lawful Money of this province Damage, &  
Costs, taxed at £.

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Thompson ~~vs~~ Thompson et al

&gt;&gt;

John Thompson of Scarborough in the County of York Yeoman  
Complainant ~~vs~~ Charity Thompson and Sibel Thompson both of Falmouth  
in the same County Spinsters. Children of Paul Thompson late of said  
Scarborough Yeoman dec'd Intestate, both Minors under the Age of twenty  
one years who prosecutes by Nathan Winslow of said Falmouth Yeoman  
their Grandfather, their Guardian, and Next Friend; Defendant's. The  
Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
York in and for the County of York on the first Tuesday of April last,  
he Recovered Judgment against them s<sup>d</sup>: Minors for the sum of £1.8.4  
Lawful Money [x] Costs of Suit, from which Judgment  
they Appealed to this Court and Recogniz'd with sureties according to  
Law to prosecute the same with Effect, but fail'd so to do. Wherefore  
the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Costs. It's therefore Considered by the Court that the s<sup>d</sup>: John Thompson  
Recover against the [^said^] Charity Thompson and Sibel Thompson, Costs  
taxed £3.11.1

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Ex'c'on issued

31<sup>d</sup>. Jan'y 1761

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[74v]

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Goudy ~~vs~~ Nelson

&gt;&gt;

Amos Goudy of York in the County of York Mariner Compl<sup>t</sup>. [illeg] ~~vs~~  
 John Nelson of Portsmouth in the Province of New Hampshire now resident  
 at Boston in the County of Suffolk Merchant. The Compl<sup>t</sup>. shew'd that  
 at an Inferiour Court of Common Pleas held at York in and for  
 the County of York on the first Tuesday of April last, he Recovered  
 Judgment against the said John Nelson for the sum of £125.11.9  
 Lawful Money debt, and Costs of Suit. from which Judgment the s<sup>d</sup>:  
 John Appealed to this Court and Recogniz'd with sureties according  
 to Law to prosecute the same with Effect, but fail'd so to do. Wherefore  
 the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Costs, and Interest. It's therefore Considered by the Court that the  
 said Amos Groudy Recover against the said John Nelson the sum  
 of One hundred and twenty seven pounds seven shillings and 9<sup>d</sup>.  
 Lawful Money of this Province Debt, and Costs taxed at £3.19.4

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Ex'c'on issued

6<sup>th</sup>: Aug: 1760.

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Tyler ~~vs~~ Banks

&gt;&gt;

Abraham Tyler of Scarborough in the County of York [<sup>^</sup>Gent<sup>n</sup>.<sup>^</sup>] Compl<sup>t</sup>:  
~~vs~~ Elias Banks of said Scarborough Mariner. The Compl<sup>t</sup>. Shew'd that  
 at an Inferiour Court of Common Pleas held at York in and for the  
 County of York on the second Tuesday of July last, he Recovered Judgm<sup>t</sup>.  
 against the said Elias for the Sum of £25.3.0 Lawful Money dam<sup>a</sup>..  
 and Costs. from which Judgment the said Elias Appealed to this Court  
 and Recogniz'd with sureties according to Law to prosecute the same  
 with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>: pray'd Affirm<sup>a</sup>..  
 of said Judgment with Additional Interest and Costs. It's therefore  
 Considered by the Court that the said Abraham Tyler Recover against  
 the said Elias Banks the sum of twenty six pounds Nine shillings  
 and four pence, Lawful Money of this Province Damage, and Costs.

taxed at £4.15.2

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Ex'c'on issued

20<sup>th</sup>: Sept<sup>r</sup>: 1760.

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<<

Em'erson. ~~vs~~ Libby et al

>>

Edward Emmerson of York in the County of York Taylor Compl<sup>t</sup>.  
~~vs~~ David Libby Mariner, and John Milliken Sadler both of Scarborough  
 in the same County. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
 Common Pleas held at York in and for the County of York on the  
 first Tuesday of April last, he Recovered Judgment against the said  
 David. and John for the sum of £17.0.1½ Lawful Money damage,  
 and Costs of Suit. from which Judgment the said David and John Appealed  
 to

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Image 101-Right

75.

[75r]

to this Court and Recognized with sureties according to Law to prosecute  
 the same with Effect, but fail'd so to do. Wherefore the Complainant  
 Pray'd Affirmation of said Judgment with Additional [<sup>^</sup>In<sup>t</sup>.<sup>^</sup>] et Costs. It's  
 therefore Considered by the Court, that the said Edward Emmerson  
 Recover against the said David Libby and John Milliken, the sum  
 of Seventeen pounds ten shillings and Nine pence Lawful Money  
 of this province Damage, and Costs taxed at £4.8.11

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Ex'c'on issued

15<sup>th</sup>: Aug: 1760.

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Goodwin et al ~~vs~~ Woodman

&gt;&gt;

Ichabod Goodwin of Berwick in the County of York Gentleman,  
 Complainant w<sup>th</sup>.. Humphry Scammon of Kittery in the same County,  
 Gentleman: against Joseph Woodman of a place called Narragansett  
 Number one, lying at the head of Biddeford on the Easterly side of  
 Sacow River in said County Gentleman. The Compl<sup>ts</sup>: shew'd that at  
 an Inferiour Court of Common Pleas held at York in and for the  
 County of York on the first Tuesday of April last, they Recovered  
 Judgment against the said Joseph for the sum of £42.0.8 Lawful Money  
 Damage, and Costs of Suit. from which Judgment the said Joseph Appealed  
 to this Court, and Recogniz'd with sureties according to Law to  
 prosecute the same with Effect, but fail'd so to do. Wherefore the  
 Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Interest  
 and Costs. It's therefore Considered by the Court that the said Ichabod  
 Goodwin, and Humphry Scammon, Recover against the said Joseph  
 Woodman the sum of forty two pounds ten shillings and ten pence,  
 Lawful Money of this province Damage, and Costs taxed at £4.6.11.

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Ex'c'on issued

28<sup>th</sup>: Nov<sup>r</sup>: 1760.

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Bayley ~~vs~~ Harford

&gt;&gt;

Robert Bayley of Northyarmouth in the County of York Husbandman  
 Compl<sup>ts</sup>: ~~vs~~ Benjamin Harford of Scarborough in the same County,  
 Labourer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Com'on  
 Pleas held at York in and for the County of York, on the first Tuesday  
 of January last, he Recovered Judgment against the said Benj<sup>a</sup>..  
 for the sum of £89.15.6 Lawful Money Damage, and Costs of  
 Suit. from which Judgment the said Benjamin Appealed to

this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Interest, and Costs. It's therefore Considered by the Court that the said Robert Bayley Recover against the said Benjamin Harford

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[75v]

Harford the sum of Ninety one pounds ten shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £6.8.6

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Ex'c'on issued

25<sup>th</sup>: Aug. 1760.

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<<

Tate ~~vs~~ Gerrish

>>

George Tate of Falmouth in the County of York Merchant Compl<sup>t</sup>..  
~~vs~~ Charles Gerrish of said Falmouth Gentleman. The Compl<sup>t</sup>.. Shew'd that at an Inferiour Court of Common Pleas held at Falm<sup>o</sup>: in and for the County of York on the first Tuesday of October last. he Recovered Judgment against the said Charles for the sum of £16.12.8 Law<sup>l</sup>..  
 Money damage, and Costs of Suit. from which Judgment the said Charles Appealed to this Court. and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs. It's therefore Considered by the Court that the said George Tate Recover against the said Charles Gerrish, the sum of Seventeen pounds, seven shillings Lawful Money of this Province, damage, and Costs taxed at £

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Maxwell ~~vs~~ Bangs

&gt;&gt;

James Maxwell of Falmouth in the County of York Yeoman,  
 And Lydia Welch of s<sup>d</sup>: Falmouth Widow, Administrators, on the Estate of  
 George Welch late of said Falmouth Yeoman dec<sup>'</sup>ed Complainants,  
~~vs~~ Joshua Bangs of said Falmouth Gentleman. The Compl<sup>ts</sup>.. Shew'd  
 that at an Inferiour Court of Common Pleas held at Falm<sup>o</sup>: in and  
 the County of York on the First Tuesday of October last, they Recovered  
 Judgment against the said Joshua for the sum of £19.16.0 Lawful  
 Money damage, and Costs of Suit. from which Judgment the said  
 Joshua Appealed to this Court, and Recogniz'd with sureties according  
 to Law to prosecute the same with Effect, but fail'd so to do. Wherefore  
 the Compl<sup>ts</sup>.. pray'd Affirmation of said Judgment with Additional Interest  
 and Costs. It's therefore Considered by the Court that the said James  
 Maxwell, and Lydia Welch Adm'ors as aforesaid, Recover against the said  
 Joshua Bangs the sum of twenty pounds thirteen shillings Lawful  
 Money of this Province damage, and Costs taxed at £3.17.10

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Ex'c'on issued

13<sup>th</sup>: Sept<sup>r</sup>: 1760.

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Small ~~vs~~ Woodman

&gt;&gt;

Samuel Small of Scarborough in the County of York Yeoman  
 Compl<sup>t</sup>..

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76.

[76r]

Complainant *vs* Joseph Woodman of a New settlement called Narragansett N<sup>o</sup>: 1.  
 within said County, Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour  
 Court of Common Pleas held at York in and for the County of York,  
 on the first Tuesday of April last, he Recovered Judgment against the  
 said Joseph for the sum of £3.6.8 Lawful Money damage, and Costs  
 of Suit. from which Judgment the said Joseph Appealed to this Court.  
 and Recogniz'd with Sureties according to Law to prosecute the same with  
 Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>:  
 Judgment with Additional Costs. It's therefore Considered by the Court  
 that the said Samuel Small Recover against the said Joseph Woodman  
 the sum of three pounds seven shillings and eight pence Lawful  
 Money of this province Damage, and Costs taxed at £4.9.6

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Ex'c'on issued

3<sup>d</sup>: Sept<sup>r</sup>: 1760.

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Thompson *vs* Hill

&gt;&gt;

John Thompson of Scarborough in the County of York Husbandman  
 Complainant *vs* Joseph Hill of said Scarborough Cordwainer. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at York in  
 and for the County of York on the first Tuesday of January last, he  
 Recovered Judgment against the said Joseph for the sum of £7.14.6  
 Lawful Money of this Province damage, and Costs of Suit. from which  
 Judgment the said Joseph Appealed to this Court and Recognized  
 with sureties according to Law to prosecute the same with Effect, but  
 fail'd so to do: Wherefore the Compl<sup>t</sup>: pray'd Affirmation of said Judgm<sup>t</sup>:  
 with Additional Interest and Costs. It's therefore Considered by  
 the Court that the said John Thompson Recover against the said  
 Joseph Hill the sum of Seven pounds eighteen shillings and six pence  
 Lawful Money of this province Damage, and Costs taxed at £4.13.4

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Ex'c'on issued

25<sup>th</sup>. Aug: 1760.

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Order on Deering's Petition.

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Upon Reading the Petition of Anna Dearing Widow, and Administratrix of the Estate of John Dearing late of Kittery in said County Shipwright dec'd. Wherein the Petitioner shew'd That the said Estate under her Administration was apprizd as follows. The Real Estate at the sum of £223.17.4. The Personal Estate was valued at £47.19.0. out of which the Hon'ble the Judge of Probate has allow'd the petitioner as Necessary for upholding Life of her Self and Children £27.11.3. And her Account of administration and support of the Young Children of her Intestate amounts to £51.5.6. And the Account of Claims bro't against said Estate

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[76v]

Estate which Remain unpaid amount £60. & 3<sup>d</sup>. Which Account's and Necessaries amount to Ninety one pounds seventeen shillings more than the personal Estate, as appears by the Registry. The Petitioner therefore pray'd this Court to gant her Licence in her said Capacity to sell so much of the Real Estate of her said Intestate, as shou'd be sufficient to discharge the Claims abovesaid. Ordered that the Prayer of this Petition be Granted. and that the said Anna Dearing (in her said Capacity) be and hereby is Impowered to make Sale of the said deceased's Real Estate, for the Ends aforesaid, as pray'd for. And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, (of the Produce thereof) as the Law directs.

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Order on Morgaridge's Petition

&gt;&gt;

Upon Reading the Petition of Benjamin Mogaridge Adm'or  
of the Estate of John Larrabees late of Northyarmouth in s<sup>d</sup>: County  
dec'ed, Wherein the Petitioner Shew'd. that the Necessaries for up=  
holding of Life Allow'd the Widow of said Dec'ed, with the Charges  
of Administration, Debts paid. and yet due from said Estate.  
amount to the Sum of One hundred sixty five pounds ten shillings and  
six pence; And that the personal Estate of the said Deceased, together  
with the proceeds of the Lands sold by licence of this Court, amounts  
to One hundred and thirty three pounds fifteen shillings and six  
pence. so that it appears by the Registers Certificate on file, that the  
personal Estate and Lands sold as abovesaid will not discharge the  
said Account, but falls short the sum of thirty one pounds fifteen  
shillings. The Petitioner therefore pray'd this Court to grant him  
Licence, in his said Capacity, to sell so much of the said dec'eds Real Estate  
as wou'd be sufficient to discharge the Remainder of the s<sup>d</sup>: Dec'ed's Debts,  
above=mentioned. Ordered that the Praper of this Petition be Granted  
and that the said Benjamin Mogaridge (in his said Capacity) be and  
hereby is Impowered to make Sale of thirty five pounds worth of the  
said Deceased's Real Estate, for the Ends Aforesaid (such as will be  
least prejudicial to the whole) as pray'd for. and to pass and Execute  
a good Deed or Deeds in the Law for Conveyance thereof. the Petitio<sup>r</sup>:  
to post up Notifications thirty days before the Sale, and Account with  
the Judge of Probate, for said County as the Law directs.

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[77r]

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Order on Strout's Pet<sup>o</sup>..

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Upon Reading the Petition of Mary Strout and Daniel Strout administrators of the Estate of Christopher Strout late of Falmouth in said County Esq<sup>r</sup>.. dec'd. Wherein the Petitioner's shew'd That the Necessaries for upholding of Life allowed to the Widow of said Intestate, with the Charges of Administration hitheto arisen, together with diverse Debts paid, and a Number of Claims made upon said Estate in the whole amount to the sum of £493.6.9¼. That the personal Estate was apprizd in the Inventory of the same, with the Credit given by the said Adm'ors, of diverse debts due to the said Estate as by their Account amounts to £243.13.9¼. which falls short of the Administration account the sum of £249.13.0 All which appears by the Registers Certificate on file. The Petitioner's therefore pray'd this Court to grant them Licence, in their said Capacity, to make Sale of so much of the said Dec'eds Real Estate, as wou'd be sufficient to Satisfy the demands aforesaid. Ordered that the Prayer of this Petition be Granted, and that the said Mary Strout, and Daniel Strout (in their Capacity aforesaid) be and hereby are Impowered to make sale of Two hundred and fifty five pounds worth of the said deceased's Real Estate for the Ends aforesaid (such as will be least prejudicial) as pray'd for. And that the Petitioners pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the Petitioners also to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs.

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Oder on Grow's Pet<sup>o</sup>..

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Upon Reading the Petition of Edward Grow Administrator of the Estate of Daniel Grow late of York aforesaid dec'd Intestate. Wherein the Petitioner shew'd that the Real Estate of said Intestate consists only of a dwelling house. wharff, warehouse and two small Lots of Land situate in York, and was Apprizd at £238.6.8. The Value of the personal Estate

by Apprizement amounts to £68.15.9. And the Petitioner's Charges of Administration, Disbursements, and Debts of the dec'd paid to diverse persons being allowed by the Judge of Probate: amounts to the sum of £159.8.8, which Appears by the Registers Certificate on file, to amount to £88.12.11 more than the personal Estate. The Petitioner therefore pray'd this Court would grant him Licence in his said Capacity to sell the whole Real Estate of the said Deceased, in Order to discharge the Debts, as well those above-mentioned, as the other Claims that

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[77v]

that are and may be brought. And that he is Ready to give Bond, that the overpluss if any be; shall be put on Interest or applied in the best Manner for the Benefit of the Intestate's Heirs. Ordered that the prayer of this Petition be Granted. and that the said Edward Grow Adm'r or as aforesd: be and hereby is Impowered to make Sale of the whole Real Estate of the said Deceased, for the Ends aforesaid; as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, of the produce thereof, as the Law directs.

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Oder on Milberry's Pet<sup>r</sup>:

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Upon Reading the Petition of Samuel Milbery jun<sup>r</sup> and Lucy his Wife, as she is Administratrix of the Estate of John Horn late of York aforesaid dec'd Intestate. Wherein the Petitioner's shew'd that the Estate of said Intestate being Represented Insolvent; which Appears to be so, by the Report of the Commissioners appointed to examine the Claims of the several Creditors and the Registers Certificate on file. And the Real Estate of the said dec'd, consisting



only of a small lot of Land, with a dwelling House thereon.

The Petitioners therefore pray'd this Court to grant them licence in their said Capacity, to sell the said dwelling House and land that so they may be enabled with the two thirds of the proceeds of the Sale, to pay the Debts of the dec'd, according to the Order and Distribution that shall be made by the Judge of Probate; And that they are Ready to give Bond with Sureties thereof, that the other third of the proceeds of the Sale, shall upon the death of the Widow, be paid to the said Creditors as the Law directs. Ordered that the prayer of this Petition be Granted, and that the said Samuel Milberry jun<sup>r</sup>: and Lucy his Wife. (in her said Capacity) be and they hereby are Impowered to make Sale of the whole of said deceased's Real Estate, for the Ends aforesaid as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner's to post up Notifications thirty days before the sale and Account with the Judge of Probate for said County (of the Produce thereof) as the Law directs.

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78.

[78r]

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Order on Hill's Pet<sup>o</sup>: }

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Upon Reading the Petition of Elisha Hill and Elizabeth Hill Administrators of the Estate of Nicholas Shapleigh jun<sup>r</sup>.. late of Kittery in said County Gentleman deceased Intestate. Wherein the Petition<sup>r</sup>'s. shew'd that since their last Application to this Court for Licence to sell so much of their said Intestates Real Estate as was Sufficient to pay the deceased's Debts as they then apprehended; they have had further demands made upon them, which did not then

Appear. That by a certificate from the Register of Probate, herewith presented and on file, it appears that the Necessaries for upholding Life Allowed to the Widow, and the Petitioner's accounts of Debts paid, and Charges of Administration hitherto arisen together with the Claims brought against said Estate not yet Satisfied, amount to the sum of two hundred forty Nine pounds four shillings and five pence. And the personal Estate of said deceased with the proceeds of the Lands sold &Ca: amount to two hundred and six pounds three shill<sup>s</sup>. and ten pence. upon which it appears that the Ballance is against said Estate; which amounts to forty three pounds, & 7<sup>d</sup>. The Petitioner's therefore pray'd this Court wou'd be pleased to grant them Licence, in their said Capacity, to sell so much of the Lands of their said Intestate as shou'd be sufficient to discharge the Debts above=mentioned, that so they may close the settlement of the same. Ordered that the prayer of this Petition be Granted. And that the said Elisha Hill and Elizabeth Hill (in their said Capacity) be and hereby are Impowered to make Sale of the said Dec'ed's Real Estate for the Ends aforesaid, as pray'd for. And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r's</sup>: to post up Notifications thirty days before the Sale, and account with the Judge of Probate for said County (of the produce thereof) as the Law directs.

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Order on Lydson's Pet<sup>o</sup>..

&gt;&gt;

The Petition of Daniel Lydson et al for Division of Land, as on file;  
llow'd,

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Order on Shaw's Pet<sup>o</sup>.

&gt;&gt;

The Petition of Samuel Shaw et al for division of land, as on file;  
Allow'd

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Upon

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[78v]

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Order on Bragdon's Pet<sup>o</sup>

&gt;&gt;

The Petition of Joseph Bragdon et al for division of land, as on file;  
Allow'd.

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Order on Freeze's Petition

&gt;&gt;

Upon Reading the Petition of George Freeze Adm'or on  
the Eastate of John Freeze late of Wells in said County dec'ed, Wherein  
the Petitioner shew'd that said Estate has been Represented insolvent,  
and it appears by a Certificate under the hand of the Probate  
Register, that the whole amount of said Estate is not sufficient  
to satisfy the claims thereto; The Petitioner therefore pray'd  
Liberty to make Sale of the Real Estate of the deceased (the  
Widows thirds excepted). Ordered that the prayer of this Petition  
be Granted, and that the said George Freeze (in his said Capacity)  
be and hereby is Impowered to make Sale of the Real Estate of  
the said Deceased, for the Ends aforesaid, as pray'd for. And to pass  
and execute a Good Deed or Deeds in the Law for Conveyance  
thereof, the petitioner to post up Notifications thirty days before  
the sale, and Account with the Judge of Probate for said County,  
(of the produce thereof) as the Law directs.

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Adjournment of the Court.

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York July 7<sup>th</sup>. 1760. The Court enter'd up Judgment according to the Verdicts; and then adjourn'd without day. Attn. Sam Winthrop Cler.

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[79r]

Province of the} Anno Regni Regis Georgii secundi Magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ tricesimo quarto  
Middlesex ss}

At His Majesty's Superiour Court of Judicature Court  
of Assize and General Goal Delivery held at  
Cambridge within and for the County of Middlesex  
on the first Tuesday of August (being the 5<sup>th</sup>.. day of said  
Month) Annoque Domini 1760.

By the Honorable Stephen Sewall Esq<sup>r</sup>.. Chief Justice  
Benjamin Lynde}  
John Cushing} Esq<sup>ers</sup>.. Justices.  
Chambers Russell et}  
Peter Oliver}

The Names of the Grand and Petit Jurors present Impannelled and  
sworn are in Writing, on file.

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Hoar ~~vs~~ Littleton Prop<sup>rs</sup>..

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Samuel Hoar of Littleton in the County of Middlesex Husband=  
:man Appellant ~~vs~~ The Proprietors of the Common and undivided  
Land in Littleton in the County of Middlesex. who sue by Jonathan  
Prescot of Littleton aforesaid Esq<sup>r</sup>.. their Agent for that purpose appointed:  
Appellees from the Judgment of an Inferiour Court of Common Pleas  
held at Cambridge in the County of Middlesex on the second Tuesday

of December AD 1752. when and where the Appellee's were plaintiff's, & the Appellant was defendant. In a plea of Trespass for that the said Samuel at Littleton aforesaid on sundry days and times between the first day of January AD 1750. and the first day of November AD 1752, with force and Arms broke and entered a certain Close in Littleton aforesaid belonging to the proprietors of Littleton aforesaid. and in their possession containing about fifty Acres in the southeasterly part of Littleton aforesaid, bounded thus beginning at a stake and stones in the line between Littleton and Acton being the Southeast corner of said Land, then it runs Northerly Ninety six Rods by the Indian farm to Fort Pond so called; then turning southwesterly running as the pond lyeth two hundred and seventeen Rods to a heap of Stones on a large Rock thence it Runs Southwest=erly seventy six Rods to a heap of Stones in Littleton and Acton line being the

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[79v]

the Southwesterly Corner of said fifty acres, and from thence it runs easterly on Acton line to the first mentioned bounds and then and there with force as aforesaid, cut down and carried away fifty six of the said proprietors oaken trees, above two feet over all on the same close then growing and three hundred of the said proprietors small poles on the same close growing, said trees and poles being all worth twenty pounds and carried away the trees and poles aforesaid, and other Injuries the said Samuel to the said prop'riers did then and there parpetrate and commit against the peace. And to the damage of the said proprietors as they say, by their agent the said Jonathan, the sum of twenty pounds; At which said Inferiour Court Judgment was Rendred, that the proprietors of the Common and undivided Lands in Littleton aforesaid, by their agent the said Jonathan Prescott, Recover against the said Samuel Hoar the sum of thirteen pounds six shillings and eight pence, Lawful Money damage, and Costs of Suit. This Appeal was brought forward at the Superiour Court of Judicature

Court of Assize and General Goal Delivery, held at Charlestown within and for the County of Middlesex on the last Tuesday of January AD 1753. and from thence the said Appeal was Continued to the Next Term of this Court, for this County, by the Parties Consent, and so from term to term, to the Superiour Court of Judicature &C<sup>a</sup>. held at said Charlestown for the same County, on the last Tuesday of Jan'y AD 1757. when and where the parties appeared, and Referred this Action to Edmund Trowbridge, and Benjamin Prat Esq<sup>rs</sup>, and Caleb Brooks Surveyor, and agreed to abide by the Determination of said Referrees, or of any two of them, they to make Report as soon as might be. and then said Appeal was Continued to the Next Term of said Court for said County, no Report being made; and then from the Term last mentioned, the same Appeal was further continued, from term to term, unto this Court. by Consent; And Now Both Parties Appeared, And the said Referrees made Report in Writing under their hands, as on file; And pursuant thereto (which was Read and Accepted) It is Considered ~~by the Court~~ by the Court that the said proprietors of the common and undivided Lands in Littleton aforesaid, Recover against the said Samuel Hoar the sum of Four pounds Lawful Money of this province damage, and Costs taxed at £

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Mary

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Image 106-Right

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[80r]

Mary Buckley Widow, and late Wife of John Buckley late of Boston in the County of Suffolk Mariner dec'd Appellant ~~vs~~ The Proprietors of the Common and undivided Land in the Town of Littleton in the County of Middlesex Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Charlestown. in and for the County of Middlesex aforesaid, on the first Tuesday of January 1755. when and

where the said John Buckley (he being then living) was plant and the Appellee's were defendants. In a plea of Trespass on the Case For that the said Proprietors of the Common and undivided Lands in said Littleton on the sixth day of September AD 1723. Granted and agreed that Jonas Prescot, William Fletcher, and Joseph Wilder should have power among other things to award and determine what Lands and shares the several proprietors should be intitled unto and have out of the said undivided Lands belonging then to said proprietors of which the plan't was then one, and the said James Prescot, William Fletcher, and Joseph Wilder, afterwards executed said Trust according to the tenor thereof and among other things awarded that the plant was intitled unto, and should have of the said proprietors out of said Lands as his share of such part thereof as was then to be divided and assigned one hundred and four acres and Afterwards at Littleton aforesaid, on the fourteenth day of Sept<sup>r</sup>.. AD 1724. the said proprietors agreed to said Determination and Award and thereupon the plant became intitled to have one hundred and four Acres of said Lands, divided and sett off to him in fee by said Proprietors. and they accordingly. then and there promised and agreed to divide and sett off to the plant the same upon demand, Yet the said proprietors have never divided or sett off to the plant said one hundred and four acres nor any part thereof, tho' at Littleton aforesaid. on the tenth day of March AD 1724. and at sundry times in every year since thereto Requested but Neglects and Utterly Refuse so to do. To the damge of the said John as he saith the sum of six hundred pounds. At which said Inferiour Court Judgment was Rendred, that the said proprietors of the Common and undivided Land in Littleton aforesaid Recover against the said John Buckley their Cost of Suit. This Appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Charlestown within and for the County of Middlesex aforesaid, on the last Tuesday of January

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Image 107-Left

[80v]

January AD 1755. and also another Appeal was bro't forward, by the said John and the said Mary his Wife Appellants against said proprietors, at the same Court. and from thence the said two Appeals was Continued to the Next Term of said Court, for said County. and then from the same term said Appeals were further Continued from term to term, to the Superiour Court of Judicature &C<sup>a</sup>: held at Charlestown in and for the County of Middlesex on the last Tuesday of January AD 1757. when and where the Parties Appeared, and said two Appeal's were Referr'd to Edmund Trowbridge and Benjamin Prat Esq<sup>rs</sup>., and Caleb Brooks Surveyor: the Report of said Referrees, or of any two of them, to be final; and to be as soon as may be; and then the same Appeals were Continued unto the Next term of this Court, for this County, no Report being made. and so from term to term unto this Court, by Consent of the Parties. And Now (the said John being dead since the last Term of this Court) The said Mary Appeared as also said proprietors. And the Referrees aforesaid made Report in Writing under their hands as follows Viz<sup>t</sup>: "In observance of the several Rules "entered into, in the Actions Commenced by John Buckley, and by him "and his Wife, against the proprietors of Littleton aforesaid, and Referred "to our Determination. We after the Survey agreed on was made, fully heard "the parties and find that the Land Described in the plans N<sup>o</sup>: 1. 2. 3. 4. 5. 6 "7. 8. 9. & 10 Returned by the said Caleb Brooks, and therewith exhibited "containing in the whole four hundred and twenty six acres and five Rods "hath been laid out by the proprietors aforesaid, to the said John Buckley & "to him and his said Wife on his own and her Brother Mears Rights, And "that there was thirty one Acres three quarters and twenty five Rods of land "and no more wanting to be laid out by the said proprietors to Compleat the "four hundred and Fifty Eight Acres, which the said John Buckley in "his own Right and he and his said Wife in their Right, were ever entituled "to have laid out by the said proprietors on the said Buckley and Mears "Rights. We also found that by means of the said proprietors Book of "Records, not being kept so carefully as it ought to have been, part of the



"Records Respecting the Lands aforesaid, have been either lost or destroyed  
 "and thereupon the said proprietors, pursuant to our Advice, Confirm'd  
 "to the Assignees of the said Buckley, and of him and his Wife the lands  
 "whereof the Record aforesaid were so lost or destroyed; and Also  
 "Confirmed to simon Tuttle thirty one Acres and three quarters, &  
 "thirty five Rods of land belonging to the proprietors, which the said  
 "Buckley and Wife had, among other Lands Bargained and Sold  
 to

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Image 107-Right

81.

[81r]

"to the said Simon Tuttle in 1750. with general Warranty, without having  
 "Right so to do, so that now the Assigns of the said John Buckley, and of him and  
 "his said Wife hold the four hundred and fifty eight Acres aforesaid. And we  
 " are of Opinion That they ought to hold and enjoye the same accordingly:  
 "in full Satisfaction of the several demands made by the said John  
 "Buckley and by him and his said Wife, in the Actions aforesaid, and in  
 "Satisfaction of the said Buckley and Mears Rights aforesaid. And as to  
 "the Costs of y<sup>e</sup>. Suits afores<sup>d</sup>; all things Considered, We are of Opinion that  
 "the Appellants pay the Court and Officers fees, And Caleb Brooks the surveyor  
 "what shall be Allowed him, by the Court for his Service in taking the  
 "Survey aforesaid, And as a Referree. And that the proprietors of  
 "Littleton pay the two Chainmen Employed by the said Brooks in the  
 "Service aforesaid, what shall be Allowed them by the Court for their  
 "Service; and that Nothing farther be allowed, to, or paid by either party.  
 "as the Cost of these Suits. or this Reference." And Judgement is  
 thereupon, entered here, Accordingly.

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Grout ~~vs~~ Smith

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Jonathan Grout of Westborough in the County of Worcester Yeoman,

Administrator of the Estate of Joseph Grout late of Westborough aforesaid Yeoman deceased Intestate, Appellant ~~vs~~ Jonas Smith jun<sup>r</sup>.. of Waltham in the County of Middlesex Yeoman, Administrator of the Estate of Susannah Smith late of Waltham aforesaid Widow dec<sup>'</sup>ed, Appellee. from the Judgment of an Inferiour Court of Common Pleas held at Cambridge within and for the County of Middlesex on the third Tuesday of May AD 1759. when and where the Appellee wa pl<sup>t</sup>.. and the appellant was defendant. In a plea of the Case, &C<sup>a</sup>. (as in the Writ tested the 25<sup>th</sup>.. day of April AD [x] 1759. and on file, at large Appears) At which said Inferiour Court Judgment was Rendered, that the said Jonas Smith jun<sup>r</sup>. Adm<sup>'</sup>or as aforesaid, Recover against the Estate of the said Joseph Grout the Intestate, in the hands of the s<sup>d</sup>. Jonathan Grout Administrator of the Estate of the same Joseph the sum of twenty Nine Pounds seven shillings and six pence Lawful Money damage and Costs of Suit. This Appeal was bro't forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Cambridge for said County of Middlesex on the first Tuesday of August last: when & where the parties Appeared, and Referr'd this Action and all demands to Joseph Buckminster Esq<sup>f</sup>. John Remington, and William Baldwin, the

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Image 108-Left

[81v]

the Determination of said Referrees, or of any two of them, to be final; and to be made to the Court, as soon as might be. and from thence said Appeal was Continued to the last term of this Court for this County, by Consent of parties; and then said Appeal was was further Continued to this Court, Thomas Greenwood Esq<sup>f</sup>.. being first appointed a Referree, instead of the said Buckminster who declined said Reference. And Now both Parties Appeared, and the said Referrees, Vizt. s<sup>d</sup>: Greenwood, Remington, and Baldwin; made Report in Writing under their hands as on file, which was Read and Accepted, And pursuant to the same Report. It's Considered by the Court that the said Jonas Smith jun<sup>r</sup>.

Adm'or as aforesaid, Recover against the Estate of Joseph Grout dec'd,  
in the hands of the said Jonathan Grout Administrator as aforesaid,  
the sum of fifteen Pounds two shillings and Nine pence Lawful  
Money of this Province Damage, and Costs taxed at £7.7.5

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Ex'c'on issued

8<sup>th</sup>.. Oct<sup>o</sup>.. 1760.

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Melledy vs Eaton

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Richard Melledy of Reading in the County of Middlesex Cordwainer  
Complainant vs Elizabeth Eaton of said Reading Widow Defendant, On  
a Writ of Certiorari; which Writ follows in these words "Province of the  
"Massachusetts Bay, Middlesex ss. George the second by the grace of God,  
"of Great Britain France and Ireland King Defender of the Faith &C<sup>a</sup>:  
"Seal) To our beloved and faithfull Francis Foxcroft Esq<sup>r</sup>. first Justice of  
"our Court of General Sessions of the Peace for said County: Greeting.  
"Willing for certain Causes to be Certified of the Record of the process and  
"Judgment upon A Charge brought by Elizabeth Eaton of Reading  
"in said County Widow, against Richard Melledy of said Reading  
"Cordwainer for being the Father of a Female Bastard Child Born of  
"her Body on the twelfth day March 1758. and prosecuted (as it is said)  
"in the said Court held at Charlestown in and for said County, on the  
"second Tuesday of December last, and of all things touching s<sup>d</sup>: Charge,  
"process, and Judgment. We Command you that the said Record of  
"the said Charge, process, and Judgment with all things touching the  
"same, fully and entirely as the same Remains before you by whatsoever  
"names the parties are Called in the same: you send before us, in Our  
"Superiour Court of Judicature Court of Assize and General Goal  
"Delivery, to be held at Cambridge in and for our County of Middlesex  
"on the first Tuesday of August Next. under your hand and seal, together  
"with this Writ, that we may thereupon Cause to be done what by

“Right

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Image 108-Right

82.

[82r]

"Right and Law ought to be done: Witness Stephen Sewall Esq<sup>r</sup>.. at Boston

"this sixth day of July in the thirty third Year of our Reign, Annoq Domini

"1759. Nathaniel Hatch Cler.” and due return was made upon the same

Writ by s<sup>d</sup>: Francis Foxcroft Esq<sup>r</sup>.., Under his [^hand & ^] seal in these words"

Middllesex sc.

"Cambridge August 7<sup>th</sup>. 1759. The Record of the Charge, Process, and

"Judgment within mentioned, with all things touching the same, I

"herewith send, and they are annexed to this Writ, as within I am

"Comanded.” And the said Writ was entered and bro’t forward at the

Superiour Court of Judicature &C<sup>a</sup>: held at Cambridge within and for

the County of Middlesex on the first Tuesday of august AD 1759. And

the Compl<sup>t</sup>. Appeared, and upon the Motion of M<sup>r</sup>: Benjamin Kent his

Attorney, it was Ordered that the said Elizabeth Eaton be cited to

appear at the then Next term, to make Answer to the said Complaint

of the said Richard; and then said Writ was Continued to the last

Term of this Court, for this County. and from thence to this Court, by

Consent, under a special Rule, as on file. And Now both Parties Appeared

and after a full hearing of them upon the Errors Assigned by the said Richard,

and which were in these Words "the said Richard Mellody having had

"Oyer of the process and Judgment aforesaid [^against^] him, and all things touching

"the same says, that in the Rendition of the same Judgment or Sentence

"there is manifest Error. first It doth not appear in the Judgment or any of

the Records aforesaid, [^that it appeared to the Court of Sessions^] that said Elizabeth Continued Constant in her

Accusation of the said Richard, and that she was put upon the Discovery

of the Truth at the time of her Travel, and yet they have adjudged him

to be the Reputed Father of said Bastard Child. and this therefore is

Manifest Error. 2<sup>nly</sup>.. In [x] and by the Sentence of said Court the said

Richard is Ordered to pay twenty six shillings and eight pence to the s<sup>d</sup>:

Elizabeth for half her charge of laying in. for the first Month; which

the Court had no power to do, and this is Manifest Error. 3<sup>ly</sup>.. It doth not Appear in what County or Town said Bastard Child was born, and yet the same Court has not only taken Cognizance of the Case, but Ordered him to give security to save the Town of Reading Harmless; And this like=  
:wise is Manifest Error. 4<sup>thly</sup>.. The said Richard is therein Ordered to give security by way of Recognizance for saving the Town of Reading Harmless from any Charge for the Maintenance Support, and Education of said Bastard Child: and this Also is Manifest Error. 5<sup>thly</sup>.. The said Richard is Ordered to pay fees and Costs, standing committed 'till performed; and this Also is Manifest Error. All these things the said

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[82v]

"said Richard is Ready to Verify, Wherefore he pray's the Judgment, sentence,  
"or order aforesaid may be wholly Annulled and Vacated, and that he  
"may be Restored to all that he has been deprived of thereby." And [^the parties  
being fully heard^] thereupon

It is Considered by the Court, that the Sentence, of the Court of General  
Sessions Complained of. be Confirmed.

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Trowbridge vs Little.

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Thomas Trowbridge Appellant vs Thomas Little appellee:

Neither Party Appeared.

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Emmerson vs Willis

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Joseph Emmerson of Malden in the County of Middlesex Clerk, Minister  
of the first Parish in said Malden Appellant vs Eliakim Willis of Malden  
aforesaid Clerk, Minister of the second Gathered Church in said Malden

Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Worcester in and for the County of Worcester on the third Tuesday of August AD 1759. when and where the Appellee was plaintiff, against the [Aplt] who was admitted Deft there instead of Jonas Ward of Shrewsbury in the County of Worcester Yeoman named as Deft in the Original Writ

In a plea of Ejectment for that the said Eliakim on the twenty first day of April AD 1759. was Seized in fee of a Moiety of a Tract of land in Shrewsbury aforesaid, Containing a hundred and twenty Acres bounded as follows Viz<sup>t</sup>. beginning at a stake and heap of Stones on the Westerly line or bounds of the Farm of which the land here discribed is a part, said heap of Stones and stake to be placed in the aforesaid line or bounds where the said Ward shall choose, and from thence to extend by a line a perpendicular to the aforesaid West line of said Farm one hundred and sixty perch to another stake and stones about it, and from thence Northerly to Extend by a line parrallel to the first mentioned Westerly line of said farm one hundred and sixty perch to another stake and stones about it, and from thence Extends Westerly by a line parrallel to the first line Mentioned of the Land here discribed one hundred and sixty perch to the west line aforementioned, and from thence by or on said line to the bounds first mentioned, and of the Appurtenances thereof: as Minister of said Church and in Right thereof. And ought still to hold the same, Yet the said Jonas has since Entered thereinto and disseized the plan't thereof and still holds him out of the same. To the damage of the said Eliakim Willis (as he says) the sum of a thousand pounds; At which said Inferiour Court

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Image 109-Right

83.

[83r]

Court Judgment was Rendered, that the said Eliakim Willis shall Recover against the said Joseph Emmerson Possession of the premisses demanded, with their Appurtenances and Cost of Suit. This Appeal was Entered and bro't

forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Worcester within and for the County of Worcester on the third Tuesday of September AD 1759. when and where the Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find Specially Viz. "that on the seventh day of "May AD 1662. the great and General Court of the Colony of the Massachusetts "Bay, in answer to a petition of the Town of Malden granted to the Ministry "there, one thousand Acres of land in any place not legally disposed of, to "be forever appropriated to the use and benefit of the Ministry of the "said place, and ordered that the same land should not be "alienated or otherwise disposed of, And Ordered that the same thousand "Acres should be bounded and laid out within the Term of three Years "from the date of the same grant, as by a Copy of the same grant on file, "in the Case will more fully Appear; The Jury further find that on the "fifteenth day of April AD 1665. the said thousand Acres of land was "laid out and Surveyed, and a Survey thereof return'd to the general "Court held at Boston on the eleventh day of May AD 1665. in Satis= "faction of the Grant aforesaid, and by that Court accordingly Approved "of, and That one Michael Wigglesworth being then the only Minister "of Gods word in said Town of Malden became seized of the said "thousand Acres as Minister of Gods word of the said Town of Malden: "The Jury further find that on the 27<sup>th</sup>. day of December AD 1737. the great & "General Court of this Province divided the said Town of Malden into two precincts "or parishes called the North and South parishes, and that the present Appellant "was thereupon the settled Minister of the said North Parish, and that Joseph "Stimpson was thereupon in said South precinct the settled Minister of the "second Gathered [^Church^] in said Town of Malden; The Jury further find that Aaron "Cleaveland since deceased was Afterwards the Successor of the said Joseph "Stimpson and that the present Appellee. After the death of said Aaron on "the 25<sup>th</sup>. day of October AD 1752 was Ordained and became the lawful "settled Minister of Gods word of the said second Gathered Church in said Town "of Malden. The Jury further find that on the 12<sup>th</sup>. day of March AD 1753. the "said first Parish at a parish Meeting Voted that said thousand Acres should

"be sold and the Money arising on the sale be put out to Interest, and for  
"ever

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[83v]

"ever appropriated to the use of the Ministry of the same first Church. and  
"appointed a Committee accordingly to make sale of the same or any part  
"thereof, and Afterwards viz. on the 15<sup>th</sup>. day of March AD 1754. the same  
"Committee of said North parish sold and Conveyed in fee with. Warranty,  
Aand the Appellant quit claimed to Thomas Stearns-and Duncan Campbell  
"the hundred and twenty Acres aforesaid: The Jury further find that the  
"hundred and twenty Acres mentioned in the Declaration is a part of the  
"thousand Acres aforesaid. And the Jury further find that on the twenty  
"first day of April last, the Appellee Entered into and took the possession of the  
"moiety of the said hundred and twenty Acres, as Minister of the second  
"Gathered Church in said Malden: The Jury further find that on the 27<sup>th</sup>. day  
"of December AD 1737. The Great and General Court of this province voted  
"and ordered that the profits of the Estate lying out of the Town of Malden and  
"Devoted to the Support of the Ministry in the said Town of Malden should be  
"equally divided to the two precincts, or parishes aforesaid, and be Applied to the  
"Support of their Respective Ministers; and Afterwards vizt. on the Ninth day  
"of January AD 1739. said Great and General Court ordered that Nothing  
"Contained in any votes or Orders of the same Court Relating to Ministerial  
"Lands belonging to the Town of Malden or for dividing said Town into two  
"parishes shall be Construed to affect any Right that the Appellant might  
"have by Virtue of his Contract with the people there, or any votes of the Town  
"Relating to his Support: And the Jury further find that at the time of said  
"grant from the General Court and untill the said division of said Town  
"of Malden in the Year 1737. there was but one Church in said Town, and  
"that one part of the second precinct in said Malden, of which the plant  
"is pastor, at the time of said Grant by the General Court, was part of  
"Charlestown, but has been since said Grant of the General Court  
"Annexed to said Town of Malden: And that the said Joseph Emmerson  
"was settled as Minister of Gods word in said Malden in the Year 1721. And



"at the time of the settlement of said Joseph Emmerson as Minister as afores<sup>d</sup>:  
 "the improvement of said thousand Acres of land were by vote of said Town of  
 "Reserved towards paying the salary of said Joseph Emmerson as by the Copy  
 "of said Vote in the Case: And the Jury further find that the said Joseph Emerson  
 "by sundry Judgments has Recovered the Possession and seizen of part of said  
 "Thousand Acres of land against diverse trespassors and disseizors other than  
 "the Appellee in this Action, according to the Judgments in the Case: And if  
 "the plaintiff hereupon has a Title in Law to the Moiety of the land sued for,  
 "they find for him the possession of said Moiety, and Costs of Suit, otherwise  
 "they

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84.

[84r]

"they find for the defendant Costs of Suit." and from thence the same Appeal was  
 Continued and Transferr'd to this Court, by the Parties Consent for Argument: &  
 Now both Parties Appeared, and After a full hearing upon the said Special Verdict  
 It is Considered by the Court that the former Judgment be Reversed, and that  
 the said Joseph Emmerson Recover against the said Eliakim Willis, Costs  
 Taxed at £

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Tufts ~~vs~~ Temple

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Peter Tufts jun<sup>r</sup>. of Charlestown in the County of Middlesex Yeoman  
 Appellant ~~vs~~ Mehitable Temple of said Charlestown Widow Appellee, from the  
 Judgment of an Inferiour Court of Common Pleas held at Charlestown  
 in and for the County of Middlesex on the second Tuesday of March last,  
 when and where the Appellant was plant and the Appellee was defendant  
 In a plea of Replevin &C<sup>a</sup>: (as in the Writ tested the 21<sup>st</sup>. day of July AD 1759. and on  
 file, at large Appears). At which said Inferiour Court Judgment was  
 Rendered. that the said Mehitable Temple Recover against the said peter Tufts  
 jun<sup>r</sup>. the sum of one shilling Lawful Money damage, and Costs of Suit.

Both Parties Appeared, and the Appellee Acknowledges, in Court. that the said Peter took the said Sheep going in the Kings highway in Charlestown, and not the place called ten hills: It's thereupon Considered by the Court that the Writ and Declaration be quashed. that the former Judgment be eversed. and that the said Peter Tufts jun<sup>r</sup>. Recover against the said Mehitable Temple, the sum of two pounds two shillings and three pence Lawful Money of this Province Damage, and Costs taxed at £10.13.11

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Ex'c'on issued

3<sup>d</sup>. Feb<sup>y</sup>. 1761

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Kendall ~~vs~~ Stratton

&gt;&gt;

Samuel Stratton of Natick in our County of Middlesex Miller Apl<sup>t</sup>..  
~~vs~~ Benjamin Kendall of Sherborn in the same County Yeoman ap'lee.  
 from the Judgment of an Inferiour Court of Common Pleas held at  
 Cambridge in and for the County of Middlesex on the third Tuesday of  
 May last. when and where the Appellee was Plan't and the Appellant  
 was Def't. In a plea of Trespass on the Case for that whereas the said  
 Benjamin on the first day of May AD 1759. was and ever since has been  
 seized in fee, of three Acres of Meadow Land in Natick Aforesaid, lying  
 on each side the Brook commonly called Steep Brook, and bounded  
 Northerly partly on Isaac Coolidge's Land and partly on the said  
 Strattons Land. Easterly and Southerly on the [<sup>uo</sup>] land of said Benjamin,  
 and Westerly on land late of Josiah Speen, now belonging to his heirs,  
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[84v]

the said Samuel by means of a Mill dam erected on his own Land in Natick  
 aforesaid and by him ever since the said first day of May continued there

across the Brook aforesaid, hath obstructed and stopped the Natural Course of the Water of the Brook aforesaid and thereby caused it to overflow and drown the said Benjamin's Meadow aforesaid ever since the said first day of May AD 1759. whereby his grass growing in the same Meadow in that time of the Value of three pounds, has greatly damnified his Meadow aforesaid made Spongy, Rotten, and good for Nothing, and forty length's of his the said Benjamin's four Rail fence worth three pounds standing on the Meadow aforesaid, in the time aforesaid. has been taken up and carried Awa,. To the damage of the said Benjamin Kendall as he says the sum of twenty pounds; At which said Inferiour Court, Judgment was Rendered, that the said Samuel Stratton Recover against the said Benjamin Kendall his Costs of Suit. The [^parties^] Appeared, And the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Samuel Stratton Recover against the said Benjamin Kendall Costs taxed at £10.19.5 Boston Aug. 26<sup>th</sup>: 1760. I Acknowledge to have Received the above sum of ten pounds 19<sup>s</sup>/5<sup>d</sup>. L Money, in full Satisfaction of the Judgment, here Recorded: Witness. Arodi Thayer. Samuel Stratton.

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Gates ~~vs~~ Gibbs

&gt;&gt;

Samuel Gates Appellant ~~vs~~ Jonathan Gibbs Appellee

Neither Party Appeared.

&lt;\_&gt;

&lt;&lt;

Smith et al ~~vs~~ Bacon jun<sup>r</sup>.

&gt;&gt;

David Smith Yeoman, and Ephraim Bullard Innholder.

both of Needham in the County of Suffolk Appellants, ~~vs~~ StephenBacon jun<sup>r</sup> of Natick in the County of Middlesex Husbandman

Appellee, from the Judgment of an Inferiour Court of Common Pleas

held at Charlestown within and for the County of Middlesex on the second Tuesday of March last, when and where the Appellants were plaintiff's and the Appellee was Defendant. In a plea of Trespass on the Case, for that the said Stephen at Natick in the County Aforesaid, on y<sup>e</sup>. 1<sup>st</sup>: day of Febr'y 1760. owing the said David and Ephraim fourteen pounds and ten pence. Lawful Money of this province according to the Account Annexed, to the Writ, then

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85.

[85r]

then and there promised the said David and Ephraim to pay them the same sum on demand. Yet the said Stephen tho' Often Requested has not paid the same to the said David and Ephraim, and[^nor^] has he paid it. to either of them, but Neglects it. To the damage of the said David and Ephraim, as they say, the sum of twenty pounds; At which said Inf<sup>r</sup>.. Court Judgment was rendered, upon the Demurer there, that the s<sup>d</sup>: Stephen Bacon jun<sup>r</sup>. Recover against the said David Smith. and Ephraim Bullard, his Costs of Suit. Both Parties Appeared, and the Demurer [x] is waved by Consent. and the Issue tender'd [^as said Inf<sup>r</sup>.. Court & on file^] being Joined: the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say: they find for the Appellants Reversion of the former Judgment fourteen pounds and ten pence Lawful Money damages and Costs. It's there= :fore Considered by the Court that the former Judgment be Reversed, and that the said David Smith and Ephraim Bullard Recover against the said Stephen Bacon jun<sup>r</sup>. the sum of fourteen pounds and ten pence. Lawful Money of this province damage, and Costs taxed at £7.4.2

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Ex'c'on issued

11<sup>th</sup>: Aug: 1760.

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Putnam ~~vs~~ Kitteridge

&gt;&gt;

Timothy Putnam of Tewksbury in the County of Middlesex Husbandman  
 appellant ~~vs~~ William Kitteridge of said Tewksbury Gentleman Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at Charles=  
 :town in and for the County of Middlesex on the second Tuesday of March 1760  
 when and where the Appellant was plan't and the Appellee, was  
 defendant: In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the twenty fifth  
 day of February last, and on file, at large Appears). At which Inferiour  
 Court Judgment was Rendered, that the said William Kitteridge Recover  
 against the said Timothy Putnam his Costs of Suit. The Parties  
 Appeared, and Agree as follows viz. the said William Agrees to Accept a bond  
 from Thomas Marshall of Tewksbury, for Sixty pounds Lawful Money  
 payable with Interest in one Yand an half from this time, and the  
 Interest from the date of the Bond of David Merril, Oct<sup>o</sup>. 12<sup>th</sup>. last, and  
 to deliver up the bond of the said David made to the said William; to  
 the said Marshall to his Use; And the said Putnam thereupon agrees  
 to Release his demand for the debt sued for; and the parties submit  
 the Matter of Costs to the Court. And It is Considered by the Court, that the  
 said William Kitteridge Recover against the said Timothy Putnam  
 Costs taxed at £5.3.2

&lt;&lt;

Ex'c'on issued

13<sup>th</sup>: Oct<sup>o</sup>. 1760.

&gt;&gt;

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Image 112-Left

[85v]

&lt;&lt;

Brattle et Uxor ~~vs~~ Gray

&gt;&gt;

William Brattle of Cambridge in the County of Middlesex Esquire,  
and Martha his Wife, Complainants ~~vs~~ John Gray of Biddeford in the  
County of York Yeoman. The Compl<sup>ts</sup>. that at an Inferiour Court of Com'on  
Pleas held at Cambridge in and for the County of Middlesex on y<sup>e</sup> third  
Tuesday of May last, they Recovered Judgment against the said John for  
the sum of £226.3.10 Lawful Money debt, and Costs of Suit. from which  
Judgment the said John Appealed to this Court, and Recogniz'd with  
Sureties according to Law to prosecute the same with Effect but fail'd so to do;  
Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with  
Additional Costs, and Interest. It's therefore Considered by the Court  
that the said William Brattle, and Martha his Wife, Recover against the  
said John Gray, the sum of two Hundred and twenty eight Pounds  
twelve shillings and eleven pence, Lawful Money of this Province,  
debt, and Costs taxed at £3.17.7

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Ex'c'on issued  
14<sup>th</sup>. Aug: 1760.

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Hill ~~vs~~ Mills

&gt;&gt;

Isaac Hill of Holliston in the County of Middlesex Yeoman, Compl<sup>t</sup>.  
~~vs~~ Abijah Mills of Needham in the County of Suffolk Husbandman,  
The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held  
at Charlestown in and for the County of Middlesex on the second  
Tuesday of March last, he Recovered Judgment against the Abijah  
for the sum of £6.10.2 Lawful Money damage, and Costs of Suit, from  
which Judgment the said Abijah Appealed to this Court, and Recogniz'd  
with sureties according to Law to prosecute the same, with Effect, but  
fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
Judgment with Additional Interest and Costs. It's therefore Considered  
by the Court that the said Isaac Hill Recover against the said Abijah  
Mills the Sum of six pounds thirteen shillings, Lawful Money of this

Province Damage, and Costs taxed at £4.3.6

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Ex'c'on issued

23<sup>d</sup>. Oct<sup>o</sup>. 1760.

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Taylor ~~vs~~ Kendall

>>

Othniel Taylor of Worcester in the County of Worcester Gentleman,  
Complainant ~~vs~~ Joshua Kendall of Sherborn in the County of Middlesex  
Husbandman, y<sup>e</sup>: Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common  
Pleas held at Charlestown in and for the County of Middlesex, on the  
second Tuesday of March last, he Recovered Judgment against the s<sup>d</sup>:  
Joshua for the sum of £6.7.8 Lawful Money damage, and Costs of Suit.  
from which Judgment the said Joshua Appealed to this Court, and  
Recogniz'd

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Image 112-Right

86.

[86r]

Recogniz'd with sureties according to Law to prosecute y<sup>e</sup>: same with Effect, but fail'd  
so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
Additional Interest, and Costs. It's therefore Considered by the Court  
that the said Othniel Taylor Recover against the said Joshua Kindall  
the sum of Six pounds ten shillings and six pence Lawful Money of  
this Province Damage, and Costs taxed at £4.11.8.

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Ex'c'on issued

5<sup>th</sup>: Sept<sup>r</sup>. 1760.

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Russell Esq<sup>r</sup>. ~~vs~~ Sheffield

>>

James Russell of Holliston in the County of Middlesex Yeoman, Compl<sup>t</sup>. ~~vs~~ Nathaniel Sheffield of said Holliston Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Charlestown in and for the County of Middlesex on the second Tuesday of March last, He Recovered Judgm<sup>t</sup>. against the said Nathaniel for the sum of £13.8.4 Lawful Money dam<sup>a</sup>. and Costs of Suit. from which Judgment the said Nathaniel Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said James Russell Recover against the said Nath<sup>al</sup>. Sheffield the sum of thirteen pounds fourteen shillings and 8<sup>d</sup>. Lawful Money of this province Damage, and Costs taxed at £4.0.7

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Ex'c'on issued

4<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Bradish v Learned

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Ebenezer Bradish of Cambridge in the County of Middlesex Innholder. Complainant ~~vs~~ Robert Learned of Watertown in the same County Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Cambridge in and for said County, on the third Tuesday of May last, he Recovered Judgment against the said Rob<sup>t</sup>. for the sum of £18 Lawful Money damage, and Costs of Suit. from which Judgment the said Rob<sup>t</sup>. Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Ebenezer Bradish Recover against the said Robert Learned the sum of Eighteen pounds Lawful Money of this province damage,



and Costs taxed at £2.18.4

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Ex'c'on issued

14<sup>th</sup>. Aug: 1760.

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<<

Jackson v Beal

>>

Timothy Jackson of Newton in the County of Middlesex Gentleman  
Compl<sup>t</sup>.

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Image 113-Left

[86v]

Complainant ~~vs~~ Israel Beal Husbandman, and Thomas Beal Yeoman, both  
of Newton aforesaid. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
Common Pleas held at Cambridge in and for the County of Middlesex  
on the third Tuesday of May last, he Recovered Judgment against the s<sup>d</sup>.  
Israel and Thomas for the sum of £24.18.5 Lawful Money damage,  
and Costs Of Suit. from which Judgment the said Israel and Thomas  
Appealed to this Court, and Recognized to prosecute the same with  
Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>:  
Judgment with Additional Interest and Costs. It is therefore Considered  
by the Court that the said Timothy Jackson Recover against the said  
Israel [<sup>^</sup>Beal<sup>^</sup>] and Thomas Beal the sum of twenty five pounds four shillings and  
six pence Lawful Money of this Province damage, and Costs taxed at  
£3.9.9½

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Ex'c'on issued

27<sup>th</sup>. Aug<sup>t</sup>. 1760.

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Steadman ~~vs~~ Pratt

&gt;&gt;

Joseph Stedman of Weston in the County of Middlesex Housewright  
 Complainant ~~vs~~ Oliver Pratt of Newton in the same County Innholder.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
 Cambridge in and for the County of Middlesex on the third Tuesday  
 of May last, he Recovered Judgment against the said Oliver for the  
 Sum of £37.2.0 Lawful Money Debt, and Costs of Suit. from which  
 Judgment the said Oliver Appealed to this Court and Recogniz'd with  
 sureties according to Law to prosecute the same with effect but fail'd so to do,  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Interest and Costs. It's therefore Considered by the Court, that the said  
 Joseph Stedman Recover against the said Oliver Prat the sum of  
 Thirty seven pounds ten shillings and eleven pence Lawful Money  
 of this province debt and Costs taxed at £3.7.11½

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Ex'c'on issued  
 27<sup>th</sup>: Aug: 1760.

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Saunderson ~~vs~~ Mason

&gt;&gt;

Moses Saunderson of Littleton in the County of Middlesex Yeoman  
 Compl<sup>t</sup>. ~~vs~~ Samuel Mason of Watertown in the same County Housewright  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held  
 at Cambridge in and for the County of Middlesex on the third  
 Tuesday of May last, he Recovered Judgment against the said Samuel  
 for the sum of £27.11.8 Lawful Money damage, and Costs of Suit.  
 From which Judgment the said Samuel Appealed to this Court, &  
 Recogniz'd with sureties according to Law to prosecute the same  
 with

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Image 113-Right

87.

[87r]

with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs. It's therefore Considered by the Court that the said Moses Saunderson Recover against the said Moses Sanderson Recover against the said Samuel Mason the sum of twenty seven pounds eighteen shillings and six pence, Lawful Money of this Province damage, and Costs taxed at £3.18.2.

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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<<

Borland Esq. ~~vs~~ Cuttler

>>

Francis Borland of Boston in the County of Suffolk Esq<sup>r</sup>.. Compl<sup>t</sup>. ~~vs~~ Ebenezer Cutler of Lincoln in the same County of Middlesex Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, he Recovered Judgment against the said Ebenezer for the Possession of Certain premisses in said Judgment describ'd, and Costs of Suit [<sup>^</sup>unless in 2 months after entring that Judgment sd. Ebenr. pay sd. Francis £303.5/ Sterling principal & Interest dues of last<sup>^</sup>] from which Judgment the said Ebenezer Appealed to this Court

and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Francis Borland Recover against the said Ebenezer Cutler possession of the premisses demanded and Costs, unless, the said Ebenezer within two Months from this time, pay to the said Francis the sum of £306.1.3 Sterling Debt, and Costs taxed at £3.13.8

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Taylor ~~vs~~ Sanger

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William Taylor of Boston in the County of Suffolk Merchant. Compl<sup>t</sup>.  
~~vs~~ David Sanger Yeoman, William Saltmarsh Housewright, and Nath<sup>l</sup>.  
 Sanger Taylor and John Gale Yeoman, all of Watertown in the County of Middlesex.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
 Cambridge in and for the County of Middlesex, on the third Tuesday of May  
 last, he Recovered Judgment against them for the sum of £18.6.9 Law<sup>f</sup>.  
 Money damage, and Costs of Suit. from which Judgment the said David,  
 William Saltmarsh, Nathaniel, and John, appealed to this Court and  
 Recogniz'd with sureties according to Law to prosecute the same with Effect,  
 but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
 with Additional Interest and Costs. It's therefore Considered by the Court  
 that the said William Taylor Recover against the said David Sanger, William  
 Saltmarsh, Nathaniel Sanger Taylor, and John Gale the sum of Eighteen  
 pounds

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[87v]

pounds eleven shillings and one penny Lawful Money damage, and Costs  
 taxed at £3.8.10

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Ex'c'on issued

16<sup>th</sup>. Aug: 1760.

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Gould et al ~~vs~~ Smith

>>

John Gould, Robert Gould, and John Gould jun<sup>r</sup>. all of Boston  
 in the County of Suffolk Merchants Complainants ~~vs~~ David Smith of  
 Cambridge in the County of Middlesex Yeoman. The Compl<sup>t</sup>. Shew'd that at  
 an Inferiour Court of Common Pleas held at Charlestown in and for the  
 County of Middlesex on the second Tuesday of March last, they Recovered

Judgment against the said David for the sum of £13.7.4 Lawful Money damage, and Costs of Suit; from which Judgment the said David Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Gould, Robert Gould, and John Gould Jun<sup>r</sup>: Recover against the said David Smith the sum of thirteen pounds fourteen shillings Lawful Money of this Province Damage, and Costs Taxed at £3.11.7.

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Ex'c'on issued

11<sup>th</sup>: Aug: 1760.

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Goddard ~~vs~~ Learned

&gt;&gt;

Elisha Goddard of Sutton in the County of Worcester Yeoman Compl<sup>t</sup>. ~~vs~~ Elizabeth Learned Widow, and Robert Learned Husbandman both of Watertown in the County of Middlesex. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Cambridge in the County of Middlesex on the third Tuesday of May last, he Recovered Judgment against them for the sum of £21.7.10 Lawful Money damage, and Costs of Suit; from which Judgment the said Elizabeth [<sup>^</sup>and Robert<sup>^</sup>] Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>.. Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Elisha Goddard Recover against the said Elizabeth Learned, and Robert Learned the Sum of twenty one pounds twelve shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £4.3.10

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Ex'c'on issued

31<sup>st</sup>. Oct<sup>o</sup>. 1760.

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Jackson et al ~~vs~~ Beal

&gt;&gt;

Phebe Jackson Widow. and Michael Jackson Gentleman both of  
Newton in the County of Middlesex as they are Administrators of the Estate  
of

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Image 114-Right

88.

[88r]

of Michael Jackson late of Newton aforesaid Tanner deceased Intestate  
Complainants ~~vs~~ Israel Beal of Newton aforesaid Victualler. The Compl<sup>s</sup>.  
shew'd that at an Inferiour Court of Common Pleas held at Cambridge  
in and for the County of Middlesex, on the third Tuesday of May last,  
They Recovered Judgment against the said Israel for the sum of £83.11.2  
Lawful Money damage, and Costs of Suit; from which Judgment  
he Appealed to this Court and Recogniz'd with sureties according  
to Law to prosecute the same with Effect but fail'd so to do: Wherefore  
the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Interest and Costs. It's therefore Considered by the Court that the  
said Phebe Jackson and Michael Jackson Adm'ors as aforesaid, Recover  
against the said Israel Beal the sum of Eighty four Pounds seven  
shillings and seven pence Lawful Money of this Province Damage,  
and Costs taxed at £4.10

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Ex'c'on Issued

10<sup>th</sup>. April 1761.

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Tuttle ~~vs~~ Hunnewell

&gt;&gt;

Samuel Tuttle of Littleton in the County of Middlesex Yeoman Compl<sup>t</sup>.  
 vs James Hunnewell of Charlestown in the same County Cordwainer. The  
 Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at said  
 Charlestown in and for the same County on the second Tuesday of March last,  
 he Recovered Judgment against the said James for the sum of £4.13.8.  
 Lawful Money damage, and Costs of Suit; from which Judgment the said  
 James Appealed to this Court, and Recogniz'd with sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmations of said Judgment with Additional Interest & Costs.  
 It's therefore Considered by the Court that the said Samuel Tuttle  
 Recover against the said James Hunnewell the sum of four pounds  
 fifteen shillings and four pence Lawful Money of this Province  
 Damage, and Costs taxed at £4.1.10

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Ex'c'on issued  
 30<sup>th</sup>. Aug: 1760.

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Barret vs Hadley

&gt;&gt;

James Barret of Malden in the County of Middlesex Yeoman  
 Complainant vs Anthony Hadley jun<sup>r</sup> of Stoneham in the same County,  
 Taylor. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common  
 Pleas held at Charlestown in and for the County of Middlesex on  
 the second Tuesday of March last, He Recovered Judgment against the s<sup>d</sup>.  
 Anthony for the sum of £10.3.4 Lawful Money damage, and Costs  
 of Suit; from which Judgment the said Anthony Appealed to this Court &  
 Recogniz'd

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[88v]

Recogniz'd with sureties according to Law to prosecute the same with Effect,

but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said James Barrett Recover against the said Anthony Hadley jun<sup>r</sup>. the sum of ten pounds seven shillings and ten pence Lawful Money of this Province Damage, and Costs taxed of £3.12.10

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Ex'c'on issued

30<sup>th</sup>. Aug<sup>t</sup>. 1760

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Tufts ~~vs~~ Oakes

&gt;&gt;

Peter Tufts of Charlestown in the County of Middlesex Yeoman Complainant ~~vs~~ Edward Oakes of Medford in the same County Brick=  
:maker. The Compl<sup>t</sup>: shew'd that at an Inferiour Court of Common pleas held at Charlestown in and for the County of Middlesex, on the second Tuesday of March last, he Recovered Judgment against the said Edward for the sum of £7.16.8 Lawful Money debt and Costs of Suit; From which Judgment the said Edward Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Con-  
:sidered by the Court that the said Peter Tufts Recover against the said Edward Oakes the Sum of Seven pounds Nineteen shillings and eight pence Lawful Money of this Province debt, and Costs taxed at £3.4.6

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Ex'c'on issued

30<sup>th</sup>: Aug: 1760.

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Mead ~~vs~~ Graves



&gt;&gt;

Israel Mead of Medford in the County of Middlesex Taylor Compl<sup>t</sup>.  
 vs Joseph Graves of Natick in the same County Husbandman. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Charlestown  
 in and for the County of Middlesex, on the second Tuesday of March  
 last, he Recovered Judgment against the said Joseph for the Sum  
 of £43.4.4 Lawful Money of this Province damage, and Costs,  
 of Suit; from which Judgment the said Joseph Appealed to this Court  
 and Recogniz'd with sureties according to Law to prosecute the  
 same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional Interest, and Costs.  
 It's therefore Considered by the Court that the said Israel Mead  
 Recover against the said Joseph Graves the sum of Forty four  
 pounds two shillings and four pence Lawful Money of this  
 Province damage, and Costs Taxed at £3.7.1.

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Ex'c'on issued  
 30<sup>th</sup>. Aug: 1760.

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[89r]

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Brown v Learned.

&gt;&gt;

Stephen Brown of Charlestown in the County of Middlesex Mariner Compl<sup>t</sup>.  
 vs Bezaleel Learned of Watertown in the County of Middlesex Wheelwright.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
 Cambridge in and for the County of Middlesex on the third Tuesday of May  
 last, he Recovered Judgment against the said Bezaleel for the sum of  
 £13.5.4 Lawful Money Damage, and Costs of Suit; from which Judgm<sup>t</sup>.

the said Bezaleel Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Stephen Brown Recover against the said Bezaleel Learned the sum of thirteen pounds five shillings and four pence. Lawful Money of this Province Damage, and £2.19.1. Costs.

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Order on Page's Pet<sup>o</sup>:

&gt;&gt;

Upon Reading the Petition of Dorothy Page (formerly Dorothy Fasset) Administratrix of the Estate of her late husband Joseph Fasset jun<sup>r</sup> late, of Lexington in said County dec'ed Intestate. Wherein the petitioner shew'd That the Personal Estate of the said Deceased is not Sufficient to pay his Just Debts. The Petitioner therefore pray'd this Court would Licence and Authorize her, in her said Capacity to make Sale of two thirds of the deceased's Real Estate; or so much thereof as may be Sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted; and that the said Dorothy Page (in her said Capacity) be and hereby is Impowered to make Sale of the whole of the Real Estate of said Dec'ed, for the Ends aforesaid, as pray'd for: And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof the petitioner to post up Notifications thirty days before the Sale and Account with the Judge of probate for said County (of the produce thereof) as the Law directs.

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Order on Kitteridge's Petition

&gt;&gt;

Upon Reading the Petition of Isaac Kitteridge Executor of the last Will, and Testament of Doctor Joseph Kitteridge late of Tewksberry in said County deceased Intestate. Wherein the Petitioner shew'd that the personal Estate of the said deceased is not sufficient to pay his just debts. The Petitioner therefore pray'd this Court would Licence and Authorize him, in

his said Capacity, to make Sale of twenty four Acres of Land with the Buildings thereon, apprizd at £106.13.; or so much of the said dec'd Real

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[89v]

Real Estate (where it can be best spared) as will be sufficient for the purpose aforesaid; Ordered that the Prayer of this Petition be Granted, and that the said Isaac Kitteridge (in his said Capacity) be and hereby is Impowered, to make Sale of said Land and Buildings thereon, for the Ends, as pray'd for: and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and aAccount with the Judge of probate for said County (of the product thereof) as the Law directs.

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Order on Blodgett's et al Petition

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Upon Reading the Petition of Seth Blodget Administrator of the Estate of Cap<sup>l</sup>. Stephen Willis late of Medford in said County dec'd Intestate. Wherein the Petitioner shew'd that the personal Estate of said Deceased is not sufficient to pay his Just Debts. The Petitioner therefore pray'd this Court would Licence and Authorize him, in his said Capacity, to make Sale of so much of the said Deceased's Real Estate (where it can be best spared) as may be sufficient for the purpose Aforesaid. Ordered that the prayer of this Petition be Granted; and that the said Seth Blodget (in his said Capacity) be and hereby is Impowered to make Sale of eight hundred & twelve pounds worth of the said dec'eased's Real Estate for the Ends afores<sup>d</sup>: as pray'd for, (such as will be least prejudicial to the whole): And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of probate for said County, as the Law directs.

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## Order on Spring's Petition

&gt;&gt;

Upon Reading the Petition of Keziah [x] Spring Administratrix of the Estate of her late husband Henry Spring late of Watertown in said County deceased, Wherein the Petitioner shew'd that the personal Estate of said dec'd is not Sufficient to pay his Just Debts. The Petitioner therefore pray'd this Court would licence and Authorize her, in her said Capacity, to make Sale of so much of the said deceased's Real Estate (where it can be best spared) as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted, and that the said Keziah Spring (in her said Capacity) be and hereby is Impowered to make Sale of three hundred and twenty five pounds worth of the said Deced's Real Estate for the End aforesaid (such as will be least prejudicial to whole) as pray'd for; and to pass and execute a Good Deed or Deeds in the Law, for Conveyance

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[90r]

Conveyance thereof, the petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of probate for said County, as the Law Directs

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Order on Ross's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Submit Ross Administratrix on the Estate of John Ross late of Sudbury in said County deceased Intestate; wherein the Petitioner shew'd, that the personal Estate of said Deceased is not Sufficient to pay his Just Debts. the Petitioner therefore pray'd this Court would licence and Authorize her (in her said Capacity) to make Sale of so much of said deceased's Real Estate (where it can be best spared) as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition shall be

Granted, and that the said Submit Ross (in her said Capacity) be & hereby is Impowered to make Sale of one hundred and forty five pounds worth of the said deceased's Real Estate for the Ends aforesaid as pray'd for, (such as will be least prejudicial to the whole) and to pass and execute a Good Deed or Deeds in the Law for conveyance thereof; and to post up Notifications thirty days before the sale, and likewise to Account with the Judge of Probate for said County, as the Law directs.

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Order on Fuller's pet<sup>o</sup>.

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Upon Reading the Petition of Joshua Fuller Administrator of the Estate of Doctor John Allen late of Newton in said County dec'd Intestate; wherein the Petitioner shew'd that the personal Estate of said Deceased is not Sufficient to pay his just Debts. The petitioner therefore pray'd this Court would licence and Authorize him, in his said Capacity, to make sale of so much of the said Dec'd's Real Estate (where it can be best spared) as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted; and that the said Joshua Fuller Administrator as aforesaid, be and hereby is Impowered to make sale of one hundred and ten pounds worth of the said Deceased's Real Estate, for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for. and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitio<sup>r</sup>. to post up Notifications thirty days before the Sale, and Acco<sup>t</sup>. with the Judge of probate for said County, as the Law directs.

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Order on Procter's pet<sup>o</sup>.

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Upon Reading the Petition of Phebe Procter Administratrix of the Estate

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[90v]

Estate of Phillip Procter late of Westford in said County dec'd Intestate. Wherein the Petitioner shew'd that the personal Estate of said deceased is not sufficient to pay his just Debts. The petitioner therefore pray'd this Court would Licence and Authorize her, in her said Capacity, to make Sale of so much of the said deceaseds Real Estate (where it can be best spared, as may be Sufficient for the purpose Aforesaid. Ordered that the prayer of this Petition be Granted; and that the said Phebe Procter (in her said Capacity) be and hereby is Impowered to make Sale, of Ninety five pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for; and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitior. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County. as the Law Directs

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Order on Gibb's Pet<sup>o</sup>.

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Upon Reading the Petition of Jonathan Gibbs Administrator of the Estate of Bezaliel Wright of Framingham in said County, late deceased Intestate. Wherein the petitioner shew'd that the said Deceased's Debts exceed his personal Estate the sum of £48.4.2½ beside, provisions, firewood and diverse other Articles which the said Deceased was Obligated to provide for his Mother Annually Computed to amount in Value to Nine pounds per annum during her nNtural Life. The petitio<sup>r</sup> therefore pray'd this Court would Licence and Authorize him, in his said Capacity, to make Sale of so much of said deceased's Real Estate (where it can be best spared) as will procure the sum of Sixty five pounds, which will barely suffice to pay his just Debts, and the afores<sup>d</sup>: Annuity for two years Next to come. Ordered that the prayer of this petition be Granted: and that the said Jonathan Gibbs (in his Capacity afores<sup>d</sup>:) be and hereby is Impowered to make Sale of Seventy five pounds

worth of the said Deceased's Real Estate for the Ends aforesaid (such as will least prejudice the whole) as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the petitioner to post up Notifications thirty days before the sale and Account with the Judge of Probate for said County, as the Law Directs

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Order on Knower's pet<sup>o</sup>.

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Upon Reading the Petition of Phebe Knower Administratrix of the Estate

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Image 117-Right

91.

[91r]

Estate of John Knower late of Malden in said County deceased Intestate Wherein the petitioner shew'd That the Personal Estate of the said Deceased Is not sufficient to pay his Just Debts; The Petitioner therefore pray'd this Court would Licence and Authorize her (in her said Capacity) to make saile of so much of the said Deceaseds real Estate (where it can be best spared) as will be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted, and that the said Phebe Knower (in her said Capacity) be and hereby is Impowered to make Sale of seventy five pounds worth of the said deceased's Real Estate for the Ends aforesaid, (such as will be least prejudicial to the whole) as pray'd for. and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the Sale and Account with the Judge of probate for said County, as the Law directs.

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Order on Buxtons pet<sup>o</sup>:

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Upon Reading the Petition of Deborah Buxton Administratrix of the Estate of Timothy Buxton late of the district of Shirley in said County, deceased Intestate. Wherein the petitioner shew'd that the personal Estate of said Deceased is not Sufficient to pay his just Debts. The petitioner therefore pray'd this Court would Licence and Authorize her (in her said Capacity) to make Sale of so much of the said deceaseds Real Estate (where it can be best spared) as may be sufficient for the purpose afores<sup>d</sup>: Ordered that the prayer of this Petition be Granted, and that the said Deborah Buxton (in her said Capacity) be and she hereby is Impowered to make Sale of Sixty five pounds worth of the said deceased's Real Estate, for the Ends aforesaid (such as will least prejudice the whole) as pray'd for. And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County of the Law directs.

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Order on Keys's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Mary Keyes Administratrix of the Estate of her late husband Zebediah Keyes late of Chelmsford in said County deceased Intestate. Wherein the Petitioner shew'd that upon her Petition some time since prefer'd to this Court, she obtained leave to sell of the said deceased's Real Estate to the Value of forty eight pounds Nine shillings

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[91v]

shillings: since which time it appears that the debts Justly due from the said deceased's Estate amount to £51.3.9½ more than was Represented in her said Petition. she therefore pray'd this Court would licence and Authorize her (in her said Capacity) to make Sale of so much further Real Estate of said Deceased (where it can be best spared) as may amount to the Value of the aforesaid sum of Fifty one pounds three shillings and Nine pence ¼



Ordered that the prayer hereof, be Granted, and that the said Mary Keys (in her said Capacity) be and hereby is Impowered to make Sale of Fifty five pounds worth of the said Deceaseds Real Estate for the Ends aforesaid (such as will be least prejudicial to the whole) as prayed for. and to pass, and execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitio<sup>r</sup>. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County, as the Law directs.

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Order on Williams's Pet<sup>o</sup>:

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Upon Reading the Petition of Christopher Williams the only surviving Administrator of the Estate of John Williams late of Dracut in said County deceased Intestate. Wherein the Petitioner shew'd that the personal Estate of said Deceased is not sufficient to pay his just Debts. The petitioner therefore pray'd this Court would Licence and Authorize him (in his said Capacity) to make Sale of so much of said Deceased's Real Estate (where it can be best spared) as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted, and that the said Christopher Williams (in his said Capacity) be and hereby is Impowered to make Sale of thirty pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such as will least Prejudice the whole) as pray'd for. And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs

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Order on Coolidge's Pet<sup>o</sup>.

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Upon Reading the Petition of John Coolidge Administrator of the Estate of Zepporah Paugenit late of Natick in said County (Indian) dec'd Intestate. Wherein the petitioner shew'd that the Personal Estate of the said Deceased is not Sufficient to satisfy her just Debts. The petitioner

therefore pray'd this Court would Licence and Authorize him, in his s<sup>d</sup>.  
Capacity, (with the Advice of the Indian Guardians) to make sale of  
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Image 118-Right

92.

[92r]

so much of the said Deceased's Real Estate (where it can be best spared) as will  
be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition  
be Granted. and that the said John Coolidge (in his said Capacity) be and  
hereby is Impowered to make Sale of thirty pounds worth of the said  
deceased's Real Estate for the Ends aforesaid (such as will be least prejudicial  
to the whole) as pray'd for. and to pass and execute a Good Deed or Deeds  
in the Law for Conveyance thereof. the petitio<sup>r</sup>. Also to post up Notifications  
thirty days before the Sale and Account with the Judge of Probate for  
said County, as the Law directs.

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Harvey's Pet<sup>o</sup>. Granted

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The Petition of Zachariah Harvey et al for division of land, as  
on file Allow'd.

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Frothingham & Maudlen fined.

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John Frothingham and Thomas Maudlen both of Charlestown  
are fined twenty shillings each for not Attending their duty, as petit  
Jurors.

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Adjournm<sup>t</sup>. of the Court.

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Cambridge Aug. 8<sup>th</sup>. 1760. The Court enter'd up Judgment according to the  
Verdicts, and then adjourn'd without day. Att<sup>r</sup>. Sam Winthrop Cler

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[92v]

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Image 119-Right

93.

[93r]

Province of the}	Anno Regni Regis Georgii secundi magnæ
Massachusetts Bay}	Britanniæ Franciæ et Hiberniæ tricesimo
Suffolk ss }	quarto

At his Majesty's Superiour Court of Judicature Court  
of Assize and General Goal Delivery, held at Boston  
for the County of Suffolk on the third Tuesday of August  
(being the 19<sup>th</sup>. day of said Month) Annoq Domini 1760.

By the Honorable Stephen Sewall Esq<sup>r</sup> Chief Justice.

Benjamin Lynde}

John Cushing} Esq<sup>rs</sup>.. Justices

Chambers Russell et}

Peter Oliver}

The Names of the Grand and Petit Jurors, present. Impannelled and sworn  
are in Writing, on file.

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Dennie ~~vs~~ Ovey

>>

John Dennie Appellant ~~vs~~ Gustavus Ovey Appellee,

Neither party Appeared.

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Holland vs Rouse

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Samuel Holland Appellant vs John Rouse Appellee

The Appellee being dead, and no Executor or Administrator appearing;  
the Action is dismiss.

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Gould vs Bosworth

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John Gould Appellant vs Ephraim Bosworth Appellee

This Action is dismiss, the Appellee being dead. and no Executor or  
Administrator Appearing.

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Hewes et al vs Lyon

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Daniel Hewes Husbandman, and William Hewes Yeoman both of  
Wrentham in the County of Suffolk Appellants vs Thomas Lyon of Dorchester  
in the same County Wheelwright Appellee, from the Judgment of an Inferiour  
Court of Common Pleas held at Boston within and for the County of Suffolk on  
the first Tuesday of January AD 1759. when and where the Appellee was plaintiff  
and the Appellants were defendants. In a plea of Ejectment of a tract of Land and  
its

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[93v]

its appurtenances lying now in Wrentham aforesaid, but formerly in  
Dorchester aforesaid being on both sides the Road leading to Wading River  
containing by estimation about nine hundred and thirty Acres, being that  
Dorchester school farm so called which was formerly under lease to Robert  
Calef, and is butted and bounded as follows viz. beginning at said Road and

bounding by a fence formerly erected by the said Robert Calf ranging  
 about East South east until it comes to a Corner where there was formerly  
 an heap of stones by an hornbean tree thence turning and runing South  
 South west two degrees and thirty Minutes West to Taunton line as run by  
 Ware and others, and so runing along in said line between West and by  
 South and West South West about five hundred and fifty six Rods, then  
 turning and Runing North six degrees and an half west to the Road  
 aforesaid, where there was erected an heap of stones then runing along  
 by the same Road to Bates corner about one hundred and twenty one  
 rods, then turning and Runing East four degrees South about thirty  
 four rods, then turning and Runing North, and by west eight degrees  
 and three quarters west one hundred rods to the brook, then Runing  
 as the brook Runs, about two hundred and eighty two Rods, then crossing  
 the brook it Runs North two degrees and one quarter West about fifteen  
 Rods, then North ten degrees [<sup>east</sup>] about thirty rods, then North and by east  
 forty two Rods, the North east eight degrees east about forty six Rods  
 then Runing South East one degree East thirty two Rods, then South east  
 half a degree South about fifty two Rods, then South west seven degrees  
 West fifty two Rods to the Road aforesaid, then by the Road till it comes  
 to the bounds first mentioned being about one hundred and Seventy  
 four Rods: For that Samuel How Gentleman, Edward Preston Clothier,  
 and Richard Hall Yeoman, the Major part of the Selectmen of said  
 Town of Dorchester on the thirteenth day of June AD 1758. at Dorchester afores<sup>d</sup>.  
 demised the Now demanded premisses to the plan't to have and to hold to  
 the plan't and his Assigns for the Term of Four years [<sup>commencing from the aforesaid time of  
 demise until the same four years</sup>] then Next insuing should  
 be compleat and ended; By force of which demise the plan't then entered  
 on the premisses and was possessed thereof, and the plant being so thereof  
 possessed, the said Daniel and William Afterwards on the same thirteenth  
 day of June AD 1758. with force and Arms into the premisses which were  
 demised as aforesaid to the plan't, which said Term is not yet past,  
 Entered: and him from his Farm aforesaid ejected, and other out-  
 :rages committed against the plan't, committed to his great damage  
 and against the Kings peace. To the damage of the said Thomas (as he saith)  
 the

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Image 120-Right

94.

[94r]

the sum of one hundred and eighty pounds, At which said Inferiour Court

[^upon the pleadings there (as on filed)^] Judgment was Rendered, that the said Thomas Lyon Recover against the said

Daniel and William Hewes possession of the premisses as sued for, and Costs of Suit. This Appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery, appointed to have been held at Boston in and for the County of Suffolk on the third Tuesday of February AD 1759. but held there for said County, on the third Wednesday of the same Month by Adjournment from the same Tuesday; when and where the parties appeared, and the Appellant's in Court Offer'd the Aple'e, and the Select men of Dorchester, to leave the whole matter in dispute relating to the Term of Robert Calef in the premisses, in Equity to the Court, or to Referrees to be agreed upon between them; and then the Action was Continued to the then NTerm, by Consent of the parties, that the Selectmen might Consult the s<sup>d</sup>:

Town of Dorchester thereupon; no strip or wast to be made on the premisses in the mean time. And then said appeal was Continued from term to term to this Court, by Consent; and now both Parties Appearing and the pleas afore<sup>d</sup>. being waved by their consent, the s<sup>d</sup>. W<sup>m</sup>. & Dan<sup>l</sup>. by Ox. Thacher Esq<sup>r</sup>. their Attorney defended

&c and said, they are not guilty. as the plt complain'd & thereof put themselves on the Country & then [^(^issue being join'd)^] the case

after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the Appellants Reversion of the former Judgment, and Costs. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Daniel Hewes, and William Hewes Recover against the said Thomas Lyon Costs taxed at £12.2.9

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Frobisher et al vs Roffe

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Benjamin Frobisher and William Frobisher both of Boston in the County of Suffolk Tallow Chandlers and Soap Boilers plaintiffs vs John Roffe of Newport in the County of Newport and Colony of Rhode Island & C<sup>a</sup>. Mariner, al<sup>s</sup>. dict<sup>s</sup>. John Roffe now Residing in Boston in said County of Suffolk Mariner. defendant, In a plea of Review of a plea of Trespass on the Case commenced at an Inferiour Court of Common Pleas held at said Boston for the same County on the first Tuesday of October AD 1757. but prosecuted at the Term of said Inf<sup>r</sup>.. Court then Next following by the plant<sup>s</sup>., against the said John in the words following Viz<sup>t</sup>. “In a plea of Trespass upon the Case for that on the twenty “first day of July last, one William Thresher was seventeen Years of age, and “was then holden by Indenture of apprenticeship, to serve the plaintiff<sup>s</sup> as “an Apprentice for three years and eleven Months; and Afterwards Viz. on the “same day the said William deserted from the plan<sup>t</sup><sup>s</sup> and went on board the “Brigg called the King of Prusia then lying in the harbour of Boston, “Whereof

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[94v]

“whereof the defendant then and from that time to this was and is Commander “and Afterwards viz. on the same day and from that time to this the def<sup>t</sup>.. “was and is well knowing of all the premisses, yet the def<sup>t</sup>.. intending “to defraud the plant<sup>s</sup>. of the Service of their said Apprentice for and “during the time he was holden to serve the plants aforesaid, then “and ever since has in said Boston fraudulently Secreted and detained “from the plants him the said William Thresher from the plant<sup>s</sup>. on “board the said Brigg King of Prusia, whereby the plants have lost “all benefit of their said Apprentice and of his Service, and the def<sup>t</sup>.. “has altogether hindered the plant<sup>s</sup>. from Recovering back their said “Apprentice to serve them for the time he was holden to serve them as “is abovementioned; and the def<sup>t</sup>. utterly Refused & still Refuses to deliver “up the said William Thresher to the plants, and the def<sup>t</sup>. will not suffer “the plant<sup>s</sup>. to take him or bring him back again to the plant<sup>s</sup>. his Masters “and to their service, but with greivous threatnings of their Lives with but

“Armed with swords and hand Guns on board the said Vessel the def<sup>f</sup>..  
 “has hindred and still hinders the plant<sup>s</sup>.. from Recovering their said  
 “Apprentice, which is to the damage of the said Benjamin robisher  
 “and William Frobisher as they say the sum of Sixty [<sup>^</sup>pounds<sup>^</sup>]: At which s<sup>d</sup>: Inferiour  
 “Court last mentioned, Judgment was Rendred that the said John  
 “Roffe Recover against the said Benjamin and William Frobisher Costs  
 “of Suit; from which Judgment the said Benjamin and William  
 “Appealed to the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and  
 “for the County of Suffolk on the third Tuesday of February AD.1758. when &  
 “where Judgment was Rendered that the said John Recover against the s<sup>d</sup>:  
 “Benjamin and William Costs taxed at five pounds three shillings and  
 “two pence, which same Judgment the said Benjamin and William  
 “say is wrong and erroneous and that they are thereby damnified the  
 “sum of Seventy five pounds as shall then and there be made to Appear  
 “Wherefore for Reversing the same Judgment and Recovering back from  
 “the said John the same Costs, and for Recovering Judgment against him  
 “for said Sixty pounds, damage (laid in the Original Writ) and Cost of  
 “Courts, the said Benjamin and William bring this Suit ” This Action of  
 Review, was bro’t forward at the Superiour Court of Judicature &C<sup>a</sup>. held  
 at Boston in and for the County of Suffolk on the third Wednesday of February  
 AD 1759. by Adjournment; and from thence was Continued to the then Next  
 Term by Consent; and then the same Action was further Continued to the  
 last Term of this Court for this County, by the parties Consent, and from  
 thence

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Image 121-Right

95.

[95r]

thence to this Court, by their Consent; And Now Both Parties Appeared; and the  
 said John (by James Otis Esq<sup>r</sup>. his Attorney) saith the last Judgment is in Nothing  
 Erroneous, upon which Issue being joined, the Case After a full hearing was  
 Committed to a Jury sworn according to Law to try the same who Returned  
 their Verdict therein upon Oath that is to say, they find for the plaintiff’s



reversion of the former Judgment restitution of the Costs Recovered thereby being £5.4.8. and twenty six pounds 13/4 Lawful Money Damage, and Costs of Courts. It is therefore Considered by the Court that the former Judgment be reversed. And that the said Benjamin Frobisher, and William Frobisher recover against the said John Roffe Restitution of the Costs Recovered by him on the Appeal being £5.4.8. And the sum of twenty six pounds thirteen shillings and four pence Lawful Money of this Province Damage, and Costs of Courts taxed at £10.8.0 including said £5.4.0.

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Ex'c'on issued

10<sup>th</sup>: Feb<sup>ry</sup>.. 1761.

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Clark ~~vs~~ Kast.

&gt;&gt;

John Clark now Residing in Boston in the County of Suffolk Gentleman, and a Lieutenant of a Company in His Majesty's Forty eighth marching Regiment of Foot Appellant, ~~vs~~ Phillip Godfrid Kast, of Boston aforesaid Physician Appellee from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July AD 1759. when and where the Appellee was plant. and the Appellant was defendant. In a plea of Trespass. For that the said John at said Boston on the twenty seventh day of April AD 1759. with force and Arms an Assault upon the Body of the said Phillip did make, and the said Phillip then and there did beat wound and evily intreat and the said John did Also with force as aforesaid push the said Phillip out of his the said Phillip's house into the street, and the said Phillip being so pushed out, the said John threw him down kicked him and stamp'd upon him, and left him in the Street untill his pockets were picked of twenty five pounds sterling, or the same otherwise lost out, and other enormities the said John then and there did to the plan't Contrary to Law against

the peace, and to the damage of the said Phillip Godfrid Kast,  
as he saith, the sum of two hundred pounds; At which said  
Inferiour Court Judgment was Rendered, that the said Phillip  
Godfrid Kast Recover against the said John Clark the sum of One  
hundred pounds Lawful Money damage, and Costs Of Suit. This Appeal  
was Brought forward at the Superiour Court of Judicature Court of  
Assize

<duplicates previous>

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[95v]

Assize and General Goal Delivery, held at Boston in and for the County of  
Suffolk on the third Tuesday of August AD 1759. and from thence said Appeal  
was Continued to the last Term of this Court for this County by Consent, and  
then to this Court, the appellant being absent in the Kings Service; And now  
Both Parties Appeared, and the Case After a full hearing was committed  
to a Jury sworn according to Law to try the same who Returned their  
Verdict therein upon Oath that is to say, they find for the Appellee one  
hundred pounds lawful Money damage, and Costs, It is therefore Considered  
by the Court that the said Phillip Godfrid Kast Recover against the s<sup>d</sup>:  
John Clark the sum of One hundred pounds Lawful Money damage,  
and Costs taxed at £4.12.2 Boston 17<sup>th</sup>: Mar. 1761. I hereby Acknowledge to  
have Received full Satisfaction for the Judgment above recorded. Phil. Godfrid Kast.  
Witness Arodi Thayer

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13<sup>th</sup>: Nov<sup>r</sup>: 1760:

Ex'c'on issued.

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Pemberton ~~vs~~ Pemberton

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Hepzibah Pemberton of Boston in the County of Suffolk Widow Executrix of the last Will and testament of James Pemberton late of said Boston Merchant deceased Appell<sup>ts</sup>.. vs Samuel Pemberton Gentleman, John Phillips Esq<sup>r</sup>., and Benjamin Prat Esq<sup>f</sup>. all of Boston in the County of Suffolk Executors of the last Will and Testament of Hannah Pemberton late of said Boston Widow dec'eased Appellees , from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July AD 1759. when and where the Appellees were plant<sup>s</sup>. and the Appellant was def<sup>t</sup>.. In a plea of trespass &C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup>. day of December AD 1758. and on file.

at large Appears) At which said Inferiour Court Judgment was Rendered that the said Samuel Pemberton, John Phillips, and Benjamin Prat. Executors as aforesaid, Recover against the Estate of the said James Pemberton in the hands of the said Hepsibah Executrix as aforesaid, the sum of One hundred and thirteen pounds eighteen shillings & one farthing lawful Money damage, and Costs of Suit. This Appeal was brot forward at the Superiour Court of Judicature &C<sup>a</sup>.: held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1759. when and where the Parties Appeared, and Referr'd this Action to Mess<sup>rs</sup>: Thomas Fletcher, John Greenleaf, and Frithil Hubbard; the Determination of said Referrees, or any two of them, to be final; And the said Hepzibah then Agreed, that upon their Report's being Returned into the Clerk's Office, she will within 48. hours pay the money awarded to the Appellees by s<sup>d</sup>.: Referrees, or discount the same on said Samuel Pembertons Bond; and she Admitted the Contract to be that her Intestate was to pay one pound one shilling and four pence per Week. And from thence the same Appeal was Continued to the last Term of this Court, for this County, and then was further Continued from that term, to this Court by Consent: And Now both Parties

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Image 123-Right

96.

[96r]

Parties Rppeared and the aforesaid Referrees made Report in Writing under their hands, as on file, and pursuant to the same report (which was Read and Accepted) It is Considered by the Court that the said Samuel Pemberton, John Phillips, and Benjamin Prat Exec'ors as aforesaid, Recover against the Estate of the said James Pemberton dec'ed, in the hands of the said Hepzibah Pemberton Executrix as aforesaid, the sum of Ninety Nine pounds Nine shill<sup>s</sup>. and four pence. Lawful Money of this Province Damage, and Costs taxed at £4.18.8

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Ex'c'on issued

8<sup>th</sup>: Nov<sup>r</sup>: 1760.

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&lt;&lt;

Bowditch ~~vs~~ Binney

&gt;&gt;

Ebenezer Bowditch of Salem in the County of Essex Mariner who sues as well for the province of the Massachusetts Bay aforesaid, as for himself Appellant ~~vs~~ Barnabas Binney of Boston aforesaid Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April AD 1759. when and where the Appellant was plan't and the Appellee was defendant. In a plea of Debt &C<sup>a</sup>. (as in the Writ tested the 9<sup>th</sup>: day of November AD 1758. & on file, at large appears) At which said Inferiour Court Judgment was Rendred That the said Barnabas Binney recover against the said Ebenezer Bowditch Costs of Suit. This Appeal was bro't forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston within and for the County of Suffolk on the third Tuesday of August last, and from thence was Continued to the last Term of this Court for this County; when and where the Parties appeared, and Referr'd this Action and all other demands to Joseph Dowse and Arnold Wells Esq<sup>rs</sup>.. and John Scollay, the Determination of the said Referees, or of any two of them, to be final, and to be made as soon as might be; and then said Action was further Continued to this Court; & Now both Parties appearing, the said Referrees made Report in Writing

under their hands, as on file, and pursuant thereto, (which was Read and Accepted) It is Considered by the Court that the said Ebenezer Bowditch Recover against the said Barnabas Binney the sum of thirteen pounds six shillings and eight pence Lawful Money of this Province Damage, and Costs Taxed at £6.3.10 Boston Nov<sup>r</sup>. 29:<sup>h</sup>. 1760. I acknowledge to have Received full Satisfaction of the Judgment above Recorded of Thomas Greene Esq<sup>r</sup> pr Benj<sup>a</sup>. Prat Attorney to the Appell<sup>t</sup>..  
Test Arodi Thayer.

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Babcock ~~vs~~ Higgins

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Amos Babcock of Ashford in the County of Windham in the Colony of Connecticutt

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[96v]

Connecticut Esq<sup>r</sup>.. Appellant ~~vs~~ Israel Higgins of Middleton in the County of Hartford and Colony of Connecticut Coaster Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April AD 1759. when and where the Appellee was plant and the Appellant was defendant, In a plea of Trespass upon the Case &C<sup>a</sup>: (as in the Writ tested the 12<sup>th</sup> day of May AD 1758. and on file, at large Appears) At which said Inferiour Court Judgment was Rendered that the said Israel Higgins Recover against the said Amos Babcock Costs of Suit. This Appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for the County of Suffolk on the third Tuesday of August last; and from was Continued to the last Term of this Court for this County by Consent of both Parties. when and where this Action was Referr'd to Royal Tyler Esq<sup>r</sup>.. Isaac Walker, and Samuel Sewall, the determination of said Referrees, or of any two of them to be final, and to be made as soon as might be, and the said Action then

further Continued to this Court, by Consent: And Now the Parties  
 Appearing, the Referrees aforesaid made Report in Writing under the  
 hands of the said Tyler and Sewall, as on file, which was Read and Accepted  
 pursuant thereto, It is Considered by the Court, that the said Israel  
 Higgins Recover against the said Amos Babcock Costs of Courts taxed  
 at £13.7.1

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Morris ~~vs~~ Chamberlain

>>

Charles Morris plaintiff ~~vs~~ Alex<sup>d</sup>: Chamberlain defendant

Neither Party Appeared.

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<<

Whitney vs Allen

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Nathaniel Whitney of Brunswick in the County of York Yeoman,  
 Appellant ~~vs~~ Jolly Allen of Boston in the County of Suffolk Taylor Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at  
 Boston within and for the County of Suffolk on the first Tuesday of  
 January last, when and where the Appellant was plant and the Ap'lee  
 was defendant. In a plea of Trespass upon the Case for that the said  
 Jolley at Boston aforesaid, on the first of June AD 1759. being Indebted  
 to the said Nathaniel the sum of Eleven pounds seven shillings and  
 six pence lawful Money of this Province, for that sum theretofore had  
 and

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Image 124-Right

97.

[97r]

and received of Harrison Gray Esq<sup>r</sup>. by the said Jolley to the plaintiff's use  
 then and there promised the said Nathaniel to pay him the same sum on  
 demand, yet the said Jolley though requested has never paid the same

but Refuses to pay it, To the damage of the said Nathaniel as he saith the sum of Eighteen pounds; At which said Inferiour Court Judgment was Rendered, that the said Jolley Allen Recover against the said Nathaniel Whitney Costs of Suit. This Appeal was brought forward at the last Term of this Court for this County, and (by Consent of Parties) was then Continued to this Court: And now both Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment Eighteen pounds Lawful Money damage, and Costs, It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Nathaniel Whitney Recover against the said Jolley Allen the sum of Eighteen Pounds Lawful Money of this Province Damage, and Costs taxed at £10.1.8

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no Exe'c'on Issued:

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Newell vs Gyles

&gt;&gt;

John Newell of Brooklyne in the County of Suffolk Husbandman, Appellant vs Hannah Gyles of Boston in the said County Widow Appellee from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January Last, when and where the Appellant was plant and the Appellee was defendant. In a plea of Trespass upon the Case for that the said John on the twenty sixth of January AD 1759. was possessed of a female Negro Child called Pheebe, as his slave for its life, and of the price of ten pounds: and on the last day of May AD 1759. lost her out his Possession, and she came into the hands of the said Hannah by finding; and she knowing the said Child to belong to the said John, but designing, to defraud him of her, on the twelfth day of September AD 1759. at Boston aforesaid Converted and

disposed of said Child to her own use to the damage, of the said John as he saith the sum of ten pounds; At which said Inferiour Court [<sup>upon the demurrer there</sup>] Judgm<sup>t</sup>:

was Rendered that the said Hannah Gyles Recover against the said John Newell Costs of Suit; This Appeal was bro't forward at the last Term of this Court for this County, when and where the Parties Appeared, And

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Image 125-Left

[97v]

and the s<sup>d</sup>. Demurrer being waved by their consent (issue as tendred at said Inferior Court and on file) was join'd  
and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned therein upon that is to say, They find Specially Viz<sup>t</sup>: "that the defendant Hannah Gyles was on the twenty  
"second day of May AD 1756 possessed of a Negro woman named Dinah  
"as of her Slave, and on the same day let her in Service to Ebenezer  
"Newell for the Term of three Years, who then became possessed of her  
"accordingly, and on the tenth day of August AD 1757. the said  
"Ebenezer being so possessed of the said Dinah let her in Service to the  
"plaintiff John Newell for the Remainder of said Term in her, who  
"then became accordingly possessed of her, and Remained so possess'd  
"during the Remainder of said Term; and that the said Pheebe  
"was born of the body of the said Dinah in the month of January  
"AD 1759. and the Jury further find that the said Hannah converted  
"the said Pheebe to her own use as is Alleged in the Plaintiffs  
"Declaration, but whether the said Pheebe is the Slave of the said  
"John they know not, & if the said Pheebe is the slave of the said  
"John Newell they find for the said John the sum of thirty shillings  
"damage, and Costs; otherwise they finds Costs for the defendant."  
and then said Appeal was Continued to this Court, by Consent; And  
Now both Parties Appearing, and after mature Advisement on s<sup>d</sup>:  
Special Verdict. It is Considered by the Court that the said  
Hannah Gyles Recover against the said John Newell Costs taxed



at £3.16.8

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Ex'c'on issued

6<sup>th</sup>. Nov<sup>r</sup>. 1760.

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<<

Rhodes ~~vs~~ Sherburn

>>

William Rhodes of Boston in the County of Suffolk Mariner  
Appellant ~~vs~~ Joseph Sherburn of said Boston Merchant, Appellee,  
from the Judgment of an Inferiour Court of Common Pleas held at  
Boston in and for the County of Suffolk on the first Tuesday of  
January last, when and where the Appellee was plant and the  
Appellant was defendant, In a plea of Trespass on the Case for that the  
def<sup>t</sup>. on the eighth day of December AD 1759. being indebted to the  
plant eight pounds lawful Money of Great Britain according  
to the Account to the Writ Annexed, at Boston aforesaid promised  
the plant to pay him the same on demand; and also Afterwards viz.  
on the same day the def<sup>t</sup>. in Consideration the plant at his special  
Instance and Request had permitted him to employ his other Negro  
Servant

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98.

[98r]

Servant named Titus on board the Ship Christopher in Navigating the said  
Ship from London to Boston from the sixth day of April AD 1759. to the third  
day of July AD 1759. at Boston aforesaid promised the plant to pay him  
therefor as much as the same should be Reasonably worth; Now the  
plant in fact says that the same was Reasonably worth another sum  
of eight pounds lawful Money of Great Britain, Yet the def<sup>t</sup>. hath  
never paid either of the sums aforesaid, tho Requested, but Neglects and

Refuses to pay them, to the damage of the said Joseph Sherburn, as he saith the sum of thirteen pounds, at which said Inferiour Court [^upon the pleading there^] Judgment was rendered, that the said Joseph Sherburn Recover against the said William Rhodes the sum of Eight Pounds Lawful Money of Great Britain damage, and Costs of Suit; This appeal was brought forward at the last Term of this Court for this County, and from thence was Continued to this Court, by Consent; And Now Both Parties [^appeared^] and the pleadings afores<sup>d</sup>. being waved the s<sup>d</sup>. William by James Otis Esq<sup>r</sup>. his Attorney said that he never promist the plt in manner and form as he declared and thereof put &c whereupon issue was joined and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment, and Costs. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said William Rhodes Recover against the said Joseph Sherburn Costs taxed at £5.10.4

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Ex'c'on issued

14<sup>th</sup>: Nov<sup>r</sup>: 1760.

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Calef ~~vs~~ Witt.

&gt;&gt;

Daniel Calef Appellant ~~vs~~ Gidney Witt Appellee

neither Party Appeared

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Rhodes ~~vs~~ Beal

&gt;&gt;

Joseph Rhodes of Boston in the County of Suffolk Merchant apl<sup>t</sup>. .  
~~vs~~ Benjamin Beal, and George Gooding both of York in the County of York Mariners Appellee's, from the Judgment of an Inferiour Court

of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellees were Defendants, In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 20<sup>th</sup> day of November AD 1759. and on file, at large Appears) At which said Inferiour Court Judgment was Rendered, that the said George Gooding Recover against the said Joseph Rhodes Costs of Suit; This Appeal was brought forward at the Last

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[98v]

Last Term of this Court for this County, and from thence was Continued to this Court by Consent; And Now both Parties Appearing The aplant confessed Judgment for Costs. upon the Appellees agreeing not to tax any travel to the Superiour Court: It is therefore Considered by the Court that the said Benjamin Beal, and George Gooding Recover against the said Joseph Rhodes Costs Taxed at £3.14.7

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Ex'c'on issued

3<sup>d</sup>: May 1761.

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Stevens ~~vs~~ Watts et Uxor

>>

John Stevens of Glocester in the County of Essex Esq<sup>r</sup>.. Appellant adversus, Samuel Watts of Boston in the County of Suffolk Esq<sup>r</sup>: and Sarah his Wife Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellees were plaintiffs and the Appellant was defendant. In a plea of trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 14<sup>th</sup>. day of December AD 1759. and on file at large Appears) At which said Inferiour Court Judgment was

Rendered that the said Samuel Watts and Sarah his Wife, Recover against the said John Stevens the sum of Fifteen pounds three shillings and eight pence half penny, Lawful Money damage, and Costs of Suit. This Appeal was brought forward at the last Term of this Court for this County, when and where the parties Appeared and Referr'd this Action to Richard Dana Esq<sup>r</sup>., Nathaniel Bethune, and Sam<sup>l</sup> Phillips Savage, the Determination of said Referrees or of any two of them, to be final, and Report to be made as soon as may be; and then said appeal was Continued to this Court by Consent; And Now both parties Appeared, and the said Referrees made Report in Writing under their hands, as on file, which was Read and Accepted; and pursuant to said Report: It is Considered by the Court that the said Samuel Watts & Sarah his Wife Recover against the said John Stevens the sum of two pounds four shillings and eleven pence half penny Lawful Money of this Province Damage, and Costs taxed at £3.12.2

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Ex'c'on issued

12<sup>th</sup> Nov<sup>r</sup>: 1760.

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Marston ~~vs~~ story

&gt;&gt;

Nathaniel Marston of New York within the County of New York in the province of New York Merchant Appellant ~~vs~~ William Story of Boston in the County of Suffolk Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in & for the County of Suffolk on the first Tuesday of January last, when & where

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Image 126-Right

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[99r]

where the Appellant was plant, and the Appellee was defendant, In a plea of ejectment of a peice of land in said Boston fronting southerly on the highway leading to the Mill pond there measuring Ninety feet to the Capsil of the Wharff Northeasterly on the Mill pond there measuring thirty eight feet, Northwesterly on land in possession of the said William there measuring Ninety feet, Southwesterly on an Alley there measuring thirty eight feet; and of the buildings thereon and the Appurtenances thereof, for that the said Nathaniel on the eleventh day of June AD 1754. being seized of the said Land and building and of the appur'ces thereof in his demesne as of fee, the said William entered thereinto and disseized him thereof, and still holds him out of the same To the damage of the said Nathaniel as he saith, a hundred pounds; At which said Inferiour Court Judgment was Rendered, upon the Demurer there, that the said William Story Recover against the said Nathaniel Marston Costs of Suit; This Appeal was brought forward at the last Term of this Court for this County, when and where the Parties Appeared, and the plant waved his demurer, upon which, Issue [^(as tendred at s<sup>d</sup>. Inf<sup>r</sup>. Court & on file)^] being Joined, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find Specially Viz. "That on "the eleventh [-] day of June AD 1754. and for sundry Years next before, "Francis Wells Esq<sup>r</sup>.. was seized of the demanded premisses together with other "lands and buildings thereto Adjoining in his demesne as of fee, and Stephen "Greenleaf Esq<sup>r</sup>. Attorney to said Marston delivered into the hands of Benjamin "Pollard Esq<sup>r</sup>. then Sheriff of the County of Suffolk, the Execution in favour "of the said Marston, with directions to levy the same on the lands of the "said Wells, and the siad Sheriff taking the said Execution in his hands "in presence of said Greenleaf, touched therewith the demanded "premisses and other Adjacent lands of the said Wells, and thereupon "made the Minits on the Original Execution as they now appear in the "Case; That the Appraizers were Afterwards chosen by the said Sheriff "the said Wells, And the said Attorney in behalf of said Marston. That on the "twelfth day of June AD 1754, the said Sheriff by the direction of the said

"Stephen Greenleaf Attached the said Lands of the said Wells upon a Writ  
 "of Attachment Copy whereof, and of the Return, is in the Case. That on  
 "the fourteenth day of the same Month the said Wells and one Francis Wells  
 "jun<sup>r</sup>. and the said Story executed the Deed of Covenant Copy Whereof, is in  
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Image 127-Left

[99v]

"the Case, and on the fifteenth day of the same Month the said Story  
 "advanced to the said Wells the sum on one hundred and fifty pounds  
 "and six pence. That on the seventeenth of the same Month the said  
 "Wells executed the Deed of Mortgage to the said Story Copy whereof  
 "is in the Case; That before the fifteenth day of August AD 1754.  
 "the said Story Advanced to the said Wells, pursuant to the same Covenants,  
 "the sum of Four hundred eighty four pounds twelve shillings and five  
 "pence, that nothing was paid as a Consideration of said Deed of Mortgage  
 "besides what has been paid or Advanced pursuant to said Covenants.  
 "That the said Covenants on the part of the said Francis and Francis  
 "jun<sup>r</sup>. were broken and the said Story entituled to the forfeiture thereof  
 "from them. That the apprizers were Several times asked to meet &  
 "proceed on their business, but were not sworn until the 15<sup>th</sup>. day of  
 "the same August; And on the Nineteenth day of the same Month  
 "they appraized the Sugar [<sup>^</sup>house<sup>^</sup>] and the demanded premisses, and the  
 "same was sett off, and possession given and Return made as by  
 "the said Execution and proceedings thereon in the Case is set forth,  
 "That neither the said Marston nor his said Attorney had no other  
 "Notice or knowledge of said Mortgage before the Return of said Execution  
 "but that the same was on Record in the Registry of Deeds for the County  
 "of Suffolk the seventeenth of said June. That the said story on the said  
 "19<sup>th</sup>. day of August was present while the said Appraizers were about  
 "setting of the demanded premisses to the said Martson, and that  
 "he told the said Sheriff he was too late upon which the said Greenleaf said  
 "that these proceedings were not had upon an Original Attachment by

"a Writ which required the Execution to be extended in thirty days  
 "but that the said Wells shew the Estate to be his property and that  
 "the said Story made no Reply thereto. That said Story said Nothing about  
 "any claim of his to the premisses set of by said Execution but said that  
 "it would be Redeemed and that if Wells did not pay the money, he  
 "would pay it. The Jury further find that the said Story has since  
 "entered on the premisses and ousted said Marston; If theretore on the  
 "whole matter the said Marston is by Law entitled to Recover in this  
 "Action then the Jury find for him the Possession of the premisses sued  
 "for, and Costs; Otherwise they find for the Appellee Costs." and from  
 thence the said Appeal was Continued to this Court for Argument:  
 And Now both Parties Appeared, and After a full hearing, of them  
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[100r]

by their Council, on said Special Verdict, It's Considered by the  
 Court that the said William Story Recover against the said Nathaniel  
 Marston Costs Taxed at £

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Brown ~~vs~~ Sweetser jun<sup>r</sup>:

>>

Arthur Brown of Boston in the County of Suffolk Gentleman  
 Appellant ~~vs~~ John Switser jun<sup>r</sup> of said Boston Tallow-Chandler Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at Boston  
 in and for the County of Suffolk on the first Tuesday of January last, when  
 and where the Appellee was plant, and the appellant was defendant, In  
 a plea of Trespass upon the Case, for that in & by a Statute of the Realm  
 of Great Britain entituled an Act for the better recruiting His Majesty's  
 Forces on the Continent of America, and for the better Regulation of the Army  
 and preventing desertion therein, it is among other things Enacted

that it shall be lawful for any of the Officers of any of the Forces serving in America to inlist as a Soldier any indented Servant in any of the British provinces or Colonies on the Continent of America who shall be willing to enter and inlist in any of said forces, and that if the owner proprietor or Master of such indented Servant shall object to the said Servants inlisting as a Soldier, within six months After such Inlistment, the officer inlisting such indented Servant or the commanding Officer of the Regiment or Company in which such Indented Servant shall serve at the time such objection is made shall either give him up to his said Owner proprietor or Master on receiving back the inlisting Money, or shall pay such sum as any two Justices of the peace in the province or Colony where the said Owner proprietor or Master of such Indented Servant so inlisting as aforesaid doth reside, shall on application of either of said Officers Adjudge to be a Reasonable recompence to him the said owner proprietor or master in proportion to the Original purchase money given by the said Owner proprietor or Master for the said Indented Servant, and to the time of Service yet remaining to be performed in Consequence of his Indenture. Now the plaintiff in fact saith that on the sixth day of March Anno Domini 1758. he was the Master of an Indented Servant named Charles Gaffney, and on the twenty ninth day of November 1757. the plaintiff paid as purchase Money for the said Servant the sum of Five pounds sterling; and the said Charles was by Indenture

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[100v]

Indenture bound to Serve to serve the plant for three years from the Eleventh of November AD 1757. And the plant further saith that the said Arthur is an officer Oof the Forces now serving in America, and that the said Arthur did at Boston aforesaid on the said Sixth of March inlist as a Soldier into the Service the said Charles, and that he the plant being the master of said Servant did within six Months from the s<sup>d</sup>: Inlistment



viz. at Boston aforesaid on the seventh day of said March 1758.  
 object to the said Charles's inlisting as a Soldier, and did then &  
 there offer to pay to the said Arthur the inlisting Money received by the  
 said Charles, and demanded of the said Arthur that he should give  
 up the said Servant to him the plaintiff, but the said Arthur  
 utterly refused to deliver and give up to the plaintiff the said  
 Servant, or to make him any recompence for his the said Servants  
 time according to the provision of the said Statute, but hath  
 concealed from the plaintiff the said Servant and Carried him  
 away, and thereby the plaintiff hath wholly lost the benefit  
 of said indented Servant to the damage of the said John as he  
 saith the sum of twelve pounds [<sup>^</sup>lawfull money of great Britain<sup>^</sup>]; At which said Inferiour Court  
 Judgment was Rendered, that the said John Sweetser jun<sup>r</sup>.. Recover  
 against the said Arthur Brown the sum [<sup>^</sup>of<sup>^</sup>] ten pounds Lawful Money  
 damage, and Costs of Suit. This Appeal was brought forward at the last  
 Term of this Court for this County, and then Continued to this time, by  
 Consent, and now both Parties Appeared, and the Case After a full  
 hearing was Committed to a Jury sworn according to Law to try the  
 same, who Returned their Verdict therein upon Oath that is to say  
 they find for the Appellee eleven pounds lawful Money of this province  
 Damage, and Costs, It's therefore Considered by the Court that  
 the said John Sweetser jun<sup>r</sup> Recover against the said Arthur Brown  
 the sum of Eleven Pounds Lawful Money of this Province Damage,  
 and Costs taxed at £8.3.1

N.B. The appellant moved that}  
 he might be Allow'd an Appeal}  
 to the King in Council, which the}  
 Court do not Grant.}

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Ex'c'on issued  
 12<sup>th</sup>. ffeb<sup>y</sup> 1761.

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Dickinson ~~vs~~ Balfour

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William Dickinson Appellant ~~vs~~ James Balfour Apl'ee

The plant (now Appellee) prays leave to discontinue this Suit;

Granted.

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Hasey ~~vs~~ Tuttle

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Abigail Hasey of Roxbury in the County of Suffolk Widow

Appellant

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101.

[101r]

Appellant ~~vs~~ Elisha Tuttle of Chelsea in the same County Husbandman  
 Appellee, from the Judgment of an Inferiour Court of Common Pleas.  
 held at Boston in and for said County, on the first Tuesday of April  
 last, when and where the Appellant was plant and the Appellee  
 was defendant. In a plea of Trespass &C<sup>a</sup>. (as in the Writ tested the 10<sup>th</sup>:  
 day of December AD 1759) and on file, at large Appears) At which said  
 Inferiour Court Judgment was Rendered that the said Elisha Tuttle  
 Recover against the said Abigail Hasey Costs of Suit; Both Parties  
 Appeared, and the Appellee confessed Judgment for five pounds six shill<sup>s</sup>.  
 and eight money damage. without Costs excepting that the Costs of  
 his Witnesses shall be deducted out of said sum: It is therefore Considered  
 by the Court that the said Abigail Hasey Recover against the said  
 Elisha Tuttle the sum of Five pounds six shillings and eight pence  
 Lawful Money of this Province damage; the Costs of his Witnesses to  
 be deducted there from.

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Eddy ~~vs~~ Poor

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Joseph Eddy of Boston in the County of Suffolk Mariner  
 Appellant ~~vs~~ Maurice Power of Boston aforesaid Mariner Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at  
 Boston within and for the County of Suffolk on the first Tuesday of  
 April last, when and where the Appellee was plant and the Appellant  
 was def<sup>t</sup>, In a plea of Trespass for that the said Joseph on the thirtieth day of  
 [^June^] AD 1759. at a place called Jamaica in Boston Aforesaid with force and  
 arms look and imprisoned the said Maurice on board the Ship Sally  
 whereof the said Joseph was then Master and held him imprisoned against  
 his will on board said Vessell from that time to the second day of last  
 August when she arrived from Jamaica to Boston aforesaid, and other  
 Injuries the defendant did to the plant against the Kings peace, and  
 to the damage of the said Maurice Power as he saith the sum of Fifty  
 pounds: At which said Inferiour Court upon the pleadings there,  
 Judgment was Rendered that the said Maurice Power Recover against  
 the said Joseph Eddy the sum of fifty pounds Lawful Money damage,  
 and Costs of Suit. Both parties now Appeared, and the pleadings  
 aforesaid being wav'd the def<sup>t</sup>. saith he is not Guilty, [^issue being joined^] and then and  
 then[^the^] Case  
 After a full hearing was Committed to a Jury sworn according to  
 Law to try the same who Returned their Verdict therein upon Oath  
 that

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[101v]

that is to say, they find for the Appellee twenty six pounds thirteen  
 shillings and four pence Lawful Money Damage, and Costs. It's  
 therefore Considered by the Court that the said Maurice  
 Power Recover against the said Joseph Eddy the sum of twenty  
 six pounds thirteen shillings and four pence Lawful Money of  
 this province damage, and Costs taxed at £4.8.2

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Ex'c'on issued

10<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Foye Exc<sup>u</sup>: ~~vs~~ Miller et al

>>

Elizabeth Foye of Milton in the County of Suffolk of Suffolk  
Widow executrix of the last Will and Testament of William Foye late  
of Milton aforesaid Esq; deceased Appellant ~~vs~~ Samuel Miller of s<sup>d</sup>:  
Milton Esq; and Ebenezer Miller of Braintree in the same County  
Docter in Divinity Appellees, from the Judgment of an Inferiour Court  
of Common Pleas held at Boston in and for the County of Suffolk  
on the first Tuesday of July last, when and where the Appellant was  
plant, and the Appellee's were defendants, In a plea of covenant [illeg]  
&C<sup>a</sup>. (as in the Writ tested the 5<sup>th</sup>.. day of June last, on file, at large appears),  
At which said Inferiour Court Judgment was Rendered, upon the demurer  
there, that the said Samuel Miller and Ebenezer Miller Recover  
against the Estate of the said William Foye in the hands of the said Eliz<sup>a</sup>.  
Foye executrix as aforesaid Cost of Suit. Both Parties Now Appeared,  
[^and Referr'd^] this Action to Thomas Cushing Esq<sup>r</sup>. William White, and Samuel Dexter,  
the determination of said Referrees or of any two of them, to be final, &  
to Report as soon as might be; and they accordingly made Report in  
writing under their hands, as on file, pursuant therefore to the same  
Report. which was Read and Accepted. It's Considered by the Court  
that the said Elizabeth Foye (in her said Capacity) Recover against  
the said Samuel Miller, and Ebenezer Miller the Sum of Forty pounds  
five shillings and three pence Lawful Money of this Province Damage,  
and Costs taxed at £5.4.5

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Ex'c'on issued

14<sup>th</sup>: Oct<sup>o</sup>. 1760.

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<<

Pryce vs Hughes

>>

David Pryce residing in Boston in the County of Suffolk

Gentleman Appellant vs Samuel Hughes of Boston aforesaid Merchant

Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July Last, when and where the Appellee was plant, and the Appellant was defendant, In a plea

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102.

[102r]

plea of Trespass upon the Case for that whereas the said David at said Boston on the fifth day of January last, and said Boston was Indebted to the said Sam<sup>l</sup>. in the sum of One hundred and eighty three pounds ten shillings Lawful Money according to the Accounts annexed to the Writ, and being so Indebt= :ed the said David then and there promised the said Samuel to pay him the same sum on demand. Also for that whereas the said Samuel at said Boston on the last day of December last had, at the special Request of the said David transacted for the said David diverse other business than in the Accounts to the Writ annexed, as the said David was agent for the Transports in His Majesty's Service in America and furnished the s<sup>d</sup>: David with two Clerks (Servants of said Samuel) for the space of three other Months than in the Accounts to the Writ annexed, allowed the said David the use of his Compting House for three other Months than in the accounts annexed, and advanced and Negotiated diverse sums of money for the said David, other than in the Accounts to the Writ annexed, purchased for the said David a thousand other Barrels of Naval Stores, and pay'd off for said David to sundry Masters of Transports other than in the Accounts to the Writ annexed the sum of Thirty thousand pounds, Sterling, for all which the said David then and there promised the said Samuel to pay him so much Money for the same further time Attendance Storeroom and Services so much Money as the said

Samuel should reasonably deserve on demand. Now the said Sam<sup>l</sup>. in fact saith he Reasonably deserved therefor the further Sum of two hundred pounds Lawful Money of this province, of which the said David hath had Notice, Yet the said David tho' Of't Requested hath not the same but Neglects it, to the damage of the said Samuel Hughes, as he saith the sum of three hundred and Ninety pounds. At which said Inferiour Court, upon the pleadings there, Judgment was Rendered that the said Samuel Hughes, Recover against the said David Pryce the sum of three hundred and Ninety pounds Lawful Money Damage, & Costs of Suit; Both Parties Now Appeared, and the said David Retracting his Plea [<sup>d</sup>made at s<sup>d</sup>. Inferiour Court<sup>^</sup>] saith (by Jeremy Gridley Esq; his Attorney) that he did not promise the said Samuel as he has above declared; the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee one hundred and fifty pounds Lawful Money damage, and Costs, Its Therefore

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[102v]

Therefore Considered by the Court That the said Samuel Hughes Recover against the said David Pryce the sum of One hundred and fifty pounds Lawful Money of this Province Damage, and Costs taxed at £3.17.6

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Newman et Ux<sup>r</sup>. ~~vs~~ Dougherty

>>

Daniel Newman of Boston in the County of Suffolk Mariner and Rachel his Wife Appellants ~~vs~~ James Dougherty of said Boston Shopkeeper, Appellee from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the Appellants were plaintiff's, and the Appellee was defend't.

In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 14<sup>th</sup>. day of January last, on file, at large Appears) At which said Inferiour Court Judgment was Rendred, upon pleadings there, that the Writ be abated, and that the def<sup>t</sup> be allowed his Costs occasioned thereby; Both Parties now Appeared, and being fully heard upon the pleas in abatement as on file. It is Considered by the Court that the Writ abate and that the said James Dougherty Recover against the said Daniel Newman and Rachel his Wife, Costs taxed at £

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Power ~~vs~~ Dougherty

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Edward Power of Boston in the County of Suffolk Blacksmith Appellant ~~vs~~ James Dougherty of said Boston Shopkeeper Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the Appellant was plaintiff and the Appellee was def<sup>t</sup>: In a plea of Trespass upon the Case, &C<sup>a</sup>. (as in the Writ tested the 14<sup>th</sup>. day of January last, on file, at large appears) At which said Inferiour Court Judgment was Rendered, upon the pleas in Abatement there, that the Writ abate and that the def<sup>t</sup>. be allowed his Costs occasioned thereby; Both Parties now Appeared, and being fully heard upon the pleas in abatement as on file. It is Considered by the Court that the Writ abate, and that the said James Dougherty Recover against the said Edward Power Costs taxed at £

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Scollay ~~vs~~ Malcom.

&gt;&gt;

John Scollay of Boston in the County of Suffolk Merchant Appellant ~~vs~~ John Malcom of Boston aforesaid Mariner Appellee, from the Judgm<sup>t</sup> of

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Image 130-Right

103.

[103r]

of an Inferiour Court of Common Pleas held at Boston within and for the County of Suffolk on the first Tuesday of July last, when and where the Appellant was plant and the Appellee, was defendant.

In a plea of Trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 11<sup>th</sup>. day of July AD 1759. on file, at large Appears) At which said Inferiour Court, upon the demurer there, Judgment was Rendred, that the said John Malcom recover against the said John Scollay Costs of Suit. The Appellant now appeared but the Appellee, altho' solemnly called to come into Court did not Appear but made Default. It's therefore Considered by the Court that the said John Scollay Recover against the said John Malcom the Sum of one hundred and eleven pounds eight shillings and one penny, Lawful Money of Great Britain damage, and Costs taxed at £5.8.9.

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Ex'c'on issued

24<sup>th</sup> Sept<sup>r</sup>. 1760.

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Wiswell ~~vs~~ Hall

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Samuel Wiswell of Bellingham in the County of Suffolk Weaver Appellant ~~vs~~ Hugh Hall of Boston in the same County Esquire, Appellee. from the Judgment of an Inferiour Court of Common pleas heldlat Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellant was plaintiff and the Appellee was defendant. In a plea of Covenant broken for that the said Hugh at Boston aforesaid on the eighteenth day of April AD one thousand seven hundred and fifty, by his Deed bearing that date, executed acknowledged and Recorded and in Court to be produced for a good and valuable Consideration therein mentioned bargained, and conveyed to the plant in fee, seven Acres. in the eight hundred Acres, lying with Oliver Hayward's in Bellingham aforesaid, with the Appurtenances



priviledges and Commodities to the same belonging and the said Hugh among other things by his Deed aforesaid, covenanted with the plant that he the def<sup>t</sup>. had good Right full power and lawful Authority to grant, bargain, sell, convey, and confirm unto him, the plant his heirs and Assigns forever, the said Seven Acres with the Appurtenances priviledges and Commodities to the same belonging, and the said Hugh in and by his Deed aforesaid further [x] covenanted with the plaintiff by the name of Samuel Wiswell of Dorchester in said County Weaver, that he the said Samuel should from time to time and at all times thereafter by force of said Deed lawfully peaceably and quietly have hold use occup,y possess and enjoy the said Seven Acres with the Appurtenances

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Image 131-Left

[103v]

Appurtenances against all incumbrances whatsoever, and the def<sup>t</sup>. also by his said Deed further Covenanted and engaged the said Seven Acres to him the said Samuel his heirs and Assigns against the Lawful Claims & demands of any person or persons whatsoever, and that he the plan't shou'd and might at all times After the execution of said Deed lawfully amd quietly hold, use, possess, and enjoy, the said bargained premisses with the Appurtenances free and clearly discharged of all former gifts grants bargains and Incumbrances of what nature soever. Now the plaintiff in fact saith that the said Hugh at the time of his executing the deed afores<sup>d</sup>: and at any time before was not the lawful Owner of the said seven Acres of Land with the Appu'rces nor ever had he any good Right or Lawful Authority to sell and convey the same in Manner aforesaid, nor was the s<sup>d</sup>: Seven Acres then clear of all Gifts, grants and incumbrances proceeding the time of executing the Deed aforesaid, nor has the plant by force of said Deed been able peaceably or Lawfully to hold possess or enjoy the said seven Acres with the Appurtenances; And the plaintiff further saith that one James Smith long before, at, and After the def<sup>t</sup>. made the Deed aforesaid, and to this day was and is the Lawful Owner of the one half of a bed of Iron

Ore, which lies within the said seven Acres, and that the said James then and still has good right to take to his own use the one half of all the Iron ore that has grown or hereafter shall grow in the said Bed. And the plant further avers that the said James Smith by the Consideration of the Justices of the Superiour Court of Judicature &C<sup>a</sup>: held at Boston in and for the County of Suffolk on the third Tuesday of February last, had Recovered Judgment against the now plaintiff for the sum of thirteen pounds Money damage, and fifteen pounds sevens shillings and seven pence Costs of a Suit, brought against the said Samuel for his having dug and carried away a quantity of Iron Ore from the bed aforesaid within the seven acres aforesaid, since the making of the Deed aforesaid, to the now plant by him the said Hugh, and so the defendant has not kep't but broken his Covenants Aforesaid, which at this time is to the damage of the said Samuel Waswell as he saith the sum of four hundred pounds: At which said Inf<sup>r</sup>.. Court, Judgment was Rendered that the said Hugh Hall Recover against the said Samuel Wiswell Costs of Suit. the Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict

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Image 131-Right

104.

[104r]

Verdict therein upon Oath, that is to say they find for the Appellant three hundred and sixty one pounds four shillings Lawful Money damage and Costs. It's therefore Considered by the Court that the said Samuel Wiswell Recover against the said Hugh Hall the sum of three hundred and sixty one pounds four shillings Lawful Money of this province Damage, and Costs taxed at £8.3.4 N.B. Bond given to review.

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Ex'c'on issued

17 March 1761.

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Carnes ~~vs~~ M<sup>c</sup>Million

&gt;&gt;

Edward Carnes of Boston in the County of Suffolk Ropemaker  
 Appellant ~~vs~~ James M<sup>c</sup>Million of said Boston Cabinetmaker Appellee,  
 from the Judgment of an Inferiour Court of Common Pleas held at  
 Boston in and for the County of Suffolk on the first Tuesday of July last,  
 when and where the Appell<sup>t</sup>. was plant and the Appellee was def<sup>t</sup>. In a  
 plea of Trespass upon the Case, &C<sup>a</sup>. (as in the Writ tested the 17<sup>th</sup>. day of June  
 last, on file at large Appears) At which said Inferiour Court Judgment  
 was Rendered that the said James M<sup>c</sup>Million recover against the said  
 Edward Carnes Costs of Suit. The Parties Appeared [<sup>^</sup>and submitted this case to the  
 determination of y<sup>e</sup>: Court<sup>^</sup>], and having been  
 fully heard by the Court. It is Considered by the Court that said  
 Edward Carnes Recover against the said James M<sup>c</sup>Million the sum of  
 twenty one pounds eight shillings and two pence Lawful Money of this  
 Province damage, and Costs Taxed taxed at £

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NB. This Judgm<sup>t</sup>. is  
 satisfied by endorsem<sup>ts</sup>.  
 on said Carnes's bond  
 to s<sup>d</sup> M<sup>c</sup>Million dated  
 May. 7<sup>th</sup>. 1757. Conditioned to  
 to pay £21.10/. filed  
 in the Case.

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M<sup>c</sup>Million ~~vs~~ Carnes

&gt;&gt;

James M<sup>c</sup>Million of Boston in the County of Suffolk Cabinet=  
 :maker Appellant ~~vs~~ Edward Carnes of said Boston Ropemaker Appellee,  
 from the Judgment of an Inferiour Court of Common pleas held at

Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellant was plant and the Appellee was defendant, In a plea of Debt &C<sup>a</sup>. (as in the Writ tested the 17<sup>th</sup>. day of June last, on file, at large appears) At which said Inferiour Court Judgment was Rendered that the said Edward Carnes Recover against the s<sup>d</sup>: James M<sup>c</sup>Million Costs of Suit. The Parties Appeared, And the Appellee, confessed the forfeiture of the penalty of the bond sued on being £40 Law. Money and Costs. Its therefore Considered by the Court that the said James M<sup>c</sup>Million Recover against the said Edward Carnes the sum of twenty five pounds fifteen shillings and three pence Lawful Money of this Province Debt, and Costs taxed at £4.4.6

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Ex'c<sup>o</sup>n issued8<sup>th</sup>. Nov<sup>r</sup>. 1760.

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John

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[104v]

&lt;&lt;

Cathcart ~~vs~~ Jones

&gt;&gt;

John Cathcart of Boston in the County of Suffolk Mariner Appellant ~~vs~~ John Jones of said Boston Merchant Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellant was plaintiff & the Appellee was defendant, In a plea of Trespass on the Case for that on the twenty third day of December AD 1758. at a place called Halifax in Boston. aforesaid, the plant having the care of a Vessell of the Deft<sup>s</sup>. and in his service and in order to carry on the deft<sup>s</sup>. business and the Service of s<sup>d</sup>: Vessel had been obliged to hire the Assistance of Seamen for the defendant, so far as that their wages and pay amounted to the sum of Eighty dollars, which

sum the def<sup>t</sup>. ought to have paid in consideration thereof, and that one Joseph Gorham had advanced said sum for said purpose the plaintiff then and there drew and signed his bill or Order directed to the def<sup>t</sup>.. and therein Requested him to pay to the said Joseph Gorham said sum of of eighty dollars for and on the account Aforesaid, and Afterwards on the same day at Boston aforesaid, said bill or Order was presented to the def<sup>t</sup>.. for his Acceptance and in Consideration of the premisses and that it was for his own proper debt he then and there accepted said bill or order & promised the plant to pay the same to said Joseph Goreham or his order on demand, and to indemnify and save harmless the plant from any suit trouble or demand on account of his being the drawer thereof, Yet the def<sup>t</sup>.. not Regarding his promise aforesaid, Neglected and Refused to pay the same so that by means thereof, Afterwards on the twelfth day of March last, the plant was sued upon said bill and his body arrested and he made prisoner in said Suit and was exposed to great disgrace and danger and obliged to pay said sum and the Costs of said Suit amounting to twelve shillings more, and for that the defend't on the first day of April last, being indebted to the plant another sum of twenty four pounds twelve shillings for that sum by him before that time had and received to the plants use at Boston aforesaid promised the plant to pay him the same on demand; Yet he has paid neither of the sums aforesaid tho' Requested but Neglects it. To the damage of the said John Cathcart as he says the sum of thirty pounds; At which said Inferiour Court, upon the pleadings there, Judgment was Rendered, that the said John Jones Recover against the said John Cathcart Costs of Suit. The Parties appeared, and the sd. pleadings being waved, [^The Deft by his Attorney said he never promist the plt in manner & form as he declares and thereof puts &c and issue being jnd^] ^] the Case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion

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Image 132-Right

105.

[105r]

Reversion of the former Judgment twenty four pounds Lawful Money damage and Costs. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said John Cathcart Recover against the said John Jones. the sum of twenty four pounds [~] Lawful Money of this Province damage, and Costs taxed at £4.16.2.

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Ex'c'on issued

31<sup>st</sup>. Oct<sup>o</sup>. 1760.

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Foster ~~vs~~ Edwards

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Hopetill Foster of Boston in the County of Suffolk Gentleman Appellant ~~vs~~ Alexander Edwards of Boston aforesaid cabinetmaker Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when & where the appellant was plaintiff and the Appellee was defendant. In a plea of the Case, for that the def<sup>t</sup>. at said Boston on the twelfth day of June last, owed the plant three pounds twelve shillings and a penny remaining due to ballance the Account to the writ annexed and being so indebted has not paid the same but neglects it To the damage of the said Hopetill Foster as he saith the sum of six pounds: At which said Inferiour Court Judgment was Rendered that the said Alexander Edwards Recover gainst the said Hopetill Foster Costs of Suit. Both Parties Appeared, and the Case. after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the Appellant Reversion of the former Judgment three pounds twelve shillings and a penny Lawful Money dam<sup>a</sup>. and Costs. It's therefore Considered by the Court that the former Judgment be Reversed and: that the said Hopetill Foster Recover against the said Alexander Edwards the sum of three pounds twelve shill<sup>s</sup>. and one penny Lawful Money of this province Damage, and Costs taxed at £7.4.4

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Allen ~~vs~~ Ellingwood

&gt;&gt;

Jolly Allen of Boston in the County of Suffolk Taylor Complainant  
~~vs~~ Benjamin Ellingwood of Boston aforesaid Mariner. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of Common Pleas held at Boston in and  
 for said County, on the first Tuesday of April Last, he Recovered Judgm<sup>t</sup>..  
 against the said Benj<sup>a</sup>. for the sum of £3.1<sup>d</sup> Lawful Money dam<sup>a</sup>..  
 and Costs of Suit: from which Judgment the said Benjamin Appealed  
 to this Court, and Recognized with sureties according to Law to prosecute  
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[105v]

the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>t</sup>.  
 of said Judgment with Additional Costs. It's therefore Considered by  
 the Court that the said Jolly Allen Recover against the said Benjamin  
 Ellingwood the sum of three Pounds, and one penny Lawful Money of  
 this Province Damage, and Costs taxed at £3.0.10

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Newman ~~vs~~ Natick

&gt;&gt;

John Newman of Edgartown in the County of Dukes County

Esq<sup>r</sup>. Appellant ~~vs~~ Benjamin Natick of Edgartown aforesaid Labourer Apl<sup>'</sup>ee from the Judgment of an Inferiour Court of Common Pleas held at said Edgartown within and for said County of Dukes County on the first Tuesday of March last, when and where the Appellant was plaintiff, and the Ap<sup>'</sup>lee was defendant, In a plea of Trespass on the Case, and is for that whereas the said Benjamin at Edgartown aforesaid on the fourteenth day of August AD 1759, being Justly indebted unto the said John to ballance Accounts agreeable to the Account annexed (to the Writ) the sum of Eleven Pounds ten shillings and eleven pence Lawful Money and being so indebted did then and there promise to pay the same to the said John Newman on demand, but hath not paid the same but denies to do it though demanded which is to the damage of the said John Newman (as he saith) the sum of twenty two pounds: At which said Inferiour Court Judgm<sup>t</sup> was Rendered that the said John Newman Recover against the said Benjamin Natick the sum of Six pounds seven shillings and two pence Lawful Money damage and Costs of Suit taxed at £2.11.9. This Appeal was bro't forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Barnstable within the County of Barnstable and for the Counties of Barnstable and Dukes County, on the first Tuesday of May last, when and where The parties Appeared and entered into a rule of Court and Referr'd this Action with all other demands between them, to Rowland Robinson, and John Norton Esquire's, and Mathew Mayhew, the determination of the said Referrees, or of the Major part of them to be final; Report to made, and Judgment enter'd up at this Court, and the said Appeal was Continued and transferr'd to this Court accordingly: And Now both parties Appeared, and the same Referrees made Report in Writing under their hands, as on file, which was Read & accepted; and pursuant thereto, It's Considered by the Court that the said John Newman Recover against the said Benjamin Natick the sum

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Image 133-Right

106.



[106r]

Sum of Nine pounds two shillings and Nine pence Lawful Money of this Province damage, and Costs taxed at £9.2.5

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Ex<sup>o</sup>: issued 20<sup>th</sup>. Aug: 1760.

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Osborn Esq<sup>r</sup>. et al ~~vs~~ Osgood Esq<sup>r</sup>.

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John Osborn, Samuel Watts, and Thomas Hubbard all of Boston Esquire's in the County of Suffolk, Stephen Hall of Medford Esq<sup>r</sup>. and James Russell [^Esq<sup>r</sup>.^] of Charlestown [^& both^] in the County of Middlesex a Committee of the Great and General Court of the province of the Massachusetts Bay, called the Com'ttee of Warr Complainants ~~vs~~ John Osgood of Andover in the County of Essex Esq<sup>r</sup>: The Compl<sup>ts</sup>. shew'd that at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, They Recovered Judgment against the said John Osgood for the sum of £98.13/ Lawful Money damage, and Costs of Suit. from which Judgment he Appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect but failed so to do; Wherefore the Complainants Pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said John Osborn Samuel Watts, Thomas Hubbard, Stephen Hall, and James Russell Recover against the said John Osgood the sum of Ninety eight pounds thirteen shillings Lawful Money of this Province Damage, and Costs taxed at £4.0.2

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Ex'c'on issued

6<sup>th</sup>.. Nov<sup>r</sup>: 1760.

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Brattle et als ~~vs~~ Luce

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William Brattle of Cambridge in the County of Middlesex Esquire,  
 and Martha his Wife Administratrix of the Estate of James Allen late of Boston  
 aforesaid Esq<sup>r</sup>. deceased Complainants ~~vs~~ John Luce Yeoman and Lewis  
 Turner Mariner, both of Boston aforesaid. The Complainants Shew'd that at  
 an Inferiour Court of Common Pleas held at Boston in and for the County of  
 Suffolk on the first Tuesday of April last, they Recovered Judgment against  
 them for the sum of £63.1.1 Lawful Money debt [x] and Costs of Suit. from  
 which Judgment the said John and Lewis Appealed to this Court and Recogniz'd  
 with sureties according to Law to try the same with Effect but fail'd so to do.  
 Wherefore the Compl<sup>s</sup>. pray'd Affirmation of said Judgment with Additional  
 Costs: It's therefore Considered by the Court that the said William Brattle  
 and Martha his Wife Adm<sup>x</sup>: as aforesaid, Recover against the said John  
 Luce and Lewis Turner the sum of Sixty three pounds one shilling and 1<sup>d</sup>.  
 Lawful Money of this Province debt [x] and Costs taxed at £5.0.3

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Ex'c'on iss<sup>d</sup>:18. Oct<sup>r</sup>. 1760.

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Arthur

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[106v]

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Savage v Blake

&gt;&gt;

Arthur Savage of Boston in the County of Suffolk Gentleman Compl<sup>t</sup>:  
~~vs~~ Jonathan Blake jun<sup>r</sup>. of said Boston Fisherman. The Compl<sup>t</sup>. Shew'd  
 that at an Inferiour Court of Common Pleas held at Boston in and for  
 the County of Suffolk on the first Tuesday of April last, he Recovered  
 Judgment against the said Jonathan for the sum of £4.12/ Lawful M<sup>o</sup>..  
 damage, and Costs of Suit. from which Judgment the said Jonathan  
 appealed to this Court and Recogniz'd with Sureties according to Law

to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Costs: It's there-  
 :fore Considered by the Court that the said Arthur Savage Recover against  
 the said Jonathan Blake jun<sup>r</sup>. the sum of four pounds twelve shillings  
 Lawful Money of this Province Damage, and Costs taxed at £3.0.1

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Hasey ~~vs~~ Tuttle

&gt;&gt;

Abigail Hasey of Chelsea in the County of Suffolk Widow  
 Complainant ~~vs~~ Elisha Tuttle of said Chelsea Yeoman. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Boston  
 in and for the County of Suffolk on the first Tuesday of April last,  
 she Recovered Judgment against the said Elisha for £1.16.2 Costs of  
 Suit. from which Judgment he Appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but  
 has fail'd to do it. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Costs: It's therefore Considered by the  
 Court that the said Abigail Hasey Recover against the said Elisha  
 Tuttle Costs Taxed at £3.10.7

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Hasey ~~vs~~ Tuttle

&gt;&gt;

Abigail Hasey of Chelsea in the County of Suffolk Widow  
 Executrix of the last will & testament of Jacob Hasey late of s<sup>d</sup>. Chelsea Yeoman deceased  
 Compl<sup>t</sup>.  
~~vs~~ Elisha Tuttle of Chelsea aforesaid Yeoman. The Compl<sup>t</sup>. Shew'd that at  
 an Inferiour Court of Common pleas held at Boston in and for the  
 County of Suffolk on the first Tuesday of April last, she Recovered  
 Judgment against the said Elisha for the sum of £1.16.2 Costs of

Suit. from whence he appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect; but has fail'd to do it, Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's Therefore Considered by the Court that the said Abigail Hasey Recover against the said Elisha Tuttle

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107.

[107r]

Tuttle Costs taxed at £3.10.7

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Phillips ~~vs~~ Brinley.

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John Phillips of Boston in the County of Suffolk Esq. otherwise called John Phillips of Boston aforesaid Esq<sup>r</sup>: Executor of the last Will and testament of Benjamin Clark late of said Boston Feltmaker dec'd Complainant ~~vs~~ Francis Brinley of Roxbury in said County Esq<sup>r</sup>. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Recovered Judgment against the said Francis for the Sum of £100.2.3 Lawful Money, Debt, and Costs of Suit. from which Judgment the said Francis Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said John Phillips Exc'or as aforesaid Recover against the said Francis Brinley the Sum of One hundred and three pounds Seventeen shillings and three pence Lawful Money of this Province Debt, and Cost taxed at £3.13.10

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Ex'c'on issued

9<sup>th</sup>. Sept<sup>r</sup>.. 1760.

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Goodwin ~~vs~~ Allen

&gt;&gt;

Benjamin Goodwin of Boston in the County of Suffolk Silver Smith  
 Complainant ~~vs~~ Samuel Allen of Boston aforesaid Merchant. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Boston in  
 and for the County of Suffolk on the first Tuesday of April last, he Recovered  
 Judgment against the said Samuel for the Sum of £23.17.4 Lawful Money  
 damage, and Costs of Suit. from which Judgment the said Samuel Appealed  
 to the Court and Recogniz'd with Sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
 of said Judgment with Additional Costs: It's therefore Considered by the  
 Court that the said Benjamin Goodwin Recover against the said  
 Samuel Allen the sum of twenty three pounds seventeen shillings &  
 four pence Lawful Money of this Province Damage, and Costs taxed  
 at £3.1.4

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Boylston ~~vs~~ Taylor

&gt;&gt;

Zabdiel Boylston of Brookline in the County of Suffolk Physician  
 Complainants ~~vs~~ Elizabeth Taylor Widow, and Sarah Checkley Widow both  
 of Boston in said County. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court  
 of

&lt;duplicates previous&gt;

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[107v]

of Common Pleas held at Boston in and for the County of Suffolk on the  
 first Tuesday of July last, he Recovered Judgment against the said Elizabeth

and Sarah for possession of a Certain Messuage and Land in said Boston in the same Judgment described, and Costs of Suit. from w<sup>ch</sup>: Judgment the said Elizabeth and Sarah Appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Zabdiel Boylstone recover against the said Elizabeth Taylor [x] and Sarah Checkley the Possession of the premisses demanded in the Writ, and Costs taxed at £3.7.10

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Fac<sup>s</sup>: Hab: issuedSept<sup>r</sup>. 27<sup>th</sup>. 1760

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Lane ~~vs~~ Tilson

&gt;&gt;

Thomas Lane of the City of London in the Kingdom of Great Britain Merchant Complainant ~~vs~~ Perez Tilson of Plimouth in the County of Plimouth Merchant. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Com'on Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Perez for the sum of £146.14.6 Sterling Money damage, and Costs of Suit. from which said Judgment the said Perez Appealed to this Court and Recogniz'd with Sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additio<sup>n</sup>: Interest and Costs: It's therefore Considered by the Court that the said Thomas Lane Recover against the said Perez Tilson the Sum of One hundred and forty Seven pounds fourteen shillings and eight pence Sterling Money of Great Britain Debt, and Costs taxed at £3.16.0 Lawful Money of this Province.

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Ex'c'on Issued

1<sup>st</sup>. Nov<sup>r</sup>: 1760.

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Jackson et al ~~vs~~ Quincy

&gt;&gt;

Jonathan Jackson of Cambridge in the County of Middlesex, and  
 Mary Jackson of Boston in the County of Suffolk Minors who Sue by  
 Dorothy Jackson Widow, Daniel Marsh Shopkeeper Samuel Sewal and  
 Thomas Cushing all Boston aforesaid their Next friends Complainants  
~~vs~~ Edmund Quincy of Braintree in said County Esq; The Compl<sup>t</sup>s.  
 shew'd that at an Inferiour Court of Common Pleas held at Boston  
 in and for the County of Suffolk on the first Tuesday of July last, they  
 Recovered

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Image 136-Right

108.

[108r]

Recovered Judgment against the said Edmund Quincy for [<sup>^</sup>possession of<sup>^</sup>] the Lands &  
 buildings in said Judgment Mentioned, and Costs of Suit. from which Judgm<sup>t</sup>  
 the said Edmund Appealed to this Court and Recognized with Sureties  
 according to Law to prosecute the same with Effect but fail'd so to do. Wherefore  
 the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs:  
 It's therefore Considered by the Court that the said Jonathan Jackson &  
 Mary Jackson who sue as Aforesaid, Recover against the said Edmund  
 Quincy the possession of the premisses demanded and Costs taxed at £2.17.9.

&lt;&lt;

Fac<sup>s</sup>. Hab: issued5<sup>th</sup>.. Feb.<sup>y</sup> 1761.

&gt;&gt;

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&lt;&lt;

Pearson jun<sup>r</sup> ~~vs~~ Davis

&gt;&gt;

John Pearson jun<sup>r</sup>. of Newbury in the County of Essex Mariner et Merchant  
 appellant ~~vs~~ Benjamin Davis of Ipswich in the County of Essex Mariner  
 and Merchant Appellee, from the Judgment of an Inferiour Court of Com<sup>'</sup>on  
 Pleas held at Newbury within and for the County of Essex on the last  
 Tuesday of September last, when and where the Appellant was plaintiff and  
 the Appellee was def<sup>t</sup>., In a plea of Trespass on the Case for that Whereas on the first  
 day of June Anno Domini 1758. at a place called S<sup>t</sup>. Eustatius viz. in Newbury  
 aforesaid one Abraham Heyliger Jujnor, a Merchant there, according to the Custom  
 and usage of Merchants made four bills of Exchange all of them of the same  
 tenor and effect, and for one and the same Sum, and directed the said bills  
 of exchange to Mess<sup>rs</sup>.. Thomas and Adrian Hope Merchants in Amsterdam  
 trading to and using Commerce in London in the Kingdom of Great  
 Britain, and by the fourth of the said bills of Exchange, the said Abraham  
 Requested the said Thomas and Adrian Hope at sixty days sight to pay that  
 his fourth bill of Exchange his first, second, and third not being paid  
 to John Pearson jun<sup>r</sup>. or Order, in London, thirty pounds Sterling value  
 received of Captain Benjamin Davis, and place the same to his the said  
 Abraham's account as & advice; and Afterwards at S<sup>t</sup>.. Eustatius viz,  
 in Newbury aforesaid the def<sup>t</sup>.. Benjamin Davis on the same first day  
 of June by a Note in Writing under his hand on the back of the said  
 fourth bill of Exchange for Value Rec<sup>'</sup>ed viz. the sum of thirty pounds  
 Sterling promised the said John that on the Return of the said bill protested,  
 and not paid if it shou<sup>'</sup>d so happen, he would pay the said John the  
 Contents of the same bill, with the Interest Costs and Charges according  
 to the Custom and usage of Merchants, and Afterwards viz. At Newbury  
 aforesaid on the 31<sup>st</sup>. day of October AD 1758. the said John the plaintiff for  
 value

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Image 137-Left

[108v]

value Rec<sup>'</sup>ed by his indorsement on the back thereof Ordered the Contents  
 of the same bill to be paid to Ebenezer Greenleaf or Order; and After=  
 :wards at said Newbury on the same 31<sup>st</sup>: day of October the said Ebenezer



Greenleaf by his Indorsement on the back thereof, ordered the Contents thereof to be paid to Mess<sup>rs</sup>: Champion and Haley or Order, for Value rec'd. And Afterwards at Amsterdam in said Newbury on the same 31<sup>st</sup>. day of October the said Champion and Haley presented the same bill of exchange to the said Thomas and Adrian Hope for payment and Acceptance, the first, second, and third, as aforesaid being unpaid; but the said Thomas and Adrian Hope utterly Refused to Accept or [x] pay the same but desired that Adress might be made to Mess<sup>rs</sup>.. Gurnell and Hoar Merchants in London for Acceptance and payment: Whereupon and by Reason of which, the same bill of Exchange Afterwards on the same 31<sup>st</sup>., day of October at Amsterdam in Newbury aforesaid, was duly protested according to the Custom of Merchants for nonpayment and non Acceptance thereof. And Afterwards on the 2<sup>nd</sup>., day of January AD 1759. at London in Newbury aforesaid the said Mess<sup>rs</sup>.. Champion & Haley presented the same bill to the said Mess<sup>rs</sup>.. Gurnell and Hoar for acceptance and payment who utterly Refused to accept and pay the same by reason of which the same bill was again duly protested according to the Custom of Merchants for non payment and non acceptance thereof; and Afterwards the said Mess<sup>rs</sup>.. Champion and Haley Returned the same bill to the said Ebenezer Greenleaf, who Returned the same not paid and protested as aforesaid, to the plant John who was Obliged to and did pay the aforesaid Ebenezer the said Thirty pounds Sterling and the Costs damages and Interest suffered and accrued by Reason of the Non payment of the said bill, amounting to five pounds Eleven shillings and four pence Sterling, of all which the said Benjamin the def. at Newbury aforesaid on the 28<sup>th</sup>. day of June last, had Notice from the plan't, and according to the Custom and usage of Merchants became chargeable to and was Requested by the plant to pay him the said thirty pounds Sterling the Contents of the said bill and the said five pounds eleven shillings and four pence Sterling the Costs, damages, and Interest as aforesaid; And the said Benjamin in Consideration thereof then and there promised the plan't to pay him the thirty five pounds eleven shillings and four pence Sterling

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Image 137-Right

109.

[109r]

Sterling aforesaid (of the value of Forty seven pounds 8/4. Lawful Money of this Province) on demand, Yet tho' Requested he has not paid the same but Unjustly Refuses and denies to pay it. And Also for that whereas the said Benjamin Davis at Newbury aforesaid on the first day of June AD 1758. being indebted to the said John the plant another sum of thirty pounds Sterling of the value of Forty pounds Lawful Money of this Province for so much Money he had and Received of the said John at S<sup>t</sup>. Eustatius & to his said John's use in Consideration thereof then and there promised the said John to pay him the same on demand, Yet tho' Requested the said Benjamin has not paid the same but denies to pay it; And Also for that Whereas the said Benjamin on the 25<sup>th</sup>. day of June last, at Newbury afores<sup>d</sup>: being indebted to the said John another sum of thirty five pounds eleven shillings and four pence Sterling of the Value of Forty seven pounds eight shillings and four pence Lawful Money of this Province for the like sum of Money by the said John before that time at the special Request of the s<sup>d</sup>: Benjamin and to his said Benjamin's use laid out and expended, and being so indebted then and there promised the said John the plan't to pay him the same on demand, Yet the said Benjamin tho' Often Requested has not paid the same but Refuses to pay it, to the damage of the said John Pearson, as he saith, the sum of seventy pounds; At which said Inferiour Court, Judgment was Rendered That the said Benjamin Davis Recover against the said John Pearson Costs of Court; from which Judgment the said John Appealed to the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Salem within and for said County of Essex on the fourth Tuesday of October Last, by Adjournment from the third Tuesday of the same Month; when and where the Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is

to say, they find Specially "That Abraham Heyliger drew the bill of  
 "exchange set forth in the Writ, Copy of which is in the Case; That  
 "the defendant Benjamin Davis Indorsed the same bill blank;  
 "That the plant' pearson would not transfer the property of a Vessell  
 "to the defendant Davis, which was the Consideration of the same Bill,  
 "till he had indorsed it; That the plant pearson chose to take the bill for  
 "the pay for said Vessell Rather than the Cash; That the same bill  
 was

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Image 138-Left

[109v]

"was protested and notice given as set forth in the Writ; If therefore upon this  
 "whole Matter the Court shall be of Opinion that the def<sup>t</sup>. Davis by  
 "Reason of the Indorsement aforesaid is chargeable to the plant for the  
 "sum demanded, then they find for the plant Reversion of the former  
 "Judgment Thirty five pounds sixteen shillings and ten pence Sterl<sup>g</sup>.  
 "money damage, and Costs; otherwise they find for the Appellee Costs  
 "of Court." And from thence said Appeal was Continued to the Superiour  
 Court of Judicature &C<sup>a</sup>. held at Ipswich in and for said County of Essex  
 on the fourth Tuesday of June last, by Adjournment from the second  
 Tuesday of said Month. by Consent of both Parties; and from the Court  
 last mentioned said Appeal was Continued and Transferr'd to this  
 Court by Consent of the Parties, for Argument: And now both Parties  
 Appeared, and having been fully heard upon said Special Verdict; It's  
 Considered by the Court that the said John Pearson jun<sup>r</sup>: Recover  
 against the said Benjamin Davis, the sum of thirty five pounds  
 sixteen shillings and ten pence Lawful Money of Great Britain  
 damage, and Costs taxed at £8.1.9 L money of this Province.

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Ex'c'on issued

8<sup>th</sup>. Sept<sup>r</sup>. 1760.

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Hearsey vs Do'm: Reg:

&gt;&gt;

Elisha Hearsey of Abington in the County of Plimouth Gent<sup>l</sup>.  
 otherwise called Elisha Hearsey of Abington Yeoman Appellant, At the suit  
 of Dom: Reg: from the Judgment of an Inferior Court of common pleas held at  
 Plimouth in and for the County of Plimouth on the first tuesday of April AD 1758.  
 when & where the said Elisha Hearsey was proceeded against at the suit of the King  
 as surety for one Joseph Reed of Abington Innholder &C. as by the Writ & process on  
 file at large appears: At which said Inferior Court Judgment was rendred, upon  
 the demurer there, that the said Lord the King recover for the use of Joseph  
 Joslyn Farmer of the duties of excise &c. against the said Hearsey the sum of  
 ten pounds Lawful Money debt & Costs. This appeal was entred & bro't forward at  
 the Superior Court of Judicature &c. held at Plimouth in and for the County of  
 Plimouth on the last tuesday of April AD 1758. when & where the appellant  
 appeared, and case after a full hearing was committed to a Jury sworn  
 according to Law to try the issue who Returned their Verdict therein upon  
 Oath that is to say, they find that neither Joseph Reed nor any person for  
 him did sell any wine or distill'd spirits in Abington nor use any limes  
 lemons or Oranges there, in punch or otherwise after the grant of his  
 Licence in 1749. Whereupon the Appellant mov'd that Joseph Joslyn  
 Farmer

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Image 138-Right

110.

[110r]

Farmer of the excise at whose request this suit was bro't might be Adjudg'd to  
 pay costs & upon that motion this appeal was continued for Advisement to the  
 then next term of said Court for said County of Plimouth; when & where the  
 appellant appeared & it was agreed that no costs shou'd be tax't after that time  
 & then by Consent of parties said Appeal was continued to the Superior Court of  
 Judicature &c. held at Plimouth in and for said County of Plimouth on  
 the last tuesday of April last, when & where the Appellant appeared, & it

was agreed between the appellant and Joseph Joslin the prosecutor that the point in dispute between them shou'd be argued at this Court, and if it should be determined that said Joselyn shou'd pay costs, he thereby inacted to pay the same in Court at this Term: And from thence Said appeal was Continued and transferr'd to this Court. And now the appellant appeared, And It is Considered by the Court that the said Elisha Hearsey recover against the said Joseph Joslin Costs taxed at £5.0.1

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Tirrell ~~vs~~ Dom Reg.

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Joseph Tirrell of Braintree in the County of Suffolk Victualler otherwise called called Joseph Tirrell of Abington in the County of Plimouth Yeoman appellant at the suit of the King from the Judgment of an Inferior Court of common pleas held at Plimouth in & for the County of Plimouth on the first tuesday of April AD 1758. when & where the said Joseph was proceeded against at the suit of the King as surety for one Joseph Reed of Abington Innholder &c. as by the Writ & process on file at large appears: At which said Inferior Court Judgment was rendred, upon the demurer there, that the said Lord the King recover for the use of Joseph Joslyn Farmer of the duties of excise &c. against the s<sup>d</sup>. Tirrell the sum of ten pounds debt, & Costs.

This appeal was entred & bro't forward at the Superior Court of Judicature &c. held at Plimouth in & for

the County of Plimouth on the last tuesday of April AD 1758. when & where the Appell<sup>t</sup>. appeared & the case

after a full hearing was committed to a Jury sworn according to Law to try the same who Returned

their Verdict therein upon Oath. that is to say, they find that neither Joseph Reed nor any person for

him did sell any wine or distilled spirits in Abington; nor use any limes, lemons, or oranges there,

in punch or otherwise after the grant of his licence in 1749. Whereupon the appellant mov'd that Joseph Joslyn farmer of the excise at whose request this suit was brought might be Adjudg'd to pay costs & Upon that motion this appeal was continued for Advisement to the then Next term of s<sup>d</sup>. Court for said County of Plimouth; when the appell<sup>t</sup>. appeared & it was agreed that no costs shou'd

be tax't after that time & then by Consent of parties said parties said Appeal was continued to the Superior Court of Judicature &c. held at Plimouth in & for s<sup>d</sup>. County of Plim<sup>o</sup>. on the last Tuesday of April last, &

there the appell<sup>t</sup>. appeared & it was agreed between the appell<sup>t</sup>. & Joseph Joslyn the prosecutor that the poin in dispute

between them shou'd be argued at this Court, & if it shoul'd be determin'd that s<sup>d</sup>. Jos: Joslyn shou'd pay Costs he

thereby enacted to pay the same in Court at this term: And from thence said Appeal was continued

& transferr'd to this Court. And Now the appellant appeared, & It is Considered by the Court that the said Elisha Hearsey recover against the said Joseph Joslin Costs taxed £5.11.1.

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for Judgm<sup>t</sup>. }

in favor of Clap.}

see fol:}

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[110v]

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Waite's Indictment

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The Jurors for the Lord the Lord the King for the Body of this County did upon their Oath present That Mary Waite of Boston aforesaid Spinster on the twentieth day of January last, at Boston aforesaid privately and secretly brought forth of her body a Living Male Child which Male Child being then and there born alive was by the Law of the Land a Bastard; And that the said Mary not having the fear of God before her Eyes, but being Instigated by the Devil, did on the said twentieth day of January last, at Boston aforesaid with force and Arms feloniously willfully and of her Malice forethought Assault her said living Male Child in the peace of God, and of the said Lord the King then and there being; And that the said Mary did then and there with force as aforesaid feloniously wilfully

and of her Malice forethought fix both her hands, hard and fast about the Neck of her said Male Living Infant and thereby did then & there with force and Arms feloniously wilfully and of her Malice forethought strangle her said Male Living Child, of which strangleing the same Male Child then and there Instantly died. And so the Jurors aforesaid upon their Oath say That the said Mary Waite did on the said twentieth day of January last, at Boston aforesaid with force and Arms feloniously wilfully and of her Malice forethought in Manner and form afores<sup>d</sup>: Kill and Murder her said Bastard Child against the peace of the said Lord the King his Crown and Dignity: The said Mary Waite was bro't and set to the Bar and arraigned; and upon her arraignment plead not Guilty; A Jury was then sworn to try the issue M<sup>r</sup>.. Samuel Downe foreman and fellows who having fully heard, the Evidence went out to Consider thereof, and Returned with their Verdict, and upon their Oath say that the said Mary Waite is not Guilty: It is therefore Considered by the Court that the said Mary Waite go without day.

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Ball's Indictment

&gt;&gt;

The Jurors for the Lord the King for the Body of this County, did upon their Oath present, That Thomas Ball of Boston aforesaid Tanner, did on the twelfth day of March last, at Boston aforesaid with force and Arms feloniously brake and enter the dwelling house of one Francis Wright at Boston aforesaid, and take Steal and carry away one hundred and fifty pounds of Lawful Money, one Silver Castor, a Silver soop spoon, a Silver punch Ladle, a silver punch Strainer, a Silver Cream pot, two Silver

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Image 139-Right

111.

[111r]

silver Tankards, seven silver spoons, two silver Thimbles, three small peices of Silver, three linen Table Cloaths, two white Holland aprons, and apeice of check't linnen. The Goods and chattles of the said Francis and of the value of two hundred & fifty pounds; against the Peace of the said Lord the King his Crown & dignity: and the Law in that case made and provided. upon this Indictment the said Thomas Ball was Arraigned at the barr, and plead not Guilty: A Jury was then sworn to try the Issue (M<sup>r</sup>. Nathaniel Sever foreman and fellows) who having fully heard the Evidence went out to Consider thereof and Return'd with their Verdict, and on their Oath say that the said Thomas Ball is Guilty; The Court having considered the offence of the said Thomas Ball Order that he be whipped thirty five Stripes upon his Naked back at the public whipping post, that he pay the said Francis Wright trible the value of the Money and Goods Stolen being seven hundred and fifty pounds (the goods Returned to be accounted part) and that he pay Costs of prosecution standing committed until this sentence shall be performed; And in Case the said Thomas Ball be unable to pay the said trible damages and Costs, Ordered that the said Frances Wright may dispose of him in service to any of his Majesty's leige Subjects for the term of fourteen Years.

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Order on Clapham's Petition

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The Petition of Mary Clapham for division of Land, as on file;  
Allow'd.

&lt;\_&gt;

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Order on Cole als. al Pet<sup>o</sup>:

&gt;&gt;

The Petition of Thomas Cole et as. for division of Land, as on file;  
Allow'd.

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&lt;&lt;

Order on French's Petition

&gt;&gt;



Upon Reading the Petition of John French Administrator of the Estate of Alexander French late of Braintree dec'd, Wherein the Petitioner shew'd that there is due from said Estate five pounds ten shillings and nine pence more than his personal Estate and the produce of the Land formerly sold: The Petitioner therefore pray'd this Court to empower him to make sale of so much more of the dec'ds Real Estate as will pay the same with the Charges of the Sale: Ordered that the prayer of this Petition be Granted, and that the said John French Administrator as aforesaid, be and

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[111v]

and hereby is Impowered to make Sale of Eight Pounds worth of the said Deceased's Real Estate for the Ends aforesaid, (such as will least prejudice the Remainder) as pray'd for; and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof; the Petitioner therefore to post up Notifications thirty days before the Sale and Account with the Judge of probate for said County, as the Law directs.

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Order on Lincoln's Pet<sup>o</sup>.

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Upon Reading the Petition of Mary Lincoln Administratrix on the Estate of her late husband Moses Lincoln Jun<sup>r</sup>. late of Hingham in said County Yeoman dec'd, wherein the petitioner shew'd that the personal Estate of the deceased is insufficient to pay his just debts, which amount to the sum of twelve pounds five shillings  $7\frac{3}{4}$ d as p<sup>r</sup>. Certificate on file. The Petitioner therefore pray'd this Court to Impower her as adm<sup>x</sup>. aforesaid, to make Sale of so much of the Real Estate of the said Deceased as will be Sufficient to pay the Debts aforesaid, and the further Charges that may arise thereon: Ordered that the prayer of this Petition be granted, and that the s<sup>d</sup>:

Mary Lincoln (in her said Capacity) be and hereby is Impowered to make Sale of fifteen pounds worth of the said Dec'eds Real Estate for the Ends aforesaid (such part as will least prejudice the whole) as pray'd for; and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up notifications thirty days before the Sale, and account with the Judge of Probate for said County, as the Law directs.

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Order on Fulton's Pet<sup>o</sup>.

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Upon Reading the Petition of Ann Fulton Administratrix of the Estate of John Fulton late of Boston Distiller dec'ed,, Wherein the Petitioner shew'd that there is due from said Estate Ninety six pounds fifteen shillings and four pence. and that there is not any personal Estate to discharge the same, Wherefore the petitioner pray'd this Court to empower her to make Sale of part of the said deceaseds real Estate for payment thereof viz. of a house and Land situate at the southerly part of Boston, in a

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112.

[112r]

a lane called blind lane appraized at £113.6.8. Ordered that the prayer of this Petition be granted, and that the said Ann Fulton Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make Sale of the premisses aforementioned for the purpose as pray'd for: And to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof. the Petiti<sup>o</sup>. to post upNotifications thirty days before the Sale and account with the Judge of probate aforesaid County as the Law directs.

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## Order on Walker's Petition

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Upon Reading the Petition of Mary Walker Administratrix of the Estate of Davenport Walker late of said Boston Mastmaker deceased Intestate. Wherein the Petitioner shew'd that there Remains in her hands of his personal Estate the sum of thirty five pounds three shillings and nine pence only; That that Real Estate has been appraized at Sixty pounds only; And that the said Estate has been admitted to be Insolvent, the Commissioners having made Return of claims to the amount of One hundred eighty nine pounds ten shillings and five pence three farthings, and the said Return has been allow'd as & Certificate on file; The Petitioner therefore pray'd this Court to Impower her (in her said Capacity) to sell and dispose of the said Dec'eds Estate to enable her so far to pay and discharge his just debt: Ordered that the prayer of this Petition be granted, and that the said Mary Walker (in her said Capacity) be and hereby is Impowered to make Sale of the deceased's Real Estate for the Ends aforesaid as pray'd for, and to pass and execute a good deed or Deeds in the Law for Conveyance thereof, the petitor to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (of the produce thereof) as the Law directs.

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Order on Clark's pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Jane Clark Widow as she is Administ<sup>x</sup>.. of the Estate of the Esto Clark late of Boston Gentleman dece'ased Intestate. Wherein the Petitio<sup>r</sup>. Shew'd that the said Intestates Debts and Charges of Funeral & C<sup>a</sup>: exceed his personal Estate the sum of Four hundred and seventy eight pounds as appears by a Certificate from the Judge of probate herewith exhibited, and on file; The petitio<sup>r</sup>: therefore pray'd that she might be allowed to make Sale of so much of the Real Estate of the Intestate as should amount to said sum. And in as much as the Petitioner's

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[112v]

Petitioner's Right of Dower in said Real Estate has been estimated by said Judge at one hundred pounds: The Petitioner further pray'd that in case she shall see meet to Accept of said One hundred pounds in lieu of her dower, she may be enabled to make further Sale of said Real Estate in order to the payment thereof. Ordered that the prayer of the Petitioner be Granted; and that the said Jane Clark (in her said Capacity) be and hereby is Impowered to make Sale of as much of the said Deceaseds Real Estate as pray'd for and for the purposes aforesaid: and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof. the petitio<sup>r</sup>. to post Notifica=  
:tions thirty days before the Sale and account with the said Judge of Probate (for the Produce of the same) as the Law Directs.

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Order on Wentworth's Petition

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Upon Reading the Petition of Edward Wentworth of Stoughton in the County aforesaid Yeoman and Adm<sup>x</sup>. on the Estate of David Wentworth late of said Stoughton Blacksmith dec'd, Wherein the Petitio<sup>r</sup> Shew'd that the personal Estate of the dec'd, including his Debts in Book, amount as & inventory exhibited to £70.8.9. that his Debts and Funeral Charges already ascertained am<sup>o</sup>: to £100.1.2. and further Claims being made, the Estate has been represented Insolvent and Commissioners appointed accordingly. that the whole Real Estate exclusive of the Widow's Dower has been appraised but at £46.4.5. all which appears by a Certificates from the Hon'ble Judge, as on file: The Petitioner therefore pray'd this Court would grant an Order or permission for the Sale of the whole Real Estate he to be accountable for the amount or proceeds of the same. Ordered that the prayer of this Petition be Granted, and that the said Edward Wenthworth (in his said Capacity) be and hereby is Impowered to make Sale of the said Deceased's Real Estate for the purposes aforesaid as pray'd for; and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitio<sup>r</sup>. to post

up Notifications thirty days before the Sale, and Account with the Judge of probate for said County (for the produce thereof) as the Law directs.

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Order on Cheney's Pet<sup>o</sup>:

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Upon Reading the petition of Anna Cheney Adm<sup>x</sup>. of the Estate of

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Image 141-Right

113.

[113r]

of Ephraim Cheney late of Medfield deceased; Wherein the petitioner that the debts due from the said deceased's Estate amount to thirty Nine pounds sixteen shillings and 4d.½ more than his personal Estate Wherefore the petitio<sup>r</sup>. pray'd this Court to empower her to make Sale of forty five pounds worth of the said dec'eds Estate where it cou'd be best spared for the payment of his Debts, and the Charges of the Sale. Ordered that the prayer of this Petition be granted, and that the said Anna Cheney (in her said Capacity) be and hereby is Impowered to make of Forty five pounds worth of the said Dec'eds Real Estate for the Ends aforesaid (such part thereof as will least prejudice the whole) as pray'd for: And to pass and execute a Good Deed or Deeds, in the Law for Conveyance thereof the petitioner to post up Notifications thirty days before the sale, and Account with the Judge of Probate for said County, as the Law directs.

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Clap ads Dom. Regis

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Nathaniel Clap of Scituate in the County of Plimouth Esq; Appellant at the suit of the King, from the Judgment of an Inferior Court of common pleas held at

Plimouth in and for the County of Plimouth on the first tuesday of April AD 1758. when & where the said Nathaniel was proceeded against, [^at^] the suit of the King as surety for one Thomas Bardin of Hanover in said County of Plimouth Gentleman as by the Writ & process on file at large appears: At which said Inferior Court upon the pleadings there, Judgment was rendred, that the said Lord the King recover (for the use of the said Theophilus Cotton Farmer of the duties of excise) against the said Nathaniel Clap the sum of ten pounds debt & Costs. This Appeal was brought forward at the Superior Court of Judicature &c held at Plimouth in and for the County of Plimouth on the last tuesday of April AD 1758. when & where [x] Joseph Joslyn farmer of the excise, agreed to put the issue of this Cause upon the said Thomas Bardin's Oath, who was thereupon sworn and discharged himself upon Oath: upon which the Appellant mov'd that the said Joseph Joslyn at whose Request this suit was bro't, might be Adjudged to pay costs. and from thence said Appeal was continued unto the then Next term of said Court for said County of Plimouth for Advisement thereon: when & where the appellant appeared & it was agreed that no Costs shou'd be tax't after that time; & then said appeal was Continued to this Court by Consent: And now the appellant appeared, And It is Considered by the Court that the said Nathaniel Clap recover against the said Joseph Joslyn Costs taxed at £5.13.5.

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Boston.

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Image 142-Left

[113v]

<<

The Court Adjourn'd without day.

>>

Saturday Aug 30<sup>th</sup>. the Court Adjourn'd to October the eighth Wednesday Oct<sup>o</sup>. y<sup>eth</sup>. 8. The Court met according to Adjournment and entered up Judgment according to the Verdicts, and then Adjourn'd without day. Att<sup>r</sup>. Sam<sup>l</sup>. Winthrop Cler.

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Image 142-Right

114.

[114r]

Province of the} Anno Regni Regis Georgii secundi magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ tricesimo  
Worcester ss} Quarto

At His Majesty's Superiour Court of Judicature Court  
of Assize and General Goal Delivery held at  
Worcester within and for the County of Worcester  
on the third Tuesday of September (being the 16<sup>th</sup>.  
day of said Month) Annoq Domini 1760.

By the Honorable Benjamin Lynde}  
John Cushing} Esq<sup>rs</sup>. Justices.  
Chambers Russell et}  
Peter Oliver}

The Names of the Grand and Petit Jurors. present Impannelled and  
sworn are in Writing on file.

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<<

Beers Jun<sup>r</sup>. vs Bridges

>>

Richard Beers ju<sup>r</sup> Appellant vs Isaac Bridges Appellee  
The plaintiff, now Appellant, comes into Court and disavows this Action,  
and it is therefore dismissed.

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Legget vs Carter et al

>>

Thomas Legget Appellant vs Josiah Carter et al Appellees  
Neither party appeared.

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&lt;&lt;

Rogers *vs* Inhabitants of Leominster

&gt;&gt;

John Rogers of Leominster in the County of Worcester Clerk Appellant  
*vs* The Inhabitants of the Town of Leominster in the same County Appellees: from  
 the Judgment of an Inferiour Court of Common Pleas held at Worcester  
 in and for the said County, on the third Tuesday of August AD 1759. when  
 and where the Appellant was plant, and the Appellees were defendants.  
 In a plea of Trespass on the Case, for that the Rateable Inhabitants of said  
 Leominster having invited and called the plan't to be their Settled and  
 Ordained Minister and pastor there being then no Church Gathered in  
 the

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Image 143-Left

[114v]

the same Town on the 22<sup>nd</sup>. day of March AD 1742 old stile. said Inhabitants  
 in Town Meeting in the same Town duly called and Assembled, Voted granted  
 and promised the plan't whom they invited as Aforesaid, for his Sallary for  
 the first Year after his Settlement, if he should settle with them as aforesaid  
 Forty five pounds Lawful Money, for the second Year forty seven pounds ten  
 shillings like money, for the third Year fifty pounds like Money and when  
 there should be Sixty Families in the same Town fifty five pounds Lawful  
 Money annually, while he should be and Remain their Minister, And  
 the said Inhabitants Afterwards there, in Town Meeting duly and  
 Lawfully called and Assembled on the 23<sup>d</sup> day of May AD 1743. old stile  
 further Voted and granted that provided the plant would Settle with  
 them in the Ministry as aforesaid, that he should be paid the Sallary  
 aforesaid to be Considered as Lawful Money, or money at the Rate of  
 Silver at six shillings and eight pence thereof pr ounce, and that there  
 should be two payments thereof namely, the one half of the Sallary  
 should be paid at the End of the first six months, and the other half at  
 the End of the Year, and thereupon the plant Relying on the Votes, Grants  
 and premisses aforesaid, accepted said call and invitation, and



agreed to settle with them as aforesaid, and accordingly on the fourteenth day of September AD 1743. old stile at Leominster aforesaid the plan't was duly and Regularly Ordained their Minister and pastor and has ever since continued so to be and in the Excercise of the Ministerial and Pastoral Functions and the plant further says That on the 14<sup>th</sup>. day of September AD 1749. old stile, the Number of Families in the same Town amounted to sixty Families, and have ever since Continued to be of the same or greater Number so by Force of the premisses the Inhabitants became Obliged to pay to the plant from thence forth the Sallary of Fifty five pounds Lawful Money of this province at two equal payments viz. one half thereof at the end of Six Months from the commencement of every year, and the other half at the expira= :tion of every year, so long as he should continue to be their settled Minister as aforesaid; and accordingly the said Inhabitants then and there promised to pay him the same: Now the plant says that on the 25<sup>th</sup>. day of March last, Eighty two pounds ten shillings Lawful Money being three half Years Salary, or one year and a half Years Salary as aforesaid, became Arrear. Yet they have not paid the same tho' Requested

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Image 143-Right

115.

[115r]

Requested but Neglect it. To the damage of the said John as he saith the sum of One hundred pounds; At which said Inferiour Court Judgment was Rendred that the said Inhabitants of Leominster should Recover against the said John Rogers Cost of Suit. This Appeal was bro't forward at the last Term of this Court for this County and from thence Continued to this Court, for Trial: And Now both Parties appeared. And the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment Eighty two pounds ten shill<sup>s</sup>.. Lawful Money damage, and Costs: I'ts therefore Considered by the Court

that the former Judgment be Reversed and that the said John Rogers  
 Recover against the said Inhabitants of Leominster the sum of Eighty  
 two pounds ten shillings Lawful Money of this Province Damage, and Costs  
 Taxed at £        Bond to Review.

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Sanger vs Drury

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Richard Sanger Appellant vs John Drury Appellee,  
 This Action is agreed, see Referrees Report on file.

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Newhall vs Chandler Esq<sup>r</sup>. et al<sup>s</sup>:

>>

Thomas Newhall of Woodstock in the County of Worcester Gentleman  
 Appellant vs John Chandler Esq<sup>r</sup>. of Worcester Moses Mercy of Sturbridge  
 Esq<sup>r</sup>. and Joshua Healey of Dudley Gentleman all of the County of Worcester  
 and Guardians for the Indians of Dudley aforesaid Appellees, from the  
 Judgment of an Inferiour Court of Common Pleas held at Worcester  
 in and for the County of Worcester on the second Tuesday of May AD 1759.  
 when and where the Appellees were plant<sup>s</sup>. and the Appellant was  
 def<sup>t</sup>. In a plea of Trespass & C<sup>a</sup>. (as in the Writ tested the 26<sup>th</sup>. day of Sept<sup>r</sup>.. AD 1759.  
 on file, at largeAppears) At which said Inferiour Court Judgment was  
 Rendred that the said John Chandler Moses Mercy, and Joshua Healey (in their said  
 Capacity) shall Recover against the said Thomas three pounds Lawful Money dam<sup>a</sup>:  
 and Cost of Suit. This Appeal was bro't forward at the last term of this Court for this  
 County [^when and where the Parties appeared^] and Referr'd this Action to Daniel Hayward  
 Esq: Richard Moor and  
 Edward Davis, the determination of said Referrees, or of any two of them, to  
 be final, and then said Appeal was Continued to this Court, no Report being made:  
 and now both Parties Appeared, and the said Referrees made Report in Writing  
 under

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Image 144-Left

[115v]

under their hands, as on file; which was Read and Accepted and pursuant to the same Report. It is Considered by the Court that the said John Chandler, Moses Marcy, and Joshua Healey, Guardians as aforesaid Recover against the s<sup>d</sup>: Thomas Newhall the sum of twenty shillings Lawful Money of this Province damage, and £12.2.8 Costs.

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Ex'c'on issued

Oct<sup>o</sup>. 15<sup>th</sup>. 1760.

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<<

Hobrook ~~vs~~ Wheeler

>>

John Holbrook of Grafton in the County of Worcester Husbandman, Appellant ~~vs~~ Abraham Wheeler of Worcester in the same County Husbandman Appellee from the Judgment of an Inferiour Court of Common Pleas held at Worcester in and for the County of Worcester on the first Tuesday of November last when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 22<sup>d</sup>. day of October last, and on file, at large Appears) At which said Inferiour Court Judgm<sup>t</sup>.. was rendered that the said Abraham Wheeler Recover against the said Holbrook Cost of Suit. The Parties Appeared, and the Appellant Confessed Judgment for Costs: It's Therefore Considered by the Court that the said Abraham Wheeler Recover against the said John Holbrook Costs taxed at £

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Moos ~~vs~~ Caldwell et al<sup>s</sup>.

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Abraham Moos of the District called New Braintree in the said County of Worcester Husbandman Appellant ~~vs~~ John Caldwell of Rutland District in the same County Esq; Thomas Robinson of Hardwick in the same County Innholder and one of the Deputy Sheriffs of the said County of

Worcester and Edward Ruggles of the District of New Braintree Gentle<sup>n</sup>:  
 appellees, from the Judgment of an Inferiour Court of Common Pleas  
 held at Worcester in and for said County of Worcester on the second  
 Tuesday of May last, when and where the Appellant was plant, and the  
 Appellees were defts In a plea of Trespass for that the said John, Thomas, and  
 Edward, at the District called New Braintree aforesaid on the second day of  
 August AD 1759. with force and Arms Assaulted the said Abraham and  
 with force as aforesaid him beat, bruised, wounded and evily intreated  
 and with force as aforesaid took from him three pound of his Salt  
 pork worth three shillings and him then and there imprisoned and of  
 his Liberty restrained and with force and strong Hand compelled him  
 to

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Image 144-Right

116.

[116r]

to go with them as their prisoner the space of five Miles to Rutland District  
 aforesaid and there detained him as their prisoner for the space of ten  
 Hours and then and there threatned and Terrified him until they  
 thereby compelled him to pay them the sum of Forty eight shillings and 8<sup>d</sup>.  
 Lawful Money to Regain his Liberty and other Injuries to the s<sup>d</sup>: Abraham  
 they the said John Thomas and Edward did then and there perpetrate  
 and Committ against the peace &C<sup>a</sup>. and to the damage of the s<sup>d</sup>: Abraham  
 (as he saith) the sum of One hundred pounds; At which said Inferiour  
 Court Judgment was Rendered, upon the demurer there, that the said  
 John Caldwell, Thomas Robinson, and Edward Ruggles Recover against  
 the said Abraham Moos their Several Costs of Suit. Both Parties Now  
 Appeared, and the Demurer aforesaid being waved by their Consent et the  
 Issue tender'd [<sup>at s<sup>d</sup>. Inf<sup>r</sup>. Court & on file</sup>] being Joined, the Case After a full hearing was  
 Committed  
 to a Jury sworn according to Law to try the same, who Returned their  
 Verdict therein upon Oath that is to say, they find for the Appellees Costs:  
 It's Therefore Considered by the Court that the said John Caldwell,  
 Thomas Robinson, and Edward Ruggles Recover against the said Abraham

Moos Costs, taxed at £5.3.8

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Ex'c'on issued

7<sup>th</sup>: Nov<sup>r</sup>: 1760.

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Bacon ~~vs~~ Nurse

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Josiah Bacon of Rutland District in the County of Worcester Husband=  
:man [x] Appellant ~~vs~~ Timothy Nurse of Rutland District aforesaid  
Innholder, Appellee. from the Judgment of an Inferiour Court of  
Common Pleas held at Worcester in and for the County of Worcester on the  
third Tuesday of August last. when and where the Appellee was plan't  
and the Appellant was def<sup>t</sup>. In a plea of the Case for that Whereas the s<sup>d</sup>.  
Josiah there on the thirtieth day of July Last, owing the said Timothy the  
sum of two pounds fifteen shillings and four pence as of the Account annexed,  
to the Writ, appears; promised the said Timothy to pay him the same on  
demand; Yet the said Josiah tho'. Often Requested has not paid the  
same but Neglects it. To the damage of the said Timothy (as he saith) the  
sum of Nine pounds: At which said Inferiour Court Judgment was  
Rendered, that the said Timothy Nurse Recover against the said Josiah  
Bacon two pounds fifteen shillings and four pence Lawful Money  
damage and Costs of Suit. Both Parties Now Appeared, and the Case  
After a full hearing was committed to a Jury sworn according to Law  
to

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Image 145-Left

[116v]

to try the same, who Returned their Verdict therein upon Oath, that is to  
say, they find for the Appellee two pounds fifteen shillings and four  
pence Lawful Money damage, and Costs: It's therefore Considered  
by the Court that the said Timothy Nurse Recover against the said

Josiah Bacon the sum of two pounds fifteen shillings and four pence  
Lawful Money of this Province damage, and Costs taxed at £15.15.6.

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Ex'c'on Issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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<<

Lynde ~~vs~~ Gilbert

>>

David Lynde of Leicester in the County of Worcester Yeoman  
Appellant ~~vs~~ Thomas Gilbert of Brookfield in the same County Gent.  
and Patience his Wife as she is Administratrix on the Estate of Zachariah  
Brown late of Brookfield aforesaid Yeoman deceased intestate Appellees  
from the Judgment of an Inferiour Court of Common Pleas held at  
Worcester in and for the County of Worcester on the third Tuesday of August  
Last, when and where the Appellant was plaintiff and the Appellees were  
defendants, In a plea of the Case for that whereas the said Zachariah in his  
life time viz. on the sixth day of December AD 1755. at said Leicester  
owing the said David the sum of Five pounds Sixteen shillings and  
ten pence half penny Lawful Money, as by the Account Annexed  
(to the Writ) appears,: promised the said David to pay him the same  
on demand, Yet the said Zachariah never paid the same in his Life  
time, nor did the said Patience his Administratrix ever pay the  
same, nor has the said Thomas and Patience since their Intermarriage  
ever paid the same tho' often Requested but unjustly detains it. To the  
plants damage as he saith Nine pounds; At which said Inferiour  
Court Judgment was Rendred, that the said Thomas Gilbert and  
Patience Gilbert, as she is Adm<sup>x</sup>.. shall Recover against the said  
David Lynds Cost of Suit. Both Parties now Appeared, and the  
Case After a full hearing was Committed to a Jury sworn accor=  
:ding to Law to try the same who Returned their Verdict therein  
upon Oath that is to say they find for the Appellees Costs: It's therefore  
Considered by the Court that the said Thomas Gilbert, and Patience

Gilburt Adm<sup>x</sup>.. as aforesaid, Recover against the said David Lynde  
Costs taxed at £3.13.1

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Ex'c'on issued

15<sup>th</sup>: Oct<sup>o</sup>: 1760.

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Gould vs Holland

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Thomas Gould of Sutton in the County of Worcester Husbandman  
Appellant

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Image 145-Right

117.

[117r]

Appellant ~~vs~~ John Holland of said Sutton Innholder Appellee. from the  
Judgment of an Inferiour Court of Common Pleas held at Worcester  
in and for the County of Worcester on the third Tuesday of August last,  
when and where the Appellee was plant and the Appellant was  
def. In a plea of Debt, for that whereas at a meeting of the Inhabitants  
of the second parish of said Sutton in the same Parish on the tenth day  
of July last, called and appointed by the Committee of the same  
Parish, among other things to see if the said Parish would Raise the sum  
of sixty pounds Lawful Money to give the Rev<sup>d</sup>: M<sup>r</sup>. James Willman  
in order that he might ask a dismissal from his Pastoral Relation  
to the Church and people there, and the said Thomas then being an  
Inhabitant of said Parish and present at said Meeting was then and  
there chosen Moderator thereof, and thereupon accepted said Trust and  
acted in the Office of Moderator for and during said meeting and one Amos  
Chace an Inhabitant of the same parish present at the same meeting not being  
a Legal Voter in Parish Affairs attempting to give and put in his Vote  
there among the other Inhabitants of the same Parish for raising the sum

aforesaid in the presence of the said Thomas the said John being also present at the same meeting an Inhabitant and Legal Voter in the same parish then and there called in Question the Qualification of the said Arms for Voting at said Meeting and in said Affair on Account that he had not Estate Sufficient to qualifie him to Vote in Parish Affairs nor was he a Legal Voter in Parish Affairs by the Invoice by him last given in to the Assessors of said Parish nor was he a Legal Voter there according to the list and Valuation of Estates and Faculties Lat made by the Assessors of said Parish under Oath nor ought he to have been Admitted by said Thomas a Voter at said Meeting whereof the said John then and there Notified the said Thomas and whereof he was well knowing but not Regarding the duty of his Office as moderator of said meeting, he then and there countenanced and permitted the said Amos to Vote and accordingly then and there accepted and Received the said Amos's Vote for the raising said sum. as well as in other Matters transacted at said Meeting and the said Thomas did not examine and determine the Qualifications of the said Amos to Vote there according to the List and Valuation of Estates and Faculties there Last made by the Assessors under Oath but Neglected and Refused to do it, tho' Requested Whereby the said Thomas hath

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Image 146-Left

[117v]

hath forfeited the sum of Five pounds; and an Action by force of a Law of this Province made in the sixteenth year of the Kings Reign ariseth to the said John to Recover the same of the said Thomas one Moiety thereof to and for the use of the said John who sues for the same and the other Moiety thereof to and for the use of the poor of the said Town of Sutton in said County: yet the said Thomas tho' Often requested has not paid the said Five pounds nor any part thereof but unjustly Neglects and Refuses to do it. To the damage of the said John as he saith twenty pounds; At which said Inferiour Court Judgment was Rendered that the said John Holland Recover against the said Thomas Gould Five



pounds Lawful Money Debt, and Cost of Suit. Both Parties now Appeared, and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment and Costs. It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Thomas Gould Recover against the said John Holland Costs taxed at £10.19.7.

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Ex'c'on issued  
30<sup>th</sup>. Oct<sup>r</sup>. 1760.

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<<

Keyes ~~vs~~ Harrington

>>

David Keyes of Western in the County of Worcester Gentleman Clerk of the Troop of Horse in the second Regiment of Militia in said County appellant ~~vs~~ Joshua Harrington of Brookfield in said County Yeoman Appellee. from the Judgment of an Inferiour Court of Common Pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, when and where the Appellant was plan't and the Appellee was def<sup>t</sup>. In a plea that the said Joshua Render to said David sixteen pounds which to him he owes and from him unjustly detains and Whereas said David says that by one Law of this Province made in the thirty second Year of the King's Reign & published on the fifteenth day of March in said Year, it is among other things Enacted that on the sixth day of April next following said fifteenth day of March at ten of the Clock in the forenoon there should be a Muster of all the Companies of Horse and Foot of the Militia of this province, and of the Batteries in the Town of Boston. Charlestown, Marblehead, Glocester, and Salem, and that the [^Captain or^] Chief Officer of each of said Companies should immediately give Notice thereof

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Image 146-Right

118.

[118r]

thereof by a Sergeant or Corporal of his Troop or Company to each person belonging to the same from the age of sixteen to sixty and not by Law of this Province Exempted from Attending Military exercises either in person or in Case of his absence or not being to be found by leaving a Notification in writing at the place of his abode and every person Notified in either of the ways afores<sup>d</sup>: should punctually and duly attend until dismissed unless unavoi<sup>d</sup>=:ably prevented on penalty of forfeiting and paying Sixteen pounds to be sued for and Recovered with Cost of Suit, by the Clerk of the Troop or Company to which such delinquent belonged; one third part thereof to be to the use of the said Clerk, and the other two thirds to be paid by him into the hands of the Treasurer of the Town District or parish to be Employed in hiring men into his Majesty's Service as there should be occasion and to be drawn out by the Captain or Chief Officer of said Troop. And the said David further says that immediately After the publication of the said Act and agreeable to the directions thereof, Simeon Dwight Esq<sup>r</sup>. of Western Captain of the aforesaid Troop of the Horse ordered a Muster of the said Troop and of all the officers and Soldiers thereof on said Sixth day of April, at the House of James Nichols of said Brookfield Yeoman, and that said Simeon more than four days before the said sixth of April, gave Notice in Manner as said Act directs to each and every of the Soldiers and privates of the said Troop of which the said Joshua for a long time had been then was and still is one, of the time and place of Muster as aforesaid vizt at s<sup>d</sup>. James Nicholson the said sixth day of April at ten of the clock in the forenoon, & the said David [<sup>^</sup>says<sup>^</sup>] that there was a Muster of the officers and of most of the Soldiers of said Troop at said time and place accordingly; and that said Joshua well knew thereof; that said Joshua was then one of said Troop between the age of Sixteen and Sixty, and not by any Law of this province exempt from Attending Military Exercises and that said Joshua could have well attended the said Muster and by Law ought to have so done; but that said Joshua in Contempt of said Law and in

violation of his duty as a Soldier to his officers wholly Neglected and Refused to Attend the said Muster on said sixth day of April and Altogether absented himself therefrom: Whereby by Virtue of the s<sup>d</sup>: Act the said Joshua hath forfeited the said sum of Sixteen pounds and Costs. to be Recovered by said David in manner as Aforesaid, and to be disposed of as by said Law is provided as aforesaid; Yet the s<sup>d</sup>: Joshua tho'.

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Image 147-Left

[118v]

tho' Often Requested hath never paid said Sixteen pounds nor any part thereof but unjustly Neglects it. To the damage of the said David as he says (in his Capacity the sum of Sixteen pounds; At which said Inferiour Court Judgment was Rendred, that the said Joshua Harrington Recover against the said David Keyes Clerk as aforesaid Cost of Suit. Both Parties now Appeared, and the Case After a full hearing was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say they find for the Appellant Reversion of the former Judgment sixteen pounds Lawful Money debt, and Costs: It's therefore Considered by the Court that the former Judgment be Reversed, And that the said David Keyes (in his said Capacity) Recover against the Joshua Harrington the sum of Sixteen pounds Lawful Money of this Province Debt, and Costs taxed at £9.16.10.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>o</sup>: 1760.

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Butler ~~vs~~ Wilson

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Nathaniel Butler Appellant ~~vs~~ Nathaniel Wilson Ap'lee

Neither Party Appeared.

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Eager ~~vs~~ Boynton.

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Nathan Eager of Lancaster in the County of Worcester [x]  
 Yeoman Appellant ~~vs~~ John Boynton of Shrewsbury in the same  
 County Shopjoiner Appellee, from the Judgment of an Inferiour Court  
 Common Pleas held at Worcester in and for the County of Worcester on the  
 second Tuesday of May last, when and where the Appellee was plant  
 and the Appellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>: (as in the Writ tested  
 the twenty third day of April AD 1759. on file at large Appears) At which  
 said Inferiour Court Judgment was Rendered that the said John Boynton  
 shall Recover against the said Nathan Eager fourteen Pounds Lawful  
 Money damage, and Costs of Suit taxed at £2.10.5½. Both parties  
 Now appeared, and the appellant confessed Judgment for the Money sued  
 for, being fourteen pounds Money damage, and Costs: It's therefore  
 Considered by the Court that the said John Boynton Recover against  
 the said Nathan Eager the sum of Fourteen pounds Lawful Money of this  
 Province damage, and Costs taxed at £

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Joshua

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Image 147-Right

119.

[119r]

<<

Harrington ~~vs~~ Harrington

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Joshua Harrington of Brookfield in the County of Worcester Husband-  
 :man Complainant ~~vs~~ George Harrington of said Brookfield Yeoman. The  
 Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at  
 Worcester in and for the County of Worcester on the third Tuesday of August

Last, he Recovered Judgment against the said George for the sum of £4.5.4 Costs of Suit. from which Judgment the said George Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. prayed Affirmation of said Judgment with Additional Costs: It's Therefore Considered by the Court that the said Joshua Harrington Recover against the said George Harrington Costs taxed at £6.3.9.

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How ~~vs~~ Gibbs

&gt;&gt;

William How of Shrewsbury in the County of Worcester Husbandman Complainant ~~vs~~ Clark Gibbs of Rutland in said County Husbandman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Clark for the sum of £17.16./. Lawful Money damage, and Costs of Suit; from which Judgment the said Clark Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.. of said Judgment with Additional Costs: It's therefore Considered by the Court that the said William How Recover against the said Clark Gibbs the sum of Seventeen pounds sixteen shillings Lawful Money of this Province Damage, and Costs taxed at £3.1.10

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Ex'c'on issued

24<sup>th</sup>. Oct<sup>o</sup>. 1760.

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&lt;&lt;

How ~~vs~~ Clark Gibbs

&gt;&gt;

Gideon How of Shrewsbury in the County of Worcester Husbandman Complainant ~~vs~~ Clark Gibbs of Rutland in the same County

Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Com'on Pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Clark for the sum of £17.15.6. Lawful Money damage, and Costs of Suit. from which Judgment the said Clark Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of

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Image 148-Left

[119v]

of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Gideon How Recoverg against the s<sup>d</sup>. Clark Gibbs the sum of eighteen pounds one shilling and two pence Lawful Money of this Province damage, and Costs taxed at £3.2.10

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Ex'c'on issued

24<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Merrit ~~vs~~ Mathis

>>

John Merrit of Providence in the County of Providence and Colony of Rhode Island and providence plantation in New England Merchant Complainant ~~vs~~ Barnabas Mathis of Marlborough in the County of Middlesex Blacksmith. The Compl<sup>t</sup>. shew'd that at an Inf<sup>..</sup>. Court of Common Pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said Barnabas for the sum of £10.2.7 Lawful Money dam<sup>a</sup>. and Cost of Suit; from which Judgment the said Barnabas appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd

Affirmation of said Judgment with additional Interest and Costs;  
 It's therefore Considered by the Court that the said John Merrit  
 Recover against the said Barnabas Mathis the sum of ten pounds  
 three shillings and six pence Lawful Money of this Province  
 damage, and Costs taxed at £3.16.0

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Ex'c'on issued

24<sup>th</sup>: Oct<sup>o</sup>: 1760.

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Spear et al<sup>s</sup>. ~~vs~~ Amsden et al<sup>s</sup>.

>>

William Spear of Rutland Husbandman, and Darby Ryan of  
 Leicester Labourer both in the County of Worcester Complainants ~~vs~~ Isaac  
 Amsden of Southborough [<sup>^</sup>in s<sup>d</sup>. County<sup>^</sup>] Labourer, and Adonijah Rice of Westborough  
 Husbandman both of the County of Worcester. The Compl<sup>t</sup>. Shew'd that at  
 an Inferiour Court of Common Pleas held at Worcester in and for the  
 County of Worcester on the second Tuesday of May last, they Recovered Judgm<sup>t</sup>.  
 against the said Isaac and Adonijah for the sum of £9 Lawful Money  
 damage and Costs taxed at 1.14.2. from which Judgment they  
 Appealed to this Court, and Recognized with sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>ts</sup>.  
 pray'd Affirmation of said Judgment with Additional Costs. It's there=  
 :fore Considered by the Court that the said William Spear and Darby  
 Ryan Recover against the said Isaac Amsden, and Adonijah Rice  
 the sum of Nine pounds Lawful Money of this Province Damage,  
 and

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Image 148-Right

120.

[120r]

and Costs taxed at £3.11.5

&lt;&lt;

Ex'c'on issued 24<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Sherman ~~vs~~ Hardy

&gt;&gt;

Ephraim Sherman of Grafton in the County of Worcester Yeoman,  
 Complainant ~~vs~~ Samuel Hardy of Westborough in said County Husband=  
 :man. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held  
 at Worcester in and for the County of Worcester on the third Tuesday of August  
 last, he Recovered Judgment [<sup>^</sup>against<sup>^</sup>] the said Samuel for the sum of £10.9.10  
 Lawful Money damage, and Costs of Suit. from which Judgment the said  
 Samuel Appealed to this Court and Recogniz'd with Sureties according  
 to Law to prosecute the same with Effect but fail'd so to do. Wherefore the  
 Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and  
 Costs: It's therefore Considered by the Court that the said Ephraim Sherman  
 Recover against the said Samuel Hardy the sum of ten pounds ten shillings  
 and nine pence Lawful Money of this Province Damage, and Costs  
 taxed at £3.6.10

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Ex'c'on issued  
 24<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Crocker ~~vs~~ Brown

&gt;&gt;

Paul Crocker of Lunenburg in the County of Worcester. [<sup>^</sup>Yeoman<sup>^</sup>] Compl<sup>t</sup>..  
~~vs~~ Aaron Brown of Leominster in the same County Housewright. The  
 Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Worcester  
 in and for the County of Worcester on the second Tuesday of May last, he Recovered  
 Judgment against the said Aaron for the sum of £3.10.6 Lawful Money dam<sup>a</sup>:  
 and Costs of Suit; from which Judgment the said Aaron Appealed to this Court



and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>: Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Paul Crocker Recover against the said Aaron Brown the sum of three pounds eleven shillings and ten pence Lawful Money of this Province damage, and Costs taxed at £3.17.7.

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Ex'c'on issued

16<sup>th</sup>. dec'em 1760.

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Grout ~~vs~~ Brown

&gt;&gt;

John Grout of Lunenburg in the County of Worcester Yeoman,  
Compl<sup>t</sup>. ~~vs~~ Aaron Brown of Leominster in the County of Worcester House=  
:wright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common  
Pleas held at Worcester in and for the County of Worcester on the second  
Tuesday of May last, he Recovered Judgment against the said Aaron  
for

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[120v]

for the Sum of £3.2.5 Lawful Money damage, and Costs of Suit; from Judgment  
the said Aaron appealed to this Court and Recognized with Sureties according to Law  
to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd  
Affirmation of said Judgment with Additional Interest and Costs: It's therefore  
Considered by the Court that the said John Grout Recover against the said  
Aaron Brown the sum of three pounds three shillings and six pence Lawful  
Money of this Province damage, and Costs taxed at £3.16.1

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Ex'c'on issued

16<sup>th</sup>. Dec'em 1760

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Collins ~~vs~~ Bruce

&gt;&gt;

Mark Collins of Southborough in the County of Worcester Cooper, Compl<sup>t</sup>.  
~~vs~~ Elisha Bruce of Southborough aforesaid Gentleman. The Compl<sup>t</sup>. Shew'd that  
 at an Inferiour Court of Common Pleas held at Worcester in and for the  
 County of Worcester on the second Tuesday of May last, he Recovered Judgment  
 against the said Elisha for the sum of £10.19.9 Lawful Money damage  
 and Costs of suit: from which Judgment the said Elisha Appealed to this  
 Court and Recogniz'd with sureties according to Law to prosecute the same with  
 Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>.  
 with Additional Interest and Costs: It's therefore Considered by the Court  
 that the said Mark Collins Recover against the said Elisha Bruce the sum of  
 twelve pounds eleven shillings and Ninepence Lawful Money of this  
 Province Damage, and Costs taxed at £3.11.8.

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Ex'c'on issued

17<sup>th</sup>. Oct<sup>o</sup>. 1760.

&gt;&gt;

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Hill jun<sup>r</sup>. ~~vs~~ Hollis

&gt;&gt;

John Hill jun<sup>r</sup>. of Brookfield in the County of Worcester Yeoman  
 Complainant ~~vs~~ Thomas Hollis of Braintree in the County of Suffolk Gentlem<sup>n</sup>.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at  
 Worcester in and for the County of Worcester on the first Tuesday of November  
 Last, he Recovered Judgment against the said Thomas for the sum of  
 £4.12/. Lawful Money dam<sup>a</sup>.. and Costs of Suit. from which Judgment  
 the said Thomas Appealed to this Court and Recogniz'd with Sureties  
 according to Law to prosecute the same with Effect but fail'd so to do.  
 Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional

Costs: It's therefore Considered by the Court that the said John Hill Jun<sup>r</sup>.  
Recover against the said Thomas Hollis the sum of four pounds twelve  
shillings Lawful Money of this Province Damage and Costs taxed at  
£3.16.0

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Ex'c'on iss<sup>d</sup>.

7<sup>th</sup>. oct<sup>r</sup>. 1760

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[121r]

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Order on Rice's Pet<sup>o</sup>.

>>

Upon Reading the Petition of Dinah Rice Administratrix on the Estate  
of her late Husband, Peter Rice Late of Western in the County of Worcester Yeoman  
deceased Intestate, Wherein the Petitioner shew'd That on the fourth day of  
July last she settled an Account of her Administration on the Estate afores<sup>d</sup>.,  
That there was then a Ballance due to the Estate of £41.11.4¾; That the debts  
still due and owing from said Estate now come to the Petitioner's knowledge  
amount to £61.10.6; That the petitio<sup>r</sup>. hath not yet been allowed anything  
for Housekeeping out of the personal Estate; And that the greatest part of the  
said £41.11.4¾ the Ballance in her hands when she settled consists  
of Old Lumber and Articles that will be but of every little Advantage to  
pay debts with: She therefore Humbly Apprehends that unless she can  
obtain Liberty of this Court to sell about sixty pounds worth of said Real  
Estate she cannot pay said deceased Debts. The petitio<sup>r</sup>. therefore pray'd this  
Court would grant her Liberty to sell about Sixty pounds of said Real  
Estate lying in Western aforesaid; for the purpose aforesaid: Ordered  
that the prayer of this Petition be Granted and that the said Dinah Rice

(in her said Capacity) be and hereby is Impowered to make Sale of Sixty pounds worth of the said Deceased's Real Estate for the Ends aforesaid, (such as will be least Prejudicial to the whole) as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof; the petitio<sup>r</sup>: to post up notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs.

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Order on Hucker's Petition

&gt;&gt;

Upon reading the Petition of John Hucker of Medway Adm<sup>r</sup>.. on the Estate of Jonathan Patridge late of Rutland District in the County of Worcester Yeoman dec'ed Intestate, Wherein the petitio<sup>r</sup>. shew'd that the deceased's personal Estate was appraiz'd at £ 90. 5. 3.  
 his Real Estate lying in Rutland District at 386.13. 8.  
 Makes £ 476.18.11  
 That the debts due from said Estate including}  
 what is due to the heirs of the Rev<sup>d</sup>: M<sup>r</sup>: Princes} 344. 6. 4  
 on the Mortgage amount to}  
 from which deduct the Appraized of the personal Estate 90. 5. 3  
 There Remains debts to pay more then the personal Estate 254. 1. 1.  
 The said John Hucker therefore pray'd this Court that he might obtain Liberty to sell about two hundred and sixty five pounds worth of the said Deceased's Real Estate in order to discharge the Debts of said Deceased

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[121v]

deceased: Ordered that the prayer of this Petition be granted, and that the said John Hucker (in his said Capacity) be and hereby is Impowered to make Sale of Sixty five pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such [<sup>as</sup>] will least prejudice the whole) as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitio<sup>r</sup>. to post up Notifications thirty days

before the Sale. and account with the Judge of Probate for said County, as the Law directs.

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Order on Taft's Pet<sup>o</sup>:

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Upon Reading the Petition of Joseph Taft Tertius Executor of the Last Will and Testament of Samuel Cumings late of Uxbridge in the County of Worcester Yeoman deceased; Wherein the Petiti<sup>o</sup>. shew'd that the Ballance due to him from the said Deceased's Estate upon a settlement of his account this day allow'd by the Judge of Probate for said County more then the personal Estate is [ ] £ 2. 0. 11½

That the debts still due from the said Estate including allowance} to the Widow for House keeping amount's to.} 24. 9. 8

The petitioner therefore pray'd that he might be. Makes £26. 9. 8½

Allowed to sell about thirty pounds worth of the dec'ed Real Estate lying in Uxbridge in order to pay what is still due from said Estate and the Charges that shall arise thereon. Ordered that the prayer of this Petition be Granted, and that the said Joseph Taft, tertius, (in his said Capacity) be and hereby is Impowered to make Sale of thirty pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such as will least prejudice the whole) as pray'd for. the Petitioner to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof the Petiti<sup>o</sup>: also to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs.

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Order on Hide's Pet<sup>o</sup>:

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Upon Reading of the Petition Joshua Hide Adm'or on the Estate of Joshua Wheat late of Narragansett N<sup>o</sup>: 6 in the County of Worcester Intestate dec'ed. Wherein The petitioner shew'd that the personal Estate of said dec'ed, was appraiz'd at £34.5.9

That the debts due from said Estate as by a List this day filed in}

the probate Office already come to The Petition<sup>rs</sup>: knowledge am<sup>o</sup>.. to} 42.13.3  
by

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Image 150-Right

122.

[122r]

by which it appears that the personal Estate of said deceased is Insufficient to pay said Debts by the sum of Eight pounds seven shillings and six pence; That the deceased died seized of a House Lott N<sup>o</sup>. 94. and a Meadow Lott lying in said Narraganset Seperate and at a distance from his Homestead on which he dwelt appraised at the sum of sixteen pounds 6/8. The petitioner therefore pray'd this Court to grant him Liberty to sell said House and Meadow Lot's, for the payment of said Debts and Charges &C<sup>a</sup>: Ordered that the prayer of this Petition be granted, and that the said Joshua Hide (in his said Capacity) be & hereby is Impowered to make Sale of said House Lot, and Meadow Lot for the purpose aforesaid, as pray'd for: and to pass and executed Good Deed or Deeds in the Law for Conveyance thereof the petitioner to post up Notifications thirty days before the sale and Account with the Judge of probate for said County (of the produce thereof) as the Law Directs.

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Order on Bruce's pet<sup>o</sup>. }

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Upon Reading the Petition of Mary Bruce Admx.. on the Estate of of her late Husband Ephraim Bruce late of Westborough Gentleman deceased Intestate. Wherein the Petitioner Shew'd that the Estate of said Deceased both Real and personal was Apprized at only the sum of £35.6.10,. That said Estate is Insolvent and commissioners appointed to Receive the Claims that the real Estate consists only of about three quarter of an acre of Land and a Right in a Cedar swamp lying in Westborough. The Petition<sup>r</sup>. therefore pray'd this Court that she might be Impowered to sell said

Real Estate for the payment of the debts so far as the same will extend.  
 Ordered that the prayer of this Petition be Granted, and that the said  
 Mary Bruce (in her said Capacity) be and hereby is Impowered to  
 make Sale of the said Deceades Rel Estate for the Ends aforesaid, as  
 pray'd for; the Petitioner to pass and execute a Good Deed or Deeds in the  
 Law for Conveyance thereof, the Petitioner to post up Notifications  
 thirty days before the Sale, and account with the Judge of probate  
 for said County (of the produce thereof) as the Law Directs.

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<<

Galloway's Indictment

>>

The Jurors for the Lord the King for the Body of this County, did  
 upon their Oath present. That William Galloway of Rutland District in  
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[122v]

the County of Worcester Husbandman did at Rutland District aforesaid on the  
 thirteenth of March in the thirty first Year of his present Majesty's Reign  
 with force and Arms for his private Malice fury and Revenge challenge one James  
 M<sup>c</sup>.Pherson of Rutland District aforesaid to fight a duel with small swords  
 with him the said William near the dwelling house of Mathias Stone of said  
 Rutland District on the next Morning at eight of the Clock in the Morning  
 and in persuance of the same Malice fury and Revenge he the said William  
 came the Next Morning the fourteenth of the same March to the place by him  
 before appointed as aforesaid, with two small Swords and with intention  
 that he and the said James might with the said swords then and there  
 fight a duel according to the Challenge aforesaid; against the Peace of the  
 said Lord the King and the Law of this Province in that case provided.  
 Upon which Indictment the said William Galloway was Arraigned at the  
 Barr, and plead not Guilty; A Jury was then sworn to try the Issue, M<sup>r</sup>.  
 Ephraim Doolittle foreman and fellows. who having fully heard the

Evidence, on their Oath say that the said William Galloway is not Guilty.  
It is therefore Considered by the Court that the said William Galloway  
go without day.

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<<

Wair's Indictment

>>

The Jurors for the Lord the King for the Body of this County, did upon  
their Oath present, that George Wair of Hopkinton in the County of Middlesex  
Husbandman and Elizabeth the Wife of Nathaniel Cooper of Grafton  
in the County of Worcester Husbandman, were on the fourth day of May  
in the thirty second Year of the Reign of his said Majesty, at Grafton  
aforesaid, found in bed together, she the said Elizabeth at the same time  
being the Wife of the said Nathaniel and she and the said George then  
knowing her to be so. And that Neither the said George or Elizabeth were  
surprised, but they both were then and there consenting to their being  
so in bed together there; against the peace of the said Lord the King his  
Crown and Dignity: and the Law of this province in that Case made  
and provided. upon which Indictment the said George Wair was arraigned  
at the barr, and pleaded not Guilty, a Jury was then sworn to try the Issue.  
(McDaniel Hubbard foreman and fellows) who having heard the Evidence  
on their Oath say, that the said George Wair is not Guilty; It is therefore  
Considered by the Court that the said George Wair go [^hereof^] without day.

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123.

[123r]

<<

Wair's 2<sup>nd</sup>.. Indictment

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The Jurors for the Lord the King for the Body of this County, did upon



their Oath present, That George Wair of Hopkinton in the County of Middles<sup>x</sup>. Husbandman, and Elizabeth the Wife of Nathaniel Cooper of Grafton in the County of Worcester Husbandman, on the fourth day of May in the thirty second Year of the Reign of the said Lord the King at Grafton aforesaid with force and Arms wickedly and Adulterously had Carnal Copulation together and carnally knew each other, she the said Elizabeth at the same time being, and knowing herself to be the Wife of the said Nathaniel and Lawfully Married to him, and the said George at the same time being and knowing himself to be the husband of another Woman then alive, and Lawfully married to her. And so the Jurors aforesaid upon their Oath say That the said George and Elizabeth did on the said fourth day of May at Grafton aforesaid commit the crime of Adultery together against the peace of the said Lord the King, the Law of this of this Province in that Case made and provided. Upon this Indictment the said George Wair, was set to the barr, and Arraigned, and upon his Arraignment plead not Guilty. A Jury was thereupon sworn to try the Issue M<sup>r</sup>. Daniel Hubbard Foreman, and fellows) who having fully heard the Evidence upon their Oath say the said George Wair is not Guilty. It is therefore Considered by the Court that the said George Wair go without day.

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Adjournment of the Court

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Worcester September 20<sup>th</sup>. 1760 The Court enter'd up Judgment according to the verdicts and then Adjourned without day.

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[123v]

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124.

[124r]

Province of the} Anno Regni Regis Georgii secundi magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ tricesimo quarto.  
Hampshire ss.}

At His Majesty's Superiour Court of Judicature  
Court of Assize and General Goal Delivery held  
at Springfield within and for the County of  
Hampshire on the fourth Tuesday of September  
(being the 23<sup>d</sup>. day of said Month) Annoq Domini 1760.

By the Honorable Benjamin Lynde Esq<sup>r</sup>: and

John Cushing}

Chambers Russell et} Esq<sup>rs</sup>.. Justices.

Peter Oliver}

The Kings Attorney being absent, the Court appoint M<sup>r</sup>.. Robert  
Auchmuty to act as Attorney for the King at this Term.

The Names of the Grand, and Petit, Jurors present Impannelled and  
sworn are in Writing as on file.

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How ~~vs~~ How Adm<sup>r</sup>.

>>

Joshua How Appellant ~~vs~~ Abner How Adm<sup>r</sup>'or Appellee.

The Appellant by his Attorney Cornelius Jones confessed Judgment for Costs.

It's therefore Considered by the Court that the said Abner How (in his said  
Capacity) Recover against the said Joshua How Costs taxed at £

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<<

Gibbs ~~vs~~ Davis

>>

John Gibbs Yeoma,n and Thomas Gibbs Yeoman both of Greenwich  
in the County of Hampshire, and Joseph Hinds of Petham in the same

County Yeoman Appellants *vs* Mary Davis the Younger of said Greenwich, Single-woman and spinster Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire on the second Tuesday of February AD 1759. when and where the Appellee was plaintiff and the appellants were defendants, In a plea that they Render to her fifty pounds & C<sup>a</sup>: (as in the Writ tested the 29<sup>th</sup>. day of January AD 1758. and on file, at large Appears) At which said Inferiour Court Judgment was Rendered, that the said Mary Davis Recover against the said John Gibbs Thomas Gibbs, and Joseph Hinds the sum of three pounds Eighteen shillings Lawful

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[124v]

Lawful Money debt, & Costs of Court. This Appeal was brought forward at the last Term of this Court for this County, when and where the Parties Appeared and Referr'd this Action, with all other demands, to Jonathan Church, Samuel Bodman; and Ephraim Wright, the determination of them, or of any two of 'em, to be final; and from thence the said Appeal was continued to this Court Report not being made: And Now both Parties appearing the said Referrees made Report in Writing under their hands, as on file; pursuant to the same Report, which was Read and accepted: It's Considered by the Court that the said Mary Davis Recover against the said John Gibbs: Thomas Gibbs and Joseph Hinds the sum of Six pounds and four pence Lawful Money of this Province debt, and Costs taxed at £17.18.0

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Exc'o'n issued

3<sup>d</sup>. dece'm 1760.

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Gibbs *vs* Davis

>>

John Gibbs of Greenwich in the County of Hampshire Yeoman Appel<sup>t</sup>.

vs Mary Davis of said Greenwich (the second) Spinster Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire, on the second Tuesday of November AD 1758. when & where the Appellee was plant and the Appellant was defendant In a plea wherein she demands against the said John the Wardship Custody and Education of Sarah an Infent female Child &C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of September AD 1758. on file, at large Appears) At which said Inferio<sup>r</sup> Court Judgment was Rendered, that the said Mary Davis Recover against the said John Gibbs the Seizin and Possession of the said Child named in the said Writ, and four shillings lawful Money damages and Costs of Court taxed at Four pounds three shillings and three pence.

This appeal was bro't forward at the last Term of this Court for this County, when and where both Parties Appeared, and this Action was Referr'd to Jonathan Church, Samuel Bodman and Ephraim Wright the determination of said Referrees, or of any two of them, to be final, Report to made as soon as might be; and then said Appeal was Continued to this Court, no Report having been made: And now both Parties Appeared, and the said Referrees made Report in Writing under their hands as on file which was Read and accepted: It's therefore Considered by the Court that the said Mary Davis Recover against the said John Gibbs Costs taxed at £5.4.8

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Ex'c'on issued

27<sup>th</sup> Dec'em 1760

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Thomas

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[125r]

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Gilbert v Burt.

>>

Thomas Gilbert of Berkley in the County of Bristol Gentleman Appell<sup>t</sup>. ~~vs~~  
 Eleazer Burt of Northampton in the County of Hampshire Shopkeeper Ap'lee  
 from the Judgment of an Inferiour Court of Common Pleas held at Springfield  
 in and for the County of Hampshire on the last Tuesday of August AD 1759. when  
 and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of  
 the Case &C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of July AD 1759. on file, at large  
 appears) At which said Inferiour Court Judgment was Rendered, that the s<sup>d</sup>.  
 Eleazer Burt Recover against the said Thomas Gilbert the sum of Eight  
 pounds eighteen shillings and ten pence Lawful Money damage, and Cost  
 of Court taxed at four pounds and seven pence like Money. This Appeal  
 was brought forward at the last Term of this Court for this County: when and  
 where the Parties appeared and then, upon the Appellants promise in Court  
 to pay the appellee his Costs of this Court, and also Interest from this Term to the  
 Next, upon whatever sum the appellee should recover in damages, in case he shou'd  
 Recover any thing; this appeal was continued to this Court, and now both  
 Parties appeared and After a full hearing of them, upon the plea in abate  
 :ment as on file: It's Considered by the Court that the said Writ abate, that the said  
 Judgment of the Inferiour Court be Reversed, and that the said Thomas Gilbert Recover  
 against the said Eleazer Burt the Costs of the Inferiour Court and of this Term  
 taxed at £6.19.5.

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Davis ~~vs~~ Eastman

>>

Simon Davis of Greenwich in the County of Hampshire Gentleman  
 Appellant ~~vs~~ William Eastman of South Hadley in the same County Shopkeeper  
 Appellee from the Judgment of an Inferiour Court of Common Pleas held at  
 Springfield within and for the County of Hampshire on the last Tuesday  
 of August last, when and where the Appellant was plant, and the Appellee  
 was defendant, In a plea of Ejectment wherein said William demands against  
 said Simon about four Acres of Land in said Greenwich described as  
 follows, to wit, the Southwest Corner thereof is the point or station which  
 constitutes the Northwest Corner of a peice of Land which was extended on an

Execution in favour of said William against said Simon in the year of our Lord 1755. being part of the farm on which said Simon then dwelt, and from said Southwest Corner the South line of the land demanded runs East Sixty rods, thence the East Line thereof runs north ten Rods and eleven feet thence the the North line thereof runs West sixty rods, thence the west line thereof runs South ten Rods and eleven feet to the Southwest Corner thereof abovementioned with the Appurtenances

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[125v]

[^appur'ces^] and whereupon the pl<sup>t</sup> says that he within Twenty Years last past in time of peace in the present Kings Reign was Seized of Said demanded Premisses with the appurtenances in his demesne as of tee taking the profits thereof to the Value of three pounds a year, since which the said Simon hath illegally without Judgment and with force and Arms entered therein dis seized the said William thereof and still unjustly holds him out to his damage fifty pounds. At which said Inferiour Court Judgment was Rendered, upon the pleadings there, that the said William Recover against the said Simon Possession of the Land and premisses demanded and Cost of Court. Both Parties Now Appeared, and the pleading of the def<sup>t</sup>. being Retracted, the Issue tender'd (at s<sup>d</sup>. Inf<sup>r</sup>. Court & [^on file^])

and [^being join'd^] the Case: After a full hearing was Committed to the Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment and Costs: Its therefore Considered by the Court that the former Judgment be Reversed, and that the said Simon Davis Recover against the said William Eastman Costs taxed at £

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Williams vs Younglove

>>

John Williams of Sheffield in the County of Hampshire Yeoman  
Appellant vs Jonathan Younglove of said Sheffield Yeoman Appellee; from the Judgment of an Inferiour Court of Common Pleas held at Springfield

in and for the County of Hampshire on the third Tuesday of May 1760. when where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 26<sup>th</sup>. day of February last. and on file, at large Appears) At which said Inferiour Court Judgment was Rendered that the said Jonathan Recover against the said John the sum of £1.0.0 Lawful Money damages, and Cost of Court taxed at £6.3.6. Both Parties Now Appeared and after a full hearing of them upon the first Exception, as on file: It's Considered by the Court that the Writ abate, and that the Judgment of the Inferiour Court be Reversed, and that the John Williams Recover against the said Jonathan Younglove Costs taxed at £8.18.0

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Ex'c'on issue

14<sup>th</sup>. Oct<sup>r</sup>. 1760.

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Williams ~~vs~~ Dominus Reg:

&gt;&gt;

John Williams of Sheffield in the County of Hampshire [<sup>^</sup>Yeoman<sup>^</sup>] Appellant at the suit of Our Sovereign Lord the King, from the Judgment or sentence of a Court of General sessions of the peace held at Northampton in & for the County of Hampshire on the second tuesday of November AD 1759. when & where the said John was presented by the grand jurors for the said Lord Lord the King for the body of said County for that the said John at s<sup>d</sup>. Sheffield on the third day of November 1759. did with

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126.

[126r]

with force and Arms feloniously steal take and carry away two deer skins of the Value of thirty three shillings the goods & chattles of Lambert Burghardt Jun<sup>r</sup>. of said Sheffield contrary to the Laws of this Province in such cases

provided, the peace of the said Lord the King his crown & dignity. at which same Court the said John Williams was sentenced to pay a fine of four pounds Lawful Money to be to his Majesty for the support of the Government of this Province & that he pay said Lambert treble the value of the skins stolen being £4.19.0. Lawful Money (one third whereof to be remitted to said John on account of the skins being Returned to said Lambert) & pay Costs of Prosecution standing committed &c. The said John Williams Appeared and after a full hearing of him & the Evidence for the crown, the Case was committed to a Jury sworn according to Law to try the issue, who Returned their Verdict therein upon Oath that is to say they find that the said John Williams is not Guilty. It is therefore Considered by the Court that the said John Williams go without day.

[illeg]

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Marsh ~~vs~~ Porter

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Daniel Marsh of Hadley in the County of Hampshire Yeoman  
Appellant ~~vs~~ Eleazer Porter Esq<sup>r</sup>. Samuel Hopkins and Sarah his Wife,  
in her Right Ebenezer Williams and Jerusha his Wife in her Right, Elisha  
Porter, and Mary Porter Minors [<sup>^</sup>by their Guardians Sarah Porter Widow and the said Eleazer<sup>^</sup>]  
all heirs of Eleazer Porter Esq<sup>r</sup> dec<sup>d</sup>ed.

Appellees, from the Judgment of an Inferiour Court of Common Pleas  
held at Northampton in and for the County of Hampshire on the  
second Tuesday February last, when and where the Appellant was  
plant, and the Appellees (who were vouched to defend this Action instead of  
Moses Marsh of said Hadley Gentleman) were defendants. In a plea or  
Action wherein the plant demands against the def<sup>t</sup>. about four Acres of  
Land with the Appurtenances in Hadley aforesaid being apeice of land  
lying in that part of said Hadley called the great Meadow and in that  
part of said Great Meadow called Honeyplot bounded easterly by away  
Southerly by Land in the possession of Peter Montague deceased's Widow  
westerly by the great River and Northerly by Nathaniel Kellog's Land.  
Also one other peice of Land with the appurtenances in Hadley  
aforesaid being in quantity about three quarters of an Acre lying



in the great Meadow aforesaid bounded easterly by the Land of John

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Image 155-Left

[126v]

of John Montague Southerly by a way westerly by Aaron Books Land Northerly on a division of Land called the North Division both which peices of Land with the appurtenances the plant demands as his Right and inheritance and into which the def<sup>t</sup>. hath not [<sup>^</sup>any<sup>^</sup>] entry but by Eleazer Porter Esq: deceased who demised the same to him the def<sup>t</sup>. who unjustly and without Judgment disseized the plant thereof within thirty years now last past and whereupon the plant says that was seized of the Lands and premisses above demanded in his demesne as of fee and Right in time peace in the present King's Reign within thirty years now last past, taking the profits thereof to the value of six pounds a year and held the said demanded Lands until the said Eleazer disseized him the plant thereof as aforesaid, who (as the plant says) unjustly and without Judgment entered thereinto disseized him the plant thereof and demised said Premisses to the def<sup>t</sup>. within thirty years now last past, ever since which demise the def<sup>t</sup>. hath deforced and held out the plant and still unjustly holds out the plant from said demanded premises and thereof he brings this suit, which deforcement is to the damage of the said Daniel as he says two hundred pounds. At which said Inferiour Court Judgment was Rendered that the said Eleazer and others the def<sup>t</sup>. Recover against the said Daniel their Reasonable Costs, Both Parties Appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon oath that is to say they find for the Appellant reversion of the former Judgment the possession of the Land sued for and Costs: Its therefore Considered by the Court that the former Judgment be Reversed and that the said Daniel Marsh Recover against the said Ebenezer Porter, Samuel Hopkins & Sarah his Wife, in her Right, Ebenezer Williams and Jerusha his Wife in her Right, and Elisha Porter, and Mary Porter Minor: [+]  
[+] Possession of the Land sued for, and Costs taxed at £9.14.9.

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Face. Hab: issued

11<sup>th</sup>. Feb.<sup>y</sup> 1761

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Marsh ~~vs~~ Porter et als

&gt;&gt;

Daniel Marsh of Hadley in the County of Hampshire Yeoman Appellant  
~~vs~~ Eleazer Porter Esq: Samuel Hopkins and Sarah his Wife in her Right  
 Ebenezer Williams and Jerusha his Wife, in her Right, and Mary Porter  
 and Elisha Porter two Minors, by Sarah Porter Widow and said Eleazer  
 their Guardians, all heirs of Eleazer Porter Esq. late of said Hadley  
 dec'd their Ancestor, Appellees, from the Judgment of an Inferiour Court  
 of Common Pleas held at Northampton in and for the County of Hampshire  
 on

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Image 155-Right

127.

[127r]

on the second Tuesday of February last, when and where the Appellant was  
 plant. and the Appellees (who were vouched in and took upon themselves the  
 defence of this Action together with John Lyman of the same Hadley Gentleman  
 against whom this Action was first brought) were defendants, In a plea or Action  
 wherein the plant demanded against the def<sup>t</sup>. as his the plant<sup>s</sup>. right and  
 Inheritance a certain peice of arable Land with the Appurtenances lying  
 and being in Hadley aforesaid in that part thereof called Hoccanum  
 bounded Northerly by the Great River and Southerly by the Great River  
 easterly and westerly by his the def<sup>t</sup>s. own land being two Rods and ten links  
 of a Gunter's Chain wide at the North End And one Rod and twenty links of a  
 like chain wide at the South end and being in quantity about two Acres  
 and fifteen Rods into which the def<sup>t</sup>. hath not any Entry but by one Ebenezer<sup>f</sup>.  
 Marsh jun<sup>r</sup>. of said Hadley to whom Eleazer Porter Esq. late of said Hadley

deceased (as aforesaid) demised the same who unjustly and without Judgment disseized the plant thereof within thirty Years now last past And whereupon the plant says that within thirty years now last past in time of peace in the Present Kings Reign he was seized of the above demanded premisses with the appurtenances in his demesne as of fee, taking the profits thereof to the value of twenty shillings Lawful Money by the year since which the said Eleazer in his life, unjustly and without Judgment entered thereunto disseized the plant of said demanded premisses and demised them to the said Ebenezer Marsh who demised the same to the def<sup>t</sup>. who unjustly deforceth and holds out the plant and for the Recovery thereof the plant brings this Suit the def<sup>s</sup>. deforcing the said Daniel of the premisses is to the damage of the said Daniel as he says the sum of thirty pounds: At which said Inferiour Court Judgment was Rendred that the said Eleazer Porter and others heirs of said Eleazer Porter dec'ed the def<sup>s</sup>. Recover against the said Daniel Marsh their Reasonable Costs. Both Parties Now appeared, and the Case After a full hearing was Committed to a Jury sworn According to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment the possession of the one Acre of Land defended by the appellees, and Costs: It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Daniel Marsh Recover against the said Eleazer Porter, Samuel Hopkins and Sarah his Wife, Ebenezer Williams and Jerusha his Wife, and Mary Porter, and Elisha Porter, Minors, Possession of the one Acre of Land defended by them and

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Image 156-Left

[127v]

& Costs taxed at £9.12.5

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Fac. Habere}

issued 11<sup>th</sup>. Feb.<sup>y</sup>}

1761}

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Dewey vs Dewey

&gt;&gt;

Israel Dewey of Sheffield in the County of Hampshire Yeoman, who as well for the poor of the Town of Westfield in said County of Hampshire, as for himself in this behalf prosecutes as Appellant vs Thomas Dewey lately of Westfield in the County of Hampshire Yeoman Appellee from the Judg<sup>t</sup>. of an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last. when and where the Appell<sup>t</sup>. was plant and the Appellee was def<sup>t</sup>. In a plea that the def<sup>t</sup>. Render to the said poor of the Town of Westfield aforesaid, and the plant who prosecutes as aforesaid, one hundred and twenty pounds Lawful Money of the province of the Mass<sup>a</sup>.. Bay in New England which he owes the said poor and the plant, and unjustly detains for this That Whereas Thomas Dewey lately of Westfield aforesaid Yeoman deceased, who dwelt last at said Westfield on the fifteenth day of March anno Domini 1758. at Westfield aforesaid died, leaving his the said Decease's last will and Testament in writing (signed and in all points Lawfully executed by said deceased) in the hands and possession of the defendant, and in said Will the defendant was Named and appointed Sole Executor thereof, the defendant at Westfield aforesaid ever since the aforesaid time of the death of said deceased, having had perfect knowledge of the premisses, and that he and no other was named and appointed Executor of said Deceased's Will without any just or Reasonable Cause or excuse made and accepted for the delay herein aftermentioned or that the def<sup>t</sup>. can make did not within thirty days next After the decease of the said Thomas deceased the testator either present said Will for probate or cause said Will to be proved and Recorded in the office of the Register of Wills of the County of Hampshire aforesaid (being the County wherein said Deceased last dwelt) nor did the defendant within said thirty days present said Will and declare his Refusal of the Executorship of said Will. and the defendant hath also for and by the space of twenty four Months to be computed from and After the expira=

:tion of the said thirty days next After the decease of said testator willingly and obstinately Altogether forborn delayed Neglected and Refused either to present said Will for probate or to present the same and declare his Refusal of the excuutorship thereof or to prove said Will and cause it to be Recorded in the said Register's Office abovesaid, or in any

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Image 156-Right

128.

[128r]

any manner whatever to cause probate of said Will to be made and that without any just cause or excuse made and accepted or that can be made or Alledged by the defendant for such delay and Neglect against the form of one Law and statute of the province aforesaid in such case thereof antiently made and provided. Whereby the defendant has forfeited to the said poor of the Town of Westfield aforesaid and to the plaintiff (who as well for said Poor as for himself prosecutes) one hundred and twenty pounds Lawful Money of said Province, to wit for every Month of the said twenty four Months from the Expiration of said thirty days Next After the abovesaid decease of said Testator during and in which the def<sup>t</sup>. without any Reasonable or just cause or exuse made and accepted or that can be made and alledged by him continued in the delays Neglects and Defaults above declared of against the Term form the statute aforesaid five pounds. And whereby Action has accrued to the plant who prosecutes as aforesaid to demand and have of the defend't the said sum of One hundred and twenty pounds forfeited as aforesaid, Nevertheless the def<sup>t</sup>.. tho' Often Requested has not paid said hundred and twenty pounds or any penny thereof to said Poor and to the plant who prosecutes as aforesaid or either of them but he wholly denys to do it to the damage of the said Israel who [<sup>^</sup>sues<sup>^</sup>] in manner abovesaid as he says one hundred and thirty pound; At which said Inferiour Court Judgment was Rendred that the said Thomas Recover against the said Israel suing as aforesaid his Reasonable Costs. Both Parties now Appeared, and the Case After a full hearing was Committed

to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the Appellee Costs. It's therefore. Considered by the Court that the said Thomas Dewey Recover against the s<sup>d</sup>: Israel Dewey Costs, taxed at £

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Staunton ~~vs~~ Hartman.

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Elijah Staunton Appellant ~~vs~~ Mathias Hartman Appellee.

Neither Party appeared.

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Powell ~~vs~~ Pettit

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Felix Powell of Sheffield in the County of Hampshire Yeoman appellant ~~vs~~ Jonathan Pettit of Sharon in Litchfield County in the Colony of Connecticut Yeoman, and Administrator on the Estate of Jonathan Dunham late of Sheffield aforesaid Trader deceased, Appellee, from the

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Image 157-Left

[128v]

the Judgment of an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire, on the second Tuesday of Feb<sup>y</sup>. last, when and where the Appellee was Plant and the Appellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the sixth day of November AD 1759. on file, at large appears) At which said Inferiour Court Judgment was Rendered, upon the pleas in abatement made there, that the said Jonathan Petit Recover (in the aforesaid Capacity) against the said Felix the sum of £ Lawful Money damage, and Costs. Both Parties Appeared, and being fully heard: It is Considered by the Court that the Writ be quashed, for the irregularity of the proceedings.

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Graves vs Sharer

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Daniel Graves of Palmer in the County of Hampshire Gentleman,  
 Appellant vs John Sharer of said Palmer Yeoman, Appellee, from the Judgment  
 of an Inferiour Court of Common Pleas held at Springfield in and for the  
 County of Hampshire on the last Tuesday of August, when and where the  
 Appellee was plant and the Appellant was defendant. In a plea of Trespass  
 for that the defendant on the eighth day of August 1757. at Palmer aforesaid  
 with force and Arms the plant<sup>s</sup> bay mare of the price of ten pounds his  
 Saddle and bridle worth forty shillings all found at Palmer aforesaid. took  
 and carried away and other outrages on the plant then and there  
 committed against the Kings Peace and to the damage of the said  
 John the sum of Sixteen pounds. At which said Inferiour Court Judgment  
 was Rendered that the said John Recover against the Defendant the sum  
 of Six pounds Lawful Money damage, and cost of Court. Both Parties now  
 appeared, and the Case after a full hearing was Committed to a Jury sworn  
 according to Law to try the same who Returned their Verdict therein upon  
 Oath that is to say, they find for the Appellant reversion of the former  
 Judgment and Costs: It's therefore Considered by the Court that the  
 former Judgment be Reversed, and that the said Daniel Graves Recover  
 against the said John Sharer Costs taxed at £7.19.0

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Colton vs Hit<sup>h</sup>cock

&gt;&gt;

Benjamin Colton of Brimfield in the County of Hampshire  
 Yeoman Appellant vs Samuel Hitchcock of Springfield aforesaid appellee.  
 from the Judgment of an Inferiour Court of Common Pleas. held at  
 Springfield in and for the County of Hampshire on the last Tuesday of  
 August

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Image 157-Right

129.

[129r]

August last, when and where the Appellant was plant. and the Appellee was defendant. In a plea of the Case for that the said Samuel at said Springfield on the last day of April 1757. was Justly Indebted to said Benjamin in the sum of two pounds two [x] shillings and eight pence Lawful Money for the said Benjamin's Labour skill and expence in driving before that time four fat oxen of the said Samuel's from said Springfield to Boston to Markett and there Selling the same oxen for said Samuel at his Special Instance and Request and Returning him the proceeds of the Sale of said Oxen, he the said Samuel then and there viz. at said Springfield on said Last day of April Assumed on himself and promised said Benjamin to pay him the same on demand. And also Whereas the said Benjamin viz, the same day and Year last abovesaid at Springfield aforesaid had done and performed certain other Services for said Samuel at his said Samuel special Instance and Request viz. in driving four other fat Cattle of said Samuel from said Springfield for Markett at Boston at his own expence and had sold them for said Samuel according to his best Skill and had Returned to s<sup>d</sup>: Samuel the proceeds of the Sale thereof, the said Samuel in Consideration thereof then and there promised that he would pay the said Benj<sup>a</sup>. for his Service last abovementioned so much as the said Benjamin Reasonably deserved therefor: and said Benjamin says he Reasonably deserved to have for said Service last Mentioned as done for the said Samuel the sum of forty two shillings and eight pence more of which the said Samuel thereof afterwards viz. the same day at said Springfield had Notice yet the said Samuel tho' Often Requested hath never fulfilled, either of his said promisses but Neglects it. To the damage of the plant five pounds. At which said Inferiour Court Judgment was Rendred, that the def<sup>t</sup>. shou<sup>d</sup> Recover against the plant Cost of Court taxed at £0.19.7½.

Both Parties now Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try, the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Costs: It's therefore Considered by the Court that the said Samuel



Hitchcock Recover against the said Benjamin Colton Costs taxed at  
£2.10.4

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Watson ~~vs~~ Campbell.

>>

James Watson late of the New Township called Number four in s<sup>d</sup>:  
County

<duuplicates previous>

<duuplicates previous>

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Image 160-Left

[129v]

County of Hampshire, now of Westfield in said County Yeoman Appellant ~~vs~~ John Campbell late of Blanford in the County of Hampshire Yeoman Appellee, from the Judgment of an Inferiour Court of Common pleas held at Springfield in and for said County of Hampshire on the last Tuesday of August last, when and where the Appellee was plant, and the Appellant was defendant. In a plea of, the Case &C<sup>a</sup>. (as in the Writ tested the 30<sup>th</sup>. day of July last, on File at large Appears) At which said Inferiour Court Judgment was Rendered upon the demurer there, that the said John shou'd Recover against the said James the sum of six pounds ten shillings and five pence Lawful Money damages, and Cost of Court taxed at one pound fourteen shillings and three pence. Both Parties Appeared, and the Appellant by his Attorney Cornelius Jones, confessed Judgment for the Money sued for, being six pounds ten shillings Lawful Money damage, and Costs: It's therefore Considered by the Court that the said John Campbell Recover against the said James Watson the sum of Six pounds ten shillings Lawful Money of this Province damage, and Costs taxed at £

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Ely ~~vs~~ Day

&gt;&gt;

Reuben Ely late of Springfield now of a place called Number four  
 in the County of Hampshire Yeoman Appellant ~~vs~~ Caleb Day of said  
 Springfield Yeoman Appellee, from the Judgment of an Inferiour Court  
 of Common Pleas held at Springfield in and for the County of Hampshire  
 on the third Tuesday of May last, when and where the Appellee was plant,  
 and the Appellant was defendant, In a plea of the Case for that Whereas  
 the said Caleb is a true honest good and faithfull Subject to our Lord  
 the King, and all his life time hitherto hath carried and behaved  
 himself so among all his Neighbours and others the King's good and  
 faithfull Subjects as to be esteemed by them a Man of Good Name fame  
 and Reputation and of an honest Upright and faithfull  
 Conversation and behaviour and all his life hitherto hath lived  
 without any blot or having committed any felony or Larceny and  
 from any such execrable and horrible Crime hath always hitherto lived  
 free untouched and unsuspected Yet the said Reuben not Ignorant  
 of the premisses but contriving and Maliciously intending to defame  
 Scandalize and disquiet the plant and to Subject him to Coporal  
 Punishment at Springfield aforesaid him the plant "For that the plant  
 "and one Medad a Negro man Servant for Life to Elisha Noble of Sheffield  
 "in said County Gentleman, at said Springfield on the sixth day of  
 August

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Image 160-Right

130.

[130r]

"August Anno Domini 1758. did with force and Arms feloniously steal take  
 "and carry away thirty six ounces of Silver of the Value of twelve pounds  
 "And three hundred and fifty Copper half pence of the Value of twenty  
 "four shillings, all the goods and Chattles of Benjamin Leonard the

"younger of said Springfield Yeoman: Contrary to Law our peace  
 "crown and Dignity." before the Justices of our Lord the King Assigned  
 to preserve his peace in and for the said County of Hampshire at the  
 Court of General Sessions of the peace holden at said Springfield within  
 and for the said County on the last Tuesday of August last, without any  
 probable cause wickedly and Maliciously caused and procured to be  
 indicted and him the plant on that account prosecuted until he was  
 thereof duly acquit. And the plant says by means of that Indictment  
 caused and procured as aforesaid, and by warrant Issued by Order of s<sup>d</sup>..  
 Court thereon He was then and there arrested and his body taken by  
 the Sheriff of the said County and that he was then and there brought  
 before the Justices of the same Court and was then and there (to avoid  
 Commitment to close prison) obliged to become bound with Sufficient Sure=  
 :ties to the King and his Successors by Recognizance in great Sums and  
 Also to become bound with Sufficient Sureties in great sums to said  
 Benjamin Leonard to secure his said Caleb's) personal appearance  
 at the Next Court of General Sessions of the peace to be holden at  
 Northampton in and for said County on the second Tuesday of Nov<sup>r</sup>..  
 last, to answer to said Indictment, when and where the plant says  
 he appeared, according to his said Recognizance to acquit himself  
 of the felony above charged upon him in the Indictment aforesaid  
 and for that purpose then and there Before the Justices of the said  
 Court pleaded that he was not Guilty of the felony aforesaid and  
 thereof submitted himself on his Country. And that therefore imme=  
 :diately a Jury thereof came before the said Justices and that the Jurors  
 of that Jury for that purpose impannelled (being first chosen tried  
 and sworn to declare the Truth of and concerning the premisses) then  
 and there upon their Oaths said that the plaintiff was not guilty  
 of the Felony specified and charged upon him in said Indictment  
 and that It was then and there Thereupon Considered by the  
 Justices of said Court that the plaintiff should from thence be discharg'd  
 of the felony aforesaid, and the plant says that by Reason of the  
 premisses he was brought into great Scandal and disgrace and into  
 danger

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Image 161-Left

[130v]

danger of Corporal Punishment and was subjected to great Trouble Anxiety and Concern and to great Expence of time and Money to acquit himself of the felony aforesaid charged upon him by the Evil and malicious procurement of the said Reuben as aforesaid, Which wicked and Malicious doing of said Ruben therefore is to the Damage of the said Caleb two hundred Pounds: At which said Inferiour Court Judgment was Rendered, that the said Caleb Recover against the said Reuben the Sum of £15 lawful Money Damages, and Cost of Court tax't at £5.19.9. Both Parties Appeared, And the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath. That is to say they find for the appell<sup>t</sup>: Reversion of the former Judgment, and Costs: It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Reuben Ely Recover against the said Caleb Day Costs taxed at £7.11.10

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Ex'c'on issued

16<sup>th</sup>: Oct<sup>o</sup>. 1760

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Collins jun<sup>r</sup>. ~~vs~~ Cheney

Nathan Collins Jun<sup>r</sup> of Brimfield in the County of Hampshire afores<sup>d</sup>..  
 Innholder Appellant vs John Cheney of Western in the County of Worcester  
 Yeoman Appellee from the Judgment of an Inferiour Court of Common  
 Pleas held at Northampton in and for the County of Hampshire on the  
 second Tuesday of November last, when and where the Appellant was  
 plant and the Appellee was def<sup>t</sup>. In a plea of the Case for that the def<sup>t</sup>. at  
 said Brimfield on the first of August AD 1759. owed the plant the sum  
 of two pounds two shillings and one penny farthing to ballance accounts  
 for a yoke of Oxen according to the Account to the Writ annexed and then &

there promised the plant to pay him the same on demand. and also for that the def<sup>t</sup>. at said Brimfield on the ninth day of July AD 1759. bought and Received of the plant another certain Yoke of Oxen of the Value and at the price of twenty one pounds Lawful Money: And then and there at said Brimfield on Consideration of said Oxen so bought and received the def<sup>t</sup>. assumed upon himself and faithfully promised the plant to pay him the said sum of twenty one pounds on demand, of which said sum the Defendant then and there paid the pl<sup>t</sup>. Eighteen pounds seventeen shillings and ten pence three farthings and no more. And the def<sup>t</sup>. tho' Often thereto requested hath never paid the plant the s<sup>d</sup>.: sum of two pounds two shillings and one penny farthing as aforesaid but Neglects to do it. to the damage of the plant five pounds. At which said Inferiour

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Image 161-Right

131.

[131r]

Inferiour Court Judgment was Rendered, upon the demurer there, that the said John Recover against the said Nathan his Reasonable Cost taxed at £ Both Parties Appeared, and the demurer aforesaid being wav'd, the Case After a full hearing was Committed to a Jury sworn according to Law. to try the same who Returned their verdict therein Opon Oath. That is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said John Cheney Recover against the said Nathan Collins jun<sup>r</sup>. Costs taxed at £5.16.0

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Ex'c'on issued

26<sup>th</sup>. Aug. 1761.

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Collins ~~vs~~ Smith

>>

John Collins of Sheffield in the County of Hampshire Blacksmith  
 Appellants ~~vs~~ Nathan Smith of the District of Egremont in the same County  
 Yeoman Appellee, from the Judgment of an Inferiour Court of Common  
 Pleas held at Springfield in and for the County of Hampshire on the third  
 Tuesday of May last, when and where the Appellant was plant, and the ap'lee  
 was defendant, In a plea of the Case, &C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup>. day of April  
 last, on file. at large Appears) At which said Inferiour Court Judgment  
 was Rendered, that the said Smith Recover against the said Collins his  
 Reasonable Costs. The Appellant Appeared, but the Appellee altho' solemnly  
 called to come into Court, did not Appear but made default, It is  
 Therefore Considered by the Court that the said John Collins Recover  
 against the said Nathan Smith the sum of two pounds thirteen shillings  
 and eight pence Lawful Money of this Province Damage (being the  
 Money sued for) and Costs taxed at £5.6.7

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Ex'c'on issued  
 16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Ingersoll ~~vs~~ Smith.

&gt;&gt;

David Ingersoll of a New Town commonly called Spencertown  
 within the County of Hampshire Gentleman Complainant ~~vs~~ Ebenezer  
 Smith of Egremont in the same County Joyner. The Compl<sup>t</sup>. Shew'd that at  
 an Inferiour Court of Common Pleas held at Springfield in and for  
 the County of Hampshire on the third Tuesday of May last, he Recovered  
 Judgment against the said Ebenezer for the sum of £7.17.6½ Lawful  
 Money damage, and Costs of Suit, from which Judgment the said Ebenezer  
 appealed to this Court, and Recognized with sureties according to Law to  
 prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>..  
 pray'd Affirmation of said Judgment with Additional Interest and Costs.  
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[131v]

It's therefore Considered by the Court that the said David Ingersoll Recover against the said Ebenezer Smith the sum of eight Pounds and two pence Lawful Money of this Province damage, and Costs taxed at £5.4.10

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Ex'c'on issued

26<sup>th</sup>. Jan'y 1761.

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Ingersoll vs Vangelder

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David Ingersoll of a new Township commonly called Spencertown in the County of Hampshire Gentleman Complainant ~~vs~~ Mathew Van-Gilder of Egremont in the County of Hampshire aforesaid Husbandman, The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said Mathew for the sum of £2.8.0 Lawful Money damage, and Costs of Court. from which Judgment the said Mathew appealed to this Court and Recogniz'd with Sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Complainant pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said David Ingersoll Recover against the said Mathew Van-Gelder, the Sum of two pounds eight shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £5.5.7.

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Ex'c'on issued

26<sup>th</sup>. Jan'y 1761.

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Ingersoll ~~vs~~ Root

&gt;&gt;

David Ingersoll of a New Township called Spencertown in the County of Hampshire aforesaid Gentleman Complainant vs James Root of Sheffield in the same County Joyner. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas at Springfield within and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said James for the sum of £6.14.2 Lawful Money damage, and Costs of Suit, from which Judgment the said James appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said David Ingersoll Recover against the said James Root the sum of Eight Pounds sixteen shillings and 8 pence Lawful Money of this Province Damage, and Costs taxed at £5.4.11

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Ex'c'on issued

26<sup>th</sup>. Jan'y 1761.

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David

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Image 163-Right

132.

[132r]

David Ingersoll of a New township called Spencertown in the County of Hampshire Gentleman Complainant ~~vs~~ Ichabod Avery living on Land called province Land lying West of Sheffield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire, on the third Tuesday



of May last, he recovered Judgment against the said Ichabod for the sum of £24.1.8 Lawful Money damage, and Costs of Suit: from which Judgment the said Ichabod Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compt<sup>l</sup>. prayed Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said David Ingersoll Recover against the said Jacob Avery the sum of twenty five pounds two shillings and ten pence Lawful Money of this province Damage, and Costs taxed at £5.6.9

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Ex'c'on issued

26<sup>th</sup>. Jan'y 1761.

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Ingersoll ~~vs~~ Trumble

&gt;&gt;

David Ingersoll of a New Township commonly called Spencertown in the County of Hampshire Gentleman Appellant ~~vs~~ Ebenezer Trumble of Sheffield in the same County Husbandman, The Compt<sup>l</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield within and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said Ebenezer for the sum of £22.10.0 Lawful money damage, and Costs of Suit. from which Judgment the said Ebenezer appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compt<sup>l</sup>. pray'd Affirmation of said Judgment with Additional Costs: It is therefore Considered by the Court that the said David Ingersoll Recover against the said Ebenezer Trumble the sum of twenty two pounds ten shillings, Lawful Money Damage, and Costs taxed at £5.4.2

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Ex'c'on issued

26<sup>th</sup>. Jan'y 1761.

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Cowles v Miller.

&gt;&gt;

Benjamin Cowles of Canaan in Litchfield County in the Colony of Connecticut Gentleman, and Innholder. Complainant ~~vs~~ Abraham Miller of Sheffield in the same County of Hampshire Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against

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Image 164-Left

[132v]

against the said Abraham for the sum of £33.8.3 Lawful money damage, and Costs of Suit, from which Judgment the said Abraham Appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest, and Costs: It's therefore Considered by the Court that the said Benjamin Cowles Recover against the said Abraham Miller the sum of thirty four pounds and seven pence Lawful Money of this province Damage, and Costs taxed at £5.4.11

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Ex'c'on issued

26<sup>th</sup>. Jan'y 1761.

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Root ~~vs~~ Collins

&gt;&gt;

Jonathan Root of Sheffield in the County of Hampshire Gent. Complainant ~~vs~~ John Collins of said Sheffield Blacksmith. The Coml<sup>t</sup>. shew 'd that at an Inferiour Court of Common Pleas held at Springfield in and for

the County of Hampshire on the third Tuesday of May last, he Recovered Judgm  
 against the said John for the sum of £5.6.2 Lawful Money damage, and  
 Costs of Suit, from which Judgment the said John Appealed to this Court and  
 Recognized with sureties according to Law to prosecute the same with Effect,  
 but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment w<sup>th</sup>:  
 Additional Interest and Costs: It's therefore Considered by the Court that the  
 Jonathan Root Recover against the said John Collins the sum of Five pounds  
 Nine shillings, Lawful Money of this Province Damage, and Costs taxed at  
 £4.15.4

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Sheldon vs Breck

&gt;&gt;

Aaron Sheldon of Sheffield in the County [^of Hampshire^] Gentleman Complainant vs  
 Samuel Breck of the same place Physician. The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of Common Pleas held at Northampton in and for the County  
 of Hampshire on the second Tuesday of February last, he Recovered Judgment  
 against the said Samuel for the sum of £10 Lawful Money damage,  
 and Costs of Suit, from which Judgment the said Samuel Appealed to this Court  
 and recognized with Sureties according to Law to prosecute the same with  
 Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Costs: It's therefore Considered by the Court that  
 the said Aaron Sheldon [^recover against the said Samuel Breck^] the sum of ten pounds Lawful  
 Money of this Province  
 Damage, and Costs taxed at £4.15.9

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Ex'c'on iss<sup>d</sup>:14 Dec<sup>r</sup>. 1760.

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Benjamin

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Image 164-Right

133.

[133r]

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Wolcott v Brooks.

&gt;&gt;

Benjamin Wolcott of Springfield in the County of Hampshire Yeoman  
 Complainant ~~vs~~ Samuel Brooks of the same place Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of Common Pleas held at Northampton in and  
 for the County of Hampshire on the second Tuesday of February last, he  
 Recovered Judgment against the said Samuel for the sum of £4.2.9 Law=  
 :ful Money damage, and Costs of Suit, from which Judgment the said  
 Samuel Appealed to this Court and Recogniz'd with sureties according  
 to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the  
 Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Int.  
 and Costs: It's therefore Considered by the Court that the said Benjamin  
 Walcott Recover against the said Samuel Brooks the sum of Four pounds  
 five shillings and nine pence Lawful Money of this Province, dam<sup>a</sup>.  
 and Costs taxed at £3.8.1

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Ex'c'on issued

24<sup>th</sup>. dece'm 1760.

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Harris ~~vs~~ Wakefield

&gt;&gt;

Abner Harris of Woodstock in the County of Worcester Yeoman Compl<sup>t</sup>. ~~vs~~  
 Thomas Wakefield late of Ashford in the Colony of Connecticut now of Sheffield  
 in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour  
 Court of Common Pleas held at Northampton in and for the County of  
 Hampshire on the second Tuesday of February last, he Recovered Judgment  
 against the said Thomas for the sum of £6.12.6 Lawful Money damage, &  
 Costs of Suit. from which Judgment the said Thomas Appealed to this Court  
 and Recogniz'd with sureties according to Law to prosecute the same with  
 effect. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>:

Costs: It's therefore Considered by the Court that the said Abner Harris Recover against the said Thomas Wakefield the sum of Six pounds twelve shillings and six pence Lawful Money of this province damage, and Costs taxed at £4.12.1

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Pease ~~vs~~ Adams

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Joseph Pease of Suffield in the County of Hampshire Yeoman Compl<sup>t</sup>.  
~~vs~~ Abraham Adams of Springfield in the same County Yeoman. The Compl<sup>t</sup>.  
 Shew'd that at an Inferiour Court of Common Pleas held at Springfield  
 in and for the County of Hampshire on the third Tuesday of May last,  
 He Recovered Judgm<sup>t</sup>. against the said Abraham for the sum of £19.12.9  
 Lawful Money damage, and Costs of Suit. from which Judgment the said  
 Abraham Appealed to this Court and Recogniz'd with sureties according  
 to

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Image 165-Left

[133v]

to Law to prosecute the same with Effect but fail'd so to do. Wherefore the  
 Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest &  
 Costs: It's therefore Considered by the Court that the said Joseph Peirce  
 Recover against the said Abraham Adams the sum of twenty pounds and  
 a penny Lawful Money of this Province damage, and Costs taxed at  
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Pease ~~vs~~ Blodget

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Ephraim Pease of Enfield in the County of Hampshire Yeoman  
 Complainant ~~vs~~ Asa Blodgett [<sup>late</sup>] of Salisbury in the County of Litchfield in the  
 Colony of Connecticut Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour  
 Court of Common Pleas held at Northampton in and for the County of

Hampshire on the second Tuesday of February last, when and where He Recovered Judgment against the said Asa for the sum of £12.14.0. Lawful Money damage, and Costs of Suit, from which Judgment the said Asa Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Ephraim Pease Recover against the s<sup>d</sup>.: Asa Blodgett the sum of twelve pounds fourteen shillings Lawful Money Damage, and Costs taxed at £3.11.0

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Ex'c'on issued

20<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Ingersoll ~~vs~~ Hamblin

&gt;&gt;

David Ingersoll [<sup>^</sup>late<sup>^</sup>] of Sheffield in the County of Hampshire Gentleman, Compl<sup>t</sup>. (& who now lives about fourteen Miles west of said Sheffield on the Road from thence to Albany Complainant ~~vs~~ John Hamlin of s<sup>d</sup>: Sheffield Yeoman the Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at [<sup>^</sup>Springfield on the<sup>^</sup>] third Tuesday of May last, he Recovered Judgm<sup>t</sup>. aga<sup>st</sup>. him

for the sum of £19.3.4 Lawful Money damage, and Costs of Suit, from which Judgment the said John Appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Whedefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest, and Costs: It's therefore Considered by the Court that the said David Ingersoll Recover against the said John Hamblin the sum of Nineteen pounds ten shillings Lawful Money of this Province damage, and Costs taxed at £5.9.4

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Ex'c'on issued

16<sup>th</sup>. Feb.<sup>y</sup> 1761.

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David

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Image 165-Right

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[134r]

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Ingersoll ~~vs~~ Winchell

David Ingersoll late of Sheffield in the County of Hampshire (and who now lives about fourteen Miles west of said Sheffield on the, Road from thence to Albany) Gentleman Complainant ~~vs~~ Samuel Winchell of Egremont in the same County jun<sup>r</sup>. Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said Samuel for the sum of £27.19.6 Lawful Money Damage, and Costs of Suit, from which Judgment the said Samuel appealed to this Court. and Recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>. Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said David Ingersoll Recover against the said Samuel Winchell the sum of twenty eight pounds eight shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £5.0.3

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Ex'c'on issued

16<sup>th</sup>. Feb.<sup>y</sup> 1761.

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Dewey ~~vs~~ Dewey

&gt;&gt;

Thomas Dewey of Westfield in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Israel Dewey of Shef<sup>r</sup>ield in the, Same County Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire on the second Tuesday of November last, he Recovered Judgment against

the said Israel for the sum of £5.5.9¾ Lawful Money damage, and Costs of Suit. from which Judgment the said Israel appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect but has fil'd so to do. Wherefore the Compl't. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Thomas Dewey Recover against the said Israel Dewey the sum of Five Pounds eleven shillings and three pence Lawful Money of this Province Damage, and Costs taxed at £3.13.2

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Ex'c'on issued

20<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Bull ~~vs~~ Lee

&gt;&gt;

Moses Bull of Sheffield in the County of Hampshire Physician Compl't. ~~vs~~ Samuel Lee of the same place Innholder and Yeoman. The Compl't. Shew'd that at an Inferiour Court of Common Pleas held at Northampton within and for the County of Hampshire on the second Tuesday of February last, he Recovered Judgment against the said Samuel for the sum of £6.16.2 Lawful Money damage, and Costs of Suit, from which Judgment the said Samuel Appealed to this Court, and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl't. pray'd Affirmation of said Judgment with Additional [x] and Costs: It's therefore Considered by

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[134v]

by the Court that the said Amos Bull recover against the said Samuel Lee the sum of Six pounds sixteen shillings and two pence Lawful Money of this Province dam<sup>a</sup>. and Costs taxed at £

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Burbanks *vs* Loomis

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Abraham Burbank of Suffield in the County of Hampshire Gent.  
 Compl<sup>t</sup>. *vs* Jonathan Loomis of Springfield in the County of Hampshire Yeoman  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at North=  
 :ampton in and for the County of Hampshire, on the second Tuesday of Feb:<sup>y</sup>  
 last, he Recovered Judgment against the said Jonathan for the sum of £17.15.11  
 Lawful Money damage, and Costs of Suit, from which Judgment the said Jonathan  
 Appealed to this Court. and Recognized with Sureties according to Law to prosecute  
 the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>..  
 of said Judgment with Additional Interest, and Costs: It's therefore Considered  
 by the Court that the said Abraham Burbank Recover against the said  
 Jonathan Loomis the sum of Eighteen Pounds Seven shillings and seven pence  
 Lawful Money of this Province Damage, and Costs taxed at £4.3.11

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Ex'c'on issued  
 Oct<sup>o</sup>. 20<sup>th</sup>. 1760.

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Meacham *vs* Montague jun<sup>r</sup>

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Israel Meacham of Enfield in the County of Hampshire Gent: Compl<sup>t</sup>  
*vs* Samuel Montague jun<sup>r</sup>. of Sunderland in the same County Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Springfield  
 in and for the County of Hampshire on the third Tuesday of May last, he  
 Recovered Judgment against the said Samuel for the sum of £10.11.2  
 Lawful Money Damage, and Costs of Suit, from which Judgment the said  
 Samuel appealed to this Court, and Recogniz'd with Sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Interest, and Costs:  
 It's therefore Considered by the Court that the said Israel Meacham  
 Recover against the said Samuel Montague jun<sup>r</sup>. the sum of ten pounds fifteen  
 shillings and two pence Lawful Money of this Province damage, and

Costs taxed at £3.6.8

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Schutt ~~vs~~ Munsell

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Myndert Schutt of the Manor of Livingston in the County of Albany & Province of New York Yeoman Complainant ~~vs~~ Joseph Munsell of Westfield in the County of Hampshire Yeoman, The Compl<sup>t</sup>. shew'd shew'd that at an Inferiour

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[135r]

Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire, on the last Tuesday of August last, he Recovered Judgment against the said Joseph for the sum of £2.19.4 Lawful Money damage, and Costs of Suit, from which Judgment the said Samuel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same, with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment of said Additional Costs: It's therefore Considered by the Court that the said Myndert Schutt Recover against the said Joseph Munsell the sum of two pounds Nineteen shillings and four pence Lawful Money of this Province damage, and Costs. taxed at £5.12.8

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Ex'c'on iss<sup>d</sup>:

20<sup>th</sup>. Oct<sup>r</sup>. 1760

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Bush ~~vs~~ Brooks

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Uriah Bush of Ware River Parish in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Joseph Brooks of the same place Yeoman. The Compl<sup>t</sup>. shew'd That

at an Inferiour Court of Common Pleas held at Springfield within and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgm<sup>t</sup> against the said Joseph for the sum of £4 Lawful Money dam<sup>a</sup>. and Cost of Suit, from which Judgment the said Joseph appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Uriah Bush Recover against the said Joseph Brooks the sum of Four pounds Lawful Money of this Province Damage, and Costs taxed at £

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Smith v Ingersoll

&gt;&gt;

Ebenezer Smith of Egremont in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ David Ingersoll of a Township commonly known by the name of Spercertown in the County of Hampshire Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgm<sup>t</sup>.. against the said David for the sum of £4.15.0 Lawful Money damage, and Costs of Suit, from which Judgment the said David Appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect. but has fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Costs: It's therefore Considered by the Court that the said Ebenezer Smith Recover against the said David Ingersoll the sum of four pounds fifteen shillings Lawful Money of this Province Damage, and Costs taxed at £

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[135v]

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Veasey ~~vs~~ Collins

&gt;&gt;

Jeremiah Veasey of Windsor in the County of Hartford in the Colony of Connecticut Yeoman Complainant ~~vs~~ John Collins of Sheffield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said John for the sum of £7.18.0 Lawful Money damage, and Costs of Suit from which which Judgment the said John Appealed to this Court and Recognized w<sup>th</sup>: Sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Jeremiah Veasey Recover against the said John Collins the sum of Seven pounds eighteen shillings money of this Province Damage, and Costs taxed at £3.13.9

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Ex'c'on issued

20<sup>th</sup>. Oct<sup>o</sup>. 1760.

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M<sup>c</sup>.Clister ~~vs~~ Watson

&gt;&gt;

James M<sup>c</sup>Clister of Enfield in the County of Hampshire Yeoman. Complainant ~~vs~~ Robert Watson jun<sup>r</sup>. of Sheffield in the same County Yeoman The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said Robert for the sum of £13.9.2. Lawful Money dam<sup>a</sup>. and Costs of suit. from w<sup>ch</sup>. Judgment the said Robert appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Interest and Costs: It's therefore Considered by the Court that the said James M<sup>c</sup>Clister Recover against the said James Watson jun<sup>r</sup>. the sum of thirteen pounds thirteen shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.9.8

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Ex'c'on issued

24<sup>th</sup>. Dec'em 1760.

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Vanschaack ~~vs~~ Smith

&gt;&gt;

Cornelius Vanschaack of Kinderhook in the County of Albany  
in the province of New York Merchant Complainant ~~vs~~ Phinehas  
Smith of Sheffield in the County of Hampshire Trader, The  
Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held  
at Springfield in and for the County of Hampshire. on the third  
Tuesday of May last, he Recovered Judgment against the said  
Phinehas for the sum of £6.1.1½ Lawful Money damage, and  
Costs.

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136.

[136r]

Costs; from which Judgment the said Phinehas appealed to this Court and Recogniz'd  
with sureties according to Law to prosecute the same with Effect but failed so to do.  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Int.  
and Costs: It is therefore Considered by the Court that the said Cornelius Vanschaack  
Recover against the said Phinehas Smith the sum of Six pounds three shillings  
and six pence Lawful Money of this Province damage, and Costs taxed at  
£6.12.7

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Ex'c'on issued

20<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Spear ~~vs~~ Dumbleton

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William Spear of Rutland westwing so called, in the County of Worcester Yeoman Complainant ~~vs~~ Samuel Dumbleton of Springfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in the County of Hampshire on the last Tuesday of August last, he Recovered Judgment for the sum of £2.19.2 Lawful Money dam<sup>a</sup>. . and Costs of suit against the said Samuel, from which Judgment the said Samuel Appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said William Spear Recover against the said Samuel Dumbleton, the sum of two pounds Nineteen shillings and 2<sup>d</sup>. Lawful Money of this Province damage, and Costs taxed at £4.0.5.

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Ex'c'on issued

20<sup>th</sup>: Oct<sup>o</sup>. 1760.

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Vanschaack ~~vs~~ Austin.

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Cornelius Vanschaack of Kinderhook in the County of Albany in the Province of New York Merchant Compl<sup>t</sup>. ~~vs~~ Anthony Austin of Sheffield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Com'on Pleas held at Springfield in and for the County of Hampshire on the Last Tuesday of August last, he Recovered Judgment against the said Anthony for the sum of £19.5.0 Lawful Money Debt. and Costs of Suit, from which Judgment the said Anthony appealed to this Court and Recognized with Sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs: It's therefore Considered by the Court that the said Cornelius Vanschaack Recover against the said Anthony Austin the sum of Nineteen pounds five shillings and eleven pence Lawful Money of this Province Debt. [x] and Costs taxed

at £5.12.6

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Ex'c'on iss<sup>d</sup>:

20<sup>th</sup>. Oct<sup>r</sup>. 1760

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Isaac

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[136v]

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Isaac vs Smith

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Isaac Isaacs of New Haven in the County of New Haven and in the Colony of Connecticut Shopkeeper Compl<sup>t</sup>. ~~vs~~ Phinehas Smith of Sheffield in the County of Hampshire Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said Phinehas for the sum of £280. Lawful Money damage, and Costs of Suit, from w<sup>ch</sup>. Judgment the said Phinehas appealed to this Court, and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Isaac Isaacs Recover against the said Phinehas Smith the sum of two hundred and eighty pounds Lawful Money of this Province Damage, and Costs taxed at £5.6.5

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Ex'c'on issued

Septr. 29<sup>th</sup>. 1760.

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Munsell ~~vs~~ Watson

>>

Joseph Munsell of Westfield in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~  
 Robert Watson of Sheffield in the same County Yeoman. The Compl<sup>t</sup>. shew'd that  
 at an Inferiour Court of Common Pleas held at Northampton in and for the  
 County of Hampshire on the second Tuesday of February Last, he Recovered  
 Judgment against the said Robert for the sum of £4 Lawful Money dam<sup>a</sup>..  
 and Costs of Suit, from which Judgment the said Robert appealed to this  
 Court, and Recognized with sureties according to Law to prosecute the same  
 with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of  
 said Judgment with Additional Costs: It's therefore Considered by the Court  
 that the said Joseph Munsell Recover against the said Robert Watson the sum  
 of four pounds Lawful Money of this Province damage, and Costs taxed at  
 £3.4.11

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Marvin ~~vs~~ Watson

&gt;&gt;

Thomas Marvin of Suffield in the County of Hampshire Yeoman Compl<sup>t</sup>.  
~~vs~~ Robert Watson of Sheffield in the same County Yeoman. The Compl<sup>t</sup>. Shew'd  
 that at an Inferiour Court of Common Pleas held at Springfield in and for  
 the County of Hampshire on the third Tuesday of May last, he Recovered Judgm<sup>t</sup>.  
 against the said Robert for the sum of £41.8.0 Lawful Money of this province  
 Debt, and Costs of suit, from which Judgment the said Robert appealed to this  
 Court and Recognized with sureties according to Law to prosecute the same  
 with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of  
 said Judgment with Additional Interest, and Costs: It's therefore Considered  
 by the Court that the said Thomas Marvin Recover against the said Rob<sup>t</sup>.,  
 Watson

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Image 168-Right



137.

[137r]

Watson the sum of Forty two pounds four shillings Lawful Money of this Province  
Debt and Costs taxed at £4.10.1

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Ex'c'on issued }

16<sup>th</sup>. Oct<sup>o</sup>. 1760. }

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<<

Pease ~~vs~~ Watson

>>

Ebenezer Pease of Enfield in the County of Hampshire Yeoman Compl<sup>t</sup>.  
~~vs~~ Robert Watson of Sheffield in the same County Yeoman. The Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of Common Pleas held at Northampton in and  
for the County of Hampshire on the second Tuesday of February last, he  
Recovered Judgment against the said Robert for the sum of £40  
Lawful Money damage, and Costs of Suit, from which Judgment the said  
Robert appealed to this Court and Recognized with sureties according to  
Law to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
pray'd Affirmation of said Judgment with Additional Costs: It's therefore  
Considered by the Court that the said Ebenezer Pease Recover against the said  
Robert Watson the sum of Forty pounds Lawful Money of this Province damage,  
and Costs taxed at £3.17.3

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Watson ~~vs~~ Smith et al<sup>s</sup>.

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Jacob Watson of the Nine Partners in Dutchess County in the Province  
of New York Yeoman Complainant ~~vs~~ Phinehas Smith of Sheffield in the s<sup>d</sup>:

County of Hampshire Merchant, Alias trader, and Josiah Loomis of said Sheffield Husbandman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire, on the third Tuesday of February last, he Recovered Judgment against them, for the sum of £28.4.2 Lawful Money damage, and Costs of Suit from which Judgment the said Phinehas appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect, but failed so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Jacob Watson Recover against the said Phinehas Smith, and Josiah Loomis the sum of twenty Nine pounds three shillings and two pence Lawful Money of this Province damage, and Costs taxed at £5.8.2

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Ex'c'on issued

10<sup>th</sup>. Nov. 1760.

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Church ~~vs~~ Smith

&gt;&gt;

Nehemiah Church of Montague in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Peter Smith of Amherst in the same County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common held at Springfield in & for

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Image 169-Left

[137v]

for the County of Hampshire on the last Tuesday of August last, he Recovered Judgm<sup>t</sup>. against the said Peter for the sum of £205.18.10 Lawful Money damage, and Costs of Suit, from which Judgment the said Peter appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>. Judgment with Additional Interest and Costs: It's therefore Considered by the Court

that the said Nehemiah Church Recover against the said Peter Smith the sum of two hundred and six pounds eighteen shillings and ten pence Lawful Money of this Province Debt, and Costs taxed at £3.17.8

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Ex'c'on issued

27<sup>th</sup>. Dec'em 1760

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<<

Dwight ~~vs~~ Collins

>>

Joseph Dwight of Sheffield in the County of Hampshire Esq; Compl<sup>t</sup>. ~~vs~~ John Collins of said Sheffield Blacksmith. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire on the second Tuesday of February last, he Recovered Judgment against the said John for the sum of £3.17.4 Lawful Money damage, and Costs of Suit from which Judgment the said John appealed to this Court, and Recognized with Sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd affirm<sup>a</sup>.. of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Joseph Dwight Recover against the said John Collins the sum of three pounds Seventeen shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £4.16.0

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1760.

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<<

Dwight ~~vs~~ Earle

>>

Joseph Dwight of Sheffield in the County of Hampshire Esq: Complainant ~~vs~~ Daniel Earle of the same place Trader. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire

on the second Tuesday of February last, he Recovered Judgment against the said Daniel for the sum of £3.10.11½ Lawful Money damage, and Costs of suit; from which Judgment the said Daniel appealed to this Court, and Recognized with Sureties according to Law to prosecute the same with Effect but failed so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Joseph Dwight Recover against the said Daniel Earle the sum of three pounds ten shillings and eleven pence half penny Lawful Money of this Province damage, and Costs taxed at £4.17.0

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Joseph

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Image 169-Right

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[138r]

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Dwight v Spencer.

&gt;&gt;

Joseph Dwight of Sheffield in the County of Hampshire Esq; Complainant  
 vs William Spencer of said Sheffield Blacksmith. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May last, he Recovered Judgment against the said William for the sum of £17.3.11 Lawful Money damage, and Costs of Suit; from which Judgment the said William Appealed to this Court, and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Joseph Dwight Recover against the said William Spencer the sum of Seventeen pounds three shillings and eleven pence

Lawful Money of this Province Damage, and Costs taxed at £4.14.6.

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1760

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Morton ~~vs~~ Nash

>>

Jonathan Morton of Hatfield in the County of Hampshire Gentleman

Complainant ~~vs~~ Timothy Nash lately of the plantation called Road town

in the said County of Hampshire Yeoman. The pl shew'd that at an Inf'..

Court of Common Pleas held at Springfield in and for the County of Hamp=

:shire on the third Tuesday of May last, he Recovered Judgment against the s<sup>d</sup>:

Timothy for the sum of £29.14.2. Lawful Money debt, and Costs of Suit; from

which Judgment the said Timothy appealed to this Court and Recognized

with sureties according to Law to prosecute the same with Effect, but failed

so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional

Interest and Costs: It's therefore Considered by the Court that the said Jonathan

Morton Recover against the said Timothy Nash the sum of thirty pounds five

shillings and four pence Lawful Money of this Province Debt, and Costs taxed

at £3.13.10

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Ex'c'on issued

Ap<sup>l</sup>. 7<sup>th</sup>. 1761.

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<<

Rowe ~~vs~~ Holmes

>>

John Rowe of South Hadley in the County of Hampshire Yeoman Complainant

~~vs~~ Joseph Holmes lately of Hatfield in the County Yeoman. The Compl<sup>t</sup>. shew'd

that at an Inferiour Court of Common Pleas held at Northampton in and for

the County of Hampshire on the second Tuesday of February last, he Recovered

Judgment against the said Joseph for the sum of £25.6.8 Lawful Money dam<sup>a</sup>.  
and Costs of suit: from which Judgment the said Joseph Appealed to this Court  
and Recognized with sureties according to Law to prosecute the same with  
effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
Judgment

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[138v]

Judgment with Additional Interest and Costs: It's therefore Considered by the Court  
that the said John Rowe Recover against the said Joseph Holmes the sum of twenty  
five pounds [<sup>6</sup>/<sub>8</sub>] Lawful Money of this Province Damage, and Costs taxed at  
£3.3.6

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Sacket vs Phelps

>>

Jesse Sacket of a New Township called Pontoosuck in the County of Hampshire  
Yeoman Compl<sup>t</sup>. vs Jonathan Phelps of Windsor in the County of Hartford, and  
Colony of Connecticut Trader and Blacksmith. The Compl<sup>t</sup>. shew'd that at  
an Inferiour Court of Common Pleas held at Northampton in and for the  
County of Hampshire on the second Tuesday of February last, he Recovered  
Judgment against the said Jonathan for the sum of £7.3.11½. Lawful Money dam<sup>a</sup>..  
and Costs of Suit; from which Judgment the said Jonathan appealed to this Court  
and Recognized with Sureties according to Law to prosecute the same with  
but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
with Additional Interest and Costs: It's therefore Considered by the Court that  
the said Jesse Sacket Recover against the said Jonathan Phelps the sum of  
Seven pounds Nine shillings Lawful Money of this Province Damage, and  
Costs taxed at £4.10.4.

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Ex'c'on issued

11<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Williams et al ~~vs~~ Harvey

&gt;&gt;

Elijah Williams of Deerfield in the County of Hampshire Esq; and Joseph Pynchon of Gilford in the County of New Haven and Colony of Connecticut in New England Merchant Compl<sup>ts</sup>. ~~vs~~ Moses Harvey lately of Montague in the County of Hampshire Yeoman. The Compl<sup>ts</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield within and for the County of Hampshire on the third Tuesday of May last, they Recovered Judgment against the said Moses for the sum of £76.16.8 Lawful Money damage, and Costs of Suit; from which Judgment the Moses Appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Elijah Williams and Joseph Pynchon Recover against the said Moses Harvey the sum of Seventy six pounds sixteen shillings and eight pence Lawful Money of this Province damage, and Costs taxed at £3.18.10

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Graves vs Emmons

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Moses Graves of Hatfield in said County Gentleman Complainant ~~vs~~  
Thomas

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Image 170-Right

139.

[139r]

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vs

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vs Thomas Emmons of Greenwich in the same County Husbandman. The Compl<sup>t</sup>.. Shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire on the second Tuesday of February last, he Recovered Judgment against the said Thomas for the sum of £6.9.9 Lawful Money damage, and Costs of Suit; from which Judgment the said Thomas Appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Moses Graves Recover against the said Thomas Emmons the sum of Six pounds twelve shillings and Nine pence Lawful Money of this Province damage, and Costs taxed at £3.8.1

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Ex'c'on issued

28<sup>th</sup>: Jan'y 1761.

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Graves v Emmons.

>>

Moses Graves of Hatfield in the County of Hampshire Gentleman Compl<sup>t</sup>.  
vs Jedediah Emmons of Greenwich in the same County Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire on the second Tuesday of February last, he Recovered Judgment against the said Jedediah for the sum of £3.2.8 Lawful Money damage, and Costs of Suit; from which Judgment the said Jedediah appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Moses Graves Recover against the said Jedediah Emmons the sum of three pounds four shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.9.9

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Ex'c'on issued

28<sup>th</sup>. Jan'y 1761

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Warner ~~vs~~ Hind

>>

Jonathan Warner of Hadley in the County of Hampshire Trader, Compl<sup>t</sup>.  
~~vs~~ Olive Hinds Spinster and Relict of the late Israel Hinds of Greenwich within  
 the County of Hampshire deceased. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
 Common Pleas held at Northampton in and for the County of Hampshire, on  
 the second Tuesday of February last, he Recovered Judgment against the said Olive  
 for the sum of £2.10.9½ Lawful money damage, and Costs of Suit, from w<sup>ch</sup>..  
 Judgment the said Olive appealed to this Court, and Recognized with Sureties  
 according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore  
 the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs:  
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[139v]

It's therefore Considered by the Court that the said Jonathan Warner Recover against  
 the said Olive Hind the sum of two pounds ten shillings and nine pence halfpenny,  
 Lawful Money of this Province damage, and Costs taxed at £3.6.5

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Ex'c'on issued

23<sup>d</sup> Oct<sup>o</sup>. 1760.

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phelps v Bardwell

>>

Charles Phelps of Hadley in the County of Hampshire Esq<sup>r</sup>. Complainant  
~~vs~~ Ebenezer Bardwell of Hatfield in the same County Gentleman. The Compl<sup>t</sup>..

shew'd that at an Inferiour Court of Common Pleas held at Northampton in and for the County of Hampshire on the second Tuesday of February last, he Recovered Judgment against the said Ebenezer for the sum of £5.1.0 Lawful Money dam<sup>a</sup>.. and Costs of Suit; from which Judgment the said Ebenezer appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs: It's therefore Considered by the Court that the said Charles Phelps Recover against the said Ebenezer Bardwell the sum of Five Pounds four shillings and eight pence Lawful Money of this Province Damage, and Costs of Suits taxed at £3.4.5

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Ex'c'on issued

10<sup>th</sup>. sept<sup>r</sup>. 1761.

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Smith ~~vs~~ Watson

&gt;&gt;

Paul Smith of Suffield in the County of Hartford & Colony of Connecticutt Yeoman Complainant ~~vs~~ Robert Watson of Sheffield in the said County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Springfield in and for the County of Hampshire, on the third Tuesday of May last, he Recovered Judgment against the said Robert for the sum of £25. Lawful Money debt, and Costs of Suit; from which Judgment the Robert appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs: It's therefore Considered by the Court that the said Paul Smith Recover against the said Robert Watson the sum of twenty five pounds ten shillings and nine pence Lawful Money of this Province Debt, and Costs taxed at £3.11.8.

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Ex'c'on issued

20<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Dan Smith ~~vs~~ Watson

&gt;&gt;

Dan Smith of Suffield in the County of Hartford and Colony of Connecticut Yeoman, Complainant vs Robert Watson of Sheffield in the said County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court Common Pleas held at Springfield in and for the County of Hampshire on the

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[140r]

the third Tuesday of May last, he Recovered Judgment against the said Robert for the sum of £25 Lawful Money Debt, and Costs of Suit; from which Judgment the said Robert appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Dan Smith Recover against the said Robert Watson the sum of twenty five pounds ten shillings Lawful Money of this Province Debt, and Costs taxed at £3.11.10

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Ex'c'on issued

26<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Loomis ~~vs~~ Watson

&gt;&gt;

Graves Loomis of Suffield in the County of Hartford and Colony of Connecticut Yeoman Complainant ~~vs~~ Robert Watson of Sheffield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Springfield within and for the County of Hampshire on the third Tuesday of

May last, he Recovered Judgment against the said Robert for the sum of £25 Lawful money of this province Debt, and Costs of Suit; from which Judgment the said Robert appealed to this Court, and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compt. pray'd Affirmation of said Judgment with Additional Interest, and Costs: It's therefore Considered by the Court that the said Graves Loomis Recover against the said Robert Watson the sum of twenty five pounds ten shillings Lawful Money of this Province Debt, and Costs taxed at £3.10.0

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Ex'c'on issued

20<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Dewey ~~vs~~ Trumble

&gt;&gt;

Israel Dewey of Sheffield in the County of Hampshire Yeoman Compt..  
~~vs~~ Ebenezer Trumble of Sheffield aforesaid Husbandman. The Compt. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August he Recovered Judgment against the said Ebenezer for the sum of £8.1.0 Lawful Money damage, and Costs of Suit; from which the Judgment the said Ebenezer appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compt. pray'd aAffirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Israel Dewey Recover against the said Ebenezer Trumble the sum of eight pounds one shillings and Nine pence, Lawful Money of this Province Damage, and Costs taxed at £4.11.3

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Hendrick

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[140v]

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Burghart ~~vs~~ Jacob

&gt;&gt;

Hendrick Burghart Gentleman and Israel Dewey Yeoman [<sup>^both^</sup>] of Sheffield in the County of Hampshire Complainants ~~vs~~ Joseph Jacob of Egremont in the said County Husbandman. The Compl<sup>ts</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, they Recovered Judgment against the said Joseph for the sum of £6.6.4 Lawful Money damage, and Costs of Suit; from which Judgment the said Joseph appealed to this and Recogniz'd with Sureties, according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest and Costs: It's therefore Considered by the Court that the said Hendrick Burghart [<sup>^and Israel Dewey^</sup>] Recover against the said Joseph Jacob the sum of Six pounds seven shillings Lawful Money of this Province, Damage, and Costs taxed at £4.11.1

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Ex'c'on issued

16<sup>th</sup>: Oct<sup>o</sup>: 1760.

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Burghart ~~vs~~ Trumble

&gt;&gt;

Hendrick Burgdhart Gentleman, and Israel Dewey Yeoman, both of Sheffield in the County of Hampshire Complainants ~~vs~~ Ebenezer Trumble of said Sheffield Husbandman. The Compl<sup>ts</sup>. shew'd that at an Inferiour Court of Common Pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, they Recovered Judgment against the said Ebenezer the sum of £9 Lawful Money damage, and Costs of suit; from which Judgment

the said Ebenezer appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Hendrick Burghart and Irasel Dewey Recover against the said Ebenezer Trumble the sum of Nine pounds Lawful Money of this Province Damage, and Costs taxed at £4.11.3

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Ex'c'on issued

16<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Order on White's Pet<sup>o</sup>.:

&gt;&gt;

Upon reading the Petition of Jacob White Gentleman of Springfield & John Ingersoll Gentleman of Westfield both in said County Administrators on the Estate of Robert Old late of Sheffield in the said County Yeoman deceased, wherein the Petitioner shew'd that. the Estate of the said Deceased is Insuffici<sup>ent</sup> to pay the debts due from the same, and the said Estate is by the petitioners represented Insolvent to the Judge of Probate for said County, and it is requisite that all the Real Estate of said Deceased be sold and Disposed of for the Payment of the Just Debts due from said deceased's Estate; The Petitioner therefore

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[141r]

therefore pray'd that they may be authorized and Impowered to make sale of all the Real Estate of said deceased for the purpose aforesaid. Ordered that the prayer of this Petition be granted; and that the said Jacob White, and John Ingersoll Adm'ors as Aforesaid, be and hereby are Impowered to make Sale of the Real Estate of the said deceased for the Ends aforesaid as pray'd for; and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof; the Petition<sup>r</sup> to post up Notifications

thirty days before the sale, and Account with the Judge of Probate for said County (of the Produce thereof) as the Law directs.

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Order on Taylor's Pet<sup>o</sup>.

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Upon reading the Petition of Mercy Taylor of South Hadley in the said County, Widow Administratrix on the Estate of Joshua Taylor lately of said South Hadley Yeoman deceased. Wherein the Petitioner shew'd that the personal Estate of said deceased is not sufficient to pay the Just debts due from the Estate of said Deceased The Petitioner therefore pray'd that she may be Authorized and impowered to sell and dispose of the Real Estate of said deceased to the amount of Thirty two pounds for the payment of said Debts cost and charge, and to give and execute any deed or Deeds for Conveyance of the same. Ordered that the prayer of this Petition be Granted; and that the said Mercy Taylor, in her said Capacity, be & hereby is Impowered to make Sale of the Real Estate of the said deceased, for the Ends aforesaid as pray'd for: and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (of the Produce thereof) as the Law directs.

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Order on Mitchell's Pet<sup>o</sup>.

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Upon Reading the Petition of Joseph Mitchel, as he is Guardian of Zadock King of Deerfield in the County of Hampshire, a person non compos mentis Wherein the Petitioner shew'd that the said Zaock's Estate is insolvent: The Petitioner therefore pray'd this Court to empower him to make Sale of the whole of the Real Estate of the said Zadock for payment of his Debts so far as the same will extend: Ordered that the prayer of this Petition be granted, and that the said Joseph Mitchel in his said Capacity, be and he hereby is Impowered to make Sale of the whole of the Real Estate of the said Zadock King for the Ends aforesaid as pray'd for; and to pass and execute a Good Deed or Deeds for the Conveyance thereof, the Petition<sup>r</sup> to post up Notifications

thirty days before the sale, and account with the Judge of probate for said County as

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as the Law directs: for the produce thereof.

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Order on Hinds Pet<sup>o</sup>:

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Upon reading the Petition of Joseph Hinds Administratrix of the Estate of Israel Hinds late of Greenwich deceased (in said County) Wherein the Petitioner shew'd that the said deceased's Estate is insolvent: The Petitioner therefore pray'd this Court to empower him to make Sale of the whole of the deceased's real Estate towards payment of his Debts, so for as it will extend: Ordered that the prayer of this Petition be Granted, and that the said Joseph Hinds (in his said Capacity) be and hereby is Impowered to make Sale of the whole Real Estate of the said Deceaseds for the Ends aforesaid as pray'd for; and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof: the Petitio<sup>r</sup>. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for s<sup>d</sup>: County (of the produce thereof) as the Law directs.

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Order on Wolcots Pet<sup>o</sup>.

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The Petition of Eunice Wolcot et al for division of Land, as on file; Allow'd.

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Andrews's Indictment



&gt;&gt;

The Jurors for the Lord the King for the Body of this County, did upon their Oath present, that Edward Andrews of Brookfield in the County of Worcester Labourer on the Nineteenth day of June last, did at Brimfield in the County of Hampshire with force and Arms feloniously break and enter the Shop of Azariah Cooley of Brimfield aforesaid Yeoman, and then and there with force as aforesaid did Steal take and carry sixteen spanish mill'd dollars of the Value of six shillings [<sup>each</sup>], eight thousand of pins of the value of six shillings and eight pence, twenty pair of sleeve buttons of the value of five shillings and one horn Comb of the value of two pence twelve pair of spectacles of the value of twelve Shillings, thirty fish hooks of the value of six pence one bottle of snuff of the value of two shillings, one silver knee buckle of the value of four shillings, one small snuff box of the value of four pence, and one half pint bottle of the value of two pence being y<sup>e</sup>. Goods and Chattles of the said Azariah Cooley there there found in said Shop against the peace of our Lord the King his Crown and Dignity, and the Law of this Province in that Case made and provided: Upon this Indictment the said Edward Andrews was arraigned at the barr

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142.

[142r]

barr and upon his Arraignment plead not Guilty, a Jury was then sworn to try the Issue (M<sup>r</sup>. Luke Bliss forman and fellows) who having fully heard the Evidence, upon their Oath say, that the said Edward Andrews is guilty The Court having Considered his offence Order that he be whipped twenty five stripes upon his Naked back at the public whipping post, that he pay the said Azariah tribble the value of the money and goods stolen being Nineteen pounds, and six pence (the goods Returned to be accounted part) and that he pay costs of prosecution standing committed until this Sentence shall be performed. And in case he be unable to pay the said tribble damages &C<sup>a</sup>. Ordered that the said Azariah may dispose of the said Edward in service to any of his Majesty's leige Subjects for the Term of Five Years for

payment thereof.

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Wadkins's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present, that James Wadkins of a place called N<sup>o</sup>. one, in said County of Hampshire Husbandman, on the fifth day of April last, did at Sheffield in said County with force and Arms feloniously break and enter the shop of one Noadiah Moore of said Sheffield Taylor and then and there did steal take and carry away one pair of brown broad cloth breeches of the value of thirty shillings, and one old beaver Hat of the value of ten shillings being the Goods and chattles of the said Noadiah Moore then and there found in said shop against the peace of our said Lord the King his Crown and dignity and the Law of this province in that case made and provided: upon this Indictment the said James Wadkins was arraigned at the barr, and upon his arraignment plead guilty. The Court having considered his Offence. Order that he be whipped ten stripes upon his naked back at the public whipping post, that he pay the said Noadiah Moore tribute the value of the Goods stoln being six pounds (the goods returned to be accounted part) and that he pay Costs of prosecution standing committed until this sentence shall be performed.

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<<

Wadkins's Indictment

>>

The Jurors for the Lord the King, for the Body of this County did upon their Oath present, that James Wadkins of a place called N<sup>o</sup>. one in the County of Hampshire in the province aforesaid Husbandman, in the night next following the 6<sup>th</sup>.. day of April last, did at Sheffield in said County with force and arms feloniously break and enter the Shop of one Noadiah Moore of said Sheffield Taylor and then and there did steal take and carry away one coloured Deer skin of the Value

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Image 175-Left

[142v]

value of twenty shillings, one deer skin not colour'd of the value of eighteen shillings, one deer skin partly cut out of the value of twenty two shillings, two yards and a half of cloth colour'd Frise of the value of twenty shillings one yard and a half of green colour'd frize of the value of twelve shillings, one old blew waitecoat of the value of six shillings one blue great Coat with a Red cape of the value of sixteen shillings, being the goods and Chattles of the said Noadiah Moore then and there found in said Shop against the peace of our said Lord the King his Crown and Dignity and the Law of this province in that case made and provided. To this Indictment the said James Wadkins was set to the bar and arraigned and thereupon, plead Guilty. The Court having Considered his Offence Order That he be whipped fifteen stripes upon his naked back at the public whipping post that he pay the said Moore trible the value of the goods stolen being seventeen pounds two shillings. (the goods returned to be accounted part) and that he pay Costs of prosecution standing committed until this Sentence shall be performed. And in case the said James be unable to pay the said Noadiah the said trible Damages &C<sup>a</sup>. Ordered that he may dispose of the said James in service to any of His Majesty's leige Subjects for the term of four years for payment thereof.

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Definx al<sup>s</sup>. Crocker's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present that William Definx alias Crocker, together with Abijah Smith both late of Westfield Yeoman, and Meriam Ashley of said Westfield Widow, and Stephen Davis of a place called Road Town in said County Yeoman, with a wicked design to deceive and defraud his Majesty's good Subjects did on the thirty first day of August AD 1757. at said Roadtown with force and Arms assemble themselves together and combine and conspire together to forge and counterfeit false peices of Metal in form and imitation of Spanish mill'd Dollars then and ever since a Coin currant in said Province, and then and there provided themselves with Tools and Implements for said purpose, and that the said Meriam delivered to the s<sup>d</sup>. Abijah,

William, and Stephen a Silver Tankard, and a Copper Teakettle and that they the said Abijah, William, and Stephen received them to be mix'd for the afores<sup>d</sup>.. use, contrary to the peace of our Lord the King his Crown and Dignity, and in evil Example of others. Upon this Indictment the said William Definx alias Crocker was Arraigned at the Barr, and upon his Arraignment plead not Guilty but Afterwards pray'd leave to withdraw his aforesaid plea, which being allowed, he pleaded Guilty. The Court having Considered his offence, Order that he be whipped thirty five

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Image 175-Right

143.

[143r]

five stripes upon his naked back at the public whipping post, and that he become bound by way of recognizance in the sum of £150 with two sureties in £75 each for his keeping the peace and being of the good behavior towards all his Majesty's leige subjects for the Term of seven Years & that he pay Costs of prosecution, standing committed until this Sentence shall be performed.

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Definx's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present, that William Definx alias Crocker, Abijah Smith, both late of Westfield in said County of Hampshire Yeomen, and Stephen Davis of a place called Roadtown in said County Yeoman, on the fifteenth day of August A.D. 1757. wickedly designing to deceive and defraud the good Subjects of our said Lord the King at said Roadtown, with force and Arms did forge and counterfeit out of Silver and base metals mix'd together four false peices in form and imitation of spanish mill'd Dollars being then a Coin current within said Province, and that they the said Abijah Smith, William Definx alias Crocker, and Stephen Davis, afterwards viz. on the thirtieth day of said August again wickedly designing to deceive and defraud the good Subjects of our said Lord the King did at said Roadtown with force and Arms forge and counterfeit out of

Silver and base metals mix'd together six false peices in form and Imitation of Spanish mill'd Dollars being then a Coin current within said Province, contrary to the act of said province in that case made and provided: to his Majesty's peace Crown and Dignity, & in evil example of others in the like Case. [^upon^] to this Indictm<sup>t</sup> the said William Definx alias Crocker was Arraigned at the Barr, and plead not Guilty, but afterwards pray'd leave to withdraw his aforesaid plea, which being allowed, he pleaded Guilty. The Court having Considered his offence Order that he be set in the pillory for the space of one hour, and that he have one of his Ears cut off, and that he pay costs of Prosecution, standing committed until this Sentence shall be performed.

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Court Adjourn'd without day.

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Springfield Sep 27th. 1760.

The Court entered up Judgment according to the Verdicts, & then adjourn'd without day. Att<sup>r</sup>. Sam Winthrop Cler

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[143v]

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Image 176-Right

144.

[144r]

Province of the} Anno Regni Regis Georgii secundi magnæ Britanniae  
Massachusetts Bay} Franciæ et Hiberniæ tricesimo quarto  
Bristol ss}

At His Majesty's Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Taunton within and for the County of Bristol, on the third Wednesday of October

(being the 15<sup>th</sup>. day of said Month) Annoq Domini 1760.

By Adjournment from the second Tuesday of said Month: made  
by writ

By the Honourable    John Cushing}  
   Chambers Russell &} Esquire's Justices.  
   Peter Oliver}

The Kings Attorney being absent, The Court appointed Samuel White Esq;  
to Act as Attorney for the King at this Term.

The Names of the Grand, and Petit, Jurors present, Impaneled & sworn,  
are in Writing on file.

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Cushing ~~vs~~ Tabour

>>

Theophilus Cushing of Pembroke in the County of Plimouth Yeoman  
Appellant vs William Tabor of Dartmouth in the County of Bristol Yeoman  
Appellee, from the Judgment of an Inferiour Court of Common Pleas held at  
Taunton in and for the County of Bristol on the first Tuesday of July AD1755. when  
and where the Appellee was plaintiff and the Appellant was defendant, In a  
plea of Trespass upon the Case, and is for that whereas one Nehemiah Cushing  
jun<sup>r</sup> of Pembroke aforesaid Cordwainer a borther of the said Theophilus on or  
about the last day of December Anno Domini one thousand seven hundred  
and fifty three, was Indebted to the said William on a Judgment of Court that he  
the said William before that time viz. on the second Tuesday of March one  
thousand seven hundred and fifty three had Recovered against him at an  
Inferiour Court of Common Pleas begun and held at Taunton within and for the  
said County of Bristol on the said second Tuesday of March one thousand seven  
hundred and fifty three, the sum of nine pounds two shillings Lawful  
money damage, and two pounds five shillings and four pence Costs of Court,  
Together with the Costs of two Executions and Certificates, three shillings and 8<sup>d</sup>.  
more making in the whole the sum of Eleven pounds eleven shillings and  
the said William for the more speedy obtaining of his said Debt and Costs, was  
about to levy an Execution on the said Nehemiah and to Imprison him for

said Debt and Costs, and the said Theophilus at Dartmouth aforesaid on the

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Image 177-Left

[144v]

the said last of December aforesaid promised the said William that in Consideration he would forbear to levy the said Execution on his said Brother Nehemiah that then he would pay him the said William the said sum of Eleven pounds and eleven shillings on demand, and the said William in fact saith that in Consideration of the said promise by the said Theophilus made as aforesaid he did then and there forbear to levy his said Execution on the said Nehemiah for his said Debt and Costs aforesaid, and has forborne to levy the same to this day. Yet the said Theophilus his said promise made as aforesaid in nowise regarding tho' Requested he hath not paid the said William the said sum of eleven pounds and eleven shillings, but denyes to do it. To the damage of the s<sup>d</sup>: William Tabor as he saith the sum of twenty pounds. At which said Inferiour Court Judgment was Rendered that the said William Tabor shall recover against Theophilus Cushing the sum of eleven pounds nine shillings and two pence Lawful Money damage, and Cost of Court taxed at three pounds fourteen shillings and three pence. This Appeal was brought forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Taunton in and for the County of Bristol on the fifth Tuesday of July AD 1755. by Adjournm<sup>t</sup>. when and where the Parties appeared, and the Case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find specially viz. "That "Nehemiah was indebted to the said William in the sum of Eleven pounds eleven "shillings, as is alledged in the Declaration; And they find the promise therein "alledged to be made to the said William by the said Theophilus, and the Consideration "of it as alledged therein, and that the same promise was not reduced to Writing "signed by said Theophilus or any person for him and that the said William on said "promise forbore taking out a Writ of Execution on the Judgment in the declaration "mentioned as therein sett forth and if the said Theophilus is in Law "chargeable to said William on said promise so made and the said forbearance

"then the Jury find for said William Eleven pounds and eleven shillings dam<sup>a</sup>.,  
 "and Cost of Courts, otherwise they find for said Theophilus his Cost." and  
 then said Appeal was Continued to then Next Term, of this Court for this County  
 and from thence to the Next Term, and so from term to term unto this Court, by  
 the Parties Consent; and now both Parties appeared, and After a full hearing  
 of them. by their Council upon said Verdict. It is Considered by the Court  
 that the former Judgment be reversed, and that the said Theophilus Cushing  
 Recover against the said William Tabor costs

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Richard

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Image 177-Right

145.

[145r]

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Simons et al ~~vs~~ Fisher

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Constant Simons et al Appellants ~~vs~~ Jonathan Fisher Appellee.

This Action is agreed; see Referees Report on file.

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Cobb ~~vs~~ Cole.

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Richard Cobb Appellant ~~vs~~ John Cole Appellee

This Action is agreed; see Referees report on file.

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Fairbanks ~~vs~~ Fisher

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Benjamin Fairbanks of Norton [+] in the County of Bristol in the province  
 aforesaid Yeoman Appellant ~~vs~~ Nathaniel Fisher of Dedham in the County of  
 Suffolk in s<sup>d</sup>: Province Yeoman Appellee, from the Judgment of an Inferiour Court  
 of Common Pleas held at Taunton in and for the County of Bristol on the second



Tuesday of September AD 1759. when and where the Apellee was plant, and the Appellant was defendant In a plea of Debt & C<sup>a</sup>. (as in the Writ tested the 27<sup>th</sup>. day of June AD 1759. on file at large appears) At which said Inferiour Court Judgment was Rendered that the said Nathaniel Fisher shall Recover against the said Benjamin Fairbanks the sum of five hundred pounds Lawful Money debt, and Costs of Court. This appeal was brought forward at the last term of this Court for this County, whence the same was Continued to this Court by Consent; And Now both Parties Appeared, & having been fully heard by their Council upon the pleadings (w<sup>ch</sup>: pleas are on file) It's Considered by the Court that the former Judgment be reversed; and that the said Benjamin Fairbanks Recover against the said Nathaniel Fisher Costs taxed at £11.9.9

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Ex'c'on issued

Nov<sup>r</sup>. 21. 1760.

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Cobb ~~vs~~ Dean et al.

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Thomas Cobb of Taunton in the County of Bristol Esq; Appellant ~~vs~~ Jonathan Dean and Isaac Dean both of Taunton in the County of Bristol minors, and sons of Jonathan Dean late of said Taunton Yeoman deceased, and William French jun<sup>r</sup>. of s<sup>d</sup>: Taunton a Minor and son of William French of said Taunton Yeoman Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the last Tuesday of June AD 1759. when and where the appellant was plant, and the Appellee's were defendants In a plea of Trespass for that the said Jonathan, Isaac, and William the deft<sup>s</sup>. at Raynham in the County of Bristol aforesaid on the nineteenth day of Sept. AD 1758. with force and Arms did enter into and upon a Tract of Land of the plant<sup>s</sup>. & in his Possession containing about two acres laying in Raynham in the County of Bristol aforesaid bounded as followeth beginning at a bunch of small black burches in a swamp and runing thence North eleven degrees west eleven rods

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Image 178-Left

[145v]

rods until it meets with Land laid out to Meshock Wilbore thence on said Wilbores line west eleven degrees South thirty three Rods and six feet, thence south eleven degrees East eight Rods to a stake standing on a Hill upon a plain thence east thirty minutes North thirty three rods and six feet to where it began. and the defendant being entered as aforesaid with force as aforesaid did then and there cut down and carry away ten of the plant<sup>s</sup>. large timber trees, which were then and there standing and growing on the land aforesaid within the bounds aforesaid each whereof were more then the bigness of one foot diameter of the value of ten shillings each tree. as also twenty more of the plant<sup>s</sup>. trees which were then and there standing and growing on the land aforesaid and within the bounds aforesaid, each whereof were more then the bigness of six inches diameter of the value of five shillings each tree making in the whole the sum of ten pounds Lawful Money the def<sup>t</sup><sup>s</sup>. having no right or priviledge so to do. and other enormities the def<sup>t</sup><sup>s</sup>. then and there did to the plant contrary to Law and against the Kings Peace, to the damage of the said Thomas Cobb as he saith the sum of twenty pounds; At which said Inferiour Court Judgm<sup>t</sup>. [<sup>^</sup>on demurrer<sup>^</sup>] was Render'd

that Jonathan Dean, Isaac Dean, & William French jun<sup>r</sup>. by (their Guardian) James Hovey shall Recover against Thomas Cobb Esq. Cost of Court. This Appeal was bro't forward at the last Term of this Court for this County, and then was Continued to this Court by Consent, and now both Parties appearing the Case being fully heard was Committed to a Jury sworn according to Law to try the same, and they having viewed the premisses returned their Verdict therein upon Ooath that is to say they find for the Appellees Costs. It's therefore Considered by the Court that the said Jonathan Dean, Isaac Dean, and William French jun<sup>r</sup>. Recover Recover against the said Thomas Cobb Costs taxed at £16.1.0

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Ex'c'on issued

17<sup>th</sup>. July 1761.

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Cobb Esq. vs French

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Thomas Cobb of Taunton in the County of Bristol Esq; Appellant vs William French jun<sup>r</sup>. of Taunton in the County of Bristol a minor and son of William French of said Taunton Yeoman Appellee, from the Judgment of an Inferiour Court of com'on pleas held at Taunton in and for the County of Bristol on the last Tuesday of June AD 1759. when and where the Appellant was plant. and the Appellee was def<sup>t</sup>... In a plea of Trespass for that the said William at Raynham in the County of Bristol aforesaid on or about the last day of February anno Domini 1757. without the plant<sup>s</sup>. leave or licence and having no right or Priviledge so to do, with force and arms did enter into and upon a certain Tract of Land of the plants and in his possession situate lying and being in Raynham aforesaid and contains about eleven Acres be the same more or less and is bounded as follows, begining at a pine

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Image 178-Right

146.

[146r]

pine stump near the fowling pond on the Easterly side of the Road supposed to be the line of land belonging to the heirs of Jonathan Dean deceased, and from thence runing North twenty eight degrees west sixty eight rods to a stake standing on a plain then runing west sixteen degrees north twenty four Rods to a stake being a Corner of Land laid out to Joseph Hall then on said Halls line South twenty three degrees East seventy eight rods to a small pine in the edge of the pine swamp being, another Corner of said Halls land, and in the line of Samuel Danforth's land then on said Danforth's supposed line east seven degrees south twenty nine rods to a stake and heap of stones in the Edge of the Fowling pond, and from thence north twenty eight degrees west ten rods to the stump first mentioned, and the defend't being so entered as aforesaid with force as aforesaid did then and there cut down and carry away ten of the plant<sup>s</sup>. large timber trees which were more then the bigness of one foot diameter of the value of four pounds, which were then and there standing and growing on the Land aforesaid within the bounds aforesaid as also ten more of the plant<sup>s</sup>. trees which were less then the bigness of one foot

diameter standing and growing on the land aforesaid within the bounds aforesaid of the value of fourty shillings making in the whole the sum of six pounds and other enormities the deft<sup>s</sup>. then and there did to the plant<sup>s</sup>. contrary to Law and against the Kings Peace, and to the damage of the said Thomas Cobb, as he saith the sum of twelve pounds; at which said Inferiour Court Judgment was Rendred, that the said William French jun<sup>r</sup>. shou'd Recover against the said Thomas Cobb Esq; Cost of Court. This Appeal was bro't forward at the last Term of this Court for this County, and from thence Continued to this Court by Consent; and now both Parties appeared, and the case After a full hearing was Committed to a Jury sworn according to Law to try the same and they, having viewed the premisses, Returned their Verdict therein upon Oath that is to say, they find for the Appellant reversion of the former Judgment, one pound Lawful Money damage, and Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Thomas Cobb Recover against the said William French jun<sup>r</sup>. the sum of one pound Lawful Money Damage and Costs taxed at £18.4.3

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Ex'c'on issued

7<sup>th</sup>. Oct<sup>o</sup>. 1761

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Talbut ~~vs~~ Pitts

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Samuel Talbut of Dighton in the County of Bristol Gentleman Plaintiff ~~vs~~ George Pitts of said Dighton Gentleman Defendant. In a plea of Review of a plea of Ejectment commenced and prosecuted at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of June AD 1758. by said Pitts against the said Talbut (as appears by the Writ [<sup>^</sup>of Review<sup>^</sup>] on file, dated the 22<sup>d</sup>. day of September AD 1759), This Action of Review was bro't forward at the last Term of this Court

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[146v]

Court for this County, when and where the parties appeared, and the said Talbut agreed to allow the said Pitts all his Costs and extraordinary expences, and the said Pitts agreed that the said Deed declared on shall be considered by the Referees as a mortgage and be chancer'd, and that Judgment shall be enter'd up as in Cases of Mortgages and thereupon said Parties submitted this Action to Timothy Fales Esq: Ebenezer Stutson, and Ambrose Barnaby, to determine what upon the whole, is due to the said Pitts; the determination of the said Referees, of any two of them, to be final: Report to be made as soon as may be: and then the same Action was Continued to this Court no Report being made: And now both Parties Appeared and the said Referees made Report in Writing under their hands, as on file, which was read and accepted and pursuant thereto. It's Considered by the Court that the said Samuel Talbut pay to the said George Pitts thirty eight pounds ten shillings and four pence, Lawful Money, in two months from this time; and that the said George upon receipt thereof shall deliver to said Talbut possession of the premisses described in the Deed from said Samuel to said George, in the Case, and make him a quitclaim deed thereof, and that the said George recover against the said Samuel Costs taxed at £19.10.2

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Morey vs Hodges

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Benjamin Morey of Norton in the County of Bristol Husbandman appellant vs Elijah Hodges of Norton in the same County Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of September last, when and where the Appellant was plant, and the Appellee was defendant, In a plea of the Case for that the said Elijah at Norton aforesaid in the Month of May one thousand seven hundred and fifty nine, agreed with the plant to inlist in his Majesty's Service against Canada and upon the plant<sup>s</sup>. inlisting as aforesaid, which the plant did do in the Month of May aforesaid and upon the plant<sup>s</sup>. inlisting as aforesaid the said Elijah then & there at Norton aforesaid in the Month of May aforesaid promised to pay the plant the Sum of three pounds Lawful Money on demand, yet the defendant tho'. Requested hath not paid the plan't the aforesaid sum but hither to and still doth wholly Refuse to pay it, to the damage of the said Benjamin Morey (as he saith) the sum of six

pounds; At which said Inferiour Court Judgment was Rendered that the said Elijah Hodges shou'd Recover against Benjamin Morey Cost of Court. Both Parties now Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant reversion of the former Judgment three pounds Lawful Money damage, and Costs. It's therefore Considered by the

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[147r]

the Court that the former Judgment be reversed, and that the said Benjamin Morey Recover against the said Elijah Hodges the sum of three pounds Lawful Money of this Province damage, and Costs taxed at £

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Hathway adsect<sup>s</sup>. Dom. Rege

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Joshua Hathaway of Freetown in the County of Bristol Blacksmith Appellant at the Suit of the King. from the Judgment of a Court of General Sessions of the peace held At Taunton in and for the County of Bristol on the fourth Tuesday of June last, when and where the said Joshua was presented by the Grand Jury, For that the said Joshua on the twenty fifth day of December last. at Freetown aforesaid with force and arms made an assault in and upon one Samuel Drinkwater of Dighton in the County of Bristol Yeoman who was then and there in the peace of God and our said Lord the King, and he the said Joshua did then and there with force and Arms as afores<sup>d</sup>.. violently throw down the said Samuel on the stone steps at the door of the dwelling house, of Lot Strange in Freetown aforesaid, whereby he the said Samuel was so grievously wounded, bruised, and Ill treated that his life for a long time was dispaired of, contrary to Law &C<sup>a</sup>. at which same Court the said Joshua was sentenced to pay a fine of twenty shillings to his Majesty, pay Costs of prosecution &C<sup>a</sup>. The Parties Appearing, the Case, after a full hearing of the Council for both Parties, was committed to a Jury sworn according to Law to try the same, who

Returned their Verdict, upon their Oaths, that is to say they find that the said Joshua Hathaway is Guilty. The Court having Considered his offence Order that he pay the sum of Eight Pounds as a fine to the King, and that become bound in the sum of £50 with two sureties in £25 each, for his keeping the peace &C<sup>a</sup>. towards all his Majesty's leige Subjects, and especially towards the said Samuel Drinkwater until the next Term and that he pay costs &C<sup>a</sup>.

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Winslow ~~vs~~ Spooner

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Jonathan Winslow of Dartmouth in the County of Bristol Gentleman Appell<sup>t</sup>..  
~~vs~~ Joseph Spooner of said Dartmouth Yeoman appellee, from the Judgment of an Inferiour Court of Common pleas held at Taunton in and for the County of Bristol, on the second Tuesday of March last, when and where the Appellee was plant, and the appellant was defendant, In a plea of Trespass for that the said Jonathan at Dartm<sup>o</sup>. aforesaid on the first day of July anno Domini one thousand seven hundred and fifty seven with force and Arms broke and entered the Close of him the said Joseph and in his Possession lying and being in Dartmouth aforesaid, and Contains two hundred and seventy Acres be the same more or less, and is his Mansion

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Image 180-Left

[147v]

Mansion Seat, and bounded easterly by Acushnet River, Southerly by the Lands of Thomas Wrightington, and Westerly by the Lands that said Winslow and Samuel Hawes, bought of Samuel Collins. and Northerly by the Lands of Tirah Swift, until it comes to the Cedar Swamp, and then Northerly and Westerly by the lines of the Cedar swamp until it comes to the Land bought of Collins as aforesaid, and the def<sup>t</sup>. being entered as aforesaid, with force as afores<sup>d</sup>.. on the Close aforesaid he did there between the said first day of July aforesaid and the last day of November 1760. at diverse days ~~and~~ and times within that term cut down one hundred and seventy of the plant's trees that were standing and growing within said Close of value two shillings a tree amounting to seventeen pounds in the whole: and carried them

away & Converted them to his own use, and other enormities the defendant then and there did to the plaintiff contrary to Law and the peace, and to the damage of the said Joseph Spooner as he saith the sum of twenty pounds; At which said Inferiour Court Judgment was Rendered that Joseph Spooner shou'd Recover against Jonathan Winslow the sum of Seventeen pounds damage, and Cost of Court: Both Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellee three pounds Money damage, and Costs: It's therefore Considered by the Court that the said Joseph Spooner Recover against the said Jonathan Winslow the sum of three pounds Lawful Money of this Province Damage, and Costs taxed at £13.13.0¼

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Ex'c'on issued

23<sup>d</sup>. Jan'y 1761.

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Gooding ~~vs~~ Nichols

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Joseph Gooding Appellant ~~vs~~ John Nichols Appellee

Neither Party Appeared

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Chace ~~vs~~ Chace.

&gt;&gt;

Elisha Chace of Warren in the County of Bristol in the Colony of Rhode Island & C<sup>a</sup>. Cooper Appellant ~~vs~~ Eleazer Chace of Swansey in the County of Bristol in the province aforesaid Yeoman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of September last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of Trespass upon the Case & C<sup>a</sup>. (as in the Writ tested the 20<sup>th</sup>. day of August last, and on file, at large Appears) At which said Inferior Court Judgment was Rendered, that the said Eleazer Chace Recover against the said Elisha Chace the sum of £ Costs of Suit. Both parties Now



Appeared, and After a full hearing of them by their Council, upon the pleas  
in

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148.

[148r]

in abatement, which are on file. It's Considered by the Court that the said Writ abate  
and that the said Eleazer Chace Recover against the said Elisha Chace the Sum of  
£ Costs of Courts.

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Andrews et ux<sup>r</sup>. et al<sup>s</sup>. ~~vs~~ Hall

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John Andrews of Norton in the County of Bristol Yeoman and Hannah  
his Wife, James Hall Yeoman, Nathan Hall Yeoman, Macey Hall, [<sup>^</sup>Yeoman<sup>^</sup>] Edmund Hall  
Yeoman, and David Hall Yeoman all of Raynham aforesaid, Ebenezer Crane of  
Berkley in the same County Yeoman, and Mary his Wife, Solomon Alden of Bridge=  
:water in the County of Plimouth Yeoman and Sarah His Wife, John Hall Gentleman,  
and Phillip Hall Yeoman both of said Raynham, Judah Tisdale of Taunton in the  
County of Bristol Widow, and Nehemiah [<sup>^</sup>Dean.<sup>^</sup>] of said Taunton Yeoman and Mehitable  
his Wife Appellants ~~vs~~ Benjamin Hall the second of that Name of Raynham  
aforesaid Yeoman Appellee. from the Judgment of an Inferiour Court of Common  
Pleas held at Taunton within and for the County of Bristol on the second Tuesday  
of December last, when and where the Appellants [<sup>^</sup>together with Benjamin Hall Yeoman,  
and Jacob Hall Yeoman both of said Raynham who were at S<sup>d</sup>. Inf<sup>r</sup>. Court, sever'd from the other  
plts<sup>^</sup>] were plaint's. and the Ap'lee  
was defendant, In a plea of Ejectment wherein they demand against the s<sup>d</sup>:  
Benjamin the def<sup>t</sup>. the Possession of a dwelling house, and about one hundred  
acres of Land be the same more or less Situate in said Raynham and is bounded  
Southeasterly on Taunton great River, Southerly and Westerly partly on Land of Seth  
Dean, and partly on Land of Captain King, and on all other parts by Lands of the  
Williams's, and Josiah Robinson until it comes to the River aforesaid, or however  
otherwise the same is bounded or Reputed to be bounded, it being lately the home-  
:stead farm of Joseph Hall late of said Raynham Yeoman deceased, for that whereas

the said Joseph Hall late deceased was in his life time on or about the eighth day of June AD 1759. seized of the premisses aforesaid in his demesne as of fee taking the profits thereof to the amount of ten pounds by the Year, and Afterwards on or about the Ninth day of the same June, died so seized thereof intestate leaving his heirs Namely his two brothers the aforesaid Benjamin Hall, and Jacob Hall. and his Sisters the aforesaid Hannah and the aforesaid James, Nathan Macey, Edmund, and David, Mary and Sarah Children of his brother James Hall deceased and the aforesaid John Hall, Phillip Hall, Judah Tisdale, and Mehitable Dean Children of his Brother John Hall deceased, to whom the pm'es after his decease by Law descended (to Writ) one fifth part thereof to his Brother the aforesaid Benjamin Hall and one fifth part thereof to his brother the aforesaid Jacob Hall, and one fifth part thereof to the said John Andrews and Hannah his Wife, in Right of the said Hannah and one fifth part thereof to the

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[148v]

the said James, Macey, Edmund, and David, and Ebenezer Crane and Mary his Wife, in right of the said Mary and Solomon Alden and Sarah his Wife in. right. of the said Sarah, and one fifth part thereof to the said John Hall, phillip Hall, Judah Tisdale, and Nehemiah Dean and Mehitable his wife, in Right of the said Mehitable: and the aforesaid plaint<sup>s</sup>. ought accordingly to be in Possession of the aforesaid premisses: but the said Benjamin the def<sup>t</sup>. has since unjustly and without Judgment entered into the possession thereof, and now holds the same and keeps the plaint<sup>s</sup>. out, tho' Often Requested Possession thereof to them to deliver, To the damage of the said Benjamin Hall, Jacob Hall, John Andrews, and Hannah his Wife, James Hall, Nathan Hall, Macey Hall, Edmund Hall, David Hall, Ebenezer Crane, and Mary his Wife, Solomon Alden, and Sarah his Wife, John Hall, Phillip Hall, Judah Tisdale, Nehemiah Dean, and Mehitable his Wife (as they say) the sum of Eight hundred pounds: At which said Inferiour Court Judgment was Rendered that Benjamin Hall the second shou'd Recover against John Andrews and Hannah his Wife James Hall, Nathan Hall, Macey Hall, Edward Hall, David Hall, Ebenezer Crane and Mary his

Wife, Solomon Alden and Sarah his Wife, John Hall, and Phillip Hall, Judah Tisdale, Nehemiah Dean, and Mehitable his Wife, Cost of Court. Both Parties Now Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Benjamin Hall the second of that Name, recover against the said John Andrews and Hannah his Wife, James Hall, Nathan Hall, Macey Hall, Edmund Hall, David Hall, Ebenezer Crane, and Mary his Wife, Solomon Alden and Sarah [^his Wife^] John Hall, and Phillip Hall, Judah Tisdale, Nehemiah Dean, and Mehitable his Wife, Costs taxed at £9.19.2

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Ex'c'on issued

15<sup>th</sup>. Nov<sup>r</sup>: 1760.

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King ~~vs~~ Smith

&gt;&gt;

Phillip King Executor of the last will and Testament of John King deceased Appellant ~~vs~~ Benjamin Smith of Warren in the County of Bristol and Colony of Rhode Island, and Providence Plantation, Yeoman. Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Taunton within and for the County of Bristol first, aforesaid, on the second Tuesday of March last, when and where the Appellee was plaintiff, and the Appellant (who was cited in to defend this Action instead of Martha Englee of said Taunton Widow) was def<sup>t</sup>. In plea of Ejectment &C<sup>a</sup>. (as in the Writ tested the 30<sup>th</sup>. day of July anno Dom<sup>i</sup> 1759. on file, at large appears) At which said Inferiour Court Judgment was Rendered that Benjamin Smith shou'd Recover against Phillip King Exe'cor, the

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[149r]

the premisses sued for, and Cost of Court. The Appellant appeared, but the Appellee altho' solemnly called to come into Court did not Appear but made default:

It is therefore Considered by the Court that the former Judgment ~~that the former~~ Judgment be Reversed, and that the said Phillip King [<sup>^</sup>Executor as aforesaid<sup>^</sup>] Recover against the said

Benjamin Smith Costs taxed at £4.17.1

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Ex'c'on issued

21<sup>st</sup>. Nov<sup>r</sup>. 1760.

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Eddy ~~vs~~ Stockbridge

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Elisha Eddy of Swansey in the County of Bristol ~~Yeoman~~ Yeoman appell<sup>t</sup>.  
~~vs~~ David Stockbridge of Hanover in the County of Plimouth Esq; Appellee; from  
 the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and  
 for the County of Plimouth on the second Tuesday of April last, when and where  
 the appellee was plant and the Appellant was def<sup>t</sup>. In a plea of Trespass upon the  
 Case &C<sup>a</sup>. (as in the Writ tested the 13<sup>th</sup>. day of Feb<sup>y</sup>. last, and on file, at large appears) At  
 which said Inferiour Court Judgment was Rendered, that the said David Stockbridge  
 Recover against the said Elisha Eddy twenty five pounds fifteen shillings Lawful  
 Money damage, and three pounds six shillings and one penny Cost of Court. This  
 appeal was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at  
 Plimouth in and for the County of Plimouth on the last Tuesday of April AD 1760.  
 when and where the Parties Appeared, and entered into a Rule of Court to Referr  
 this Action with all other demands to James Williams, Ezra Richmond, and  
 George Leonard jun<sup>r</sup>. Esq<sup>rs</sup>. the determination of said Referrees or of any two of them  
 to be final, and Report to be made at Taunton aforesaid, and then said appeal was  
 Continued and transfer'd to this Court [<sup>^</sup>no Report being made<sup>^</sup>]; and now both Parties  
 Appeared, and  
 said Referrees made Report in Writing under their hands as on file, and pursuant  
 to the same Report which was Read and Accepted; It's [x] Considered  
 by the Court that the said David Stockbridge Recover against the said Elisha  
 Eddy the sum of twenty five pounds fifteen shillings Lawful Money of this

Province damage, and Costs of Court &C<sup>a</sup>. taxed at £9.16.3

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Ex'c'on issued

30<sup>th</sup>. Oct<sup>o</sup>. 1760.

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<<

Luther et al ~~vs~~ Stockbridge

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Eseck Luther Yeoman, and David Luther Housewright both of Swansey in the County of Bristol Appellants ~~vs~~ David Stockbridge of Hanover in the County of Plimouth Esq. appellee from the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the second Tuesday of April last, when and where the Appellee was plaint, and the Appellants were defendants, In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 13<sup>th</sup>. day of Febr'y last, on file, at large Appears). At which said Inferiour Court Judgment was Rendered, that the said David Stockbridge Recover

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[149v]

Recover against the said Eseck Luther, and David Luther the sum of fifty six pounds seventeen shillings damage, and Costs of Court. This Appeal was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Plimouth in and for the County of Plimouth on the last Tuesday of April last, when and where the Parties appeared & entered into a rule of Court to Refer this Action with all other demands to James Williams Ezra Richmond, and George Leonard jun<sup>r</sup>. Esq<sup>rs</sup>. the determination of said Referrees, or of any two of them to be final, and the parties then Agreed that Report should be made at Taunton aforesaid; and from thence the said Appeal was Continued & transferr'd to this Court, no Report being made: And now both Parties Appearing. the said Referrees made Report in Writing under their hands (as on file) and pursuant to the said Report, which was Read and Accepted: It's Considered by the Court that the said David Stockbridge Recover against the said Eseck Luther and David

Luther the sum of fifty six pounds seventeen shillings Lawful Money of this Province damage, and Costs taxed at £8.16.4

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Execution issued

30<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Porter ~~vs~~ Hills

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Job Porter of Taunton in the County of Bristol Cordwainer Complainant ~~vs~~ Ebenezer Hills of Dighton in the County of Bristol Husbandman, The Compl<sup>t</sup> shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol, on the second Tuesday of March last, he Recovered Judgm<sup>t</sup>. against the said Ebenezer for the sum of £3.15.8 Lawful Money damage, and Costs of Suit; from which Judgment the said Ebenezer Appealed to this Court, & Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Job Porter Recover against the said Ebenezer Hills the sum three pounds eighteen shillings and four pence: Lawful Money of this Province Damage, and Costs taxed at £3.3.6

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no Ex'c'on issued

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Washburn ~~vs~~ Ware jun<sup>r</sup>.

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Simeon Washburn of Attleborough in the County of Bristol Housewright Complainant ~~vs~~ William Ware jun<sup>r</sup>. of Dighton in the same County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last he Recovered Judgment against the said William for the sum of £5.8.6 Lawful Money damage,

and Costs of Suit; from which Judgment the said William Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional

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[150r]

additional Costs: It's therefore Considered by the Court that the said Simeon Washburn Recover against the said William Wear jun<sup>r</sup>. the sum of Five pounds eight shillings & six pence Lawful Money of this Province damage and Costs taxed at £3.5.0

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Ex'c'on issued

30<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Pratt Ex<sup>r</sup>. ~~vs~~ Whitmarsh

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Micah Pratt of Taunton in the County of Bristol Yeoman Executor of the last Will, and Testament of Micah Pratt late of said Taunton Physician deceased Complainant ~~vs~~ Daniel Whitmarsh of Dighton in the same County Yeoman The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last. he Recovered Judgment against Daniel for the sum of £21.11.3 Lawful Money damage and Cost of Suit; from which Judgment the said Daniel Appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Micah Pratt Executor as aforesaid Recover against the said Daniel Whitmarsh the sum of twenty two pounds Six shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.3.8

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Ex'c'on issued

25<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Seabury ~~vs~~ Barden

&gt;&gt;

John Seabury of Newport in the County of Newport and Colony of Rhode Island &C<sup>a</sup>. Shopkeeper Complainant ~~vs~~ Stephen Barden of Taunton aforesaid Blacksmith The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the fourth Tuesday of June last, he recovered Judgment against the said Stephen for the sum of £7.16.0 Lawful Money damage, and Costs of Suit; from which Judgment the said Stephen Appealed to this Court and recognized with Sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.of said Judgment with Additional Costs: It's therefore Considered by the Court that the said John Seabury recover against the said Stephen Barden the sum of Seven pounds sixteen shillings Lawful Money of this Province dam<sup>a</sup>. and Costs taxed at £3.10.3.

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Ex'c'on issued

25<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Morey ~~vs~~ Riply

&gt;&gt;

Thomas Morey of Norton in the County of Bristol Gentleman Compl<sup>t</sup>. ~~vs~~ Christopher Ripley of Bridgwater in the County of Plimouth Housewright. The Compl<sup>t</sup>. shew'd that at Inferiour Court common Pleas held at Taunton in

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[150v]

in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Christopher Ripley for the sum of £33.2.10 Lawful money damage, and Costs of Suit, from which Judgment the said Christopher Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Thomas Morey Recover against the said Christopher Ripley the sum of thirty four pounds five shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.8.4

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Ex'c'on issued

6<sup>th</sup>. Nov<sup>r</sup>. 1760.

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Tabour ~~vs~~ Ashley

>>

Thomas Tabour of Dartmouth in the County of Bristol Yeoman, Adm'or of all Singular the Goods and Chattles Rights and Credits of William Tabour late of said Dartmouth Yeoman deceased Intestate Complainant vs William Ashley of Freetown in said County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said William for the sum of £15.19.4 Lawful Money damage, and Costs of Suit; from which Judgment the said William Appealed to this Court and Recognized with Sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and. It's therefore Considered by the Court that the said Thomas Tabour Adm'or as aforesaid Recover against the said William Ashley the sum of sixteen pounds eight shillings and eight pence, Lawful Money of this province Damage, and Costs taxed at £4.3.1

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Ex'c'on issued

21<sup>st</sup>. Oct<sup>o</sup>. 1760.

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Hellen ~~vs~~ Hunt

&gt;&gt;

Ratcliff Hellen of Taunton in the County of Bristol Trader, Complainant  
~~vs~~ Daniel Hunt of Dartmouth in the same County Husbandman. The Compl<sup>t</sup>..  
 Shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for  
 the County of Bristol on the second Tuesday of March last, he Recovered Judgment  
 against the said Daniel for the sum of £5.6.9 Lawful Money damage, and  
 Costs of Suit; from which Judgment the said Daniel Appealed to this Court  
 and Recognized with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>:  
 Judgment with Additional Costs: It's therefore Considered by the Court  
 that the said Ratcliff Hellen Recover against the said Daniel Hunt the  
 sum of Five pounds six shillings and Nine pence Lawful Money of this  
 Province damage, and Costs taxed at £3.7.10

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Ex'c'on issued

21<sup>st</sup>. Oct<sup>o</sup>. 1760.

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Thomas

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Image 183-Right

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Tabour ~~vs~~ Chace

&gt;&gt;

Thomas Tabour of Dartmouth in the County of Bristol Yeoman Complainant ~~vs~~  
 Judah Chace of Dartmouth aforesaid Cordwainer. y<sup>e</sup>. Compl<sup>t</sup>., Shew'd that at an Inferiour  
 Court of Common Pleas held at Taunton in and for the County of Bristol on the second

Tuesday of March last, he Recovered Judgment against the said Judah for the sum of £9.7.¼. Lawful Money damage, and Costs of Suit; from which Judgment the said Judah appealed to this Court and Recognized with Sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of the said Judgment with Additional interest and Costs: It's therefore Considered by the Court that the said Thomas Tabour Recover against the said Judah Cace the sum of Nine pounds thirteen shillings and nine pence Lawful Money of this Province Damage, and Costs taxed at £

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Peirce ~~vs~~ Ware

&gt;&gt;

John Peirce jun<sup>r</sup>. of Dighton in the County of Bristol Yeoman Complainant ~~vs~~ William Ware jun<sup>r</sup>. of said Dighton Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said William for the sum of £8.4.5 Lawful money damage, and Costs of Suit; from which Judgment the said William appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but have fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest, and Costs: It's therefore Considered by the Court that the said John Peirce jun<sup>r</sup>. Recover against the said William Ware jun<sup>r</sup>. the sum of eight pounds eight shillings Lawful Money of this province damage, and Costs taxed at £3.5.10

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Ex'c'on issued

21<sup>st</sup>. Oct<sup>o</sup>. 1760.

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Dunham ~~vs~~ Whitmarsh

&gt;&gt;

Daniel Dunham of Newport in the County of Newport in the Colony of Rhode Island &Ca. Gentleman Complainant ~~vs~~ Daniel Whitmarsh of Dighton

in the County of Bristol in the province aforesaid Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of December last, he Recovered Judgment against the said Whitmarsh for the sum of £24.0.0 Lawful Money damage, and Costs of Suit; from w<sup>ch</sup>: Judgment the said Whitmarsh appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of Said Judgement with Additional Costs: It's therefore Considered by the Court that the said Daniel Dunham Recover against the said Daniel Whitmarsh the sum of twenty four pounds Lawful

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[151v]

Lawful Money of this Province Damage, and Costs taxed at £3.10.0

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Ex'c'on issued

21<sup>st</sup>. Oct<sup>o</sup>. 1760.

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White ~~vs~~ Luther

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Samul White of Taunton in the County of Bristol Esq. Complainant  
~~vs~~ Levi Luther of Swansey in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol, on the fourth Tuesday of June last, he Recovered Judgment against the said Levi for the sum of £14.0.7 Lawful Money damage, and Costs of Suit, from which Judgment the said Levi appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs: It's therefore Considered by the Court that the said Samuel White Recover against the said Levi Luther the sum of Fourteen pounds four shillings and eleven pence, Lawful Money of this Province Damage, and Costs

taxed at £3.1.6.

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Ex'c'on issued

21<sup>st</sup>: Oct<sup>r</sup> 1760

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Williams ~~vs~~ Leonard

>>

Jonathan William of Taunton in the County of Bristol Gentleman Compl<sup>t</sup>.  
vs Elijah Leonard Gentleman, and Edmund Leonard Blacksmith both of  
Raynham in the same County. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday  
of March last, he Recovered Judgment against the said Elijah for the sum of £17.0.5  
Lawful Money of this Province damage, and Costs of Suit; from which Judgm<sup>t</sup>.  
the said Elijah Appealed to this Court and Recognized with sureties accor=  
:ding to Law to prosecute the same with Effect but fail'd so to do: Wherefore the  
Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and  
Costs: It's therefore Considered by the Court that the said Jonathan Leonard  
Recover against the said Elijah Leonard and Edmund Leonard the sum  
of Eighteen pounds one shilling Lawful Money of this Province damage, &  
Costs taxed at £

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Brayton ~~vs~~ Tisdale et al.

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Preserved Brayton of Swansey in the County of Bristol Yeoman Compl<sup>t</sup>..  
~~vs~~ Ephraim Tisdale Joyner, and John Tisdale Yeoman both of Taunton in the County  
of Bristol. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held  
at Taunton in and for the County of Bristol on the second Tuesday of September  
last, he Recovered Judgment against the said Ephraim and John for the sum of  
£36.18.2 Lawful Money damage, and Costs of Suit; from which Judgment  
they

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[152r]

they appealed to this Court and Recognized with Sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest, and Costs: It's therefore Considered by the Court that the said Preserved Brayton Recover against the said Ephraim Tisdale and John Tisdale the sum of thirty seven pounds one shilling and nine pence Lawful Money of this Province Damage, and Costs Taxed at £

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Leonard ~~vs~~ Allen

&gt;&gt;

George Leonard of Norton in the County of Bristol Esq, Complainant vs Joseph Allen of Warren in the County of Bristol in the Colony of Rhode Island &C<sup>a</sup>. Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Joseph for the sum of £11.10.9 Lawful money damage, and Costs of Suit, from which Judgment the said Joseph Appealed to this Court Recognized with Sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said George Leonard Recover against the said Joseph Allen the sum of eleven pounds seventeen shillings and nine pence Lawful Money of this Province Debt, and Costs taxed at £3.6.10

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Ex'c'on issued

6<sup>th</sup>. Nov<sup>r</sup>. 1760.

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Sweet ~~vs~~ Clark

&gt;&gt;

Sarah Sweet of Newport in the County of New port and Colony of Rhode Island &C<sup>a</sup>. Widow Complainant ~~vs~~ Martha Clark of Dighton in the County of Bristol aforesaid, Spinster. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Taunton in and for the County of Bristol on the fourth Tuesday of June last, she Recovered Judgment against the said Martha for the sum of £12 Lawful Money damage and Costs of Suit, from which Judgment the said Martha appealed to this Court & Recognized with sureties according to Law to prosecute the same with Effet, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment w<sup>th</sup>: Additional Costs: It's therefore Considered by the Court that the said Sarah Sweet Recover against the said Martha Clark the sum of Twelve pounds Lawful Money of this Province Damage, and Costs taxed at £5.12.4.

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Ex'c'on issued

21<sup>st</sup>.. Oct<sup>o</sup>. 1760.

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Barrows v Reed.

&gt;&gt;

Silvanus Barrows of Windham in the County of Windham in Colony of Connecticut &C<sup>a</sup>. Feltmaker Complainant ~~vs~~ Seth Reed of Middleboro in the County of Plimouth Joyner. The Compl<sup>t</sup>. shew'd that at an Inferiour Court

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[152v]

Court of Common Pleas held at Taunton in and for the County of Bristol on the 2<sup>d</sup>. Tuesday of September last, he Recovered Judgment against the said Seth for the sum of £9 Lawful Money damage, and Costs of Suit, from which Judgm<sup>t</sup>.. the said Seth appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Silvanus Barrows Recover against the said Seth Reed the sum of Nine pounds Lawful Money of this Province Damage, and Costs taxed

at £3.10.0

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Ex'c'on issued

24<sup>th</sup>. Oct<sup>o</sup>. 1760.

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Order on Riggs's Pet<sup>o</sup>:

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Upon Reading the Petition of Sarah Riggs Administratrix on the Estate of Jonathan Riggs late of Attleborough in the County of Bristol deceased, Wherein the Shew'd; That the said Deceased's Personal Estate is insufficient to pay his Debts &C<sup>a</sup>. by the sum of £22.2.7. she therefore pray'd this Court would grant her leave. and empower her to sell thirty pounds worth of the said deceased's Real Estate to enable her to pay the said Deceased's debts, and the Charges that would further arise in the settlement of said Estate: Ordered that the prayer of this Petition be granted; and that the said Sarah Riggs, in her said Capacity be and hereby is Impowered to make Sale of thirty pounds worth of the said deceased's Real Estate, for the Ends aforesaid (such part thereof as will least prejudice the whole) as pray'd; and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof. the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for s<sup>d</sup>: County, as the Law directs.

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Newell's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present, That Joseph Newell of Providence in the County of Providence in the Colony of Rhode Island &C<sup>a</sup>. Labourer, at Norton in the County of Bristol aforesaid in the Evening of the twenty eighth day of August last, privately & secretly with force and Arms did feloniously take steal and drive away two oxen of a redish Colour one of said Oxen was five years old the last spring and the other four years old the last spring, said oxen being of the price of Fifteen



pounds; and also he the said Joseph at the same time and place last mentioned did feloniously take steal and carry [<sup>^</sup>away<sup>^</sup>] one ox Yoke with the bowes, Iron ring, and staple thereto belonging of the Value of twenty shillings, the said Oxen, Yoke, Bowes

NP

Image 185-Right

153.

[153r]

Bowes, iron ring and staple, being the goods and Chattles of one Stephen Bond of Norton aforesaid Sadler. Contrary to Law and against the peace of the said Lord the King his Crown, and Dignity, in evil example to others. upon this Indictment the said Joseph Newell was [<sup>^</sup>set to the Bar &<sup>^</sup>] Arraigned [x] and plead not guilty. a Jury was sworn to try the Issue (Seth pope foreman and fellows) who having fully heard the Evidence, upon their Oath say, that the s<sup>d</sup>. Joseph Newell is not Guilty. It is therefore Considered by the Court that the said Joseph Newell go without day.

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Adjournment of Court.

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Taunton Oct<sup>o</sup>. 17<sup>th</sup>. 1760. The Court entered up Judgment according to the Verdicts, and then adjourn'd without day. Att<sup>r</sup>. Sam Winthrop Cler.

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Image 186-Left

[153v]

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Image 186-Right

154.

[154r]

Province of the} Anno Regni Regis Georgii secundi Magnæ Britannæ  
 Massachussetts Bay} Franciæ et Hiberniæ tricesimo quarto.  
 Essex ss}

At His Majesty's Superiour Court of Judicature Court of Assize  
 and General Goal Delivery held at Salem within and for  
 the County of Essex on the third Tuesday of October (being  
 the 21<sup>st</sup>. day of said Month) Annoq Domini 1760.

By the Honorable Benjamin Lynde}  
 John Cushing}  
 Chambers Russell et} Esq<sup>rs</sup>.. Justices  
 Peter Oliver}

The Names of the Grand, and Petit Jurors present Impanneld and sworn are in writing  
 as on file.

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<<

Tasker v Balch

>>

John Tasker of Marblehead in the County of Essex Esq: Appellant ~~vs~~ Natha<sup>l</sup>.  
 Balch of Dover in the Province of New Hampshire Cooper Appellee, from the  
 Judgment of an Inferiour Court of Common Pleas held at Salem in and for the  
 County of Essex on the last Tuesday of December last, when and where the Appellee  
 was plant, and the Appellant was def<sup>t</sup>. In a plea of Trespass upon the Case &C<sup>a</sup>.,  
 (as in the Writ tested the 6<sup>th</sup>. day of November last, and on file at large appears) At  
 which said Inferiour Court Judgment was Rendered that the said Nathaniel  
 Balch Recover against the said John Tasker six pounds thirteen shillings and  
 four pence Lawful Money damage and Costs. This Appeal was bro't forward  
 at the Superiour Court of Judicature &C<sup>a</sup>: held at Ipswich in and for the County of  
 Essex on the fourth Tuesday of June Last, by Adjournment; when and where the  
 Parties appeared, and the Case was by them Refer'd to Thomas Cushing, Thomas  
 Gray and Jonathan Williams, the determination of said Referees or of any two of  
 them to be final, Report to be made as soon as might be, and then the same Action  
 was Continued to this Court, no Report being made: and now the Parties

Appearing, the said Referees made Report in Writing under their hands, as on file, which was Read and accepted, and pursuant to the same Report. It is Considered by the Court that the said Nathaniel Balch Recover against the s<sup>d</sup>. John Tasker the [^sum of^] six pounds thirteen shillings and four pence Lawful Money of this Province damage, and Costs taxed at £9.0.10

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Ex'c'on issued  
29<sup>th</sup>. Oct<sup>o</sup>. 1760.

&gt;&gt;

&lt;\_&gt;

Thomas

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Image 187-Left  
[154v]

&lt;duPLICates following&gt;

&lt;&lt;

Hartshorn v Thorndike.

&gt;&gt;

Thomas Hartshorn of Marblehead in the County of Essex Physician Appellant  
vs John Thorndike the third of Beverly in the same County Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Salem in and for the County of Essex on the last Tuesday of December last, when and where the Appellant was plant and the appellee was defendant, In a plea of the Case &c<sup>a</sup>. (as in the Writ tested the 16<sup>th</sup>. day of January last, and on file, at large Appears) at which said Inf<sup>r</sup>.. Court Judgment was Rendered that the the said John Thorndike Recover against the said Thomas Hartshorn Costs of Suit; This appeal was brought forward at the last Term, of this Court for this County, when and where the Parties Appeared, and Refer'd this Action. and all other demands between them, to Robert Hale Esq. John Lowell, and Edward Augustus Holyoke, the determination of the said Referrees (or of the Major part of them) to be final, and then the said Appeal was Continued to this Court, no Report being made. And now Both Parties Appeared, and the said

Referees made Report in writing under their hands (as on file) which was Read & accepted. and pursuant thereto: It's Considered by the Court that the said Thomas Hartshorn Recover against the said John Thorndike the sum of two pounds fourteen shillings Lawful Money of this Province Damage, and Costs taxed at £7.6.7.

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Ex'c'on issued

14<sup>th</sup> Nov<sup>r</sup>. 1760.

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Martin ~~vs~~ Lemmon

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Thomas Martin of Marblehead in the County of Essex Gentleman as he is Administrator of the goods, Chattles, Rights and Credits of Edward Gray late of said Marblehead Ropemaker deceased. Appellant ~~vs~~ Joseph Lemmon of said Marblehead Physician appellee, from the Judgment of an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, when and where the Appellant was plant, and the Appellee, was def<sup>t</sup>. In a plea of the Case for that Whereas the said Edward was in his life time and at the time of his Death at said Marblehead possessed of one large Wooden Chest, with a lock and key thereto belonging, and one copper Boyler of the Contents of sixty Gallons, all of the Value of twenty eight pounds as of his own proper Chest lock and key, and Copper Boyler, afterwhose decease the same on the first day of January AD 1759. at said Marblehead came into the hands and possession of the def<sup>t</sup>. by finding; Yet the def<sup>t</sup>. well knowing the said goods and Chattles to belong to the Estate of the said Edward and of Right to appertain to the plant, adm'or as aforesaid, to be administred upon, yet the def<sup>t</sup>. tho Requested has not delivered them to the pl<sup>t</sup>. but Afterwards viz. on the first day of March AD 1759, at said Marblehead converted the same to his own use. To the damage of the said Thomas Martin Adm'or as aforesaid as he saith the sum of thirty pounds; At which said Inferiour Court upon the Demurer there [x] Judgment

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Image 187-Right

155.

[155r]

Judgment was Rendered that the said Joseph Lemmon Recover against the said Thomas Martin Costs of Suit. This Appeal was brought forward at the last Term of this Court for this County, and from thence Continued to this Court, and now both Parties appearing, and the demurer aforesaid being wav'd by Consent, and the Issue tender'd [<sup>d</sup>at s<sup>d</sup>. Inferiour Court & on file<sup>^</sup>] being now Joined, the Case after a full hearing was Committed to a Jury sworn

according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant Reversion of the former Judgment twenty eight pounds Lawful that the [<sup>^</sup>former Judgment be Reversed and that the<sup>^</sup>] said Thomas Martin Adm'or as aforesaid

Recover against the said Joseph Lemmon the sum of twenty eight pounds Lawful Money of this Province damage, and Costs taxed at £5.13.2

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Ex'c'on issued

16<sup>th</sup> Jan'y 1761.

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Kimball ~~vs~~ Reed

>>

Joshua Kimball of Marblehead in the County of Essex Wiggmaker Appellant ~~vs~~ Samuel Reed of said Marblehead Cordwainer Appellee from the Judgment of an Inferiour Court of Common Pleas held at Newbury within and for the County of Essex on the last Tuesday of September last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>., In a plea of the Case, &c<sup>a</sup>. (as in the Writ tested the 15<sup>th</sup>. day of September last, on file, at large Appears) At which said Inferiour Court Judgment was Rendered, upon the demurer there, that the said Samuel Reed Recover against the said Joshua Kimball Costs of Suit. The Appellant appeared, but the Appellee, altho solemnly called to come into Court did not Appear but made Default. 'Tis therefore Considered by the Court that the said Joshua Kimball Recover against the said Samuel Reed the sum of Nine pounds twelve shillings and two pence three farthings, Lawful Money of

this Province damage, and Costs taxed at £4.1.3

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Ex'c'on issued

9<sup>th</sup>. dece'm 1760.

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Allen ~~vs~~ White jun<sup>r</sup>.

>>

John White jun<sup>r</sup>. of Salem in the County of Essex Mariner Appellant ~~vs~~  
Edward Allen of said Salem Mariner Appellee, from the Judgment of an Inf.  
Court of Common Pleas held at Salem in and for the County of Essex on the second  
Tuesday of July, last, when and where the Appellee was plant, and the Appell<sup>t</sup>.  
was defendant. In a plea of Trespass on the Case, for that whereas the said Edward  
on the 15<sup>th</sup>. day of July AD 1759, at a place called Grand Terre, in Salem Aforesaid  
was possessed of one hundred and eighty gallons of Molasses, one english hogshead  
and one Teirce all of the Value of three hundred pounds as of his own goods and  
being so thereof possessed Afterwards 'viz. the same day year and place casually  
lost the same, and Afterwards viz. the same day Year and place the same  
by

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Image 199-Left

<duplicates previous>

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Image 199-Right

155

[155r]

<duplicates previous>

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Image 200-Left

[155v]

by finding came into the hands and possession of the said John, Yet the said John knowing the said Goods to be the proper goods of the said Edward and of right to him to belong hath not delivered the said Goods to the said Edward but Afterwards viz. the same day year and place the said John Converted the same goods to his own use. To the damage of the said Edward as he saith the sum of Forty pounds; At which said Inferiour Court Judgment was Rendered, that the said Edward Allen Recover against the said John White the sum of Fifteen pounds fifteen shillings and five pence Lawful Money damage, and Costs of Suit. Both Parties now Appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee thirteen pounds Nineteen shillings and 6<sup>d</sup>: Lawful Money damage, and Costs: It's therefore Considered by the Court that the said Edward Allen Recover against the said John White jun<sup>r</sup>. the sum of thirteen pounds nineteen shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £

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Ward jun<sup>r</sup>. vs Elliot

>>

Miles Ward Jun<sup>r</sup>. of Salem in the County of Essex Gentleman vs Abigail Elliot of Beverly in the County of Essex Widow Appellee from the Judgment of an Inferiour Court of Common on Pleas held at Salem within and for the County of Essex on the second Tuesday of July last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. Upon a Writ of Scire facias &c [~] (as in the Writ on file, dated the 17<sup>th</sup>: day of June last, at large appears) At which said Inferiour Court Judgment was Rendered that the said Miles Ward should not have his Execution against the said Abigail Elliot for any sum whatsoever. Both Parties now Appeared, and having been fully heard: It is Considered by the Court that no Execution shall Issue against the said Abigail Elliot.

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Dodge vs Hollon

&gt;&gt;

William Dodge of Ipswich in the County of Essex Merchant Complainant ~~vs~~ Isaac Hollon of said Ipswich Mariner. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Salem within and for the County of Essex on the 2<sup>nd</sup>. Tuesday of July last, he recovered Judgment against the said Isaac for the sum of £28.12.3 Lawful Money damage, and Costs of Suit; from which Judgment the said Isaac appealed to this Court, and Recognized with Sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said William Dodge Recover against the said

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156.

[156r]

said John Hollon the sum of twenty Nine pounds one shilling and sence pence Lawful Money of this Province Damage, and Costs taxed at £3.10.0

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Ex'c'on issued}

11<sup>th</sup>. Nov. 1760}

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Mackay et al Adm'ors ~~vs~~ Ingraham

&gt;&gt;

Daniel Mackey Mariner and Mary Hicks Spinster both of Salem in the County of Essex, as they Administrators of the goods, and Chatlles, Rights and Credits of Joshua Hicks Esq; late of Salem aforesaid deceased intestate, Compl<sup>s</sup>. ~~vs~~ Edward Ingraham of York in the County of York and province afores<sup>d</sup>: Innholder. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, they Recovered Judgment against the said Edward for the sum of £94.12.0 Lawful Money debt, and Costs of suit; from which Judgment the s<sup>d</sup>:



Edward appealed to this and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>s</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Daniel Mackey and Mary Hicks Adm'ors as aforesaid Recover against the said Edward Ingraham the sum of Ninety four pounds seventeen shillings [x] Lawful Money of this Province Debt, and Costs taxed at £3.10.10

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Ex'c'on issued

11<sup>th</sup>. Feb<sup>ry</sup>. 1761.

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Pickman v Hollis

&gt;&gt;

Benjamin Pickman of Salem in the County of Essex Esq; Complainant  
 vs Thomas Hollis of Braintree in the County of Suffolk Gentleman. The Compl<sup>t</sup>.. shew'd that at an Inferiour Court of Common Pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said Thomas for the sum of £14.6.10 Lawful Money damage, and Costs of Suit; from which Judgment the said Thomas appealed to this Court and Recognized with Sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the s<sup>d</sup>: Benjamin Pickman Recover against the said Thomas Hollis the sum of fourteen pounds six shillings and ten pence, Lawful Money of this Province, dam<sup>a</sup>. and Costs taxed at £3.4.0

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Ex'c'on issued

20<sup>th</sup>. Nov<sup>r</sup>. 1760.

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Southrick v Woodman

&gt;&gt;

Joseph Southrick of Danverse in the County of Essex Tanner, Compl<sup>t</sup>.  
 vs Moses Woodman of Newbury in the said County Leather Dresser. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common pleas held at Salem in and  
 for

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Image 201-Left

[156v]

for the County of Essex on the second Tuesday of July last, he Recovered Judgment  
 against the said Moses for the sum of £6.9.2 damage, and Costs of Suit;  
 from which Judgment the said Moses appealed to this Court, and Recogniz'd  
 with sureties according to Law to prosecut the same with Effect, but fail'd  
 so to do: Wherefore The Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
 Additional Interest and Costs: It's therefore Considered by the Court that the  
 Joseph Southrick Recover against the said Moses Woodman the sum of six pounds  
 eleven shillings and six pence Lawful Money of this Province damage, and  
 Costs taxed at £3.4.10

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Ex'c'on issued

20<sup>th</sup>. Nov<sup>r</sup>. 1760.

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Prince vs Procter

&gt;&gt;

Lydia Prince of Danverse in the County of Essex Widow as she is Adm<sup>x</sup>.  
 of the Estate of Jonathan Prince late of Salem in said County Physician,  
 deceased, Compl<sup>t</sup>. vs Jonathan Procter of Marblehead in the same County  
 merchant. The Compl<sup>t</sup>. shew'd that that at an Inferiour Court of Common  
 pleas held at Newbury in and for the County of Essex on the last Tuesday  
 of July last, she Recovered Judgment against the said Jonathan for the sum  
 of £15.1.4 Lawful Money damage, and Cost of suit; from which Judgm<sup>t</sup>.  
 the said Jonathan appealed to this Court and Recognized with sureties

according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's therefore Considered by the Court that the said Lydia Prince Adm<sup>x</sup>.. as aforesaid, Recover against the said Jonathan Procter the sum of Fifteen pounds one shilling and four pence Lawful Money of this Province, damage, and Costs taxed at £3.8.9

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Ex'c'on issued

5<sup>th</sup>. Jan'y 1761.

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Crofts ~~vs~~ Procter

&gt;&gt;

William Crofts of Marblehead in the County of Essex Schoolmaster Compl<sup>t</sup>. ~~vs~~ Jonathan Procter of said Marblehead Merchant. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, he Recovered Judgment against the said Jonathan for the sum of £13.11.0, damage, and Costs of Suit; from which Judgment the said Jonathan appealed to this Court, and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said William Crofts Recover against the said Jonathan Procter the sum of thirteen pounds twelve shillings Lawful Money of this Province damage, and Costs taxed at £3.13.0

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Ex'c'on issued

9<sup>th</sup> Feb<sup>y</sup>. 1761.

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Image 201-Right

157.

[157r]

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Hooper v Orne.

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Samuel Hooper of Marblehead in the County of Essex Mariner Compl<sup>t</sup>.  
 vs Simon Orne of said Marblehead Yeoman. The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of Common Pleas held at Salem in and for the County of Essex  
 on the second Tuesday of July last, he Recovered Judgment against the said  
 Simon for the sum of £13.6.8 Lawful Money damage, and Costs of suit; from  
 which Judgment the said Simon Appealed to this Court, and Recognized  
 with sureties according to Law to prosecute the same with effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs:  
 It is therefore Considered by the Court that the said Samuel Hooper Recover  
 against the said Simon Orne the sum of thirteen pounds six shillings and eight  
 pence Lawful Money of this Province Damage, and Costs taxed at £3.0.7.

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Ex'c'on issued

Nov<sup>r</sup>. 5<sup>th</sup>. 1760.

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Currier jun<sup>r</sup>. vs Morrill jun<sup>r</sup>.

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John Currier jun<sup>r</sup>. of Newbury in the County of Essex Joiner Compl<sup>t</sup>.  
 vs John Morrill jun<sup>r</sup>. of Salisbury in said County Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of Common Pleas held at Salem in and for the County  
 of Essex on the second Tuesday of July last, he Recovered Judgment against the  
 said John Morrill, for the sum of £21.11.10 Lawful Money damage, and  
 Costs of Suit; from which Judgment the said John Morrill appealed to this  
 Court and Recognized with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefor the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>.  
 with Additional Costs: It's therefore Considered by the Court that the said John  
 Currier jun<sup>r</sup>. Recover against the said John Morrill jun<sup>r</sup>. the sum of twenty one

pounds eleven shillings and ten pence Lawful Money of this Province damage,  
and Costs taxed at £4.5.0

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Ex'c'on issued

28<sup>th</sup>. July 1761

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Brown ~~vs~~ Bordman

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Nathan Brown of Newbury in the County of Essex Gentleman, and one of the  
Deputy Sheriffs of the same County Complainant ~~vs~~ John Bordman of said  
Newbury Shipwright. the Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common  
Pleas held at Newbury in and for the County of Essex on the last Tuesday of  
September last, he Recovered Judgment against the said John for the sum of £4.13.11  
Lawful Money damage, and Costs taxed at £1.15.4. from which Judgment  
the said John appealed to this Court and Recognized with Sureties according  
to Law to prosecute the same with effect, but fail'd so to do: Wherefore the  
Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs: It's  
therefore Considered by the Court that the said Nathan Brown Recover  
against the said John Bordman the sum of Four pounds thirteen shillings  
and

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[157v]

and eleven pence Lawful Money of this Province Damage, and Costs taxed at  
£3.13.2

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Ex'c'on issued

28<sup>th</sup>: July 1761.

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Order on Page's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Hannah Page Administratrix of the Estate of Joshua Page late of Haverhill dec'd. Wherein the Petitioner shew'd that whereas the personal Estate of said Deceased is not sufficient to pay and Discharge his debts, (as appears by the Certificate on file). She therefore pray'd this Court to grant her Liberty to sell, of said Deceased's Real Estate, to the value of one hundred and six pounds or more for discharging said Debts, and the Necessary charges in obtaining the Order of this Court, and otherwise.

Ordered that the prayer of this Petition be granted; and that the said Hannah Page administratrix as afores<sup>d</sup>. be and hereby is Impowered to make Sale of one hundred and six pounds worth of the said Deceaseds Real Estate for the ends aforesaid (such as will least prejudice the Remainder) as pray'd for. The said Hannah to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof; and to post up Notifications thirty days before the sale, and also to account with the Judge of Probate for said County, as the Law directs.

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Order on King's Pet<sup>o</sup>.

&gt;&gt;

Upon the Petition of Anna King Adm<sup>x</sup>.. of the Estate of her husband Zaraariah King late of Danverse dec'd Intestate. wherein the Petitioner shew'd that the debts against said Estate are twenty eight pounds three shillings and four pence four pence, more than all the personal Estate (as appears by the Certificate from the Probate Office on file): The Petitioner therefore pray'd this Court would Impower her to sell thirty one pounds worth of s<sup>d</sup>. Intestate's Real Estate (where least prejudicial) to discharge said Debt, and other debts still due. Ordered that the prayer of this Petition be granted, and that the said Anna King (in her said Capacity), be and hereby is Impowered to make Sale of thirty one pounds worth of the said deceaseds. Real Estate for. the ends aforesaid (such as will least prejudice the whole) as pray'd for and to pass and execute a good deed or Deeds in the Law for Conveyance y<sup>r</sup>of, the Petitioner to post up Notifications thirty days before the Sale and Account with the Judge of Probate for said County, as the Law directs.

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Order on Pet<sup>o</sup>. of Burrell jun<sup>r</sup>.

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Upon Reading the Petition of Ebenezer Burrell jun<sup>r</sup>. Executor of the Testament

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158.

[158r]

Testament of Jacob Newhall late of Lynn deceased. Wherein the Petitioner shew'd that the personal Estate of said deceased is appraized at seventy nine pounds four shillings and ten pence, and the debts against said Estate are two hundred fifty one pounds ten shillings and ten pence (as appears by the Certificate from the probate Office, on file). The Petitioner therefore pray'd this Court would empower him to sell so much of said Testators real Estate (where it would be least prejudicial to the whole) for the payment of the debt aforesaid: Ordered that the Prayer of this Petition be granted; and that the said Ebenezer Burrell jun<sup>r</sup>. (in his said Capacity) be and hereby is Impowered to make sale of as much of said deceased's Real Estate, for the Ends aforesaid (such as will [<sup>be</sup>] least prejudicial to the whole) as pray'd, for: and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof; the Petitioner to post up Notifications thirty days before the Sale, and account with the Judge of Probate for said County, (as the same amounts to) agreeable to Law.

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Order on Aborn's Pet<sup>o</sup>..

&gt;&gt;

Upon Reading the Petition Lydia Aborn Administratrix of the Estate of her late husband Joseph Aborn late of Danverse deceased Intestate: Wherein the Petitioner that the debts against said Estate amount to Forty Nine pounds twelve shillings and eleven pence, more than all the personal Estate: The Petition therefore pray'd this Court to Impower her to make Sale of so much of said deceaseds

Real Estate (where it can be best spared) as will pay the said debt; Ordered that the prayer of this Petition be granted, and that the said Lydia Aborn (in her said Capacity) be and hereby is impowered to make Sale of as much of the said deceased's Real Estate for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the Sale, and account with the Judge of Probate (for the Produce thereof) as the Law directs.

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Order on Clough's pet<sup>o</sup>.

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Upon Reading the Petition of Mary Clough Administratrix on the Estate of her late husband Joseph Clow of Salisbury dec'ed Interest. Wherein the Petiti<sup>o</sup> shew'd that at debts against said Deceased's Estate are more than all his Real and personal Estate will pay. The Petiti<sup>r</sup>. therefore pray'd this Court would Impower her to make Sale of the whole of said deceased Real Estate, appraised at sixteen pounds, to discharge said debts: Ordered that the prayer of this Petition be granted, and that the said Mary Clough (in her

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[158v]

her said Capacity) be and hereby is Impowered to make Sale of the Real Estate of the said Deceased's for the Ends aforesaid, as pray'd for; and to pass and execute a Good Deeds or Deeds in the Law for Conveyance thereof; the Petiti<sup>r</sup>. to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (of the produce thereof) as the Law directs.

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Order on Kimball's Pet<sup>o</sup>.

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Upon Reading the Petition of Elizabeth Kimball Adm<sup>x</sup>.. of the Estate of her husband Edmond Kimball Jun<sup>r</sup>. Late of Wenham deceased Intestate,



Wherein the Petitioner shew'd that the debts against said Estate are ten pounds, six shillings and two pence halfpenny, more than all the personal Estate: The Petitioner therefore pray'd this Court would empower her to sell Fourteen pounds worth of the said deceased's Real Estate (where least prejudicial) for the payment of said debts, and other Debts still due. Ordered that the prayer of this Petition be granted, & that the said Elizabeth Kimball (in her said Capacity) be and hereby is Impowered to make Sale of as much of the Real Estate of said dec'd (such as will least prejudice the whole) as pray'd for; and to pass and execute a good deed or Deeds in the Law for Conveyance thereof; the Petito<sup>r</sup>. to post up Notifications thirty days before the Sale, and account with the Judge of probate for said County (for the produce thereof) as the Law directs.

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Order on Millikin's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Benjamin Millikan Administrator of the Estate of Robert Millikan late of Bradford in the County of Essex deceased Intestate. Wherein the Petito<sup>r</sup>. shew'd that the debts against said Estate are thirteen pounds three shillings and one penny half penny more than all the said Intestate's personal Estate will pay. The Petito<sup>r</sup> therefore pray'd this Court to Impower him to sell Real Estate of the said dec'd to the value of Sixteen pounds (where it might be least prejudicial) for the paym<sup>t</sup>. of said Debts and the Charges. Ordered that the prayer of this Petition be granted: and that the Benjamin Milliken (in his said Capacity) be and hereby is Impowered to make Sale of Sixteen pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petito<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of probate for said County as the Law directs

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Image 203-Right

159

[159r]

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Order on Vickery's pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Joanna Vickery. Administratrix of the Estate of John Vickery late of Marblehead in the County of Essex Fisherman deceased. Wherein the petitioner shew'd that the debts due from said Estate are more than the same is worth. The Petitioner therefore pray'd she might have liberty to sell the whole of said deceased's Real Estate for the payment of his debts. Ordered that the prayer of this Petition be granted, and that the said Joanna Vickery Adm<sup>x</sup>.. as aforesaid, be and hereby is Impowered to make Sale of the Real Estate of the said Deceased for the Ends afores<sup>d</sup>: as pray'd for, and to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof; the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale, and account with the Judge of Probate for said County, (for the produce thereof) as the Law directs.

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Order on Hardy's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Mary Hardy Adm<sup>x</sup>. of the Estate of her late husband Amos Hardy of Bradford deceased Intestate, Wherein the Petition<sup>r</sup>: shew'd That the debts against said Estate are thirty pounds five shillings and six pence three farthings more than all his personal Estate: The Petitioner therefore pray'd this Court to Impower her to make Sale of the whole of the said deceased's Real Estate, her dower therein excepted, appraised at thirty five pounds in the whole, for the payments of the debts aforesaid: Ordered that the prayer of this Petition be granted, and that the said Mary Hardy (in her said Capacity be and hereby is Impowered to make Sale of the Real Estate of the said Amos Hardy dec'eased, for the Ends aforesaid, as prayed for; and to pass and Execute a Good Deed

or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the Sale, and account with the Judge of probate for said County (of the Produce thereof) as the Law Directs.

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Aborn's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present, That Joseph Eaton of Lynn in the County of Essex Gentleman having impleaded Samuel Read of Lunenburgh in the County of Worcester Gentleman for speaking defamatory words of the said Joseph to his damage, and the said Samuel having in his defence Justified the speaking the same words, and given the said Joseph a Bill of the particulars which he the said Samuel in support of his plea aforesaid expected to prove against the said Joseph, in which Bill there was among

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Image 204-Left

[159v]

among others This particular Charge, namely, That the said Eaton was indebted to one Thomas Aborn of Lynn an old Batchelor something more than a thousand pounds old tenor, That the said Eaton desired the said Aborn to shift the Bonds, and to take one Joseph Damon for Abligor a man suspected to be crasy: and on Aborn's refusing to do it, the said Eaton declared that he would certainly cheat him out of the whole and that he accordingly did so cheat him; And the Jurors aforesaid upon their Oath further present, That Ebenezer Aborn of Lynn in the County of Essex aforesaid Yeoman came into the Inferiour Court of Common pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, to give Evidence in the Cause aforesaid then depending in the same Court, and that the said Ebenezer being then & there in the same Court duly sworn as a Witness in the Cause aforesaid he the said Ebenezer did then and there (viz.) on the twenty eighth day of march last, at Ipswich aforesaid, upon his said Oath falsely and Malitiously, willfully and corruptly Affirm, depose and sware "That he

"was knowing of the said Eaton's owing the said Thomas Aborn near abut a  
 "thousand pounds, and that the said Eaton cheated the said Thomas out of it,  
 "that the said Thomas Aborn was cheated or wronged out of the whole of the money  
 "for he never received one penny of it." whereas in fact and in truth, and as  
 the said Ebenezer then well knew, the said Joseph Eaton never cheated or  
 wronged the said Thomas out of the same Money, but the said Thomas Aborn  
 by himself, and the said Ebenezer his Attorney, received, by discount and  
 otherwise, part of the sum aforesaid and the whole thereof that the said Joseph  
 owed the said Thomas: And so the Jurors aforesaid upon their Oath say that  
 the said Ebenezer Aborn did on the said twenty eighth day of March last,  
 at Ipswich aforesaid in manner and form aforesaid, in the said Inferiour  
 Court of Common Pleas, being a Court of Record, falsely and  
 Malitiously, Wilfully, and Corruptly Commit wilfull and corrupt  
 perjury against the peace of the said Lord the King his Crown and Dignitys  
 upon this Indictment the said Ebenezer Aborn was arraigned at the Barr,  
 and pledd not guilty: a Jury was thereupon sworn to try the Issue (M<sup>r</sup>..  
 Samuel King foreman and fellows) who having fully heard the Evidence  
 upon their oath say that the said Ebenezer Aborn is not Guilty. It is  
 therefore Considered by the Court that the said Ebenezer Aborn go  
 without day.

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Stevens ~~vs~~ Green Jun<sup>r</sup>..

&gt;&gt;

John Stevens of Boston in the County of Suffolk Merchant Appell<sup>t</sup>.~~vs~~

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Image 204-Right

160.

[160r]

Appellant ~~vs~~ Joseph Green jun<sup>r</sup>. of said Boston Merchant appellee, from the Judgm<sup>t</sup>..  
 of an Inferiour Court of Common Pleas held at Boston in and for the County of  
 Suffolk on the first Tuesday of July last, when and where the Appellant was

plaintiff and the appellee was def<sup>t</sup>., In a plea of trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 4<sup>th</sup>. day of June last, on file) at large Appears) At which said Inf<sup>r</sup>.. Court Judgment was Rendered that the said Joseph Green jun<sup>r</sup>. Recover against the said John Stevens Costs of Suit. This Appeal was bro't forward at the Sup<sup>r</sup>: Court of Judicature &C<sup>a</sup>. held at Boston within and for the County of Suffolk aforesaid, on the third Tuesday of August last, when and Both Parties appeared, and Refer'd this Action to John Rowe Esq, John Jones, and William Mollineaux, the Determination of said Referees, or of the Major part of them, to be final; Report to be made to the Court as soon as might be; and from thence the same Appeal was continued and Transfer'd to this Court by Consent: no Report having made: And Now the Parties Appeared, and the said Referrees made Report, in Writing under their hands (as on file) and pursuant to the same Report, which was Read and Accepted: It is Considered by the Court that the said Joseph Green jun<sup>r</sup>. execute to the said John Stevens, a bill of Sale of one half part of the ship Wolf mentioned in the declaration, with her Tackle, Apparell and furniture, sails and Anchors, in ten days from this time (being the twenty second day of October 1760). and in default thereof that the said John Stevens Recover against the said Joseph Green jun<sup>r</sup>. the sum of twelve hundred & fifty pounds Lawful Money of this Province damage; and Also that the said John Stevens recover against the said Joseph Green jun<sup>r</sup>. the further sum of One pound eighteen shillings and ten pence halfpenny, and Costs taxed. at £4.15.6

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Ex'c'on issued

4<sup>th</sup>. Nov<sup>r</sup>. 1760.

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Salem Oct<sup>o</sup>. 23. 1760. The Court entred up Judgment according to the Verdicts and then adjourn'd without day.

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Image 205-Left

[160v]

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Image 205-Right

161.

[161r]

Province of the} Anno Regni Regis Georgii tertii magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ primo.  
Middlesex s}

At His Majesty's Superiour Court of Judicature Court of  
Assize and General Goal Delivery began and held at  
Charlestown within and for the County of Middlesex on the  
last Tuesday of January (being the 27<sup>th</sup>: day of said month)  
Annoque Domini 1761.

By the Honorable      Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice.  
Benjamin Lynde}  
John Cushing}  
Chambers Russell, and} Esq<sup>rs</sup>: Justices  
Peter Oliver.}

A Commission, constituting and Appointing the Honorable  
Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice of this Court was produced  
and published in Court, and he took his place upon the Bench.  
The Names of the Grand Jurors and Petit Jurors are in the  
list on file.  
James Osborn Appellant vs Richard Sircumb Appellee.  
Neither Party Appeared.

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The Town of Waltham v Town of Weston.

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The Town of Waltham in the County of Middlesex Complts ~~vs~~ The  
 Town of Weston in the same County Defts On a writ of Certiorari  
 which Writ follows in these words "Province of the Massachusetts Bay  
 Middlesex sc George the second by the grace of God of Great Britain"  
 France and Ireland King Defender of the Faith &c To Our beloved &"  
 Faithfull Francis Foxcroft Esq<sup>r</sup>. first Justice of Our Court of general"  
 Sessions of the peace for said County Greeting. Willing for certain causes"  
 to be Certified of the Record of the process and Judgment upon a Petition"  
 of the Selectmen and Overseers of the poor of the Town of weston in said"  
 County relating to Mary Flagg widow and her Infant child, heard"  
 Adjudg'd and Ordered (as it is said) at a Court of general Sessions"  
 of the peace held at Charlestown in and for said County on the second"  
 Tuesday of December last and of all things touching said Petition"  
 process Judgment and Order We command You that the Record of"  
 the said Petition Order and Judgment with all things touching the"  
 same fully and entirely as the Same remains before You by whatsoever"  
 names the parties are called in the same You send before us in our"  
 Superiour Court of Judicature Court of Assize and General Goal Delivery"  
 to be held at Cambridge in and for Our County of Middlesex on the first"  
 Tuesday of August next under your hand and Seal together with this writ"  
 that we may thereupon cause to be done what by Right and Law ought to"  
 be done: Witness Stephen Sewall Esq<sup>r</sup>. at Boston this sixth day of July in"  
 the thirty third year of Our Reign Annoque Domini 1759." and due Return  
 was made upon the said writ by Francis Foxcroft Esq<sup>r</sup>. to whom the same  
 was directed and under his Seal in these words," Middlesex sc Cambridge  
 August y<sup>e</sup>. 7<sup>th</sup>. 1759. The Petition process Judgment and Record within mention'd  
 with all things touching the same I herewith send and they are Annexed  
 to

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Image 206-Left

[161v]

to this writ as within I am commanded" and the said Writ was  
 entered and bro't forward at the Superiour Court of Judicature &c  
 held at Cambridge in & for said County on the first Tuesday of August AD

1759. and the Complts Appeared and upon the Motion of M<sup>r</sup>. Thacher their Attorney it was Ordered That the Inhabitants of The Town of Weston aforesaid should be cited to Appear at the then next Term to make Answer to said Complaint of the said Town of Waltham; & then the said Writ was continued to the same term, and from that term said writ &c was by Consent of the parties continued to the Superiour Court of Judicature &c held at Cambridge in & for said County on the first Tuesday of August last, an assignment of Errors to be filed in the Clerk's office thirty days before said term then next and from the last mention'd Court held in August said Writ and proceedings were continued to this Term; And now the parties Appeared, and y<sup>e</sup>: Sentence of the Court of Sessions complain'd of being entred as follows Viz<sup>t</sup>.

"The Court upon due deliberation do Adjudge that the said Mary Flagg and "her said Child Hannah are the proper poor of the Town of Waltham afores<sup>d</sup>: "and are to be Supported at the Charge of the said Town" And it is further "Adjudg'd and Ordered by the Court That two shillings per week be Allowed "and refunded by the said Town of Waltham to the town of weston afores<sup>d</sup>: "from the first day of August 1757 to this time, and that the said Town "of Weston recover their costs against the said Town of Waltham taxed "at four pounds thirteen shillings and four pence," after a full hearing, It is Considered by the Court that the Sentence of the Court of general Sessions complain'd of, be confirmed.

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Jacquith v Dusten

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Ebenezer Jacquith of Billerica in the County of Middlesex Husbandman Appellant ~~vs~~ John Dusten of Groton in s<sup>d</sup>. County Husbandman Ap'lee from the Judgment of an Inferiour Court of Common pleas held at Charlestown in & for said County on the second Tuesday of March last when and where the Apl't was plt against the ap'lee and one Leonard Parker (who died since the last Term) In a plea of Trespass on the Case for that the said Ebenezer on the first day of December AD 1757 at Billerica aforesaid was possessed of a red Steer of the price of four pounds lawfull money as



of his own Steer and afterwards casually lost him and the said John & Leonard found him and knew him to be the said Ebenezer's Steer but contriving to defraud the said Ebenezer of his Steer aforesaid the said John and Leonard there afterwards on the same day converted the same Steer to their own use to the Damage of the said Ebenezer Jacquith as he says the Sum of five pounds, at which said Inferior Court Judgment was rendred that the said John Dusten and Leonard Parker recover against the s<sup>d</sup>. Ebenezer Jacquith their Costs of Suit: This Appeal was bro't forward at the last Term of this Court for this County and from thence was continued to this Court and now the aplt appeared and the Ap'lee also Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment One pound twelve shillings money damage and Costs Its therefore Considered by the Court That [^the former Judgment be revers'd &^] the said Ebenezer

Jacquith recover against the said John Dusten the Sum of Thirty two shillings lawfull Mony of this Province Damage and costs taxed at £

NB. motion to Review.

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Image 206-Right

162.

[162r]

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Smith v Beals

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Josiah Smith of Weston in the County of Middlesex Gentleman and one of the Deputy Sheriffs of said County aplt ~~vs~~ Thomas Beals of Newton in the Same County Ap'lee from the Judgment of an Inferior Court of com'on pleas held at Cambridge in and for s<sup>d</sup>: County on the third Tuesday of May last when and where the Ap'lee was plt against the Aplt in a plea of Trespass on the Case &c<sup>a</sup>: (as in the writ on file 25<sup>th</sup>: of Febr'y 1760 is at large sett forth) at which said Inferior Court Judgment was rendred that the said Thomas Beals recover against the s<sup>d</sup>. Josiah Smith the Sum of eighteen pounds lawfull money damage

and costs of Suit: This Appeal was bro't forward at last Term when the parties Appear'd and refer'd the said Action to Jonathan Sewall Charles Prescot Esq<sup>rs</sup>. and Alexander Sheppard, the determination of said Referrees or any two of them to be final, Report to be made to the Court as soon as might be, and from thence (no Report having been made) said Appeal was continued to this Court, and said Referrees made Report in writing under their hands, which is on file, And pursuant to said Report which was read and Accepted It is Considered by the Court That the said Thomas Beals recover against the said Josiah Smith Twenty pounds lawfull Money Damage and costs taxed at £11.18.9.

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Ex'c'on issued

4<sup>th</sup>. April 1761.

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Blanchard v Campbell

&gt;&gt;

Benjamin Blanchard of Townshend in the County of Middlesex Husbandman Apl't vs Duncan Campbell of Oxford in the County of Worcester Esq<sup>r</sup>. Aplee from the Judgment of an Inferior Court of Common Pleas held at Charlestown in & for the County of Middlesex on the Second Tuesday of December last when & where the Apl't was plt and the Aplee was Deft In a plea of Trespass on the Case as in the writ on file dated the eighth day of September last at large Appears) At which said Inferiour Court Judgment was rendred that the said Duncan recover against the s<sup>d</sup>. Benjamin his Costs of Suit: Both parties now Appeared and the Apl't confess'd Judgment for costs Its therefore Considered by the Court That the said Duncan Campbell recover against the said Benjamin Blanchard costs taxed at £

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Church v Dodge.

&gt;&gt;

Joshua Church of Harvard in the County of Worcester Husbandman Apl't vs William Dodge of Lincoln in the County of Middlesex Husbandman

Administrator of the Estate of Jonathan Procter late of said Harvard Yeoman deceased Intestate Ap'lee from the Judgment of an Inferiour Court of Common pleas held at Concord in and for the County of Middlesex on the first tuesday of September last, when and where the Aple'e was plt and the Aplt was Deft in a plea of the case for that the said Joshua Church at concord afores<sup>d</sup>: on the 28<sup>th</sup>: day of June AD 1751 by his note in writing under his hand of that date for Value rec<sup>d</sup>

promised the said Jonathan Procter to pay him or Order the sum of fifty shillings lawfull money on or before the first day of December then next ensueing with lawfull Interest for the Same untill paid yet the said Joshua tho' often requested never paid the same Sum nor the Interest thereof to the said Jonathan Procter, nor has he tho' often requested ever paid the same to the said William Dodge but he altogether neglects to do it to the Damage of the said William Dodge Admin<sup>r</sup>. as afores<sup>d</sup>. as he says the sum of five pounds. At which said Inferior Court Judgment was rendred that the said Admnistrator recover against the said Joshua the Sum of three pounds seventeen shillings and six pence lawfull money damage and costs of Suit: Both party's now Appeared and the case after a full hearing was committed to a Jury Sworn

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Image 207-Left

[162v]

Sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment and costs It is therefore Considered by the Court That the former Judgment be revers'd and that the said Joshua Church recover against the Estate of the said Jonathan Procter deceased in the hands of the said William Dodge Adm<sup>r</sup>. as afores<sup>d</sup>: costs taxed at £

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Stimpson v Green.

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Ebenezer Stimpson of Reading in the County of Middlesex Physician Aplt vs Phœbe Green of Stoneham in the same County Spinster Aplee from the Judgment of an Inferior Court of Common pleas held at Charles-

town in and for said County on the second Tuesday of Dec<sup>r</sup>. last when and where the Aplee was plt against the Apl<sup>t</sup> In a plea of Trespass on the case for that the said Phœbe is and Always has been a person of good credit and reputation & free from the crimes of fornication and Adultery and never had that loathsome and detestable disease commonly called the French Pox of all which the said Ebenezer was well knowing, but maliciously contriving to ruin and destroy the said Phœbe's Character and reputation bring her into Infamy and disgrace and prevent her preferment by marriage, he on the twelfth day of September AD 1759 at Reading afores<sup>d</sup>. in the presence & hearing of diverse of the King's leige Subjects with a loud Voice maliciously spake and published of and concerning the said Phœbe the false and scandalous words following viz<sup>t</sup>: "If I know anything She" (speaking of and meaning the s<sup>d</sup>. Phœbe) had the Pox" (meaning the loathsome disease aforesaid commonly called the French Pox) "Doctor Brattle and Doctor Hay were sent for to Visit her" (meaning the said Phœbe)" and they said She (again meaning the said Phœbe) "had only a simple Gonorrhea, but I (meaning him the said Ebenezer) know She (meaning the said Phœbe)" had the Pox, and can bring a number of Men that will swear they have had to do with her (meaning to Swear that they had carnal copulation with the said Phœbe)" she again speaking of and meaning the said Phœbe) has the Pox, and I (meaning the said Ebenezer) can cure her, she (meaning the said Phœbe) would be a fool to send for Other Physicians for it would expose her" (meaning the s<sup>d</sup>: Phœbe wou'd thereby discover to the Other Physicians that she had the loathsome disease aforesaid called the French Pox), she "(again meaning the said Phœbe) is a whore and I (meaning the said Ebenezer) could have had to do with her If I would", by means of the said Ebenezer's speaking which false and scandalous words of and concerning the said Phœbe she is bro't into contempt and disgrace her company is avoided and her Character and Reputation utterly ruin'd and destroy'd to the Damage of the said Phœbe Green as she says the Sum of a thousand pounds, at which said Inferior Court Judgment was rendred that the said Phœbe Green recover against the said Ebenezer Stimpson the Sum of eighteen pounds lawfull money damage and costs of Suit: Both parties

now Appeared and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee forty five pounds lawfull money Damage and costs It is therefore Considered by the Court That the said Phœbe Green recover against the said Ebenezer Stimpson the sum of forty five pounds lawfull Money of this Province Damage and costs taxed at £19.5.9.

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Ex'c'on iss<sup>d</sup>:3<sup>d</sup>. March 1761.

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Image 207-Right

163.

[163r]

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Haynes v Peabody.

&gt;&gt;

John Haynes of Hopkinston in the County of Middlesex Husband-  
man Apl<sup>t</sup> vs Joseph Peabody of Natick in the same County Gent<sup>m</sup>: aplee  
from the Judgment of an Inferior Court of Common pleas held at Charlestown  
in and for the County afores<sup>d</sup>. on the second tuesday of Dec<sup>r</sup>: last when and  
where the Aplee was plt and the Apl<sup>t</sup> was Deft In a plea of Trespass on  
the case (as in the writ on file tested the 6<sup>th</sup>: day of Septem<sup>r</sup>: last at large  
Appears) at which said Inf<sup>r</sup>: Court Judgment was rendred that the  
said Joseph recover against the said John the sum of three pounds six  
shillings and ten pence lawfull money damage and costs of Suit:  
Both partys now Appeared and refer'd this Case to David Wyer James  
Russell Esq<sup>r</sup>. and Stephen Hosmere and pursuant to their Report  
which was read and Accepted (& is in writing on file) It is Considered  
by the Court That the said Joseph Peabody recover against the said  
John Haynes One pound ten shillings and eight pence lawfull  
Money of this Province Damage and costs taxed at £

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Brewer v Prescott

&gt;&gt;

Elizabeth Brewer of Sherburn in the County of Middlesex widow  
 Executrix of the Testament of Moses Brewer late of said Sherburn Esq<sup>r</sup>.  
 dec'd Compl't against William Prescott of the District of Pepperrell in the  
 same County Gent<sup>n</sup>. The Compl't shew'd That at an Inf<sup>r</sup> Court of Common  
 pleas held at Charlestown in s<sup>d</sup>. County on the 2<sup>d</sup>. Tuesday of Dec<sup>r</sup>. last he  
 recover'd Judgment against the said William for £45.6.0 lawfull mony  
 Damage and costs of Suit from which Judgment he Appeal'd to this Court  
 and recogniz'd to prosecute the same but failed, wherefore the Compl't pray'd  
 Affirmation of said Judgment with Additional Interest and costs  
 Its therefore Considered by the Court That the said Elizabeth Brewer  
 Executrix as afores<sup>d</sup>. recover against the said William Prescott the sum of  
 forty five pounds thirteen shill<sup>s</sup>. lawfull money of this Province [<sup>^</sup>dam<sup>a^</sup>] and costs  
 taxed at £4.7.2.

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Ex'c'on issued

10<sup>th</sup>. febr'y 1761.

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Smith v Upham

&gt;&gt;

James Smith of Reading in the County of Middlesex Yeoman Compl't  
 against Richard Upham of said Reading Yeoman The Compl't shew'd  
 that at an Inf<sup>r</sup> Court of Common pleas held at Concord in s<sup>d</sup>. County on the first  
 Tuesday of Sept<sup>r</sup> last he recover'd Judgment against the said Richard for  
 five pounds 3/9 money dam<sup>a</sup>. and costs of Suit: from which Judgment he  
 Appealed to this Court and recogniz'd to prosecute the same but failed so to do  
 wherefore the Compl't pray'd affirmation of said Judgm<sup>t</sup>. with Additional Interest  
 and costs Its therefore Considered by the Court That the said James Smith  
 recover against the said Richard Upham the Sum of five pounds six shillings

lawfull money of this Province damage and costs taxed at £3.11.9.

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Ex'c'on issued

11<sup>th</sup>. febry, 1761.

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Same v Same

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James Smith jun<sup>r</sup>. of Reading in the County of Middlesex Husbandman Compl't  
against Richard Upham of s<sup>d</sup>. Reading Yeoman, The Compl't shew'd that at an Infer<sup>r</sup>.  
Court of Common pleas held at Concord in s<sup>d</sup>. County on the first Tuesday of Sept<sup>r</sup> last  
he recover'd Judgment against the s<sup>d</sup>. Richard for £20.17.3 money Damage  
and costs, from which Judgment he appeal'd to this Court and recogniz'd to  
prosecute the Same but fail'd so to do wherefore the Compl't pray'd Affirmation  
of s<sup>d</sup>. Judgment with Additional Interest and costs Its therefore Considered  
by the Court That the said James Smith jun<sup>r</sup>. recover against the said Richard Upham  
the Sum of twenty one pounds Six shill<sup>s</sup> & three pence lawfull mony of this Province  
Damage and costs taxed at £3.11.10.

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Ex'c'on issued

3<sup>d</sup>. febry 1761.

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[163v]

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Smith v Upham

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Abigail Smith of Reading in the County of Middlesex Spinster Compl't  
against Richard Upham of said Reading Yeoman The Compl't shew'd  
that at an Inf<sup>r</sup> Court of Common pleas held at Concord in s<sup>d</sup>. County on the first  
Tuesday of Sept<sup>r</sup> last he recovered Judgment against the said Richard  
for £6.15.1 mony damage & Costs from which Judgment he Appealed to this Court &

recogniz'd to prosecute the same but failed so to do wherefore the Complt  
 pray'd Affirmation of said Judgment with Additional Interest and costs  
 Its therefore Considered by the Court that the said Abigail Smith recover against  
 the said Richard Upham the Sum of Six pounds eighteen shillings  
 lawfull Money of this Province damage and costs taxed at £3.11.8.

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Ex'c'on issued

11<sup>th</sup>. february 1761.

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Spring. v Learned.

&gt;&gt;

Daniel Spring of Newton in the County of Middlesex Yeoman Complt  
 against Robert Learned of Watertown in the same County Husbandman  
 The Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Concord  
 in s<sup>d</sup>. County on the first Tuesday of Sept<sup>r</sup>. last he recovered Judgment against  
 the said Robert for £16.10.0 lawfull mony damage and costs from which  
 Judgment he appealed to this Court and recogniz'd to prosecute the same  
 but failed so to do wherefore the Complt pray'd affirmation of said Judgment  
 with Additional Costs Its therefore Considered by the Court that the said  
 Daniel Spring recover against the said Robert Learned the Sum of  
 Sixteen pounds ten shillings lawfull Mony of this Province damage and  
 costs taxed at £3.6.4.

&lt;&lt;

Ex'c'on issued

10<sup>th</sup>. february 1761.

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Mead v Learned

&gt;&gt;

Israel Mead of Lexington in the County of Middlesex Taylor Complt against  
 Robert Learned of watertown in the same County Husband-man the



Complt shew'd that at an Inferior Court of Common pleas held at Concord in said County on the first Tuesday of September last he recover'd Judgment against the said Robert for £7.11.4 lawfull Money damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do Wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost Its therefore Considered by the Court that said Israel Mead recover against the said Robert Learned the Sum of Seven pounds fourteen shillings and Six pence lawfull Money of this Province Damage & Costs taxed at £3.5.8

&lt;&lt;

Ex'c'on issued

2<sup>d</sup>. Mar. 1761.

&gt;&gt;

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&lt;&lt;

Swicher v Jackson

&gt;&gt;

Henry Swicher of westborough in the County of worcester housewright Complt against Michael Jackson of Newton in the County of Middlesex Gent<sup>n</sup>: The Complt Shew'd that at an Inf<sup>r</sup>: Court of Common pleas held at Concord in said County of Middlesex on the first Tuesday of Sept<sup>r</sup> last he recovered Judgment against the s<sup>d</sup>. Michael for £11.11.1 lawfull mony damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of s<sup>d</sup>. Judgment with Additional Interest and costs Its therefore Considered by the Court that the said Henry Swicher recover against the said Michael Jackson the sum of eleven pounds Sixteen shillings and three pence lawfull money of this Province Damage and costs taxed at £3.18.8.

&lt;&lt;

Ex'c'on issued

10<sup>th</sup>. feby 1761.

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Pratt v Mills.

>>

Oliver Prat of Newton in the County of Middlesex Innholder Complt against  
Abijah

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Image 208-Right

164.

[164r]

Abijah Mills of Needham in the County of Suffolk Yeoman the Complt  
shew'd that at an Inf<sup>r</sup> Court of Common pleas held at Concord in said County  
of Mid<sup>x</sup>. on the first Tuesday of Sept<sup>r</sup>. last he recovered Judgment against the said  
Abijah for £15.11.3 lawfull mony damage and costs from which Judgment  
he appealed to this Court and recogniz'd to prosecute the same but failed  
so to do wherefore the Complt pray'd affirmation of said Judgment with  
Additional Interest and costs Its therefore Considered by the Court that  
the said Oliver Prat recover against the said Abijah Mills the sum  
of fifteen pounds eighteen shillings and four pence Lawfull money of  
this Province damage and costs taxed at £3.9.11.

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Ex'c'on iss<sup>d</sup>:

23. febry 1761.

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Learned v Learned

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Thomas Learned of Dedham in the County of Suffolk Housewright  
complt v Jonas Learned of Cambridge in the County of Middlesex Gent<sup>n</sup>.  
The Complt shew'd that at an Infer<sup>r</sup>. Court of Common pleas held at  
Charlestown in s<sup>d</sup>. County of Middlesex on the second Tuesday of Dec<sup>r</sup>. last  
he recovered Judgment against the said Jonas for £49 lawfull  
money damage and costs from which Judgment he appealed to this  
Court and recogniz'd to prosecute the same but failed so to do wherefore

the Compl't pray'd affirmation of the said Judgment with Additional Interest and cost: Its therefore Considered by the Court that the said Thomas Learned recover against the said Jonas Learned the Sum of forty nine pounds seven shillings lawfull money of this Province Damage and Costs taxed at £3.14.8.

&lt;&lt;

Ex'c'on issued

18<sup>th</sup>. february 1761.

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Learned v Prentice

&gt;&gt;

Thomas Learned late of watertown in the County of Middlesex but now of Dedham in the County of Suffolk Housewright Compl't against Smith Prentice of s<sup>d</sup>. watertown Cooper The Compl't shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Charlestown in s<sup>d</sup>. County of Middlesex on the second Tuesday of Dec<sup>r</sup>. last he recover'd Judgment against the said Smith for £500 lawfull Mony debt and costs from which Judgm<sup>t</sup>. he Appeal'd to this Court and Recogniz'd to prosecute the same but failed so to do wherefore the Compl't pray'd affirmation of said Judgment with Additional Interest and costs Its therefore Considered by the Court that the said Thomas Learned recover against the said Smith Prentice five hundred and four pounds, 2<sup>s</sup>/. lawfull Money of this Province Debt and costs taxed at £3.5.6.

&lt;&lt;

Ex'c'on issued

18<sup>th</sup>. february. 1761.

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Inman v Hunnewell

&gt;&gt;

Ralph Inman of Cambridge in the County of Middlesex Merchant

Complt against Charles Hunnewell of Charlestown in S<sup>d</sup>. County Husbandman  
 The Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at said  
 Charlestown on the second Tuesday of Dec<sup>r</sup>. last he recover'd Judgment  
 against the said Charles for £13.17.4. lawfull money damage and costs,  
 from which Judgment he Appealed to this Court and recogniz'd to prosecute  
 the same but failed so to do wherefore the Complt pray'd affirmation of s<sup>d</sup>.  
 Judgment with Additional Interest and costs Its therefore Considered by  
 the Court that the said Ralph Inman recover against the said Charles  
 Hunnewell the sum of thirteen pounds nineteen shillings and eight pence  
 lawfull money of this Province damage and costs taxed at £3.3.10.

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Ex'c'on issued

29<sup>th</sup>. May. 1761.

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Sprague v Oakes

&gt;&gt;

Nathan Sprague of Malden in the County of Middlesex Husbandman

Complt

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Image 209-Left

[164v]

Complt against Edward Oakes of Medford in the same County Brick-  
 maker and Samuel Sergeant of Chelsea in the County of Suffolk  
 Tanner, the Complt Shew'd that at an Inf<sup>r</sup>. Court of Common pleas  
 held at Charlestown in said County of Middlesex on the second Tuesday  
 of Dec<sup>r</sup>. last he recovered Judgment against them for £12.10.10<sup>d</sup>.  
 lawfull money debts and costs from which Judgment they Appealed to  
 this Court and recogniz'd to prosecute the same but failed so to do;  
 wherefore the Complt pray'd affirmation of said Judgment with Additional  
 Interest and costs Its therefore Considered by the Court that the said  
 Nathan Sprague recover against the said Edward Oakes [^& Samuel Sergeant^] the sum  
 of twelve pounds twelve shillings and seven pence lawfull money

of this Province debt and costs taxed at £3.10.3.

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Ex'c'on issued

7<sup>th</sup>. July. 1761.

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Collins v Oakes.

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Moses Collins of Malden in the County of Middlesex Cordwainer  
Complt against Edward Oakes of Medford in s<sup>d</sup>. County Brickmaker  
the Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at  
Charlestown in s<sup>d</sup>. County on the second tuesday of Dec<sup>r</sup>. last he recover'd  
Judgment against the said Edward for £16.1.0 lawfull money  
damage and costs from which Judgment he Appeal'd to this Court and  
recogniz'd to prosecute the same but failed so to do wherefore the  
Complt pray'd Affirmation of said Judgment with Additional Interest  
and costs Its therefore Considered by the Court That the said Moses  
Collins recover against the said Edward Oakes the Sum of Sixteen  
pounds three shill<sup>s</sup>. and seven pence lawfull money of this Province  
Damage and costs taxed at £2.16.9.

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Ex'c'on issued

18. Ma<sup>r</sup>. 1761.

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Hall v Oakes.

>>

Stephen Hall of Medford in the County of Middlesex Esq<sup>r</sup>. Complt against  
Edward Oakes of said Medford Brickmaker the Complt shew'd that at  
an Inferiour Court of Common pleas held at Concord in said County on the  
first Tuesday of September last he recover'd Judgment against the  
said Edward for £48.0.4 lawfull money damage and costs from which

Judgment he appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and costs Its therefore Considered by the Court that the said Stephen Hall recover against the said Edward Oakes the Sum of forty nine pounds five shillings and eight pence lawfull money of this Province damage and costs taxed at £3.6.8.

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Ex'c'on iss<sup>d</sup>.

18. feby 1761.

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Bacon v Martin

&gt;&gt;

Daniel Bacon of Natick in the County of Middlesex Yeoman Complt against Francis Martin of Cambridge in s<sup>d</sup>. County Hatmaker The Complt shew'd that at an Infer<sup>r</sup>. Court of Common pleas held at Charlestown in said County on the second Tuesday of Dec<sup>r</sup>. last he recovered Judgment against the s<sup>d</sup>. Francis for £5.0.9. lawfull money Damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest & Costs Its therefore Considered by the

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Image 209-Right

165.

[165r]

the Court that the said Daniel Bacon recover against the said Francis Martin the sum of five pounds one shilling and eight pence lawfull Money of this Province damage and costs taxed at £3.2.0

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Ex'c'on issued

17<sup>th</sup>. feby 1761.

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Merick v Wooley.

&gt;&gt;

Tilley Merrick of Concord in the County of Middlesex Shopkeeper  
 Complt against Thomas Wooley of Bedford in the same County Yeoman, The Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Charlestown in said County on the second tuesday of Dec<sup>r</sup>. last, he recovered Judgment against the said Thomas for £2.15.8 lawful money damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its therefore Considered by the Court that the said Tilley Merick recover against the said Thomas Wooley the Sum of two pounds sixteen shill<sup>s</sup>. and one penny lawfull mony of this Province Damage and costs taxed at £3.16.2.

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Ex'c'on issued

20<sup>th</sup>. february 1761.

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Holdin v Wooley

&gt;&gt;

Josiah Holdin of Concord in the County of Middlesex Cordwainer & one of the Deputy Sheriffs of the same County Complt against Thomas Wooley of Bedford in the same County Yeoman the Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Charlestown in said County on the second Tuesday of December last he recovered Judgment against the said Thomas for £3.3.1 lawfull money damage and costs from which Judgment he appealed to this Court and recogniz'd with Sureties to prosecute the same but fail'd so to do wherefore the Complt pray'd Affirmation of s<sup>d</sup>: Judgment with Additional Interest and costs Its therefore Consider'd by the

Court that the said Josiah Holdin recover against the said Thomas Wooley the Sum of three pounds three shill<sup>s</sup>: & nine pence Lawful Mony of this Province Damage and costs taxed at £3.16.4.

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Ex'c'on issued

26. Febry 1761

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Order on abbot's pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of David Abbot Administrator of the Estate of Robert Hildreth late of Chelmsford in the County of Middlesex deceased Intestate wherein the Pet<sup>r</sup>. setts forth that the Estate of the said deceased is insolvent and insufficient to pay his just debts and therefore pray'd that this Court would licence him to make sale of the whole of the said deceased's real Estate that so the proceeds of the Sale thereof may be Apply'd towards discharging his just debts Ordered the Prayer of the Pet<sup>r</sup> be granted and that the said David Abbot in his said Capacity be and he hereby is empowered to make sale of the whole of the said deceased's real Estate for the ends aforesaid and to pass and Execute a good deed or deeds in the Law for conveyance thereof, the Pet<sup>r</sup>. to post up notifications thirty days before Sale and Account with the Judge of Probate for said County as the Law directs.

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Order on Smith's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Jonathan Smith Administrator of the Estate of Joseph Underwood late of Lexington in the County of Middlesex deceased Intestate wherein the Pet<sup>r</sup> Shew'd that the said deceased's personal Estate is not sufficient to pay his just debts and therefore pray'd that this Court would licence him in his said Capacity to make sale of two thirds of the said deceased's real Estate the



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Image 210-Left

[165v]

(the Other third part thereof being set of to his Widow for her Dower)  
 that so the proceeds of the sale thereof may be Apply'd towards dis-  
 charging his just Debts Ordered that the prayer of this Petition be  
 granted and the said Jonathan is hereby impowered to make Sale  
 of the said two thirds of the said deceased's real Estate for the purposes  
 aforesaid and to make and execute a good Deed or Deeds in the Law  
 for the conveyance thereof, the Pet<sup>r</sup> to post up notifications thirty days  
 before Sale and to Account with the Judge of Probate for said County  
 for the proceeds of said Sale as the Law directs.

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Fuller v Swain

&gt;&gt;

Timothy Fuller of Middleton in the County of Essex Gentleman  
 appellant against John Swain of Reading in the County of  
 Middlesex Yeoman and Hepzibah his wife Appellees from  
 the Judgment of an Inferior Court of Common pleas held at  
 Charlestown in said County on the second Tuesday of December  
 last when and where the Appellee was plt and the App'lees  
 were Defts In a plea of Debt for that the said Timothy on the  
 first day of September AD 1750 at Reading aforesaid by his  
 Bond in Court to be produced bound himself to the said Hepzibah  
 then Sole, and called Hepzibah Nurse in One thousand pounds  
 lawfull money of New England to be paid her on demand Yet  
 the said Timothy tho' often requested has not paid the same but  
 Still unjustly detains it to the Damage of the said John Swain  
 and Hepzibah his wife as they say the sum of eighty pounds  
 At which said Inferiour Court Judgment was rendred that  
 the said John Swain and Hepzibah his wife recover against  
 the said Timothy Fuller the Sum of Sixty four pounds ten shill<sup>s</sup>:

and four pence lawfull money debt (being the chancery of the Bond declared on to its just debt) and costs of Suit: Both partys now Appeared and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellees the forfeiture of the penalty of the Bond sued on being £1000 lawfull mony and costs Its therefore Considered by the Court that the said John Swain and Hepzibah his wife recover against the said Timothy Fuller the Sum of forty five pounds three shillings and nine pence lawfull Money Debt (being the chancery of the Bond sued onto its just debt & Damage) & Costs taxed at £7.3.6.

Boston April 10<sup>th</sup>. 1761. (Thereby acknowledge I have received full Satisfaction of the Judgment

above recorded both debt and costs. M. Jos Eaton. Attny to s<sup>d</sup>. Swain et ux<sup>r</sup>.

Wits Arodi Thayer

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Bruscowitz Indicted.

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The Jurors for the Lord the King [^for this County^] did upon their Oath present that Anna Bruscowitz late of Cambridge in the County of Middlesex widow on the fifteenth day of January currant at Cambridge aforesaid minding and maliciously contriving to burn and destroy a dwelling house in Cambridge aforesaid wherein Daniel Brown and Andrew Wilson and their Families and the said Anna then lived, as also to burn and destroy their goods

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Image 210-Right

166.

[166r]

goods and Chattles therein she the said Anna on the said fifteenth day of January currant at Cambridge aforesaid with a Brand of Fire which she then and there held in her hand did then and there privately willfully and maliciously set on fire the same house by means whereof part of it was burnt and the whole of the said house and

the said Brown and Wilson's goods and Chattles therein would have been consumed by the fire aforesaid had it not been by the said Brown and his Family seasonably discovered and extinguish'd in evil example to Others against the Peace of the said Lord the King his Crown and Dignity: to this Indictment the said Anna Bruscowitz (being set to the Bar and Arraign'd) pleaded not Guilty: A Jury was Sworn to try the issue (Mr Roger Billings Foreman and fellows) who having fully heard the Evidence, upon their Oath said that the said Anna Bruscowitz is not Guilty. It is therefore Considered by the Court That the said Anna Bruscowitz go without day.

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Upon the Motion of Tim<sup>o</sup>. Putnam Ordered that in case William Kitteridge do not comply with and fullfill the terms of the rule enter'd into with the said Putnam at the last term within two months from this time, he be summoned to Appear at the next term to answer for his neglect.

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Order on Tufts's et al pet<sup>o</sup>.

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{The petition of Simon Tufts & al (as on file)}

{for division of Land allow'd.}

Charlestown January 31<sup>st</sup>.. 1761.

The Court enter'd up Judgment according to the Verdicts,  
and then Adjourned without day.

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Image 211-Left

[166v]

Province of the} Anno Regni Regis Georgii tertii magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ primo.  
Suffolk sc.}

At His Majesty's Superiour Court of Judicature Court of

of Assize and general Goal Delivery began and held at  
 Boston within and for the County of Suffolk on the third  
 Tuesday of february (being the 17<sup>th</sup>: day of said Month)  
 Annoque Domini 1761.

By the hon<sup>ble</sup>: Thomas Hutchinson Esq<sup>r</sup>: Cheif Justice  
 Benjamin Lynde}  
 John Cushing}  
 Chambers Russell and} Esq<sup>rs</sup>: Justices.

Peter Oliver}

The Names of the Grand Jurors and Petit Jurors are in  
 the List on file.

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King v Friswell.

>>

Edward King Appellant ~~vs~~ Andrew Friswell Appellee.  
 Neither Party Appears.

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Burk v Phillips

>>

Patrick Burk Appellant ~~vs~~ Gillam Phillips Appellee.  
 Neither Party Appears.

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Row et al v Osborne

>>

John Rowe et al Appellants ~~vs~~ John Osborn Esq<sup>r</sup>. Appellee.  
 Neither Party Appears.

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Same. v Sargent

>>

John Rowe et al Appellants ~~vs~~ Epes Sargent Appellee.  
 Neither Party Appears

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Champney v Williams.

&gt;&gt;

John Champney Appellant vs Eleazer Williams Appellee.

Neither Party Appears.

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Jeffries v Davis

&gt;&gt;

David Jeffries Appellant vs Thomas Davis Appellee

Neither Party Appears.

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Stevens v M<sup>c</sup>Taggart

&gt;&gt;

John Stevens of Boston in the County of Suffolk Merchant Apl<sup>t</sup>  
 vs Peter M<sup>c</sup>Taggart of said Boston Mariner Appellee from the Judgm<sup>t</sup>  
 of an Inferiour Court of Common pleas held at said Boston for said County  
 on the first Tuesday of April last when and where the Appellant was  
 plt and the Ap<sup>'</sup>lee was Deft in a plea of Account for that the said Peter  
 was at said Boston from the first day of January AD 1757 to the first  
 day of January AD 1759 Bailiff and received of the monies of the said John by  
 the said John's Appointment at said Boston on the said first day of  
 January AD 1757 and within the term aforesaid said Peter at said Boston  
 received divers sums of money of the said John Stevens's viz<sup>t</sup>: the sum  
 of One thousand pounds by the hands of the said John Stevens Two thousand  
 pounds more by the hands of Charles Apthorp deceased and his Son  
 Charles

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Image 211-Right

167.

[167r]

Charles Apthorp, two thousand pounds more by the hands of Barlow Trecothick John Apthorp and John Thomlinson and one thousand pounds more by the hands of William Rindge amounting in the whole to Six thousand pounds to Merchandize and make profit thereof and to render a reasonable Account thereof to the said John Stevens on demand yet the said Peter tho' often requested hath not rendred any Account thereof but neglects it To the damage of the said John Stevens as he saith the Sum of two thousand pounds; At which said Inferiour Court Judgment was rendred upon the demurrer there that the said Peter M<sup>c</sup>Taggart recover against the said John Stevens costs of Suit: This Appeal was bro't forward at the last term and from thence was continued to this Court and now the parties appeared and wav'd the Demurrer aforesaid and join'd the issue tendred at the said Inferiour Court and on file, and then the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs Its therefore Considered by the Court that the said Peter M<sup>c</sup>Taggart recover against the said John Stevens costs taxed at £3.1.11.

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Ex'c'on issued

5. Mar. 1761.

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M<sup>c</sup>Taggart v Stevens

&gt;&gt;

Peter Mc:Taggart of Boston in the County of Suffolk Mariner  
Appellant ~~vs~~ John Stevens of said Boston Merchant Appellee from  
the Judgment of an Inferior Court of Common pleas held at Boston in  
and for the County of Suffolk on the first Tuesday of April last when  
and where the Appellee was plt and the Aplant was Deft In a  
plea of Trespass upon the case as in the writ on file tested the 21<sup>st</sup>: day

of february AD 1760, at large Appears, At which said Inferiour Court Judgment was rendred upon the demurrer there that the said John Stevens recover against the said Peter M<sup>c</sup>:Taggart the sum of fifteen hundred pounds lawfull money of great Britain Damage and costs of Suit: This appeal was bro't forward at last Term and from thence was continued to this Court and now the parties Appeared and the pleadings made at said Inferiour Court and on file being waved by consent the said Peter by Benj<sup>a</sup>. Prat Esq<sup>r</sup>. his Attorney plead anew and said he is not Guilty as the said John declares and thereof put &c whereupon issue being join'd the case after a full hearing was committed to a Jury sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment and costs It is therefore Considered by the Court that the said former Judgment be reversed and that the said Peter M<sup>c</sup>:Taggart recover against the said John Stevens costs taxed at £5.14.9.

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Ex'c'on ut supra

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Image 212-Left

[167v]

&lt;&lt;

Dommit &amp; Prince. v Hall

&gt;&gt;

Joseph Dommit and Christopher Prince both of Boston in the County of Suffolk Mariners Appellants ~~vs~~ Andrew Hall of said Boston Merchant Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston for said County on the first Tuesday of April last when and where the Aplants were plts and the Aplees were Defts In a plea of Trespass on the case for that the Deft on the 30<sup>th</sup>: day of November AD 1758 at Boston aforesaid drew and subscribed his

Order directed to Hezekiah Blanchard and thereby requested the said Hezekiah to deliver to the plt or their Order three hogsheads of rum within that week wherein said Order was drawn and five hogsheads more of rum in fifteen days after and to charge the same to his the Defts Acco<sup>t</sup> and the plt then and there presented said Order to the s<sup>d</sup>: Hezekiah for his Acceptance and he then and there Accepted the same in writing and promist the plts to deliver the same Accordingly & afterwards on the same day the Deft in consideration of the sum of fifty Six pounds thirteen shillings and four pence then paid by the plts to him for one moiety of said rum and One moiety of another quantity of two hundred gallons of rum to be receiv'd of Thomas Jackson of said Boston granted and agreed with the plts that they Should have one moiety of said eight hogsheads consisting of Eight hundred Gallons together with One moiety of said two hundred gallons of Rum to their own use and the other moiety to ship to Halifax on the Defts Account and risque consign'd to the plt Christopher Prince and then and there promist the plts that they should have the whole Accordingly Yet the Deft not regarding his promise and Agreement afores<sup>d</sup>: but contriving to cheat and defraud the plts on the first day of December last at Boston aforesaid falsely affirmed to the said Hezekiah that the plts were about to sue the said Hezekiah for part of said eight hogsheads which were then not delivered vizt: One hundred and seventy seven Gallons thereof that the plt would ask no more for it but sue him and that if he the said Hezekiah would deliver said One hundred and seventy seven Gallons part of the rum aforesaid to him he the Deft would deliver it to the plts and the said Hezekiah beleiving that the said Andrew Hall then spoke the truth and trusting he would deliver the same to the plts then and there delivered said One hundred and seventy seven Gallons of rum of the Value of thirty pounds to the said Andrew Hall for him to deliver to the plts on Acco<sup>t</sup>: of the Order Accepted by the said Hezekiah as aforesaid and the said Andrew rec<sup>d</sup>: the same Accordingly yet he never delivered the same to the plts tho' requested but has deceitfully and fraudulently disposed of the same to his own use to the Damage of the said Joseph and Christopher as they say the Sum of forty pounds At which said Inferiour Court upon the Demurrer there



Judgment was rendred that the said Andrew recover against the said Joseph & Christopher costs of Suit: this Appeal was bro't forward at last term & from thence was continued to this Court and now the parties Appeared and the Demurrer being waved by Consent and the issue tendred at s<sup>d</sup>. Inferior Court (and on the file being join'd) [~] the case after a full hearing was committed to a

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Image 212-Right

168.

[168r]

to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellants reversion of the former Judgment twenty eight pounds one shilling and six pence mony damage and costs It is therefore Considered by the Court that the former Judgment be reversed and that the said Joseph Dommit and Christopher Prince recover against the s<sup>d</sup>: Andrew Hall the Sum of twenty eight pounds one shilling and six pence lawfull mony of this Province damage and costs taxed at £6.17.3.

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Ex'c'on issued

5 Mar. 1761.

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Blanchard v Cockrean

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Joshua Blanchard of Boston in the County of Suffolk Merchant Appellant ~~vs~~ Samuel Cockrean of said Boston wharffinger the only Surviving Administrator of all and Singular the goods and Chattels rights and credits of James Boyd late of Boston aforesaid mariner deceased Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in & for said County on the first tuesday of July

last when and where the aplee was plt and the Apl't was Deft In a plea of trespass on the Case (as in the writ on file tested the 28<sup>th</sup>. day of May last at large appears) At w<sup>ch</sup>: s<sup>d</sup>. Inf<sup>r</sup> Court Judgment was rendred for the said Administrator to recover against the s<sup>d</sup>. Joshua the sum of twenty two pounds twelve shillings and four pence lawfull mony of great Britain Damage & Costs. This Appeal together with Another between the said Joshua (as original plt & the said Administrator) was bro't forward at the last term when & where the parties appear'd & refer'd the said Appeals and all Other demands between said Blanchard and said Cockean in said Capacity to Royal Tyler Esq<sup>r</sup>. Mess<sup>rs</sup>. Daniel Marsh and Henderson Inches, the determination of said Referrees or of the Major part of them to be final Report to be made to the Court as soon as might be and from that term said Appeals were continued to this Court no report having been made and now the partys Appear'd and said Referees reported in writing under their hands as on file which Report being read and Accepted pursuant thereunto It is Considered by the Court That the parties pay their own costs in both the said Actions.

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Russell v Fulton

&gt;&gt;

Joseph Russell of Boston in the County of Suffolk Housewright Apl't  
 vs Robert Fulton of said Boston Labourer Ap'lee from the Judgment of an Inferiour Court of Common pleas held at said Boston for said County on the first Tuesday of July last when and where the Ap'lee was plt and the Apl't was Deft In a plea of Debt (as in the writ on file is at large sett forth) at which s<sup>d</sup>. Inferiour Court Judgment was rendred that the said Robert recover ag<sup>st</sup>: said Joseph twenty pounds lawfull money damage and costs: This Appeal was bro't forward at last term and from thence continued to this Court under reference no Report having been made and two of the Referrees who were chosen and Appointed at last Term made their Report in writing ([+] as on file) which Report was read and Accepted and pursuant thereto It is Considered by

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[168v]

by the Court that the said Robert Fulton recover against the said Joseph Russell the sum of three pounds twelve shillings lawfull money of this Province debt: Each party to pay his own costs and the costs of the reference to be paid equally between them.

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Newman v Homans

&gt;&gt;

Elizabeth Newman of the parish of S<sup>t</sup>. Mary White chappel in the County of Middlesex Widow Administratrix of all and Singular the goods and Chattles Rights and Credits of William Newman late of the same Parish Silk thrower deceased Appellant ~~vs~~ John Homans of Dorchester in the County of Suffolk Merchant and Surviving partner in Trade with Timothy Emerson late of said Boston Merch<sup>t</sup>: deceased Appellee from the Judgment of an Inferiour Court of Com'on pleas held at Boston in and for said County of Suffolk on the first Tuesday of July last, when & where the ap<sup>l</sup>t was p<sup>l</sup>t and the Ap'lee was Deft In a plea of Trespass on the Case for that the Deft & the said Timothy Emerson on the twelfth day of May AD 1741 being indebted to the said William four thousand five hundred and three pounds Sixteen shillings and eleven pence in bills of publick Credit on this Province of the Old tenor According to the Account to the writ Annex<sup>t</sup> at Boston aforesaid promist the said William to pay him the Same being of the Value of eight hundred and fifty pounds lawfull money of Great Britain on demand: And also afterwards viz on the same day the Deft and the said Timothy being indebted to the said William another Sum of four thousand five hundred and three pounds sixteen shillings and eleven pence in bills of Credit on this Province of the Old tenor (being of the Value of eight hundred and fifty pounds lawfull money [<sup>^</sup>of Great Britain<sup>^</sup>]) or that sum by them before that time had & receiv'd to the use of the said William at Boston aforesaid promised

the said William to pay him the same on demand with Interest till paid yet neither the Deft and the said Timothy in the life time of the said Timothy nor either of them ever paid either of the Sums aforesaid tho' requested neither hath the Deft paid either of them or the Interest thereof since the Death of his said late Partner tho requested but neglects and refuses to pay them to the damage of the said Elizabeth Admin<sup>x</sup>: as aforesaid as she saith the Sum of two thousand pounds, at which said Inferiour Court upon the Demurrer there Judgment was rendred that the said John Homans recover against the Estate of the said William deceased in the hands of the said Elizabeth Administratrix as afores<sup>d</sup>: costs of Suit: This Appeal was bro't forward at last Term and from thence was continued to this Court and now the parties appeared and the said Demurrer being waved by consent and the issue tendred at said Inferior Court & on file being join'd the case after a full hearing was committed to a Jury Sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment thirty eight pounds six shillings and five pence lawfull money damage and costs It is therefore Considered by the Court That the former Judgment

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[169r]

Judgment be revers'd and that the said Elizabeth Newman Administratrix as aforesaid recover against the said John Homans the Sum of thirty eight pounds six shillings and five pence lawfull mony of this Province Damage and costs taxed at £6.8.5.

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Ex'c'on issued

5. Mar. 1761.

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Moulton v Blanchard

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Jonathan Moulton of Hampton in the Province of New-Hampshire Merchant Appellant ~~vs~~ Joshua Blanchard of Boston in the County of Suffolk Merchant Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on first tuesday of July last when and where the Aplee was plt & the Apl't was Deft in a plea of Debt for that the said Jonathan at Boston aforesaid on the third day of June in the thirty first Year of the King's Reign by his Obligation in Court to be produced bound himself to the said Joshua [-] to the said Joshua by the name of Joshua Blanchard of Boston in the County of Essex and Province of the Massachusetts Bay Merchant in the Sum of One thousand pounds lawfull Money of the same Province to be paid to the plt on demand yet the said Jonathan tho' requested hath never paid the same but detains it To the Damage of the said Joshua as he saith the sum of One hundred and seventy pounds At which said Inferiour Court upon the demurrer there Judgment was rendred that the said Joshua Blanchard recover against the said Jonathan Moulton the sum of One thousand pounds lawfull mony Debt and costs, This Appeal was bro't forward at last Term and from thence was continued to this Court and now the parties Appear'd and the pleadings made at s<sup>d</sup>: Inferiour being waved by Consent the said Jonathan by Benj<sup>a</sup>: Prat Esq<sup>r</sup>. his Attorney plead anew & Defended and having had oyer of the Obligation declared on and the Condition thereof says the said Joshua ought not to have and maintain this Action against him for that he says neither the Arbitrators in the said Conditions named nor any two of them made any award upon the premisses Submitted According to the tenor of the Conditions aforesaid and thereof put &c and the said Joshua by M<sup>r</sup>. Oxen<sup>e</sup>: Thacher his Attorney did likewise whereupon issue being join'd the case after a full hearing was committed to a Jury sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellee the forfeiture of the penalty of the Bond sued on being £1000 lawfull money It is therefore Considered by the Court

that the said Joshua Blanchard recover against the said Jonathan Moulton the Sum of ninety pounds two shillings and two pence lawfull Money of this Province being the Chancery of the Bond sued on to its just debt & Damage and costs taxed at £6.8.4.

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Ex'c'on issued

16. March 1761

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Bowles v Chambers

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John Bowles of Charlestown in the County of Middlesex Mariner

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[169v]

Appellant ~~vs~~ William Chambers of Boston in the County of Suffolk  
 Mariner Appellee from the Judgment of an Inferiour Court of  
 Common pleas held at said Boston for said County of Suffolk on the  
 first tuesday of July last when and where the Ap'lee was plt  
 and the Aplt was Deft In a plea of the case for that the said John on  
 the seventeenth of March last at said Boston owing the plt fifteen  
 pounds fourteen shillings and eight pence of lawfull money According  
 to the Account Annexed to the writ promised the plt to pay it him  
 on demand yet he hath not paid it tho' requested but neglects it  
 To the Damage of the said William as he saith the Sum of twenty  
 pounds At which s<sup>d</sup>: Infer<sup>r</sup>: Court Judgment was rendred that the  
 said William recover against the said John the Sum of fifteen  
 pounds twelve shillings lawfull Mony damage & Costs: this Appeal  
 was bro't forward at last term and from thence was continued to  
 this Court and now the parties appear'd and the case after a full  
 hearing was committed to a Jury sworn According to Law to try the  
 same who return'd their Verdict therein upon Oath that is to say they

find for the Appellee fifteen pounds twelve shillings lawfull money  
 Damage & costs It is therefore Considered by the Court that the  
 said William Chambers recover against the said John Bowles the  
 Sum of fifteen pounds twelve shillings lawful money of this Province  
 damage and costs taxed at £5.8.11. Boston feb<sup>ry</sup>: 2<sup>d</sup>. 1762. as attorney to  
 the Appellee I hereby Acknowledge to have receiv'd full satisfaction of this Judgment

Wit<sup>s</sup>. n. Hatch Cler.      Oxen. Thacher

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Ex'c'on issued

11. Mar. 1761.

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Quincy. v Fitch

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Norton Quincy of Braintree in the County of Suffolk Appellant *vs*  
 Benjamin Fitch of Boston in said County Gent<sup>n</sup>. Appellee from the  
 Judgment of an Inferior Court of Common pleas held at s<sup>d</sup>: Boston for s<sup>d</sup>:  
 County on the first Tuesday of July last when & where the Apl<sup>t</sup> was pl<sup>t</sup>  
 and the Ap'lee was Deft In a plea of covenant broken (as in the writ on  
 file tested the 27<sup>th</sup>: of June last is sett forth at large) At which s<sup>d</sup>: Inferior  
 Court Judgment was rendred that the said Benjamin recover against  
 the said Norton costs, This Appeal was bro't forward at last term and  
 from thence was continued to this Court and now the Apl<sup>t</sup> Appear'd but  
 the Appellee tho' solemnly called to come into Court did not Appear but  
 made Default It is Considered by the Court that the said Norton  
 Quincy recover against the said Benjamin Fitch the Sum of Seventy  
 two pounds five shillings and four pence lawfull money of this Province  
 Debt and costs taxed at £5.9.0.

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Ex'c'on issued

6. Mar. 1761.

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Phillips v Gridley.

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Gillam Phillips of Boston in the County of Suffolk Esq<sup>r</sup>. Appellant ~~vs~~  
 Jeremiah Gridley of Brookline in said County Esq<sup>r</sup>. Ap<sup>'</sup>lee from the  
 Judgment of an Inferiour Court of Common pleas held at Boston in and for  
 said County on the first tuesday of July last when & where the Applt was  
 plt and the Appellee was Deft In a plea of Ejectment wherein he demands  
 against the said Jeremiah the Possession of a Messuage in said Boston bounded  
 Northerly

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170.

[170r]

Northerly on half Square Court westerly on pudding lane easterly  
 on land of John Powel Southerly on said Gillam Phillips's other land  
 and the Appurtenances as his Inheritance and into which the said  
 Jeremiah hath no Entry but after a demise thereof from the said  
 Gillam to said Jeremiah for a term which is expired and which after  
 the expiration of said term ought to return to said Gillam And where-  
 upon said Gillam saith that he was on the first day of June AD  
 1753, seized of the premisses and Appur'ces in his Demesne as of fee  
 and being so seiz'd demised the same to the said Jeremiah for a  
 term that is past and which after the expiration of said term ought  
 to return to said Gillam yet the said Jeremiah deforceth the said  
 Gillam and holds him out of Possession of the premisses and Ap-  
 purtenances to the damage of the said Gillam as he saith the Sum of  
 a hundred pounds; At which said Inferiour Court upon the Demurrer  
 there Judgment was rendred that the said Jeremiah recover against  
 the said Gillam costs: This Appeal was bro't forward at last term  
 and from thence was continued to this Court and now the parties  
 Appeared and the said Demurrer being waved and the issue  
 tendred at said Inferiour Court (and on file) being join'd, the



case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Considered by the Court that the said Jeremiah Gridley recover against the said Gillam Phillips costs taxed at £3.0.1.

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Ex'c'on issued

15. Dec<sup>r</sup>. 1761.

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Bromfeild v Franklin

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Henry Bromfeild of Boston in the County of Suffolk Merchant Appellant ~~vs~~ Michael Franklin of Halifax in the Province of nova Scotia Merchant Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last when and where the Appellee was plt and the Appellant was Deft In a plea of trespass on the case for that the said Michael on the 14<sup>th</sup>: day of August AD 1759 at Boston aforesaid by Benjamin Faneuil jun<sup>r</sup>. his Attorney according to the usage and custom of Merchants caused to be made and written a policy of Insurance in which written policy it is mention'd "That the said Michael as aforesaid made Assurance and caused himself to be Insured lost or not lost the Sum of two thousand four hundred pounds lawfull money from Halifax to any part of the River St<sup>t</sup>: Laurence as high as where the British Fleet or Army might then be and for twenty days after her Arrival with liberty to touch at Louisbourg and break bulk on any kind of goods or Merchandize laden on board the Brigantine Brown (Interest going up the River with charges exclusive of Premium valued at the above Sum) whereof was Master under God for that present Voyage John Troup or whoever else should go Master in the said Vessell or by whatsoever Other name or names the Same Vessell or the Master thereof was on  
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[170v]

or should be named or called beginning the Adventure upon said goods as aforesaid and so to continue and endure during said Voyage as aforesaid and it should be lawfull for the Vessell &c in this Voyage in cases of extremity and distress to proceed and sail to and touch at any ports or places whatsoever without Prejudice to that Insurance touching the Adventures and perils which they the Assurers were content to bear, & did take upon them they were of the Seas, Men of War, Fire, Enemies, Pirates, Rovers, Theives, Jettizons, Letters of Mart and countermart, Surprizal taking at Sea, Arrests, Restraints and detainments of all Kings Princes and People of what Nation Condition or Quality whatsoever, Barratry of the Master (unless the Assured be Master of said Vessell) and Mariners & all Other Perils losses and misfortunes that had or should come to the hurt detriment or damage of the said Goods or any part thereof and in case of any loss or misfortune it should be lawfull for the Assureds their Factors Servants or Assigns to sue labour and travel for in & about the defence safe Guard and recovery of said goods or any part thereof without Prejudice to that Insurance, to the charges whereof they the Assurers would contribute each one According to the rate and Quantity of his Sum herein Assured. And that in case of an Average loss not exceeding ten pounds per Cent: the Assurers by Agreement with the Assured are not to pay or allow any thing towards such loss, and in case of any loss the Money to be paid in thirty days after proof of the same and it was agreed by them the Insurers that that writing or policy of Insurance should be of as much force and effect as the Surest writing a Policy of Assurance heretofore made in Lombard Street or in the Royal exchange or elsewhere in London; and so they the Assurers were contented and did thereby promise and bind themselves each One for his own part his heirs Executors and goods to the Assured his Exe'cors Adm'ors or Assigns for the true performance of the premisses confessing themselves paid the consideration due unto them for that Insurance by the Assured at and after the rate of seven pounds per cent and in case any dispute arising there upon the matter in contro-

versy should be Submitted to and decided by the referrees chosen by each Party agreeable to rules and customs in London In Witness whereof they the Assurers had Subscribed their names and Sums Assured in Boston New England the 14<sup>th</sup>: day of August AD 1759. Now the said Michael Franklin in fact says that after the making the same Policy of Insurance viz<sup>t</sup>: on the Same day at Boston aforesaid the Defend<sup>t</sup>: had notice thereof and thereupon in consideration that the said Michael as aforesaid then and there agreed with the Deft that he (the plant as aforesaid) would pay him (the Defend<sup>t</sup>) According to the rate of seven pounds percent and perform all and Singular. the other matters and things contained in said Policy on the part of the Assured to be performed for the Insurance of One hundred pounds lawfull money for that Voyage to be made by the Defendant according to the tenor of the said policy, and did Actually pay and perform the same, /he the Deft then and there in writing agreed and was content with the said policy of Insurance for the Sum and Voyage aforesaid According to the tenor & true

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[171r]

true intent of the same policy and the Deft in consideration of the premisses then and there actually undertook and faithfully promist the plant that he would well and truly perform all the premisses on his part to be performed as to the said One hundred pounds by him so insured. And the plt in fact says that at the time of the Insurance made by the Deft as aforesaid the said Brigantine Brown was found and in good safety and the plt further says that afterwards viz<sup>t</sup>: on the fourth day of September AD 1759 the same Brigantine and her Cargo in the prosecution of the Voyage aforesaid in the River S<sup>t</sup>. Laurence on a place called Beaumont ledges in Boston aforesaid by the Severity of the Weather were intirely lost the Vessell Stove and broke to peices and the Cargo wholly spoiled and perished whereupon afterwards viz<sup>t</sup>: on the first day of March last at said

Boston the plt gave notice thereof to the Defend<sup>t</sup> and the Other Assurers Subscribing the said Policy and then and there According to the Custom of Merchants renounced to the Deft and the other Assurers as afores<sup>d</sup>: all his Interest in the said Brigantine and her Cargo and produced to him and them full proof of said loss and then and there requested the Defendant to pay to him the said One hundred pounds Assured as aforesaid by the Deft and which he Ought to have paid by reason of the premisses and According to the Custom of Merchants yet the Deft not regarding his promise and undertaking aforesaid but intending to deceive and defraud the plt hath never paid said Sum of One hundred pounds nor any part thereof tho' requested as aforesaid but neglects and refuses to pay the same To the damage of the said Michael as he saith the Sum of One hundred and twenty pounds at which said Inferiour Court Judgment was rendred upon the Demurrer there Judgment was rendred that the said Michael recover against the said Henry the sum of One hundred and twenty pounds lawfull money damage and costs: This Appeal was brot forward at last term and from thence was continued to this Court and now the parties Appeared and the [.]

case after a full hearing was committed to a Jury sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find Specially viz<sup>t</sup>: That the said Michael did Ship on Board the Brigantine Brown John Troup Master from Halifax to any part of the River S<sup>t</sup>: Lawrence as high as the British Fleet or Army might be a Quantity of Goods to the value of two thousand four hundred pounds lawfull money of this Province and that the whole was Insured and that the Deft Henry Bromfeild did Insure of the said Goods to the Value of One hundred pounds of the like money by a policy of Insurance made at Boston the 14<sup>th</sup>: of August AD 1759, The Jury find further that the said Brigantine did proceed on her Voyage and Arrived on the third of September AD 1759 at the Isle Madamé where was part of the Fleet under Admiral Durell and that in Order to come at some things which were there sold (not part of the goods belonging to the said Michael Franklin)

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[171v]

a number of Casks of Pork and Beer was taken from between Decks & put upon Deck and that on the fourth of the same month the said Brigantine did set sail in Order to proceed up the River S<sup>t</sup>: Lawrance to Admiral Saunders's Fleet but about five o' Clock p:m: struck upon a rock and bilg'd and that the goods upon Deck were hove over board in Order to lighten her: That the goods on the Deck were not part of the goods belonging to the said Michael Franklin And that they have not been bro't into any Average And that the goods of the said Michael Shipped as above were lost except to the Value of fourteen hundred & eleven pounds ten shillings and eight pence lawfull money which he recovered. And the Jury further find that Other goods on board s<sup>d</sup>: Vessell amounting to the Value of Two thousand pounds likewise Insured were saved It therefore upon the whole matter the plt ought to recover the whole Sum so insured inclusive of said Bromfeild's proportion of the goods saved as aforesaid then they find for him the Sum of £41.3.8¾ & Costs But if he Ought to recover only part thereof then they find for him £10 & Costs, If he Ought not to recover any thing then they find for the said Henry costs, And after a full hearing of the parties by their Council on said Verdict It is Considered by the Court that the said Michael Franklin recover against the said Henry Bromfeild the Sum of forty One pounds three shillings and eight pence three farthings lawfull money of this Province damage and costs taxed at £4.3.8.

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Ex'c'on issued

5. Ma<sup>r</sup>. 1761.

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Gillam Phillips of Boston in the County of Suffolk Esq<sup>r</sup>. Appellant *vs* Jeremiah Gridley of Brookline in said County Esq<sup>r</sup>. Appellee This appeal was bro't forward at Feb'y term 1759 and from thence was continued to the next term and so from term to term to this Court and now the Appellant

came into Court and pray'd leave to discontinue this Action and it is granted The Appellee thereupon moved for costs: and upon that motion this Appeal is continued to the next Term.

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Order on Man's pet<sup>o</sup>.

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The Petition of Ebenezer Man et al for Division of Land (as on file) Granted.

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Ruddock v Butler.

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John Rudduck of Boston in the County of Suffolk Esq<sup>r</sup>. Collector of the Province County and Town taxes for the Town of Boston for the years 1755, 1756, 1757, Appellant ~~vs~~ Mary Butler of Boston aforesaid Widow Executrix of the Testament of Samuel Butler late of said Boston Sadler deceased Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston for said County on the first tuesday of April last when & where the Apl<sup>t</sup> in his said Capacity was Plt and the Aplee in her said Capacity was Deft In a plea of Trespass on the Case for that the said Samuel on the last day of december AD 1757 being indebted to the plant in

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172.

[172r]

in his said Capacity seventeen pounds nine shillings & four pence According to the Account to the writ annex<sup>d</sup> at Boston afores<sup>d</sup> : promised the plt to pay him the same on demand yet the said Samuel in his life time never paid the same tho' requested nor hath the Deft since his death paid the same tho' likewise thereto requested but neglects and refuses to pay it to the damage of the said

John as he saith the Sum of twenty three pounds, At which said Inferiour Court upon the pleadings there (as on file) Judgment was rendred that the said Mary Butler Executrix as aforesaid recover against the said John Rudduck costs of Suit: Both partys now Appeared and waved the pleadings made at said Inferiour Court and plead Anew (as on file) and they having been fully hear'd upon the plea and demurrer It is Considered by the Court that the said John Rudduck Collector as aforesaid recover against the Estate of the said Samuel Butler deceased in the hands of the said Executrix the Sum of fourteen pounds eighteen shillings and three pence lawfull Money of this Province damage and costs taxed at five pounds 5/10<sup>d</sup>:

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Ex'c'on issued

3. Mar. 1761.

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Rowe et al v Hidden

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John Rowe and Thomas Walker both of Boston in the county of Suffolk Merchants Assignees legally appointed of all the debts credits and estate of Jeremiah Osborne and Samuel Osborne both late of Glocester in the county of Essex Merchants which said Jeremiah and Samuel are within the law of this province intituled "An Act for the releif of Bankrupts and their Creditors" become Bankrupts appellants vs Ebenezer Hidden of Rowley in the county of Essex Yeoman Appellee from the Judgment of an inferior court of common pleas held at Boston in and for the county of Suffolk on the first tuesday of July Anno Dom<sup>i</sup>: 1759: when and where the Appellants were plts and the Appellee was Deft in a plea of trespass on the case as in the same Judgment on file is at large sett forth, which Judgment was rendred [<sup>^</sup>on demurrer there<sup>^</sup>] that the said Ebenezer recover against the said John and Thomas costs of Suit: This appeal was

bro't forward at the said Superior court of Judicature held at said Boston for said county of Suffolk on the third tuesday of August Anno Dom<sup>i</sup>: 1759, and from thence was continued to the then next term of the said Superior court for this county, and from the same term said appeal was by consent of the parties continued to the last Term of said Superior court for this county and from the same term said appeal was continued in like manner unto this Court and now the parties appeared and by their consent the said demurrer was waived and the issue as tendred at said inferior court and on file was joined and the case after a full

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[172v]

hearing was committed to a Jury sworn According to Law to try the same who returned their verdict therein upon Oath that is to say they find for the appellee costs It is therefore considered by the Court that the said Hidden recover against the said Rowe & Walker costs taxed at £6.19.0.

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ex'c'on issued

11. feb<sup>y</sup>. 1762.

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[173r]

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Marston v Story

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Nathaniel Marston plaintiff ~~vs~~ William Story Defendant  
in Review. The plt became nonsuit, The Defendant asks no costs.



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Sturgis v Quincy

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Samuel Sturgis Appellant vs Norton Quincy Appellee.

Neither Party Appears.

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Bayard v Smith

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Belthazar Bayard of Boston in the County of Suffolk Yeoman  
 appellant vs James Smith of said Boston Merchant and Elizabeth  
 his Wife as she is Administratrix of all and Singular the goods and  
 Chattels Rights and credits which were of Thomas Campbell late of said  
 Boston Merchant dec'd Appellee from the Judgment of an Inferiour  
 Court of Common pleas held at said Boston for said County on the  
 first tuesday of October last when and where the Appellees were plts  
 and the Aplt was Deft In a plea of trespass upon the Case (as in the writ  
 on file tested the 2<sup>d</sup>: day of July last is at large sett forth) At which said Infer<sup>r</sup>:  
 Court Judgment was rendred that the said James Smith and Elizabeth  
 his wife in her said Capacity recover against the said Belthazar Bayard  
 the Sum of thirty four pounds two shillings and ten pence three farthings  
 lawfull mony Damage & cost of Suit: Both parties Appeared and  
 Agreed as is sett forth in writing on file, and pursuant thereto It is  
 Considered by the Court that the said James Smith and Elizabeth his  
 Wife in her said Capacity recover against the said Belthazar Bayard  
 the sum Sued for being thirty four pounds two shillings and ten pence  
 three farthings lawfull money of this Province Damage. Boston 21<sup>st</sup>.  
 March, 1761. I do hereby Acknowledge to have receiv'd of Melatiah Bourn Esq<sup>r</sup>. full satisfaction  
 of this Judgments. Eliza. Smith  
 Zen. N. Hatch Wit

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Balstone et al v Gridley.

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Nathaniel Balstone of Boston in the County of Suffolk Esq<sup>r</sup>. Beeston Long Henry Norris jun<sup>r</sup> Merchants and William Palmer Gentleman all of London in great Britain Executors of the Testament of Eliakim Palmer late of said London Merchant deceased Appellants ~~vs~~ Isaac Gridley of said Boston Esq<sup>r</sup>. Appellee from the Judgment of an Inferior Court of Common pleas held at said Boston for s<sup>d</sup>. County of Suffolk on the first Tuesday of January last when & where the said Isaac was plt against the said Executors In a plea of Trespass on the Case for that the said Eliakim on the 14<sup>th</sup> day of May AD 1749 being Factor of the said Isaac and William Merchant jun<sup>r</sup>. since deceased to negotiate and transact for them their affairs of Merchandize in great Britain on their Request at Boston aforesaid procured an Insurance to be made on the freight of goods and Merchandizes to be transported in the said Isaac Gridley's and William Merchants Snow Knowles Galley from Jamaica to London and on the twelfth day of August AD 1749 divers goods and merchandizes were laden on board of her for said Voyage the freight whereof Amounted to the Sum of five hundred and forty two pounds two shillings and two pence Sterling and the said Snow then sailed thence and Arrived safe at London with a greater part of said Goods and merchandizes And the said Isaac Gridley and William Merchant Ought to have received of the Freighters and Insurers of said Freight the aforesaid Sum without any deduction And the said

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Image 218-Left

[173v]

said Eliakim on the last day of May AD 1749 died and his said Executors undertook to settle and transact the trust of their said Testator in this affair, yet not regarding the Duty and care of said trust managed it so ill and perfunctorily and Acted therein with Such gross negligence that they settled a leakage of Sugars on board said Vessell in said Voyage with said Insurers so as to take both of said Freighters and Insurers on account of the aforesaid Freight no more than the Sum of three hundred and ninety five pounds two shillings and two pence Sterling & discharg'd

said Insurers [x] from any further demand thereupon to the damage of the said Isaac Gridley as he saith the Sum of three hundred pounds At which said Inferiour Court upon the pleadings there Judgment was rendred that the said Isaac recover against the Estate of the said Eliakim deceased in the hands of the said Executors the Sum of two hundred and thirty pounds Sterling money of Great Britain damage and costs of Suit: Both parties now appeared and the pleadings aforesaid being waved by consent the Defts said they are not Guilty in manner and form as the plant declares and thereof put themselves on the Country upon which plea issue being joined the case after a full hearing was committed to a Jury sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellants reversion of the former Judgment and costs It is therefore Considered by the Court that the former Judgment be reversed and [+]  
that the said Nathaniel Balstone Beeston Long Henry Norris and William Palmer Executors as aforesaid recover against the said Isaac Gridley costs taxed at £

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Mc.Kenzie v Emmes.

&gt;&gt;

Andrew Mc.Kenzie of residing in Boston in the County of Suffolk Merchant Appellant ~~vs~~ Samuel Emmes of said Boston Gent<sup>n</sup>. Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in & for said County on the first Tuesday of January last when & where the Applt was plt and the Ap'lee was Deft In a plea of Trespass upon the Case for that the said Samuel was on the first day of December last indebted to the said Andrew in the Sum of One hundred pounds lawfull money for so much money which the said Samuel before that time had received to the use of the said Andrew and being so indebted the said Samuel then and there promised the said Andrew to pay him the same Sum on demand yet he has never paid the same tho' often requested but unjustly refuses to pay it to the damage of the said Andrew Mc.Kenzie as he saith the Sum of two hundred pounds At which said Inferiour Court Judgment was

rendred that the said Samuel recover against the said Andrew costs: Both parties now Appeared and the Case after a full hearing was committed to a Jury Sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Considered by the Court that the said Nathaniel Emmes recover against the said Andrew Mc.Kenzie costs taxed at £2.11.7.

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Ex'c'on issued

5. Mar. 1761.

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Wiswall v Hall;

&gt;&gt;

Samuel Wiswall of Bellingham in the County of Suffolk Weaver  
Applt

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Image 218-Right

174.

[174r]

Appellant ~~vs~~ Hugh Hall of Boston in said County Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston for said County on the first Tuesday of October last when and where the Appellee was plt and the Applt was Deft In a plea of Debt (as in the writ on file tested the 27<sup>th</sup>: of August last is at large sett forth) At which said Inferiour Court Judgment was rendred upon the pleadings there (as on the file) that the said Hugh recover against the said Samuel the Sum of eleven pounds lawfull money debt and costs: Both parties now Appeared and having been heard upon the plea and demurrer It is Considered by the Court that the said Hugh Hall recover against the said Samuel Wiswall the Sum Sued for being five pounds fifteen shillings and Six pence lawfull Money of this Province debt and costs taxed at £2.11.8.

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Ex'c'on issued

5. Mar.

1761.

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Hill v Gatcomb.

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Solomon Hill of Brookline in the County of Suffolk Husbandman  
Appellant ~~vs~~ Mary Gatcomb late wife of Phillip Gatcomb late of s<sup>d</sup>:  
Boston Shopkeeper deceased, as she is Executrix of the Testament of  
Edward Devotion late of said Brookline Yeoman deceased appellee  
from the Judgment of an Inferiour Court of Common pleas held at Boston in  
& for the County of Suffolk on the first Tuesday of January last when and where  
the Appellant was plant against the said Phillip then alive and the said  
Mary his wife Executrix as afores<sup>d</sup>: In a plea of Debt (as in the writ on file tested  
the seventeenth of June last at large appears) At which said Inferiour  
Court Judgment was rendred [<sup>^</sup>that<sup>^</sup>] the said Phillip and the said Mary his wife Executrix  
as aforesaid recover against the said Solomon costs: The said Phillip  
having dyed since the commencement of this term The said Mary &  
the appellant appeared and being fully heard by their Council on  
the plea & Demurrer &c<sup>a</sup>. (as on file) It is Considered by the Court that  
the said Mary Gatcomb Executrix as aforesaid recover against the said  
Solomon Hill costs taxed at £3.2.9.

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Ex'c'on 17. Mar 1761.

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Payson v Gregory

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Phillips Payson of Walpole in the County of Suffolk Clerk appellant ~~vs~~ William  
Gregory of Dedham in said County Cordwainer appellee from the Judgment  
of an Inferiour Court of Common pleas held at Boston in and for said County on

the first tuesday of January last when and where the Appellee was plant & the Appellant was Deft In a plea of Debt (as in the writ on file tested the sixteenth of June last is at large sett forth) At which said Inferior Court Judgm<sup>t</sup> was rendred that the said William Gregory recover against the said Phillips Payson the Sum of four pounds one shilling and four pence debt and costs The Parties Appeared and the Appellant confest the forfeiture of the penalty of the Bond sued on being one hundred pounds and costs: And the parties being fully heard in Chancery It is Considered by the Court that the said William Gregory recover against the said Phillips Payson the Sum of four pounds one shilling and four pence lawfull money of this Province debt and costs taxed at £7.18.4.

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Ex'c'on issued

7. Mar. 1761

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Hall v Wiswell

&gt;&gt;

Hugh Hall of Boston in the County of Suffolk Esq<sup>r</sup>. plaintiff ~~vs~~ Samuel Wiswell of Bellingham in said County Weaver Deft In a plea of Review of a plea

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Image 219-Left

[174v]

plea of Covenant broken commenced at an Inferiour Court of Common pleas held at Boston in and for said County of Suffolk on the first tuesday of April last but prosecuted at an Inferiour Court of Common pleas held at said Boston for said County on the first tuesday of July last by the said Samuel against the said Hugh in the words following viz<sup>t</sup>: In a plea of Covenant broken for that the said Hugh at Boston aforesaid on the 18<sup>th</sup> day of April AD 1750, by his deed bearing that date duely executed Acknowledg'd and recorded and in Court to be produced for a good and Valuable consideration therein mention'd bargain'd

and conveyed to the plt in fee Seven Acres in the eight hundred Acres lying with Oliver Hayward's in Bellingham aforesaid with the Appur'ces privileges and commodities to the same belonging and among other things the said Hugh by his Deed aforesaid covenanted with the plt that the Deft had good right full power and lawfull Authority to grant bargain sell convey unto him the plt his heirs and Assigns forever the said seven Acres with the appur'ces privileges and commodities to the same belonging and the said Hugh in and by his said Deed further covenanted with the plt by the name of Samuel Wiswall of Dorchester in said County Weaver, that he the said Samuel should from time to time and at all times there after by force of said Deed lawfully peaceably and quietly have hold use Occupy possess and enjoy the said seven Acres with the Appur'ces against all incumbrances whatsoever And the Deft also by his said Deed further covenanted and engaged the said seven Acres to him the said Samuel his heirs and Assigns against the lawfull claims or demands of any person or persons whatsoever and that he the plt should and might at all times after the execution of said Deed lawfully and quietly hold use possess and enjoy the said bargained premisses with the Appur'ces free and clearly discharged of all former gifts grants bargains and incumbrances of what nature soever: now the plt in fact saith that the said Hugh at the time of his executing the deed aforesaid and at any time before was not the lawfull Owner of the said Seven Acres of land with the Appur'ces nor ever had he any good right or lawfull Authority to sell and convey the Same in manner aforesaid nor was the said Seven Acres then clear of all gifts grants and incumbrances preceeding the time of executing the Deed aforesaid nor has the plt by force of s<sup>d</sup>: Deed been able peaceably or lawfully to hold possess or enjoy the said Seven Acres with the Appur'ces And the plt further Avers that one James Smith long before at and after the Deft made the Deed aforesaid & to this day was and is the lawfull Owner of the One half of a bed of Iron Oar which lyeth within the said Seven Acres and that the said James then and still has good right to take to his own Use the One half of all the Iron Oar that has grown or hereafter shall grow in the said Bed And the plt further Averrs that the said James Smith

by the consideration of the Justices of the Superiour Court of Judicature &c held at Boston in and for the County of Suffolk on the third Tuesday of february last has recovered [<sup>^</sup>Judgment<sup>^</sup>] against the now plt for the Sum of thirteen pounds money damage and fifteen pounds seven shillings and Seven pence costs of a Suit bro't against the said Samuel for his having dug and carried away a quantity of Iron Oar from the Bed aforesaid within the

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Image 219-Right

175.

[175r]

the seven Acres aforesaid since the making the Deed aforesaid to the now plant by him the said Hugh and so the Deft hath not kept but broken his Covenants aforesaid which at this time is to the Damage of the said Samuel Wiswell as he saith the Sum of four hundred pounds; At which said Inferiour Court last mention'd Judgment was rendred that the said Hugh Hall shall recover against the said Samuel Wiswell costs of Suit, from which Judgment the said Samuel Wiswell Appealed to the Superior Court of Judicature Court of Assize and General Goal Delivery held at Boston within and for the County of Suffolk on the third tuesday of August last when and where Judgment was rendred that the said Samuel Wiswell recover against the said Hugh Hall the Sum of three hundred and Sixty one pounds four shillings lawfull money of this Province damage and costs, which same Judgment the said Hugh says is wrong and erroneous and that he is thereby damnified the Sum of five hundred pounds as shall then and there be made to Appear wherefore for reversing the Judgment last mention'd and recovering back from the said Samuel the said Sum of three hundred and Sixty one pounds four Shillings lawfull money and the same Costs and for recovering Judgment against the said Samuel Wiswell for costs of Courts the said Hugh brings this Suit: The plt in Review Appeared and the Deft Samuel Wiswell by Benja. Kent Gent<sup>n</sup> his Attorney came and defended and so forth & said the last recited Judgment is in nothing erroneous & thereof put



himself on the Country upon which plea issue was join'd and the case after a full hearing was committed to a Jury sworn According to Law to try the Same who return'd their Verdict therein upon Oath that is to say they find for the Plaintiff reversion of the former Judgment in part viz<sup>t</sup>: three hundred and thirty two pounds ten shillings and five pence lawfull Money damage and costs of this Suit: It is therefore considered by the Court That the said former Judgment be reversed in part & that the said Hugh Hall recover against the said Samuel Wiswell the Sum of three hundred and thirty two pounds ten shillings and five pence lawfull money of this Province damage and costs taxed at £5.16.1.

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Ex'c'on issued

5. Mar. 1761.

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Clark v Kast.

&gt;&gt;

John Clark now residing in Quebec in Canada Gentleman and a Lieutenant of a Company in the King's forty eighth Marching Regiment of Foot plaintiff ~~vs~~ Phillip Godfrid Kast of Boston in the County of Suffolk Physician Deft In a plea of Review of a plea of trespass commenced and prosecuted at an Inferiour Court of Common pleas held at Boston in and for said County on the first tuesday of July AD 1759, by the said Phillip Godfrid Kast against the said John Clark in the words following viz<sup>t</sup>: In a plea of Trespass for that the said John at said Boston on the twenty seventh day of April last with force and Arms an Assault upon the Body of the said Phillip did make and the said Phillip then and there did beat wound and evilly intreat and the said John did also with force as aforesaid push the said Phillip out of his the said Phillip's house into the Street and the said Phillip being so pushed out the said John threw him down Kicked him and Stamp'd upon him and left him in the Street untill his Pockets were picked of twenty five pounds

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Image 220-Left

[175v]

pounds Sterling or the Same Otherwise lost out and other enormities the said John then and there did to the plant contrary to Law against the peace & to the damage of the said Phillip Godfrid Kast as he saith the Sum of two hundred pounds At which said Inferiour Court Judgment was rendred that the said Phillip Godfrid Kast recover against the said John Clark the sum of One hundred pounds lawfull money damage and costs of Suit from which Judgment the said John Appealed to the Superiour Court of Judicature &c<sup>a</sup>. held at Boston in and for said County of Suffolk on the third Tuesday of August AD 1759 and from thence said Action was continued to the then next term of said Court for the said County and from that term th the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for said County on the third tuesday of August last when & where Judgment was rendred that the said Phillip Godfrid Kast recover against the said John Clark the Sum of One hundred pounds lawfull money of this Province damage and costs taxed at four pounds twelve shillings and two pence which same Judgment the said John says is wrong and erroneous and that he is thereby damnify'd the Sum of one hundred and twenty pounds which shall then and there be made to Appear wherefore for reversing the Judgment last mention'd and recovering back from the said Phillip Godfrid the said Sum of One hundred pounds damage and s<sup>d</sup>: Costs and for recovering Judgment against the said Phillip Godfrid Kast for Cost of Courts he the said John Clark brings this Suit (being impowered so to do by the great and general Court of this Province: the plant in Review appear'd and the said Phillip by O Thacher Gent<sup>n</sup>. his Attorney came & Defended &c<sup>a</sup>. and said that the last mention'd Judgment is in nothing erroneous and thereof puts himself on the Country, upon which plea issue was join'd and the Case after a full hearing was committed to a Jury sworn According to Law to try the Same who return'd their Verdict therein upon Oath that is to say they find for the Defendant Costs It is therefore Considered by the Court

That the said Phillip Godfrid Kast recover against the said John  
Clark costs taxed at £2.9.8.

Boston 17, March 1761. I do hereby Acknowledge to have received  
full Satisfaction for this Judgment Ph Godfrid Kast.

Witness Arodi Thayer.

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Clark v Youil.

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Lawrence Clark of Ipswich in the County of Essex Trader Appellant  
vs James Youil of Boston in the County of Suffolk Appellee from the Judgm<sup>t</sup>  
of an Inferiour Court of Common pleas held at Boston in & for the County  
of Suffolk on the first Tuesday of October last when & where the Ap'lee was plt  
and the Appellant was Deft in a plea of Trespass on the case for that the Deft on  
the Sixteenth day of May 1759 being justly indebted to the plt the Sum of thirteen  
pounds nineteen shillings and four pence lawfull money According to the  
Account to the writ Annex<sup>d</sup> at Boston afores<sup>d</sup>. promised the plt to pay him the  
same on demand yet the Deft tho' often requested has not paid it but Neglects  
it To the Damage of the said James Youil as he says the Sum of eighteen  
pounds

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Image 220-Right

176.

[176r]

pounds; At which said Inferiour Court Judgment was rendred that the  
said James Youil recover against the s<sup>d</sup>. Lawrence Clark the sum of two  
pounds lawfull money damage and costs of Suit: Both parties now Appear'd  
and the Case after a full hearing was committed to a Jury sworn According  
to Law to try the same who returned their Verdict therein upon Oath that is  
to say they find for the Appellant reversion of the former Judgment and  
Costs It is therefore Considered by the Court that the former Judgment  
be reversed and that the said Lawrence Clark recover against the s<sup>d</sup>:  
James Youil costs taxed at £3.8.1.

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Ex'c'on issued

5. Mar. 1761.

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Linkon v Smith.

&gt;&gt;

Benjamin Linkon the second of that name of Taunton in the County of Bristol Yeoman Appellant ~~vs~~ Elkanah Smith the Second of that name of Taunton in the County aforesaid Labourer Appellee from the Judgment of an Inferiour Court of Common pleas held at Taunton in & for the County of Bristol on the second Tuesday of March last when and where the ap'lee was plt and the Apl't was Deft In a plea of the case, (as in the writ on file tested the 25<sup>th</sup>: day of february last is at large sett forth) at which said Inferiour Court Judgment was rendred that the said Elkanah recover against the said Benjamin the Sum of two pounds Sixteen shillings and four pence lawfull money damage and cost of Court: This Appeal was bro't forward at the Superiour Court of Judicature &c held at Taunton in and for the County of Bristol on the third Wednesday of October last by Adjournment when the parties Appeared and refer'd this Action to the determination of Ezra Richmond Esq<sup>r</sup>. mess<sup>rs</sup>. Jon<sup>a</sup>. Carver and Elisha Barney, and agreed that Report might be made in any County and then said Action was continued & transferr'd to this Court [<sup>^</sup>now&<sup>^</sup>] said Referrees made Report in writing (as on file) which was read and Accepted and pursuant to said Report It is Considered by the Court That the said Benjamin Lincoln recover against the said Elkanah Smith the Sum of four pounds twelve shillings and three pence lawfull money of this Province damage & costs taxed at £8.6.6.

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Ex'c'on issued

16. April 1761

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Larkin v Hall.

&gt;&gt;

John Larkin of                      Appellant

vs Andrew Hall                      Appellee

from the Judgment of an Inferiour Court of Common pleas held at Boston  
 in & for the County of Suffolk on the first Tuesday of              last when & where  
 the Appellant was              and the Ap'lee was              : The Appellant by his  
 Attorney pray'd leave to discontinue this Action paying costs: granted: It  
 is Considered by the Court That the said Andrew Hall recover against  
 the said John Larkin costs taxed at £.

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Nichols v Bates

&gt;&gt;

Daniel Nichols of Hingham in the County of Suffolk Yeoman Compl't  
 vs Samuel Bates of said Hingham Gentleman. The Compl't shew'd that  
 at an Inferiour Court of Common pleas held at Boston in and for the County  
 of Suffolk on the first Tuesday of January last he recovered Judgment against  
 the said Samuel for the Sum of forty four pounds three shillings lawfull money  
 damage and costs from which Judgment he Appealed to this Court and recogniz'd  
 with

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[176v]

with Sureties to prosecute the same with effect but failed so to do where-  
 fore the Compl't pray'd Affirmation of said Judgment with Additional  
 Interest and cost It is therefore Considered by the Court that the s<sup>d</sup>:  
 Daniel Nichols recover against the said Samuel Bates the sum of  
 forty four pounds eight shillings lawfull Money of this Province  
 Damage and costs taxed at £4.5.2.

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Ex'c'on issued

6. Mar. 1761.

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Boylstone v Minot

&gt;&gt;

Sarah Boylstone of Boston in the County of Suffolk Widow plaintiff against Peter Minot of said Boston Yeoman. The Compl't shew'd that at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last she recover'd Judgment against the said Peter for possession of the premisses sued for and costs from which Judgment he Appealed to this Court & recogniz'd with Sureties to prosecute the same but failed so to do wherefore the Compl't pray'd Affirmation of said Judgment with Additional Costs Its therefore Considered by the Court that the said Sarah Boylstone recover against the said Peter Minot possession of the premisses sued for and describ'd in the writ and Costs taxed at £3.5.6.

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Facs. hab. issued

6. Mar. 1761.

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Jones v Dix

&gt;&gt;

Daniel Jones of Boston in the County of Suffolk Merchant Complainant vs James Dix of Watertown in the County of Middlesex Yeoman, The Compl't Shew'd That at an Inferiour Court of Common pleas held at Boston in & for the County of Suffolk on the first Tuesday of October last he recovered Judgment against the said James for £13.10.4¾ And Costs of Suit from which Judgment he appealed to this Court and recogniz'd to prosecute the same with effect but failed so to do wherefore the Compl't pray'd Affirmation of s<sup>d</sup>: Judgment with Additional Interest and cost It is therefore Considered by the Court that the said Daniel Jones recover against the said James Dix

the Sum of thirteen pounds fifteen shillings and eleven pence lawful  
Money of this Province Damage & Costs taxed at £3.4.5.

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Ex'c'on issued

9. Mar. 1761.

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Jones v Jackson

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Daniel Jones of Boston in the County of Suffolk Merchant Complt  
vs Michael Jackson of Newton in the County of Middlesex Gent<sup>m</sup>: the  
Complt Shew'd that at an Inferiour Court of Common pleas held at Boston  
in and for the County of Suffolk on the first tuesday of October last he  
recovered Judgment against the said Michael for Seven pounds sixteen  
shillings and Six pence damage and cost from which Judgment he  
Appealed to this Court and recogniz'd to prosecute the same but failed  
so to do wherefore the Complt pray'd Affirmation of said Judgment  
with Additional Interest and cost It is therefore Considered by the  
Court that the said Daniel Jones recover against the said Michael  
Jackson the Sum of eight pounds and two pence Damage and costs  
taxed at £3.4.3.

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Ex'c'on [illeg] Supra

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Jones v Allen

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Daniel Jones of Boston in the County of Suffolk Merchant Complt  
vs

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177.

[177r]

vs James Allen of Boston aforesaid Taylor the Complt Shew'd that at an Inferiour Court of Common pleas held at Boston in and for said County on the first tuesday of October last he recovered Judgment against the said James for the Sum of £5.19.5¼ Damage and cost from which Judgment he Appeal'd to this Court and recogniz'd to prosecute the same but failed so to do wherefore The Complt pray'd Affirmation of said Judgment with Additional Costs It is therefore Considered by the Court that the said Daniel Jones recover ag<sup>st</sup>: the said James Allen the Sum of five pounds nineteen shillings and five pence farthing lawfull Money of this Province damage and costs tax't at £3.0.10<sup>d</sup>.

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Ex'c'on at Supra

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Jackson v Carnes

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Johnson Jackson of Boston in the County of Suffolk Distiller Complainant vs Joseph Carnes of said Boston Gentleman: The Complt shew'd that at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first tuesday of January last he recovered Judgment against the said Joseph for £11.0.4 lawfull money damage & cost from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost It is therefore Considered by the Court that the said Johnson Jackson recover against the said Joseph Carnes the sum of eleven pounds five shillings and three pence lawfull Money of this Province damage and cost taxed at £3.5.3.

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Ex'c'on issued

13. Mar. 1761.

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Gordon v Davis

&gt;&gt;

James Gordon of Boston in the County of Suffolk Merchant Compl't vs Joshua Davis of said Boston peruke maker The Compl't shew'd that at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first tuesday of January last he recovered Judgment against the said Joshua for possession of the premisses Sued for and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the Same but failed so to do wherefore the Compl't pray'd Affirmation of said Judgment with Additional costs It is therefore Considered by the Court that the said James Gordon recover against the said Joshua Davis possession of the premisses Sued for and describ'd in the writ and costs taxed at £3.5.8.

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Ex'c'on issued

6. Mar. 1761

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Inches v Bates.

&gt;&gt;

Henderson Inches of Boston in the County of Suffolk [<sup>^</sup>Merchant<sup>^</sup>] Compl't vs Samuel Bates of Hingham in said County Gent<sup>n</sup>. The Compl't shew'd that at an Inferiour Court of Common pleas held at Boston in and for the County afores<sup>d</sup>: on the first tuesday of January last he recovered Judgment against the said Samuel for £33.14.8 lawfull money damage and cost from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Compl't pray'd Affirmation of said Judgm<sup>t</sup>: with Additional Interest and cost It is therefore Considered by the Court that the said Henderson Inches recover against the said Samuel Bates the Sum of thirty three pounds eighteen shillings and seven pence lawfull money of this Province Damage and cost taxed at £3.9.2.

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Ex'c'on issued

6. Mar. 1761.

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Pope v Draper

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Samuel Pope of Boston in the County of Suffolk Blacksmith Compl't ~~vs~~  
Jonathan

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[177r]

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Pope v Draper

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Jonathan Draper of Bellingham in said County husbandman y<sup>e</sup>. Compl't  
shew'd that at an Inferiour Court of Common pleas held at Boston in &  
for the County aforesaid on the first tuesday of October last he recovered  
Judgment against the said Jonathan for £2.8.8 lawfull money damage  
and costs from which Judgment he appealed to this Court and recogniz'd  
to prosecute the Same but failed so to do wherefore the Compl't pray'd Af-  
firmation of said Judgment with Additional Interest and cost It is  
therefore Considered by the Court That the said Samuel Pope recover  
against the said Jonathan Draper the Sum of two pounds nine shill<sup>s</sup>  
and seven pence lawfull money of this Province Damage and cost taxed  
at £3.11.1.

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Lambard v Tirrill.

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Luke Lambard of Braintree in the County of Suffolk Bricklayer  
Compl't ~~vs~~ Joseph Tirrill of Braintree aforesaid Innholder The Compl't  
Shew'd that at an Inferiour Court of Common pleas held at Boston in & for s<sup>d</sup>:

County on the first tuesday of January last he recovered Judgment against the said Joseph Tirrill for £9.6.8 Debt and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Cost It is therefore Considered by the Court that the said Luke Lambard recover against the said Joseph Tirrill the Sum of nine pounds six shillings and eight pence lawfull Money of this Province debt and costs taxed at £5.10.5.

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Ex'c'on issued

10. Mar. 1761.

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Tolman v Humphry.

&gt;&gt;

Acquila Tolman of Dorchester in the County of Suffolk Blacksmith Administrator of all and Singular the goods and Chattels Rights and Credits that were of Desire Tolman late of s<sup>d</sup>: Dorchester Husbandman deceased Intestate Complt ~~vs~~ Jacob Humphry of s<sup>d</sup>. Dorchester Yeoman The Complt shew'd that at an Inferiour Court of Common pleas held at Boston in and for the said County on the first tuesday of October last he recovered Judgment against the said Jacob for £30.17.0 Debt and cost from which Judgment he Appealed to this Court and recogniz'd with Sureties to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost It is therefore Considered by the Court that the said Acquila Tolman Adm'or as afores<sup>d</sup>. recover against the said Jacob Humphry the Sum of £31.8.4 Debt and cost taxed at £3.12.0.

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Ex'c'on issued

16. Mar. 1761.

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Ballard v Allen

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Samuel Ballard of Boston in the County of Suffolk Taylor Compl't ~~vs~~  
James Allen of said Boston Taylor, the Compl't Shew'd that at an Infer<sup>r</sup>.  
Court of Common pleas held at Boston in and for the County of Suffolk on the  
first tuesday of January last he recovered Judgment against the said  
James for possession of the premisses sued for and costs unless the Deft pay the  
plt £105.17.0 lawfull money debt and costs in two months after the entring  
up of that Judgment from which Judgment the said James appealed to this  
Court and recogniz'd to prosecute the Same but failed so to do wherefore the Compl't  
pray'd Affirmation of said Judgment with Additional Interest and costs It  
is therefore Considered by the Court that the said Samuel Ballard recover  
ag<sup>st</sup>.

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Image 222-Right

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[178r]

against the said James Allen possession of the premisses sued for and described  
in the writ and costs unless the said James within two months from this  
time pay to the said Samuel the Sum of One hundred and Six pounds  
seven Shillings lawfull Money of this Province Debt and costs taxed at  
£3.14.3.

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Fac<sup>s</sup>. hab iss<sup>d</sup>.

30. June. 1761.

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Berry v Carnes

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Elizabeth Berry of Boston in the County of Suffolk Innholder Compl't ~~vs~~  
Joseph Carnes of said Boston Yeoman The Compl't shew'd that at an  
Inferiour Court of Common pleas held at Boston in and for the said County on

the first Tuesday of January last she recovered Judgment against the s<sup>d</sup>:  
Joseph for £6.4.7 lawfull money damage and costs from which Judgm<sup>t</sup>:  
he Appealed to this Court and recogniz'd to prosecute the Same but fail'd  
so to do Wherefore the Complt pray'd Affirmation of said Judgment with  
Additional Interest and costs It is therefore Consid'red by the Court that  
the said Elizabeth Berry recover against the said Joseph Carnes the sum  
of Six pounds five shillings and four pence lawfull Money of this Pro-  
vince damage and costs taxed at £3.7.7.

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Ex'c'on issued

30 Mar. 1761

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Order on Purbeck's pet<sup>o</sup>.

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Upon reading the Petition of Aaron Purbeck and John Boies Executors  
of the last Will of Jacob Sheaffe late of Boston in the County of Suffolk deceased  
wherein the Petit<sup>rs</sup>. Shewed that the personal Estate of the deceased is in-  
sufficient to pay his Debts by the Sum of Seventy two pounds seven shill<sup>s</sup>:  
and eleven pence as by Certificate therewith exhibited appear'd Wherefore  
the Petitioners pray'd this Court to enable them to sell so much of the  
real Estate of the said deceased as should be sufficient to pay the said  
Deficiency and charges Attending the Sale Ordered that the Petitioners  
prayer be granted and they in their said Capacity are hereby empowered  
to make Sale of part of said real Estate to the Value of Seventy Six  
pounds and to make and execute a good deed or Deeds for conveyance  
thereof for the purpose aforesaid they posting up notification thirty days  
before Sale and Accounting with the Judge of Probate for this County for  
the proceeds of said Sale, as the Law directs.

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Order on Bent's pet<sup>o</sup>.

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Upon reading the Petition of Lemuel Bent and Vose Crane of Milton in the County of Suffolk Administrators on the Estate of Henry Crane late of s<sup>d</sup>. Milton Housewright deceased wherein the Pet<sup>rs</sup>: Shew'd that they have exhibited to the Judge of Probate for said County an Account of their Administration wherein it appear'd that the Estate is insolvent and not sufficient to pay the debts and so said Estate has been admitted to be represented insolvent The petitioners therefore pray'd that this Court would grant an Order for Sale of said real Estate to be Applied for the Discharge of the Debts of the said Estate in due proportion: Ordered that the prayer of the Pet<sup>rs</sup>: be granted and the Petitioners in said Capacity are hereby impowered to Sell the said real Estate of the said deceased for the purposes aboves<sup>d</sup>. and to make and execute a good deed or deeds in the Law for conveyance thereof, they to post up notifications thirty days before Sale and to Account with the Judge of Probate

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Image 223-Left

[178v]

Probate for said County as the Law directs.

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Order on Niles's pet<sup>o</sup>.

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Upon reading the Petition of Samuel Niles Administrator of the Estate of Jonathan Clark late of Brantree Cordwainer dec'ed intestate wherein the Petitioner setts forth that the dec'ed's debts with the Allowance of Necessaries to his Widow amount to Seventeen pounds 8/6<sup>d</sup> more than his personal Estate, that his Personal Estate amounts only to £26.5.0 the Petitioner therefore pray'd this Court to empower him to make sale of the whole of said deceased's real Estate (the Widow having relinquish'd her thirds) for Payment of said debts &c<sup>a</sup>. and the charges of Sale: Ordered that the Prayer of the said Petitioner be granted and he is hereby impowered to make Sale of said real Estate for the purpose aforesaid and to make and Execute a good deed or Deeds thereof, he to post up notifications thirty days before sale and Account with the Judge of Probate as the Law directs

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Order on Pratt's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Abner Prat Executor of the last will and Testament of his father Ebenezer Prat late of Weymouth Yeoman dec'd wherein the Petitioner sett forth that the said Testator's Personal Estate was not sufficient to pay his just debts and legacies as by Certificate exhibited Appeared he therefore pray'd this Court to Authorize him to sell so much of the said deceased's real Estate as should be sufficient to pay his just debts and legacies and charges of Sale: Ordered that the prayer of said Petitioners be granted and that the said Petitioner be and he hereby is Impowered to sell said Estate as pray'd for and to make & Execute a good deed or deeds for conveyance of the same, he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Spurr's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of William Spur of Dorchester in the County of Suffolk Yeoman and Administrator of the Estate of Robert Merrifeild late of said Dorchester Husbandman deceased Intestate wherein the Petitioner Shew'd That he had settled with the Judge of Probate for said County on Account of Administration on the Personal Estate which Account has been Allowed & a Ballance is thereon due to Your Petitioner of £15.18.7 The s<sup>d</sup>. William therefore pray'd this Court to grant an Order to him to Sell so much of s<sup>d</sup>. real Estate as should be sufficient to reimburse him and to pay charges of Sale: Ordered that the Prayer of the Petitioner be granted and he is hereby Impowered to sell said Estate as pray'd for and to make & Execute a good deed or deeds of Sale thereof for the purpose abovesaid; he to post up notifications thirty days before sale and to Account with the Judge of Probate for this County as the Law directs.

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Order on Vose's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Lemuel Vose of Milton in the County of Suffolk Yeoman and Administrator of the Estate of Jonathan Vose late of s<sup>d</sup>: Milton Yeoman deceased wherein the Petitioner shew'd that he has settled with the Judge of Probate for said County on Account of Administration and exhibited a List of Debts which has been Accepted by which it Appears that there is a balance due to him of £7.5.3. he therefore pray'd this Court to Impower him to sell so much of said real Estate as shall be Sufficient to

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Image 223-Right

179.

[179r]

to reimburse him: Ordered that the Prayer of the Petitioner be granted and he hereby is in said Capacity Impowered to sell so much of said real Estate as will Answer the Purpose abovesaid and to make and execute a good deed or deeds for conveyance thereof, he to post up notifications thirty days before sale and to Account with the Judge of Probate for this County as the Law directs.

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Order on Wadsworth's pet<sup>o</sup>.

&gt;&gt;

On reading the Petition of Elijah Wadsworth of Milton in the County of Suffolk Yeoman and Administratr. Cum testamento Annexo of the Estate of Nathaniel Wadsworth late of Milton Yeoman deceased Intestate Wherein the Petitioner Shew'd that he had settled with the Judge of Probate for said County on Account of Administration on y<sup>e</sup>. Personal Estate, which Account has been Allowed, and a balance is thereon due to your Petitioner of fifty seven pounds three shillings and four pence, he therefore pray'd this Court to Impower him to sell so much of said Estate as is sufficient to reimburse him, with charges of Sale: Ordered that the Prayer of the Pet<sup>r</sup>. be granted and he hereby is in his s<sup>d</sup>:



Capacity Impowered to sell such part of said real Estate is is above mention'd and to make & Execute a deed or deeds for conveyance thereof for the purpose afores<sup>d</sup>. he to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Whitmarsh's pet<sup>o</sup>.

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On reading y<sup>e</sup> Petition of Elizabeth Whitmarsh Widow and Executrix of the last Will and Testament of her late Husband James Whitmarsh late of Weymouth Yeoman deceased wherein She shew'd that the said Testator's Personal Estate was not sufficient to pay his just debts (as appear'd by Certificate exhibited) and therefore pray'd this Court to Impower her to sell so much of said Estate as would be sufficient for that purpose: Ordered that the Prayer of the Petitioner be granted, and she in said Capacity is impowered to sell so much of said deceased's Real Estate as will answer the purpose afores<sup>d</sup>: and to make & Execute a deed or deeds of Conveyance thereof, she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Bowdoin's pet<sup>o</sup>.

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Upon reading the Petition of James Bowdoin Esq<sup>r</sup>. for division of land, it was Ordered that the absent partners be notified, And the Partners within this Province afterwards appearing and consenting the prayer of said Petition (which is on file) was granted.

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Order on Williams's pet<sup>o</sup>.

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Upon Reading the Petition of Eleazer Williams Executor of the Testament of Thomas Cobbit late of Roxbury deceased wherein the Pet<sup>r</sup>: shew'd that the s<sup>d</sup>:

deceased's debts exceed his Personal Estate the sum of £12.17.6, that his real Estate consists of one house only Apprais'd at £93.6.8 one half whereof he devised to his Widow he therefore pray'd this Court would Impower him to sell the Other half part of said house for payment of the deceased's debts & charges of Sale the overplus to be Accounted for: Ordered that the prayer of said Petitioner be granted and he in said capacity is hereby impowered to make sale of the half of the said House as pray'd for, for the purpose aboves<sup>d</sup>: and to make and execute a good deed or deeds for conveyance thereof, he to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Image 224-Left

[179v]

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Order on Faxon's Pet<sup>o</sup>}

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Upon reading the Petition of Azariah Faxon of Braintree in the County of Suffolk Gentleman and Administrator on the Estate of Caleb Thayer late of said Braintree Yeoman dec'ed wherein the Petitioner shew'd that he has settled with the Judge of Probate for said County on Account of Administration on the personal Estate which Account has been Allow'd and a balance is thereon due to him of £36.6.11. he therefore pray'd this Court to licence him to sell so much of the real Estate as should be sufficient to reimburse him and pay the charges of Sale: Ordered that the prayer of the Petitioner be granted and that he be and he hereby is impowered in his said Capacity to sell so much of said real Estate as is sufficient for the ends aforesaid, and to make and execute a good deed or deeds for conveyance thereof, he to post up notifications thirty days before sale and Account with the Judge of Probate as the Law directs.

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Order on Blake's pet<sup>o</sup>

&gt;&gt;

Upon reading the Petition of Nathaniel Blake Administrator of the Estate of Thomas Evans late of Dorchester in the County of Suffolk Worsted Comber deceased wherein the Petitioner shew'd that the debts due from the Estate of the said deceased exceeds his personall Estate £7.18/0. as appear'd by Certificate, and that the whole real Estate of said deceased will but barely discharge said Sum when sold, he therefore pray'd this Court to licence him to sell the same real Estate for that purpose and to pay the Charges of Sale: Ordered that the prayer of the Petitioner be granted and he is hereby in his said Capacity impowered to sell the real Estate aforesaid for the ends aforesaid and to make and execute a Deed or Deeds thereof to convey the Same, he to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs.

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Order on Story's pet<sup>o</sup>

&gt;&gt;

Upon reading the Petition of William Story of Boston Administrator of the Estate of Samuel Hallowell late of the same Boston Shipwright dec<sup>d</sup>: Intestate wherein the Petitioner shew'd that the personal Estate of the s<sup>d</sup>: Intestate falls short of paying his debts and is allowed by the Judge of Probate for said County to be represented Insolvent, the Petitioner therefore pray'd this Court to Authorize him in his said Capacity to sell the whole real Estate of the said Intestate for payment of his just debts: Ordered that the Petitioner's prayer be granted and he in his said Capacity is hereby Authoriz'd to sell the whole real estate aforesaid for the ends aforesaid and to make and Execute a Deed or Deeds for Conveyance thereof he to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs.

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Order on Henshaw's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Joshua Henshaw of Boston in the County

of Suffolk Esq<sup>r</sup>. One of the Administrators with the Will Annexed of Joshua Henshaw late of the Same Boston Distiller deceased wherein the Petitioner Shew'd that the personal Estate of the said deceased falls Short of paying his just Debts the sum of £32.6.6, Old Tenor, as appear'd by Certificate annext that there are Other demands which have not been yet settled by the Judge of Probate The Pet<sup>r</sup>. therefore pray'd leave of this Court to Sell of the said dec<sup>d</sup>.

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Image 224-Right

180.

[180r]

deceased's One sixth part of Sundry Small parcells of Undivided and unimprov'd lands in Stoughton which came to the said deceased in Right of his Father and are but of Small Value being worth not more than about eight or ten pounds to discharge the deceaseds just debts Ordered that the Prayer of the Petitioner be granted and he in said Capacity is hereby impowered for the ends aforesaid to sell the said Sixth part of said parcells of Land and to make and execute a deed or deeds for the conveyance thereof he to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs.

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Order on Gay's pet<sup>o</sup>.

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The Petition of Timothy Gay (as on the file) for division of Land  
Granted

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Order on Gyles's pet<sup>o</sup>.

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Upon reading the Petition of Edward Gyles as he is Executor of the Testament of Charles Gyles late of Boston deceased wherein the

Petitioner shew'd that the deceased's personal and real Estate fall short of the Amount of his debts, he therefore pray'd this Court to empower him to make sale of the deceased's real Estate for payment of his debts so far as it will go, Ordered that the prayer of the Petitioner be granted and he in his said Capacity is hereby impow'ed for the ends aforesaid to sell the said real Estate and to make a Deed or Deeds for conveyance thereof, he to post up notifications thirty days before sale, and to Account with the Judge of Probate for the County of Suffolk as the Law directs.

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Order on Blancher's pet<sup>o</sup>.

>>

Upon reading the petition of Mary Blancher Widow and Administratrix to the Estate of John Blancher late of Weymouth in said County of Suffolk deceased wherein the petitioner shew'd That the said Estate had been represented Insolvent as appear'd by Certificate thereof from the Judge of Probate and a Dower of thirds sett off, she therefore pray'd for liberty to sell the remainder of the real Estate that so the debts may be discharged as far as it amounts to in paying the same that still remain unpaid Ordered that the prayer of the Petitioner be granted and she is hereby in her said Capacity impowered to sell the remaining part of said real Estate for the ends aforesaid and to make & execute a Deed or Deeds for conveyance thereof, he to post up notifications thirty days before sale, and to Account with the Judge of Probate for the County of Suffolk as the Law directs.

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Caton. Indict<sup>d</sup>.

>>

The Jurors for the Lord the King [^for this County^] did upon their Oath present that Andrew Caton of Boston in the County of Suffolk Labourer did on the twenty eighth day of December last at Dedham in the County afores<sup>d</sup>. with force and Arms feloniously break and enter the Dwelling house of

Jacob Pennyman there and take steal and carry away out of the same house  
situate in Dedham afores<sup>d</sup>: One Beaver hat of the Value of thirty shillings  
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Image 225-Left

[180v]

a leathern purse of the value of eight pence and two pounds thirteen  
shillings and four pence in the same purse being the money goods and  
Chattels of the said Jacob, against the peace of the said Lord the King  
and the Law in that case made and provided; the said Andrew  
Caton was set to the Bar and Arraigned and plead not Guilty, a  
Jury was thereupon sworn to try the issue (M<sup>r</sup>. Gilbert Deblois foreman &  
fellows) who having fully heard the evidence upon their Oath say that the  
said Andrew Caton is Guilty: The Court having Considered his Offence  
Order that he be whipt twenty stripes upon his naked back at the  
publick whipping post and that he pay the said Jacob Penniman  
tribe [<sup>^</sup>the<sup>^</sup>] value of the money and goods stoln being twelve pounds  
twelve shillings, the money and goods returned to be Accounted  
part, and that he pay costs of prosecution, standing committed  
untill this sentence be performed

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<<

Caton. indicted

>>

The Jurors for the Lord the King [<sup>^</sup>for this County<sup>^</sup>] did upon their Oath present  
That Andrew Caton of Boston in the County of Suffolk Labourer did  
on the twenty eighth day of December last at Dedham in said County  
with force and Arms feloniously brake and enter the Dwelling  
house of Oliver Fairbanks scituate in said Dedham and take steal  
and carry away out of the same house twenty pounds sixteen shillings  
Lawfull money of this Province the Property of the said Oliver against  
the Peace of the said Lord the King and the Laws in that case made &  
provided: The said Andrew was thereupon Arraign'd and set to the

Bar and pleaded not Guilty: a Jury was then sworn to try the issue (M<sup>r</sup>. Gilb<sup>t</sup>. Deblois foreman & fellows) who having fully heard the Evidence upon their Oath say, that the said Andrew Caton is guilty The Court having considered his Offence Order that he be whipt thirty stripes upon his Naked Back at the publick whipping post, that he pay the said Oliver tribute the value of the money stoln being sixty two pounds eight shillings, the money return'd to be Accounted part, and that he pay costs of prosecution standing committed untill this Sentence be perform'd.

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Keif Indicted.

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The Jurors for the Lord the King [<sup>^</sup>for this County<sup>^</sup>] did upon their Oath present that John Keif of Boston in the County of Suffolk Cooper on the twelfth day of february current at Boston aforesaid Assaulted John Rogers of Boston aforesaid Wharffinger then being a Constable of that Town and in the Execution of his said Office and him Obstructed beat bruise'd wounded and evil entreated so that his life was greatly endangered against the Peace of the said Lord the King his Crown and Dignity: The said John Keif was set to the Bar and arraign'd and upon his Arraignment upon this Indictment pleaded Guilty: And the Court having Considered his offence Order that he pay the Sum of thirty pounds as a fine to the King and that he become bound by way of Recognizance in the sum of One hundred pounds for his keeping the Peace &c untill the next Term

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Image 225-Right

181.

[181r]

and that he pay costs of prosecution standing committed untill this sentence shall be perform'd.

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March 2<sup>d</sup>. 1761. The court entered up Judgment  
According to the Verdicts and then adjourn'd  
without day

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Image 226-Left

[181v]

Province of the} Anno Regni Regis Georgii Tertii magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ primo  
Plymouth sc}

At his Majesty's Superiour Court of Judicature  
Court of Assize and general goal Delivery [x] held at  
Plimouth within and for the County of Plymouth on the second  
tuesday of May (being the 12<sup>th</sup>: day of said Month) Annoque  
Domini 1761. by a special Order of the great and general Court.  
By the hon<sup>ble</sup>: Thomas Hutchinson Esq<sup>r</sup>: Cheif Justice.

Benjamin Lynde}

John Cushing}

Chambers Russell and} Esq<sup>rs</sup>. Justices.

Peter Oliver}

The King's Attorney General being absent the Court Appoint  
James Otis Esq<sup>r</sup>. to Act as King's Attorney at this term.

The names of the grand Jurors and petit Jurors  
are in the list on file.

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Prince v Thomas

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Thomas Prince of Kingston in the County of Plymouth  
Mariner Appellant ~~vs~~ James Thomas of Duxborough in said  
County Yeoman Appellee from the Judgment of an Inferiour  
Court of Common pleas held at Plimouth on the first tuesday of  
April, 1759, when & where the Apl<sup>t</sup> was pl<sup>t</sup> and the Ap<sup>'</sup>lee was



Deft In a plea of trespass upon the case as in the writ on file tested the 1<sup>st</sup>: day of March 1759, is at large sett forth, At which s<sup>d</sup>. Infer<sup>r</sup>: Court Judgment was rendred that the said plts writ is bad & therefore that the same be abated and that the Deft recover against the plt his costs: This Appeal was bro't forward at the Superiour Court of Judicature &c held at Plymouth in April AD 1759, & from [^that^] term continued to the the last term of this Court for this County and from that same term was continued to this Court under a rule of reference by consent of the partys and now the parties Appeared and the referrees reported in writing as on file, and said Report was read to and accepted by this Court and pursuant thereto It is Considered by the Court that the said Thomas Prince recover against the said James Thomas Sixteen pounds three shill<sup>s</sup>. lawfull mony of this Province damage and costs taxed at £6.17.4.

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Ex'c'on issued

5. Oct<sup>r</sup>. 1761.

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Tillson v Smith

&gt;&gt;

Perez Tilson of Plymouth in the County of Plymouth Trader Appellant ~~vs~~ John Smith of Taunton in the County of Bristol Joiner Appellee from the Judgment of an Inferiour Court of Com'on pleas held at s<sup>d</sup>. Plimouth in April, AD, 1759, when & where the Apl<sup>t</sup> was plt and the Ap'lee was Deft In a plea of the case as in the writ on file tested the 5<sup>th</sup>: day of March AD 1759 is at large set forth, At which s<sup>d</sup>. Inf<sup>r</sup>: Court Judgment was rendred that the s<sup>d</sup>. Perez recover ag<sup>st</sup>: said John £2.8.0 Dam<sup>a</sup> & that the s<sup>d</sup>: John recover ag<sup>st</sup>: s<sup>d</sup>. Perez Costs from the time of the tender: This Appeal was bro't forward at y<sup>e</sup>: last Term of this Court for this County and from thence was Continued to this term and now the party's appeared and the Appellee by his Attorney James Otis Esq<sup>r</sup>: confest Judgment for the

sum

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Image 226-Right

182.

[182r]

Sum demanded being two pounds 12/6 money damage and costs It is therefore Considered by the Court that the said Perez Tillson recover against the said John Smith the sum of two pounds twelve shillings and six pence lawfull money of this Province damage and costs, taxed at £5.6.9.

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Ex'c'on issued}

20<sup>th</sup> July 1761.}

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Hatch v Bates.

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Zacheus Hatch of Rochester in the County of plymouth Yeoman & Mercy his Wife appellants ~~vs~~ James Bates of said Rochester shipwright Appellee from the Judgment of an Infer<sup>r</sup>. Court of Common pleas held at Plymouth in October AD 1759, when & where the Aplee was plt and the Aplts were Defts In a plea of Trespass on the Case as in the writ on file tested the 28<sup>th</sup>. day of May 1759 is at large sett forth, at which s<sup>d</sup>. Inf<sup>r</sup>. Court Judgment was rendred that the defts plea is an insufficient answer to the plts declaration and therefore that he recover against the said Zacheus and Mercy his wife One hundred pounds Damage and costs: This Appeal was bro't forward at the last term of this Court for this County when the partys Appeared and agreed to refer s<sup>d</sup>. Appeal and all other demand, to the determination of referrees & then said Appeal was by their consent continued under s<sup>d</sup>. Rule of reference to this Court and now the partys Appeared and said Referrees reported, and said report was read to and Accepted by the Court &

pursuant to their Report It is Considered by the Court that the said James Bates recover against the said Zacheus Hatch and Mercy his Wife the sum of two pounds one shilling lawfull money of this Province damage and costs taxed at £8.17.4.½.

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Ex'c'on issued

12. february 1762.

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Howland v Miller

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Frances Howland of Middleborough in the County of Plymouth Widow who was the Wife of Nathan Howland late of s<sup>d</sup>: Middleborough Husbandman dec<sup>d</sup>. applt ~~vs~~ David Miller of s<sup>d</sup>: Middleborough Husbandman App'lee from the Judgment of an Inferiour Court of Common pleas held at Plymouth on the 1<sup>st</sup>: tuesday of July AD 1759 when & where the Applt was plt and the Aplee was Deft In a plea that he instantly without delay render to the s<sup>d</sup>: Frances her reasonable Dower which happens to her of a certain Messuage or tenement with the Appur'ces situate in Middleboro' afores<sup>d</sup>. containing fifty Acres more or less with the Buildings thereon bounded on the South east by the Country road on the Southwest by the meadow of Joseph Tinkham on the northwest by land of Perez Tinkham and on the northeast by land belonging to David Allen dec<sup>d</sup>: his heirs and now in the Possession of his Widow in the possession of the said David Miller which was in the seizin and possession of her said Husband Nathan Howland and whereof he was seized in his demesne as of fee during the Coverture and whereof she has nothing as she says and the said Frances Howland complains that the s<sup>d</sup>. David Miller [<sup>hath</sup>] deforced her thereof; At which said Inferiour Court Judgment was rendred that the plts writ is bad & be abated and that the s<sup>d</sup>. David recover against the said Frances cost of Court: This Appeal was bro't forward at the last term of this Court for this County when the parties Appeared and agreed that the trial of this Appeal should be final & by their consent said Appeal was continued to this Court & now the partys

Appeared and issue was join'd on the plea tendred (as on file) and the case after a full hearing was committed to a Jury sworn According to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the

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[182v]

the Appellant reversion of the former Judgment the Dower sued for and costs It is therefore Considered by the Court that the former Judgm<sup>t</sup>. be reversed and that the said Frances Howland recover against the said David Miller the Dower sued for and costs taxed at £7.1.8.

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Fac<sup>s</sup>. hab: issued

10<sup>th</sup>. June 1761.

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Alden v Alden.

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Bezaleel Alden of Duxborough in the County of Plimouth  
Yeoman Appellant ~~vs~~ David Alden of Falmouth in the County of  
York [^Coaster^] Appellee from the Judgment of an Inferiour Court of Common  
pleas held at Plymouth in January AD 1760 when & where the Apl<sup>t</sup>  
was pl<sup>t</sup> and the Ap<sup>'</sup>lee was Deft In a plea of Trespass upon the case as in  
the writ on file tested the 12<sup>th</sup>: day of June 1759 is at large sett forth at  
which said Infer<sup>r</sup>. Court Judgment was rendred that the Defts plea is  
a sufficient answer to the pl<sup>t</sup>s demand and that he recover against  
the pl<sup>t</sup> cost of Court: this Appeal was bro't forward at the last term of  
this Court for this County when the parties Appeared and entered into a  
rule of Court to refer this Action and an Action depending between them  
in the County of York and all Other demands to the determination of  
Referrees then nam'd, and from thence said Appeal was continued  
under said Rule to this Court and now the parties appeared and

the Report of the Referees was read And Accepted and pursuant thereto  
 It is Considered by the Court that the said David Alden recover  
 against the said Bezaleel Alden costs of this Suit [<sup>^</sup>taxed at £13.6.3<sup>^</sup>]: And in the Action  
 depending between them in the County of York that the said David  
 recover against the said Bezaleel the Sum of Seventy seven pounds  
 ten Shillings lawfull money of this Province and costs taxed at £11.7.3.

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Ex'c'on issued

16. Nov<sup>r</sup>. 1761.

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Covil v Bumpas

&gt;&gt;

Nathaniel Covil of Middleborough in the County of Plymouth  
 Husbandman Appellant ~~vs~~ Benjamin Bumpas of Wareham in  
 said County Husbandman and Labourer Aplee from the Judgment  
 of an Infe<sup>r</sup>. Court of Common pleas, held at Plimouth in January AD  
 1760 when & where the Apl<sup>t</sup> was pl<sup>t</sup> and the Aplee was Deft In a  
 plea of Trespass upon the case and is for that the s<sup>d</sup>. Benjamin at Wareham  
 afores<sup>d</sup>: on the 6<sup>th</sup> day of April AD 1759, by his note of hand of that date  
 for Value rec<sup>d</sup>: promist to pay the said Nath<sup>l</sup>. the sum of £3.13.0 lawfull  
 mony on dem to be paid one pound six shill<sup>s</sup>: & 8<sup>d</sup>: in Indian Corn at  
 two shill<sup>s</sup>. & eight pence p<sup>r</sup>. bushell and nine shillings in Rye at  
 three shill<sup>s</sup>. p<sup>r</sup>. bushell and the remainder in mony to be paid all to be  
 paid on demand yet notwithstanding the said Benj<sup>a</sup>: tho' requested  
 hath not paid the same but denies to do it To the damage of the said  
 Nathaniel Covil as he saith the sum of Seven pounds At which s<sup>d</sup>. Infe<sup>r</sup>.  
 Court Judgment was rendred that the s<sup>d</sup>. Benj<sup>a</sup>. recover ag<sup>t</sup>. s<sup>d</sup>. Nath<sup>l</sup>.  
 costs: This Appeal was bro't forward at the last term of this Court for  
 this County and from thence was continued to this Court & now the parties  
 Appeared and the case after a full hearing was committed to a Jury sworn  
 according to Law to try the same who return'd their verdict therein upon  
 oath that is to say the find for the Appellee costs Its therefore Considered by the

Court that the said Benj<sup>a</sup>: Bumpas recover against said Nath<sup>l</sup>: Covil costs taxed at £8.14.5.

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Image 227-Right

183.

[183r]

Nathaniel Covil of Middleborough in the County of Plymouth Husband-  
man Appellant ~~vs~~ Moses Stertevant of Wareham in s<sup>d</sup>: County Husband  
man [~] Ap'lee from the Judgment of an Inf<sup>r</sup>: Court of common  
pleas held at Plimouth in January last when & where the Apl<sup>t</sup> was pl<sup>t</sup> &  
the Aple'e was Deft In a plea of trespass upon the case as in the writ on file  
tested the 15<sup>th</sup>: day of Sept<sup>r</sup>: AD 1759, is at large sett forth at which said  
Infer<sup>r</sup>. Court Judgment was rendred that the s<sup>d</sup>. Moses recover against  
the s<sup>d</sup>: Nathaniel cost; This appeal was bro't forward at the last term of this  
Court for this County, and from thence was continued to this Court & now  
the partys Appeared and the Appellant confest Judgment for costs  
It is therefore Considered by the Court that the said Moses Stertevant  
recover against the said Nathaniel Covil costs taxed at £8.10.1.

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Ex'c'on issued

16. Nov<sup>r</sup>. 1761.

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Jacobs v Clap.

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Joshua Jacobs of Situate in the County of Plymouth Gentleman Appellant  
~~vs~~ Samuel Clap and William Clap both of s<sup>d</sup>: Situate Yeomen Ap'lees from the  
Judgment of an Inf<sup>r</sup>: Court of Common pleas held at Plymouth on the  
fourth tuesday of April last when & where the Apl<sup>t</sup> was pl<sup>t</sup> and the Ap'lees  
were Defts In a plea of Trespass for that the Defts at Situate afores<sup>d</sup>. on the fourth  
day of March last an assault made upon the body of said Joshua with  
Clubs and fists and the s<sup>d</sup>. Joshua beat wounded and evilly intreated so  
that his life was despaired of and Other enormities the Deft, then & there

did to the s<sup>d</sup>. Joshua contrary to Law & against the King's peace & to the damage of the said Joshua as he saith the Sum of a hundred pounds, at which said Infer<sup>r</sup>. Court Judgment was rendred that the said Samuel Clap and William Clap recover against the said Joshua Jacobs cost of Court Both partys Appeared and the case after a full hearing was committed to a Jury Sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant four pounds lawfull Money damage and costs It is therefore Considered by the Court that the said Joshua Jacobs recover against the said Samuel Clap and William Clap the Sum of four pounds lawfull Money of this Province damage and costs taxed at £11.7.3.

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Ex'c'on issued

21 May 1761.

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Dawes v Keen

&gt;&gt;

Samuel Dawes of Bridgewater in the County of Plymouth Yeoman and Cordwainer Appellant ~~vs~~ Shadrach Keen of said Bridgewater Yeoman appellee from the Judgment of an Inf<sup>r</sup>. Court of Common pleas held at Plymouth on the second tuesday of february last when & where the ap'lee was plt and the Aptl was Deft In a plea of Trespass upon the case and is for that the said Samuel at Bridgewater afores<sup>d</sup>: on the second day of May AD 1757, by his note of hand of that date for Value rec<sup>d</sup>. promised to pay the said Shadrach the sum of thirty [<sup>eight</sup>] pounds seven shillings and eight pence lawfull Money on demand with Interest untill paid yet notwithstanding the said Samuel tho' requested hath not paid said Sum and Interest but he denys to do it to the damage of the said Shadrach Keen as he says the sum of Seventy pounds, At which said Inf<sup>r</sup>. Court Judgment was rendred that the said Keen recover against said Dawes forty seven pounds & two pence lawfull money damage & cost Both parties now Appeared and the case after a full hearing was committed to a Jury sworn According to Law to try

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Image 228-Left

[183v]

the same who returned their Verdict therein upon Oath that is to say they find for the Appellee forty seven pounds & two pence mony damage & costs It is therefore Considered by the Court that the said Shadrach Keen recover against the said Samuel Dawes the Sum of forty seven pounds and two pence lawfull money of this Province damage and costs taxed at £5.7.8.

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Ex'c'on issued

30<sup>th</sup>: May 1761.

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Stetson v Alden

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Elisha Stetson of Kingston in the County of Plymouth Cordwainer appellant ~~vs~~ Abiather Alden of Eastham in the County of Barnstable Physician Appellee from the Judgment of an Inf. Court of Common pleas held at Plimouth in february last when & where the aplt was plt and the Ap'lee was Deft In a plea of Trespass upon the case as in the writ on file tested the 29<sup>th</sup>: day of Novem<sup>r</sup>. last is at large set forth, At which said Inferior Court Judgment was rendred that the said Alden recover against said Stetson cost Both partys Appeared and the Ap'lee confest Judgment for the Sum sued for being three pounds mony damage & cost It is therefore considered by the Court that the said Elisha Stetson recover against the said Abiather Alden the sum of three pounds lawful mony of this Province damage and costs taxed at £

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Watson v Turner



&gt;&gt;

George Watson of Plymouth in the County of Plymouth Esq<sup>r</sup>. as he is the only qualified Executor of the last will and testament of John Murdock late of s<sup>d</sup>. Plymouth Esq<sup>r</sup>. dec<sup>d</sup>. Appellant ~~vs~~ David Turner of s<sup>d</sup>. Plymouth Shipwright Ap<sup>'</sup>lee from the Judgment of an Inf<sup>r</sup>. Court of Common pleas held at s<sup>d</sup>. Plymouth on the first tuesday of October last when & where the Aplee was plt and the Apl<sup>t</sup> was Deft In a plea of trespass upon the case and is for that whereas the s<sup>d</sup>. John Murdock at Plymouth [<sup>^</sup>afores<sup>d</sup>.<sup>^</sup>] on the eighth day of March AD 1749, (while he was in full life) was indebted to the s<sup>d</sup>. David in the sum of two hundred pounds and five shillings old tenor equal to twenty six pounds and fourteen shillings lawfull mony of this Province for the like sum of money by him the said John at that time had and received to the use of the s<sup>d</sup>. David and being so indebted he the said John afterwards that is to say on the same day and year afores<sup>d</sup>. in consideration thereof then and there undertook and faithfully promised that he the said John Murdock or his Executors would well and truly content & pay to the said David Turner the s<sup>d</sup>. sum of two hundred pounds and five shillings Old Tenor or the Value thereof in lawfull Mony whenever after they should be requested with the lawfull Interest thereof on demand yet notwithstanding the s<sup>d</sup>. John tho' requested did not pay said Old tenor sum with the Intrest as afores<sup>d</sup>. to the s<sup>d</sup>. David or the Value thereof in lawfull mony while he liv'd nor has the s<sup>d</sup>. George or any Other Executor of s<sup>d</sup>. John's paid the same since the s<sup>d</sup>. John's death tho' demanded but the same remains unpaid to this day to the damage of the s<sup>d</sup>. David Turner as he saith the sum of Sixty pounds at which s<sup>d</sup>. Inf<sup>r</sup>. Court Judgment was rendred that the said David recover against the s<sup>d</sup>. George Executor as afores<sup>d</sup>: fifty two pounds 6/8 damage & Cost The partys Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellee fifty two pounds 6/8. mony Damage and cost It is therefore Considered by the Court that the said David Turner recover against the Estate of the said John Murdock in

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Image 228-Right

184.

[184r]

the hands of the said George watson Executor as afores<sup>d</sup>. the Sum of fifty two pounds Six shillings and eight pence lawfull money of this Province damage and costs taxed at £.

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Crandon v Tinkham

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Thomas Crandon of Plymouth in the County of Plymouth Mariner Appellant ~~vs~~ Ebenezer Tinkham of s<sup>d</sup>. Plymouth in s<sup>d</sup>. County Fisherman Apl'ee from the Judgment of an Inf<sup>r</sup>. Court of Common pleas herd at Plymouth in s<sup>d</sup>. County in April last when and where the Aplee was plt & & the Apl't was Deft In a plea of Trespass upon the case as in the writ on file tested the 23<sup>d</sup>. day of march last is at large set forth, at which s<sup>d</sup>. Infer<sup>r</sup>. Court Judgment was rendred that the s<sup>d</sup>: Tinkham recover against s<sup>d</sup>. Crandon one pound lawfull mony damage & cost, The applt appear'd: the Aplee tho' Solemnly called to come into Court did not appear but made default It's therefore Considered by the Court That the said Thomas Crandon recover against s<sup>d</sup>. Ebenezer Tinkham costs taxed at £.

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Crandon v Bryant

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Thomas Crandon of Plymouth in the County of Plymouth Mariner Appell<sup>t</sup>. ~~vs~~ George Bryant of Plimton in s<sup>d</sup>. County Gent<sup>n</sup>: Ap'lee from the Judgment of an Inf<sup>r</sup>. Court of Common pleas held at s<sup>d</sup>. Plymouth on the fourth tuesday of April last when & where the Ap'lee was plt and the Apl't was Deft In a plea of Trespass upon the case and is for that the s<sup>d</sup>. Thomas at Plim<sup>o</sup>: afores<sup>d</sup>: on the 8<sup>th</sup>: day of Decem<sup>r</sup>. [^last^] was indebted to the s<sup>d</sup>. George in the Sum of five pounds three shillings & nine pence to balance agreable to the Account Annexed and then & there he promised to pay the Same to the plt on demand and whereas the s<sup>d</sup>. Thomas at Plymouth aforesaid on the Second of March currant was indebted to the said George one

other Sum of eighteen pounds three shillings and four pence for certain work & Labour done & perform'd by the said George by his Son Seth Bryant a Minor in the business of a Mariner before that time at the special instance & request of the s<sup>d</sup>. Thomas for the Space of Seven months and seventeen days from the 21<sup>st</sup>: of April AD 1760, to the 8<sup>th</sup>: of Dec<sup>r</sup>. AD 1760 and being so indebted the s<sup>d</sup>. Thomas at Plimouth afores<sup>d</sup>. in consideration thereof on the same second of March afores<sup>d</sup>: undertook and faithfully promis'd the s<sup>d</sup>. George to pay him the Other sum of eighteen pounds three shill<sup>s</sup>: & four pence whenever after he should be thereto requested now the said George in fact saith that the s<sup>d</sup>. Thomas hath not paid him of the Cost mention'd Sum only twelve pounds nineteen shillings and seven pence and the remainder being five pounds three shill<sup>s</sup>. & nine pence he refuses to pay as well as the first mention'd Sum tho' often requested To the Damage of the s<sup>d</sup>. George Bryant as he saith the sum of eleven pounds At which s<sup>d</sup>. Infer<sup>r</sup>. Court Judgment was rendred that the s<sup>d</sup>. George recover against s<sup>d</sup>. Thomas five pounds three shill<sup>s</sup>. & nine pence lawful mony Damage & Cost: Both partys Appeared and the case after a full hearing was committed to a Jury Sworn according to Law to Try the same who return'd their Verdict therein upon Oath that is to say they find for the Appellee five pounds three shill<sup>s</sup>. & nine pence mony Damage & Cost It is therefore Considered by the Court that the s<sup>d</sup>. George Bryant recover against the said Thomas Crandon the Sum of five pounds three shill<sup>s</sup>. & nine pence lawfull money of this Province Damage and five pounds seven shill<sup>s</sup>. & ten pence costs.

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Ex'c'on iss<sup>d</sup>:9<sup>th</sup>: June 1761.

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Richmond v Bosworth

&gt;&gt;

Jacob Richmond of Barkley in the County of Bristol Husbandman Appellant

vs

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[184v]

vs Jonathan Bozworth of Bridgewater in the County of Plymouth  
Housewright appellee from the Judgment of an Inf. Court of Common  
pleas held at Plimouth on the second tuesday of february last when  
& where the Aplee was plt & the Apl<sup>t</sup> was Deft In a plea of Trespass for  
that the Deft at Bridgewater afores<sup>d</sup>. vizt. at a place called Taunton there  
on the tenth day of Septem<sup>r</sup>. last past with force and Arms an Assault  
on the plantf did make by riding swiftly and forcibly with his horse  
against the plt who was then & there setting on his horse in Peace and the  
Deft with force as afores<sup>d</sup>. did throw the plt and his horse down on the  
ground and rid over them and broke the bones of the plt's right leg  
and greivously bruised and wounded him in divers parts of his  
body so that his life was greatly despaired of which caused him to  
endure great pain and long confinement as also to disburst divers  
Sums of money to obtain a cure and other enormities the Deft then &  
there did to the plt contrary to Law and our peace and to the Dam<sup>a</sup>:  
of the s<sup>d</sup>. Jonathan as he saith the sum of two hundred pounds At w<sup>ch</sup>. s<sup>d</sup>:  
Inf. Court Judgment was rendred that the s<sup>d</sup>: Jonathan recover ag<sup>st</sup>.  
the s<sup>d</sup>. Jacob Twenty four pounds Damage & cost: The Partys Appea-  
red and the case after a full hearing was committed to a Jury sworn  
According to Law to try the same who return'd their Verdict therein  
upon Oath that is to say for the Appellee twenty eight pounds mony  
damage & costs It is therefore Considered by the Court that the s<sup>d</sup>.  
Jonathan Bozworth recover against the s<sup>d</sup>: Jacob Richmond the  
Sum of twenty eight pounds lawfull mony of this Province  
damage and costs taxed at £8.3.0.

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Ex'c'on issued}

16<sup>th</sup>. June 1761}.

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Goodwin v Savery.

&gt;&gt;

Nathaniel Goodwin of Plymouth in the County of Plymouth  
 Merchant Compl<sup>t</sup> vs Thomas Savery of s<sup>d</sup>. Plimouth Housewright  
 The Compl<sup>t</sup> shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at  
 Plymouth in february last he recovered Judgment against the s<sup>d</sup>.  
 Thomas for £10.8.4 Dam<sup>a</sup>. & Cost from which Judgment s<sup>d</sup>. Thomas  
 Appealed to this Court & recogniz'd to prosecute the same but failed so  
 to do wherefore the Compl<sup>t</sup> pray'd Affirmation of s<sup>d</sup>. Judgment with  
 Additional Interest & Cost It is therefore Considered by the Court that the  
 s<sup>d</sup>. Nathaniel Goodwin recover against the said Thomas Savery the sum  
 of Ten pounds eleven shillings & two pence lawfull Mony of this Pro-  
 vince Damage & cost taxed at £2.19.4.

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Ex'c'on issued

8<sup>th</sup>: June 1761.

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Jackson v Nelson

&gt;&gt;

Samuel Jackson of Plymouth in the County of Plymouth Shoarman Compl<sup>t</sup>  
 vs John Nelson of said Plymouth Husbandman The Compl<sup>t</sup> shew'd that  
 at an Inf<sup>r</sup>. Court of Common pleas held at Plimouth in October last he recovered  
 Judgment against the s<sup>d</sup>. John for £4.3.3 lawf<sup>d</sup>. Money damage & Cost from w<sup>ch</sup>.  
 Judgment s<sup>d</sup>. John appealed to this Court and recogniz'd to prosecute the same  
 to Effect but fail'd so to do wherefore the Compl<sup>t</sup> pray'd affirmation of s<sup>d</sup>. Judgment  
 with Additional Interest & Cost It is therefore Considered by the Court that  
 the s<sup>d</sup>. Samuel recover against the s<sup>d</sup>. John the sum of four pounds  
 Six shillings & a penny lawfull money of this Province damage & cost taxed  
 at £3.1.4.

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Ex'c'on issued

16. June 1761.

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John

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Image 229-Right

185.

[185r]

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Rider v Crandon

&gt;&gt;

John Rider jun<sup>r</sup>. of Plymouth in the County of Plymouth Mariner  
 Compl<sup>t</sup> vs Thomas Crandon of Plymouth afores<sup>d</sup>. Mariner the Compl<sup>t</sup>  
 shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Plimouth on the  
 second Tuesday of July last he recovered Judgment against the s<sup>d</sup>. Thomas  
 for the sum of sixteen pounds and two pence lawfull money damage &  
 cost from which Judgment the said Thomas appealed to this Court and re-  
 cogniz'd to prosecute the same but failed so to do wherefore the Compl<sup>t</sup>  
 pray'd Affirmation of said Judgment with Additional Interest & Cost  
 It is Considered by the Court that the s<sup>d</sup>. John Rider Jun<sup>r</sup>. recover against  
 the said Thomas Crandon the Sum of sixteen pounds fifteen shillings  
 and four pence lawfull money of this Province damage and cost taxed  
 at £2.17.10.

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Ex'c'on iss<sup>d</sup>:5<sup>th</sup>. Jan<sup>ry</sup>. 1762.

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Pratt v Darling.

&gt;&gt;

Micah Pratt of Taunton in the County of Bristol Yeoman Compl<sup>t</sup> vs  
 Thomas Darling jun<sup>r</sup>. of Middleborough in the County of Plymouth Labourer  
 The Compl<sup>t</sup> Shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at plymouth  
 in Oct<sup>r</sup>. last he recovered Judgment against the said Thomas for £3.17.3

lawfull mony damage & costs from which Judgment the s<sup>d</sup>. Thomas Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional Interest and cost It is considered by the Court that the said Micah Pratt recover against the said Thomas Darling jun<sup>r</sup>. the sum of three pounds nineteen shillings and ten pence lawfull Money of this Province damage and cost taxed at £3.8.0.

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Ex'c'on iss<sup>d</sup>.3<sup>r</sup>. Oct<sup>r</sup>. 1761.

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Murdock v Turner.

&gt;&gt;

James Murdock of Plimton in the County of Plymouth Yeoman Complt ~~vs~~ David Turner of Plymouth in the County of Plymouth Shipwright the Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Plymouth in february last he recovered Judgment against the said David for £27.14.3. lawfull money Debt and costs, from which Judgm<sup>t</sup>: the said David Appealed to this Court and recogniz'd with Sureties to prosecute the same to effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Damages & costs It is Considered by the Court that the said James Murdock recover against the said David Turner the Sum of twenty eight pounds one shilling and eight pence lawfull money of this Province debt and cost taxed at £.

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Murdock v Turner.

&gt;&gt;

Bartlett Murdock of Plimton in the County of Plymouth Yeoman Complt ~~vs~~ David Turner of Plymouth in the County afores<sup>d</sup> Shipwright the Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Plymouth in february last he recove-

red Judgment against the s<sup>d</sup>. David for £27.14.3 Debt & cost: from which Judgment the s<sup>d</sup>. David Appealed to this Court and recogniz'd with Sureties to prosecute the same to effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Damages & cost It is considered by the Court that the said Bartlet Murdock recover against the said David Turner the Sum of twenty eight pounds one shilling & eight pence [^lawfull mony of this Province^] Debt & costs taxed at £.

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Elisha.

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Image 230-Left

[185v]

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Leavit v Gilbert.

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Elisha Leavit Jun<sup>r</sup>. of Hingham in the County of Suffolk Blacksmith Complt ~~vs~~ Benjamin Gilbert of Halifax in the County of Plymouth Housewright The Complt shew'd that an Inf. Court of Common pleas held at Plymouth in October last he recovered Judgment against the said Benjamin for £5.12/ lawfull mony damage and cost from w<sup>ch</sup>.: Judgment he appealed to this Court and recogniz'd to prosecute the same to effect but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost It is Considered by the Court that the said Elisha Leavit recover against the said Benj<sup>a</sup>: Gilbert the Sum of five pounds fifteen shillings and seven pence lawfull mony of this Province damage & cost taxed at £3.14.7.

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Ex'c'on issued

21. May. 1761.

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Leavit v Rogers.



&gt;&gt;

Elisha Leavit jun<sup>r</sup>. of Hingham in the County of Suffolk Blacksmith  
 Complt ~~vs~~ Jeremiah Rogers of Hanover in the County of Plymouth  
 Labourer the Complt shew'd that at an Inf. Court of Common pleas  
 held at Plymouth in february last he recovered Judgment against  
 the said Jeremiah for £3.2.7 damage & cost from which Judgment  
 the said Jeremiah Appealed to this court and recogniz'd to prosecute  
 the same but failed so to do wherefore the Complt pray'd affirmation  
 of said Judgment with Additional Costs It is Considered by the Court  
 that the said Elisha Leavit recover against the said Jeremiah Rogers  
 the Sum of three pounds two shillings and seven pence lawfull mony  
 of this Province damage and Cost taxed at £.

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Ex'c'on at supra

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Thomas v Groose.

&gt;&gt;

Jesse Thomas of Pembroke in the County of Plymouth Trader Complt  
~~vs~~ Isaac Groose of Hanover in said County Blacksmith The Complt  
 shew'd that at an Inf. Court of Common Pleas held at Plymouth in  
 february last he recovered Judgment against the said Isaac for  
 £7.6/ lawful Mony damage and cost from which Judgment he  
 appealed to this Court and recogniz'd to prosecute the Same but failed  
 so to do wherefore the Complt pray'd Affirmation of said Judgment  
 with Additional Costs It is Considered by the Court That the said Jesse  
 Thomas recover against the said Isaac Groose the Sum of Seven pounds  
 Six shillings lawfull Money of this Province damage and cost taxed at £3.11.6.

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Ex'c'on issued

21. May. 1761.

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Soule v Wright et al.

&gt;&gt;

Ebenezer Soule of Plimton in the County of Plymouth Yeoman Complt  
 vs Benjamin Wright and Adam Wright both of s<sup>d</sup>: Plimton Labourers  
 The Complt shew'd that at an Inf<sup>r</sup>: Court of Common pleas held at Plymouth  
 in february last he recovered Judgment against them for £22.13.10 law-  
 full Mony debt & Cost from which Judgment they Appealed to this Court &  
 recogniz'd with Sureties to prosecute the same to effect but failed so to do  
 wherefore the Complt pray'd Affirmation of said Judgment with Additional  
 Damage and cost It is Considered by the Court that the said Ebenezer  
 Soule recover against the said Benjamin Wright and Adam Wright  
 the Sum of Twenty three pounds and four pence lawfull Money  
 of this Province debt and cost taxed at £3.8.4.

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Ex'c'on issued

9. June, 1761

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James

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Image 230-Right

186.

[186r]

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Nash. v Ingall

&gt;&gt;

James Nash of Abington in the County of Plymouth Yeoman as he is Adminis-  
 trator of all and singular the Right's credits goods and chattels of his Father  
 James Nash late of s<sup>d</sup>. Abington Gent<sup>n</sup> dec<sup>d</sup>. Intestate Complt vs Joseph  
 Ingall of Taunton in the County of Bristol Gent<sup>n</sup>. The Complt shew'd that at  
 an Inf<sup>r</sup>. Court of Common pleas held at Plymouth in October last he  
 recovered Judgment against the said Joseph for £15.13.9 lawfull mony  
 damage and cost from which Judgment the said Joseph appealed to this

Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Cost It is Considered by the Court that the said James Nash Adm'or as afores<sup>d</sup>. recover against the said Joseph Ingall the Sum of fifteen pounds thirteen shillings and nine pence lawfull Money damage and Costs taxed at £4.7.6.

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Ex'c'on issued

8. June, 1761.

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Reed v Carver

&gt;&gt;

John Reed of Dighton in the County of Bristol Joiner Complt ~~vs~~ Joseph Carver jun<sup>r</sup>. of Bridgewater in the County of Plymouth Gentleman The Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Plymouth in April last he recovered Judgment against the said Joseph for £29.17.6 damage & cost from which Judgm<sup>t</sup>: said Joseph Appealed to this Court and recogniz'd to prosecute the same but failed so to do Wherefore the Complt pray'd affirmation of s<sup>d</sup>: Judgment with Addition<sup>l</sup>. Interest and cost It is Considered by the Court that the said John Reed recover against the said Joseph Carver the Sum of twenty nine pounds eighteen shillings and three pence lawfull mony of this Province damage & four pounds four shillings and three pence cost.

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Ex'c'on issued

21. May. 1761.

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Hill v Ware

&gt;&gt;

Jonathan Hill of Swansea in the County of Bristol Trader Appellant ~~vs~~

William Ware jun<sup>r</sup>. of Dighton in the County of Bristol Yeoman Elisha Wilbore Yeoman Eseck Brown jun<sup>r</sup> Yeoman Caleb Sherman Yeoman and John Lee Mariner all of Swansey in the same County and all Owners of the Sloop Elizabeth whereof the said John Lee was late master Aplees from the Judgment of an Inf<sup>r</sup>. Court of Common pleas held at Taunton in s<sup>d</sup>. County on the fourth Tuesday of June last when & where the Apl<sup>t</sup> was pl<sup>t</sup> against the Ap<sup>'</sup>lees In a plea of the case as in the writ on file tested the 26<sup>th</sup>: day of february last is at large set forth: At which said Inf<sup>r</sup>. Court Judgment was rendred that the said Elisha Eseck Caleb & John recover against s<sup>d</sup>. Jonathan cost of Court: This Appeal was bro't forward at the Superiour Court of Judicature &c held at Taunton in & for the County of Bristol on the third Wednesday of October last when & where the partys Appeared and entered into a rule of Court to refer this Action and all demands depending between them to the determination of three referrees then nam'd or the major part of them and agreed that Report should be made and Judgment entered, in any County, & now at this Court to which this Appeal was continued & transfer'd the party's Appeared and said referrees reported & their report was read and Accepted and pursuant thereto It is Considered by the Court that the said Jonathan Hill recover against the s<sup>d</sup>: John Lee Caleb Sherman Eseck Brown jun<sup>r</sup>. & Elisha Wilbore the sum of forty Six pounds 11/6 lawfull mony of this Province and one half the costs taxed at £8.14.9½ And that the s<sup>d</sup>. Jonathan Hill recover against the s<sup>d</sup>: William

<duplicates previous>

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[186v]

William Ware jun<sup>r</sup>. the sum of Sixty nine pounds like mony & the other half the costs taxed at £8.14.9½.

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Ware v Sherman et al.

&gt;&gt;

William Ware jun<sup>r</sup>. of Dighton in the County of Bristol Yeoman Appell<sup>t</sup>:  
 vs Caleb Sherman Elisha Willbore & Eseck Brown Yeoman and John  
 Lee Mariner all of Swansea in said County Ap<sup>'</sup>lees from the Judgment of  
 an Inf<sup>r</sup>. Court of Common pleas held at Taunton in & for the County of Bristol  
 on the fourth tuesday of June last when & where the Apl<sup>t</sup> was plt against  
 the Ap<sup>'</sup>lees In a plea of trespass on the case as in the writ on file tested the  
 21<sup>st</sup>. day of february last at large Appears, at which said Inf<sup>r</sup>. Court Judgment  
 was rendred that the said Caleb Elisha Eseck & John recover against s<sup>d</sup>. William  
 cost: This Appeal was bro<sup>'</sup>t forward at the Superiour Court of Judicature &c held  
 at Taunton in & for the County of Bristol on the third tuesday of October last  
 when & where the partys Appeared and enter<sup>'</sup>d into a rule of Court to refer  
 this Action and all Other demands Depending between them to the deter-  
 mination of three referrees then nam<sup>'</sup>d or the major part of them and agreed  
 that Report should be made and Judgment enter<sup>'</sup>d up in any County & now  
 at this Court to which said Appeal was continued the partys Appeared and s<sup>d</sup>:  
 Referees made report which was read and Accepted and pursuant thereto  
 It is Considered by the Court that the said William Ware Recover against  
 the said Caleb Sherman Elisha Willbore Eseck Brown & John Lee the  
 Sum of five pounds five shillings lawfull money of this Province damage  
 & costs taxed at £10.14.11.

Boston May 28<sup>th</sup>: 1761. Thereby Acknowledge to have received full satis-  
 faction of the Judgment above recorded, of the Appellees. Will<sup>m</sup>: Ware jun<sup>r</sup>  
 Witness Nat Hatch Cler.

&lt;\_&gt;

&lt;&lt;

Order on Turner's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of John Turner of Pembroke in the County  
 of Plymouth Yeoman as he is Administrator on the Estate of Gideon  
 Bisbe late of said Pembroke Yeoman deceased wherein the Pet<sup>r</sup> Shew<sup>'</sup>d  
 that the Estate of the s<sup>d</sup>. Gideon is represented insolvent to the Judge of Probate  
 for said County & Commissioners Appointed to examine the several claims  
 & therefore he pray<sup>'</sup>d he might be impowered to make sale of all the real

Estate the s<sup>d</sup>. Gideon dyed seized of for payment of his just debts so far as it entends Ordered that the prayer of this Petit<sup>r</sup>. be granted and he in said Capacity is hereby impowered to make & Execute a good deed or deeds in the Law for conveyance thereof he posting up notifications thirty days before Sale and accounting for the produce of s<sup>d</sup>. Sale with the Judge of Probate for said County as the Law directs.

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Order on Glover's pet<sup>o</sup>.

>>

Upon reading the petition of Robert Glover of Pembroke in the County of Plymouth Labourer Admin<sup>r</sup> on the Estate of Thomas Glover of Thomas Glover of s<sup>d</sup>. Pembroke Labourer deceased wherein the Pet<sup>r</sup>. shew'd that the said deceased's Estate is insolvent & therefore pray'd that he might be impowered to make sale of all the said deceased's real Estate for payment of his debts so far as the same will extend Ordered that the prayer of the petitioner be granted and he in his said capacity is hereby impowered to make Sale of the said Estate for the purpose afores<sup>d</sup>. and to make & execute a good deed or deeds for conveyance thereof he posting up notifications thirty

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Image 232-Right

187.

[187r]

thirty days before sale And Accounting with the Judge of Probate for s<sup>d</sup>. County as the Law directs.

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Order on Briant's pet<sup>o</sup>

>>

[^Upon reading the petition of^] Seth Briant of Marshfeild in the County of Plymouth Gent<sup>n</sup>. Admin<sup>r</sup>

on the Estate of Josiah Holmes late of said Marshfeild Cordwainer dec<sup>d</sup>:

Wherein the Petitioner, Shew'd that the Estate of the said deceased is insolvent

and therefore pray'd that he might be impowered to make sale of the s<sup>d</sup>. deceased's real Estate for payment of his debts so far as the same will extend Ordered that the prayer of the Petitioner be granted and he in said capacity is hereby impowered to make sale of the said Estate for the purpose afores<sup>d</sup>. and to make and execute a good deed or deeds in the Law for conveyance thereof, he to post up notifications thirty days before sale and to Account with the Judge of probate for the produce thereof as the Law directs.

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Order on Lovell's pet<sup>o</sup>.

>>

[^Upon reading the petition^] of Joseph Lovell of Middleborough in the County of Plymouth Yeoman Adm'or

on the Estate of John Lovell late of Warham in s<sup>d</sup>. County Husbandman dec'ed wherein the Pet<sup>r</sup> shew'd that the Estate of the said deceased is insolvent and therefore pray'd that he might be impowered to make sale thereof for payment of his debts so far as the same will extend Ordered that the prayer of the Petitioner be granted and he in his said capacity is hereby impowered to make sale of the said deceased's real Estate for the purpose aforesaid & to make & execute a good deed or deeds in the Law for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for s<sup>d</sup>. County as the Law directs.

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Order on Churchill's pet<sup>o</sup>.

>>

Upon reading the Petition of Barnabas Churchill Administrator on the Estate of Barnabas Churchill late of Plymouth deceased wherein the Pet<sup>r</sup> Shew'd that the personal Estate of the said deceased is not sufficient to pay the debts due from said Estate and the charges of settling the same and that there is none of the real estate can be disposed of without damage to the Children except a peice of Salt Meadow at a place called the highpines Apprized at thirty six pounds lawfull money and that it wou'd be a hurt to the Estate to sell only part of the meadow therefore he pray'd

leave to sell the whole Ordered that the prayer of the Petit<sup>r</sup> be granted  
& he in said Capacity is hereby impowered to make sale of the whole of s<sup>d</sup>:  
meadow for the purposes afores<sup>d</sup>. & to make & execute a good deed or deeds in  
the Law for conveyance thereof he to post up notifications thirty days before  
sale and to Account with the Judge of Probate for said County as the Law  
directs.

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Order on Waterman's pet<sup>o</sup>.

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Upon reading y<sup>e</sup>: Petition  
of Robert Waterman of Halifax in the County of Plymouth Yeoman  
admin<sup>r</sup> on the Estate of Gideon Bearce late of said Halifax Husband-  
man deceased wherein the Petitioner shew'd that the said deceased's Estate  
is insolvent and therefore pray'd licence to sell all the s<sup>d</sup>. deceased's real Estate  
Ordered that the Petitioner in his said capacity be and he hereby is impower'd  
to make sale of the said real Estate for the purposes aforesaid and to make  
and execute a good deed or deeds in the Law for conveyance thereof he  
to post up notifications thirty days before the sale and to Account with  
the Judge of Probate for said County for the produce of said Sale as the  
Law directs.

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[187v]

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Parker's pet<sup>o</sup>. Order on it.

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Upon reading the Petition of Hannah Parker Administrator on the Estate  
of Jesse Parker late of Rochester in the County of Plymouth deceased wherein the  
Petit<sup>r</sup>. shew'd that the Estate of the said deceased is insolvent & therefore pray'd  
she might be impowered to make sale of all the said deceased's real Estate  
for the payment of his debts so far as the same will extend Ordered that



the prayer of the Petitr. be granted and she in her said capacity is hereby impowered to sell all the said deceased's real Estate for the purposes afores<sup>d</sup>. and to make and execute a good deed or deeds in the Law for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on White's pet<sup>o</sup>.

>>

Upon reading the Petition of Benjamin White Guardian to Edward Oakman of Marshfeild in the County of Plymouth a person non compos mentis wherein the Petitioner shew'd that the said Estate is considerably in debt and therefore pray'd that he might be impowered to make sale of his real Estate to the Amount of £30 for payment of his debts and for the necessary Support of himself and family &c Ordered that the prayer of the petitioner be granted in part and he in his s<sup>d</sup>. Capacity is hereby impowered to sell of the real Estate of the said Edward to the Value of thirty pounds lawfull money for the purposes afores<sup>d</sup>. and to make & Execute a good deed or deeds for conveyance thereof, he to post up notifications thirty days before sale and to account with the Judge of Probate for said County as the Law directs.

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Order on Taylor's pet<sup>o</sup>.

>>

Upon reading the Petition of Samuel Taylor of Pembroke Administrator on the Estate of John Bates late of Abington deceased wherein the Petitioner shew'd that the s<sup>d</sup>. Estate is insolvent and pray'd liberty to sell the whole of the said deceased's real Estate to enable him to pay his debts so far as the same will go Ordered that the prayer of the Petitioner be granted & he in his said Capacity is hereby impowered to Sell the said Real Estate for the purposes afores<sup>d</sup>. and to make and execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before sale and to account with the Judge of Probate for said County as the Law directs.

&lt;\_&gt;

Plymouth May the 14<sup>th</sup>: 1761. The Court entered up Judgment according to the Verdicts.

Die produit The Court Adjourned without day Att<sup>r</sup>.

Sam Winthrop Cler.

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Image 233-Right

188.

[188r]

Province of the} Anno Regni Regis Georgii tertii magnæ  
Massachusetts Bay} Britanniaë Franciæ et Hiberniæ primo.

Barnstable sc}

At his Majesty's Superiour Court of Judicature Court of Assize and general goal delivery begun and held at Barnstable in the County of Barnstable and for the Counties of Barnstable & Dukes County on the first thursday of May (being the seventh day of the said Month) Annoque Domini 1761, by Adjournment from the first tuesday of said month.

By the Honourable Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice.

Benjamin Lynde.}

John Cushing.} Esq<sup>rs</sup>: Justices.

Chambers Russell &}

Peter Oliver}

His Majesty's Commission constituting and Appointing the said Thomas Hutchinson Esq<sup>r</sup>: to be cheif Justice, and the said Benjamin Lynde, John Cushing Chambers Russell and Peter Oliver Esq<sup>rs</sup>: to be Justices of the said Court was produced and published in Court.

The Attorney General being Absent, the Court Appointed James Otis Esq<sup>r</sup>: to Act as King's Attorney in his stead at this term.

The names of the grand Jurors and Petit Jurors are in the list

on file.

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Gorham v Sturgis

>>

Joseph Gorham late of a place called Lunenburgh in the Government of Nova Scotia now resident in Barnstable in the County of Barnstable Esq. Appellant ~~vs~~ Samuel Sturgis jun<sup>r</sup>. of Barnstable in the County of Barnstable Shopkeeper Ap'lee from the Judgment of an Inferiour Court of Common pleas held at s<sup>d</sup>. Barnstable in March AD 1759 when & where the Ap'lee was plt and the Apl<sup>t</sup> was Deft in a plea of Trespass for that the said Joseph Gorham at Barnstable aforesaid on the 12<sup>th</sup>: day of february AD 1759, with force & Arms and without any lawfull cause took and carried away from the service of the said Samuel Sturgis jun<sup>r</sup>. one Nathaniel Claghorn (under the Age of sixteen years and but fourteen years & eight months old the 25<sup>th</sup>: day of December last) then an Apprentice and Servant of the said Samuel Sturgis jun<sup>r</sup>. & then at s<sup>d</sup>. Barnstable lawfully retained in the Service of him the said Samuel Sturgis jun<sup>r</sup>. to serve him the said Samuel Sturgis jun<sup>r</sup> as an Apprentice and Servant for and during the term of six years and four months from the 25 day of december last past to be instructed in and to learn the Art of a~~n~~ Cooper and Other enormities the s<sup>d</sup>. Joseph Gorham then & there did to the s<sup>d</sup>: Samuel Sturgis jun<sup>r</sup>. contrary to Law and against the King's peace and to the damage of the said Samuel Sturgis jun<sup>r</sup> as he saith the Sum of fifty pounds, at which s<sup>d</sup>. Infer<sup>r</sup>. Court Judgment was rendred that the said Samuel recover against the said Joseph the Sum of thirteen pounds Six shillings & eight pence damage and costs of Suit: This Appeal was brot forward at the term of this Court for this County & the County of Dukes County [<sup>^</sup>held at Barnstable in 1759<sup>^</sup>]& from thence was continued to the then next Term for the same County & from that term to this Court and now both

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[188v]

now both parties Appeared and the case after a full hearing was committed

to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment & Costs It is therefore considered by the Court that the former Judgment be reversed and that the said Joseph Gorham recover against the said Samuel Sturgis jun<sup>r</sup>. costs taxed at £.

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Phillips v Snow.

>>

Isaac Phillips of Boston in the County of Suffolk Mariner Appellant  
 vs Sylvanus Snow of Eastham in the County of Barnstable Yeoman Appellee  
 from the Judgment of an Infer<sup>r</sup>. Court of Common pleas held at Barnstable in  
 September AD 1759, when & where the Apl<sup>'ee</sup> was plt and the Apl<sup>t</sup> was Deft  
 In a plea of Accompt as in the writ on file tested the 2<sup>d</sup>. day of April [<sup>^</sup>1759<sup>^</sup>] is at large  
 sett forth; At which said Infer<sup>r</sup>. Court Judgment was rendred that the said Isaac  
 render an Acco<sup>t</sup>. to the plt in Sixty days of what is or may be due to the plt and in  
 failure thereof that the Deft pay to the plt the Sum of One hundred and thirty pounds  
 Damage and costs of Suit; This Appeal was bro't forward at the last term &  
 then the party's appeared and entered into a rule of Court (which is on file) to  
 refer this Action & all Demands relating to the Sloop mention'd in the writ to  
 the Determination of referrees then appointed & from that term said Appeal  
 was continued under s<sup>d</sup>. Rule to this Court & now the Referrees reported and  
 the party's appear'd & s<sup>d</sup>. Report was read and Accepted and pursuant thereto  
 It is Considered by the Court that the said Silvanus Snow recover against the  
 said Isaac Phillips the Sum of thirty eight pounds eleven shillings and  
 eight pence lawfull mony of this Province damage and costs taxed at  
 £.

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Bee v Howes

>>

Thomas Bee of Chatham in the County of Barnstable Fisherman  
 Appellant vs Daniel Howes of said Chatham Gentleman Appellee  
 from the Judgment of Inferior Court held at Barnstable in s<sup>d</sup>. County of

Barnstable on the first tuesday of December AD 1759 The Appellant became nonsuit: the Appellee Appear'd & pray'd costs It is Considered by the Court that the said Daniel Howes recover against the said Thomas Bee costs taxed at £.

N.B. See y<sup>e</sup>. complaint at this court.

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Gorham. v Knowles

>>

Thomas Gorham Appellant ~~vs~~ Joshua Knowles Appellee.

This Action is agreed.

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<<

Zekiel v Merchant

>>

Patience Zekiel of the Island of Chapaquiddit in the Constablerick of Edgartown in the County of Dukes County Indian Woman Spinstress appellant ~~vs~~ John Merchant Yeoman and Mathew Butler Mariner both of s<sup>d</sup>. Edgartown Appellee from the Judgment of an Inferiour Court of Com'on pleas held at Edgartown in & for s<sup>d</sup>. County on the last tuesday of October AD 1759, when & where the Appellant was plt & the Apl'ees were defts In a plea of Trespass and is for that the said John and Mathew afores<sup>d</sup>. with Others to the plt unknown

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Image 234-Right

189.

[189r]

Unknown with force and Arms contrary to Law and against the King's peace did on or about the last of april or the beginning of may in the year of Our Lord seventeen hundred and fifty eight enter into and upon two certain tracts or parcels of upland or old planting feilds belonging to and in the possession of the plt lying and being a small distance to the northward of the plts now dwelling house or Wigwam on said Island of Chapaquiddit and at a

place called Tom's neck one of said feilds being at the distance of about four rods from the plts now dwelling house & the Other about fifteen rods from s<sup>d</sup>. dwelling house s<sup>d</sup>. old planting feild containing about six Acres in the whole being almost separated from each other by a hill or ridge of land which runs about Southeast & northwest and is at the distance of about ten rods from the plts dwelling house aforesaid and the said feilds are bounded on all parts by lands which have not of late been ploughed or broken up if ever into which said feilds the said John & Mathew being entered as afores<sup>d</sup>: did then & there contrary to the plts liberty plow up about five Acres of the s<sup>d</sup>: planting feilds and did plant the same and did reap carry away and convert to their own use by the same continued force from off the s<sup>d</sup>. feild so planted about one hundred and twenty bushells of Indian corn of the value of twenty pounds which Action of the s<sup>d</sup>. John and Mathew are to the damage of the s<sup>d</sup>. Patience Micah otherwise called Patience Zekiel as she saith the Sum of twenty pounds At which s<sup>d</sup>. Inferiour Court Judgment was rendred that the said plts writ abate & the Defts are granted their costs: This Appeal was bro't forward at this Court and the partys appeared and the Defts by J Otis their Attorney reserving liberty of giving any Special matter in evidence as if specially pleaded said they are not Guilty & thereof put &c upon which plea issue was join'd and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellant seven pounds money damage and costs It is therefore Considered by the Court that the said Patience Micah otherwise called Patience Zekiel recover against the said John Merchant & Mathew Butler the Sum of seven pounds lawfull money of this Province damage and costs taxed at £12.11.10.

&lt;&lt;

Ex'c'on issued

30 June, 1761.

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&lt;&lt;

Coffin v Butler

&gt;&gt;

Enoch Coffin Appellant ~~vs~~ Henry Butler's Adm<sup>r</sup>. Appellee.

This Action is dismiss the Appellee being dead and no Executor or Administrator Appearing.

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&lt;&lt;

Burnall v Swift

&gt;&gt;

Jonathan Burnall of Sherbourn in the County of Nantuckett Shipwright  
Appellant ~~vs~~ Elisha Swift of Falmouth in the County of Barnstable Taylor  
Appellee from the Judgment of an Inf<sup>r</sup>. Court of Common pleas held at Barn-  
stable on the third tuesday of March last when & where the appellee was  
plt and the Appell<sup>t</sup>. was Deft In a plea of trespass on the case as in the writ  
on file tested the 18<sup>th</sup>: day of february last is at large sett forth, at which s<sup>d</sup>. Inf<sup>r</sup>.  
Court Judgment was rendred that the plt recover against the Deft one hundred  
pounds damage and cost: Both partys Appeared & entered into a rule of Court  
to

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[189v]

to refer this Appeal and all demands to certain referrees now nam'd & appointed  
and the said referrees made a Report in writing which was read and Accepted  
& pursuant thereto It is Considered by the Court that the said Jonathan  
Burnall recover against the said Elisha Swift costs taxed at £.

&lt;\_&gt;

&lt;&lt;

Sears v Hopkins.

&gt;&gt;

Fear Sears of Chatham in the County of Barnstable as she is Guardian  
to Daniel Sears of Chatham afores<sup>d</sup>. Gent<sup>n</sup>. noncompos Compl<sup>t</sup> ~~vs~~ John  
Hopkins of Dartmouth in the County of Bristol Yeoman, The Compl<sup>t</sup> shew'd  
that at an Infer<sup>r</sup>. Court of Common pleas held at Barnstable in Dec<sup>r</sup>. last  
s<sup>d</sup>. Guardian recover'd Judgment against the Deft for £2.3.4¼ Damage

& Costs from which Judgment he Appealed to this Court & recogniz'd to prosecute the same but failed so to do wherefore the Compl't pray'd affirmation of s<sup>d</sup>.

Judgment with Additional costs It is Considered that the s<sup>d</sup>. Fear in her s<sup>d</sup>. Capacity recover against said John the Sum of two pounds three shill<sup>s</sup>.

& four pence farthing lawfull mony of this Province damage & £5.8.1. costs.

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Ex'c'on issued

18 May. 1761.

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Howes v Bee

>>

Daniel Howes of Chatham in the County of Barnstable Gent<sup>n</sup> Compl't  
vs Thomas Bee of s<sup>d</sup>. Chatham Fisherman The Compl't shew'd that at an  
Infer<sup>r</sup>. Court of Common pleas held at Barnstable in Dec<sup>r</sup>. last he recovered  
Judgment against s<sup>d</sup>. Thomas for £40 Damage & Costs from which Judgm<sup>t</sup>  
he Appealed to the then next Superiour Court of Judicature & recogniz'd  
to prosecute said appeal to effect but has failed so to do wherefore the  
Compl't pray'd Affirmation of said Judgment with Additional Cost  
It is Considered by the Court that the s<sup>d</sup>. Daniel recover against  
the s<sup>d</sup>. Thomas the Sum of forty pounds lawfull money of this Province  
damage & cost taxed at £.

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Order on Blish's pet<sup>o</sup>.

>>

Upon reading the petition of John Blish of Barnstable sole Admi-  
nistrator on the goods chattels rights and credits of Reuben Blish  
late of Barnstable in the County of Barnstable Yeoman deceased  
wherein the Pet<sup>r</sup>. shew'd that the personal estate falls short of paying the  
said deceased's debts charge of Adm<sup>rs</sup>: necessities allowing the widow the  
sum of £52.13.6. therefore he pray'd this court to empower him in his said  
capacity to sell so much of the real Estate of s<sup>d</sup>. dec<sup>d</sup>. as to enable him to pay



said sum Ordered that the prayer of the Pet<sup>r</sup>. be granted and he in said capacity is hereby impowered to sell so much of the same estate as will answer the end aforesaid and to make and execute a good deed or deeds thereof to convey the same, he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Harding's pet<sup>o</sup>

>>

John Harding of Eastham sole Executor to the last will and testament of John Harding late of Eastham in the County of Barnstable Yeoman dec<sup>d</sup>: by his petition to this Court Shew'd that the Estate of said deceased (exclusive of the widows Dower) is insolvent and therefore pray leave to sell the said deceaseds real Estate for payment of his debts thereupon Ordered that the petitioner be impowered & he is hereby impowered to sell said real Estate.

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Image 235-Right

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[190r]

Estate for the end aforesaid and to make a good deed or deeds, for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Gorham's pet<sup>o</sup>

>>

Upon reading the Petition of David Gorham of Barnstable Esq<sup>r</sup>. sole Administrator on the remaining goods chattels rights and credits of Jeremiah Walker late of Harwich in the County of Barnstable dec<sup>'ed</sup> wherein the Pet<sup>r</sup>. shew'd that the said deceased's Estate is insolvent, that the whole of his real estate except the widow's dower hath been sold for

payment of his debts & fell short of paying the same & since the last settlement with the Judge of Probate the widow is dead, the Pet<sup>r</sup>. therefore pray'd this Court to empower him to sell the residue of the real Estate of the deceased (being what was the widows Dower) for payment of his just debts Ordered that the prayer of the Petitioner be granted and he is hereby empowered to sell said residue for said purpose and to make and execute a good deed or deeds for conveyance of the same he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Linnel's pet<sup>o</sup>

>>

Upon reading the Petition of Jonathan Linnel of Harwich sole Administrator on the goods chattels rights and credits of Dean Smith late of Harwich aforesaid Yeoman deceased wherein the Petitioner shew'd that the personal Estate of the said deceased falls Short of paying his just debts the Sum of £26.12.4 and therefore pray'd leave to sell so much of the real Estate of s<sup>d</sup>. deceased as to discharge said sum Ordered that the prayer of the Petitioner be granted and he is hereby empowered to sell so much of the said real estate as will be sufficient for the purpose aforesaid and to make a good deed or deeds for conveyance thereof he to post up notifications and to Account with the Judge of Probate as the Law directs.

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Order on Dexter's pet<sup>o</sup>.

>>

Upon reading the petition of Joseph Dexter and Azuba his wife as the said Azuba is Administratrix on the Estate of Richard Godfree late of Chatham in the County of Barnstable deceased wherein the Petitioners shew'd that the Estate of the said deceased is insolvent & therefore pray'd for leave to sell the whole of the said deceased's real Estate (reserving the widows dower) to enable them to pay his debts Ordered

that the prayer of the Petitioner, be granted and they are hereby  
 impowered to sell said real estate for the ends aforesaid and to make  
 & execute a good deed or deeds for conveyance thereof they to post up  
 notifications thirty days before sale and to Account with the Judge  
 of Probate for s<sup>d</sup>. County as the Law directs.

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Order on Dier's pet<sup>o</sup>.

>>

Upon reading the Petition of Solomon Dier sole Administrator on the  
 Estate of Samuel Cooms late of Eastham in the County of Barnstable  
 deceased wherein the petr shew'd that the personal Estate of the s<sup>d</sup>:  
 deceased falls short of paying the debts of s<sup>d</sup>. dec<sup>d</sup>. the sum of £40.3.11.  
 and the whole of the real Estate of the said deceased exclusive of the  
 widows dower, was appriz'd at no more than £44.9.0 therefore he  
 pray'd

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[190v]

pray'd for leave to sell the whole real Estate of s<sup>d</sup>. deceased for pay-  
 ment of his debts Ordered that the prayer of the Petitioner be  
 granted and he is hereby impowered to sell the whole real Estate  
 aforesaid (except the widows Dower) for the ends aforesaid and to make  
 and execute a good deed or deeds for conveyance thereof he to post  
 up notifications thirty days before sale and to Account with the  
 Judge of Probate for said County as the Law directs.

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Order on Atwood's pet<sup>o</sup>.

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Upon reading the petition of Eleazer Atwood of Eastham Yeoman &  
 sole Executor to the last will and testament of James Cahoon late of s<sup>d</sup>:  
 Eastham Yeoman deceased wherein the pet<sup>r</sup>. shew'd that the personal  
 Estate of the said deceased falls short of paying the said deceased's debts

&c the Sum of forty pounds ten shillings and the real Estate of the said deceased (except the widows dower) was appriz'd at no more than forty two pounds six shillings and three pence he therefore pray'd this Court to empower him to sell s<sup>d</sup>. real Estate except the Widows dower) to enable him to pay the said Sum of £40.10/ Ordered that the prayer of the Petitioner be granted and he is hereby empowered to sell said real Estate (except as before excepted) for the end afores<sup>d</sup>. and to make & execute a good deed or deeds in the Law for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of probate for s<sup>d</sup>: County as the Law directs.

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Order on Hallet's pet<sup>o</sup>.

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Enoch Hallet of Yarmouth sole Administrator on the goods chattels rights and credits of David Taylor late of Yarmouth in the County of Barnstable Mariner deceas'd by his petition shew'd that the personal Estate of said deceased falls short of paying his just debts the Sum of £39.16.3. & the real Estate of s<sup>d</sup>. deceas'd was appriz'd at no more than the Sum of £44.5.4. he therefore pray'd this Court to empower him to sell s<sup>d</sup>. real Estate to enable him to pay the deceased's debts thereupon it is Order'd that the petition be granted and the Petitioner is hereby empowered to sell said real Estate for the ends aforesaid and to make and execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for s<sup>d</sup>: County as the Law directs.

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Order on Rich's pet<sup>o</sup>.

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Upon reading the Petition of Reuben Rich of Eastham Yeoman sole Administrator on the Estate of Richard Baker late of Eastham in s<sup>d</sup>: County dec<sup>d</sup>. represented Insolvent Wherein the Pet<sup>r</sup>. Shew'd that the whole of the Estate of s<sup>d</sup>. deceased (except y<sup>e</sup>. Widow's Dower) falls short of paying the

debts due from s<sup>d</sup>. Estate &c & therefore pray'd leave to sell the whole of the real Estate of s<sup>d</sup>. dec<sup>d</sup>. (except the Widows Dower) to enable him to pay s<sup>d</sup>. debts Ordered that the prayer of the Petitioner be granted & he in s<sup>d</sup>. capacity is hereby impowered to sell the whole of s<sup>d</sup>. real Estate, except s<sup>d</sup>. Dower, and to make & Execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for s<sup>d</sup>. County as the Law directs.

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Upon

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Image 236-Right

191.

[191r]

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Order on Atwood's pet<sup>o</sup>

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Upon reading the petition of Eleazer Atwood and Samuel Peirce both of eastham Administrators on the Estate of Joshua Peirce late of s<sup>d</sup>: Eastham Yeoman dec<sup>d</sup>. wherein the petitioners shew'd that the said dec'ed's Estate is insolvent and that the whole of s<sup>d</sup>: Estate both real & personal falls short of paying the debts due from s<sup>d</sup>. Estate &c and therefore pray'd this Court to empower them to sell the whole of said real Estate to enable them to pay said debts Ordered that the prayer of the Petitioners be granted and they are hereby impowered to sell said real [^Estate^] (excent the widows dower) and to make and execute a good deed or deeds for the conveyance thereof they to post up notifications thirty days before sale and to Account with the Judge of Probate for s<sup>d</sup>. County as the Law directs.

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Order on Atwood's pet<sup>o</sup>

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Upon reading the Petition of Ebenezer Atwood Administrator of the Estate of Barnabas Smith late of Eastham in the County of Barnstable Labourer dec'ed wherein the Petitioner shew'd that the personal Estate

of s<sup>d</sup>. decd falls short of paying his just debts &c the Sum of £3 he therefore pray'd this Court's leave to Sell the real Estate of said deceased to enable him to pay s<sup>d</sup>. three pounds Ordered that the prayer of the Petit<sup>r</sup> be granted and he in his said capacity is hereby impowered to sell said real Estate for the ends afores<sup>d</sup>. and to make & execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Davis's pet<sup>o</sup>

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Upon reading the Petition of Robert Davis of Barnstable Yeoman & Administrator on the Estate of Gorham Cobb late of Barnstable in the County of Barnstable Yeoman deceased wherein the Petitioner Shew'd that the s<sup>d</sup>. deceased's estate is insufficient to pay his debts and therefore pray'd leave to sell the whole of the said deceased's real estate (except the widows dower) to enable him to pay said debts Ordered that the prayer of the Petitioner be granted and he in his said capacity is hereby impower'd to sell said real Estate (except as before) for the end afores<sup>d</sup>. and to make and execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Mayo's pet<sup>o</sup>.

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Upon reading the Petition of Joseph Mayo of Harwich sole Administrat<sup>r</sup>. on the Estate of Joseph Mayo jun<sup>r</sup>. late of Harwich in the County of Barnstable Yeoman dec<sup>d</sup>. wherein the Petitioner shew'd that the Estate of said dec'd is insolvent & therefore pray'd leave to sell the real estate of said dec'd except the widows Dower for payment of his debts Ordered that the prayer of the Petitioner be granted and he is hereby impowered to sell the whole of said real Estate except the widows Dower, for the end afores<sup>d</sup>:

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and to make and execute a good deed or deeds for conveyance thereof  
he to post up notifications thirty days before sale and to Account with the  
Judge of probate for said County as the Law directs.

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Order on Clerk's pet<sup>o</sup>.

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Upon reading the Petition of Lydia Clerk of Harwich Administratrix  
on the Estate of Nathaniel Clerk late of Harwich in the County of Barnsta-  
ble Yeoman deceased wherein the Petitioner shew'd that the personal  
Estate

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Image 237-Left

[191v]

Estate of the said deceased falls short of paying his debts £64.10s.3d.  
She therefore pray'd leave to sell so much of said real Estate of s<sup>d</sup>.  
deceased as to enable her to pay Sum Ordered that the prayer  
of the Petitioner be granted and she is hereby impowered to sell of  
said real Estate so much as will enable her to pay said Sum &  
to make and execute a good deed or deeds for conveyance thereof  
she to post up notifications thirty days before sale and to Account  
with the Judge of Probate for said County as the Law directs.

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Order on Gorham's Pet<sup>o</sup>.

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Upon reading the Petition of Ebenezer Gorham of Barnstable  
Yeoman Guardian to Joseph Gorham of said Barnstable a person  
non compos mentis Wherein the Petitioner shew'd that the said Joseph  
is justly indebted to his said Guardian for maintenance &c £176.0.0  
more than the personal Estate of said deceased and the nett pro-  
duce of his real Estate will pay he therefore pray'd this Court to empower  
him in his said Capacity to sell so much of the real Estate of said

non compos as to pay said Sum Ordered that the prayer of the  
 Petitioner be granted and he in said Capacity is hereby impower'd  
 to sell so much of the said Joseph's real Estate as will enable  
 him to pay said Sum and to make and execute a good deed  
 or deeds for conveyance thereof he to post up notifications thirty  
 days before sale and to Account with the Judge of Probate for s<sup>d</sup>.  
 County as the Law directs.

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Barnstable May, 8<sup>th</sup>. 1761. The Court enter'd up Judgment  
 according to the Verdicts and then adjourned without day.  
 Att<sup>n</sup>. Sam Winthrop Cler.

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Image 237-Right

192.

[192r]

Province of the} Anno Regni Regis Georgii tertii magnæ  
 Massachusetts Bay} Britanniaë Franciæ et Hiberniæ primo.  
 Essex sc.}

At his Majesty's Superiour Court of Judicature Court of Assize  
 and general goal delivery held at Ipswich within and  
 for the County of Essex on the second tuesday of June (being  
 the 9<sup>th</sup>. day of said month) Annoq Dom 1761.

By the Honourable Thomas Hutchinson Esq<sup>r</sup>. cheif Justice.

Benjamin Lynde,}

John Cushing,}

Chambers Russell and} Esq<sup>rs</sup>: Justices.

Peter Oliver}

The names of the grand Jurors and Petit Jurors are in the list on file.

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Gamaliel Smethurst Appellant ~~vs~~ John Stevens et al Appellees.  
 neither party Appears: the Action being agreed.



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Burbank v Watts

&gt;&gt;

Timothy Burbank of Bradford in the County of Essex trader  
 appellant ~~vs~~ Alexander Watts of Marblehead in said County merch<sup>t</sup>.  
 Appellee from the Judgment of an Infer<sup>r</sup>. Court of common pleas held at  
 Salem in & for the County of Essex on the last tuesday of December AD  
 1759. when & where the aplt was plt and the Aple'e was Deft in a plea  
 of the case as in the writ on file tested the 11<sup>th</sup>, of September 1758, is at  
 large sett forth, at which said Inf<sup>r</sup>. Court Judgment was rendred that  
 said Watts recover of s<sup>d</sup> Burbank costs; this appeal was bro't forward at  
 the term of this Court for this Court held in June last, when the partys  
 Appeared and refer'd this Action and all demands to referrees then  
 nam'd and appointed and then said Appeal was continued to the  
 next term & from that term to this court under said rule of reference  
 and now the party's appear'd and said referrees made report in  
 writing, which was read and accepted and pursuant thereunto  
 Its Considered by the Court that the said Timothy Burbank, recover ag<sup>st</sup>:  
 the said Alexander Watts the Sum of eleven pounds fourteen shill<sup>s</sup>:  
 and eight pence lawfull money of this Province damage and costs  
 taxed at £14.17.6.

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Ex'c'on issued

24. July, 1761.

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Osborn v Chambers

&gt;&gt;

John Osborn of Salem in the County of Essex Mariner Appellant ~~vs~~  
 William Chambers of Boston in the County of Suffolk Mariner Appellee  
 from the Judgment of an Infer<sup>r</sup>. Court of common pleas held at  
 Salem in & for s<sup>d</sup>. County on the last tuesday of December AD 1759, when &

where the aplt was plt and the Aple'e was Deft In a plea of trespass on the case for that the said William at said Salem on the thirtieth day of Aug<sup>st</sup>. last owing the plt two pounds two shillings for labour and service done for the said William and at his request according to the Account Annext to the writ promis'd the said John to pay him the same Sum being what for said labour and service he reasonably deserv'd to have on demand yet the said William tho' requested hath not paid it but he neglects it to the damage of the said John as he saith the Sum of three pounds at which said Inf<sup>r</sup>. Court Judgment was rendred [^(on the pleadings thereas on file)^] that the s<sup>d</sup>. William recover of the s<sup>d</sup>. John costs: This Appeal was bro't forward at the term of this Court for this County held in June last and from thence was continued to the then next term and from that term to this Court and now the party's appeared & the demurrer being waved and issue (as tendred at s<sup>d</sup>. Inferior Court) being join'd the

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Image 238-Left

[192v]

the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Considered by the Court that the said William Chambers recover against the said John Osborn costs taxed at £4.11.4.

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Ex'c'on issued

31. Aug. 1761.

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Kimball v Reed

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Joshua Kimball of Marblehead in the County of Essex wiggmaker Appellant ~~vs~~ Richard Reed of said Marblehead Esq<sup>r</sup> Appellee from the Judgment of an Infer<sup>r</sup>. Court of Common pleas held at Newbury in and

for the County of Essex on the last tuesday of September last when & where the Appellant was plt and the Appellee was Deft In a plea of the case as in the writ on file tested the 24<sup>th</sup>: day of July last at large Appears at which said Infer<sup>r</sup> Court Judgment was rendred that the said Richard recover against the said Joshua costs: This appeal was bro't forward at last term when & where the party's Appear'd and enter'd into a rule of Court to refer this Action and all Other Accompts between them to referrees then nam'd and appointed and from thence said Appeal was continued under said Rule to this Court and now said partys Appear'd and said referrees made their report in writing which was read and Accepted and pursuant thereto It is Considered by the Court that the said Joshua Kimball recover against the said Richard Reed the sum of thirteen pounds two shillings and five pence ha'penny Lawfull mony of this Province damage and costs taxed at £5.18.10.

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Ex'c'on issued

1 July. 1761.

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Davis v Pearson

&gt;&gt;

Benjamin Davis plaintiff ~~vs~~ John Pearson jun<sup>r</sup>. Deft.

Neither party appears: the Action being agreed.

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Diamond v Reed

&gt;&gt;

Aholiab Diamond of Lyn in the County of Essex Cordwainer Appellant ~~vs~~ Richard Reed of Marblehead in s<sup>d</sup>. County Esq<sup>r</sup>. Appellee from the Judgment of an Inferiour Court of Common pleas held at Newbury in and for s<sup>d</sup>. County on the last tuesday of September last when & where the appellant was plt and the Ap'lee was Deft In a plea of trespass on the case as in the writ on file tested the 16<sup>th</sup>: day of Sept<sup>r</sup>:

last is at large sett forth, at which said Inferiour Court Judgment was rendred that the said Richard recover against the said Aholiab costs This appeal was bro't foward at last term when & where the partys Appeared and enter'd in to a rule of Court to refer. this Action and all other demands to referrees then nam'd and appointed and from thence said Appeal was continued to this Court under s<sup>d</sup>. Rule and now the partys appeared and said referrees made report in writing which was read and accepted and pursuant thereto It is Considered by the Court that the said Aholiab Diamond recover against the said Richard Reed the sum of eight pounds lawfull money of this Province damage and costs taxed at £5.18.5.

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Ex'c'on issued

4. July. 1761.

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Wise v Pickman.

&gt;&gt;

John Wise of Berwick in the County of York Mariner Appellant ~~vs~~ Benjamin Pickman of Salem in the County of Essex Esq<sup>r</sup>. as he is Administrator of the goods chattels rights and credits of James Lyndall Esq<sup>r</sup>. late of said Salem deceased intestate appellee from the Judgment of an Inf<sup>r</sup> Court of Common pleas held at Newbury in & for the County of Essex on

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Image 238-Right

193.

[193r]

on the last tuesday of September last when and where the Appellee was plt and the Appellant was Deft In a plea of debt as in the writ is at large sett forth [^At which said Inferiour Court Judgment was render'd that the said Benj<sup>n</sup>. Pickman Admr. as aforesaid recover against the said John Wise the sum of Eighty four pounds 17/4 Lawful Money debt, and £2.17.10 Cost^] This appeal was bro't

forward at last term & from thence was continued to this Court and now the Appellant did not Appear but became nonsuit, the Appellee appeared: It is Considered by the Court that the said Benjamin Pickman Adm'or as afores<sup>d</sup>. recover against the said John Wise the Sum of forty one pounds eleven shillings and Six pence lawfull money of this Province being the chancery of the bond sued on unto its just debt and damage and costs taxed at £ Cessat Ex'c'cio till next term.

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Turner v Fuller

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John Turner of Salem in the County of Essex Esq<sup>r</sup>. appellant ~~vs~~ Timothy Fuller of Middleton in said County Gentleman Appellee from the Judgment of an Infer<sup>r</sup>. Court of Common pleas held at Newbury in s<sup>d</sup>. County on the last tuesday of September last when and where the appell<sup>t</sup>. was plt and the Ap'lee was Deft In a plea of Partition as in the writ on file tested the 9<sup>th</sup> day of September last is at large sett forth, at which said Inf<sup>r</sup>. Court Judgment was rendred that the said Timothy recover against said John costs: This Appeal was bro't forward at last term when & where the parties appeared & agreed that Daniel King Surveyor should run the line between them according to the Original plan and make return the Court as soon as might be and that the Committee who divided said Estate or any other persons may give Such light to the said King in the Affair as they can, and from thence said Appeal was continued to this Court and now the party's appeared and said King made his return in writing as on file and Judgment is enter'd according thereunto and It is also Considered by the Court that the said Timothy Fuller recover against said John Turner costs to the time of the Submission being £. and that the costs that have arisen in runing the line be paid equally by the parties.

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Aborn v Eaton

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Ebenezer Aborn of Lyn in the County of Essex Yeoman Appellant ~~vs~~  
Joseph Eaton of s<sup>d</sup>. Lyn Gentleman Appellee from the Judgment of an Infer<sup>r</sup>.  
Court of Common pleas held at Ipswich in and for the County of Essex on the  
last tuesday of March last when and where the appellant was plt and the  
apl'ee was Deft In a plea of trespass on the case for that the said Ebenezer has  
always been a person of good fame and reputation without any Scandal im-  
putation or stain of the crime of perjury [<sup>^</sup>and was never guilty or justly suspected to be guilty of  
the Infamous & Detestable crime of perjury<sup>^</sup>] of all which the said Joseph Eaton  
was well Knowing but contriving and maliciously intending not only to deprive  
him of his good name and reputation but to bring him into public Infamy  
and danger of suffering the pains and penaltys of the law against perjury  
on the twenty first of October in the thirty second year of the reign of the late  
King's reign at Salem in the County of Essex aforesaid he the Deft did  
then & there falsely and maliciously without cause or colour of any such crime  
committed by the said Ebenezer lay the said crime of perjury to the charge of the  
said Ebenezer and caused him to be indicted for perjury and he the Deft in  
prosecution

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Image 239-Left

[193v]

prosecution of his malicious intention aforesaid and without any legal true or  
probable cause did then & there procure and cause to be indicted the said  
Ebenezer by the name of Ebenezer Aborn of Lyn in the county of Essex afores<sup>d</sup>.  
Yeoman at the Superiour Court of Judicature Court of Assize and general  
goal delivery held at Salem in and for the County of Essex on the third tues-  
day of October in the thirty second year of the reign of George the second before  
Stephen Sewall Esq<sup>r</sup>. and others his companions the Justices of the said Superiour  
Court of Judicature Court of Assize and general goal delivery then held at  
Salem afores<sup>d</sup>. in & for our s<sup>d</sup>. County of Essex as follows vizt. that Joseph Eaton  
of Lyn in the County of Essex Gentleman having impleaded Samuel Read  
of Lunenburgh in the County of Worcester Gentleman for speaking defamatory  
words of the said Joseph to his damage and the said Samuel having in his

defence justified the speaking the same words and given the said Joseph a Bill of the particulars which he the said Samuel in support of his plea afores<sup>d</sup>. expected to prove against the said Joseph in which bill there was among other things this particular charge namely that the said Eaton was indebted to one Thomas Aborn of Lyn an old Batchelor something more than a thousand pounds Old tenor that the said Eaton desired the said Aborn to shift the Bonds and to take one John Damon for Obligor a man suspected to be crazy and on Aborn's refusing to do it the said Eaton declared that he would certainly cheat him out of the whole and that he did accordingly so cheat him And the Jurors aforesaid upon their Oath further present that Ebenezer Aborn of Lyn in the county of Essex Yeoman came into the Inferiour Court of Common pleas held at Ipswich in and for the County of Essex on the last tuesday of March last to give evidence in the cause aforesaid then depending in the Same Court and that the said Ebenezer being then & there in the same Court duely sworn as a Witness in the cause aforesaid he the said Ebenezer did then & there viz<sup>t</sup>. on the 28<sup>th</sup> day of March last at Ipswich aforesaid upon his Oath falsely and maliciously willfully and corruptly affirm depose and swear that he was knowing of the said Eaton's owing the said Thomas Aborn near about a thousand pounds and that the said Eaton cheated the said Thomas out of it that the said Thomas Aborn was cheated or wronged out of the whole of the money for he never receiv'd one penny of it whereas in fact and in truth and as the said Ebenezer then well knew the said Joseph Eaton never cheated or wronged the said Thomas out of the same money but the said Thomas Aborn by himself and the said Ebenezer his Attorney receiv'd by discount and otherwise part of the sum aforesaid and the whole thereof that the said Joseph owed him the said Thomas and so the Jurors aforesaid upon their Oath say that the s<sup>d</sup>. Ebenezer Aborn did on the said 28<sup>th</sup>. day of March last at Ipswich aforesaid in manner & form aforesaid in the said Infer<sup>r</sup>. Court of Common pleas being a court of record falsely and maliciously willfully and corruptly commit willfull and corrupt perjury against the peace of the said Lord the King his crown and dignity And afterwards vizt at and before the Superiour Court of Judicature Court of Assize and general goal delivery held at Ipswich within and for the County of Essex on the second tuesday of

last June the said Ebenezer was arraign'd upon the Indictment aforesaid at the Bar and thereupon he pleaded not guilty and afterwards vizt. before

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Image 239-Right

194.

[194r]

before the Justices of the Superiour Court of Judicature Court of Assize & general goal delivery held at Salem within and for the county of Essex on the third tuesday of last October a Jury was thereupon sworn to try that issue viz<sup>t</sup>. M<sup>r</sup>. Samuel King foreman & fellows who having fully heard the evidence concerning the premisses upon their Oath say'd that the said Ebenezer Aborn is not guilty and it was therefore considered by the said Court that the said Ebenezer Aborn go without day and so the said Ebenezer was lawfully discharged of s<sup>d</sup>. Indictment and of the s<sup>d</sup>. perjury laid to his charge as aforementioned'd and the plt further averrs that by reason of the premisses he is not only hurt in his good name and reputation and greatly troubled in his mind but also hath been forced to be at great costs and charges and to lay out and expend divers great Sums of money for the discharging and Acquitting himself from the said Indictment and for the vindication of his innocence to the damage of the said Ebenezer as he saith the sum of two hundred pounds; at which said Inferiour Court upon the demurrer there Judgment ways rendred that the said Joseph Eaton recover of the said Ebenezer Aborn costs: Both party's now Appeared and the demurrer aforesaid was waved by their consent and issue being joined on the plea tendred at s<sup>d</sup>. Inferiour Court (and on file) the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Considered by the Court That the said Joseph Eaton recover against the said Ebenezer Aborn costs taxed at £.

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Burley v Ives.

&gt;&gt;

Andrew Burley of Ipswich in the County of Essex Gentleman as he is Executer of the Testament of Andrew Burley late of said Ipswich Esq<sup>r</sup>. deceased Appellant vs John Ives of Salem in s<sup>d</sup>. County Tanner as he is Administrator of the Estate of Benjamin Ives late of s<sup>d</sup>. Salem Merchant dec<sup>d</sup>ed not Administred with his Will Annexed Ap<sup>l</sup>ee from the Judgment of an Infer<sup>r</sup>. Court of common pleas held at Ipswich in and for the county of Essex on the last tuesday of March last when and where the appellee was plt and the Apl<sup>l</sup>ee was Deft In a plea of debt for that the said Andrew the Testator in his life time to wit on the 17<sup>th</sup>. day of June AD 1741, at s<sup>d</sup>. Salem by his Bond in court to be produced bound himself to pay the said Benjamin then living eighty pounds lawfull money of new England on demand and for that the same Andrew in his life time vizt. on the twenty fourth day of November AD 1741, at said Salem by his Other Bond in court to be produced bound himself to the said Benjamin then living to pay him two hundred (meaning two hundred pounds) lawfull money of New England on demand and for that the same Andrew on the Same day at s<sup>d</sup>. Salem by his other Bond in court to be produced bound himself [<sup>^</sup>then living<sup>^</sup>] to the said Benjamin then living to pay him other two hundred pounds lawfull money of New England on demand yet neither the same Andrew nor the Deft have ever paid the Sums aforesaid or either of them but the Deft neglects it To the damage of the said John Administrator as he saith the sum of one hundred pounds. At which s<sup>d</sup>. Inf<sup>r</sup>. Court Judgment was rendred that the said John Ives Adm<sup>r</sup>. as afores<sup>d</sup>. recover against the Estate of the said Andrew Burley dec<sup>d</sup>. in the hands and under the administration of the said Andrew

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Image 240-Left

[194v]

Andrew Burley Executor as aforesaid the Sum of seventy pounds two shillings and eight pence mony debt & costs: Both partys appeared and having been fully heard. It is consid<sup>r</sup>ed by the Court that the said

John Ives Administrator as aforesaid recover against the said Estate of the said Andrew Burley deceased in the hands of the said Andrew Burley Executor as aforesaid the Sum of Seventy two pounds twelve shillings lawfull money of this Province being the chancery of the Bonds sued on unto their just debt and damage and costs taxed at £2.18.4.

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Ex'c'on issued

4. July. 1761.

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Parker v Swett et al

&gt;&gt;

Gideon Parker Appellant ~~vs~~ Thomas Swett et al Appellees.

neither Party Appears.

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Procter v Oakes.

&gt;&gt;

Joseph Procter of Marblehead in the county of Essex Shoreman Appell<sup>t</sup>.  
~~vs~~ George Oakes jun<sup>r</sup>. of said Marblehead Fisherman Appellee from  
 the Judgment of an Infer<sup>r</sup>. Court of common pleas held at Ipswich in &  
 for the county of Essex on the last tuesday of March last when & where  
 the appellant was plant and the Ap'lee was Deft In a plea of the  
 case for that the Deft at said Marblehead on the fourteenth day of October  
 last being by the plt Appointed Skipper of the plt's Scooner Resolution  
 in consideration thereof promised the plt that he would proceed forthwith  
 from thence to the fishing banks and there do his utmost endeavours to  
 catch a good fare of fish and Accordingly did proceed in said Scooner  
 to said Banks but when he was there contriving to injure the plt &  
 totally to deprive him of the Advantage he might have had if a good fare  
 of fish had been caught would neither Anchor properly for that purpose  
 neither would he catch any fish nor would he tarry upon said Banks  
 that his men on board might catch any but sailed backwards & forwards

and spent the time idly and negligently and thereby greatly injured the plt as well as the wear of the said Vessel as in the loss of a fare of fish To the damage of the said Joseph as he saith the Sum of two hundred pounds at which s<sup>d</sup>. Infer<sup>r</sup>. Court Judgment was on the the demurrer there rendred that the s<sup>d</sup>. George Oakes recover against the said Joseph Procter costs. Both partys Appeared and the demurrer afores<sup>d</sup>. being by their consent waved and issue join'd upon the plea tendred at the Same Court, the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs It is therefore considered by the Court that the said George Oakes recover against the said Joseph Procter costs taxed at £3.7.0.

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Ex'c'on issued

16. June, 1761.

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Kimball v Somes

&gt;&gt;

Joshua Kimball of Marblehead in the county of Essex Wiggmaker Appellant ~~vs~~ William Somes of Gloucester in said county cooper Apl'ee from the Judgment of an Inferiour Court of Common pleas held at Ipswich in & for s<sup>d</sup>. County on the last tuesday of March last when & where the Apl't was plt & the Ap'lee was Deft In a plea of the case (as in the writ on file tested the 3<sup>d</sup>. day of December last is at large sett forth) at which said

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Image 240-Right

195.

[195r]

said Infer<sup>r</sup>. Court Judgment was rendred that the writ be abated and that the said William Somes recover of the said Joshua

Kimball costs: Both partys appear'd and the pleas in abatem<sup>t</sup>:  
being overruled the appellee afterwards altho' solemnly called  
to come into court did not appear but made default It is  
therefore considered by the Court that the said Joshua Kimball  
recover against the said William Somes the Sum of Seventy nine  
pounds five shillings lawfull money of this province damage &  
costs taxed at £4.1.4.

&lt;&lt;

Ex'c'on issued

1 July. 1761.

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&lt;&lt;

Martin v Hale

&gt;&gt;

Thomas Martin of Marblehead in the County of Essex Gent<sup>n</sup>.  
Appellant ~~vs~~ David Hale of Bradford in said County Yeoman Ap'lee  
from the Judgment of an Infer<sup>r</sup>. Court of Common pleas held at  
Ipswich in & for the County of Essex on the last tuesday of March last  
when & where the Apl't was plt and the Ap'lee was Deft In a plea  
of the case (as in the writ on file tested the 3<sup>d</sup>. day of September last  
is at large sett forth) At which said Infer<sup>r</sup>. Court Judgment was rendred  
that the said David recover of the said Thomas costs: The appellant  
appeared the Appellee altho' solemnly called to come into court did not  
Appear but made default It is considered by the Court that the said  
Thomas Martin recover against the said David Hale the Sum sued  
for being three pounds three shillings and six pence lawfull money  
of this Province damage and costs taxed at £6.0.0½.

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Ex'c'on issued

17. Aug<sup>t</sup>. 1761.

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&lt;&lt;

Emerson v Burley.

>>

Stephen Emerson of New-Market in the province of New Hampshire  
 Husbandman Appellant ~~vs~~ Andrew Burley of Ipswich in the County of  
 Essex Gentleman Apl'ee from the Judgment of an Infer<sup>r</sup>. Court of common  
 pleas held at Ipswich in and for the county of Essex on the last tuesday  
 of March last when & where the Appellee was plt and the Appellant was  
 Deft In a plea of the case for that the said Stephen at New Market in the  
 said Province of New Hampshire vizt. at Ipswich aforesaid on the 23<sup>d</sup>. day  
 of May AD 1754 by his note under his hand of that date for alue rec<sup>d</sup>.  
 promised the said Andrew to pay him the Sum of Sixty two pounds three  
 shillings New Hampshire money or twenty & one mill'd Dollars at or  
 before the twenty fourth day of January then next ensueing yet the said  
 Stephen tho' requested has not paid the said Sixty two pounds three shillings  
 New. Hampshire money nor the said twenty and one dollars to the damage  
 of the said Andrew Burley as he saith the Sum of nine pounds at which  
 said Infer<sup>r</sup>. Court Judgment was rendred that the said Andrew Burley  
 recover of the said Stephen Emerson Six pounds six shillings money damage  
 and costs; The partys Appeared and the case after a full hearing was  
 committed to a Jury sworn According to Law to try the same who return'd  
 their Verdict therein upon Oath that is to say they find for the Appellant  
 reversion of the former Judgment and costs It is therefore considered by the Court  
 that the former Judgment be reversed and that the said Stephen Emerson  
 recover

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Image 241-Left

[195v]

recover against the said Andrew Burley costs taxed at £4.5.9.

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Ex'c'on issued

15. Oct<sup>r</sup>. 1761

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&lt;&lt;

Bradstreet v Wilkins

&gt;&gt;

Martha Bradstreet of Topsfeild in the County of Essex Widow Complt  
 vs Israel Wilkins of Middleton in said County Husbandman, The  
 Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Ipswich in  
 March last she recovered Judgment against the said Israel for the  
 sum of £6.19.4. mony damage and costs from which Judgment the s<sup>d</sup>:  
 Israel Appealed to this Court and recogniz'd to prosecute the same but  
 failed so to do wherefore the Complt pray'd affirmation of said Judgm<sup>t</sup>.  
 with Additional Interest and costs It is therefore considered by the Court  
 that the said Martha Bradstreet recover against the said Israel  
 Willkins the Sum of Seven pounds and ten pence lawfull money of this  
 Province damage and cost taxed at £3.6.0.

&lt;&lt;

Ex'c'on issued

4. July, 1761.

&gt;&gt;

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Sparhawk v Goldthwait

&gt;&gt;

Edward Sparhawk of Danverse in the County of Essex and province  
 of the Massachusetts Bay in New-England Gentleman Complt vs Samuel  
 Goldthwait of sd.Danverse Husbandman Deft the Complt shew'd that at  
 an Infer<sup>r</sup>. Court of Common pleas held at Ipswich in the s<sup>d</sup>. County in  
 March last he recovered Judgment against the said Samuel for £7.0.4  
 money damage & Cost from which Judgment the s<sup>d</sup>. Sam<sup>l</sup>. appealed to this Court  
 & recogniz'd to prosecute the same but failed so to do wherefore the Complt  
 pray'd affirmation of said Judgment with Additional Interest & Cost  
 It is therefore Considered by the Court that the said Edward Sparhawk  
 recover against the said Samuel Goldthwait the Sum of seven pounds  
 one shilling and eight pence lawfull money of this Province damage &  
 cost taxed at £4.12.0.

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Ex'c'on issued

July. 9. 1761.

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&lt;&lt;

Tarbutt v Somes

&gt;&gt;

Hugh Tarbett of Boston in the County of Suffolk Merchant Compl't  
 vs William Somes of Glocester in the County of Essex Copper The Compl't  
 shew'd that at an Infer<sup>r</sup>. Court of Common pleas held at Ipswich in march  
 last he recovered Judgment against the said William Somes for £118.18.1½  
 Damage & Cost from which Judgment the said William Appealed to this Court  
 and recogniz'd to prosecute the same but fail'd so to do wherefore the Compl't  
 pray'd affirmation of said Judgment with Additional cost It is therefore  
 Considered by the Court that the said will [+] Hugh Tarbett recover against  
 the said William Somes the Sum of One hundred and eighteen pounds eighteen  
 shillings & a penny half penny Lawfull money of this Province damage & costs  
 taxed at £3.17.0.

&lt;&lt;

Ex'c'on issued

25. June 1761.

&gt;&gt;

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&lt;&lt;

Burnam v Somes

&gt;&gt;

Isaac Burnam of Ipswich in the County of Essex House wright Compl't  
 vs William Somes of Glocester in said County Cooper the Compl't shew'd that  
 at an Infer<sup>r</sup>. Court of Common pleas held at Ipswich in march last he  
 recovered Judgment against the said William for £14.13.6 mony dam<sup>a</sup>.  
 & cost from which Judgment the s<sup>d</sup>. William appealed to this Court & recogniz'd with  
 Sureties to prosecute the same but failed so to do wherefore the Compl't pray'd affirmation  
 of s<sup>d</sup>. Judgment with Additional Interest & Cost It is therefore Considered by the Court

that

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Image 241-Right

196.

[196r]

that the said Isaac Burnam recover against the said William Somes  
the Sum of fourteen pounds sixteen shillings & ten pence lawfull money  
of this Province damage and costs taxed at £3.1.2.

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Ex'c'on issued

16. June. 1761

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Clark v Somes

>>

Daniel Clark of Newbury in the County of Essex Cordwainer Compl't vs  
William Somes of Gloucester in the same County Cooper the Compl't shew'd  
that at an Infer'. Court of Common pleas held at Ipswich in march last he  
recovered Judgment against the said William for £17.5.0 from which  
Judgment the said William Appealed to this Court and recogniz'd to prose-  
cute the same but failed so to do wherefore the Compl't pray'd affirmation of  
said Judgment with Additional Interest and cost It is therefore Considered  
by the Court that the said Daniel Clark recover against the said William  
Somes the Sum of seventeen pounds eight shillings and four pence  
lawfull Money of this Province damage and cost taxed at £3.4.10.

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Ex'c'on issued

11. June, 1761.

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Order on Coats's pet<sup>o</sup>



&gt;&gt;

Upon reading the Petition of Benjamin Coats Guardian to Benjamin Potter of Lyn a person non compos mentis, wherein the Petitioner Shew'd that the debts against said Potters Estate are £65.18.4½ more than all his personal Estate and the Lands this court formerly impowered him to sell will pay & therefore pray'd this Court to impower him to sell so much of s<sup>d</sup>. Potters real Estate (where least prejudicial) as will pay said debts, Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell so much of said real Estate as will Answer the end aforesaid and to make and execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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&lt;&lt;

Order on Chandler's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Elizabeth Chandler Administrator of the Estate of her husband Thomas Chandler late of Andover dec'ed Intestate wherein the Petitioner Shew'd that the debts against said Estate amount to £97.9.8 more than all his personal Estate wherefore she pray'd this Court to impower her to sell One hundred pounds worth of the real Estate of said deceased (where least prejudicial) to discharge said debt and other small debts still due Ordered that the prayer of the petitioner be granted & she in her said capacity is hereby impowered to sell One hundred pounds worth of said real Estate for the ends aforesaid and to make and execute a good deed or deeds thereof she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Day's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Anna Day Administratrix on the Estate of her Husband John Day wherein the Petitioner Shew'd that her s<sup>d</sup>. Husband (late of Manchester dec'ed) his debts are more than all his real & personal Estate will pay wherefore she pray'd this Court to impower her to sell the whole of said

deceased's real Estate that so the same may be proportion'd among his Creditors  
 Ordered that the prayer of the Petitioner be granted and she in said Capacity  
 is hereby impowered to sell the real Estate of s<sup>d</sup>. deceased for the ends aforesaid and to  
 make and execute a good deed or deeds for conveyance thereof she to post up Notifi-  
 cations thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Image 242-Left

[196v]

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Order on Allen's pet<sup>o</sup>.

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Remember Allen Administratrix of the Estate of her husband Benjamin  
 Allen late of Manchester deceased Intestate by her petition Shew'd that  
 the debts against said Estate are £77.14.3.¾ more than all his personal  
 Estate and therefore she pray'd this Court to impower to sell £80 worth of  
 said dec'ed's real Estate (where least prejudicial) to pay the said debts &  
 other debts still due Ordered that the prayer of the Petitioner be granted  
 & she is hereby impowered to sell eighty pounds worth of s<sup>d</sup>. Estate where it's  
 least prejudicial) & to make & execute a good deed or deedstheres for con-  
 veyance thereof, for the purpose aforesaid, she to post up notifications  
 thirty days before sale and to Account with the Judge of Probate as  
 the Law directs.

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Order on Andrew's pet<sup>o</sup>.

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Upon reading the Petition of Ruth Andrews Administratrix on the  
 Estate of her husband William Andrews late of Gloucester deceased Intestate  
 wherein the Petitioner Shew'd that the debts against said Estate amount  
 to £15.17.11. more than all his Personal Estate wherefore she pray'd that  
 this Court would impower her to sell £18 worth of the said deceased's  
 real Estate (where it will be least prejudicial) to discharge the said debts &

other small debts Ordered that the prayer of the Petitioner be granted and She in her said capacity is hereby impowered to sell eighteen pounds worth of said Estate (where it will be least prejudicial) for the end aforesaid and to make and execute a good deed or deeds for conveyance thereof she to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs.

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Order on Lane's pet<sup>o</sup>.

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Upon reading the Petition of Deborah Lane Administratrix on the Estate of her husband William Lane late of Gloucester deceased Intestate wherein the Petitioner Shew'd that the debts due from said Estate amount to £37.5.4 more than all the personal Estate wherefore she pray'd this Court to empower her to sell £40 worth of said Intestates real Estate (where least prejudicial) to discharge said debt and other debts still due Ordered that the prayer of the Petitioner be granted and she in her said Capacity is hereby impowered to sell forty pounds worth of said real Estate for the ends aforesaid and to make and execute a good deed or deeds for conveyance thereof, she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Rea's pet<sup>o</sup>

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Upon reading the Petition of Elizabeth Rea Administratrix of the Estate of her husband James Rea late of Beverley dec'd Intestate wherein the Petitioner Shew'd the debts against said Estate are £148.18.9½ more than all his personal Estate will pay wherefore she pray'd this Court to empower her to sell so much of said deceased's real Estate as will discharge his debts Ordered that the prayer of the Petitioner be granted and she in said capacity is hereby impowered to sell One hundred and fifty four pounds worth of said real Estate for the end aforesaid where it will be least prejudicial and to make and execute a good deed or deeds for conveyance thereof She to post up notifications thirty days before

sale and to Account with the Judge of probate as the Law directs.

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Order on Holton's Pet<sup>o</sup>

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Upon reading the Petition of Samuel Holton Executor of the Testament of David Putnam jun<sup>r</sup>. late of Danvers deceased wherein the Petitioner Shew'd that the debts due from the Estate of said deceased are £80.13.0 more than all his

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Image 242-Right

197.

[197r]

all his personall Estate wherefore the Petitioner pray'd this Court to Impower him to make sale of so much of the said Testators real Estate (where least prejudicial) as will pay the debt aforesaid Ordered that the prayer of the Petitioner be granted and he in his said capacity is hereby impowered to sell of the said real Estate to the Value of eighty four pounds, for the ends afores<sup>d</sup>. and to make and execute a good deed or deeds in the Law for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Bray's pet<sup>o</sup>

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Upon reading the Petition of Anna Bray Administratrix of the Estate of her Son Jacob King late of Gloucester deceased Intestate wherein the Petitioner shew'd that the debts against said deceased's Estate amount to £15.2.3. more than all his personal Estate wherefore she pray'd this Court to impower her to sell off so much of the real Estate of said deceased (where it will be least prejudicial) as will discharge the said debt Ordered that the prayer of the Petitioner be granted and she in her said capacity is hereby impowered to sell of said real Estate to the Value of seventeen pounds ten shillings and to make a good deed or deeds to convey the same for the purpose aforesaid she

to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Porters pet<sup>o</sup>

>>

Upon reading the Petition of Apphia Porter Administratrix of the Estate of John Porter late of Danvers deceased Intestate wherein the Petitioner shew'd that the debts against said Estate amount to £314.4.7<sup>3</sup>/<sub>4</sub> more than the personal Estate will pay wherefore the petitioner pray'd leave to sell so much of said deceaseds real Estate (where least prejudicial) as will discharge said debt Ordered that the prayer of the petitioner be granted and she is hereby empowered to sell three hundred and twenty pounds worth of the s<sup>d</sup>. real Estate for the end aforesaid and to make and execute a good deed or deeds for conveyance thereof she to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on King's pet<sup>o</sup>

>>

Upon reading the Petition of Samuel King Administrator of the Estate of Joseph Goldthwait late of Danvers deceased Intestate wherein the Petitioner Shew'd that the debts due from the said Estate are £36.19.8 more than all his personal estate wherefore he pray'd this Court would empower him to sell so much of the said deceased's real Estate (where it will be least prejudicial) as will be sufficient to discharge said debt Ordered that the prayer of the Petitioner be granted and she is hereby empowered to sell forty pounds worth of said Estate for the ends aforesaid and to make and execute a good deed or deeds for conveyance thereof he to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Bell's pet<sup>o</sup>

&gt;&gt;

Upon reading the Petition of mary Bell Administratrix on the Estate of her husband Joseph Bell late of Danvers deceased Intestate wherein the Petition<sup>r</sup>. shew'd that the whole of s<sup>d</sup>. Deceased's real & personal Estate is insufficient to pay his just debts Wherefore she pray'd this Court to impower her to sell all the s<sup>d</sup>. real Estate Ordered that the prayer of the petitioner be granted and she is hereby impowered to sell all said real Estate for the end aforesaid and to make and

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Image 244-left

[197v]

and execute a good deed or deeds for conveyance thereof she to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Symond's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Sarah Symonds Guardian to Samuel Symonds Joseph Symonds minors and Children of Joseph Symonds late of Boxford dec'ed wherein the petitioner shew'd that said minors are interested in a tract of Land situate in Boxford aforesaid also in a peice of marsh in Ipswich all which land lyes in common & undivided between the said minors and Nathaniel Symonds John Symonds Stephen Symonds Nathaniel Andrews & James Andrews of part of which premisses said minors own one Sixth of part, one quarter of part one half and of the said Marsh one Sixth part wherefore the petitioner pray'd the court to impower a Suitable Committee to make partition of the premisses aforesaid & to sett off each one their parts to hold in Severalty Ordered that the prayer of the Petitioner be granted.

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Eaton indicted.

>>

Joseph Eaton of Lyn in the County of Essex being indicted for being a common Barretor and disturber of the peace of the Lord the King (as in the Indictment on file is at large sett forth) pleaded not guilty, a Jury was sworn to try the issue M<sup>r</sup>. Thomas Carlton foreman and fellows who on their Oath say that the said Joseph Eaton is not guilty It is therefore Considered by the Court that he go without day.

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Lunt et al indicted.

>>

The Jurors for the Lord the King [^for this County^] did upon their Oath present that Cutting Lunt, John Moodey Thomas Ilsley and Bezaliel Knight all of Newbury in said County husbandmen did on the last day of May last with force and Arms erect two Board fences upon and across the the highway of the said Lord the King in Newbury aforesaid between the New bridge over parker's River and the dwelling house of Joshua Plumer and the late dwelling house of Joseph Dole deceased and ploughed up the same way the length of thirteen rods and have ever since kept up and continued the fences aforesaid and thereby incumbred the way aforesaid so that the Subjects of the said Lord the King could not for the time aforesaid pass and repass in and along the way afores<sup>d</sup>. with their teams and carriages as they had right and Occasion to do to the Common hurt and Injury of all the Subjects of the said Lord the King against the peace of the said Lord the King his crown and dignity: To this Indictment the Defendants severally pleaded not guilty: and afterwards the said Cutting John Thomas and Bezaleel moved the Court for a repleader, which was granted they paying costs to this time, & thereupon the said Cutting John Thomas and Bezaleel defend and say that no part of the land aforesaid say'd to be ploughed up or whereon the fence afores<sup>d</sup>: is erected, is or ever was, the highway of the said Lord the King and thereof put themselves on the Country: a Jury was then sworn to try the issue (M<sup>r</sup>. Thomas Carlton foreman and fellows) who having fully heard the Evidence upon their

Oath say that the said Cutting John Thomas and Bezaliel are guilty  
 The Court having considered their Offence Order that each of them pay  
 the sum of twenty shillings as a fine to the King and that they become  
 bound by way of recognizance in the sum of forty pounds jointly and severally  
 to

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Image 244-Right

198.

[198r]

to abate the said nuisance by the first day of december next and that they pay  
 costs of prosecution standing committed untill this sentence shall be performed.  
 recogniz'd 11<sup>th</sup>. June.

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Fullar indicted

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At the Superior Court of Judicature Court of Assize & general Goal delivery held at Ipswich in  
 and for the county of Essex on the fourth tuesday of June AD 1760[-]

The Jurors for the Lord the King that then was upon their Oath presented  
 that Timothy Fullar of Middleton in said County Gentleman at Middleton afores<sup>d</sup>:  
 is and for fifteen years last past has been a Common Barretor and a continual  
 disturber of the peace of the said Lord the King and that he the said Timothy  
 is and for the time aforesaid has been at Middleton aforesaid a common  
 & turbulent Slanderer Brawler Fighter and Sower of discord between his  
 neighbours so that he there and elsewhere in the County aforesaid hath within  
 the time aforesaid Stirr'd up and procured diverse Suits quarrells and Contro-  
 versies between diverse Subjects of the Lord the King in great contempt of our  
 Sovereign Lord the King and to the evil example of Other delinquents and  
 against the peace of the s<sup>d</sup>. Lord the King his Crown & dignity, upon this In-  
 dictment the said Timothy Fullar was set to the Bar and Arraigned &  
 pleaded Guilty: The Court having Considered his offence [<sup>^</sup>now<sup>^</sup>] Order that he  
 pay the Sum of fifty pounds as a fine to the King and that he become bound  
 by way of recognizance in the Sum of four hundred pounds with two Sureties



in two hundred pounds each for his keeping the peace and being of the good behaviour towards all his Majesty's leige Subjects for the term of seven years and that he pay costs of prosecution standing committed untill this Sentence be performed. The s<sup>d</sup>. Timothy recogniz'd 11<sup>th</sup>: June Suretys Enos Knight of Middleton Yeoman & Samuel Cheever of Danvers.

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Ipswich June 11<sup>th</sup>: 1761. The Court entered up Judgment according to the Verdicts, and then Adjourn'd without day Att<sup>r</sup>. Sam Winthrop Cler.

Province

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[198v]

Province of the} Anno Regni Regis Georgii tertii magnæ Britainiæ  
Massachusetts Bay} Franciæ et Hiberniæ primo.

York sc.}

At his Majesty's Superiour Court of Judicature Court of Assize and general goal delivery held at York within and for the County of York on the third tuesday of June (being the 16<sup>th</sup>: day of said month)

Annoque Domini 1761

By the Honorable. Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice.

Benjamin Lynde}

John Cushing} Esq<sup>rs</sup>: Justices.

Chambers Russell and}

Peter Oliver.}

The names of the grand Jurors and petit Jurors are on the list on file.

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Propr<sup>s</sup>. of the new T<sup>n</sup>.Ship above Berwick vs Smith

&gt;&gt;

The Proprietors of the new Township above Berwick Aplants v John Smith jun<sup>r</sup>. Ap<sup>'</sup>lees. Neither Party Appears.

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&lt;&lt;

Haskell v Waters

&gt;&gt;

Thomas Haskell of Falmouth ([^now^] in the County of Cumberland but lately) in the County of York, Yeoman Appellant ~~vs~~ Mary Waters of Sturbridge in the County of Worcester Widow Appellee from the Judgment of an Inferiour Court of Common pleas held at York in and for the County of York on the second Tuesday of July, AD 1758, when and where the Appellee was plt and the Appellant was Defend<sup>t</sup>. In a plea of Ejectment wherein she demands against the Deft One third part of One hundred and three Acres of Land in falmouth aforesaid bounded as follows vizt beginning at the south westerly corner of one hundred Acres of land laid out to Moses Pearson Septem<sup>r</sup>. 23, 1732 thence running South 57 deg<sup>s</sup>. east 67 rods, thence north 50 deg<sup>s</sup>. east 30 rods thence South 60½ deg<sup>s</sup>. east 34 rods thence north 75 deg<sup>s</sup>. east 20 rods thence north 86 deg<sup>s</sup>. east 49 rods thence north 42½ degs east 40 rods thence north 57 deg<sup>s</sup>. east 32 rods thence north 19½ deg<sup>s</sup>. west 87 rods thence South 62 deg<sup>s</sup>. west 227 rods to the first bounds mentioned having an highway running thro' the same with one third part of all the buildings thereon and the appurtenances thereof which third part of said premisses the plt claims as her right and Inheritance in fee and says Thomas Cloyce late of falmouth aforesaid her father deceased was in his life time seiz'd in fee in common with other proprietors of the com'on and undivided lands in falmouth aforesaid being one of said proprietors and in or about the year of our Lord 1687, died so seized thereof intestate leaving lawfull issue Thomas Cloyce his Son and heir to whom the right of the said Thomas the father in and to the said common land descended in fee and afterwards vizt. In or about the year of our Lord 1717, the said Thomas the son died Intestate without issue not having entered into said common land nor disposed of his right to the Same leaving the plant & Hannah Cloyce his Sisters and George Cloyce his Brother the next of Kin

to him the said Thomas to whom the Interest and property of the said Thomas in and to the said common land came and in whom by Virtue of the Law of the Province of the Massachusetts Bay in Such cases provided the Same vested in fee vizt. one third part thereof to each of them and afterwards the premisses above

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Image 246-Right

199.

[199r]

above described were severed and laid out to the right of the said Thomas Cloyce the Father to hold in severalty by Vertue whereof the plt is well intituled to the premisses demanded in fee and ought to recover possession thereof Accordingly yet the deft hath entered and unjustly holds the plt out To the damage of the said Mary as she says the Sum of thirty pounds, At which said Infer<sup>r</sup>.

Court Judgment was rendred that the said Mary Waters shall recover against the said Thomas Haskell the premisses demanded & costs, this Appeal was bro't forward at the Superior Court of Judicature &c<sup>a</sup>. held at York in and for the County of York on the third tuesday of June AD 1759, and from thence was continued to the then next term of the same Court for said County and from that term said Appeal was continued by consent untill this Term and now the parties appeared and agreed that the Appellee shall have Judgment for her possession of one twelfth part of the tract of land in the writ mention'd exclusive of the buildings thereon in full satisfaction of her right and Interest in all the land [~] and premisses in the writ mention'd and also Judgment for costs, (which Agreementt is in writing on file) and Judgment is [^here^] entered pursuant to said Agreement Costs are taxed at £12.16.1.

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Fac<sup>s</sup>. hab. issued

22. Aug. 1761.

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Waters v Haskell.

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Mary Waters of Sturbridge in the County of Worcester Widow Appellant  
vs Thomas Haskell of falmouth late in the County of York but now in  
the County of Cumberland Yeoman (who was at the Inferiour Court herein after  
mention'd admitted Deft instead of Joanna Frost the Original Deft) Appellee  
from the Judgment of an Inferiour Court of Common pleas held at York in &  
for the County of York on the second tuesday of July AD 1758 when & where  
the said Mary was plt against the Aplee in a plea of Ejectment wherein  
she demands against the Deft one third part of sixty acres of land more  
or less in said Falmouth the whole of which is bounded as follows vizt. South-  
erly and Southwesterly by fore river so called southeasterly by Ingersoll's  
creek on the northeast by land of Jeremiah Riggs and on the northerly and  
north westerly side by a large gulley in part and a certain creek below the falls  
so called in part being the Same tract of land which was formerly sold by  
George Munjoy to Thomas Cloice by the following bounds and descriptions vizt.  
a certain parcell of land lying and being in the river over against the mill  
of George Ingersoll being a neck of land bounded on the northeasterly with  
a certain creek lying between the falls and that and so down the river  
about the point with a certain marsh of the said Munjoy's as its now  
fenc'd in and so to a certain creek between that meadow and the house  
of Joseph Ingersoll and so up in the woods between the two creeks to the bounds  
of said Munjoys with One third part of all the buildings thereon and  
the Appur'ces thereunto belonging which third part of said premisses the plt  
claims as her right and Inheritance in fee and says that Thomas Cloice  
aforesaid late of falmouth her Father deceased was in his life time seized  
of the said Sixty Acres more or less with the Appur'ces in his demesne as of fee  
and in or about the year of Our Lord 1687 died so seized thereof Intestate leaving  
Thomas cloice his Son and heir to whom the same by Law descended in fee and  
afterwards viz in or about the year of our Lord 1717 the said Thomas not  
having

<duplicates previous>

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[199v]

having entered into said premises nor disposed of his right to the same died intestate without lawfull issue leaving the plt and Hannah Cloice his Sister and George Cloice his Brother and next of Kin in whom the Interest and property of said premisses by Virtue of the Law of our said Province in such cases provided vested and came in fee viz one third part [<sup>^</sup>thereof<sup>^</sup>] to each of them by force whereof the plt is well intituled to the premisses demanded and ought to recover possession thereof Accordingly yet the Deft has entered and unjustly withholds the same to the damage of the said Mary as she says the Sum of five hundred pounds, at which said Inferiour Court Judgment was rendred that the said Thomas Haskell shall recover against the said Mary Waters cost of Court: This appeal was bro't forward at the Superiour Court of Judicature &c held at York in and for the County of York on the third tuesday of June AD 1759, and from thence was continued to the then next Term of said Court for said County and from that term said Appeal was continued to this Court and now the parties Appeared and it is agreed by them that the Appellant shall have Judgment for one twelfth part of the tract of land in the writ mention'd exclusive of the buildings thereon in full satisfaction of her right and interest in all the lands and premisses in the writ mention'd and that She also have Judgment for costs: Execution to be staid untill &c<sup>a</sup>. see the agreement which is on file and Judgment is here entered according to said agreement and costs are taxed at £15.8.3.

&lt;&lt;

Exc'o'n issued}

Agst. the apl'ee}

for costs, 16th,. Decr.}

17961. sd. aAplt's Order}

&gt;&gt;

Boston feb, 3<sup>d</sup>. 1762. Rec'ed of M<sup>rs</sup>. Joanna Frost the Sum of twenty two pounds eighteen shillings and four pence lawfull money being the

sum that said Frost lodg'd in M<sup>r</sup> Hatch's office for s<sup>d</sup> Waters as p<sup>r</sup>. the agreement on file, for which Sum said Hatch gave s<sup>d</sup> Frost a certificate of his receipt thereof M<sup>r</sup>. David Waters Attorn<sup>y</sup>. to s<sup>d</sup>. Waters.

Wit<sup>s</sup>. Arodi Thayer.

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Small v Waldo et al

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Joseph Small of

Falmouth (late in the County of York but now) in the County of Cumberland Yeoman Appellant vs Samuel Waldo & Francis Waldo Esq<sup>rs</sup>. both of s<sup>d</sup>: Falmouth [+]  
[~]Isaac Winslow of Roxbury Esq<sup>r</sup>. and Thomas Flucker of Boston Esq<sup>r</sup>. both of the County of Suffolk [+]

Administrators on the Estate of Samuel Waldo late of Boston in the County of Suffolk Esq<sup>r</sup>. deceased Appellee from the Judgment of an Inferiour Court of Common pleas held at Falmouth in and for the County of York on the first Tuesday of October being the third day of s<sup>d</sup>: month Annoque Domini 1758, when and where the said Samuel Waldo (then living) was plt against the said Small In a plea of Ejectment of a certain Tract or parcel of Land lying and being near stroud-water River in falmouth aforesaid containing thirty acres be it more or less bounded as follows beginning at a stake in the road near the grave Yard thence runing south sixty degrees west thirteen rods then north 80 degrees west twelve rods then north 66<sup>d</sup>: west thirty two rods then north 10 rods then north 24 d<sup>s</sup>: west 14 rods then South 80 deg<sup>s</sup>. west sixty rods and two links then north 48<sup>d</sup>. west 4 rods then north 23 deg<sup>s</sup>. east seventy three rods then south 48 deg<sup>s</sup>. east sixty rod then South 31 deg<sup>s</sup>. east forty six rods and then south 11 deg<sup>s</sup>. east eighteen rods to the first bounds mentioned or however otherwise bounded or reputed to be bounded with the house & Barn thereon standing and appurtenances thereunto belonging for that whereas the said Joseph Small on the twentyeth day of September 1748, being

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Image 248-Right

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[200r]

being seised of the premisses aforesaid in his Demesne as of fee by his deed of that date duly executed and acknowledged and recorded for the consideration

therein expressed conveyed the same to the plt to hold to him and his heirs and the plt ought accordingly to be in quiet possession thereof yet nevertheless the Deft hath since entred into the same evicted the plt and unjustly wit'holds the possession thereof from him To the Damage of the said Samuel Waldo as he saith the sum of two hundred & fifty pounds at which said Inferiour Court Judgment was rendred that the said Samuel Waldo recover against the s<sup>d</sup>.

Joseph Small possession of the premisses Sued for & costs: This appeal was bro't forward by the said Small at the Superiour Court of Judicature &c<sup>a</sup> held at York in & for the County of York on the 3<sup>d</sup>. Tuesday of June AD 1759, when & where the Appellant appeared and Samuel Waldo eldest son of the said Samuel Waldo deceased representing to s<sup>d</sup>. Court by his Attorneys that there had not been time since the death of his Father dec<sup>d</sup>. for any person to Obtain a regular Administration on his estate and thereupon moving the Court that This appeal might be continued to next term that there might be time for some person to take Adm'ors and qualify himself for the same, the said appeal was accordingly continued to the then next term of s<sup>d</sup>. Court for s<sup>d</sup>. County, when & where the appellant appeared & the Appellees were admitted to pursue this Action & appeal in the room of the said Samuel Waldo deceased., and from the Term last mention'd s<sup>d</sup>. Appeal was continued to this Court and now the partys appeared and [^(the aplt having pray'd to be heard in chancery)^] after a full hearing of the s<sup>d</sup>. partys in Chancery It is Considered by the Court that the said Samuel Waldo & others administrators as aforesaid [+]  
recover against the said Joseph Small the Sum of four pounds five shillings & ten pence lawfull money of this province debt & costs taxed at £5.17.9.

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Exc'o'n issued

17. July. 1761.

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Waldo et al v Small

&gt;&gt;

Samuel Waldo and Francis Waldo both of Falmouth late in the county of York [^but now in the County of Cumberland^] Esq<sup>rs</sup>. Isaac Winslow of Roxbury and Thomas Flucker of Boston

& both of the County of Suffolk Esq<sup>rs</sup>. all Administrators on the Estate of Samuel Waldo late of Boston in the s<sup>d</sup>. County of Suffolk Esq<sup>r</sup>. deceased Apellees ads Joseph Small of Falmouth afores<sup>d</sup>. Yeoman Appellant from the Judgment of an Inferiour Court of Common pleas held at s<sup>d</sup>. Falmouth in s<sup>d</sup>. County of York on the first Tuesday of October AD 1758, when & where the Appellant was Deft at the Suit of the said the said Samuel Waldo dec<sup>d</sup>: (then living) In a plea of the case for that the Deft at Falmouth aforesaid on the tenth day of august instant being indebted to the plt in the sum of one hundred and thirteen pounds seven shillings and seven pence lawfull money on the account annex to the writ then and there promist to pay him the same on demand yet the Deft hath not paid the same tho' often thereto requested And also for that whereas the Deft on the tenth day of August aforesaid at said Falmouth in consideration that the plt had before that time at the special instance and request of the Deft suffered and permitted the Deft to have one sixth part of the improvements of the lower Saw mill on Stroudwater stream in said Falmouth from the twentieth day of September AD 1748, to the first day of november AD 1751 an account of which is annex to the Writ promist to pay the plt as much therefor as he reasonably deserved to have for the same, and the plt avers that he reasonably deserved to have as much as he has charged for the same in said account amounting to One other Sum of One hundred and thirteen pounds seven shillings and seven pence lawfull money of which the Deft on the same tenth day of August aforesaid at said Falmouth had notice yet the Deft hath not paid the same tho' often

&lt;duplicates previous&gt;

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[200v]

often thereto requested To the damage of the said Samuel Waldo as he saith the sum of one hundred and Twenty pounds; at w<sup>ch</sup>. said Inferiour Court Judgment was rendred that the said Samuel Waldo shall recover against the said Joseph Small the sum of eighty six pounds twelve shillings and four pence money damage & cost: This appeal was bro't forward by the said Small at the Superior Court of Judicature &c held at York in and for the County of York on the third tuesday of June AD 1759. when and where the appellant appeared and Samuel Waldo eldest son of the said deceased representing to the Court by his Attorneys that there had not been time since the said deceased's death for any person to obtain a regular Administration on his Estate and thereupon moving the Court that the appeal entered against the said deceased might be continued to the next term that there might be time for some person to take administration and qualify himself to defend the same, the said Appeal was accordingly continued to the then next term of said Court for said County and then and there the appellant appeared and the Appellees appeared and were Admitted to pursue this action and appeal instead of the said deceased and from the term last mention'd said Appeal was continued to this Court and Now the partys appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant reversion of the Former Judgment and costs It is therefore Considered by the Court that the said Joseph Small recover against the Estate of the said Samuel Waldo deceased in the hands of the Samuel, Francis Isaac, & Thomas Ad'o'rs as afores<sup>d</sup>. costs taxed at £11.12.0.

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Exc'o'n issued

24. Aug. 1761.

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Waldo v Small

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Samuel Waldo jr: of Falmouth (late in the County of York but now) in the County of Cumberland

Esq<sup>r</sup>: Compl't vs Joseph Small of Falmouth afores<sup>d</sup>: yeoman The Compl't shew'd That at an

Inferiour Court of Common pleas held at Falmouth in s<sup>d</sup>. County on the first tuesday of October AD 1758 he recovered Judgment against the said Joseph for £11.13.4 money damages and for £1.10.4 costs from which Judgment the said Joseph appealed to the then next Superiour Court of Judicature to be held at York aforesaid in June then next & reconiz'd to prosecute but failed so to do, and the said Samuel then entered his complaint against the said Joseph and the same has been continued to this Term and the said Samuel now prays affirmation of the said Judgment with Additional costs It is Considered by the Court that the said Samuel Waldo recover against the said Joseph Small the Sum of eleven pounds thirteen shillings and four pence lawfull money of this Province damage and costs taxed at £3.16.3.

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Exc'o'n issued

17. July, 1761.

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Tyler v Waldo et al

&gt;&gt;

Abraham Tyler of Scarborough (late in the County of York but now) in the County of Cumberland Gent<sup>n</sup> [+] Appellant versus [+] ~~vs~~ Samuel Waldo & Francis Waldo both of Falmouth aforesaid Esq<sup>rs</sup>. Isaac Winslow of Roxbury Esq<sup>r</sup>. and Thomas Flucker of Boston Esq<sup>r</sup>. both of the County of Suffolk Administrators on the Estate of Samuel Waldo late of Boston in the s<sup>d</sup>. County of Suffolk Esq<sup>r</sup>. deceased Appellee from the Judgment of an Inferior Court of Common pleas held at Falmouth in & for the County of York on the first tuesday of October, 1759, when and where the said Samuel Waldo (then living) was plt against the said Tyler in a plea of debt for that whereas the Deft at Falmouth afores<sup>d</sup>: on the eleventh day of March AD 1741 by one certain Bond under his hand & Seal of that date and in court to be produced bound himself in the full and just sum of three hundred and twenty three pounds lawfull money of new England to be paid to the plt (by the name of

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[201r]

of Samuel Waldo of Boston aforesaid Merchant) on demand yet the Deft  
tho' often requested hath not paid the said sum of three hundred and twenty three  
pounds to the plt but hath always denied and still doth deny to pay the same  
to the plt To the Damage of the said Samuel Waldo as he saith the Sum of  
three hundred and twenty three pounds At which s<sup>d</sup>. Inferiour Court (the s<sup>d</sup>.  
Intestate being dead the Administrators appeared and were admitted to pro-  
secute s<sup>d</sup>. Action & thereupon) Judgment was rendred that the said Administrators  
recover against the s<sup>d</sup>. Abraham the sum of Sixty five pounds eight shill<sup>s</sup>  
& eight pence money debt and Interest and cost of Suit: This Appeal was  
bro't forward at the last term of this court for this County and from thence was con-  
tinued to this Court & now the partyes appeared and having been fully  
heard in chancery It is Considered by the Court that the said Samuel  
Francis Isaac & Thomas Adm'ors as aforesaid recover against the said  
Abraham Tyler the Sum of Seventy two pounds two shillings and  
four pence lawfull money of this Province debt and costs taxed at  
£7.6.4.

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Exc'o'n issued

17. July, 1761.

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N:B: Andrew Tuck of North Yarmouth Husbandman recogniz'd  
July 3<sup>d</sup>. last as principal in £100 with Benjamin Morgaridge  
and Edmund Chandler both of North Yarmouth as sureties in £50  
each for the said Andrew's Appearance at this term to answer to all such  
matters and things as should be Objected against him on his Majesty's  
behalf and more especially for his fraudulently altering two notes  
of hand made to him by one Samuel Bucknam.

And Gilbert Winslow

Gentleman Samuel Bucknam and Edmund Chandler

Husbandmen all of North Yarmouth recogniz'd at the same time in £20 each for his own appearance at this term to give Evidence of what he knows relating to said Tuck's fraud aforesaid.

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Hooper v Gray

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John Hooper Jun<sup>r</sup>. of Berwick in said County of York Cordwainer Appellant ~~vs~~ Alexander Gray of Arundell in s<sup>d</sup>. County Blacksmith and one of the Deputy Sheriffs of said County Appellee from the Judgment of an Inferiour Court of common pleas held at York in s<sup>d</sup>. County on the first Tuesday of January last when & where the appellant was plt and the Aple'e was Deft in aplea of the case for that whereas the plt on the eighteenth day of August instant at Arundel aforesaid was possess'd of one cow of the Value of Six pounds and one heifer of the Value of three pounds as of his Own proper goods and chattels which said cow and heifer the plt casually cost and the same cow and heifer afterwards came into the hands of the Deft by finding and altho' he knew the said Cow and heifer did properly belong to the plt he the Deft refused to deliver the said Cow and heifer to the plt tho' requested to

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Image 252-Left

[201v]

to deliver the same but afterwards viz<sup>t</sup>. on the nineteenth day of August afores<sup>d</sup>. at Arundel aforesaid converted the said Cow and heifer to the proper use of him the said Alexander To the damage of the said John Hooper as he saith the sum of nine pounds, At which said Inferiour Court Judgment was rendred that the said Alexander

recover of the said John the Sum of £3.16.5. Cost: Both parties now appeared and the case after a full hearing was committed to a Jury Sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Applee Costs It is therefore considered by the Court that the said Alexander Gray recover against the said John Hooper costs taxed at £6.5.8.

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Ex'c'on issued

11. Aug, 1761.

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Larraby v Small

&gt;&gt;

Benjamin Larraby of Falmouth in the County of Cumberland Gentleman by the name of Benjamin Larraby in s<sup>d</sup>. County of York Gent<sup>n</sup>. appellant vs Samuel Small Jun<sup>r</sup>. of Scarborough in the County of Cumberland yeoman by the Name of Samuel Small jun<sup>r</sup>. of Scarborough in the County of York Yeoman Apl'ee from the Judgment of an Inferiour Court of Com'on pleas held at York in and for the County of York on the fourth tuesday day of April last when & where the Aple'e was plt and the Aplt was Deft in a plea of Ejectment wherein the plt demands against the Deft the possesion of a certain Messuage with a tract or parcel of land in Falmouth afores<sup>d</sup>. containing sixty acres at a place called Deer hill lying on the west side of Land laid out to Samuel Procter and beginning at a pitch pine tree marked P. and from said tree north northwest one hundred and sixty rods to a stake from thence west south west sixty rods to a stake thence south southeast one hundred and sixty rods to a stake then east north east sixty rods to the first mentioned bounds with the Appurtenances to the same belonging for this namely that whereas Jonathan Small of Harwich in the county of Barnstable Gent Samuel Small of Scarborough in the county of York Yeoman and Isaac Small of Falmouth in said County of York Mariner heirs of Francis Small formerly of casco bay fisherman dec<sup>d</sup>. on the twenty fourth day of October 1759, at Falmouth aforesaid had de-

mised granted and to farm letten the said Messuage lands and premisses  
 with the Appurc'es to the plt to have and to hold to the plt his Executors Ad-  
 ministrators and assigns from the said twenty fourth day of October 1759 untill  
 the full term of three years then next ensuing should be fully compleat and  
 ended by Virtue of which demise the plt entered into the said premisses so  
 demised with the appurtenances and was possessed of the Same untill the  
 said Benjamin Larraby the Deft afterwards to wit on the same twenty fourth day  
 of October 1759 with force and Arms into the Messuage lands and prem'es a-  
 fores<sup>d</sup>. with the appurtenances in and upon the possession of the plt thereof  
 entered and him the plt from the premisses to him so demised (his term  
 afores<sup>d</sup>. just being ended) ejected expelled and Amoved and hath held and as  
 yet doth hold him the plt out of the possession thereof and other enormities  
 the Deft then and there did to the plt against the King's peace and to the  
 damage of the said Samuel Small jun<sup>r</sup> as he saith five hundred pounds; At which  
 said

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[202r]

Said Inferiour Court Judgment was rendred that the said Samuel Small  
 jun<sup>r</sup>. recover against the said Benjamin Larraby one half of the premisses demanded  
 and costs; Both partys now appeared and the Case after a full hearing was committed  
 to a Jury sworn according to Law to try the same who returned their Verdict therein  
 upon Oath that is to say they find for the Appellant reversion of the former Judg-  
 ment and costs It is therefore Considered by the Court that the former Judgment  
 be reversed and that the said Benjamin Larraby recover against the said  
 Samuel Small jun<sup>r</sup> costs taxed at £13.9.9.

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Ex'c'on issued

8 July 1761.

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Noyce v Hoar

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Josiah Noyce of Falmouth in the County of York Gentleman (as named in the writ of Review) plaintiff vs Jonathan Hoar late of Concord in the County of Middlesex but now of Annapolis Royal in the County of Annapolis in the province of nova Scotia Esq<sup>r</sup>. Defendant In a plea of Review of a plea of trespass and ejectment commenced at an Inferiour Court of Com'on pleas held at York in and for said County of York on the first tuesday of January AD 1758 by the said Jonathan Hoar against One Edmund Merrill named as Deft in the Original writ, from which same court said Action was continued to an Inferiour Court of Common pleas held at s<sup>d</sup>. York in April then next following when and where the said Josiah took upon himself and was admitted to defend in said Action instead of the said Edmund and then said Action was further continued to the Inferior Court of Common pleas held at York in and for the County of York on the second tuesday of July AD 1758 and was then and there prosecuted by the said Jonathan against the said Josiah in the words following vizt. In a plea of trespass and Ejectment for that one Anthony Bracket on the 12<sup>th</sup>. day of November inst<sup>d</sup>. at York aforesaid demised to the plt a tract of land with its appurtenances in said Falmouth containing about one hundred and thirty acres, bounded as follows vizt. beginning at back Cove at the south east corner of the land now or late of Benjamin Skilling thence runing west by a high way and from thence Southerly by the said highway to the first bounds of lands belonging to the said Anthony now in the possession of One Baker on said highway thence easterly by the same to a stake thence Southerly to the Creek or salt water and thence by the saltwater to the bounds first mentioned To have and to hold the same to the plant his Executors & administrators for the term of three years then next ensuing by Virtue of which demise the plt then entred into the premisses aforesaid with its appurtenances and was possessed thereof and the plt being thereof so possessed the Deft afterwards vizt. on the same day with force and Arms in to the premisses aforesaid with its appurtenances which the said Anthony had demised to the plt in form aforesaid for the term aforesaid (which is not yet passed)

entered and the plt from the premisses aforesaid ejected and other outrages committed to the great damage of the plt and against the King's peace all which is to the Damage of the said Jonathan Hoar as he saith the sum of One hundred pounds; at which said Inferiour Court last mention'd Judgment was rendred that the said Josiah Noyce should recover against the said Jonathan Hoar cost of Courts taxed at

<duplicates previous>

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[202v]

at five pounds three shillings and four pence from which Judgment the said Jonathan Appealed to the Superiour Court of Judicature Court of Assize and general Goal Delivery held at York in and for said County of York on the third tuesday of June AD 1759 from which same Court s<sup>d</sup>: Appeal was continued to the Superiour Court of Judicature Court of Assize and general Goal Delivery held at said York in and for said County of York on the fourth tuesday of July last, when and where Judgment was rendred that the former Judgment be reversed and that the said Jonathan Hoar recover against the said Josiah Noyce possession of the premisses for the term sued for and costs taxed at sixteen pounds twelve shillings and two pence half penny, w<sup>ch</sup>: same Judgment the said Josiah Noyce says is wrong and erroneous and that he is thereby damnified the sum of one hundred and twenty pounds as shall then and there be made to Appear; wherefore for reversing the same Judgment and recovering back from the said Jonathan Hoar the possession of the said tract of land and its Appurtenances and the same costs and for recovering Judgment against him for his the said Josiah's damages occasion'd by the same Judgment and costs of Courts the said Josiah Noyce brings this Suit: The partys Appear'd and the said Jonathan by Jer. Gridley Esq<sup>r</sup>. his Attorney for plea said the Judgment reviewed is in nothing erroneous, and there-



upon issue was joined and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the plt reversion of the former Judgment, restitution of the land and premisses and of the costs recovered thereby and cost of Courts[~]. It is therefore Considered by the Court that the former Judgment be reversed and that the said Josiah Noyce recover against the said Jonathan Hoar restitution of the lands and premisses (described in the writ) and costs recovered by the said Judgment on the Appeal and cost of Courts taxed at £40.2.11. [^including the costs taxed on said appeal^].N:B. immediately after entring up this Judgm<sup>t</sup>.

the Deft moved for an appeal to the King in Council, which was not granted the Court being of Opinion that an appeal does not by in this case by the Royal Charter.

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Fac<sup>s</sup> hab. issued

7. July, 1761.

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Tuck v Bucknam

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Andrew Tuck of North Yarmouth in the County of Cumberland Yeoman plaintiff against Samuel Bucknam of North Yarmouth in the County of Cumberland Yeoman otherwise called Samuel Bucknam of North Yarmouth in the County of York Yeoman Deft In a plea of Review of a plea of trespass upon the case commenced and prosecuted at an Inferiour Court of Common pleas held at York in and for said County of York on the first tuesday of April 1760 by the said Andrew against the said Samuel in the words following vizt. In a plea of trespass upon the case for that whereas the Deft at said north Yarmouth on the first day of March 1751, by his note under his hand of that date promised the plant to pay him or Order the Sum of ten pounds five shillings lawfull Money upon demand with lawfull Interest till paid being for value rec<sup>d</sup>. & also for that whereas the Deft at said north Yarmouth on the twenty eighth day of January AD 1755 by his Other note under his

hand of that date promis'd the plt to pay him or Order the Sum of two pounds

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Image 254-Right

203.

[203r]

pounds ten shillings and nine pence lawfull money upon demand with lawfull Interest till paid being for value received yet the Deft tho' often requested hath not paid either of the Sums aforesaid but alltogether refuses so to do to the damage of the said Andrew Tuck as he saith the Sum of twenty pounds at which said Inferiour Court Judgment was rendred that the said Andrew Tuck should recover against the said Samuel Bucknam the Sum of eighteen pounds seventeen shillings and three pence money damage and the Sum of four pounds seven shillings and six pence cost of Suit from which Judgment the said Samuel Bucknam Appealed to the Superiour Court of Judicature Court of Assize and general goal delivery appointed to have been held at York within and for the County of York on the third tuesday of June last but held there for said County on the first tuesday of July last by Adjournm<sup>t</sup>: from the same third tuesday in June, when and where Judgment was rendred that the said Andrew Tuck recover against the said Samuel Bucknam the sum of three pounds seven shillings and three pence lawfull money of this Province damage and costs which same Judgment the said Andrew says is so far wrong and erroneous as that instead of being as it is, it ought to have been rendred that he the said Andrew recover against the said Samuel the Sum of twenty pounds damage and the costs of Courts and that he is thereby damnified the Sum of Sixteen pounds twelve shill<sup>s</sup>. and nine pence as shall then and there be made to Appear wherefore for recovering Judgment against the said Samuel for the further Sum of sixteen pounds 12s/9<sup>d</sup>. lawfull money to compleat said sum of twenty pounds (damage laid in the Original writ) and costs the said Andrew brings this Suit: The party's Appeared and the said

Samuel by M Livermore his Attorney for plea said the former Judgment is in nothing erroneous saving that it should have been for the Deft for costs and thereof put himself on the Country and the plt by S Livermore his Attorney did likewise, whereupon issue being join'd the case after a full hearing was committed to a Jury sworn according to Law to try the same who return'd their Verdict therein upon Oath that is to say they find for the Deft costs It is therefore Considered by the Court that the said Samuel Bucknam recover against the said Andrew Tuck costs taxed at £6.18.5.

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Ex'c'on issued

11. July 1761.

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Gorham T<sup>n</sup>. prop<sup>r</sup>. v Willson

&gt;&gt;

The proprietors of Gorham Town or n<sup>o</sup>: 7 otherwise called narraganset Township N<sup>o</sup>: 7 in the County of York, appellants, ~~vs~~ Joseph Willson of, Falmouth in said County of York Gentleman, appellee, (as s<sup>d</sup>. parties are named in the writ) from the Judgment of an Inferiour Court of Common pleas held at Falmouth in and for said County of York on the first tuesday of October, AD 1760, when and where said proprietors were plts and said Willson was Deft In a plea of trespass for that the said Joseph Willson at said Narragansett Township n<sup>o</sup>. 7 on divers days between the first day of December AD 1758, and the last day of february last past with force & Arms entered into the common and undivided lands in said Township in

&lt;duuplicates previous&gt;

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[203v]

in the plts possession containing three thousand acres more or less and bounded easterly on presumpscott river Southerly on the hundred acre lotts or second division already laid out in said township westerly on the dividing line between the said Township N<sup>o</sup>: 7 Narragansett township N<sup>o</sup>: One and northerly on the dividing line between the said township N<sup>o</sup>.7, and the township called Hobbs and Pearson town and the Deft being entered as aforesaid in manner as aforesaid did then and there with Others to the plts unknown and without the plt's leave cut down & carry away forty trees of more than one foot diameter each tree then standing on the premisses being the right and property of the plts which forty trees were of the value of One hundred pounds lawfull money and other enormities the Deft then and there perpetrated and did contrary to Law and contrary to the King's peace and to the damage of the said proprietors (as they say) the Sum of One hundred pounds At which said Inferiour Court Judgment was rendred that the said Joseph Willson recover against the said proprietors cost of Court: Both parties now Appeared and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellants reversion of the former Judgment five pounds twelve shillings money damage and costs It is therefore Considered by the Court that the said Proprietors recover against the said Joseph Willson the Sum of five pounds twelve shillings lawfull money of this Province damage and costs taxed at £

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Cummings v Ayer

&gt;&gt;

Donald Cummings of Biddeford in the County of York Surgeon (as he is named in the writ) Appellant vs Ebenezer Ayer of s<sup>d</sup>. Biddiford Yeoman (as he is nam'd in the writ) appellee from the Judgment of an Inferior Court of Common pleas held at York in and for said County of York on the first tuesday of January last when and where the Apl't was plt against the Aple'e in a plea of the case (as in the writ on file

tested the 15<sup>th</sup>. day of Sept<sup>r</sup>. 1760, is at large sett forth) at which s<sup>d</sup>. Inf<sup>r</sup>  
 Court Judgment was rendred that the s<sup>d</sup>. Ebenezer recover against  
 the said Donald cost of Court: Both party's appeared and the court  
 appointed D<sup>r</sup>. Swett & D<sup>r</sup>. Lyman to examine and state the Accounts  
 and the partys agreed to abide by their determination: And said  
 Swett and Lyman made report, which was read and accepted &  
 pursuant thereto It is Considered by the Court that the said Donald  
 Cummings recover ag<sup>st</sup>. the said Ebenezer Ayer the sum of Twelve  
 pounds sixteen shillings and eight pence lawfull money of this  
 Province damage and costs taxed at £7.9.3.

&lt;&lt;

Ex'c'on issued

30. July, 1761.

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Pepperrell v Waldo

&gt;&gt;

Lady Mary Pepperrell Widow and Benjamin Greenleaf Merch<sup>t</sup>.  
 both of Kittery in the County of York Executors of the Testament of  
 S<sup>r</sup>. William Pepperrell late of s<sup>d</sup>. Kittery Baronet deceased [<sup>^</sup>aplts<sup>^</sup>] ~~vs~~ Samuel Waldo  
 of Falmouth in the County of Cumberland Esq<sup>r</sup>. by the name of Samuel  
 Waldo of falmouth in the County of York Esq<sup>r</sup>. Aplee from the Judgment  
 of

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Image 256-Right

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[204r]

of an Inferior Court of Common pleas held at York in and for the County  
 of York on the fourth tuesday of April last, when and where the Aplts  
 were plts against the apl'ee (as in the writ on file tested the first day of  
 October last is at large sett forth) At which said Inferiour Court Judgment  
 was rendred that the said Executors recover against the said Samuel

Waldo Esq<sup>r</sup>. the sum of one thousand and sixty pounds lawfull money of Great Britain principal and six hundred and twenty pounds two shillings like money Interest being the Courts Chancery of said Bond and costs: Both partys now appeared and having been fully heard in Chancery It is Considered by the Court that the said Lady Mary Pepperrell and Benjamin Green[^leaf^] Executors as aforesaid recover against the said Samuel Walo the Sum of One thousand seven hundred and forty nine pounds three shillings and six pence lawfull money of Great Britain debt and costs taxed at five pounds three shill<sup>s</sup>. and two pence lawfull money of this Province.

&lt;&lt;

Ex'c'on issued

13. July, 1761.

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Frost v Rait

&gt;&gt;

Jeremiah Frost of Berwick in the County of York Gentleman  
Appellant ~~vs~~ Alexander Raitt of Kittery in said County Merchant  
Appellee from the Judgment of an Inferiour Court of Common pleas held at York in and for said County of York on the fourth tuesday of April last when and where the appellee was plt and the Apl<sup>t</sup> was Deft In a plea of the case (as in the writ on file tested the 23<sup>d</sup>: day of March last is at large sett forth) at which said Inf<sup>r</sup>. Court Judgment was rendred that the said Alexander Raitt recover against the said Jeremiah Frost the Sum of twenty three pounds three shillings and five pence mony damage and costs: Both parties appeared and the Appellant confessed Judgment for the Sum sued for being twenty three pounds five shillings & three pence mony damage and costs It is therefore Considered by the Court that the said Alexander Raitt recover against the s<sup>d</sup>. Jeremiah Frost the Sum of twenty three pounds five shillings and three pence lawfull money of this province damage and costs taxed at £3.18.9. ‘

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Ex'c'on issued

30. July, 1761.

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Pepperrell v Nowell

>>

Lady Mary Pepperrell Widow and Benjamin Greenleaf Merchant  
both of Kittery in the County of York Executors of the Testament of Sir  
William Pepperrell late of said Kittery Baronet dec'ed Complts ~~vs~~  
Abraham Nowell of York in said County yeoman, The Complts shew'd  
that at an Inf<sup>r</sup>. Court of Common pleas held at York in and for the County  
afores<sup>d</sup> they recovered Judgment against the said Abraham for the Sum of  
four hundred sixteen pounds fifteen shillings and two pence money  
debt and damage and cost within two months time after entring up  
of the said Judgment or that the said Executors should recover possession  
of the premisses sued for and costs as afores<sup>d</sup>. from which Judgment the  
the said Abraham appealed to this Court and recogniz'd to prosecute the  
same but failed so to do wherefore the Complts pray'd affirmation of said  
Judgment with Additional Interest and costs It is therefore Considered  
by the Court that the former Judgment be affirmed and that the said  
Executors recover against the said Abraham Nowell possession of the  
premisses sued for and costs unless the said Abraham within two months  
pay to said Executors the Sum of four hundred and twenty five pounds  
seventeen

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[204v]

seventeen shillings and six pence lawfull money of this province debt  
and costs, which are taxed at £3.9.11.

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Ex'c'on issued

14. Septr. 1761.

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Pepperrell v Harford

&gt;&gt;

Lady Mary Pepperrell Widow and Benjamin Greenleaf Merchant both of Kittery in the County of York Executors of the Testament of Sir William Pepperrell late of said Kittery Bart. deceased Complots *vs* Benjamin Harford Husbandman and Thomas Whitten Yeoman both of Scarborough in the County of Cumberland, The Complots shew'd that at an Inferiour Court of Common pleas held at York in January last They recovered Judgment against the said Harford and Whitten for £28.13.9 money Debt and costs from which Judgment they appealed to this Court and recogniz'd to prosecute the same but fail'd so to do wherefore the Complots pray'd Affirmation of s<sup>d</sup>. Judgm<sup>t</sup>. with additional Interest and costs It is therefore Considered by the Court that the said Executors recover against the said Benjamin Harford and Thomas Whitten the sum of twenty nine pounds five shillings & ten pence lawfull money of this Province debt and costs taxed at £3.15.3.

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Ex'c'on issued

3. Aug. 1761.

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Pepperrell v Underwood

&gt;&gt;

Lady Mary Pepperrell of Kittery in the County of York widow Executrix of the Testament of Sir William Pepperrell late of said Kittery Bart. deceased Complot *vs* John Underwood of said Kittery Trader The Complot shew'd that at an Inferiour Court of Common pleas held at York in January 1761 the said John recovered Judgment against the goods or Estate of the said Sir William for the sum of £2.14.6 mony



damage and that the Compl't recovered against the said John costs of Suit from which Judgment he appealed to this Court and recogniz'd to prosecute the same but failed to do Wherefore she the Compl't pray'd affirmation of said Judgment with Additional costs It is therefore Considered by the Court that the former Judgment be Affirmed and that the said John Underwood recover against the Estate of the s<sup>d</sup>: Sir William in the hands of the said Executrix the Sum of £2.14.6 lawfull money of this Province damage and that the said Executrix recover against the said John Underwood costs taxed at £5.3.3.

&lt;&lt;

Ex'c'on issued for s<sup>d</sup> Cost

3. Aug. 1761.

Ex'c'on issued

Aug. 3<sup>d</sup>. 1761.

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Arbuckle v Moore

&gt;&gt;

James Arbuckle jun<sup>r</sup>. of York in the County of York Mariner Compl't  
 vs Thomas Moore of York aforesaid Mariner the Compl't shew'd  
 that at an Inferiour Court of Common pleas held at York in July  
 1760, he recovered Judgment against the said Thomas for £23.11.4  
 mony damage and costs, from which Judgment s<sup>d</sup>. Thomas Appeal'd  
 to this Court and recogniz'd to prosecute the same but failed so to do Where-  
 fore the Compl't pray'd affirmation of s<sup>d</sup>. Judgment with Additional costs  
 It is therefore Considered by the Court that the said James Arbuckle recover  
 against the said Thomas Moore the Sum of twenty three pounds eleven  
 shillings and four pence lawfull money of this Province damage &  
 costs taxed at £3.8.7.

&lt;&lt;

Ex'c'on iss<sup>d</sup>: }

24. June, 1761.}

&gt;&gt;

Jonathan

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Image 257-Right

205.

[205r]

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Sayward v Hobbs

>>

Jonathan Sayward of York in said County of York Merchant Complt  
 vs Thomas Hobbs of Berwick in said County Millwright: The Complt shew'd  
 that at an Inferiour Court of Common pleas held at York in & for s<sup>d</sup>. County on the  
 first Tuesday of January last he recovered Judgment against Thomas Hobbs  
 aforesaid for £4.17.4½. money damage and costs from which Judgment  
 he appealed to this Court and recogniz'd to prosecute the same but failed so  
 to do Wherefore the Complt pray'd affirmation of s<sup>d</sup>. Judgment with Additional  
 costs Its therefore Considered by the Court that the said Jonathan Say-  
 ward recover against the said Thomas Hobbs the sum of four pounds  
 seventeen shillings and four pence 1/2 Lawfull money of this Province damage  
 and Costs taxed at £.

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Sayer v Cane

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Joseph Sayer of Wells in the County of York Esq<sup>r</sup> Complt vs  
 Samuel Cane of a place called Phillips town not within the bounds of  
 any town parish or district incorporated but within said County Mill-  
 man, The Complt shew'd that at an Inferior Court of Common pleas held at  
 falmouth in s<sup>d</sup>. County on the first tuesday of October last he recovered Judgment  
 against the said Samuel for £19.11.8 money damage and costs from which  
 Judgment he appealed to this Court and recogniz'd to prosecute the same but  
 failed so to do wherefore the Complt pray'd affirmation of s<sup>d</sup>. Judgment with  
 Additional Interest and Costs It is Considered by the Court that the said

Joseph Sayer recover against the said Samuel Cane the Sum of Twenty pounds four shillings lawfull money of this Province debt and costs taxed at £4.9.9.

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Ex'c'on issued

21 Oct<sup>r</sup>. 1761.

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Clark v Staple

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James Clark of Biddiford in the County of York Yeoman Compl't  
vs James Staple of s<sup>d</sup>. Biddiford Tanner, the Compl't Shew'd That at an Infer<sup>r</sup>. Court of Common pleas held at falmouth in October last he recovered Judgment against the said James for £6.13.4 Mony damage and costs from which Judgment he appealed to this Court and recognized to prosecute the same but failed so to do wherefore the Compl't pray'd affirmation of said Judgment with Additional Costs It is Considered by the Court that the said James Clark recover against the said James Staple the Sum of Six pounds thirteen shillings and four pence lawfull money of this Province damage and costs taxed at £4.0.1.

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Ex'c'on issued

28 Aug. 1761.

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Gooch v Burbank

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John Gooch of Wells in the County of York Husbandman Compl't  
vs John Burbank Gent and Benj<sup>a</sup>. Burbank Yeoman both of Arundel in s<sup>d</sup>. County the Compl't shew'd that at an Inferiour Court of Common pleas held at York in s<sup>d</sup>. County on the second tuesday of July last he recovered Judgment against the s<sup>d</sup>. John & Benjamin Gooch for £12.8.3 money

damage and costs from which Judgment they Appealed to this Court & recogniz'd to prosecute the same but failed so to do Wherefore the Compl't pray'd affirmation of said Judgment with Additional Interest and costs It is Considered by the Court that the said John Gooch recover against the said John Burbank and Benjamin Burbank the Sum of Twelve pounds nineteen shillings and Six pence lawfull Money of this Province damage & Costs taxed at £3.18.6.

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Ex'c'on issued

24. Sept<sup>r</sup>, 1761

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Image 258-Left

[205v]

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Gould et al v Hagens.

&gt;&gt;

John Gould Robert Gould and John Gould jun<sup>r</sup>. all of Boston in the County of Suffolk Merchants Compl't vs Fergus Hagens of Scarborough in the County of Cumberland Trader by the name of Fergus Hagens in the County of York Trader, The Compl'ts shew'd that at an Inferiour Court of Common pleas held at York in January last they recovered Judgment against the s<sup>d</sup>. Fergus for £70.17.0 money damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Compl'ts pray'd affirmation of s<sup>d</sup> Judgment with Additional Costs It is Considered by the Court that the said John Gould Robert Gould and John Gould jun<sup>r</sup>. recover against the said Fergus Hagens the sum of Seventy pounds seventeen shillings lawfull money of this Province damage and costs taxed at £5.19.2.

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Ex'c'on issued

9. July, 1761.

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Gilbert v Hutchinson

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Thomas Gilbert of Freetown in the County of Bristol Esq<sup>r</sup>.

Complt ~~vs~~ Stephen Hutchinson of Falmouth in the County of

York Husbandman [<sup>^</sup>(as he is nam'd in the writ)<sup>^</sup>], The Complt shew'd that at an Inferior Court of

Common pleas held at York in October last he recovered Judgment against the said Stephen for £6.2.2 money damage and costs, from which Judgment he appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd affirmation of s<sup>d</sup>. Judgment with Additional Interest and cost It is Considered by the Court that the s<sup>d</sup>. Thomas Gilbert recover against the said Stephen Hutchinson the Sum of Six pounds seven shillings and a penny lawfull Money of this Province damage and costs taxed at £7.17.6.

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Ex'c'on issued

23. Nov<sup>r</sup>. 1761.

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Marston v Sterling

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John Marston of Falmouth (late in the County of York but now) in the County of Cumberland Gent<sup>n</sup>. Complt ~~vs~~ Joseph Sterling of a place called new Marblehead in said County of Cumberland [~] Husbandman, The Complt Shew'd that at an Inferior Court of Common pleas held at Falmouth in the County of York on the first tuesday of October AD 1760 he recovered Judgment against the said Joseph for the sum of £7.8.0 Dam<sup>a</sup>. & Costs from which Judgment he appealed to this Court and recognized to prosecute the same but failed so to do wherefore the Complt prayd affirmation of s<sup>d</sup>: Judgment with Additional Interest and cost, It's Considered by the Court that

the said John Marston recover against the said Joseph Sterling the sum of Seven pounds thirteen shillings and two pence lawfull money of s<sup>d</sup>. Province damage and Costs taxed at £3.18.2.

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Ex'c'on issued

6 Aug 1761.

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Noble v Grant

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Arthur Noble of Boston in the County of Suffolk Mariner Compl't vs James Grant of a place called Mountsweag in no town or district but within the County of York [<sup>n</sup>Gent<sup>n</sup>.<sup>n</sup>] as the said James is named in the writ The Compl't shew'd that at an Inferiour Court of Common pleas held at York in and for the County of York on the first tuesday of October AD 1759 he recovered Judgment against the said James for the Sum of One hundred and two pounds fifteen shillings and a penny money Damage and costs from which Judgm<sup>t</sup>. the said James appealed to the then next Superiour Court of Judicature held at York for said County of York but failed so to do wherefore the Compl't (being impowered so to do by Order of the General Court as on file) pray'd Affirmation of said Judgment with

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Image 258-Right

206.

[206r]

with Additional Interest and cost: It is Considered by the Court that the said Arthur Noble recover against the said James Grant the sum of One hundred and three pounds fifteen shillings and four pence lawfull money of this province debt and costs taxed at £6.15.5.

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Ex'c'on issued

5. Nov<sup>r</sup>. 1761.

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Clark v Wheelwright

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Abraham Clark of Scarborough (late in the County of York but now) in the County of Cumberland Blacksmith Compl<sup>t</sup> vs Nathaniel Wheelwright of Wells in said County, Gent<sup>n</sup>. The Compl<sup>t</sup> shew'd that at an Inferiour Court of Common pleas held at York in said County of York on the second tuesday of July last he recovered Judgment against the said Nathaniel for £4.1.7 & Costs from which Judgment he appeal'd to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Compl<sup>t</sup> pray'd Affirmation of said Judgment with additional Interest and cost It is Considered by the Court that the said Abraham Clark recover against the said Nathaniel wheelwright the Sum of four pounds seven shillings and a penny lawfull money of said Province damage and costs taxed at £5.11.2.

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Ex'c'on issued

16. Oct<sup>r</sup>. 1761.

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Brown v Adams

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Timothy Brown of little Compton in the County of Newport and Colony of Rhode Island and providence plantation Clerk and Mary his wife Compl<sup>ts</sup> vs Nathan Adams of Harpswell in the County of Lincoln Shipwright by the name of Nathan Adams of Harpswell in the County of York Shipwright, The Compl<sup>t</sup> shew'd that at an Inferior Court of Common pleas held at York in January 1761 they recovered Judgment against Nathan Adams aforesaid for £51.18.8 money damage and cost from which Judgm<sup>t</sup> he appealed to this Court and recogniz'd to prosecute the same but failed so do wherefore the Compl<sup>ts</sup> pray'd affirmation of said Judgment with Additional

Costs It is Considered by the Court that the said Timothy Brown and Mary his wife recover against the said Nathan Adams the sum of fifty one pounds eighteen shillings and eight pence lawfull money of this Province damage and Costs taxed at £9.0.3.

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Ex'c'on issued

3<sup>d</sup>. Octr. 1761

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Moulton v Sullivan

&gt;&gt;

Daniel Moulton of York in the County of York Esq<sup>r</sup>. Compl't vs Daniel Sullivan of Berwick in said County Trader The Compl't shew'd that at an inferior court of common pleas held at said York on the fourth tuesday of April last he recovered Judgment against the said Daniel for £3.12.0 money damage and costs, from which Judgment he appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Compl't pray'd affirmation of said Judgment with Additional costs: It is therefore Considered by the Court that the said Daniel Moulton recover against the said Daniel Sullivan the sum of three pounds twelve shillings lawfull Money of this Province damage and costs taxed at £3.8.0.

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Ex'c'on issued

5. Aug, 1761

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Mayberry v Gerrish

&gt;&gt;

William Mayberry of a place called New Marblehead (late in the County of York but now) in the County of Cumberland Blacksmith Compl't vs Charles Gerrish of Falmouth now in s<sup>d</sup>. County of Cumberland Gent<sup>n</sup>. and David Webb of a place called Gorham town in said County of Cumberland [~]



[~] Blacksmith the Compl't shew'd that at an inferior Court of Common pleas held at Falmouth in the County of York on the first tuesday of October last he recovered Judgment against the said Charles and David for £5.11.8 money damage & cost from which Judgment they Appealed to this Court and recogniz'd to Prosecute the same but failed

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Image 259-Left

[206v]

failed so to do wherefore the Compl't pray'd affirmation of said Judgment with AQdditional Costs It is Considered by the Court that the said William Mayberry recover against the said Charles Gerrish and David Webb the sum of five pounds eleven shillings and eight pence Lawfull money of this Province damage and costs taxed at £4.3.2.

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Ex'c'on issued

27. July, 1761.

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Order on Winslow's pet<sup>o</sup>

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Upon reading the petition of Nathan Winslow Administrator of the Estate of Paul Thomson late of Scarborough in the County of Cumberland deceased wherein the pet<sup>r</sup>. shew'd that the real Estate of the s<sup>d</sup>. deceased amounts to £553, and the personal was apprais'd at £55.15.8. That the Administrators Account of Charges &c amounts to £80.16.1 & the claims bro't against said Estate not yet paid amounts to £52.0.6 which accounts amount in the whole to the sum of seventy seven pounds and eleven pence more than the personal Estate wherefore the Petitioner pray'd this Court to grant him licence in his said capacity to sell so much of the real Estate of the said Intestate as may be sufficient to pay the remainder of the debts aforesaid Ordered that the prayer of the pet<sup>r</sup>.

be granted and the said petitioner is hereby impowered to sell as much of said deceased's real Estate as is worth eighty pounds, & to make and execute a good deed or deeds thereof he to post up notifications thirty days before sale and to Account with the Judge of Probate for said County as the Law directs.

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Order on Whitney's pet<sup>o</sup>.

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Upon reading the petition of Nath<sup>l</sup>. Whitney and Mary Whitney Administrators on the Estate of Abel Whitney late of a place called Gorham town in said County deceased wherein the Petitioners shew'd that the personal Estate of the said deceased agreeable to Inventory amounts to no more than £34.127. that the petit<sup>rs</sup>. Acc<sup>t</sup>. of Charges &c together with debts paid amount to £30.8.4 more than the personal Estate, wherefore the petit<sup>rs</sup>. pray'd this Court to grant them licence to sell so much of the real Estate of their said Intestate as might be sufficient to pay the sum of £30.8.4. Ordered that the prayer of the petit<sup>rs</sup>. be granted and they are hereby impowered to sell of the real Estate to the Value of Thirty two pounds and to make and execute a good deed or deeds thereof they to post up notifications thirty days before sale And to Account with the Judge of Probate for said County as the Law directs.

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Order on Allen's pet<sup>o</sup>.

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Upon reading the petition of Eleanor Allen Administratrix of the Estate of Joseph Allen late of York in the County of York dec<sup>d</sup>. Intestate wherein the petition<sup>r</sup>. shew'd that the personal Estate of the deceas'd amounted to no more than £14.17.0. that the petit<sup>rs</sup>: Account of Administration &c and the claims against said Estate amounts to £124.9.10 which is One hundred and nine pounds twelve shillings and ten pence more than the personal estate wherefore the petit<sup>r</sup>. pray'd this Court to grant her licence to

sell so much of the real Estate of the said Intestate as might be sufficient to pay said debts Ordered that the prayer of the petitioner be granted and she is hereby impowered to sell of said dec'd's real estate to the value of one hundred and nine pounds & to make and execute a good deed or deeds thereof she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law

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Image 259-Right

207.

[207r]

Law directs.

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Order on Strout's pet<sup>o</sup>

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Upon reading the petition of Mary Strout and David Strout Administrators of the Estate of Christopher Strout late of Falmouth Esq<sup>r</sup>. deceased wherein the petit<sup>rs</sup>. Shew'd that the personal Estate of s<sup>d</sup>. Intestate with the debts due to said Estate amount to £243.13.9. and the proceeds of the Sales of several lotts of land by licence of this Court in July 1760, amount to £244 That the petit<sup>r</sup>. Accounts of Charges of Administrat<sup>r</sup>. &c & debts paid amount to £124.9.0, and the claims against s<sup>d</sup>. Estate remaining unpaid amount to £486.6.1. amounting in the whole to £123.1.4 more than the personal Estate and the proceeds of the lands sold as aforesaid, that the licence before granted was not sufficient to raise money enough to pay said debts therefore the petitioners pray'd this Court to grant them further licence to sell so much more of said real Estate of said Intestate as would be sufficient to satisfy the debts aforesaid Ordered that the prayer of the petitioners be granted & they are hereby further impowered to sell so much more of the s<sup>d</sup>. real Estate is worth One hundred and twenty six pounds and to make and execute a good deed or deeds for conveyance thereof they to post up notifications thirty days before sale and to Account with

the Judge of probate as the Law directs.

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Order on Berry's pet<sup>o</sup>.

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Upon reading the petition of James Berry of York afores<sup>d</sup>: Administrator of the Estate of Mary Grow late of said York deceased, wherein the Petitioner shew'd that the Estate of the said deceased under your Pet<sup>rs</sup>: Administration was appraised at £144.6.8 £95.6.8 of which consists of real Estate, the personal being but £49. and your pet<sup>r</sup>. Account of Charges &c together with claims against said Estate amount to £76.13.5. so that there is £27.13.5 due to s<sup>d</sup>. Creditors more than the appraised Value of the personal Estate wherefore the pet<sup>r</sup>. pray'd this Court to grant him licence to sell so much of the real Estate of the said deceased as with the personal Estate will be Sufficient to pay her debts Ordered that the prayer of the Pet<sup>r</sup>. be granted and she is hereby empowered to sell thirty pounds worth of the real Estate of said Intestate for the end aforesaid and to make and execute a good deed or deeds for conveyance thereof she to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Libby's pet<sup>o</sup>.

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Upon reading the petition of Martha Libby of Scarborough Widow and Administratrix of the Estate of Jonathan Libby late of said Scarborough dec<sup>d</sup>. Intestate wherein the petitioner shew'd that the Estate of s<sup>d</sup>. Intestate was duly apprais'd and an Inventory thereof exhibited and the personal Estate amounted to £117.2.4 and the Charges debts &c against said Estate amounted to £136.12.9, being nineteen pounds 10/5 more than the personal Estate therefore the Pet<sup>r</sup>. pray'd this Court to grant her licence to sell so much of the real Estate of the deceased as would be sufficient to discharge said debts remaining due Ordered that the prayer of the petitioner be granted and she is hereby empowered to sell twenty two pounds worth of

said real Estate and to make a good deed or deeds of convenue thereof for the purpose aforesaid she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

Peter

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[207v]

Peter Grant and Samuel Prebble both of York in the County of York Yeomen petition'd this Court to Order partition to be made of certain Lands mention'd in said petition (w<sup>ch</sup>: is on file) and no objection being made the Court granted the prayer of the petitioners and appointed for that purpose Sam<sup>l</sup>. Milberry Rich<sup>d</sup>. Trivet and Abra'm Nowell and also Appointed M<sup>r</sup>. Joseph Swett Agent for the absent partners.

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Tuck indicted.

>>

The Jurors for the Lord the King for the Body of this County upon their Oath did present That Andrew Tuck of North Yarmouth in the County of Cumberland Husbandman did on the twenty fifth day of January in the year of our Lord Christ seventeen hundred and fifty seven at York afores<sup>d</sup>: with force and Arms willfully and corruptly forge and make a false and Counterfeit writing purporting a promissory note whereby One Samuel Bucknam on the sixteenth day of October in the Year of Our Lord Christ seventeen hundred and forty eight promised to pay Andrew Tuck on order the sum of twenty pounds Old tenor (meaning twenty pounds in bills of publick Credit of the Old tenor) by the fifteenth of November then next ensuing and that the said Andrew Tuck first named there afterwards on the same twenty fifth day of January did with force and Arms willfully and corruptly forge and make another false and counterfeit writing purporting a promissory note whereby the said Samuel Bucknam on the twenty eighth day of January in the year of our Lord Christ seventeen

hundred and fifty five promised to pay Andrew Tuck or Order two pounds ten shillings and nine pence lawfull money upon demand with lawfull Interest untill paid for Value received, And that the said Andrew Tuck first named there afterwards on the same twenty fifth day of January did with force and Arms fraudently willfully and corruptly forge and make another false and counterfeit writing purporting a promissory note whereby the said Samuel Bucknam on the first day of March in the Year of Our Lord Christ seventeen hundred and fifty one promised to pay Andrew Tuck or Order ten pounds five shillings lawfull money on demand with Lawfull Interest till paid (meaning with lawfull Interest for the same till paid) for Value received; And that the said Andrew Tuck first named did there afterwards on the same twenty fifth day of January willfully deceitfully and corruptly publish the false and counterfeit writing first mention'd, and offer it in evidence as a true promissory note made by the said Samuel Bucknam with ~~an~~ intent to have and recover of him the Value of the said twenty pounds being two pounds thirteen shillings and four pence lawfull money he the same Andrew well knowing the same writing to be false and counterfeit when he published and offered the same in evidence as aforesaid And that the same Andrew Tuck there afterwards on the second day of July last willfully deceitfully and corruptly published the Other two false and counterfeit writings aforesaid and offered them in evidence as two true promissary notes made by the said Samuel Bucknam with an intention to recover of him two pounds ten shillings & nine pence lawfull money more with lawfull Interest for the same from the said twenty eighth day of January seventeen hundred and fifty five. And also ten pounds five shillings like money more with lawfull Interest for the same from the said first day of March Seventeen hundred and fifty one he

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Image 260-Right

208.

[208r]

he the same Andrew well knowing the same two writings to be false and

Counterfeit when he published the same and offered them in evidence as aforesaid to the greivous damage of the said Samuel Bucknam in evil example to Others and against the peace of the late sovereign Lord King George the second of blessed memory his Crown and Dignity: upon this Indictment the said Andrew Tuck was Arraigned and upon his Arraignment pleaded not Guilty a Jury was thereupon sworn to try the issue (M<sup>r</sup>. Dan<sup>l</sup>: Emery foreman & fellows) who having fully heard the Evidence upon their Oath say that the said Andrew Tuck is guilty viz in part viz of publishing and of giving in Evidence as sett forth in the Indictment the note of two pounds ten shillings and nine pence and the note of ten pounds 5/ knowing the said notes to be false and counterfeit when he so published and gave in evidence the same, The Court having considered his offence Order that he pay the sum of ten pounds as a fine to the King that he be set in the pillory for the space of one hour that he suffer one months imprisonment and that he become bound by way of recognizance in the sum of £50 with two sureties in £25 each for his keeping the peace &c untill the next term and that he pay costs of prosecution standing committed untill this sentence be perform'd.

N.B. The s<sup>d</sup>. Andrew Tuck recogniz'd June 20<sup>th</sup>. Sureties Zachariah Chandler Yeoman & Gilbertt Winslow jun<sup>r</sup>. Tanner both of N<sup>o</sup>. Yarmouth.

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Order on Grant's pet<sup>o</sup>.

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The petition of Peter Grant et al for division of Land Granted.

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York June 20<sup>th</sup>: 1761. The Court entred up Judgment According to the Verdicts and then Adjourned without day.

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Province of the}	Anno Regni Regis Georgii tertii
Massachusetts Bay}	magnæ Britanniae Franciæ et
Cumberland sc}	Hiberniæ &c <sup>a</sup> . primo.

At his Majesty's Superiour Court of Judicature Court of

Assize and General Goal Delivery begun and held at Falmouth within the County of Cumberland, and for the Counties of Cumberland and Lincoln, on the fourth Tuesday of June (being the 23<sup>d</sup>. day of said Month) annoque Domini 1761.

By the Honourable Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice.

Benjamin Lynde}

John Cushing &} Esq<sup>rs</sup>. Justices.

Peter Oliver}

The King's Attorney General being absent William Cushing Esq<sup>r</sup> is appointed by the Court to act as Attorney General, this term.

The Names of the grand Jurors and Petit Jurors are on the list on file.

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Malcolm v Olbay

>>

Allen Malcolm of Georgetown in the county of Lincoln Gent<sup>n</sup>.

Appellant ~~vs~~ Obadiah Olbay of Cross river on the easterly side of Sheepscut river, without the bounds of any township and within the County of Lincoln aforesaid Husbandman Appellee from the Judgment of an Inferior

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Image 261-Left

[208v]

Inferiour Court of Common pleas held at Pownalborough in said County of Lincoln on the fourth tuesday of May last when & where the Apl<sup>t</sup> was pl<sup>t</sup> and the Aplee was Deft in a plea of Trespass on the Case (as in the writ on file tested the 11<sup>th</sup>, day of April last is at large sett forth) at which said Inferior Court Judgment was rendred that the writ abate and that the said Obadiah recover against the said Allen costs: The appellant appeared the Appellee altho' solemnly called to come into Court did not appear but made default It is therefore Considered by the Court That the said Allen Malcolm recover against the said Obadiah Olbay the sum sued for being three pounds four



shillings and ten pence lawfull money of this Province damage and costs taxed at £.

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Hanscom ads Dom Regis

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Moses Hanscom of Falmouth in the County of Cumberland Yeoman Appellant at the Suit of the King from a Sentence given against him at a Court of general Sessions of the peace held at Falmouth for said County of Cumberland on the first tuesday of May last, when & where, the Jurors for the Lord the King for the same County presented" That the said Moses did at Scarborough in said County on the second day of December last with force and Arms make an assault upon the Body of Ann Ring, the wife of Joseph Ring of Scarborough aforesaid Innholder, and her beat bruised and wounded and evil entreated so that her life was despaired of, and other injuries to the said Ann the same Moses then and there perpetrated and did against the peace of the said Lord the King his Crown and dignity, to this presentment the said Moses pleaded (at the same Court) that he was not Guilty, and put himself on tryal by the Jury, who returned their Verdict that the said Moses is Guilty And thereupon the said Court Ordered that the said Moses pay a fine to the King of four pounds and costs and that he recognize to his Majesty himself as principal in the sum of forty pounds with two Sufficient sureties in the sum of twenty pounds each to be of the good behaviour untill the next Court of general sessions of the peace to be held in said County of Cumberland on the first tuesday of september then next, and that he should stand committed untill that sentence should be performed: The said Moses appeared, and the Jury having heard the evidence, and considered thereof, do upon their Oath say that the said Moses Hanscom is Guilty The Court having Considered his Offence Order that the said Moses pay the sum of four pounds as a fine to the King, and that he become bound by way of recognizance in the Sum of twenty pounds with two Sureties in the sum of ten pounds each for his keeping the peace &c<sup>a</sup>. untill the next term and that he pay costs of prosecution standing committed untill this Sentence

be performed.

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Same ads Same

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Moses Hanscom of Falmouth in the County of Cumberland Yeoman Appell.  
~~ads~~ the Lord the King from the Sentence of a Court of general Sessions of the  
 peace held at Falmouth in said County of Cumberland on the first tuesday  
 of May last when and where the Jurors for the Lord the King for the  
 same County presented upon their Oath That the said Moses did at said  
 Falmouth on the eleventh day of March last with force and Arms out of  
 his.

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Image 261-Right

209.

[209r]

his meer malice and contempt of the Authority of the Lord the King  
 committed to the Justices assign'd to keep the peace, utter and pronounce  
 unto and concerning one William Simonton one of the said Justices assign'd  
 to keep the peace for the said County these contemptuous and malicious  
 English words following vizt. Damn your Authority, and the Authority  
 of all such Justices, he the said Moses then well knowing the said William  
 Simonton to be a Justice of the peace as aforesaid against the peace of the  
 said Lord the King his Crown and dignity, at which said Court of general  
 Sessions upon the [<sup>^</sup>demurrer to the Indictment &<sup>^</sup>] pleadings there (as on file) It was  
 Considered that the said

Moses is Guilty of the offence Charg'd in said presentment and it was there-  
 upon Ordered that the said Moses pay a fine to the King of twenty shillings  
 and costs of prosecution, and stand committed untill that sentence should  
 be performed: And now the said Moses appeared and after a full hearing  
 of the King's Attorney upon the presentment with the said Moses his answer  
 thereto the Court is of Opinion that the presentment is sufficient in Law to  
 oblige the said Moses to answer thereto and for want of a sufficient answer  
 It is Considered by the Court that the said Moses is Guilty of the offence

charged in the same presentment And the Court having Considered his Offence Order that he pay a fine of Twenty shillings to the King and costs.

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Newbegin v Gray.

>>

John Newbegin of Scarborough in the County of Cumberland  
Blacksmith Appellant ~~vs~~ James Gray of Biddeford in the County  
of York Yeoman appellee from the Judgment of an Inferiour Court  
of Common pleas held at Falmouth in and for the County of Cumberland on the first tuesday of May last, when and where the Appellee was plant and the Appellt was Deft In a plea of the case for that the s<sup>d</sup>:  
John at Scarborough on the twentieth day of July AD 1759, by his promissory note of that date promis'd to pay the said James the sum of seven pounds eight shillings and three pence lawfull money on demand for Value receiv'd with lawfull interest till paid yet the s<sup>d</sup>:  
John hath not paid the same to the said James tho' often requested but refuses to do it. To the damage of the said James (as he saith) the sum of ten pounds, at which said Infer<sup>r</sup>. Court Judgment was rendred that the said James Gray recover against the said John Newbegin the Sum of eight pounds three shillings and six pence money damage and costs: Both parties now appeared and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee eight pounds five shillings and four pence Lawfull money of this Province damage and costs taxed at £3.18.9.

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Ex'c'on issued

14. July. 1761

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Coombs v Hamblen

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George Combs of Brunswick in the County of Cumberland Millwright Appellant vs Benjamin Hamblen of Georgetown in the County of Lincoln Labourer Appellee from the Judgment of an Inferiour Court of Common pleas held at Pownalboro' in said County of Lincoln on the fourth tuesday of May last when and where the Appellant was plt & the Appellee was Deft In a plea of trespass upon the case for that the said Benjamin

<duplicates previous>

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Image 263-Left

[209v]

Benjamin at Georgetown aforesaid on the twentieth day of March AD 1760 by his note of hand of that date for value received promist the said George to pay him the sum of nineteen pounds four shill<sup>s</sup>. on or before the first day of August then next from thence with lawfull Interest therefor till paid yet the said Benjamin tho' requested has not paid either of the Sums aforesaid nor the interest of either of them but neglects it To the damage of the said George Combs as he saith the sum of fifty pounds, at which said Inferiour Court on the Demurrer there Judgment was rendred that the said George recover against the said Benjamin the Sum of thirty four pounds fourteen shillings and five pence lawfull money and costs: Both parties appeared and the said Demurrer being waved by their consent the said Benjamin by M Livermore Gent<sup>n</sup> his Attorney defended when & where and said he never promist in manner aforesaid and thereof put himself on the Country, and the plt did likewise whereupon issue was joined and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee thirty four pounds two shillings and a penny money damage and costs It is therefore

Considered by the Court that the said George Combs recover against the said Benjamin Hamblen the Sum of thirty four pounds two shillings and a penny lawfull money of this Province damage & costs taxed at £3.1.6.

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Ex'c'on issued

1 Oct<sup>r</sup>. 1761.

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Gooding et al v Gerrish

>>

James Gooding Gent<sup>n</sup>. and William Sweetser Mariner both of Falmouth in the County of Cumberland Administrators on the Estate of Benjamin Sweetser late of s<sup>d</sup>. Falmouth Bricklayer deceased Complts ~~vs~~ Charles Gerrish of said Falmouth, Gent<sup>n</sup>. the Complts shew'd that at an Inferior Court of Common pleas held at Falmouth in May last they recovered Judgment against the said Charles for £16.5.9 money damage and cost from which Judgment he Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complts pray'd affirmation of said Judgment with Additional Interest and costs It is Considered by the Court that the said James and William Adm'ors as aforesaid recover against the said Charles Gerrish the sum of Sixteen pounds eight shillings and four pence lawfull money of this Province damage and costs taxed at £3.2.4.

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Ex'c'on issued

7. Aug. 1761

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Freeman v Gerrish

>>

Enoch Freeman of Falmouth in the County of Cumberland Esq<sup>r</sup>. Compl't

vs Charles Gerrish of said Falmouth Gent<sup>n</sup>. The Complt shew'd that at an Inferior Court of Common pleas held at said Falmouth in May last he recovered Judgment against the said Charles for possession of the premisses sued for and costs from which Judgment said Charles appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional Costs It is Considered by the Court that the said Enoch Freeman recover against the said Charles Gerrish possession of the premisses sued for (and describ'd in the s<sup>d</sup>. Inf<sup>r</sup>. Court's Judgment on file) and costs taxed at £3.4.2  
Richard

&lt;&lt;

Fac<sup>s</sup>. hab. issued

27, July, 1761.

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Image 263-Right

210

[210r]

&lt;&lt;

Codman v Thompson}

&gt;&gt;

Richard Codman of Falmouth in the County of Cumberland Merchant Complt vs Nicholas Thompson of said Falmouth Yeoman, The Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Falmouth aforesaid on the first Tuesday of May last he recovered Judgment against the s<sup>d</sup>: Nicholas for £6.9.0½ money damage and costs; from which Judgment he appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional costs It is Considered by the Court that the said Richard Codman recover against the said Nicholas Thomson the Sum of Six pounds nine shillings & a half penny lawfull money of this Province damage and costs taxed at £3.1.10.

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Ex'c'on issued

11 Aug<sup>st</sup>, 1761.

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Freeman v Thompson.

>>

Joshua Freeman of Falmouth in the County of Cumberland  
 Trader Complt ~~vs~~ Nicholas Thompson of said Falmouth Yeoman  
 the Complt shew'd that at an Inferiour Court of Common pleas held  
 at falmouth in s<sup>d</sup>. County on the first Tuesday of May last he recovered  
 Judgment against the said Nicholas for £4.10.5 money damage &  
 Costs, from which Judgment he appealed to this Court and recogniz'd  
 to prosecute the same but failed so to do wherefore the Complt pray'd  
 affirmation of said Judgment with Additional Costs It is therefore  
 Considered by the Court that the said Joshua Freeman recover ag<sup>st</sup>:  
 the said Nicholas Thompson the sum of four pounds ten shillings &  
 five pence Lawfull money of this Province damage and costs  
 taxed at £3.2.2.

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Ex'c'on issued

7. July, 1761.

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Deak v Conant

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George Deak of Falmouth in the County of Cumberland Mariner  
 Complt ~~vs~~ Samuel Conant of said Falmouth Yeoman The Complt  
 shew'd that at an Inferior Court of Common pleas held at Falmouth in  
 May last he recovered Judgment against the said Samuel for £4.17.1.  
 Money damage and cost from which Judgment the said Samuel  
 Appealed to this Court and recogniz'd to prosecute the same but failed so  
 to do wherefore the Complt pray'd affirmation of said Judgment with

Additional Interest and cost It is Considered by the Court that the s<sup>d</sup>.  
George Deak recover against the said Samuel Conant the sum of  
four pounds seventeen shillings and nine pence lawfull money of  
this Province Damage and costs taxed at £3.9.5.

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Ex'c'on issued

9. Oct<sup>r</sup>. 1761.

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&lt;&lt;

Order on Harris's pet<sup>o</sup>.

&gt;&gt;

Amos Harris and James Tuttle petitioned this Court to cause  
partition to be made of certain Lands lying in North Yarmouth in  
the County of Cumberland, which lands are described in the petition (on  
file), and upon notification being issued to the Absent partners and  
returned served, the petitioners prayer is granted by the Court.

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&lt;&lt;

Order on Merrill's pet<sup>o</sup>.

&gt;&gt;

James Merrell and Adams Merril of Falmouth in the County of  
Cumberland Yeoman petition'd this Court to cause partition to be made  
of certain lands lying in North Yarmouth in said County which lands  
are described in the petition (as on file) and upon notification being issued to  
the absent partners and returned, the Court granted the prayer of  
the said Petitioners.

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Image 264-Left

[210v]

&lt;&lt;

Order on Lad et al Pet<sup>o</sup>.

&gt;&gt;



Nathaniel Lad et Others their petition for Division of land  
as on file, granted.

Falmouth June 24, 1761. The Court entered up Judgment according to the Verdicts and then Adjourned without day Att<sup>n</sup>.  
Sam winthrop Cler

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Province of the} Anno Regni Regis Georgii tertii magnæ  
Massachusetts Bay} Britanniaë Franciæ et Hiberniæ &c primo.  
Middlesex sc}

At his Majesty's Superiour Court of Judicature Court of Assize &  
general goal delivery held at Cambridge within and for the  
County of Middlesex on the first tuesday of August (being the  
4<sup>th</sup>. day of said Month) Annoque Domini 1761.

By the Honourable Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice.

Benjamin Lynde}

John Cushing}

Chambers Russell and} Esq<sup>rs</sup>. Justices.

Peter Oliver}

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The Names of the Grand Jurors and Petit Jurors are in the list on file.

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Bridge v Baldwin

>>

Benjamin Bridge of Lincoln in the County of Middlesex  
Gent<sup>n</sup>. Appellant vs Jeduthan Baldwin of Brookfeild  
in the County of Worcester Gent<sup>n</sup> Aplee from the Judgment of  
an Inferiour Court of Common pleas held at Charlestown in March  
AD 1759, when & where the Aplee was plt against the Apl<sup>t</sup> This  
Appeal was bro't forward at the term of this Court for this County held  
at Cambridge in and for said County AD 1759 & hath been continued

from Term to Term to this Court and now the Aplant became nonsuit  
the Applee Appear'd and pray'd costs It is Considered by the Court that  
the said Jeduthan recover against the said Benjamin costs taxed at £

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Sartell v Wheeler

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Josiah Sartell Aplt Abraham Wheeler Aplee: neither party Appears.

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Image 264-Right

211.

[211r]

<<

Blair v Henry.

>>

John Blair of Groton in the County of Middlesex Yeoman Appell<sup>t</sup>.  
vs Eleanor Henry of Shirley District in the County of Middlesex afores<sup>d</sup>.  
Widow Administratrix on the Estate of Robert Henry late of Shirley  
aforesaid Yeoman deceased Appellee from the Judgment of an  
Inferiour Court of Common pleas held at Charlestown in & for said  
County on the second tuesday of December 1759, when & where the  
applee was plt and the aplt was Deft in a plea of Trespass on the  
case (as in the writ on file is at large sett forth) This appeal was bro't  
forward at the Term of this Court for this County held at Charlestown  
in January 1760, and from thence hath been regularly continued  
to this Court and now the Aplt became nonsuit and the Appellee  
Appeared and pray'd costs It is Considered by the Court that the s<sup>d</sup>.  
Eleanor Henry Adm<sup>x</sup>. as aforesaid recover against the said  
John Blair costs taxed at £3.18.6. see complt at y<sup>e</sup>. Court.

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Ex'c'on issued

10. Sept<sup>r</sup>. 1761.

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&lt;&lt;

Parker v Underwood

&gt;&gt;

Thomas Parker of Dracut in the County of Middlesex Clerk  
 Executor of the last will and testament of Jonathan Richardson  
 late of Chelmsford in the same County Gentleman deceased plant  
 v Timothy Underwood of Westford in the same County Husbandman Executor of the last will  
 of Joseph Underwood of Westford in the same County Yeoman Dece'd  
 Deft in a plea of Review of a plea of trespass on the case commenced and  
 prosecuted at an Inferior Court of Common pleas held at Cambridge in and  
 for said County on the third tuesday of May AD 1759, by the said Joseph  
 against the said Thomas Executor as aforesaid in the words following  
 vizt. In a plea of Trespass on the case for that the said Jonathan Richard-  
 son on the twenty third day of September AD 1746, being indebted  
 to the plant sixteen pounds nine shillings and six pence half  
 penny for that sum by him before that time had and received  
 of one Joanna Phillips to the plants use at Cambridge aforesaid  
 promised the plt to pay him the same on demand yet neither  
 the said Jonathan in his life time tho' requested never paid the  
 same nor the Deft since his Death tho' likewise requested but ne-  
 glect it To the damage of the said Joseph as he saith the sum of twenty  
 five pounds At which s<sup>d</sup>. Inf<sup>r</sup>. Court Judgment was rendred that the  
 said Thomas Parker Executor as aforesaid recover against the s<sup>d</sup>.  
 Joseph Underwood his costs of Suit; from which Judgment the said  
 Joseph appealed to Our Superiour Court of Judicature Court of Assize  
 and general goal delivery held at Cambridge in and for said County  
 on the first tuesday of August last when and where Judgment was rendred  
 that the former Judgment be reversed and that the said Joseph Underwood  
 recover against the Estate of Jonathan Richardson dec'ed in the hands  
 of the said Thomas Parker Executor as aforesaid Sixteen pounds nine  
 shillings and six pence half penny lawfull money of this province  
 damage and costs taxed at nine pounds eighteen shillings and four

pence which same Judgment the said Thomas Parker Executor as afores<sup>d</sup>. says is wrong and erroneous & that he is thereby damnified the sum of thirty pounds as shall then and there be made to Appear wherefore for reversing the same Judgment and for recovering back from the said Joseph

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Image 265-Left

[211v]

Joseph the said sum of Sixteen pounds nine shillings and Six pence half penny and the same costs and for recovering Judgment against him for cost of Courts the said Thomas Parker in his said Capacity brings this Suit: This review was bro't forward at the Superiour Court of Judicature Court of Assize and general goal delivery held at Cambridge in & for said County Middlesex on the first tuesday of August 1760 the said Joseph Underwood being then alive, and from said Court said review was continued to the then next Term of said Court for said County when and where the said Joseph Underwood (being dead) the said Timothy appeared and took upon himself to defend in this Action and was admitted so to do, and from that same Court said review was continued to this Court, and now both parties appeared and upon the plea of the said Joseph, made at the said Superiour held at Cambridge in August 1760, wherein he defended and said the last Judgment is in nothing erroneous and thereof put himself on the Country.

[+] issue was now join'd and the case after

a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon oath that is to say they find for the Deft costs It is therefore considered by the Court that the said Timothy Underwood Executor as aforesaid recover against the Estate of the said Jonathan Richardson dec<sup>d</sup>. in the hands of the said Thomas Parker Executor &c<sup>a</sup>. costs taxed at £17.6.11.

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Ex'c'on issued

12. Aug, 1761.

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Powers Adm<sup>x</sup>. v Wait

>>

Abigail Powers of Charlestown in the County of Middlesex  
Widow Administratrix of the Estate of Thomas Powers late of s<sup>d</sup>.  
Charlestown Blacksmith deceased Intestate Appellant ~~vs~~ Samuel  
Wait of Charlestown aforesaid Yeoman Appellee from the Judgm<sup>t</sup>.  
of an Inferiour Court of Common pleas held at Cambridge in May  
AD 1760, when and where the Applee was plt and the Appellant  
was Deft in a plea of the case (as in the writ on file is at large sett  
forth) at which said Inferiour Court Judgment was rendred that  
the said Samuel recover against the estate of the said Thomas  
Powers deceased in the hands of the said Abigail Administratrix as  
aforesaid the sum of three pounds lawfull Money damage and  
costs: This appeal was bro't forward at the Superiour Court of Judica-  
ture &c held at s<sup>d</sup>. Cambridge for said County on the first tuesday  
of August last and the said Appeal was then with all other demands  
by the Consent of the parties refered to Mess<sup>r</sup>. Foye, Cheever and  
Henly Esq<sup>rs</sup>. and from said Court last mention'd said Appeal was  
continued under said rule by consent of parties to the then next term  
of said Court for said County and from that term was continued  
under said rule to this Court by Consent and now [^the party's appeared &^] said Referres made  
report in writing (as on file) which was read and accepted and pursuant  
thereto It is Considered by the Court that the said Samuel Wait  
recover against the Estate of the s<sup>d</sup>. Thomas powers deceased in the hands of  
the said Abigail administratrix as aforesaid the sum of One pound  
nine

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Image 265-Right

212.

[212r]

nine shillings and six pence three farthings lawfull money of this  
Province damage and costs taxed at £2.8.7.

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Ex'c'on issued

29. Oct<sup>r</sup> 1761.

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Hunt v Farr.

>>

Samuel Hunt of Littleton in the County of Middlesex House-  
wright plt vs John Farr of said Littleton Yeoman Deft In a plea  
of Review of a plea of Trespass commenced and prosecuted at an  
Inferiour Court of Common pleas held at Charlestown aforesaid for s<sup>d</sup>.  
County on the second tuesday of December AD 1757 by the said John  
against the said Samuel in the Words following vizt. In a plea of  
trespass for that the said Samuel at Littleton aforesaid at divers  
days and times between the first day of January AD 1753, and the first  
day of October last with force and Arms broke and entered the said  
John's Close in Littleton aforesaid, call'd Farr's lott containing One  
hundred and thirty Acres be the same more or less bounded  
Southerly upon Taylor's land, the Southeast corner being a black Oak  
tree marked thence runing Northerly on Hartwell's land to the way  
leading to Groton and then joining on said Way to a Valley then crossing  
said way to a pine Stump thence it turns Southwesterly by sundry  
marks to a Stake in a little brook near to the Corner of Taylor's  
Meadow from thence to a pine tree marked thence to a black Oak  
Stump being a corner then on Wood's land to Oliver Taylor's land &  
so on Taylor's land to the bounds first mentiond and then and there  
with force as aforesaid cutt down and carried away two hundred  
of the said John's trees then in the same close growing worth  
twenty pounds, and then and there with force as aforesaid plowed

up two acres of the said John's land in the same close being worth five pounds and with force as aforesaid then and there erected fifty rods of brush fence in the same close and Other injuries the said Samuel to the said John did then and there perpetrate and commit against the King's peace and to the damage of the said John as he saith the sum of forty pounds at which said Inferiour Court Judgment was rendred that the said Samuel Hunt recover against the said John Farr his costs of Suit, from which Judgment the said John appealed to our Superiour Court of Judicature Court of Assize and general goal Delivery held at Charlestown in and for said County on the last tuesday of January, AD 1758, when and where Judgment was rendred that the former Judgment be reversed and that the said John Farr recover against the said Samuel Hunt One pound lawfull money of this Province damage and costs taxed at sixteen pounds seven shillings and ten pence which same Judgment the said Samuel says is wrong and erroneous and that he is thereby damnified the sum of twenty pounds as shall then and there be made to appear wherefore for reversing the Judgment last mention'd and recovering back from the said John the said Sum of One pound lawfull money damage and the same costs, and for recovering Judgment against him the said John Farr for costs of Courts, he the said Samuel Hunt brings this suit: This Review was bro't forward at the last Term of this

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[212v]

this Court for this County and from thence was continued to this Court by consent and now the parties appeared and the said John Farr by O Thacher Gent<sup>n</sup>. his Attorney defended &c and said the former Judgment is in nothing erroneous and thereof put &c upon which plea issue was join'd and the case after a full hearing was committed to a Jury sworn According to Law to

try the same who returned their Verdict therein upon Oath that  
is to say they find for the Deft costs It is therefore Considered  
by the Court that the said John Farr recover against the said  
Samuel Hunt costs taxed at £

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Rice v Goodenow.

>>

William Rice appellant ~~vs~~ Thomas Goodenow Aplee  
neither party appeared.

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Foster v Scripture.

>>

Richard Foster of Charlestown in the County of Middlesex Esq<sup>r</sup>.  
plant. vs Samuel Scripture late of Groton in said County but now  
of a place called number One in our Province of New-Hampshire  
Husbandman Samuel Barron Yeoman and John Blair Trader  
both of Groton in the said County of Middlesex Deft In a plea  
of Review of a plea of Debt commenced and prosecuted at an Inferiour  
Court of Common pleas held at Charlestown in & for said County on the  
second tuesday of December AD 1757 by the said Richard against  
the said Samuel Scripture Samuel Barron and John Blair  
in the words following vizt. In a plea of Debt for that the said  
Samuel Scripture Samuel Barron and John Blair of Charlestown  
aforesaid on the fourth day of July Anno Domini 1754. by their  
Bond in Court to be produced bound themselves to the said Richard  
in One hundred and seven pounds six shillings lawfull money  
of New England to be paid him on demand yet the said Samuel  
Scripture Samuel Barron and John Blair tho' requested have  
not paid the same nor hath either of them done it but detain it To  
the damage of the said Richard Foster as he says the sum of a  
hundred and ten pounds at which s<sup>d</sup>. Inf<sup>r</sup>. Court Judgment was rend-  
ered on the demurrer there that the said Samuel Scripture Samuel Barron



and John Blair recover against the said Richard Foster their costs of Suit; from which Judgment the said Richard appealed to our Superiour Court of Judicature Court of Assize and general goal delivery held at Charlestown within and for the County of Middlesex on the last tuesday of January AD 1758, when and where Judgment was rendred that the said Samuel Scripture Samuel Barron and John Blair recover against the said Richard Foster costs which same Judgment the said Richard says is wrong and erroneous and that he is thereby damnified the sum of One hundred and thirty pounds as shall then and there be made to appear wherefore for reversing the Judgment last mention'd and recovering back from the said Samuel Scripture Samuel Barron and John Blair the same Costs and for recovering Judgment against them for the Sum of One hundred and ten pounds (the damage laid in the Original writ) and cost of Courts he the said Richard Foster brings this Suit: This review was bro't forward at the last term of this Court for this County and from thence was continued to this Court, and now the parties appeared and the s<sup>d</sup>:

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Image 266-Right

213.

[213r]

Samuel Barron and John Blair defended &c by Oxenbridge Thacher their Attorney and said that the Judgment review'd by the said writ is in nothing Erroneous and thereof put themselves upon which plea issue was join'd and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Defts costs Its therefore Considered by the Court that the said Barron & Blair recover against s<sup>d</sup>. Foster costs taxed at £7.16.3.

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Ex'c'on issued

22. Octr 1761.

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Chandler v Shattuck

&gt;&gt;

Isaac Chandler of Westford in the County of Middlesex Miller  
 Appellant ~~vs~~ William Shattuck of Littleton in the same County  
 Yeoman who sues as well for the poor of the Town of Westford ~~in~~  
 aforesaid as for himself Appellee from the Judgment of an Inferior  
 Court of Common pleas held at Cambridge in and for said County  
 on the third tuesday of May last when and where the Appellee  
 was plt and the Appellant was Deft. in a plea of debt for that  
 whereas the said Isaac on the first day of April last was and ever  
 since has been the Owner and Occupant of a mill dam in Westford  
 aforesaid heretofore erected and made across a stream there  
 where Alewives usually pass up into the natural ponds to cast their  
 Spawn over which dam the fish aforesaid cannot and for the  
 time aforesaid could not conveniently pass yet the said Isaac  
 hath not from the said first day of April last to this time kept  
 open a sufficient way either round or thorough the dam afores<sup>d</sup>:  
 for the passage of Such fish but for the time aforesaid hath neglected  
 to do it against the Law of this province in that case made and  
 Provided, whereby he has forfeited fifty pounds lawfull money  
 of this province one half thereof to and for the use of the poor a-  
 foresaid and the other half to and for the use of the said William  
 who sues for the same yet the said Isaac tho' often requested has  
 not paid the said fifty pounds but neglects to do it to the damage  
 of the said William who sues as aforesaid as he saith the sum of  
 fifty pounds, at which said Inferior Court Judgment was rendred  
 that the said William Shattuck recover against the said Isaac  
 Chandler the sum of fifty pounds lawfull money [<sup>^</sup> thereof to and for the use of the poor of the  
 Town of westford afores<sup>d</sup>. and the other half to and for the use of the s<sup>d</sup>. William & Costs.<sup>^</sup>] Debt  
 one half.

Both parties now appeared and the case after a full hearing was  
 committed to a Jury sworn According to Law to try the same who  
 returned their Verdict therein upon Oath that is to say they find for  
 the Appellant reversion of the former Judgment and costs It is

therefore Considered by the Court that the said former Judgment be reversed and that the said Isaac Chandler recover against the said William Shattuck costs taxed at £12.18.32¼.

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Ex'c'on issued

12. Aug<sup>st</sup>. 1761

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French v Beard

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Joseph French of Tewksbury in the County of Middlesex Yeoman Appellant ~~vs~~ Aaron Beard of said Tewksbury Yeoman Appellee from the Judgment of an Inferior Court of common pleas held at charlestown in & for s<sup>d</sup>. County on the second Tuesday of March last when and where the aplee was plt against the said Joseph in a

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Image 267-Left

[213v]

a plea of Ejectment wherein he demands against the said Joseph a triangular peice of land in Tewksbury aforesaid containing about six acres bounded southwesterly on Joshua Baldwin's land northwesterly on the said Aaron's land and easterly on the said Joseph's land originally laid out to William French there being at the northeasterly corner of the land demanded a Tree marked F.H.K. and also another peice of land in Tewksbury afores<sup>d</sup>. containing two acres and one hundred and forty [<sup>two</sup>] rods bounded south- m erly and westerly on the said Aaron's land northerly on Benj<sup>a</sup>. French's land and easterly on the said Joseph French's land and says that one Thomas Kitteridge on the tenth day of November AD 1744, being seised in his demesne as of fee of the two peices of land aforesaid by his deed of that date duely executed Acknow-

ledged, Registered and in Court to be produced conveyed the same to the said Aaron to hold to him and his heirs forever, whereby he became seised thereof in his demesne as of fee and being so seised the said Joseph entred there into disseis'd the said Aaron thereof and still unjustly holds him out of the same to the damage of the said Aaron Beard as he says the sum of thirty pounds at which said Inferiour Court Judgment was rendred that the said Aaron Beard recover against the said Joseph French his possession of that part of the land demanded which is swamp land and his easterly of the Strait line extending from a pine stump at the northerly corner of said land called the F.H.K. stump to the pine stub about sixty [<sup>six</sup>] rods southerly and costs of suit: Both parties now Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say the find for the Apl'ee possession of that part of the land demanded which is swamp land and lyes easterly of the strait line extending from a pine stump at the northerly corner of said land called the F.H.K to stump to the pine stub about sixty six rods southerly and costs: It is therefore Considered by the Court that the said Aaron Beard recover against the said Joseph French possession of that part of the land demanded which is described in the Verdict last before mention'd and costs taxed at £17.14.7.

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Fac<sup>s</sup>. hab. issued16<sup>th</sup>. Oct<sup>r</sup>. 1761.

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&lt;&lt;

Erving v Mansfeild.

&gt;&gt;

James Erving of Boston in the County of Suffolk Merchant  
Appellant ~~vs~~ Samuel Mansfeild of Waltham in the County of  
Middlesex Cordwainer Appellee from the Judgment of an Inf<sup>r</sup>. Court

of Common pleas held at Cambridge in and for the County of Middlesex  
 on the third tuesday of May AD 1761. when and where the Aple'e  
 was plt against the said James in a plea of Trespass for that the s<sup>d</sup>.  
 James on the twenty fifth day of decem<sup>r</sup>. last at Cambridge afores<sup>d</sup>.  
 with force and arms assaulted the said Samuel and him beat  
 bruised wounded and evil entreated and did him other Injuries  
 against the peace and to the damage of the said Samuel Mansfeild  
 as he says the Sum of two hundred pounds At which said Inferior  
 Court Judgment was rendred that the said Samuel recover against the  
 said

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Image 267-Right

214.

[214r]

James the sum of thirty pounds lawfull mony damage and costs:  
 Both parties Appeared, and the case after a full hearing was  
 committed to a Jury sworn according to Law to try the same who  
 returned their verdict therein upon oath that is to say they find  
 for the Appellee thirty pounds mony damage and costs Its there-  
 fore Considered by the Court that the said Samuel Mansfeild  
 recover against the said James Erving the Sum of thirty  
 pounds lawfull money of this province damage and costs taxed  
 at £4.15.1.

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Ex'c'on issued

28<sup>h</sup>. Nov<sup>r</sup>. 1761.

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Dusten v Jacquith.

>>

John Dusten of Groton in the County of Middlesex Husbandman  
 plaintiff against Ebenezer Jacquith of Billerica in the same County

Yeoman Defendant in a plea of Review of a plea of trespass upon the case commenced at an Inferiour Court of Common pleas held at Charlestown in and for the County of Middlesex on the second tuesday of December AD 1759: but prosecuted at an Inf<sup>r</sup>. Court of Common pleas held at Charlestown for the County afores<sup>d</sup>. on the second tuesday of March AD 1760, by the said Ebenezer Jacquith against the said John Dusten (and one Leonard Parker of said Groton Husbandman since deceased) in the words following vizt. In a plea of Trespass on the case for that the said Ebenezer on the first day of December AD 1757 at Billerica aforesaid was possessed of a red steer of the price of four pounds lawfull money as of his own Steer and afterwards casually lost him and the said John and Leonard found him and knew him to be the said Ebenezer's Steer but contriving to defraud the said Ebenezer of his Steer aforesaid the said John and Leonard there afterwards as the same day converted the same steer to their own Use to the damage of the said Ebenezer Jacquith as he says the sum of six pounds at which said Inferior Court last mention'd Judgment was rendred that the said John Dusten and Leonard Parker recover against the said Ebenezer Jacquith their costs of Suit: from which Judgment the said Ebenezer Appealed to the Superiour Court of Judicature Court of Assize and general goal Delivery held at Cambridge in and for the County of Middlesex on the first tuesday of August last and from thence said Appeal was continued to the Superiour Court of Judicature Court of Assize and general goal Delivery held at Charlestown in and for the County of Midd<sup>x</sup>. on the last tuesday of January last when and where (the said Leonard Parker being dead) Judgment was rendred that the former Judgment be reversed and that the said Ebenezer Jacquith recover against the said John Dusten the Sum of One pound twelve shillings lawfull money of this Province damage and costs which same Judgment the said John says is wrong & erroneous and: that He is thereby damnified the sum of twelve pounds as shall then and there be made to Appear wherefore for reversing

the Judgment last mentioned and recovering back from the said Ebenezer

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Image 268-Left

[214v]

Ebenezer the said Sum of one pounds twelve shillings and the same costs and for recovering Judgment against the said Ebenezer for costs of Courts he the said John brings this Suit: the plt Appear'd and the said Ebenezer by B Prat Esq<sup>r</sup>. his Attorney came and defended &c and say'd that the last mention'd Judgment is in nothing erroneous saving that instead of being for one pounds twelve shillings and costs it ought to have been for the said Ebenezer four pounds and costs upon [^which^] plea issue was join'd and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Defendant costs It is therefore Considered by the Court that the said Ebenezer Jacquith recover against the said John Dusten costs taxed at £

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Longley v Trowbridge.

>>

William Longley of Shirley District in the County of Middlesex Yeoman Appellant v Thomas Trowbridge of Groton in the same County Cabinet maker Appellee from the Judgment of an Inferior Court of common pleas held at Cambridge in and for the County afores<sup>d</sup> on the on the third tuesday of May last when and where the Appellee was plt against the said William in a plea of trespass on the case for that the said William by his promissory note under his hand bearing date January the 10<sup>th</sup>. 1758, at Concord aforesaid promised to pay One Thomas Little or his Order the sum of twelve pounds thirteen shillings and four pence lawfull money within twelve months from the date of said note (which are now past) with lawfull Interest for the same till paid it

being for value receiv'd And on the eighth day of September 1759 the s<sup>d</sup>. Thomas Little by his Endorsement under his hand on the backside of said note Ordered the contents of said note then unpaid to be paid to the plant or Order for value of him received of which Order and endorsement the said William afterwards vizt. on the same day at Shirley aforesaid had notice and thereupon became chargeable to pay the same to the plt on demand and then and there promised to pay the same accordingly yet he has not paid it tho' requested but neglects it to the damage of the said Thomas Trowbridge as he saith the Sum of fifteen pounds, At which s<sup>d</sup>. Inferior Court upon the pleadings there Judgment was rendred that the said Thomas Trowbridge recover against the said William Longley the sum of ten pounds sixteen shillings and two pence lawfull money damage and costs of Suit: Both parties Appeared and the pleadings made at s<sup>d</sup>. Inf. Court being waved by consent the said William by O Thacher Gent<sup>n</sup>. his Attorney said he never promised in form aforesaid and thereof put himself on the Country upon which plea issue was joined and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee ten pounds nine shillings and six pence pence mony damage and costs It is therefore Considered by the Court that

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Image 268-Right

215.

[215r]

that the said Thomas Trowbridge recover against the said William Longley the sum of ten pounds nine shillings and six pence lawfull Money of this Province damage and costs taxed at £6.19.6.

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Ex'c'on issued

10<sup>th</sup>. Sept<sup>r</sup>. 1761.

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&lt;&lt;

Dowse v Sheaffe.

&gt;&gt;

Nathaniel Dowse of Charlestown in the County of Middlesex  
 Mariner Appellant ~~vs~~ Edward Sheaffe jun<sup>r</sup>. of said Charlestown  
 Merchant Appellee from the Judgment of an Inferiour Court of com'on  
 pleas held at Cambridge in and for the county of Middlesex on the  
 third tuesday of May last when and where appellee was plant: and  
 the apla'nt was deft. In a plea of the case [<sup>&c</sup>] (as in the writ on file, tested the 23<sup>d</sup>:  
 day of January AD 1759; at large appears) At which said Infer<sup>r</sup>:  
 Court Judgment was rendred upon the pleadings there that the said  
 Edward recover against the said Nathaniel the sum of thirty four  
 pounds lawfull money damage and cost of Suit: Both parties appeared  
 and the said pleadings being by their consent waved and issue [<sup>now</sup>] joined the  
 case after a full hearing was committed to a Jury sworn according to Law  
 to try the same who returned their Verdict therein upon Oath that is to say  
 they find fort he Appellee ten pounds six shill<sup>s</sup>. & eight pence mony  
 damage and costs It is therefore Considered by the Court that the s<sup>d</sup>:  
 Edward Sheaffe recover against the said Nathaniel Dowse the sum  
 of ten pounds six shillings and eight pence lawfull Money of this Pro-  
 vince damage and costs taxed at £

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White v Blair.

&gt;&gt;

William White of Boston in the County of Suffolk Shopkeeper  
 Appellant ~~vs~~ John Blair of Groton in the County of Middlesex Trader  
 Appellee from the Judgment of an Inferiour Court of Common pleas  
 held at Cambridge in and for the County of Middlesex on the third  
 Tuesday of May last when and where the Aplant was plant and  
 the Appellee was Deft. In a plea of Ejectment wherein he demands of  
 the said John the possession of a certain tract of land lying in the  
 Township of Groton aforesaid containing ten acres or thereabouts be it  
 more or less in regular form with strait lines consisting of plough  
 land pastureing and some Orchardng bounding easterly on a high

way northerly on land formerly Samuel Scriptures the northwest corner being an old dead lopt Tree from thence running westerly to a Stake and stones on a strait line and northwesterly on land formerly said Scriptures and southerly on land of Samuel Hazzen with a dwelling house and small barn and shop standing on said lands or however Otherwise the same may be bounded with the Appurtenances and says that in the month of April 1755 he was seised of the said land and premisses with the Appur'ces in his demesne as of fee and right taking the profits thereof to the Amount of five pounds by the year and the plt ought accordingly to have been in the quiet possession of the premisses to this day but the said John within two

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Image 269-Left

[215v]

two years last past has without right entred into the possession of said tract of land and premisses and without Judgment has disseised the plt thereof and still withholds from him the possession thereof to the damage of the said William White as he saith the sum of One hundred and fifty pounds, at which said Inferiour Court upon the pleadings there Judgment was rendred that the said John recover against said William his costs of Suit: The appellant Appeared the Appellee altho' solemnly called to come into Court did not appear but made default It is Considered by the Court that the said William White recover against the said John Blair possession of the premisses sued for and costs taxed at £4.7.11.

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Fac<sup>s</sup>. hab: iss<sup>d</sup>.

11<sup>th</sup>. Aug<sup>t</sup>. 1761.

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White v Wethe

&gt;&gt;

William White of Boston in the County of Suffolk Shopkeeper Appellant  
 vs Zachariah Wethe of Groton in the County of Middlesex Labourer Apl'ee  
 from the Judgment of an Inferior Court of common pleas held at Cambridge  
 in and for the county of Middlesex on the third tuesday of May last when &  
 where the Appellant was plant and the Ap'lee was deft In a plea of Ejectment  
 wherein he demands of the said Zachariah the possession of a certain  
 tract of land lying in Groton aforesaid being Upland Swamp and  
 meadow land consisting of Orcharding mowing plough land pasture  
 land and woodland with two dwelling houses and a barn standing  
 on the premisses which bounds easterly on the road leading from  
 Groton meeting house to Harvard southerly partly by land lately claim'd  
 by John Blair and partly by land lately claim'd by Moses Hazen and  
 William Bennet westerly by land of Capt Thomas Tarbell's heirs northerly  
 by land of the heirs of Deacon John Longley deceased and land of Amos  
 Lawrence or however otherwise the same may be bounded &c<sup>ra</sup>. with  
 the Appur'ces thereto belonging for that one John Blair on the nineteenth  
 day of April AD 1755 was seised of the demanded premisses in his  
 demesne as of fee and being so seised by his Deed of Bargain & Sale  
 duely Acknowledge and recorded and in Court to be produced at Cambridge  
 aforesaid for a valuable consideration there on the same day received  
 granted and conveyed the same premisses with the Appurtenances to  
 the plt and his heirs and he ought accordingly to be in the actual possession  
 thereof yet the said Zachariah hath since entred on the premisses ejected  
 and disseised the plant and still unjustly withholds the possession thereof  
 from him to the damage of the said W<sup>m</sup>. White as he says two hundred pounds  
 at which said Inferiour Court upon the pleadings there Judgment was  
 rendred that the said Zachariah Wethe recover against the said William  
 White his costs: The Appellant appeared: the Appellee altho' solemnly  
 called to come into Court did not appear but made default It is  
 therefore Considered by the Court that the said William White recover  
 against the said Zachariah Wethe possession of the premisses sued  
 for and costs taxed at £4.8.2.

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Fac s. hab. issued

11. Augt. 1761.

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Image 269-Right

216.

[216r]

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Brown v Sheaffe.

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Stephen Brown of Charlestown in the County of Middlesex Mariner  
Appellant v Nathaniel Sheaffe of said Charlestown Shopkeeper Appellee  
from the Judgment of an Inferior Court of com'on pleas held at  
Cambridge in and for said County on the third tuesday of May last when  
and where the Appellee was plt and the aplant was deft. In a plea of  
Trespass on the Case (as in the writ on file tested the 18<sup>th</sup>. day of february  
last is at large sett forth) At which said Inferior Court upon the  
pleadings there Judgment was rendred that the said Nathaniel recover  
against the said Stephen One hundred pounds lawful Mony damage  
and costs: Both parties Appeared and by their consent the pleadings  
aforesaid being waved the said Stephen by his Attorney plead Anew and  
said he never promised in form aforesaid & thereof put himself on the  
Country upon which plea issue was joined and the case after a full hearing  
was committed to a Jury sworn according to Law to try the same who re-  
turned their Verdict therein upon Oath that is to say they find for the Appellee  
eighteen pounds mony damage and costs It is therefore Considered by  
the Court that the said Nathaniel Sheaffe recover against the said  
Stephen Brown the sum of eighteen pounds lawfull Money of this  
Province damage and costs taxed at £3.5.0.

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Ex'c'on issued

7<sup>th</sup>. Augt. 1761.

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Danforth v Hunt.

&gt;&gt;

Samuel Danforth Esq<sup>r</sup>. Judge &c<sup>a</sup>: Appellant} Neither party

vs

Peter Hunt Appellee} Appeared.

&lt;\_&gt;

&lt;&lt;

Hay v Stimpson

&gt;&gt;

William Hay of Reading in the County of Middlesex Physician

Appellant ~~vs~~ Ebenezer Stimpson of said Reading Physician Appellee

from the Judgment of an Inferior Court of Common pleas held at

Cambridge in and for the county afores<sup>d</sup>. on the third tuesday of May lastwhen and where the appellee was plt and the Apl<sup>t</sup> was Deft In a

plea of Trespass upon the case (as in the writ on file tested the first

day of May last is at large sett forth) At which said Inferior Court Judgm<sup>t</sup>.was rendred [<sup>^</sup>(on the pleadings there)] that the said Ebenezer recover against the said William

the sum of three hundred pounds lawfull money damage and costs of

suit: The parties Appeared and the Appellee discontinues this Action

and agrees not to bring any other Action for the matters contained in

his Declaration aforesaid, or the Appellants Slandering the Appellee

before this time; and thereupon the Appellant releases the cost, and

agrees not to bring any Action against the Appellee on Account of

his bringing this Action.

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Chamberlain v Tyler.

&gt;&gt;

Jacob Chamberlain of Chelmsford in the County of Middle-

sex Yeoman Compl<sup>t</sup> ~~vs~~ Joseph Tyler of said Chelmsford Mill-wright the Compl<sup>t</sup> shew'd that an Infer<sup>r</sup>. Court of Com'on pleas

held

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Image 270-Left

[216v]

held at Cambridge in May last he recovered Judgment against the said Joseph for £4.11.10 damage and costs from which Judgment said Joseph Appealed to this Court and recogniz'd to prosecute said Appeal with effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Jacob Chamberlain recover against the said Joseph Tyler the sum of four pounds thirteen shillings lawfull Money of this Province damage and costs taxed at £3.16.0.

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Ex'c'on issued

20 Aug, 1761.

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Merick v Hunt

>>

Tilly Merick of Concord in the County of Middlesex Shop keeper Complt ~~vs~~ Samuel Hunt of Lunenburg in the County of Worcester Gent The Complt shew'd that at an Inferior Court of Common pleas held at Cambridge in May last he recovered Judgment ag<sup>n</sup> the said Samuel for £27.9.8 damage and costs from which Judgment said Samuel Appealed to this Court and Recogniz'd to prosecute said Appeal with effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and costs It is Considered by the Court that the said Tilly Merick recover against the said Samuel Hunt the Sum of Twenty seven pounds sixteen shillings and four pence lawfull money of this Province damage and costs taxed at £3.15.6.

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Ex'c'on issued

10<sup>th</sup>. Sept<sup>r</sup>. 1761.

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Lawrence v Eaton.

>>

Abel Lawrence of Groton in the County of Middlesex Gent<sup>n</sup>.  
Complt ~~vs~~ Pearson Eaton of Lunenburg in the County of Worcester Cordwainer. The Complt Shew'd that at an Inferior Court of Common pleas held at Cambridge in May last he recovered Judgment against said Pearson for £4.4.8 damage and costs from which Judgment he appealed to this Court and recogniz'd to prosecute said appeal with effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost It is Considered by the Court that the said Abel Lawrence recover against the said Pearson Eaton the Sum of four pounds five shillings and eight pence lawfull Money of this Province damage and costs taxed at £4.8.10.

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Ex'c'on issued

10<sup>th</sup>. Sept<sup>r</sup>. 1761.

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Mellen v Parmenter et al

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Thomas Mellen of Hopkinton in the County of Middlesex Gent<sup>n</sup>.  
Complt ~~vs~~ Phinehas Parmenter and Joshua Parmenter both of Framingham in s<sup>d</sup>. County Yeomen: The Complt shew'd that at an Inferior Court of Common pleas held at Cambridge in May last he recovered Judgment against them for £26.17.7. damage and cost from which Judgment they appealed to this Court and recogniz'd to prosecute said appeal with effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional

Interest and cost It is Considered by the Court that the said Thomas Mellen recover against the said Phinehas and Joshua the Sum of twenty seven pounds three [<sup>^</sup>shillings<sup>^</sup>] and five pence lawfull Mony of this Province damage & costs taxed at £3.17.10.

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Ex'c'on issued

7<sup>th</sup>. Sept<sup>r</sup>. 1761.

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217.

[217r]

&lt;&lt;

Ward v Grout.

&gt;&gt;

Daniel Ward of Marlborough in the County of Middlesex Gent<sup>n</sup>:  
 Compl<sup>t</sup> vs Edward Grout of Sudbury in the same County Husbandman  
 The Compl<sup>t</sup> shew'd that at an Inferior Court of Common pleas held  
 at Charlestown in March last he recovered Judgment against said  
 Edward for £4.18.10 damage and cost from which Judgment he  
 Apealed to this Court and recogniz'd to prosecute said appeal to  
 effect but failed so to do wherefore the Compl<sup>t</sup> pray'd affirmation of s<sup>d</sup>.  
 Judgment with Additional Interest and cost It is Considered by  
 the Court that the said Daniel Ward recover against the said  
 Edward Grout the Sum of five pounds and six pence lawfull  
 Money of this Province damage and costs taxed at £4.1.2.

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Ex'c'on issued

7<sup>th</sup>. Sept<sup>r</sup>. 1761.

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Baldwin vs Bridge

>>

Jeduthan Baldwin of Brookfeild in the County of Worcester Gent<sup>n</sup>.

Compt vs Benjamin Bridge of Lincoln in the County of Middlesex Gent<sup>n</sup>.

The Complt shew'd that of an Inferior Court of common pleas held at

Charlestown in March AD 1759, he recovered Judgment against the  
said Benjamin for £2.8.0 damage and costs from which

Judgment the said Benjamin appealed to this Court and recogniz'd to

prosecute the same to effect [<sup>^</sup>but fail'd to do it<sup>^</sup>] wherefore the Comp<sup>t</sup> pray'd affirm<sup>n</sup>. of s<sup>d</sup>.  
Judgm<sup>t</sup>. with Additional

[<sup>^</sup>Costs.<sup>^</sup>] It is Considered by the Court that the said Jeduthan Baldwin

recover against the said Benjamin Bridge the Sum of Two

pounds eight shillings lawfull Money of this Province dam<sup>a</sup>.

and costs taxed at £4.14.6.

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<<

Hammond v Bigelow.

>>

David Hammond of Waltham in the County of Middlesex

Husbandman Complt vs Josiah Bigelow of said Waltham

Yeoman the Complt shew'd that of an Inferiour Court of com'on

pleas held at Charlestown in March last he recovered Judgment  
against the said Josiah for £7.9.2 damage and costs, from w<sup>ch</sup>.

Judgment he Appealed to this Court and recogniz'd to prosecute

said Appeal to effect but failed so to do wherefore the Complt

pray'd affirmation of said Judgment with Additional Interest &

Costs It is Considered by the Court that the said David Ham'ond

recover against the said Josiah Bigelow the Sum of Seven pounds

twelve shillings and four pence lawful Money of this Province

damage and costs taxed at £3.8.8

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Ex'c'on issued

26, Aug<sup>t</sup>. 1761

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Hammond v Bigelow.

&gt;&gt;

Thomas Hammond of Waltham in the county of Middlesex Yeoman  
 Complt ~~vs~~ Josiah Bigelow of said Waltham Yeoman. The Complt  
 Shew'd that at an Inf. Court of com'on pleas held at Charlestown in  
 March last he recovered Judgment against the said Josiah for  
 £7.10.0 damage and Costs from which Judgment he Appealed to  
 this Court and recogniz'd to prosecute said Appeal to effect but  
 failed so to do wherefore the Complt pray'd affirmation of said  
 Judgment with Additional Interest and costs It is Considered by  
 the

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[217v]

the Court that the said Thomas Hammond recover against the s<sup>d</sup>.  
 Josiah Bigelow the sum of Seven pounds thirteen shillings and two  
 pence lawfull Money of this Province damage & Costs tax't at £3.8.8.

&lt;&lt;

Ex'c'on issued

26. Aug. 1761.

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Switcher v Mason.

&gt;&gt;

Henry Switcher of Westborough in the County of Worcester Housewright  
 Complt ~~vs~~ Samuel Mason of Watertown in the County of Middlesex House-  
 wright. The Complt shew'd that at an Inferiour Court of Common pleas  
 held at Charlestown in March last he recovered Judgment against the  
 said Samuel for £17.6.7 damage and costs from which Judgment  
 he appealed to this Court and recogniz'd to prosecute said Appeal  
 with effect but failed so to do wherefore the Complt pray'd Affir-

mation of said Judgment with Additional Interest and cost It is  
 Considered by the Court that the said Henry Switcher recover  
 against the said Samuel Mason the Sum of seventeen pounds  
 fourteen shillings and six pence lawfull Money of this Province  
 damage and costs taxed at £4.5.2.

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Ex'c'on issued

2<sup>d</sup>. Oct<sup>r</sup>. 1761.

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Fessenden v Gale.

&gt;&gt;

Jonathan Fessenden of

Complt ~~vs~~ John Gale of

The Complt shew'd that at an Inferior Court of Common pleas held  
 at        in        last he recovered Judgment against the  
 said John for £ damage and costs from which Judgment  
 the said John Appealed to this Court and recogniz'd to prosecute  
 said Appeal to effect but fail'd so to do wherefore the Complt pray'd  
 affirmation of said Judgment with Additional        costs  
 It is Considered by the Court that the said Jonathan Fessenden  
 recover against the said John Gale the Sum of two pounds thirteen  
 shillings and two pence lawfull Money of this Province damage  
 and costs taxed at £2.18.8.

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Ex'c'on issued

16<sup>th</sup>. Mar. 1762.

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Gould et al v Wright

&gt;&gt;

John Gould Robert Gould and John Gould jun<sup>r</sup> all of Boston in

the County of Suffolk Merchants Complots ~~vs~~ John Wright of Cambridge in the County of Middlesex Physician. The Complt shew'd that at an Inferiour Court of Common pleas held at Charlestown in March last he recovered Judgment against the said John Wright for £20.15.7 & Costs from which Judgment he appealed to this Court and recogniz'd to prosecute said appeal to effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and costs It is Considered by the Court that the said John Gould Robert Gould and John Gould recover against the said John Wright the sum of Twenty one pounds three shillings and six pence lawfull money of this Province damage and costs taxed at £3.3.10.

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Ex'c'on issued

30<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Jones v Tower.

&gt;&gt;

Ephraim Jones of Concord in the County of Middlesex Cooper Complots the Complt shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Cambridge in May last he recovered Judgment against [+] Joseph Tower of Sudbury in the same County Housewright for £6.13.7 damage and

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Image 271-Right

218.

[218r]

and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute said Appeal to effect but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost It is Considered by the Court that the said Ephraim Jones recover against the said Joseph Tower the sum of six pounds fifteen shillings and seven pence

lawfull money of this Province damage and costs taxed at £3.9.6.

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Ex'c'on issued

19<sup>th</sup>. Augt. 1761.

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<<

Stevens v Oakes

>>

Abigail Stevens of Charlestown in the County of Middlesex Widow  
Complt ~~vs~~ Edward Oakes of Medford in the same County Husbandman  
The Complt shewed that at an Inferior Court of common pleas held at  
Charlestown in March last She recovered Judgment against the s<sup>d</sup>. Edward  
for £37.2.0 debt and costs from which Judgment he appealed to this  
Court and recogniz'd to prosecute said appeal to effect but failed so to do  
wherefore the Complt pray'd affirmation of said Judgment with Additional  
Interest and costs It is Considered by the Court that the said Abigail  
Stevens recover against the said Edward Oakes the sum of thirty seven  
pounds eighteen shillings and a penny lawfull money of this Province  
debt and cost taxed at £3.2.6.

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Ex'c'on issued

31. Aug<sup>t</sup>. 1761.

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Smith v Jackson

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Josiah Smith of Weston in the County of Middlesex Yeoman and one  
of the Deputy Sheriffs of said County Complt ~~vs~~ Sebes Jackson of Newton in s<sup>d</sup>.  
County Yeoman the Complt shew'd that at an Inferior Court of com'on  
pleas held at Cambridge in May last he recovered Judgment against the s<sup>d</sup>.  
Sebes for £14 damage & Costs from which Judgment said Sebes appealed to  
this Court and recogniz'd to prosecute said appeal to effect but failed

so to do wherefore the Complt pray'd affirmation of said Judgment with Additional costs It is Considered by the Court that the said Josiah Smith recover against said Sebes Jackson the sum of fourteen pounds lawfull Money of this Province damage and costs taxed at £3.3.2.

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Ham'ond v Preist.

>>

David Hammond of Waltham in the County of Middlesex Husbandman Complt ~~vs~~ Jonas Preist of said Waltham Joyner The Complt shew'd that at an Inferior Court of Common pleas held at Charlestown in March last he recovered Judgment against the said Jonas for £15.3.9. debt and costs from which Judgment said Jonas Appealed to this Court and recogniz'd to prosecute said appeal to effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and costs It is Considered by the Court that the said David Hammond recover against the said Jonas Preist the sum of fifteen pounds ten shillings and a penney lawfull money of this province debt and costs taxed at £3.7.4.

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Ex'c'on issued

5, Sept<sup>r</sup>. 1761.

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Henry Adm<sup>x</sup>. v Blair

>>

Eleanor Henry of Shirley District in the County of Middlesex Widow Administratrix of all and singular the goods chattles rights and credits of Robert Henry late of said District Yeoman deceased Complt ~~vs~~ John Blair of Groton in the same County [<sup>^</sup>Yeoman<sup>^</sup>] the Complt Shew'd that at an Inferior Court of Com'on pleas held at Charlestown in Dec<sup>r</sup>.

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Image 272-Left

[218v]

December AD 1759 she recovered Judgment against said John Blair for £4.5.3¾. damage and costs from which Judgment he appealed to this Court and recogniz'd to prosecute said appeal with Effect but failed so to do wherefore the Complt pray'd Affirmation of said Judgm<sup>t</sup>: with Additional Costs It is Considered by the Court that the said Eleanor Henry Administratrix as afores<sup>d</sup>. recover against the said John Blair the Sum of four pounds five shillings and three pence three farthings lawfull Money of this Province damage & costs taxed at £4.16.2.

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Ex'c'on issued

16<sup>th</sup>. Sept<sup>r</sup>. 1761.

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Tufts v Lealand

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Phoebe Tufts of Medford in the County of Middlesex Widow Complt ~~vs~~ Amariah Lealand of said Medford Husbandm<sup>n</sup>. The Complt shew'd that at an Inferior Court of Common pleas held at Charlestown in March last she recovered Judgment against the said Lealand for costs from which Judgment he appealed to this Court and recognizd to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of s<sup>d</sup>. Judgment with Additional Costs It is Considered by the Court that the said Phoebe Tufts recover against the said Amariah Lealand costs taxed at £.

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Whittemore ~~vs~~ Larkin.

>>

Josiah Whittemore of Charlestown in the County of Middlesex Gent<sup>n</sup>. Complt ~~vs~~ Joseph Larkin of said Charlestown potter the Complt Shew'd that at an Inferior Court of common pleas held at Charlestown

in March last he recovered Judgment against the said Joseph for  
 £4.8.1 damage and costs from which Judgment he Appealed  
 to this Court and recogniz'd to prosecute said Appeal to effect but failed  
 so to do Wherefore the Complt pray'd affirmation of said Judgment  
 with Additional Costs It is Considered by the Court that the said  
 Josiah Whittemore recover against the said Joseph Larkin  
 the sum of four pounds eight shillings and a penny lawfull mony  
 of this Province damage and costs taxed at £2.18.11.

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Ex'c'on issued

2<sup>d</sup>. Aug. 1762.

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Order on Hodgman's pet<sup>o</sup>.

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The Petition of Thomas Hodgman for division of Land  
 is Granted.

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Order on wheeler's pet<sup>o</sup>.

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Upon reading the petition of Elisha Wheeler Guardian of Elizabeth  
 Wright of Sudbury a person non compos mentis wherein the pet<sup>r</sup>. shew'd that  
 the said Wright's Estate is insufficient to pay her just debts and therefore  
 pray'd this Court to Authorize her in s<sup>d</sup>. Capacity to sell the whole of the real  
 Estate of s<sup>d</sup>. wright for payment of Her debts Ordered that the prayer of the  
 petitioner be granted and she as Guardian as aforesaid is hereby impower'd  
 to sell the whole of the same Estate she to post up notifications thirty  
 days before Sale and to Account with the Judge of probate as the Law  
 directs.

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Image 272-Right

219.

[219r]

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Order on Haven's P\pet<sup>o</sup>

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Upon reading the Petition of John Haven Administrator of the Estate of Nathaniel Stacey late of Framingham in said county de'ced Intestate wherein the petit<sup>r</sup>. Shew'd. that the personal estate of the said deceased is not sufficient to pay his just debts and therefore pray'd leave of this Court to sell the real Estate of the s<sup>d</sup>. dec'ed for that purpose Ordered that the petitioner be empowered to sell the real Estate of the said deceased for the purpose afores<sup>d</sup>: he to post up notifications thirty days before sale and account with the Judge of Probate as the Law directs

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Order on Hosmer's Pet<sup>o</sup>.

>>

Upon reading the Petition of Elizabeth Hosmer Administratrix of the estate of James Hosmer late of Concord in the County of Middlesex deceased Intestate wherein the Petitioner shew'd that the estate of the said deceased is not sufficient to pay his just debts wherefore the pet<sup>r</sup>. pray'd this Court to empower her to sell so much of said deceased's real estate where least prejudicial as will answer the ends aforesaid Ordered that she in said capacity be empowered to sell so much of the same real estate or will answer the end afores<sup>d</sup>. (where it will be least prejudicial she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Richardson's pet<sup>o</sup>.

>>

Upon reading the Petition of Nathan Richardson Administratrix of the estate of David Gould jun<sup>r</sup>. late of Stoneham in said County of Middlesex

deceased Intestate The Petitioner in said Petition shew'd that the personal estate of said deceased is not sufficient to pay his just debts wherefore the Petitioner pray'd this Court to Authorize him in his said capacity to make sale of so much of said deceased's real estate as will answer the end afores<sup>d</sup>. where it will be least prejudicial Ordered that the prayer of the Petitioner be granted and he in his said capacity is hereby impowered to make sale of so much of said real Estate as amounts to ten pounds, he to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Gill's Pet<sup>o</sup>.

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The Pition of Mercy Gill Executrix of the last will and Testament of Michael Gill late of Charlestown in the County of Middlesex deceased Testate wherein the Petitioner shew'd that the Estate of the said deceased is insufficient to pay his just debts and insolvent wherefore the petitioner pray'd that this Court would authorize her in said Capacity to sell the whole of the deceased real Estate for the end afores<sup>d</sup>. Ordered that the prayer of the petition<sup>r</sup>: be granted and she is hereby impowered to sell the real estate afores<sup>d</sup>. for the ends aforesaid so far as it will extend, she to post up notifications & Account w<sup>th</sup>. the Judge of Probate as the Law directs.

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Order on Wait's pet<sup>o</sup>.

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Upon reading the petition of Mehitable Wait Administratrix of the estate of her late Husband William Wait late of Medford in the County of Middlesex deceased intestate wherein the Petitioner Shew'd that the estate of the said deceased is insolvent and insufficient to pay his just debts therefore the petitioner pray'd licence of this Court to sell the deceased's real estate for the ends afores<sup>d</sup>. Ordered that the petr. be hereby impowered to sell the same real estate for the ends afores<sup>d</sup>. she to post up notifications thirty days before sale and Account with the Judge of Probate as the Law directs.

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[219v]

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Order on Rand's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Nehemiah Rand Administrator of the estate of Edmund Rand late of Charlestown in the County of Middlesex deceased Intestate wherein the petitioner shew'd that the personal Estate of the said deceased is not sufficient to pay his just debts and therefore pray'd this Court to licence him to sell the whole real estate of s<sup>d</sup>. deceased for that purpose Ordered that the petitioner be impowered to sell the said deceased's whole real Estate for the ends afores<sup>d</sup>. he to post up notifications and Account with the Judge of Probate as the law directs

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Order on Noyes's pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of John Noyes Administrator de bonis non of the estate of Ebenezer Goodenow late of Sudbury in the County of Middlesex deceased Intestate wherein the petitioner shew'd that the personal Estate of the said deceased is insufficient to pay his just debts and therefore pray'd this Court to licence him to sell so much of said deceased's real Estate where it will be least prejudicial as is sufficient for the purpose afores<sup>d</sup>. The prayer of this petition is Granted, the petitioner to proceed as the Law directs.

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Order on Kettle's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Jonathan Kettle Administrator on the Estate of Benjamin Kettle late of Charlestown in the County of Middlesex

deceased Intestate wherein the petitioner shew'd that the deceased left only ten pounds worth of personal estate which was divided among his heirs sometime before Administration was taken That there is due from s<sup>d</sup>. deceased's estate £52.18/ The deceased's real Estate is an house and house plat in Charlestown incapable of division Apprais'd at £66.13.4. and therefore the petitioner pray'd licence of this Court to sell said real estate he giving sufficient security to the Judge of probate to proceed as the Law directs Ordered that the prayer of the petitioner be granted he proceeding as the law directs.

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Order on Cummings' pet<sup>o</sup>.

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Upon reading the petition of Samuel Cummings Administrator of such part of the estate of William Cummings late of Dunstable in the Province of New Hampshire Gentleman deceased intestate which is scituate in this province, wherein the petitorner shew'd that the deceased left no personal estate within this Province and such personal Estate as was in New Hampshire has been Administred by his Widow to whom there is due upon ballance of her Accounts of Administration £8.16.7. lawfull Money as by the annexed certificate may Appear that there remains due to persons within this province to the amount of £33.4.8. more than his real in the same province was valued at by appraisment therefore the petitioner pray'd licence of this Court to sell such part of said deceaseds real Estate as lies in Dunstable in the same County of Middlesex that so with the proceeds of said sale he may discharge the deceased's debts due in this Province so far as said proceeds will answer Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell such part of said real estate as lies in this Province for the ends aforesaid, he to post up notifications as the Law directs as well as Account with the Judge of Probate.

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Image 273-Right

220.

[220r]

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Stone indicted

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The Jurors for the Lord the King for this County upon their Oath did present that Benjamin Kendall of Sherburn in the County of Middlesex yeoman having impleaded Samuel Stratton of Natick in said County Miller among other things for damnifying the said Benjamin's Meadows in Natick aforesaid lying on each side a Brook commonly called Steep Brook by means of a Mill dam erected on the said Samuel's land in Natick aforesaid and by him continued from the first day of May in the year of the Lord Christ 1759. to the 23<sup>d</sup>. day of April last across the brook aforesaid And the same Action being depending in the Superiour Court of Judicature Court of Assize and general goal delivery held at Cambridge in and for said County on the first tuesday of August last And One material point in the said Cause being this namely whether the dam aforesaid when the Flud-Gates were open did so obstruct the natural course of the water of the Brook aforesaid as to raise the said Brook higher than otherwise it would be And several witnesses in the Cause aforesaid having sworn that the said dam did Obstruct the natural Course of the water aforesaid so as to raise the brook higher than Otherwise it would be Joseph Stone of Framingham in said County Gentleman came into the said Court held at Cambridge afores<sup>d</sup>. on the said first tuesday of August last to give evidence in the cause aforesaid; and being then & there in the said Court duely sworn as a witness in the Cause aforesaid he the said Joseph did then and there viz: on the fifth day of August last at Cambridge aforesaid upon his said Oath falsely and Maliciously Willfully and corruptly Affirm depose and sware, "that the witnesses aforesaid were mistaken, that the dam aforesaid when the floodgates were Open did not Obstruct the natural Course of the water aforesaid so as to raise the brook aforesaid higher than otherwise it would be," And that there was a little above the dam aforesaid a firm rock that lay across the brook aforesaid in its natural course above a foot higher than the Mudsill of the Floom of the said Stratton's Mill And that the water

ran pouring over the said rock down to the said Mill" when in fact and in truth and as the said Joseph then well knew the other witnesses aforesaid were not mistaken and the Mill dam afores<sup>d</sup>. when the flood-Gates were Open did obstruct the natural course of the water afores<sup>d</sup>. so as to raise the Brook aforesaid near two feet higher than Otherwise it would be and there was not any rock above the dam aforesaid that lay across the Brook aforesaid in its natural Course which was near so high as the mudsill of the floom aforesaid and so the Jurors aforesaid upon their Oath said that the said Joseph Stone did on the said fifth day of August last at Cambridge aforesaid in the said Superiour Court of Judicature Court of Assize and general goal delivery, being a Court of Record, falsely and malitiously willfully and corruptly in manner and form aforesaid commit willfull and corrupt perjury against the peace of Our late Sovereign Lord King George the second of Blessed memory his Crown & Dignity: To this Indictment the said Joseph upon his Arraignment a the Bar pleaded not Guilty: A Jury was thereupon sworn to try the issue M<sup>r</sup>.

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[220v]

M<sup>r</sup>. Nicholas Kidder foreman and fellows /who having fully heard the evidence upon their Oath say that the said Joseph Stone is not Guilty It is Considered by the Court that the said Joseph Stone go without day.

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Cambridge August 8<sup>th</sup>. 1761. The Court entered up Judgment according to the Verdicts and then the Court Adjourned without day.

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On the seventh of August 1761. The Whole Court being present Mess<sup>rs</sup>. Samuel Winthrop and Nathaniel Hatch were anew appointed Clerks of the said Court, and this

day being the 11<sup>th</sup> of said August the said Winthrop and Hatch were sworn [<sup>^</sup>in manner<sup>^</sup>] as the Law directs

Attest Tho<sup>s</sup>. Hutchinson. Ch. Justice.

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221.

[221r]

Province of the} Anno Regni Regis Georgii  
Massachusetts Bay} tertii Magnæ Britanniae Franciæ  
Suffolk sc} et Hiberniæ &c primo.

At His Majesty's Superiour Court of Judicature Court  
of Assize and general goal delivery held at Boston  
within and for the County of Suffolk on the third  
tuesday of August (being the 18<sup>th</sup> day of said month)  
Annoque Domini 1761.

By the Honourable. Thomas Hutchinson Esq<sup>r</sup>. cheif Justice  
Benjamin Lynde}

John Cushing} Esq<sup>rs</sup>:

Chambers Russell and} Justices

Peter Oliver.}

<\_>

The Court appoint Jonathan Sewall Esq<sup>r</sup> to act as  
Attorney for the King at this Term, in the Absence  
of the Attorney General.

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The names of the grand Jurors and petit Jurors are  
in the list on file.

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Williams v Davis.

>>

Samuel Williams of Roxbury in the County of Suffolk  
 Gentleman Appellant vs Jonathan Davis of said Roxbury  
 Physician Appellee from the Judgment of an Inferiour  
 Court of common pleas held at Boston in January 1756 when  
 and where the Appellee was plant and the Appellant was  
 Deft In a plea of the Case &c<sup>a</sup>. (as in the writ on file tested the first  
 day of September 1755, and on the file at large Appears,) at which  
 said Inferiour Court Judgment was rendred that the said  
 Jonathan Davis recover against the said Samuel Williams  
 the sum of ten pounds [<sup>15</sup>/<sub>6</sub>] lawful money damage and costs:  
 This Appeal was bro't forward at the Superior Court of Judicature  
 &c held at said Boston for said County on the third tuesday of feb<sup>ry</sup>:  
 1756, when and where the parties appeared and upon the Aple's agreeing  
 to pay the Appellants costs to this time; both parties agree to submit  
 this Action to the determination of Stephen Greenleaf William  
 Coffin and Powers Mariott and then said appeal was continued  
 to the then next term of said Court for said County no report  
 having been made and so was continued from term to term unto the  
 Superiour Court of Judicature &c held at said Boston in August 1758.  
 when and where the parties Appeared and Tho<sup>s</sup>. Gray & Mathew  
 Cushing were appointed referrees instead of Mess<sup>rs</sup>. Greenleaf and  
 Mariot and upon the Appellants motion it was Ordered by the  
 Court that the Aplee pay him costs he agreed to pay as aforesaid  
 and then said Appeal was continued under said rule to the  
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<duplicates following>

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[221v]

then next term of said Court for said County and so from



term to term to this Court and now the parties appeared and the Referrees made Report in writing as on file which was read to and Accepted by the Court and pursuant thereto It is Considered by the Court that the said Jonathan Davis recover against the said Samuel Williams the Sum of eleven pounds six shillings and six pence lawfull Mony of this Province damage and costs taxed at £2.4.7½.

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Ex'c'on issued

10<sup>th</sup>. Dec<sup>r</sup>. 1761.

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Turner v Stevens.

>>

Ephraim Turner of Boston in the County of Suffolk School Master Appellant ~~vs~~ John Stevens of said Boston Merchant appellee from the Judgment of an Inferiour Court of common pleas held at said Boston for said County on the first tuesday of July 1757, when & where the Appellant was plant and the appellee was Defendant In a plea of Debt for that the plant on the seventh day of May AD 1755 at said Boston demised to the Defendant his the plt's dwelling house situate in Boston aforesaid at the west part of said town to hold the same a twelve month from that time he the said John Yeilding and paying to the plant nine pounds six shillings and eight pence rent therefor by the Year Now the plt averrs that the Defendant by force of said demise then entred into and held the possession of said house from that time to the seventh day of May AD 1756, when a year's rent there. for vizt. nine pounds six shillings and eight pence became due and payable to the plant on demand yet the Defend<sup>t</sup>. tho' requested has not paid the same but detains it to the

damage of the said Ephraim Turner as he saith the sum of ten pounds, at which said Inferiour Court Judgment was rendred that the said Stevens recover against said Turner costs of Suit: This Appeal was bro't forward at the Superior Court of Judicature &c held at Boston in and for said County on the first tuesday of August 1757. when and where the parties Appeared and then said Appeal was continued to the then next term to said Court for said County and so from term to term of this Court and now the parties Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Considered by the Court that the said John Stevens recover against the said Ephraim Turner costs [+] at £4.12.7.

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Ex'c'on issued

26 Nov<sup>r</sup>. 1761.

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Penniman v Milton

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William Penniman of Braintree in the County of Suffolk Gentleman appellant ~~vs~~ Benjamin Milton of Hull in s<sup>d</sup>. County Mariner Aplee from the Judgment of an Inferior Court of

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Image 278-Right

222.

[222r]

Common pleas held at said Boston in January AD 1759 when & where the Appellant was plant against the Appellee In a plea of Trespass on the case as in the writ on file tested the day of

at large Appears, This Appeal was bro't forward at the Superior Court of Judicature &c held at said Boston in february 1759, when & where the parties appeared and then said Appeal was continued to the then next term of said Court for said County and so from term to term to this Court And now the parties Appeared and the Aplant pray'd leave to discontinue this Action which was granted and thereupon It is Considered by the Court that the said Benjamin Milton recover against the said William Penniman costs tax't at £16.16.10.

&lt;&lt;

Ex'c'on issued

13<sup>th</sup>. feb<sup>ry</sup>: 1762.

&gt;&gt;

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M<sup>c</sup>Million v Phillips

&gt;&gt;

James M<sup>c</sup>Million of Boston in the County of Suffolk Cabinet maker Appellant ~~vs~~ John Phillips and Samuel Phillips both of said Boston Merchants Appellees from the Judgment of an Inferior Court of Common pleas held at Boston in and for said County of Suffolk on the first tuesday of July AD 1759 when and where the Appellant was plant and the Appellees were Defendants In a plea of trespass upon the case for that the said John and Samuel at Boston aforesaid on the twenty ninth day of January AD 1753, being indebted to the said James the sum of Sixty five pounds six shillings lawfull Money of this Province for that Sum then borrow'd and receiv'd of the plt then and there promised the plant to pay him the same sum on demand and to pay him Interest therefor till paid yet the said John and Samuel tho' requested have never paid the same Sum or the Interest thereof but refuse to pay both to the damage of the said James as he saith the Sum of seventy nine pounds at which said Inferiour Court upon the demurrer

there Judgment was rendred that the said John and Samuel recover against the said James costs: This Appeal was bro't forward at the Superiour Court of Judicature &c held at said Boston for said County on the third tuesday of August 1759 and the parties appeared and then said appeal was continued to the then next term of said Court for said County by consent and from that term to the term of said Superiour Court held at said Boston in August last when and where the said demurrer being waved by the Consent of the parties issue tendred at said Inferior Court and on file was join'd and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the aplant sixty six pounds nineteen shillings and eight pence lawfull Money damage and cost. and then said appeal was continued to the Superiour Court of Judicature &c held at said Boston for said County in february AD 1761. and from that term to this Court and now the parties appeared and It is Considered by the Court that the said James M<sup>c</sup>Million recover against the said

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Image 279-Left

[222v]

said John Phillips and Samuel Phillips the Sum of £66.19.8. and Interest being £4.19.4 amounting in the whole to the sum of seventy One pounds nineteen shillings lawfull money of this Province damage and costs taxed at £

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Phillips v M<sup>c</sup>Million

>>

Samuel Phillips of appellant

vs James M<sup>c</sup>Million of appellee: The

appellant became nonsuit: the Appellee appeared and pray'd

costs. It is Considered by the Court that the said James  
M<sup>c</sup>Million recover against the said Samuel Phillips costs  
taxed at £.

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Hall v Rhodes

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Andrew Hall of Boston in the County of Suffolk Merchant Appell<sup>t</sup>.  
vs Joseph Rhodes of Boston aforesaid Merchant Appellee from the Judgm<sup>t</sup>.  
of an Inferiour Court of Common pleas held at Boston in & for the said  
County on the first tuesday of January AD 1760 when and where the  
Appellee was plant and the Appellant was deft In a plea of trespass  
on the case (as in the writ on file tested the third day of december AD 1759  
at large appears) at which said Infer<sup>r</sup>. Court Judgment was rendred  
that the said Joseph Rhodes recover against the said Andrew Hall the  
sum of two hundred pounds lawfull money damage and costs: This  
Appeal was brot forward at the Superior Court of Judicature held  
at Boston afores<sup>d</sup>. on the third tuesday of february 1760, and from thence  
was continued to the then next term of said Court for said County when  
and where the parties Appeared and referred this Action to Mess<sup>rs</sup>. Avery  
Gray & Lewis and from thence said appeal was continued to the then next  
term of said Court for said County and from that term to this Court [<sup>^</sup>no report being made<sup>^</sup>] and  
now the parties Appeared and the referrees made Report in writing as  
on file, which Report was read and accepted and pursuant thereto It  
is Considered by the Court that the said Joseph Rhodes recover against  
the said Andrew Hall the Sum of One hundred and seventy four  
pounds nine shillings lawfull Money of this Province damage and  
costs taxed at £2.19.6.

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Ex'c'on issued

19<sup>th</sup>. Dec<sup>r</sup>. 1761.

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M<sup>c</sup>enzie v Mallbone.

>>

Andrew M<sup>c</sup>enzie of Boston in the County of Suffolk Merchant  
Appellant ~~vs~~ Godfrey Mallbone of Newport in the County of New-  
port and Colony of Rhode Island and providence plantation &c Esq<sup>r</sup>  
Appellee from the Judgment of an Inferiour Court of Common pleas  
held at Boston the first tuesday of January AD 1760 when and  
where the Appellant was plt and the Appellee was Deft In a plea  
of Account for that the said Godfrey from the fifteenth day of October  
AD 1753 to the 15<sup>th</sup>: day of October AD 1754 at Boston aforesaid was the  
plt's Bailiff of twenty three Serones of Indigo one bail of Checks  
four hundred bushells of Salt all being the property of the plt et of the  
value of twenty five hundred pounds lawfull money to sell and  
dispose of the same for the plts Account and best Advantage and  
thereof

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Image 279-Right

223.

[223r]

thereof to render the plt his reasonable Account on demand yet he  
never rendred any Account thereof tho' requested but neglects and  
refuses so to do to the damage of the said Andrew as he saith the Sum of  
twenty five hundred pounds, at which said Inf<sup>r</sup>. Court Judgment  
was rendred that the said Godfrey recover against said Andrew Costs  
This appeal was bro't forward at the Superior Court of Judicature &c  
held at Boston in and for the County of Suffolk on the [<sup>^</sup>third tuesday of<sup>^</sup>] february AD 1760  
when and where the parties appeared and the Appellee Acknowledged  
himself the Appellants Bailiff of the goods Sued for and Judgment of  
the same Court was rendred that he Account before Nathaniel Wheelwright  
and Isaac Smith Auditors who were to examine and state the Accompts  
in the Case and to make Report &c and from the same Court said Appeal  
was continued to the then next term of said Court for said County no  
report having been made, and from that term was continued to this Court

and now the parties Appeared and issue (as on file) was joined and the Case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find that the Appellee has fully Accounted to the Appellant It is therefore Considered by the Court that the said Godfrey Mallbone recover against the said Andrew M<sup>c</sup>enzie costs taxed at £13.12.6.

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Ex'c'on issued

1 June 1762.

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Hughes v Loring.

>>

Samuel Hughes of Boston in the County of Suffolk Merch<sup>t</sup>.  
Appellant ~~vs~~ Joshua Loring of Roxbury in the same  
County Esq<sup>r</sup>. appellee from the Judgment of an Inferior Court  
of Common pleas held at Boston in and for the County of Suffolk  
on the first tuesday of July AD 1760 when and where the  
appellee was plant and the Appellant was Deft In a plea  
of debt for that the said Samuel on the 27<sup>th</sup> day of March 1759,  
by his Obligation of that date in Court to be produced at said  
Boston bound himself to the said Joshua in the Sum of five  
hundred pounds lawfull money of Great Britain to be paid  
him on demand yet he has not paid it tho' requested but  
detains it To the damage of the said Joshua as he says the  
Sum of three hundred and ten pounds sterling, at which said  
Inferior Court upon the pleadings there Judgment was rendred  
that the said Joshua recover against the said Samuel the sum of  
five hundred pounds lawfull money of Great Britain debt & Costs  
this Appeal was bro't forward at the Superiour Court of Judicature  
&c held at Boston afores<sup>d</sup>. on the third tuesday of August last and  
from thence was continued to the then next term of said Court for  
said County and from that term said appeal was continued to this Court

and now the parties appeared and waved the pleadings made at said Inferior Court and plead anew as on file, and issue being joined between them the Case after a full hearing was committed to a Jury Sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for.

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[223v]

for the Appellant reversion of the former Judgment and costs  
It is Considered by the Court that the said former Judgment be reversed and that the said Samuel Hughes recover against the said Joshua Loring costs taxed at £7.14.2.

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Ex'c'on issd.

2 April 1762.

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Brown v Savage.

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Stephen Brown of Charlestown in the County of Middlesex  
Mariner Appellant ~~vs~~ Arthur Savage jun<sup>r</sup>. of Boston in the  
County of Suffolk Merchant Appellee from the Judgment of  
an Inferiour Court of Common pleas held at Boston afores<sup>d</sup>. on  
the first tuesday of July AD 1760 when and where the Appellee  
was plant and the Appellant was Deft In a plea of Account  
for that the Deft from the 19<sup>th</sup>. day of April AD 1755 to the first  
day of June 1760 was the plants Bailiff and during all that time  
at Boston aforesaid had the care and management of Sundry  
of the plt's goods and Merchandizes in the Schedule annexed  
to the writ expressed of the value of seventy eight pounds nine  
shillings and five pence one farthing to sell and dispose thereof



to the plt's best profit and Advantage and thereof to render him his reasonable Account on demand yet the debt hath never rendered him any Account thereof tho' requested but neglects and refuses so to do to the damage of the said Arthur as he saith the Sum of forty five pounds at which said Inferiour Court Judgment was rendred that the said Arthur recover against the said Stephen Seventy [^eight^] pounds nine shillings and five pence farthing lawfull Money damage and costs This Appeal was bro't forward at the Superiour Court of Judicature &c held at Boston aforesaid on the third tuesday of August AD 1760 when & where the parties appeared and from thence said Appeal was continued to the then next term of said Court for said County of Suffolk when & where the parties appeared and refer'd this Action with all Demands to Mess<sup>rs</sup>. Bourne Sheaffe and Bromfeild and from that term said appeal was continued under said rule to this Court no report having been made and now the parties appeared and said Referrees made their Report in writing as on file which was read to and accepted by the Court and pursuant thereto It is Considered by the Court that the said Arthur Savage recover against the said Stephen Brown the sum of fourteen pounds sixteen shillings and two pence lawfull money of this Province damage and costs taxed at £3.14.10.

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Ex'c'on issued

14. Dec<sup>r</sup>. 1761.

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Gatcomb Adm<sup>x</sup> v Hill.

&gt;&gt;

Mary Gatcomb of Boston in the County of Suffolk widow (and late wife of Phillip Gatcomb, who died since this appeal was entered) as she is Executrix of the last Will and Testament of Edward Devotion late of Brookline in the said County Yeoman deceased appellant ~~vs~~ Solomon Hill of said Brookline Husbandman

Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston on the first tuesday of January last when and where

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Image 280-Right

224.

[224r]

where the Appellant & s<sup>d</sup>. Phillip were plants and the Appellee was Deft In a plea of Ejectment of a peice of land in s<sup>d</sup>. Brookline containing by measure seventy six acres bounded southerly on the highway southeasterly upon land in possession of William Gleason formerly now upon land of Henry Sewall Esq<sup>r</sup>. easterly northerly and northwesterly upon land formerly Samuel Sewall Esq<sup>r</sup>. now belonging to Henry Sewall Esq<sup>r</sup>. westerly on said Hill's land and of the buildings thereon and Appur'ces thereof for that the said Solomon on the twenty fifth day of May AD 1738, being seis'd of the said Land buildings & their appur'ces in his demesne as of fee by his deed of that date in Court to be produced duely Acknowledged and registred conveyed them to the said Edward Devotion and his heirs on Condition of its becoming void if the said Solomon should pay the said Devotion the Sum of three thousand pounds in bills of public credit current in said Province of the Old tenor or One thousand pounds of the new tenor bills in or before the 25<sup>th</sup>. day of March AD 1753 with lawfull Interest for the same in like Bills yet he has not paid either said principal Sum or the Interest thereof but unjustly entered into the premisses so conveyed ejected the said Mary from them and still holds them out of the same to the damage of the said Phillip and Mary as they say the sum of a thousand pounds At which said Inferiour Court Judgment was rendred that the said Solomon recover against the said Estate of the said Edward Devotion dec<sup>d</sup>. in the hands of the said Phillip and Mary his wife Executrix as aforesaid costs of Suit: This appeal was bro't forward at the last term of this Court for this County by the said Phillip (who died after the com'encement of [^but during^] that Term) and the said Mary against the said Hill and from thence

was continued to this Court, the said Mary being admitted to prosecute the said Appeal in her said Capacity, and Now the said Mary and the said Solomon appeared, and after they had been fully heard in equity It is Considered by the Court that the said Solomon Hill pay to the said Executrix the sum of eight hundred and ninety three pounds five shillings and a penny lawfull Money of this Province debt and costs in two months from this time (Nov<sup>r</sup>: 11<sup>th</sup>:) and in default there of that the said Mary Executrix as aforesaid recover against him the possession of the premisses demanded and describ'd in the Declaration aforesaid and costs taxed at £6.9.5.

Boston May 24. 1762. We the Subscribers Attornies to said Mary Gatcomb have received of Nathaniel Wheelwright Esq<sup>r</sup>. on behalf of said Solomon Hill the sum of eight hundred and ninety three pounds five shill<sup>s</sup>. and a penny in satisfaction of said capital Judgment Jer Gridley.

Henry Sewall.

Isaac Gardar

Robert Sharp

Tho<sup>s</sup>. Aspinwall

I have rec<sup>d</sup>. the costs Jer Gridley

witness Arodi Thayer

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Image 281-Left

[224v]

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Hutchinson Judge &c v Henshaw.

>>

Thomas Hutchinson Esq<sup>r</sup>. Judge &c Appellant vs Joshua Henshaw appellee This Action is discontinued.

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Gordon v Welch.

&gt;&gt;

Alexander Gordon of Boston in the County of Suffolk Merchant

Appellant ~~vs~~ John Welch of said Boston Carver Appellee from

the Judgment of an Inferiour Court of Common pleas held at s<sup>d</sup>.

Boston the first tuesday of October last when and where the appellant

was plt and the appellee was Deft In a plea of trespass on the case for that

the Deft on the first day of March last being indebted to the plt fifteen

pounds three shillings and three pence ha'penny according to the Account

Annexed to the writ at Boston aforesaid promised the plt to pay him the

same on demand and afterwards on the same day the Deft being in-

debted to the plt Another sum of fifteen pounds three shillings and three

pence ha'penny for that sum by him before that time had and receiv'd

of the plt and to his use at Boston aforesaid promist the plt to pay him the

same on demand yet the deft hath not paid either of the sums aforesaid

tho' requested but neglects and refuses to pay them to the damage of the

said Alexander as he saith the sum of twenty five pounds At which

said Inferiour Court Judgment was rendred that the said Alexander

recover against the said John the sum of five pounds twelve shillings

and five pence lawfull money damage and costs: This Appeal was

bro't forward at last Term and from thence was continued to this

Court and now the parties appeared and the case after a full hearing

was committed to a Jury sworn according to Law to try the Same who

returned their Verdict therein upon Oath that is to say they find for the

Appellant fourteen pounds and nine pence mony damage and costs

It is therefore Considered by the Court that the said Alexander

Gordon recover against the said John Welch the sum of fourteen

pounds and nine pence lawfull money of this Province damage

and costs taxed at £7.18.9.

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Ex'c'on issued

28. nov<sup>r</sup>. 1761.

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Moor v Lehr.

>>

James Moor of Boston in the County of Suffolk Mariner Appell<sup>t</sup>.  
 vs Christopher Lehr of said Boston Baker Appellee from the Judgment  
 of an Inferiour Court of Common pleas held at S<sup>d</sup>. Boston on the first  
 tuesday of January last when and where the Appellee was plt and  
 the appellant was Deft In a plea of Account for that the Deft at  
 Boston aforesaid from the first day of November 1759 to the first day  
 of January last was the plaintiffs Bailiff and during that time had  
 the case and Administration of the plaintiffs goods and chattels in the  
 Schedule annexed to the writ expressed of the Value of six pounds fourteen  
 shillings to dispose of the same to the plt's best profit and advantage &  
 thereof to render the plt his reasonable Account on demand yet the deft  
 hath never rendred the plt any Account thereof tho' requested but  
 neglects and refuses so to do to the damage of the said Christopher as he  
 saith the Sum of thirteen pounds At which said Inferior Court Judgment  
 was rendred that the said Christopher Leyr recover against the said James  
 Moor the Sum of eight pounds five shillings and ten pence lawfull mony  
 damage and costs. This Appeal was bro't forward at the last term  
 and

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Image 281-Right

225.

[225r]

from thence was continued to this Court and now the parties appear'd  
 and the case after a full hearing was committed to a Jury sworn ac-  
 cording to Law to try the same who returned their Verdict therein  
 upon Oath that is to say they find for the appellant reversion of the  
 former Judgment and costs It is therefore considered by the Court  
 that the former Judgment be reversed and that the said James  
 Moor recover against the said Christopher Leyr the costs taxed at  
 £6.12.8.

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Ex'c'on issued

19<sup>th</sup>. Mar. 1762.

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Conner v Downing

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Charles Conner of Boston in the County of Suffolk Mariner Appellt.

vs James Downing of said Boston Cordwainer appellee from the Judgm<sup>t</sup>.

of an Inferiour Court of Common pleas held at Boston aforesaid on the first Tuesday of January last when and where the appellant was plant and the appellee was Deft In a plea of trespass on the Case for that the plant from his nativity has always been a person of good name credit character and Reputation and was never guilty of pilfering or stealing nor was he ever suspected to be guilty of the vile and detestable crime of theft of all which the deft James was very well knowing but he the said James (maliciously designing and contriving to ruin the plt's good name credit and reputation aforesaid and to bring him not only into the utmost disgrace and contempt and bring him into danger of suffering the penalties of the Laws against theives) on the seventeenth day of december last at Boston aforesaid did with a loud voice in the hearing of divers of the King's leige Subjects wittingly and willingly falsely and Maliciously utter and speak to and of the said Charles the following false scandalous and malicious english words vizt. You (he the defendant then speaking of and meaning the plaintiff) are a Theif and I'll prove you one, I'll have You in Young's Brigg before ten o' Clock to morrow (the deft meaning by Young's Brigg the stone Goal in said Boston the prison for felons there kept by the said Young) and the said James of his further malice then and there speaking of unto and meaning the said Charles uttered the following false and scandalous words with a loud Voice in the hearing of divers of the King's good Subjects vizt. You are a Theif, and you stole a Wigg from Vincent Wymondesold now the plt averrs that by reason of the said James his speaking the aforementioned false and scandalous words maliciously

as aforesaid he has greatly Suffered in his good name and reputation and has suffered great vexation of mind and is bro't into danger of being prosecuted for theft all which is to the damage of the said Charles Conner as he saith the sum of two hundred and fifty pounds at which said Inferior Court Judgment was rendred that the said Charles recover against said James Twenty shillings money damage and costs this appeal was bro't forward at the last term of this Court for this County and from thence was continued to this Court and now the parties appeared and the case was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant four pounds money damage & Costs It is therefore Considered by the Court that the said Charles Conner recover against said James Downing the sum of four pounds lawfull mony

<duplicates following>

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[225v]

money of this Province damage and costs taxed at £9.19.8.

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Clark v Belcher.

>>

Elizabeth Clark appellant vs Andrew Belcher Appellee

This Action is agreed.

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Peck. v Sale.

>>

John Peck of Boston in the County of Suffolk Merchant Appell<sup>t</sup>.

vs John Sale of Chelsea in said County [<sup>^</sup>Gent<sup>^</sup>] Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston aforesaid on the first tuesday of October last when and where the Appellee was plant and the Appellant was Deft In a plea of Trespass upon

the case (as in the writ on file tested the 20<sup>th</sup>. day of September last is at large sett forth) at which said Inferiour Court Judgment was rendred that the said John Sale recover against the said John Peck forty pounds lawfull Money damage and costs: this appeal was bro't forward at the last term of this Court for this County and from thence was continued to this Court by consent and now the appellant Appeared and the Appellee altho' solemnly called to come into Court did not Appear but made default It is considered by the Court that the said John Peck recover against the said John Sale costs taxed at £5.5.6.

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Ex'c'on issued

13. feb. 1762.

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Smith v Fairservice

&gt;&gt;

Samuel Smith Appellant v John Fairservice Appellee.

This Action is agreed.

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Phillips v Gridley.

&gt;&gt;

Gillam Phillips of Boston in the County of Suffolk Esq<sup>r</sup>. Appell<sup>t</sup>.  
 vs Jeremy Gridley of Brookline in the same County Esq<sup>r</sup>. Appellee  
 from the Judgment of an Inferior Court of Common pleas held at  
 said Boston on the first tuesday of January AD 1759 when & where  
 the appellant was plant and the Appellee was Deft In a plea  
 of Debt, for Rent, as in the writ. at large appears; At which  
 said Inferior Court Judgment was rendred that the said Jeremy  
 Gridley recover against the said Gillam Phillips costs; this Appeal  
 was bro't forward at the Superiour Court of Judicature &c held at  
 s<sup>d</sup>. Boston in february 1759, and was continued from that Court to the



then next term & so from term to term to the last term of this Court for this County when & where the parties appeared and the said Gillam discontinued this Action and the Appellee thereupon mov'd for costs & then upon s<sup>d</sup>. Motion said Appeal was continued to this Court And Now the Appellee appeared and It is Considered by the Court that the said Jeremy Gridley recover against the said Gillam Phillips costs taxed at £8.10.4.

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Ex'c'on issued  
10 July 1762.

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Green et Others Petition

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no papers are on file

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[226r]

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[226v]

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Winslow et al v Thorp.

&gt;&gt;

Joshua Winslow et al appellants ~~vs~~ Eliphalet Thorp Appellee  
The Appellants came into Court and pray'd leave to discontinue this Action, and it is granted.

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Winslow et al v Gould.

&gt;&gt;

Joshua Winslow et al Appellants v Jacob Gould Appellee

The appellants came into Court by their Attorney and pray'd  
leave to discontinue this Action, and it is granted.

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&lt;&lt;

Winslow et al v Hopkins.

&gt;&gt;

Joshua Winslow et al Appellants vs Peter Hopkins Appellee.

The Appellants came into Court and pray'd leave to discontinue  
this Action, and it is granted.

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Hallowell v Jenkins

&gt;&gt;

Benjamin Hallowell of Boston in the County of Suffolk ship-  
wright Appellant vs Robert Jenkins of said Boston Merchant  
appellee from the Judgment of an Inferiour Court of Common  
pleas held at said Boston the first tuesday of April last when &  
where the Appellee was plant and the Appellant was Deft In a  
plea of Trespass upon the case &c (as in the writ on file tested the 24<sup>th</sup>  
day of March last and on file is at large sett forth) At which s<sup>d</sup>  
Inferiour Court upon the pleadings there Judgment was rendred  
that the said Robert recover against the said Benjamin the sum  
of Seven pounds six shillings and six pence lawfull Money damage  
and costs: Both parties now appeared and the Appellant confest  
Judgment for the Sum sued for and costs It is Considered by the  
Court that the said Robert Jenkins recover against the said  
Benjamin Hallowell the sum of Seven pounds six shillings  
and six pence lawfull money of this Province damage and  
costs taxed at £4.1.1.

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Ex'c'on issued

2<sup>d</sup>. Nov. 1761.

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Malcolm v Haynes

&gt;&gt;

Daniel Malcolm of Boston in the County of Suffolk Mariner  
 Trustee of John Young late of said Boston Yeoman Appellant ~~vs~~  
 Samuel Haynes jun<sup>r</sup>. of Chelsea in said County Mariner Appellee  
 from the Judgment of an Inferiour Court of Common pleas held  
 at said Boston on the first tuesday of July last when and where  
 the Appellee was plant and the Appellant was Deft In a plea  
 of Trespass on the Case for that whereas the said John Young on the  
 first day of June 1760, at said Boston was indebted to the said  
 Samuel Haynes in the Sum of thirty one pounds four shillings  
 and seven pence lawfull money According to the Account to the writ  
 annexed and being so indebted the said John then and there pro-  
 mised the said Samuel to pay him the same Sum on demand yet  
 the said John has not paid the said sum tho' requested but neglects  
 it and has withdrawn himself ~~out~~ of this Province and keeps  
 his goods and Estate so concealed as that they can't be come at to be  
 Attached to the damage of the said Samuel Haynes as he saith  
 the

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Image 284-Right

227.

[227r]

the sum of sixty two pounds at which said Inferiour Court  
 Judgment was rendred that the said Samuel Haynes recover  
 against the money goods or effects of the said John Young in  
 the hands of the said Daniel Malcolm Trustee as aforesaid the

sum of twenty one pounds sixteen shillings lawfull money damage and costs: Both parties appeared and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their verdict therein upon oath that is to say they find for the Appellee nineteen pounds money damage and costs, It is therefore Considered by the Court that the said Samuel Haynes recover against the money goods or effects of the said Young in the hands of the said Malcolm Trustee as aforesaid the sum of nineteen pounds Lawfull money of this Province damage and costs taxed at £5.0.9.

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Willson v Rogers

>>

George Willson of Boston in the County of Suffolk Mariner Appellant ~~vs~~ William Rogers of said Boston Mariner Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston aforesaid on the first tuesday of July last when and where the Appellee was plant and the Appellant was Deft In a plea of trespass for that the Deft at a place called Mountserat in Boston aforesaid on the 14<sup>th</sup>. day of April AD 1759, with force and Arms on board the Ship Hunt an assault on the body of the plaintiff committed struck him with a club with great violence sundry blows on his body pulled and shook the plt in an outrageous manner and by the striking and other violences aforesaid greivously wounded the plaintiff and dislocated his shoulder and being thus wounded and his bones dislocated kept and confin'd him on board said ship from applying to a Surgeon to be cured and have his bone sett so that by means thereof he became lamed incurably and his said shoulder can never be sett but must remain dislocated all his days and he is become thereby a cripple and unable to labour and thereby to get his livelyhood and so is deprived of the only means [<sup>^</sup>he had<sup>^</sup>] of Subsisting himself and his family and many other outrages committed against the King's peace and to the damage of the s<sup>d</sup>: William as he saith the Sum of three hundred pounds at which s<sup>d</sup>:

Inferiour Court Judgment was rendred that the said William recover against the said George the sum of One hundred pounds lawfull money damage and costs: the parties Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the Same who returned their verdict therein upon Oath that is to say they find for the Appellee seventy four pounds money damage and costs It is therefore Considered by the Court that the said William Rogers recover against the said George Willson the sum of seventy four pounds lawfull Money of this Province damage and costs taxed at £5.14.10.

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Ex'c'on iss<sup>d</sup>:28<sup>th</sup>. Nov<sup>r</sup>. 1761.

&gt;&gt;

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&lt;&lt;

Cary v Brown

&gt;&gt;

Nathaniel Cary of Boston in the County of Suffolk Merchant  
aplt

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Image 285-Left

[227v]

appellant ~~vs~~ Stephen Brown of Charlestown in the County of Middlesex Mariner appellee from the Judgment of an Inferior Court of Common pleas held at Boston aforesaid on the first Tuesday of July last when and where the Appellant was plt and the Appellee was Deft In a plea of Account for that &c (as in the writ on file tested the 17.<sup>th</sup>. day of december last at large appears) at which said Inferiour Court Judgment was rendred that the said Brown recover against said Cary costs. The parties appeared and referr'd this Action with all other demands to the determination of Mess<sup>rs</sup>. Bourn Sheaffe and Bromfeild who made report to the

Court in writing (as on file) which was read to and Accepted by the Court and pursuant thereto It is Considered by the Court that the said Nathaniel recover against the said Stephen the Sum of twenty four pounds eighteen shillings and ten pence lawfull money of this Province damage and costs taxed at £4.15.3.

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Ex'c'on issued

28 Novr. 1761

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Ballard v M<sup>c</sup>Clean

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Daniel Ballard of Boston in the County of Suffolk Shipjoiner appellant ~~vs~~ Hugh M<sup>c</sup>lean of Milton in said County Mariner Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the said County on the first tuesday of July AD 1761. when and where the Appellant was plant and the Appellee was Defendant In a plea of the Case for that the said Hugh on the tenth of March last at said Boston owing the plant twelve pounds 13/4. one farthing of lawfull Money to ballance the Account to the writ annext promist the plt to pay it him on demand yet he hath not paid it tho' requested but neglects it To the damage of the said Daniel as he says the sum of twenty pounds at which said Inferiour Court upon the pleadings there judgm<sup>t</sup> was rendred that Hugh recover against said Daniel costs: the parties appeared, and the issue tendred at s<sup>d</sup>. Inferior Court & on file being now join'd the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellant two pounds eight shillings money damage and costs [<sup>^</sup>for the appellee<sup>^</sup>] It is therefore Considered by the Court that the said Daniel Ballard recover against the said Hugh M<sup>c</sup>lean the Sum of two pounds eight shill<sup>s</sup>. lawfull money of this province damage and that the said

Hugh recover against the said Daniel costs taxd at £

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Comrin v March et al

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Sarah Comrin of Boston in the County of Suffolk widow Adminis<sup>x</sup>.  
of all and singular the goods and vchattels rights and credits which  
were of John Comrin late of said Boston Mariner deceased Appellant.  
vs Paul March and William Earl Treadwell both of Portsmouth in the  
Province of New Hampshire Merchants Appellees from the Judgment  
of

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Image 285-Right

228.

[228r]

of an Inferiour Court of Common pleas held at said Boston on  
the first tuesday of July last when and where the Appellant was  
plant and the appellees were defts In a plea of trespass on the case  
for that whereas the said Paul March and William Earl Treadwell  
on the 18<sup>th</sup>: day of July AD 1757 at said Boston being indebted to the  
said John Comrin (who was then living) the Sum of one hundred  
fifty two pounds five shillings and four pence lawfull money  
according to the Account annexed to the writ did then and there  
promise the said John to pay him the said sum of one hundred  
and fifty two pounds five shillings and four pence in six months  
from said 18<sup>th</sup>. day of July and also pay him lawfull Interest for s<sup>d</sup>:  
Sum from the end of said six months (if not paid by that time)  
untill paid yet the said Paul March and William Earl Treadwell  
have never paid the said sum or the Interest thereof either to the  
said John in his life time or to his said Administratrix since his  
death nor have either of them paid it tho' often requested but  
neglect it To the damage of the said Sarah Comrin Adm<sup>x</sup>: as afores<sup>d</sup>:  
as she saith the Sum of two hundred pounds, at which said Inf<sup>r</sup>:

Court upon the demurrer there Judgment was rendred that the said March and Treadwell recover against the Estate of the said John Comrin deceased in the hands of said Administratrix costs The parties now Appeared and the demurrer being by them waved the said Sarah now in this Court said the Deft did promise as she hath Alledged and so forth and issue being join'd the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon oath that is to say they find [<sup>for</sup>] the Appellant reversion of the former Judgment one hundred eighty four pounds nineteen shillings and seven pence money damage and costs It is therefore Considered by the Court that the said former Judgment be reversed and that the said Sarah Administratrix as afores<sup>d</sup>. recover against the said March and Treadwell the Sum of One hundred eighty four pounds nineteen shillings and seven pence lawfull money of this Province damage and costs taxed at £5.13.1.

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Ex'c'on issued

25<sup>th</sup>: Nov<sup>r</sup>: 1761.

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&lt;&lt;

Richardson v Richardson.

&gt;&gt;

Ezekiel Richardson of Needham in the County of Suffolk Yeoman Appellant ~~vs~~ Peter Richardson of said Needham Gent<sup>n</sup>: Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston on the first tuesday of July last when and where the Appellant was plant and the Appellee was deft In a plea of Trespass on the case for that the plt on the first day of May last at Needham aforesaid was possessed of a certain promissory note or note of hand given by the said Peter and by him subscrib'd for value received to the plt sometime in the month of April or May in the year 1758, wherein the Deft pro-



mist to pay to the plt eight pounds with Interest and being so possessed

<duplicates previous>

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Image 287-Left

[228v]

sessed of the same as his own chattel and the contents being then & still unpaid the plt afterwards there on the same day lost s<sup>d</sup>: note and the same thereupon then and there came into the Defts hands by finding and the deft knowing the same to belong to the plt then and there converted the same to his own use To the damage of the said Ezekiel as he saith the Sum of ten pounds At which said Inferiour Court Judgment was rendred upon the demurrer there that the said Peter recover against the said Ezekiel costs: The parties now Appeared and by their consent the said demurrer being waved and issue (as tendred at said Inferiour Court and on file) being joined the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment eight pounds mony damage and costs It is therefore considered by the Court that the former Judgment be reversed and that the said Ezekiel recover against the said Peter the sum of eight pounds lawfull Money of this Province damage and costs taxed at £10.12.11.

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Ex'c'on issued

12<sup>th</sup>: Jan<sup>ry</sup>: 1762.

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Gamut v Dewing.

&gt;&gt;

John Gamut of Roxbury in the County of Suffolk Yeoman  
 Appellant ~~vs~~ Nathaniel Dewing of Weston in the County of  
 Middlesex Husbandman Appellee from the Judgment of an  
 Inferiour Court of Common pleas held at said Boston on the first  
 tuesday of July last when and where the Appellant was plt  
 and the Appellee was Deft In a plea of Trespass on the Case (as  
 in the writ on file tested the 20<sup>th</sup>, day of March last is at large  
 sett forth) at which said Inf. Court Judgment was rendred  
 that the said Gamut recover against said Dewing the sum  
 of Twenty one pounds ten shillings and eight pence lawfull  
 money damage and costs of Suit: The Appellant  
 appeared The Appellee although solemnly called to  
 come into Court did not Appear but made default  
 and the Appellant consented to take Judgment  
 for one penny damage and the costs of the Inferiour  
 Court only: It is Considered therefore by  
 the Court that the said John Gamut recover against  
 the said Nathaniel Dewing the Sum of One penny  
 lawfull money of this Province damage and the  
 costs of the Inferiour Court only.

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Image 287-Right

229.

[229r]

&lt;&lt;

Carnes Admi<sup>r</sup> v Smith et Ux<sup>r</sup>.

&lt;&lt;

John Carnes of Rehoboth in the County of Bristol Clerk Administra-  
 tor of the goods chattels rights and credits of John Carnes late of  
 Boston in the county of Suffolk Esq<sup>r</sup>. deceased. Appellant ~~vs~~ James  
 Smith of Boston aforesaid Sugar Baker and Elizabeth his Wife

Administratrix of the goods and chattels rights and credits of Thomas Campbell late of said Boston Merchant deceased who died Intestate Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston on the first tuesday of April last when & where the Appellant was plant and the Appellees was Defts In a plea of debt for that the said Thomas on the second day of October AD 1758, at Boston aforesaid by his bond in Court to be produced bound himself to the said John the Intestate to pay him a hundred pounds of lawfull money of this Province on demand yet the said Thomas in his life time never paid the same neither have the said James or Elizabeth or either of them ever paid it since the death of the said Thomas tho' requested but they still unjustly detain it To the Damage of the said John Administrator as aforesaid as he saith the Sum of ten pounds at which said Inferiour Court Judgment was rendred that the said John Carnes Adm'or as afores<sup>d</sup>. recover against s<sup>d</sup>. Campbell's Estate in the hands of said Smith and his wife Administratrix as aforesaid the sum of fourteen pounds ten shillings and ten pence lawfull money debt and costs: The parties now appeared and they having been fully heard in Chancery It is considered by the Court that the said John Carnes Adm'or as aforesaid recover against the said Campbell's Estate in the hands of the said James Smith and Elizabeth his wife Administratrix as aforesaid the Sum of fourteen pounds ten shillings and ten pence lawfull money of this Province debt and costs taxed at £6.13.6.

&lt;&lt;

Ex'c'on issued

26.<sup>th</sup>. Sept<sup>r</sup> 1761

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&lt;&lt;

Jackson v Foye.

&gt;&gt;

Mary Jackson of Boston in the County of Suffolk widow Apl't  
 vs Elizabeth Foye of Milton in said County Widow Appellee from

the Judgment of an Inferiour Court of Common pleas held at said Boston on the first tuesday of July last when and where the Applt was plt and the Apllee was Deft In a plea of Trespass on the Case for that the Deft on the first day of January last being indebted to the plt thirty two pounds eight shillings and Seven pence one farthing for that sum by her before that time had and receiv'd to the plt's use as specified in the Schedule to the writ Annexed at Boston aforesaid promised the plt to pay her the same on demand yet the said Elizabeth hath never paid the same tho' requested but neglects and refuses to pay it To the damage of the said Mary as She saith the Sum of thirty eight pounds At which said Inferiour Court upon the demurrer there Judgment was rendred that the said Foye recover against the said Jackson costs: The parties appeared and by their consent the demurrer aforesaid was waved and the issue tendred at said Inferiour Court (as on file) was joined and then the Case after a full hearing was committed to a Jury sworn According to Law to try the Same who returned their Verdict therein upon Oath that is to Say they find

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[229v]

find for the Appellant thirty two pounds eight shillings and seven pence farthing money damage and costs Its therefore Considered by the Court that the said Mary Jackson recover against the said Elizabeth Foye the Sum of thirty two pounds eight shillings and seven pence farthing lawfull money of this Province damage and costs taxed at £6.0.6

Motion to Review and bond given.

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Tyng v Henshaw.

>>

William Tyng of Boston in the County of Suffolk Gentleman  
 Appellant ~~vs~~ Joshua Henshaw of said Boston Esq<sup>r</sup>. Appellee from  
 the Judgment of an Inferiour Court of Common pleas held at Boston  
 on the first tuesday of July last when and where the Appellant was  
 plaintiff and the appellee was Deft In a plea of Trespass for that the said  
 Joshua on the twenty fifth day of May last at Boston aforesaid with  
 force and Arms assaulted the said William in the King's peace then  
 being and struck him divers violent blows with a horse whip which the  
 said Joshua then held in his right hand whereby the plant suffered  
 great pain and disgrace and Other Injuries the said Joshua then and  
 there did to the plaintiff against the King's peace and to the damage  
 of the said William as he saith the Sum of thirty pounds At which said  
 Inferior Court Judgment was rendred that the said William recover  
 against the said Joshua the sum of twenty shillings lawfull money  
 damage and costs. The parties appeared and the case after a full hearing  
 was committed to a Jury sworn according to Law to try the same who return'd  
 their verdict therein upon Oath that is to say they find for the Appellant  
 nineteen shillings and four pence money damage and cost It is  
 therefore Considered by the Court that the said William Tyng recover  
 against the said Joshua Henshaw the sum of nineteen shillings and four  
 pence lawfull Money of this province damage and cost.

N.B. No more cost in this Action than damage.

Boston October 3. 1761. Received thirty eight shillings and eight  
 pence lawfull money in full for the debt and costs of this Judgment  
 witness arodi Thayer. W<sup>m</sup>. Tyng.

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Tresilian v Jenkins

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William Tresilian of the City and Liberty of westminster in  
 [^the county of Middlesex in^] the Kingdom of Great Britain Silk Mercer Appellant ~~vs~~ Robert  
 Jenkins of Boston in the County of Suffolk Merchant appellee from the  
 Judgment of an Inferiour Court of Common pleas held at Boston  
 aforesaid on the first tuesday of July last when and where the Appellant

was plt and the Appellee was Deft In a plea of trespass on the case for that the said Robert at Boston aforesaid on the twenty first day of March 1760 being indebted to the plt the sum of two hundred and twenty six pounds three shillings and six pence lawfull money of Great Britain to ballance the Account to the writ Annexed did then and there at Boston afores<sup>d</sup>: promise the plt to pay the same on demand yet the said Robert tho' requested hath.

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Image 289-Right

230.

[230r]

hath not paid the same but neglects it to the damage of the said William as he says the Sum of four hundred pounds at which s<sup>d</sup>: Inferiour Court Judgment (upon the demurrer there) was rendred that the said Robert recover against the said William costs: The parties Appeared and the demurrer afores<sup>d</sup>. being by their consent waved & the issue tendred at s<sup>d</sup>. Inferior Court (as on file) being joined, the case after a full hearing was committed to a Jury sworn According to Law to try the Same who returned their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment eighty seven pounds 16/7<sup>d</sup>. lawfull money of Great Britain dam<sup>a</sup>: and Costs It is therefore Considered by the Court that the former Judgm<sup>t</sup>: be reversed and that the said William Tresilian recover against the said Robert Jenkins the sum of eighty seven pounds sixteen shill<sup>s</sup>. and seven pence lawfull Money of Great Britain damage and costs taxed at £9.2.4 lawfull money of this Province.

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Craddock v Erving.

>>

George Craddock of Boston in the County of Suffolk Esq<sup>r</sup>. [<sup>^</sup>aplt<sup>^</sup>] vs John Erving of said Boston Esq<sup>r</sup>. appellee from the Judgment of an Inferior Court of Common pleas held at said Boston on the first tuesday of

July last when and where the appellee was plant and the aplt was deft In a plea of Trespass for that the said George on the twenty sixth day of April last with force and Arms at said Boston took the said John's Brigantine called the Sarah his Tackle Apparrell Guns boat and two barrells [^& an half^] of Gun powder an belonging to her and his cargo on board her viz forty reels of Cable Yarn one bale of Canvas eighty five bundles of Russia Duck four hundred and fifty nine barrs of Steel, two hampers of Stone ware, two cases of Geneva, one bundle of brushes, one case of painted canvas, one box of china ware, one case of Strip't Holland all of the value of one thousand pounds sterling and carried them away and detained them untill the said John made a fine by five hundred and fifty five pounds four shillings and four pence sterling with the said George for having the delivery of the said Brigantine Tackle apparel Guns Boat and Cargo contrary to the King's peace and to the damage of the said John as he saith the Sum of a thousand pounds at which said Inf. Court Judgment was rendred that the said John Erving recover against the said George Cradock the sum of seven hundred and eighty five pounds lawfull money damage and costs: The parties appeared and the Case after a full hearing was committed to a Jury Sworn according to Law to try the Same who returned their Verdict therein upon Oath that is to say they find for the Appellee Seven hundred and forty pounds lawfull Money damage and cost is therefore considered by the Court that the said John Erving recover against the said George Cradock the sum of Seven hundred and forty pounds lawfull Money of

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Image 290-Left

[230v]

of this Province damage and costs taxed at £.

Boston 25<sup>th</sup>: March 1762. I do hereby  
Acknowledge that I have received of the  
said George Cradock Esq. <sup>r</sup> full satisfaction  
of this Judgment John Erving.

[N. B. The Appellant mov'd  
[for an Appeal to the King  
[in Council as on file; &  
[upon his giving security

Witness Nat Hatch Cler.

[according to the Royall  
[charter It is Granted.

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M<sup>c</sup>kenzie v Pinto

>>

Andrew M<sup>c</sup>kenzie of Boston in the County of Suffolk Merchant  
Appellant ~~vs~~ Samuel Pinto of said Boston Merchant Appellee  
from the Judgment of an Inferiour Court of Common pleas held at  
said Boston on the first tuesday of July last when and where  
the Appellee was plant and the Appellant was Deft In a plea  
of Trespass on the case for that the deft on the 14<sup>th</sup>. day of November  
1759 being indebted to the plt nineteen pounds thirteen shillings  
Sterling money of Great Britain for that Sum before that time by  
him had and received of Alexander Hill to the plt's use at  
Boston aforesaid promist the plt to pay him the same on demand  
yet he has not paid it tho' requested but neglects it to the damage  
of the said Samuel as he saith the sum of twenty eight pounds At  
which said Inferiour Court upon the plea there Judgment was rend-  
red that the said Pinto recover against the said M<sup>c</sup>kenzie the  
Sum of thirteen pounds nineteen shillings lawfull money of Great  
Britain damage and costs: The parties appeared and the said  
Andrew retracting his plea made at the Inferior Court saith he never  
Promist the plt in manner aforesaid and thereof puts himself on the  
Country upon which plea issue being join'd the case after a full hearing was  
committed to a Jury sworn According to Law to try the Same who return'd  
their Verdict therein upon Oath that is to say they find for the Appellee  
nineteen pounds nineteen shillings lawfull money of Great Britain  
damage and costs It is therefore Considered by the Court that the said  
Samuel Pinto recover against the said Andrew M<sup>c</sup>kenzie the sum  
of nineteen pounds nineteen shillings lawfull Money of Great Britain  
damage and costs taxed at £5.8.8.

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Ex'c'on issued

7. Decem<sup>r</sup> 1761.

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Price v Love.

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Henry Price of Cambridge in the County of Middlesex Esq<sup>r</sup>. appellant  
vs David Love of Boston in the County of Suffolk Yeoman Appellee  
from the Judgment of an Inferior Court of Common pleas held at s<sup>d</sup>:  
Boston on the first tuesday of July last when and where the Aplant  
was plant and the Aplee was Deft In a plea of Trespass on the Case &c  
(as in the writ on file tested the ninth day of June last at large Appears)  
At which said Inferiour Court Judgment was rendred that the said  
David recover against the said Henry costs: The Appellant Appear'd  
the

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231.

[231r]

the Appellee Altho' Solemnly called to come into Court did not Appear  
but made default It is considered by the Court that the former  
Judgment be reversed and that the said Henry Price recover  
against the said David Love the sum of two pounds three shill<sup>s</sup>:  
and six pence lawfull Money of this province damage and  
costs taxed at £4.10.7.

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Ex'c'on issued

4<sup>th</sup>: Sept<sup>r</sup> 1761.

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Swift v Bayley

&gt;&gt;

Samuel Swift of Boston in the County of Suffolk Gentleman  
Appellant ~~vs~~ James Bayley of said Boston Housewright Appellee  
from the Judgment of an Inferiour Court of Common pleas held  
at said Boston on the first tuesday of July last when and where  
the appellee was plt and the appellant was Deft In a plea of  
Trespass upon the case for that the Deft being indebted to the plt  
on the twelfth day of June last the Sum of thirty one pounds  
eighteen shillings and four pence for Sundries of work accor-  
ding to the Account to the writ Annexed then at said Boston  
promist the plt to pay him the same Sum on demand yet  
the Deft tho' requested has not paid it but neglects it And for  
that the plt on the eighth day of September AD 1757, at the special  
request of the deft had built for the deft other twenty one perch  
of Stone wall other two stacks of Chimneys, five funnells one  
Arch and foundation and had lathed and plaistered three hun-  
dred and forty seven yards all Other than those mention'd in s<sup>d</sup>:  
Account and in consideration thereof the deft then at said Boston  
promist the plt to pay him therefor as much money as he  
reasonably deserved on demand now the plt averrs that he  
reasonably deserves therefor two and thirty pounds of which he  
has had notice and has been requested to pay the same but he  
unjustly refuses so to do to the damage of the said James Bayley  
as he saith the Sum of thirty seven pounds At which said Inferior  
Court upon the pleas there Judgment was rendred that the s<sup>d</sup>:  
James recover against the said Samuel the Sum of fifty pounds  
lawfull money damage and costs: The parties Appeared now  
and the said Swift's plea made at said Inferior Court being waved  
by consent the said Swift for plea said he never promis'd as the  
said James declares and of this puts himself &c upon which  
plea issue being join'd the case after a full hearing was committed  
to a Jury sworn according to Law to try the same who returned  
their verdict therein upon Oath that is to say they find for the  
Appellee twenty three pounds eighteen shillings and nine pence

money damage and cost It is therefore considered by the Court that the said James Bayley recover against the said Samuel Swift. the Sum of twenty three pounds eighteen shillings and nine pence lawfull Money of this Province damage and cost tax't at £. Motion to Review.

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[231v]

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Coppinger v Prat et al

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John Coppinger of Boston in the County of Suffolk Mariner Appellant ~~vs~~ Ebenezer Prat David Serjeant Stephen Green and John Barrett all of Malden in the County of Middlesex Yeoman Appellees from the Judgment of an Inferiour Court of com'on pleas held at said Boston on the first tuesday of July last when and where the aplt was plt and the Aplees were defts In a plea of trespass for that the defts at Boston aforesaid on the thirteenth day of May last with force and Arms the ware-house of the plt did break and enter and took out of said ware-house and carried away fifteen tons of log wood of the value of thirteen pounds six shillings and eight pence a ton being the plts property and other outrages then and there committed against the peace of the Lord the King to the damage of the said John Coppinger as he saith the Sum of two hundred and twenty pounds at which said Inferiour Court upon the demurrer there Judgment was rendred that the said Prat Serjeant Green and Barret recover against the said Coppinger their costs: The Parties now appeared and by consent the demurrer was waved and issue as tendred at said Inferiour Court and on file was join'd and the case after a full hearing was committed to a Jury Sworn According to Law to try the Same who returned their Verdict therein upon Oath that is to

say they find for the Appellant reversion of the former Judgment one hundred and eighty six pounds mony damage and costs against the said John Barrett and for the other appellees costs against the appellant It is therefore Considered by the Court that the said former Judgment be reversed and that the said Coppinger recover against the said Barrett the Sum of one hundred and eighty Six pounds lawfull Money of this Province damage and costs taxed at £6.19.6. And that the said Serjeant Green and Prat recover against said Coppinger their costs taxed at £3.6.4 for each of them.

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Ex'c'on for Cop'inger  
issued 10 Dec. 1761.

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&lt;&lt;

Two Ex'c'ons issued  
in fav<sup>r</sup>. of Prat et  
Green, 10<sup>th</sup>. Dec<sup>r</sup>. 1761.

&gt;&gt;

&lt;&lt;

Fulton v Robins

&gt;&gt;

Robert Fulton of Boston in the County of Suffolk Labourer  
Appellant ~~vs~~ Robert Robins of Boston aforesaid Mariner Appellee  
from the Judgment of an Inferiour Court of Common pleas held  
at Boston aforesaid on the first tuesday of July last when and  
where the Appellant was plt and the Appellee was def<sup>t</sup> In a  
plea of trespass on the case &c (as in the writ on file tested the 23<sup>d</sup>. of  
december last is at large sett forth) At which said Inferiour Court  
upon the demurrer there Judgment was rendred that the said Robins  
recover against said Fulton costs: The parties now appeared and  
the demurrer was waved &c and then the parties referr'd this Action  
to Mess<sup>rs</sup>. Gray Deming and Hatch, who made report in writing as on  
file which was accepted and pursuant thereto It is Considered by the Court

that

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232.

[232r]

that the said Robert Fulton recover against the said Robert Robins the Sum of Twenty eight shillings two farthings lawfull Money of this Province damage and costs taxed at £10.8.10.

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Ex'c'on issued

1 Dec<sup>r</sup>. 1761.

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Harris v Swift

>>

Thomas Harris of Dorchester in the County of Suffolk Clothier Appellant v Samuel Swift of Boston in said County Gentleman Appellee from the Judgment of an Inferiour Court of Common pleas held at said Boston on the first tuesday of July last when & where the Appellant was plt and the Appellee was deft In a plea of the case &c (as in the writ on file tested 24<sup>th</sup>. of March last is at large sett forth) at which said Inferior Court Judgment was rendred that the said Swift recover against said Harris costs: The parties now appeared and the Appellant confest Judgment for costs It is Considered by the Court that the said Samuel Swift recover against the said Thomas Harris costs taxed at £3.14.4.

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Ex'c'on iss<sup>d</sup>:

25 nov<sup>r</sup>. 1761.

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Cremor v Matchet.

>>

Peter Cremor of Boston in the County of Suffolk Labourer  
Appellant ~~vs~~ John Matchet of said Boston Merchant Appellee  
from the Judgment of an Inferiour Court of Common pleas held  
at said Boston on the first tuesday of July last when and where  
the Appellee was plt and the Appellant was deft In a plea of  
trespass on the Case &c<sup>a</sup>: (as in the writ on file tested the 28<sup>th</sup>: of  
January last is at large sett forth) at which said Inferiour Court  
Judgment was rendred that the said Matchet recover against  
the said Cremor the sum of ten pounds fourteen shillings and  
two pence lawfull money damage and costs: the parties now  
Appeared and referr'd this Action to ess<sup>rs</sup>: Avery Richardson &  
Feik who made Report in writing as on file which was Accepted  
by the Court and pursuant thereto It is considered by the Court that  
the said Matchet recover against Said Cremor the Sum sued for  
being Ten pounds fourteen shillings and two pence lawfull money  
of this Province damage and cost taxed at £6.1.8½.

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Ex'c'on issued

4<sup>th</sup>. Dec<sup>r</sup>. 1761.

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<<

Holmes v Frobisher

>>

Benjamin Mullbery Holmes of Boston in the County of Suffolk  
distiller Appellant v Benjamin Frobisher of said Boston Soap-  
boiler Appellee from the Judgment of an Inferiour Court of  
common pleas held at said Boston on the first tuesday of July  
last when and where the Appellee was plt and the Appellant  
was deft In a plea of trespass upon the case for that the deft on  
the thirteenth day of October last at said Boston was indebted  
to the said Benjamin in the Sum of One hundred fifty five pounds

two shillings & eight pence lawfull money according to the Account to the writ Annexed and being so indebted the Deft then and there promist.

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Image 292-Left

[232v]

Promist the plt to pay him the same on demand yet he has not paid it tho' often requested but neglects it to the damage of the said Benjamin Frobisher as he says the Sum of two hundred pounds, at which s<sup>d</sup>. Inferiour Court upon the pleas there Judgment was rendred that the said Frobisher recover against said Holmes the sum of One hundred fifty five pounds two shillings and eight pence lawfull money damage and costs The parties now appeared and by their consent the said Holmes retracting his former plea said that he never promist in manner and form as the plt declared and thereof put himself on the Country: upon which plea issue was join'd and the case after a full hearing was committed to a Jury Sworn According to Law to try the same who returned their verdict therein upon Oath that is to Say they find for the Appellee seventy eight pounds nineteen shillings and eleven pence mony damage and costs It is therefore Considered by the Court that the said Benjamin Frobisher recover against the said Benjamin Mullberry Holmes the sum of Seventy eight pounds nineteen Shillings and eleven pence lawfull money of this Province damage and costs taxed at £3.14./.

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Ex'c'on issued

10<sup>th</sup>. Dec<sup>r</sup>. 1761.

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Man. v Dorchester prop<sup>rs</sup>:

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Joseph Man of wrentham in the County of Suffolk  
 Bricklayer Appellant ~~vs~~ The Proprietors of the common &  
 undivided lands late in Dorchester now in Stoughton in the  
 same County who sue by James Foster Esq<sup>r</sup> and Richard Hall  
 Yeoman both of said Dorchester and Joseph Hewin of Stoughton  
 in the Same County Yeoman a committee for that purpose Appellees  
 from the Judgment of an Inferiour Court of Common pleas held  
 at said Boston on the first tuesday of July last when and where  
 the Appellees were plaintiffs and the Appellant was Defend<sup>t</sup>  
 In a plea of Entry on disseisin wherein they demand of the said  
 Joseph Man the Possession of a certain peice or parcel of Meadow  
 now in Wrentham in the same County but formely within the  
 bounds of the said Town of Dorchester containing in quantity  
 two Acres one half acre and twenty six rods called by the name  
 of round hole meadow bounded and encompassed all around by  
 the upland of the Deft with the Appurtenances thereof of which  
 the Deft unjustly and without Judgment disseised the Demandants  
 within thirty years last past whereupon said proprietors by their  
 said Committee say that they themselves in time of peace in the  
 sixteenth year of the reign of the late King George the second were  
 seized of the demanded premisses and appurtenances in their  
 demesne as of fee taking the Esplees thereof of the yearly Value of  
 five pounds and still ought to have the same yet the said  
 Joseph

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Image 292-Right

233.

[233r]

Joseph unjustly and without Judgment since vizt. within thirty  
 years last part entered on the premisses disseised the demandants  
 thereof and still unjustly deforceth them thereof to the damage  
 of the said proprietors as they say the sum of five hundred pounds  
 at which s<sup>d</sup>. Inferior Court upon the pleadings there Judgment



was rendered that the said proprietors recover against the said Man possession of the premisses sued for and costs: The parties appeared and the said Joseph Man (the pleadings above being waved by consent) saith he hath committed no tort no disseisin and thereof puts himself on the Country and the said proprietors did likewise and issue being thus joined the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellees possession of the premisses demanded and costs It is therefore Considered by the Court that the said proprietors recover against the said Joseph Man possession of the premisses demanded and costs taxed at £7.5.4.

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Sweetzer v Hancock

&gt;&gt;

John Sweetzer jun<sup>r</sup> plaintiff v Thomas Hancock Deft  
neither party appears.

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Hall v Hall

&gt;&gt;

Stephen Hall appellant v Andrew Hall appellee  
This action is agreed.

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Same. v Same.

&gt;&gt;

Same appellant ~~vs~~ Same appellee  
This Action is agreed.

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M<sup>r</sup> Swift a sworn Attorney.

&gt;&gt;

Upon a motion made by Jeremy Gridley Esq<sup>r</sup> and others of the Bar M<sup>r</sup>. Samuel Swift of Boston Gentleman was admitted to take the Attorney's Oath, by the province Law prescrib'd in Order to his practising in this Court.

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Davis v Hart.

&gt;&gt;

Elijah Davis of Boston in the County of Suffolk Mariner Complt  
 vs Michael Hart of said Boston Shipwright, The Complt shew'd that at an Inferiour Court of Common pleas held at said Boston in July last he recovered Judgment against said Hart for possession of the premisses sued for and costs from which Judgment he appealed to this Court and recogniz'd to prosecute the said appeal with effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional costs Its Considered by the Court that the said Davis recover against said Hart possession of the premisses sued for and costs taxed at £3.6.0.

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Fac<sup>s</sup>. hab issued

2<sup>d</sup>. Sept<sup>r</sup>. 1761.

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Image 293-Left

[233v]

&lt;&lt;

Hall v Hall

&gt;&gt;

Stephen Hall of Medford in the County of Middlesex Esq<sup>r</sup>. Complt  
 vs Andrew Hall of Boston in the County of Middlesex Merchant.  
 The Complt shew'd that at an Inferiour Court of Common pleas held at said Boston in July last he recovered Judgment against said

Andrew for costs from which Judgment he appealed to this Court and  
 recogniz'd to prosecute said Appeal with effect but failed so to do  
 wherefore the complt pray'd affirmation of said Judgment with  
 Additional Costs Its therefore considered by the Court that the  
 said Stephen Hall recover against the said Andrew Hall  
 costs taxed at £2.17.8.

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Ex'c'on issued

14. Dec<sup>r</sup>. 1761.

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Beal v M<sup>c</sup>Million

&gt;&gt;

Israel Beal of Newton in the County of Middlesex Butcher  
 Compl't ~~vs~~ James M<sup>c</sup>Million of Boston in the County of Suffolk Cabinet  
 maker the Compl't shew'd that at an Inferior Court of Common pleas  
 held at Boston aforesaid on the first tuesday of April last he recovered  
 Judgment against the said James for £7.12.9 money damage and  
 costs from which Judgment he appealed to this Court and recogniz'd  
 to prosecute said appeal with effect but failed so to do wherefore the  
 compl't pray'd affirmation of said Judgment with Additional Costs  
 and Interest Its therefore Considered by the Court that the said Israel  
 Beal recover against the said James M<sup>c</sup>.Million the sum of seven  
 pounds 14/9. & costs tax't at £3.15.2

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Ex'c'on issued

2<sup>d</sup>. Sep<sup>r</sup>. 1761.

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Richardson v Nurse

&gt;&gt;

James Richardson of Boston in the County of Suffolk distiller Compl't

vs Timothy Nurse of the District of Rutland in the County of Worcester  
Yeoman. The Complt shew'd that at an Inferior Court of Common  
pleas held at said Boston in April last he recovered Judgment against  
the said Nurse for £11.10.11½ damage and costs from which Judgment  
said Nurse Appealed to this Court and recogniz'd to prosecute said Appeal  
with effect but failed so to do wherefore the Complt pray'd affirmation of  
said Judgment with Additional costs Its Considered by the Court  
that the said Richardson recover against said Nurse the sum of  
eleven pounds ten shillings and eleven pence ½ lawfull Money of this  
Province damage and costs taxed at £3.9.8

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Ex'c'on issued

2 Sep<sup>tr</sup>. 1761.

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Studson v Green

&gt;&gt;

Levi Studson of Boston in the County of Suffolk Mariner Complt  
vs Joseph Green of said Boston jun<sup>r</sup>: Merchant y<sup>e</sup>: Complt shew'd that  
at an Inferiour Court of Common pleas held at said Boston in April last he  
recovered Judgment against said Green for £44.3.10 lawfull Mony  
of Great Britain Damage and costs from which Judgment said Green  
appealed to this Court and recogniz'd to prosecute the same but failed so  
to do wherefore the Complt pray'd affirmation of said Judgment with  
additional Cost and Interest Its therefore Considered by the Court  
that the said Levi Studson recover against the said Joseph Green  
the sum of forty five pounds two shill<sup>s</sup>. & ten pence lawfull money of great Britain  
damage

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Image 293-Right

234.

[234r]

damage and costs taxed at £3.5.8 lawful Money of this Province.

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Ex'c'on issued

28<sup>th</sup>. August 1761

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Killeran v Hallowell

>>

Bartholomew Killeran of Boston in the County of Suffolk  
Mariner Complt ~~vs~~ Briggs Hallowell of said Boston Merchant  
The Complt shew'd that at an Inferiour Court of Common pleas  
held at said Boston in July last he recovered Judgment against  
the said Briggs for costs, from which Judgment he appealed to this  
Court and recogniz'd to prosecute said appeal with effect but  
failed so to do wherefore the Complt pray'd affirmation of said  
Judgment with additional Costs Its therefore Considered by  
the Court that said Killeran recover against Hallowell cost  
of Courts taxed at £8.4.8.

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Ex'c'on issued

1 february 1762.

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Wallis v Symonds

>>

William Wait Wallis of Boston in the County of Suffolk Brasier  
Complt ~~vs~~ David Symonds of Boston aforesaid Potter the Complt  
shew'd that at an Inferior Court of Common pleas held at said Boston  
in April last he recovered Judgement against the said Wait for  
possession of a shop and land Adjourning &c as sued for and costs from  
which Judgment said Symonds appealed to this Court and recogniz'd  
to prosecute the same but failed so to do wherefore the Complt pray'd affir-

mation of said Judgment with Additional costs Its Considered by the Court that said Wallis recover against said Symonds possession of the shop and land aforesaid and costs taxed at £2.19.10.

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Fac<sup>s</sup>. hab. issued

14. Sep<sup>tr</sup> 1761.

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Griffin v Larkin

&gt;&gt;

James Griffin of Boston in the County of Suffolk Merchant Compl<sup>t</sup> vs Joseph Larkin of Charlestown in the County of Middlesex Potter The Compl<sup>t</sup> shew'd that at an Inferiour Court of Common pleas held at Boston aforesaid on the first tuesday of April last he recovered Judgment against said Larkin for £4.7.8 damage & Costs from which Judgment he appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Compl<sup>t</sup> pray'd affirmation of said Judgm<sup>t</sup> with Additional Interest and cost Its therefore Considered by the Court that the said James recover against Joseph the sum of four pounds nine shill<sup>s</sup>. & seven pence lawfull money of this Province damage & costs taxed at £.

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Ferriter v Upham.

&gt;&gt;

James Ferriter of Boston in the County of Suffolk Rope Maker Compl<sup>t</sup> vs Richard Upham of Reading in the County of Middlesex Yeoman The Compl<sup>t</sup> shew'd that at an Inferiour Court of Common pleas held at Boston afores<sup>d</sup>. on the first tuesday of July last he recovered Judgment against the said Richard Upham for £28.2.0 damage and costs from which Judgment he appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Compl<sup>t</sup> pray'd affirmation of said Judgment with Additional Cost Its therefore Considered by the

Court that the said James recover against the said Richard the sum of Twenty eight pounds two shillings lawfull Money of this Province damage and costs taxed at £3.2.7.

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Ex'c'on issued

9. Sept<sup>r</sup>. 1761

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[234v]

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Royall v Allen.

>>

Jacob Royall of Boston in the County of Suffolk Esq<sup>r</sup>. Compl't ~~vs~~  
James Allen of said Boston Taylor The Compl't shew'd that at an Inf<sup>r</sup>  
Court of Common pleas held at said Boston in July last he recovered  
Judgment against the said James for £40.7.5 damage and costs from  
which Judgment the appealed to this Court and recogniz'd to prosecute  
said Appeal with effect but failed so to do wherefore the Compl't pray'd Af-  
firmation of said Judgment with Additional costs Its Considered by the  
Court that the said Jacob recover against the said James the sum of  
forty pounds seven Shillings and five pence lawfull money of this  
Province damage and costs taxed at £3.1.9.

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Ex'c'on issued

11. Sep<sup>r</sup>. 1761.

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Bell v Jones

>>

Thomas Bell of Roxbury in the County of Suffolk Victualler

Complt ~~vs~~ John Jones of Boston in said County Merchant The Complt Shew'd that at an Inferiour Court of Common pleas held at said Boston in July last he recovered Judgment against said Jones for £21.8.11½ damage & costs from which Judgment he appealed to this Court and recogniz'd to prosecute said Appeal with effect but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Costs Its Considered by the Court that the said Bell recover against said Jones the Sum of twenty one pounds eight shillings and eleven pence half penny lawfull money of this Province damage and costs taxed at £4.6.10.

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Ex'c'on issued

7. Sep<sup>tr</sup>. 1761.

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Stephens v Brown

&gt;&gt;

John Stevens of Boston in the County of Suffolk Merchant and Martha his wife Complt ~~vs~~ Gawen Brown of said Boston Watchmaker The Complt shew'd that at an Inf. Court of Common pleas held at said Boston in July last they recovered Judgment against him for possession of a Shop as sued for and costs from which Judgment he appealed to this Court and recognized to prosecute said appeal but failed so to do Wherefore the Complt pray'd affirmation of said Judgment with Additional costs Its Considered by the Court that the said John and Martha recover against said Gawen possession of said shop as sued for & costs taxed at £3.1.3.

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Fac. hab. iss<sup>d</sup>.11. Sep<sup>tr</sup>. 1761.

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Frobisher v Holmes



&gt;&gt;

William Frobisher of Boston in the County of Suffolk Soap boiler Complt  
 vs Benjamin Mullberry Holmes of said Boston Distiller The Complt  
 shew'd that at an Inferiour Court of Common pleas held at said Boston  
 in July last he recovered Judgment against the said Holmes for  
 £89.15.0 lawful mony damage and costs from which Judgment he  
 Appealed to this Court and recogniz'd to prosecute said appeal with effect  
 but failed so to do wherefore the Complt pray'd affirmation of said Judgment  
 with Additional costs Its Considered by the Court that the said William  
 recover against the said Benjamin the sum of eighty nine pounds fifteen  
 shillings lawfull mony of this Province damage and costs taxed at £3.6.1

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Ex'c'on iss<sup>d</sup>.4. Dec<sup>r</sup>. 1761.

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Wendell v Waldo.

&gt;&gt;

Jacob Wendell of Boston in the County of Suffolk Esq<sup>r</sup>. Complt

vs

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235.

[235r]

Thomas Waldo of said Boston Merchant The Complt shew'd that  
 at an Inferior Court of Common pleas held at said Boston in April last  
 he recovered Judgment against the said Thomas for possession of a  
 Warehouse as sued for and costs from which Judgment he appealed to  
 this Court and recogniz'd to prosecute said appeal with effect but fail'd  
 so to do wherefore the Complt pray'd affirmation of said Judgment with  
 Additional Costs Its therefore Considered by the Court that the said  
 Jacob recover against the said Thomas possession of the premisses

sued for and costs taxed at £.

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Patterson v Cleverley

>>

Stephen Cleverly of Boston in the County of Suffolk Mariner plt  
 vs James Patterson of said Boston Mariner Deft In a plea of Review  
 of a plea of Trespass on the case (as in the writ of Review tested the 13<sup>th</sup>. day  
 of August instant is at large sett forth) the parties now appeared and  
 referred this Review with all other demands to Mess<sup>rs</sup>. Dowse, Inches and  
 Deming, who reported in writing as on file, which report was accepted  
 by the Court and pursuant thereto It is Considered by the Court that  
 The said Stephen recover against the said James the sum of six  
 pounds six shillings and five pence [<sup>1</sup>/<sub>2</sub>] lawfull money of this province  
 damage and costs taxed at £3.4.2.

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Ex'c'on issued

2<sup>d</sup>. Dec<sup>r</sup>. 1761.

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Paxton v Gray

>>

Charles Paxton of Boston in the County of Suffolk Esq<sup>r</sup>. Appell<sup>t</sup>  
 vs Harrison Gray of said Boston Esq<sup>r</sup>. Treasurer and Receiver general  
 of the province of the Massachusetts Bay Appellee from the Judgment of  
 an Inferiour Court of common pleas held at said Boston on the first tues-  
 day of July last when and where the Appellee was plaintiff and the Applte  
 was Deft In a plea of Trespass on the case for that whereas the said  
 Charles at said Boston on the first day of March last was indebted to the  
 said Province in the sum of three hundred and fifty seven pounds one  
 Shilling and eight pence lawfull money for so much lawfull money  
 before that time had and received by the said Charles to and for the use  
 of the Province aforesaid, and the said Charles being so indebted then

and there promised the said Province to pay the same on demand yet the said Charles tho' often requested has not paid the same sum but neglects it To the damage of the said Harrison Gray in his s<sup>d</sup>: Capacity the sum of three hundred and sixty pounds, & The Deft at the Inferiour Court came by Benj<sup>a</sup>. Prat Esq<sup>r</sup>. his Attorney and defended &c and pray'd Judgment of the writ and that the same might be abated for first the Plt therein sues in an indebitatus assumpsit and yet has not in his Declaration shewed that the said Charles was ever indebted to the plt or ever promised him to pay him any thing or broke any promise contract or agreement to or with the plaintiff. 2<sup>dly</sup>: According to the plts own shewing the money Alledg'd to be received by the said Charles was to the use of the Province of the Massachusetts Bay and the debt & promise grounded thereon were to the said Province and the right of Action accruing on the breach of such promise was to the said province and

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Image 295-Left

[235v]

and not to the plaintiff according to his own shewing, 3<sup>dly</sup>: The plaintiff has not in his declaration shewed or alledged any matter or cause sufficient to intitle him to bring forward as he doth this action and maintain the same all these things the deft was ready to verify wherefore he prayed Judgment that the writ be abated and for costs, which plea was overruled by the said Inferior Court, and afterwards in the s<sup>d</sup>. Inferior Court held in July upon the verdict of the Jury there Judgment was rendred that the said Gray Treasurer &c should recover against said Paxton the sum of three hundred and fifty seven pounds one shilling and eight pence lawfull money damage and costs: The parties now appeared and being fully heard upon the pleas in abatement It is Considered by the Court that the writ abate and that the Judgment of the Inferiour Court aforesaid be reversed and that the said Charles Paxton recover against the said Harrison Gray Treasurer and receiver as aforesaid costs taxed at £4.6.9.

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Ex'c'on issued

7<sup>th</sup>. Dec<sup>r</sup>. 1761.

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Order on Shep'ards pet<sup>o</sup>:

&gt;&gt;

Upon reading the Petition of Benjamin Sheppard of Wrentham in the County of Suffolk Gentleman and Guardian to John New of said Wrentham a non compos person wherein the Pet<sup>r</sup>. shew'd that he had settled an Account of his Guardianship which Account had been allow'd by the Judge of probate and a balance is therein due to him of £3.8.0, he therefore pray'd this Court to licence him to sell eight pounds worth of his real Estate to reimburse the petitioner the aforesaid Sum and to pay the charge of such sale and further to Support the said non Compos Ordered that the prayer of this Petit<sup>r</sup> be granted and he in said capacity for the ends aforesaid is hereby Authorized to sell eight pounds worth of said real Estate, he posting up notifications thirty days before sale and Accounting with the Judge of Probate as the Law directs

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Order on Downe's Pet<sup>o</sup>:

&gt;&gt;

John Downe Administrator on the Estate William Noyes late of Boston in the County of Suffolk Cordwainer deceased Intestate by his Petition Shew'd that said deceased's Estate is insolvent he therefore pray leave of this Court to sell the deceased's whole real Estate for payments of his debts so far as it will extend thereupon Ordered that the prayer of this Petit<sup>r</sup> be granted and he is hereby impowered to sell the whole real Estate afores<sup>d</sup>. for the end aforesaid he to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Gould's Pet<sup>o</sup>.

&gt;&gt;

Jacob Gould Administrator of the Estate of John Gould late of Wallpole deceased Intestate by his Petition shew'd that the deceased's personal Estate falls short of paying his just debts £9.10.0. and that the whole real Estate amounts to no more than twelve pounds, and therefore pray'd this Court to empower him to sell the said real Estate for payment of

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Image 295-Right

236.

[236r]

of the deceased's debts Ordered that the Prayer of the Petitioner be granted and he in said Capacity is hereby empowered to sell the whole of the said real Estate for the ends aforesaid he to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs.

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Order on Newhall's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Henry Newhall of Boston in the County of Suffolk Carpenter Administrator on the Estate of Joseph Groward late of said Boston Hatter deceased wherein the Petitioner shew'd that he had settled with the Judge of probate for said County an Account of Administration on the personal Estate which Account had been Allow'd & a ballance is in the hands of the Pet<sup>r</sup>. of £25.4.4. that there remains still to be paid £148.13.3 so that the debts will exceed the personal Estate £123.8.11. The Petitioner therefore pray'd that this Court would empower him to sell the whole real Estate of the said deceased the same being incapable of Division to reimburse him and pay the

charge of Sale &c Ordered that the prayer of the Petitioner be granted and he is hereby impowered to sell the whole real estate aforesaid for the ends aforesaid he to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs

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Order on Savill's Pet<sup>o</sup>.

>>

Elisha Savil of Braintree in the County of Suffolk Physician Administrator on the Estate of Moses Peninman late of said Braintree Mariner deceased Intestate by his Petition Shew'd that the said Penniman left no Estate real or personal saving an house and about two acres of land appraised at £53.6.8 That the debts due from the said Estate with charges of Administration amount to £34.2.4. and that the said Estate cannot be divided without spoiling the whole The petitioner therefore pray'd this Court would impower him to sell the whole of s<sup>d</sup>: Estate to pay debts and charges as afores<sup>d</sup>: Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell the whole real Estate aforesaid for the ends aforesaid he to post up notifications thirty days before Sale & to Account with the Judge of Probate as the Law directs.

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Order on Parkman's Pet<sup>o</sup>:

>>

Abigail Parkman Administratrix on the Estate of her husband Elias Parkman late of said Boston Physician deceased Intestate by her petition shew'd that the debts due from the Estate of the said Elias being by ballance of Account as allow'd by the Judge of Probate for said County £69.8.1 and there being no personal Estate to discharge the same the said Judge Allow'd the said ballance to her for the bringing up her two children untill they arriv'd at the age of seven years she therefore pray'd this Court to impower her in said Capacity to sell so much of the real Estate of the said Elias as will discharge debts yet

due from said Estate being £109.19.0 Ordered that the Prayer of the Petitioner be granted and she is hereby for the ends aforesaid empowered to sell One hundred and thirteen pounds worth of said real Estate, she to post up notification thirty days before sale and Account with the

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[236v]

Judge of Probate for this County as the Law directs.

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Order on Davis's Pet<sup>o</sup>.

>>

Ezra Davis Executor of the Testament of Thomas Tucker late of Roxbury deceased by his Petition shew'd that the said deceased's debts exceed his personal Estate £27.16.7½ The petitioner therefore prayd this Court to empower him to make sale of so much of the said deceased's real Estate where it can be best spared as will be sufficient to pay that sum and the Charges Ordered that the prayer of the petitioner be granted and he is hereby empowered to sell forty pound's worth of the said real Estate for the end aforesaid he to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs.

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Order on Girauld's Pet<sup>o</sup>.

>>

Upon reading the Petition of Stephen Girauld and Duty Girauld as they are Executors of the Testament of James Girauld late of Medfeild deceased wherein the Petitioners Shew'd that their Testator gave all his moveable effects and the debts owing to him to his wife; that his funeral charges and debts due from him amount to £51.6.8¾ and that he bequeathed legacies to sundry persons

to the amount of £293.6.8. both which sums must be paid out of his real Estate and as he did not in his said Will empower the Petitioners the Executors thereof to dispose of any part of his real Estate for that purpose the petitioners therefore pray'd this Court to empower them to sell so much of said real Estate where it can be best spared as will pay said sums and charges Ordered that the prayer of the Petitioners be granted and they are hereby empowered to sell three hundred and fifty pounds worth of said real Estate where it can be best spared, for the ends afores<sup>d</sup>: they to post up notifications thirty days before sale and to account with the Judge of Probate as the Law directs.

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Order on Marrow's Pet<sup>o</sup>:

&gt;&gt;

Mary Marrow of Boston Widow Sole Administratrix of the Estate of Timothy Marrow late of the same Boston Cordwainer deceased Intestate by her Petition Shew'd that the personal Estate of the said deceased falls short of paying his just debts and the whole of his Estate real and personal will not be sufficient to discharge Same and therefore pray'd this Court to empower her to sell the deceased's real Estate for the ends aforesaid Ordered that the prayer of the Petitioner be granted and she in said capacity is hereby empowered to sell the said deceased's real Estate for the ends aforesaid she to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Thornton's pet<sup>o</sup>:

&gt;&gt;

Joshua Thornton jun<sup>r</sup>. Guardian of Joshua Thornton by his petition shew'd that the said noncompos is indebted to the amount of £628.6.5d cheifly on Interest the Interest now due amounting to about £180 that he



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237.

[237r]

he has no personal Estate but some necessary furniture of the value of £27.16.2. and that there are many other debts not yet bro't in The Petition<sup>r</sup> therefore pray'd this Court to empower him to sell the said Non Compos is real Estate to the amount of the debts aforesaid and the charges attending the Sale Ordered that the prayer of the Petitioner be granted and he is hereby empowered to make sale of the same real Estate for the ends aforesaid he to post up notifications thirty days before sale and to account with the Judge of probate as the Law directs.

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Order on Skinners Pet<sup>o</sup>.

>>

Lydia Skinner Administratrix on the Estate of her husband William Skinner late of Boston Esq<sup>r</sup>. deceased insolvent by her Petition shewed that the real and personal Estate will not be sufficient to pay the deced's just debts The Petitioner therefore pray'd this Court to empower her to sell the real Estate of the said deceased consisting of 1075 acres of land in the County of Lincoln that the proceeds thereof may be applied to the payment of his debts so far as it extends Ordered that the prayer of the Petitioner be granted and she is hereby empowered to sell the said deceased's real Estate aforesaid for the ends aforesaid She to post up notifications thirty days before sale and to Account with the Judge of Probate as the Law directs.

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Order on Belcher's Pet<sup>o</sup>:

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Abigail Belcher of Boston in the County of Suffolk Widow Administ<sup>x</sup> of the Estate of her husband Samuel Belcher late of said Boston deceased by her petition Shew'd that the debts due upon the said Estate exceed the personal Estate £380.0.4 and that the real Estate of said Intestate is Ap-

praised at £390 and thereupon pray'd this Court to empower her to sell the whole real Estate of said deceased for payment of said debts and charges of Sale Ordered that the prayer of the Petitioner be granted and she in her s<sup>d</sup>. Capacity is hereby empowered the whole of said real Estate for the ends aforesaid she to post up notifications thirty days before Sale and to Account with the Judge of Probate as the Law directs

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Order on Emmons's pet<sup>o</sup>.

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Thomas Emmons of Boston in the County of Suffolk Blockmaker and Frances his wife Administratrix of the Estate of her former Husband David Gardner deceased by their Petition shew'd that the personal Estate of the deceased is insufficient to pay his debts by the Sum of £201.4.3. and therefore pray'd this Court to empower her to sell the said deceased's real Estate consisting of One half a dwelling house Yard &c at the north end of Boston for payment of his debts Ordered that the prayer of the Petitioners be granted and they qualified as aforesaid are hereby empowered to Sell the said real Estate for the ends aforesaid they to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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<<

Order on Read's Pet<sup>o</sup>.

>>

Mary Read Administratrix of the Estate of Samuel Duncan deceased with his will Annexed by her petition shew'd that the debts due from s<sup>d</sup>. deceased's Estate amount to £84.1.11. and his whole personal Estate amounts

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Image 297-Left

[237v]

amounts to no more than £52 that the deceased left the whole of his Estate to your petitioner during life with power to sell any part thereof if necessary for her comfortable support that the personal Estate consists

chiefly of necessary household stuff and she finds it necessary that part of the real Estate should be sold to pay the debts due as well as for her own support And therefore she pray'd this Court to impower her to make sale of a Barn and garden land near the mill pond [<sup>in Boston</sup>] (which can't be divided without great loss for payment of said debts and her support) Ordered that the prayer of the petitioner be granted and she is hereby impowered to sell s<sup>d</sup>. real Estate for the ends aforesaid, vizt. the said Barn and Garden, she to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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<<

Southcote's Indictm<sup>t</sup>.

>>

The Jurors for the Lord the King for this County upon their Oath presented that Richard Southcote and Robert Frake both now resident in Boston in said County Mariners and Francis Salmon of Boston aforesaid Yeoman did on the seventeenth day of August current in the night of the same day at Boston aforesaid with force and Arms break and enter the dwelling house of one David Gregory and did then and there with force and Arms assault one Philip Queen in the peace of God and the said Lord the King then and there being and him the said Phillip with clubs did beat wound and evil entreat so that his life was despaired of and with a handkercheif fastned about the neck of the said Phillip Attempted and threat'ned to strangle and kill him and other outrages and enormities then and there committed in evil example to others in the like kind offending and against the peace of the said Lord the King his Crown and Dignity. To this Indictment the said Richard Robert and Francis upon their Arraignment at the Bar severally pleaded not Guilty: a Jury was thereupon sworn to try the issue (M<sup>r</sup>. John Sweetzer foreman and fellows) who having fully heard the Evidence upon their Oath say that the said Richard Southcote is not Guilty, that the said Robert Frake is not Guilty and that the said Francis Salmon is not Guilty: It is therefore Considered by the Court that the said Richard Southcote Robert Frake and Francis Salmon

go without day.

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Dexter's Indictment.

>>

The Jurors for the Lord the King for this County did upon their Oath present that Jeremiah Dexter of Wallpole in said County Blacksmith minding the said Lord the King and his people to defraud and deceive did on the eighth day of June last at Boston aforesaid with force and Arms advisedly wickedly and corruptly forge and make of Pewter & other mixt metals five false and counterfeit peices of money like unto and resembling Spanish mill'd peices of eight the currency whereof then

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238.

[238r]

then was and ever since has been regulated by the Laws of this province with an intent to utter the same five false and counterfeit peices as true spanish mill'd peices of eight. And that the said Jeremiah did afterwards on the same day at Boston aforesaid with force and Arms falsely deceitfully and corruptly utter one of the said counterfeit peices to [^one^] William Atwood and another of the said counterfeit peices to one James Clemmons he the said Jeremiah well knowing the peices by him so uttered to be false and counterfeit when he uttered the same to the said William and James as aforesaid against the peace of the s<sup>d</sup>. Lord the King and the Law of this province in that case made and provided upon this Indictment the said Jeremiah was arraigned at the Bar, and upon his arraignment, to this Indictment pleaded not Guilty: a Jury was thereupon sworn to try the issue (M<sup>r</sup>. John Sweetzer foreman and fellows) who having fully heard the Evidence upon their Oath say that the said Jeremiah Dexter is guilty only of the uttering charg'd in the Indictment; The Court having Considered his offense

Order, that the said Jeremiah Dexter pay the Sum of twenty pounds as a fine to the King, that he be set in the pillory for the space of one hour, that he become bound by way of Recognizance in the sum of fifty pounds with two Sureties in the sum of twenty five pounds each for the said Jeremiah's keeping the peace and being of good behaviour towards all his Majesty's leige Subjects untill next term and that he pay costs of prosecution standing committed untill this sentence be performed.

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Order on Dogget's pet<sup>o</sup>.

>>

Ebenezer Dogget Administrator of the Estate of Ezekiel Peirce late of Stoughton deceased by his petition shew'd that the said deceased's Estate is insolvent and therefore pray'd this Court to empower him to sell the deceased's whole real Estate for payment of his debts so far as it will go Ordered that the prayer of this petitioner be granted and he is hereby empowered to sell the whole real Estate of the deceased for the ends aforesaid he to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Adjournment of the Court.

>>

Saturday August the 29<sup>th</sup>: (being the tenth day of the Term) the Court adjourned to the second tuesday of November next at ten o'Clock before noon.

Tuesday November 10<sup>th</sup>, the Court met according to Adjournm<sup>t</sup>:

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Order on Humphrey's Pet<sup>o</sup>.

>>

Upon reading the Petition of Susanna Humphrey as she is administratrix of the Estate of William Humphrey late of Hingham

deceased wherein the Pet<sup>r</sup> shew'd that the said deceased's estate is insolvent and therefore pray'd this Court to empower her to sell the deceaseds whole real Estate towards payment of his debts so far as the

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[238v]

the same will extend Ordered that the prayer of the petitioner be granted and she in said capacity is hereby empowered to sell the whole real Estate aforesaid she to post up notifications thirty days before sale & to Account with the Judge of probate as the Law directs.

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Order on Gay's Pet<sup>o</sup>.

>>

Upon reading the Petition of Hannah Gay as she is Executrix of the Testament of Benjamin Gay late of Dedham deceased [<sup>^</sup>wherein she shew'd<sup>^</sup>] that that part of the deceased's personal Estate which is left for the payment of his debts falls short of the amount thereof sixty seven pounds 12/2. That the real Estate they are empowered to sell was appraised at £38. only and therefore pray'd this Court to empower to sell £32 worth more of the real Estate which with the 38£'s worth abovemention'd the pet<sup>r</sup>. hop'd would be sufficient to discharge the debts and charges Ordered that the prayer of the Petitioner be granted and she is hereby for the purpose aforesaid empowered to sell thirty two pounds worth of said real Estate, she to post up notifications thirty days before sale and to Account with the Judge of probate as the law directs. Ordered also that the Executors be empowered.

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Order on Waldo's pet<sup>o</sup>.

>>

Upon reading the petition of Samuel Waldo and Francis Waldo both of the county of Cumberland Esq<sup>rs</sup>: Isaac Winslow of Roxbury &

Thomas Flucker of Boston and both of the County of Suffolk Administrrs<sup>r</sup>  
 on the Estate of Samuel Waldo late of Boston aforesaid Esq<sup>r</sup>. deceased  
 Intestate wherein the petit<sup>rs</sup>: Shew'd that the said Intestate's personal  
 Estate to the amount of £6000 lawfull money is insufficient to pay  
 his just debts and therefore pray'd this Court to empower them to  
 sell so much of the Intestates real Estate in the Countys of Suffolk,  
 Worcester, Middlesex, York, Cumberland, or Lincoln as should be  
 sufficient to discharge all the Intestates debts and to pay the charges  
 of such Sales Ordered that the prayer of the petitioners be granted &  
 they are hereby empowered to sell the real Estate of the said deceased  
 in such quantity & in such county's as aforesaid for the purposes they  
 to post up notifications thirty days before sale and to Account with the  
 Judge of Probate as the Law directs.

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Order on Price's pet<sup>o</sup>.

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The Petition of Mercy Price Executrix of the Testament  
 of Francis Price late of Dorchester for Sale of land, was allow'd

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petition is not}

on file}

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[239r]

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Mess<sup>rs</sup>. Quincy & Adams, sworn Attorneys

&gt;&gt;

Upon a motion made by Jeremy Gridley Esq<sup>r</sup>. the Oath of an  
 Attorney by the province Law prescribed was Administred to Mess<sup>rs</sup>:

Samuel Quincy and John Adams in Order to their practising in this Court.

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Saturday. Nov<sup>r</sup>. 14<sup>th</sup>. 1761. The Court entred up Judgment according to the verdicts and then adjourned to Wednesday next.

Thursday November. 19. the Court adjourned without day

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[239v]

Province of the} Anno Regni Regis Georgii tertii  
Massachusetts Bay} Magnæ Britanniae Franciæ et  
Worcester sc.} Hiberniæ primo.

At his Majesty's Superiour Court of Judicature Court of Assize and general goal delivery began and held at Worcester within and for the County of Worcester on the third tuesday of September (being the 15<sup>th</sup>: day of s<sup>d</sup>: Month Annoque Domini 1761.

By the Honourable Thomas Hutchinson Esq<sup>r</sup>. Cheif Justice  
Benjamin Lynde}  
John Cushing}  
Chambers Russell and} Esq<sup>rs</sup>: Justices  
Peter Oliver}

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<<

Marsh ~~vs~~ Narragansett pprs N<sup>o</sup>: 2.

>>

Elisha Marsh of a place called Narragansett N<sup>o</sup>: 2. in the County of Worcester Clerk and Gentleman Appellant ~~vs~~ The proprietors of said Narragansett N<sup>o</sup>: two Appellees from the Judgm<sup>t</sup>.



of an Inferiour Court of Common pleas held at Worcester in said County on the second tuesday of May AD 1759, when and where the Appellant was plant and the appellee was Deft in a plea of trespass on the case on the case (as in the writ on file tested the fifth day of December. AD ,1758, is at large set forth) at which said Inferior Court Judgment was rendred that the said Elisha recover against the said proprietors fifteen pounds eight shillings and four pence lawfull Money damage and costs, This Appeal was bro't forward at the Superiour Court of Judicature &c held at said Worcester in September 1759. when and where the parties appeared and agreed that the said Elisha shall in Court release all demands against said proprietors as their minister that have accrued from the time of bringing this Action or that may here after accrue and its referrd' to Mess<sup>rs</sup>. Edson Lee and Curvin Esq<sup>rs</sup>. to determine whether any thing and how much shall be paid said Elisha by said proprietors in consideration of said release and said Elisha's demand to the time of bringing this Action is likewise submitted to their determination, and from that Court said appeal was continued to the then next term of said Court for said County and from that term to this Court under said Rule And now the parties appeared and said referrees made their Report in writing (as on file) which was accepted and pursuant thereto It is Considered by the Court that the said Elisha Marsh recover against the said proprietors the sum of Sixty pounds lawfull money of this Province damage and Costs taxed at £23.15.11½.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Boxford 1<sup>st</sup>: Parish ~~vs~~ Rogers.

&gt;&gt;

The Inhabitants of the first Parish in town of Boxford in the County

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Image 299-Right

240.

[240r]

County of Essex Appellants *vs* John Rogers Clerk and Nathaniel Rogers Gentleman both of Leominster in the County of Worcester Executors of the last will and Testament of Susanna Rogers late of Leominster aforesaid Widow dec'd duly moved and approved which same Susanna was sole Executrix of the Testament of John Rogers late of Leominster aforesaid Clerk deceased aplee's from the Judgment of an Inferiour Court of Common pleas held at Worcester aforesaid on the third tuesday of August 1759.

This Action is agreed, see agreement on file. as is also another Action depending between the same parties at this Court.

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Eaton v Wilder

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Pearson Eaton of Lunenburg in the County of Worcester Cordwainer appellant *vs* Joseph Wilder of Lancaster in said County Esq<sup>r</sup>. Administrator of all and Singular the goods and chattels rights and credits of William Symonds late of said Lunenburg Cooper dec'd Appellee from the Judgment of an Inferiour Court of Common pleas held at said Worcester in said County on the second tuesday of May 1759, when and where the Appellee was plant and the apla'nt was deft In a plea of Trespass on the case (as in the writ on file tested the 18<sup>th</sup>. of January 1759, is at large sett forth) At which said Inferiour Court Judgment was rendred that the said Joseph recover against said Pearson four pounds lawfull money damage and costs: This Appeal was bro't forward at the Superiour Court of Judicature &c held at Worcester aforesaid in September 1759: when the parties agreed to refer this Appeal to certain referrees, and then said appeal was continued under s<sup>d</sup>. rule to the then next term of said Court for said County

and from that term to this Court and now the parties appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for Appellee four pounds money damage and costs It is therefore Considered by the Court that the said Joseph Wilder adm<sup>r</sup> as aforesaid recover against the said Pearson Eaton the Sum of four pounds lawfull money of this province damage and costs tax't at £10.13.9.

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Ex'c'on issued

9<sup>th</sup>. Dec<sup>r</sup>. 1761.

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Farnsworth v Adams.

>>

Silas Farnsworth of Harvard in the County of Worcester Husband-man Appellant ~~vs~~ Anna Adams Widow and late wife of Eliphalet Adams of Westborough in said County Yeoman and Administratrix on the Estate of said Eliphalet Appellee from the Judgment of an Inferiour Court of Common pleas held at Worcester in said County in the second tuesday of May 1759, when and where the Appellee's Intestate then living was plt and the appellant was Deft In a plea of the case (as in the writ on file tested the 14<sup>th</sup>. of february 1759 is at large sett forth) At which said Inferiour Court Judgment was rendred that the said Eliphalet recover against

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[240v]

against the said Silas Farnsworth two pounds three shillings and eight pence lawfull money damage and costs: This Appeal was bro't forward at the Superiour Court of Judicature &c held at Worcester in September 1759, and from thence was continued to the term of said Court held at Worcester in September 1760, when and where (the said Eliphalet

being dead) the said Anna at her request was admitted to pursue this Action in her said capacity, and from that term said Appeal was continued to this Court and now the parties appeared and the Appellant confessed Judgment for twenty one shillings and four pence and costs and the parties submitted the matter of costs to the Court It is Considered by the Court that the said Anna Adams Administratrix as afores<sup>d</sup>. Recover against the said Silas Farnsworth the sum of twenty one shillings & four pence lawfull money of said province damage and costs of Court since the appeal.

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Willis v Emerson

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Eliakim Willis of Malden in the County of Middlesex Clerk and Minister of the second gathered Church in said Malden plaintiff ~~vs~~ Joseph Emerson of said Malden Clerk Minister of the first gathered Church in s<sup>d</sup>. Malden Defendant in a plea of Review of a plea of Ejectment commenced at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second tuesday of May AD 1759 by the plaintiff against Jonas Ward named Deft in the Original writ but prosecuted at an Inferiour Court of Common pleas held at said Worcester for said County of Worcester on the third tuesday of August last by the plant against the said Joseph who was vouch'd in and Admitted to defend in said Action instead of Thomas Stearns and Duncan Campbell Vouchees of the said Jonas Ward) In the words following vizt. In a plea of Ejectment for that the said Eliakim on the twenty first day of April current was seised in fee of a moiety of a tract of land in Shrewsbury aforesaid containing a hundred and twenty acres bounded as follows vizt. beginning at a stake and heap of stones on the westerly line or bounds of the Farm of which the land here described is a part said heap of stones and stake to be placed in the aforesaid line or bounds where the the said Ward shall choose and from thence to extend by a line a perpendicular to the aforesaid west line of said farm one hundred and sixty perch to another stake and stones about it and from thence northerly to extend by a line,

parrallel to the first mentioned westerly line of said farm 120 perch to a stake and stones and from thence extends westerly by a line parrallel to the line first mentioned of the land here described 160 perch to the west line aforementioned and from thence by or on said line to the bounds first mentioned and of the appurtenances thereof as Minister of said Church and in right thereof ought still to hold the same yet the said Jonas has since entered thereinto and disseised the plant thereof

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241.

[241r]

thereof and still holds him out of the same to the damage of the said Eliakim Willis as he saith the Sum of a thousand pounds, at which said Inferiour Court last mention'd Judgment was rendred that the said Eliakim Willis should recover against the said Joseph Emerson possession of the prem'es demanded with their appurtenances and costs of Suit from which Judgment the said Joseph Emerson appealed to the Superiour Court of Judicature &c held at Worcester in and for said County of Worcester on the third tuesday of September AD 1759 and from the same Court said appeal was continued and transferred for Judgment (by consent of the parties) unto the Superiour Court of Judicature &c held at Cambridge in and for the county of Middlesex on the first tuesday of August instant when and where Judgment was rendred that the former Judgment be reversed and that the said Joseph Emerson recover against the said Eliakim Willis costs which same Judgment the said Eliakim Willis says is wrong and erroneous and that he is thereby damnified the Sum of a thousand pounds as should then and there be made to appear wherefore for reversing the last mention'd Judgment and recovering back from the said Joseph Emerson the said costs and for recovering Judgment against the said Joseph Emerson for possession of the premisses demanded in the Original writ [<sup>^</sup>with their appur'ces<sup>^</sup>] and costs of Courts he the said Eliakim brings this Suit: This Review was bro't forward at the last term and from thence was continued to this

Court and now the parties appeared and the said Joseph Emerson by Edm<sup>d</sup>. Trowbridge Esq<sup>r</sup>. his Attorney says that the aforesaid Judgment of this Court is in nothing erroneous and thereof &c upon which plea issue was join'd and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon oath that is to say they find specially (as on file) and after a full hearing of the parties by their Council on said special verdict It is Considered by the Court that the said Joseph Emerson recover against the said Eliakim Willis costs.

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Worcester ppts v Gates.

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The proprietors of the Common and undivided Lands in the Town of Worcester in the County of Worcester Appellants ~~vs~~ Jonathan Gates of said Worcester Husbandman Appellee from the Judgment of an Inferiour Court of common pleas held at said Worcester for said County on the third tuesday of August 1760, when and where the said Jonathan was plt ag<sup>st</sup>. the said proprietors (who were there vouch'd in to defend said Suit in- stedd of Johsua Biglow the original Deft, and admitted so to do) In a plea of Ejectment wherein he demands against the said Joshua a certain peice of upland containing about four acres scituate in Worcester afores<sup>d</sup>. being a part of Eneas Salter's third division lott so called and is butted and bounded as follows vizt: easterly on Quinsagamond pond there measuring

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[241v]

measuring ten rods northerly on the plt's land there measuring about one hundred and twenty rods to a heap of stones called                   's corner then southerly about 34 rods by a line east 90° south by land in possession of the Defendant reputed to belong to the sons of Jonathan Gates deceased

thence still southerly by the Defendants land called Kellog's lott about 47 rods to a heap of stones by the root or stump of a white oak tree thence still southerly by land in possession of the defts called common land there measuring about 42 rods to the pond aforesaid with the appurtenances thereto belonging for that one Jonathan Gates deceased on the 5<sup>th</sup>: day of december anno Domini 1746 being seised of the demanded premisses in his demesne as of fee by his deed of that date in court to be produced duely acknowledged and recorded sold and conveyed the same to the plt for a valuable consideration therein expressed by force whereof the plt became seised of the demanded premises in fee yet the deft hath since illegally and without Judgment entred into the same disseised the plant thereof and tho' requested to deliver the plant possession thereof refuses so to do but unjustly holds him out of the same To the damage of the said Jonathan as he says fifty pounds at which said Inferiour Court Judgment was rendred that the said Jonathan recover against the said proprietors possession of the premisses demanded and costs: This appeal was bro't forward at the last term of this Court for this County and from thence was continued to this Court and now the parties appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the appellee possession of the premisses sued for and costs It is therefore Considered by the Court that the said Jon<sup>a</sup>. Gates recover against the said proprietors possession of the premisses sued for and costs taxed at £12.2.6.

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Fac<sup>s</sup>. hab iss<sup>d</sup>:21 Oct<sup>r</sup>. 1761.

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Ballard v M<sup>ci</sup>ntier

&gt;&gt;

Jonathan Ballard of Charleton district in the County of Worcester  
Gentleman plaintiff ~~vs~~ Thomas M<sup>ci</sup>ntier jun<sup>r</sup>. of said Charleton district  
Yeoman Deft In a plea of Review of a plea of Tresspass &c (as in the

writ of Review tested the 29<sup>th</sup>. day of April 1760 and in file is at large sett forth) This Review was bro't forward at the last term of this Court for this County when & where the parties appeared and referred this Cause to mMess<sup>r</sup>. Paine Foskitt and wheelock and then said cause was continued to this Court no report being made and now the parties appeared and said Referrees made report in writing as on file which was accepted and pursuant thereto It is Considered by the Court that the said former Judgment be reverse'd in part vizt. for the Sum of forty shillings and that the said Thomas recover against the said Jonathan cost of this Suit and cost of reference taxed at £7.3.11.

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Ex'c'on issued for the costs

feb. 6, 1762.

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Putnam v Putnam

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Miles Putnam Appellant v Edward Putnam Appellee

This Action is agreed, see Referrees Report on file.

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[242r]

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M<sup>c</sup>Clure v Stevens.

&gt;&gt;

John M<sup>c</sup>Clure of Brookfeild in the County of Worcester Yeoman Administrator of all and Singular the goods and chattels rights and credits of or that were belonging to Isaiah Stevens late of new Braintree district in the same County potter deseased Intestate that are yet unadministered Appellant vs Hannah Stevens of said Brookfeild Widow Ad-



ministratrix on the Estate of Roger Stevens late of said Brookfeild Yeoman deceased Intestate Appellee from the Judgment of an Inferiour Court of Common pleas held at Worcester in and for s<sup>d</sup>. County on the third tuesday of August last when and where the Appellant was plant and the Appellee was Defend<sup>t</sup>. In a plea of Trespass on the case for that whereas the said Isaiah in his life time viz. on the tenth day of August AD 1758 at Brookfeild aforesaid at the special instance and request of the said Roger being then alive had laboured with and for the said Roger at his husbandry business in helping him build a house there sixty weeks between the last day of September AD 1756, and the said tenth day of August 1758 the said Roger then and there in consideration thereof promised the said Isaiah to pay him so much money as his labour and service aforesaid was reasonably worth and so much as he deserved to have for the same on demand now the said John M<sup>c</sup>Cluer in fact saith that the said Isaiah's SWervice and labour afores<sup>d</sup>: was well worth and that he ought and deserved therefor the Sum of thirty pounds awfull Money whereof the said Isaiah there afterwards on the same tenth day of August AD 1758, gave the said Roger notice and then and there requested him to pay the same and he there upon became chargeable and promised the said Isaiah to pay him the same accordingly on demand yet the said Roger tho' often requested never paid the same to the said Isaiah while they lived nor has the said Hannah ever paid the same sum nor any part thereof to the said John M<sup>c</sup>.Clure or any other or former Administrator tho' often requested to do it since the said Roger's decease but she still unjustly neglects and refuses to pay the same to the damage of the said John M<sup>c</sup>.Clure Adm<sup>r</sup>. as he saith the Sum of thirty pounds at which said Inferiour Court Judgment was rendred that the said Hannah Stevens adm<sup>t</sup>. as aforesaid recover against the Estate of the said Isaiah in the hands of the said John Adm<sup>r</sup>. &c costs of Suit: Both parties now Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment ~~and~~ twelve pounds lawfull money damage and costs It is therefore Considered by the Court that the [^former Judgment be reversed &^] said John M<sup>c</sup>.Clure Administrator as aforesaid Recover against the Estate of the said Roger in the hands of the s<sup>d</sup>.

Hannah the sum of twelve pounds lawfull money of this province  
damage and costs taxed at £9.13.5.

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Ex'c'on iss<sup>d</sup>:

28 Oct<sup>r</sup>. 1761.

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Carter v Prentice

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Benjamin Carter of Sutton in the County of Worcester Yeoman Appell<sup>t</sup>.

vs

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[242v]

vs Solomon Prentice of Grafton in said County Gentlem<sup>n</sup>. Appellee from  
the Judgment of an Inferiour Court of common pleas held at  
Worcester in the County afores<sup>d</sup>. on the second tuesday of May last when &  
where the Appellee was plant and the ap'lant was deft In a plea of  
trespass on the case for that whereas the said Benjamin on the first  
day of November AD 1757, receiv'd of the said Solomon by the hand of  
David Batchellor of a place called Watertown River sixteen hundred  
pound weight of pigg Iron to cart from said Watertown River and  
safely deliver the same at the Iron works of John Hazeltine Esq<sup>r</sup>. in  
Sutton aforesaid without delay and the said Benjamin at said Sutton  
on the same day undertook and promised to cart and deliver the same  
as aforesaid for the said Solomon for a certain price then and there agreed  
to be paid the said Benjamin for the same carting and delivery  
yet the said Benjamin tho' he received the sixteen hundred pounds  
of Iron aforesaid did not deliver at the said John Hazeltine Esq<sup>rs</sup>'s  
Iron works in Sutton aforesaid but nine hundred one quarter of  
an hundred and five pounds of the Iron afores<sup>d</sup>: and the remainder  
being six hundred and an half and thirty five pounds of the value

of nine shillings an hundred as the said Solomon avers the said Benjamin Carter hath not delivered nor rendred any Account thereof tho' often requested but hath carelessly lost the same and refuses to make any allowance or satisfaction therefore To the damage of the s<sup>d</sup>. Solomon as he saith nine pounds, at which said Inferiour Court Judgment was rendred that the said Solomon shall recover against the s<sup>d</sup>. Benjamin Two pounds fifteen shillings lawfull Money damage and costs Both parties appeared and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee two pounds fifteen shillings [-] money damage and costs It is therefore considered by the Court that the said Solomon Prentice recover against the said Benjamin Carter the sum of two pounds fifteen shillings [ ] lawfull money of this province damage and costs tax't at £7.8.11.

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Ex'c'on iss<sup>d</sup>:28<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Putney v Wiley

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Joseph Putney of Dudley in the County of Worcester Husbandman Appellant ~~vs~~ John Wiley of said Dudley Husbandman appellee from the Judgment of an Inferiour Court of common pleas held at Worcester in said County on the second tuesday of May last when and where the Ap'lee was plt and the appellant was deft in a plea of the case (as in the writ on file tested the 20<sup>th</sup>. day of October last is a large sett forth) At which said Inferiour Court Judgment was rendred that the said John recover against the said Joseph seven pounds ten shillings and eight pence lawfull Money damage and costs: The parties appeared and referr'd this Appeal and another Action depending between them at this Court to Mess<sup>r</sup>. Willard Taylor and Baldwin, and afterwards said Referrees made Report in writing

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Image 303-Right

243.

[243r]

writing which was accepted And pursuant thereto It is Considered by the Court that the said John Wiley recover against the said Joseph Putney the Sum of five pounds eleven shillings and four pence lawfull money of this province in full of all demands.

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Mitchel v How.

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Isaac Mitchel appellant v Joshua How appellee

This Action is agreed

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Hair ads. Dom<sup>i</sup>. Regis.

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John Hair of Brookfeild in the County of Worcester Labourer Apl<sup>t</sup>, at the Suit of the King, from the Judgment of a Court of general Sessions of the Peace held at Worcester in and for said County on the first tuesday of November last when and where the said John Hair being presented by the grand Inquest for the Body of the said County for that he did on the 8<sup>th</sup>. day of November last at Brookfeild aforesaid with force and Arms brake the pound in Brookfeild aforesaid made there and maintained at the cost and charge of that Town for the impounding and restraining swine cattle or Sheep liable to be impounded & restrained and thereby delivered two horses out of the pound aforesaid that were duely impounded and restrained there against the King's peace and the Law of this Province in that case made and provided, at which said Court Judgment was rendred that the said John Hair pay a fine of five pounds for and towards the Support of the poor of the town of Brookfeild that he pay costs and stand committed untill that Sentence should be performed: The said John Hair now ap-

peared and the case after a full hearing was committed to a Jury sworn to try the issue who having heard the Evidence on their Oath say that the said John Hair is Guilty The Court having considered his Offence Order that he pay the Sum of five pounds to the use of the poor of the town of Brookfeild and that he pay costs of prosecution standing committed untill this Sentence be performed.

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Fellows v Kimball

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Isaac Fellows of Ashford in the County of Windham and Colony of Connecticut Trader Appellant vs Joseph Kimball of Haverhill in the County of Essex an Infant Appellee from the Judgment of an Inferiour Court of Common pleas held at Worcester in the County of Worcester on the third tuesday of August last when and where the Appellant was plt and the Appellee was Deft In a plea of trespass upon the case for that the said Joseph in consideration that the plant had at a place called Schenectady in Worcester aforesaid at sundry times between the thirteenth of July and the fourth of October AD 1760, at the said Joseph's request found and supply'd the said Joseph with sundry articles of Clothing and Victuals all necessarys and fitting to the said Joseph's degree amounting in the whole at reasonable prices to the sum of five pounds six shillings and nine pence the said Joseph in consideration thereof at Worcester aforesaid on

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Image 304-Left

[243v]

on the fourth of October AD 1760 promised The said Isaac to pay him the same sum on demand yet the said Joseph tho' requested hath never paid the said Sum but refuses to do it At which said Inferiour Court Judgment was rendred that the said Joseph Kimball recover against the said Isaac Fellows cost of Suit. Both parties now Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the

same who returned their verdict therein upon Oath that is to say they find for the appellee costs It is therefore Considered by the Court that the said Joseph Kimball recover against said Isaac Fellows costs taxed at £.

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Leominster Inhab<sup>ts</sup> v Rogers

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The Inhabitants of the Town of Leominster in the County of Worcester plaintiffs ~~vs~~ John Rogers of said Leominster Clerk Deft In a plea of Review of a plea of trespass on the case commenced and prosecuted at an Inferiour Court of Common pleas held at Worcester in the County of Worcester on the third tuesday of August AD 1759 by the said John Rogers against the said Inhabitants in the words following viz<sup>t</sup>. In a plea of trespass on the case for that the rateable Inhabitants of said Leominster having invited and called the said plaintiff to be their settled and Ordained Minister and Pastor there being then no church gathered in the same town on the twenty second day of March AD 1742 Old stile said Inhabitants in Town meeting in the same town duely called and Assembled voted granted and promised the plant whom they had duely invited as aforesaid for his Sallary for the first year after his settlement if he should settle with them as aforesaid forty five pounds lawfull money, for the second year forty seven pounds ten shillings like money and for the third year fifty pounds like money and when there shou'd be sixty families in the same town fifty five pounds lawfull money annually while he should be and remain their minister and the said Inhabitants afterwards there in town meeting duely and lawfully called and assembled on the twenty third day of May AD 1743 Old stile further Voted and granted that provided the plant would settle with them in the ministry as aforesaid that he should be paid the Sallary aforesaid to be considered as lawfull money or money at the rate of Silver at six shillings and eight pence thereof per ounce and that there should be two payments thereof annually namely

the one half of the Sallary should be paid at the end of the first six months and the other half at the end of the year and thereupon the plt relying on the votes grants and promises aforesaid accepted said call and invitation and agreed to settle with them as aforesaid and accordingly on the fourteenth day of September AD 1743 Old Stile at Leominster aforesaid the plant was duely and regularly ordain'd

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[244r]

ordained their minister and pastor and has ever since continued so to be and in the exercise of his Ministerial and pastoral Functions and the plant further says that on the fourteenth day of September AD 1749 Old stile the number of families in the same town amounted to sixty families and have ever since continued to be of the same or greater number so by force of the premisses the said Inhabitants become Obliged to pay the plant from thenceforth The Sallary of fifty five pounds lawfull money of this province at two equal payments viz: One half thereof at the end of six months from the commencement of every year and the other half at The expiration of every year so long as he should continue to be their settled minister aforesaid and accordingly the said Inhabitants then and there promised to pay him the same Now the plant says that on the twenty fifth day of March last eighty two pounds ten shillings lawfull Money being three half years Sallary or one year and a half Year's Sallary as aforesaid became arrear yet they have not paid the same tho' requested but neglect'd to the damage of the said John as he saith the sum of One hundred pounds at which same Inferiour Court Judgment was rendred that the said Inhabitants of Leominster should recover against the said John Rogers costs of suit from which Judgment the said John Appealed to the Superiour Court of Judicature Court of Assize and general goal delivery held at Worcester within and for

The County of Worcester on the Third tuesday of September AD 1759, from which Court the Sd: Appeal was continued to The Superiour Court of Judicature Court of Assize and general goal delivery held at Worcester for the said county of Worcester on the third tuesday of September AD 1760 when and where Judgment was rendred that the former Judgment be reversed and that the said John Rogers recover against the Inhabitants of the said Town of Leominster the sum of eighty two pounds ten shillings lawfull Money of this province damage and costs which [+] Judgment last mention'd the Inhabitants of the Town of Leominster say is wrong and erroneous & that they are thereby damnified the Sum of ninety pounds as shall then and there be made to appear wherefore for reversing the Judgm<sup>t</sup>: last mention'd and for recovering back from the said John the said Sum of eighty two pounds ten shillings and the same costs and for recovering Judgment against the said John Rogers for cost of Courts, they the said Inhabitants of Leominster aforesaid bring this Suit: The parties appeared and entered into a rule of Court in manner following That each party shall bear their own cost and the said John Rogers in Court fully releases to the said Town of Leominster the Judgment reviewed the bond of review and all

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[244v]

all demands on them as their minister And the said Inhabitants agree that those who adhere to the said Rogers shall as far as lies in the said town be incorporated into a separate precinct and that those who shall on or before the last day of October next send their names to the Clerk's office of this Court and desire to be incorporated into a separate precinct shall they and their Estates be the precinct and that the Other Inhabitants shall [^on request^] by vote join in the said petition [-] that they may be so incorporated [^and also agree that if the s<sup>d</sup>. Adherents of the s<sup>d</sup>. Rogers shall be so incorporated^] the precinct that remain shall within one year after they are so incorporated pay to the said



new made precinct the sum of forty five pounds lawfull money  
 and the further sum of forty five pounds lawfull money more  
 [^within two years after they are so incorporated^] with the Interest Thereof after the expiration  
 of the first year.

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Moor et al v Biglow

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Eliphalet Moor of a place called Pequoige in the County  
 of Worcester Weaver Asahel Moor of Southborough in the  
 County of Worcester Husbandman Judah Moor of Mansfeild  
 in the County of Windham and Colony of Connecticutt Husband-  
 man and Mary Moor Elizabeth Moor and Hannah Moor all  
 of said Southborough and minors under the age of twenty one  
 years who sue by Jonathan Clemens of Southborough aforesaid  
 Yeoman and Hannah his Wife their Guardians and next  
 Friends plaintiffs v Joshua Biglow of Worcester in the County  
 of Worcester Yeoman Deft In a plea of Review [-] of a  
 plea of Ejectment commenced and prosecuted at and Inferiour Court  
 of Common pleas held at Worcester in and for said county of Worcester  
 on the third tuesday of August AD 1759 by the plts (in this action)  
 against the said Joshua Biglow in the words following vizt.  
 In a plea of Ejectment wherein they demand against the said Joshua  
 Biglow the possession of a certain tract of land lying in Worcester  
 aforesaid containing about fourteen acres with its appurtenances  
 bounded easterly on land known by the name of Binney's swamp westerly  
 on Francis Harrington's land southerly on the said Bigelows land northerly  
 partly on Thomas Stearns land and partly on Jonathan Gates's land  
 for that one Jonathan Moor late of Worcester aforesaid deceased in his  
 life time in a time of peace in the fifteenth year of the King's Reign  
 was seised of the demanded premisses and appurtenances in his demesne  
 as of fee and afterwards in the same year died so seised Intestate  
 leaving the plts Eliphalet Asahel and Judah together with mary  
 Moor and Francis Moor the Father of the Minors the other plaintiffs  
 aforesaid his only children and heirs and thereupon the same

descended to them and afterwards the said Mary died Intestate and without issue leaving the Other children of his said Father aforenamed her Brother and heirs to them thereupon her share and purparty

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Image 305-Right

245.

[245r]

purparty of said premisses descended and afterwards the said Francis the son of the said Jonathan Moor and Father to the minors plaintiffs as aforesaid died Intestate leaving the said Minors plts as aforesaid his only children and heirs and to them thereupon his purparty and share of the premisses aforesaid descended and thereupon the now plants became seised of the whole of the demanded premisses as the Law requires and ought still to be in the actual possession thereof yet the said Joshua Biglow unjustly and without Judgment hath since entered thereon and within three years last past ejected the plaintiffs disseised them thereof and still unjustly with holds the same from them To the damage of the said plts as they say the sum of One hundred pounds at which said Inferiour Court Judgment was rendred that the said Eliphalet Moor Asahel Moor, Judah Moor Mary Moor Elizabeth Moor and Hannah Moor shall recover against the said Joshua Biglow the possession of the lands and premisses demanded with their apurtenances and cost of Suit: from which Judgment the said Joshua Biglow appealed to the Superiour Court of Judicature Court of assize and general goal delivery held at Worcester within and for the County of Worcester on the third tuesday of September AD 1759 when and where Judgment was rendred that the former Judgment be reversed and that the said Joshua Biglow recover against the said Eliphalet Moor, Asahel Moor Judah Moor Mary Moor Elizabeth Moor and Hannah Moor costs taxed at seven pounds six shillings and three pence which same Judgment the plts (in the Review) say is wrong and erroneous and that they are thereby damnified the Sum of One hundred

and ten pound as shall then and there be made to appear wherefore for reversing the Judgment last mentioned and recovering back from the said Joshua the same costs and for recovering Judgment against him the said Joshua for possession of the premisses (as demanded in the Original writ and costs of Courts they the plants bring this Suit: The plts appeared and the said Joshua by Jer. Gridley Esq<sup>r</sup>. his attorney came and defended and so forth and said that the Judgment reviewed is in nothing erroneous, upon which plea issue was joined and the case after a full hearing was committed to a Jury sworn according to Law to try the same who (having view'd the premisses) returned [<sup>^</sup>their verdict<sup>^</sup>] therein upon Oath that is to say they find for the plaintiffs reversion of the former Judgment restitution of the costs recovered thereby being eight pounds five shillings and ten pence and possession of the land and premisses demanded and costs It is therefore Considered by the Court that the former Judgment be reversed and that the costs recovered thereby be restored and that the said Eliphalet Moor asahel Moor Judah Moor Mary Moor Elizabeth Moor and Hannah Moor recover against the said Joshua Biglow possession of the Land and premisses demanded and costs taxed at £28.1.1. including said £8.5.10.

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Fac<sup>s</sup>. hab. issued21. Oct<sup>r</sup>. 1761.

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[245v]

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Thayer v white

&gt;&gt;

Rachel Thayer Administratrix of the Estate of Samuel

Thayer late of Mendon in the County of Worcester Yeoman dec'd

Intestate Compl<sup>t</sup> vs William White of said Mendon Husband-

man, The Complt shew'd that at an Inferiour Court of Common pleas held at Worcester in November last the said Samuel in his life time recovered Judgment against the said William for £11.1.3 damage and costs from which Judgment he appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Complt (the s<sup>d</sup>. Samuel being dead) prays affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Rachel Administratrix as aforesaid recover against the said William the Sum of eleven pounds ten shill<sup>s</sup>. & seven pence Lawfull Money of this province damage and costs taxed at £3.8.2.

N:B: William Thayer who was Bail for said white now deliver him up in Court and prays he may be discharged of his Bond, and he is discharged, and thereupon the said White is committed to the Custody of the Sheriff.

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Newton v Nurss.

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Marshall Newton of Shrewsbury in the County of Worcester Gentleman Complt ~~vs~~ Timothy Nurss of Rutland District in the same County Innholder the Complt shew'd that at an Inferiour Court of common pleas held at Worcester in May last he recover'd Judgment against the said Nurss for £4.13.4 damage and cost from which Judgment said Nurss Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional costs Its Considered by the Court that said Newton recover against said Nurss the sum of four pounds thirteen shill<sup>s</sup>. and four pence lawfull Money of this Province damage and costs taxed at £3.3.1.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Hall v Powers

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Jonathan Hall of Grafton in the County of Worcester Yeoman Complt  
 vs Josiah Powers of Littleton in the County of Middlesex Gent<sup>n</sup>. Executor of  
 the Testament of David Powers late of said Littleton Husbandman dec<sup>d</sup>  
 The Complt shew'd that at an Inf<sup>r</sup>. Court of Co'mon pleas held at Worcester in  
 May last he recovered Judgment against the said David's Estate in the  
 hands of said Josiah for the Sum of £18.5.4 damage and costs from w<sup>ch</sup>:  
 Judgment said Josiah appealed to this Court and recogniz'd to prosecute  
 the same but failed so to do wherefore the Complt pray'd affirmation of  
 said Judgment with Additional Interest and cost Its Considered  
 by the Court that the said Jonathan recover against the said David's  
 Estate in the hands of the said Josiah Exec<sup>r</sup> or as aforesaid the sum of  
 eighteen pounds ten shillings and eight pence lawfull money  
 of

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[246r]

of this province damage and costs taxed at £8.11.10.

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Ex<sup>c</sup>'on issued6<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Johnson v Nurse.

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Joseph Johnson of Charlestown in the County of Middlesex Cooper  
 Complt v Timothy Nurse of Rutland District in the County of Worcester

Innholder the Complt shew'd that at an Inferior Court of Common pleas held at Worcester in May last he recovered Judgment against said Nurse for £3.10.3 damage and costs from which Judgment said Nurse Appealed to this Court and recogniz'd to prosecute said Appeal but failed wherefore the Complt pray'd affirmation of said Judgment with additional Cost Its Considered by the Court that the said Joseph recover against the said Timothy the Sum of three pounds ten shillings and three pence lawfull money of this province damage and costs taxed at £4.4.6.

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Ex'c'on issued

6<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Willard v Bancroft

&gt;&gt;

Levi Willard of Lunenburg in the County of wGentn

Complt vs Timothy Bancroft of said Lunenburg Yeoman the Complt shew'd that at an Inferiour Court of common pleas held at Worcester in November last he recovered Judgment against the said Timothy for £5.12.2 damage and cost from which Judgment the said Timothy Appealed to this Court and recognized to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Levi recover against the said Timothy the sum of five pounds six shill<sup>s</sup>.& three pence lawfull Money of this province damage and Costs taxed at £3.9.0.

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Ex'c'on issued

7<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Easterbrooks v Grout.

>>

Aaron Easterbrooks of pepperrell district in the County of Middlesex Husbandman Compl't vs John Grout of Lunenburg in The County of Worcester Yeoman The Compl't shew'd that at an Infer<sup>r</sup>. Court of common pleas held at Worcester in May last he recovered Judgment against the said John for £4.18.0 damage and costs from which Judgment said John Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Compl't pray'd affirmation of said Judgment with AQdditional cost Its Considered by the Court that the said Aaron recover against the said John the sum of four pounds eighteen shillings lawfull Money of this province damage and costs taxed at £3.3.8.

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Ex'c'on issued

11<sup>th</sup>. Dec<sup>r</sup>. 1761.

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Littlejohns v Brown.

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Tilly Littlejohns of the District ofpPrincetown in the County of Worcester Yeoman Compl't v Samuel Brown of Rutland in the County of Worcester Yeoman the Compl't shew'd that at an Inferior Court of com'on pleas held at Worcester in said County in August last he recovered Judgment against the said Samuel for £6.17.6 damage and cost from which Judgment said Samuel Appealed to this Court and recogniz'd to prosecute said Appeal but failed

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[246v]

failed so to wherefore the Compl't pray'd Affirmation of s<sup>d</sup>. Judgment

with Additional interest and cost Its Considered by the Court that the said Tilly recover against the said Samuel the sum of Six pounds eighteen shillings and two pence lawfull Money of this province damage and cost taxed at £3.14.6

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Ex'c'on iss<sup>d</sup>.1<sup>st</sup>. Oct<sup>r</sup>. 1761.

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Litch v Hunt

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John Litch of Lunenburg in the county of Worcester Gentleman  
Complt ~~vs~~ Samuel Hunt of said Lunenburg Gentleman The Complt  
shew'd that at an Inferiour Court of Common pleas held at Worcester in  
said County in November last he recovered Judgment against the s<sup>d</sup>.  
Samuel for £8.17.0 damage and costs from which Judgment said  
Samuel Appealed to this Court and recogniz'd to prosecute said Appeal  
but failed so to do wherefore the Complt pray'd Affirmation of said  
Judgment with Additional Interest and cost It's Considered by the  
Court that the said John recover against the said Samuel the  
Sum of nine pounds five shill<sup>s</sup>. and three pence lawfull money of  
this province damage and costs taxed at £3.14.6.

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Ex'c'on issued

9<sup>th</sup>. Dec<sup>r</sup>. 1761.

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Gilson v Parker.

&gt;&gt;

Sarah Gilson of Lunenburg in the county of Worcester widow &  
Administratrix of all and singular the goods and chattels rights  
and credits of Jonas Gilson late of said Lunenburg Yeoman deceased



Complt ~~vs~~ Timothy Parker of Lunenburg aforesaid Housewright the  
Complt shew'd that at an Inferiour Court of common pleas held  
at Worcester in said County in May last she recovered Judgment  
against the said Timothy for £4.6.8 damage and cost from which  
Judgment he appealed to this Court and recogniz'd to prosecute said  
Appeal but failed so to do wherefore the Complt pray'd affirmation of  
said Judgment with Additional Interest and cost Its Considered  
by the Court that the said Sarah Adm<sup>x</sup>. as aforesaid recover against  
the said Timothy the Sum of four pounds eight shillings lawfull  
Money of this province damage and costs taxed at £3.19.0

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Ex'c'on iss<sup>d</sup>:1<sup>st</sup>. Oct<sup>r</sup>. 1761.

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Farnum v Legg

&gt;&gt;

Joshua Farnum of Uxbridge in the County of Worcester Hus-  
bandman Complt ~~vs~~ John Legg jun<sup>r</sup>. of Mendon in said County  
Husbandman The Complt shew'd that at an Inferiour Court of  
common pleas held at Worcester in said County in May last he recovered  
Judgment against the said John for £6.6.0 damage and costs  
from which Judgment said John appealed to this Court and recog-  
niz'd to prosecute the same but failed so to do wherefore the Complt  
pray'd affirmation of said Judgment with Additional costs Its Con-  
sidered by the Court that the said Joshua recover against the said  
John the sum of six pounds eight shill<sup>s</sup>. and eight pence lawfull  
Money of this province damage and costs taxed at £3.7.6.

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Ex'c'on issued

7<sup>th</sup>. Oct<sup>r</sup>. 1761

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Dunsmoor vs Harrington

&gt;&gt;

Oliver Dunsmoor living upon a gore of land lying between  
the Township of Brookfeild and Hardwicke in the County of Worcester  
Taylor

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[247r]

Taylor Complt ~~vs~~ Joshua Harrington of Brookfeild in said County  
Husbandman The Complt shew'd that an Inferiour Court of co'mon  
pleas held at Worcester in said County in May last he recovered Judg-  
ment against the said Joshua for £10.9/ damage and cost from which  
Judgment said Joshua appealed to this Court and recogniz'd to prosecute  
said Appeal but failed so to do wherefore the Complt pray'd Affirmation  
of said Judgment with Additional Interest and cost Its therefore Consi-  
dered by the Court that the said Oliver Dunsmoor recover against the s<sup>d</sup>:  
Joshua Harrington the Sum of Ten pounds thirteen Shillings  
lawfull money of this province damage and costs taxed at £3.17.10.

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Ex'c'on iss

6<sup>h</sup>. Oct<sup>r</sup>. 1761.

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Lynds v Lynd

&gt;&gt;

Rebecca Lynds of Leicester in the County of Worcester Widow Complt  
~~vs~~ Daniel Lynd of said Leicester Husbandman The Complt shew'd that  
at an Inferiour Court of Common pleas held at Worcester in May last she  
recovered Judgment against the said Daniel for £24.0.11 damage and  
costs from which Judgment he appealed to this Court and recogniz'd to

prosecute said appeal but failed so to do wherefore the Complt pray'd  
Affirmation of said Judgment with Additional Interest and cost Its  
Considered by the Court that the said Rebecca Lynds recover against the  
said Daniel Lynd the Sum of Twenty four pounds nine shillings & eleven pence  
lawfull Mony of this province damage and costs taxed at £3.2.1.

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Richardson v Lynds.

>>

James Richardson of Sutton in the County of Worcester Hus-  
bandman Complt vs David Lynds of Leicester in the County of  
Worcester Innholder the Complt shew'd that at an Inferiour Court of  
common pleas held at Worcester in said County in May last he  
recovered Judgment against the said David for £6.4.9 damage &  
cost from which Judgment the said David appealed to this Court &  
recogniz'd to prosecute s<sup>d</sup>: appeal but failed so to do wherefore the Complt  
pray'd affirmation of said Judgment with Additional Interest and  
cost Its Considered by the Court that the said James recover against  
the said David the Sum of Six pounds eight shillings and five pence  
lawfull Money of this province damage and cost taxed at £3.4.4.

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Ex'c'on issued

6<sup>th</sup>. Oct<sup>r</sup>. 1761

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Nicholls v Lynds

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Josiah Nicholls of New Braintree in the County of Worcester  
Gent<sup>n</sup>. Complt vs David Lynds of Leicester in the same County Innholder  
The Complt shew'd that at an Inferiour Court of common pleas held at  
Worcester in May last he recovered Judgment against the said David for  
£12.12.6 damage and costs from which Judgment the said David appeal'd  
to this Court and recogniz'd to prosecute said appeal but failed so to do

Wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and costs Its Considered by the Court that the said Josiah recover against the said David the Sum of twelve pounds sixteen Shill<sup>s</sup>. & nine pence lawfull Money of this province damage & Costs tax't at £3.13.6

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Ex'c'on issued

6<sup>h</sup>. Oct<sup>r</sup>. 1761

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[247v]

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Washburn v Lynds

&gt;&gt;

Seth Washburn of Leicester in the county of Worcester Blacksmith Complt vs David Lynds of Leicester aforesaid Innholder The Complt shew'd that at an Inferiour Court of common pleas held at Worcester in said County in May last he recovered Judgment against the said David for £11.11.5 damage and cost from which Judgment s<sup>d</sup>. David appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Seth recover against the said David the sum of eleven pounds sixteen Shillings lawfull Money of this province damage and costs taxed at £3.12.10.

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Ex'c'on issued

6<sup>th</sup>. Oct<sup>r</sup>. 1761

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How v Colton

&gt;&gt;

Jaazaniah How of Leicester in the County of Worcester Yeoman  
 Complt ~~vs~~ Benjamin Colton of Brimfeild in the County of Hampshire  
 Yeoman, The Complt shew'd that at an Inferiour Court of common  
 pleas held at Worcester in said County in May last he recovered Judgment  
 against the said Colton for £10.7.0 lawfull Money damage and costs  
 from which Judgment he appealed to this Court and recognis'd to  
 prosecute said appeal but failed so to do wherefore the Complt pray'd  
 affirmation of said Judgment with Additional Interest and cost  
 Its Considered by the Court that the said How recover against  
 the said Colton the Sum of Ten eleven shillings  
 lawfull Mony of this province and costs taxed at £3.12.10.

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Ex'c'on iss<sup>d</sup>:6. Oct<sup>r</sup>. 1761.

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Goddard vs Taylor

&lt;&lt;

Edward Goddard of Shrewsbury and Ebenezer Goddard of a  
 place called Pequoig and both of the county of Worcester Gentlemen  
 Complts ~~vs~~ Othmiel Taylor of Worcester in the County afores<sup>d</sup>: Gent<sup>n</sup>-  
 The Complts shew'd that at an Inferiour Court of Common pleas  
 held at Worcester afores<sup>d</sup>. in May last they recovered Judgment ag<sup>st</sup>:  
 him for £ 228.7.8 debt and costs from which Judgment the said  
 Othmiel appealed to this Court and recogniz'd to prosecute said  
 appeal but failed so to do Wherefore the Complts pray'd affirmation  
 of said Judgment with Additional Interest and costs Its Considered  
 by the Court that the said Edward and Ebenezer recover against  
 the said Othmiel the Sum of Two hundred and thirty two pounds thirteen  
 Shill<sup>s</sup>. & two pence lawfull money debt being the chancery of the Bonds sued on

and costs taxed at £4.2.0.

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Ex'c'on issued

6<sup>th</sup>. Oct<sup>r</sup>. 1761.

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<<

Ryan ~~vs~~ Owens

>>

Darby Ryan of Leicester in the County of Worcester Cordwainer  
Complt ~~vs~~ John Owens of Springfeild in the County of Hampshire  
Wiggmaker. The Complt shew'd that at an Inferiour Court of  
Common pleas held at Worcester in the County of Worcester in May  
last he recovered Judgment against the said John for £8.9.6 is  
damage and costs from which Judgment he Appealed to this Court  
&

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Image 309-Right

248.

[248r]

and recogniz'd to prosecute said Appeal but failed so to do wherefore  
the Complt pray'd affirmaton of said Judgment with Additional Costs  
Its Considered by the Court that the said Darby recover against  
the said John the Sum of eight pounds nine shillings and six pence  
lawfull money of this province damage and cost taxed at £3.13.1.

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Ex'c'on issued

6<sup>th</sup>. Oct<sup>r</sup> 1761.

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Walker v Rich.

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Phinehas Walker of Brookfeild in the County of Worcester Trader  
 Complt ~~vs~~ John Rich Sen<sup>r</sup>. and Jonas Rich both of s<sup>d</sup>. Brookfeild  
 Husbandmen the Complt shew'd that at an Inferiour Court of com'on  
 pleas held at Worcester in said county in May last he recovered Judgment  
 against them for the Sum of £7.14.10 debt and costs from which Judg-  
 ment they appealed to this Court and recogniz'd to prosecute said appeal  
 but failed so to do Wherefore the Complt pray'd affirmation of said Judgm<sup>t</sup>.  
 with Additional interest and cost Its Considered by the Court that the  
 said phinehas recover against the said John and Jonas the sum of  
 seven pounds fifteen shillings and six pence lawfull money of this  
 province debt (being the chancery of the bond sued on) and costs taxed  
 at £3.14.8.

&lt;\_&gt;

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Order on Haskell's pet<sup>o</sup>:

&gt;&gt;

Upon reading the petition of Anna Haskell Administratrix  
 on the Estate of her late Husband Moses Haskell late of Harvard in  
 the county of Worcester Gentleman deceased wherein the Petitioner shew'd  
 that said deceased dyed indebted to sundry persons to the amount of  
 £361.16.1, now known, including charges &c that the personal Estate exclusive  
 of household goods husbandry tools provisions and cloathing and an  
 Old riding chair amounts to £235.0.7 which is short of the now known  
 debts £126.15.6 That some distance from the deceased's farm which was  
 apprais'd at £429.19.0 he died seised of about fifty acres of land and  
 meadow lying in Harvard near a place called brook meadow apprais'd  
 at £135.8/ which peice she prays she may be impowered to sell to  
 enable her to pay the debts &c, Ordered that the prayer of the Pet<sup>r</sup>  
 be granted and she is hereby impowered to sell said fifty acres of  
 land for the ends aforesaid and to execute a good deed or deeds  
 thereof she to post up notifications thirty days before sale and to Ac-  
 count with the Judge of probate as the Law directs.

&lt;\_&gt;

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Order on Gould et Uxr's Pet<sup>o</sup>.

>>

Upon reading the petition of Hubbard Gould and Mary his wife formerly Mary Jones and Administratrix on the Estate of her former husband Nathaniel Jones late of Brookfeild in the County of Worcester deceased wherein the petit<sup>rs</sup>. Shew'd that she had accounted for the whole personal Estate then in her hands Since which debts appear against said Estate amounting to £46.15.4. and there hath not yet been any Allowance for supporting two young children above two years one being about five years Old and the Other three years that the real estate

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Image 310-Left

[248v]

estate of said deceased lying in Brookfeild was appraised at sixty six pounds thirteen shillings and four pence they therefore pray that they may be empowered to sell the said real Estate lying in Brookfeild in Order to pay s<sup>d</sup>. deceased debts &c Ordered that the prayer of the petitioner be granted and she in her said capacity is hereby empowered to sell the same real estate for the ends aforesaid and to execute a good deed or deeds thereof she to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Whitney's pet<sup>o</sup>:

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William Whitney of Weston in the county of Middlesex Executor of the last Will and Testament of George Harrington late of Brookfeild in the county of Worcester deced by his petition shew'd that the said deced in and by his last Will and Testament gave unto two of his daughters five shillings each and then gave to his wife abriel the use and improvement of all the residue of his Estate both real and personal excepting that he empowered his Executor to sell and dispose of all his lands in n<sup>o</sup>: 2 & n<sup>o</sup>: 4



on the east side of Connecticut River and no 1, and that called the equivalent land between n<sup>o</sup>: 1, and Blanford and all his after divisions in Brookfeild and four hundred acres of land lying on the South part of his Farm in Brookfeild that lyes Adjoining to Spencer line in order to enable the s<sup>d</sup>. Executor to pay his just debts and funeral charges. That one hundred acres part of the above mention'd four hundred acres of land lying in Brookfeild the deceased disposed of in his life time That your petitioner by virtue of said Will hath sold the remainder for £110.14.0 lawfull Money that he has made diligent enquiry after the other land ordered to be sold by said Will and can't find that the deceased had such a title to said lands as to warrant your petitioner to give a deed of them some of them the deceased held under this province but by running the line between this and the province of New Hampshire have fallen into that province so that your pet<sup>r</sup>. is unable to pay the decease's debts &c with what lands he had liberty to sell by said Will That he hath settled his Account so far as he hath proceeded on said Estate with the Judge of probate for said County of Worcester and thereby hath discharged himself of the proceeds of said Sale of the lands in Brookfeild except the sum of £22.14.4 That the debts still due and owing from said Estate yet unpaid amount to £179.9.10 from w<sup>ch</sup>. deduct what he hath in his hands £22.14.4. remains yet unpaid £156.15.6 the petitioner therefore pray'd that this Court would empower him to sell two hundred pounds worth of said deceased's real estate for payment of the above sum & charges and any further debts Ordered that the prayer of the Petit<sup>r</sup>. be granted and he is hereby empowered to sell and by deed convey Two hundred pounds worth of the said deceased's real Estate for the ends aforesaid he to post up notifications thirty days before sale and to account with the Judge of probate as the Law directs.

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Image 310-Right

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[249r]

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Order on Gott's Pet<sup>o</sup>:

&gt;&gt;

Upon reading the petition of Hannah Gott Administratrix on the Estate of her late husband dec<sup>d</sup> Benjamin Gott late of Brookfeild in the county of Worcester deceased wherein the petitioner Shew'd that the whole of said Estate house hold goods excepted amounts to but the Sum of £312.18.8. of which £240 is That the debts already known with charges amount to near two hundred and sixty pounds and there are sundry other debts as she Supposes she therefore prays she may be impowered to sell said deceased's real Estate containing about sixty two acres with the buildings thereon lying in Brookfeild aforesaid for payment of debts &c Ordered that the prayer of the petitioner be granted and she is hereby impowered to sell the same real Estate in Brookfeild for the ends aforesaid she to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Order on M<sup>c</sup>.Carty et Ux<sup>rs</sup>. Pet<sup>o</sup>.

&gt;&gt;

The Petition of John M<sup>c</sup>.Carty and his Wife for partition of Land, Granted.

&lt;\_&gt;

&lt;&lt;

Indictment ~~vs~~ Gill

&gt;&gt;

The Jurors for the Lord the King for this County upon their Oath presented that Elizabeth Gill of Brookfeild in the county of Worcester Widow on the fifteenth day of January last at Brookfeild aforesaid brought forth of her body privately and secretly a living female child which same Child being then and there born alive was by the Law of the land a Bastard, and that the said Elizabeth not having the fear of God before her eyes but being instigated by the Devil did on the said fifteenth day of January last

at Brookfeild aforesaid with force and Arms feloniously willfully and of her Malice forethought assault her said living female child in the peace of God and the said Lord the King then and there being And that the said Elizabeth did then and there with force as aforesaid feloniously willfully and of her malice forethought fix and clasp both her hands hard and fast about the neck of her said living child and thereby she the said Elizabeth did then and there with force as aforesaid feloniously Willfully and of her malice forethought suffocate and strangle her said Bastard child of which suffocation and strangling the same child then and there instantly died And so the Jurors aforesaid upon their Oath say that the said Elizabeth Gill did on the said fifteenth day of January last at Brookfeild aforesaid in manner and form aforesaid feloniously willfully and of her malice forethought kill and Murder her said female Bastard Child against the peace of the said Lord the King his crown and dignity, upon this Indictment the said Elizabeth Gill was set to the Barr and Arraigned, and upon her Arraignment pleaded not Guilty and for trial put herself upon God and the Country, a Jury was there upon sworn to try the issue M<sup>r</sup>. Edw<sup>d</sup>. Davis foreman and fellows who having heard the Evidence upon their Oath say that the s<sup>d</sup>. Elizabeth Gill is not Guilty It is Considered by the Court

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Image 311-Left

[249v]

Court that the said Elizabeth Gill go without day.

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Worcester Septr. 19<sup>th</sup>. 1761 The Court entred up Judgment according to the Verdicts and then Adjourned without day.

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250.

[250r]

Province of the Massachusetts Bay} Anno Regni Regis Georgii  
Hampshire &c} tertii magnæ Britanniae Franciæ  
et Hiberniæ &c primo.

At His Majesty's Superiour Court of Judicature Court of Assize &  
general goal delivery began and held at Springfeild within the  
county of Hampshire and for the Counties of Hampshire and  
Berkshire on the fourth tuesday of September (being the 22<sup>d</sup>. day of  
said Month Annoque Domini 1761.

By the Honorable Thomas Hutchinson Esq<sup>r</sup>. cheif. Justice.

Benjamin Lynde}

John Cushing}

Chambers Russell and} Esq<sup>rs</sup>: Justices.

Peter Oliver}

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The King's Attorney being absent The Court appoint Jonathan  
Sewall Esq<sup>r</sup>. to Act in his Stead

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The names of the Grand Jurors and petit Jurors are in the  
List on file.

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Fowler v Clark.

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Bildad Fowler Appellant ~~vs~~ Gideon Clark Appellee.

This Action is agreed.

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Same v Same

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The Same ~~vs~~ the Same. neither party appears.

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Rogers v Noble

&gt;&gt;

Elijah Rogers lately of Springfeild in the County of Hampshire  
yeoman appellant ~~vs~~ Elisha Noble of Sheffeld of [<sup>^</sup>late in s<sup>d</sup>. County but now in the County of  
Berkshire<sup>^</sup>] [+]<sup>n</sup> Gent<sup>n</sup>.

Appellee from the Judgment of an Inferiour Court of common pleas held at  
said Springfeild on the third tuesday of May 1760, when and where the  
Appellee was plaintiff against the appellant in a plea that the Deft perform  
to the plant his Covenant by him the Deft made according to the force form  
and effect of a certain writing by the Deft to the plt thereof made And  
whereon the plt declares that the Deft on the 26<sup>th</sup>. day of february Anno  
Dom<sup>i</sup>. 1759 at Sheffeld aforesaid by his certain writing sealed with his seal  
and in court to be produced dated the same day and year for and in  
consideration of fifty eight pounds lawfull money of the province of  
the Massachusetts Bay in New England to the Deft in hand paid by the plt  
by the name of Elijah Rogers of Springfeild in the county of Hampshire  
in the province of the Massachusetts Bay in New England Yeoman did  
bargain sell convey and confirm to the plt by the name of Elisha Noble  
Innholder of the town of Sheffeld in the County aforesaid Yeoman

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[250v]

a certain negro man named Medad about twenty nine years old to have  
and to hold said negro man to the plt his Executors Administrators and  
assigns to his and their only use for and during the full term of the said  
negro Man's natural life and the Deft by said writing did covenant  
promise and engage to and with the plt that He the deft the negro Man  
so sold to the plt against the lawfull claims and demands of all  
persons whatever would warrant and defend to the plt for and during  
the full term of the natural life of the said negro man as by said writing  
is fully Manifest And the plt in fact says that since the said twenty  
sixth day of february aforesaid upon and Information and Complaint  
of one Jonathan Ferry lately of Springfeild aforesaid Yeoman made  
and prosecuted before such who had lawfull cognizance and Juris-  
diction thereof charging said negro man with having feloniously stolen

taken and carried away from him the said Ferry thirty four ounces of Silver coin of the value of eleven pounds six shillings and eight pence of the goods and chattels of him the said Ferry It has been so proceeded that on the fifteenth day of March 1759 at Sheffeild aforesaid the negro man aforesaid was lawfully arrested and taken away from the plt & out of his custody and service and was lawfully kept and detained from the plt and his Service from and after the said fifteenth day of March aforesaid untill the fourth tuesday of September last when that is to say upon the fourth tuesday of September aforesaid upon said Negro Man's being lawfully convicted of having stolen as aforesaid from him the s<sup>d</sup>. Ferry the whole Sum aforesaid at a time long before the twenty sixth day of february 1759 abovesaid He obtained a lawfull Order of the Superiour Court of Judicature Court of Assize and general goal delivery then held at Springfeild aforesaid for the said County of Hampshire that in case said negro man was unable to pay him said Ferry the full sum of thirty four pounds lawfull money being treble the value of the money stolen as aforesaid he the said Ferry might dispose of said Negro man in Service to any of the leige Subjects of the King for the term of ten years and the plt in fact says that the said negro man then was and ever since has been wholly unable to pay said Sum or any part thereof to the said Ferry and thereupon by force of said Order the said Ferry on the said fourth tuesday of September at said Springfeild lawfully took said negro Man from his Majesty's Goal in said Springfeild where he was held on Account of restitution of damages awarded to said Ferry as aforesaid and sold and disposed of him said negro man in Service to one of the King's leige Subjects namely Isaac Colton of Springfeild aforesaid for the term of ten years next following and to come from the said fourth tuesday of September last Also the plt further declares that upon a presentment of the grand Jurors for the King for the body of the County aforesaid made at the Court of General Sessions of the peace held at Springfeild in and for the County of Hampshire abovesaid on the last tuesday of

Image 312-Right

251.

[251r]

of August last of said negro man and one Caleb Day that they on the 6<sup>th</sup>: day of August AD 1758 at Springfeild aforesaid did feloniously steal take & carry away thirty six ounces of Silver of the value of twelve pounds and three hundred and fifty copper half pence of the value of twenty four Shillings of the goods and chattels of one Benjamin Leonard of said Springfeild It was so proceeded that afterwards to wit at the Court of general Sessions of the peace held at North hampton within and for the said County of Hampshire on the second tuesday of November last upon the trial of the issue between the King's Majesty and the said Caleb and said Negro Man he was by the verdict of the Jury who tried the same convicted of having feloniously stolen as aforesaid on the sixth day of August aforesaid twelve pounds lawfull Money part of what he and the said Caleb were charged with the Stealing of in said presentment And thereupon the said Leonard obtained an absolute Order of the said Court of general Sessions of the peace empowering him the s<sup>d</sup>. Leonard to dispose of said negro man in Service to any of his Majesty's leige Subjects for the full term of ten years to commence immediately from and after the expiration of the aboves<sup>d</sup>. ten years for which the said Ferry was impow'red as abovesaid to dispose of him in Service whereupon the said Leonard by Virtue of the Order last mentioned on the thirtieth day of November at Springfeild aforesaid disposed of said negro man in Service to one Richard Fen of Springfeild aforesaid one of his Majesty's leige Subjects for the s<sup>d</sup>. term of ten years to commence as aforesaid fully to be compleat & ended and the plt declares that said Negro man is now in full life and capable of doing good Service and so the said negro man in manner as aforesaid was on the said 15<sup>th</sup>. of March 1759 taken out of the plt's possession and Service and is in manner aforesaid disposed of [<sup>^</sup>in Service<sup>^</sup>] to other men and put out of the plts power and possession and so to continue for the full term of twenty years to be reckoned from the said fourth tuesday of September last of all which Premisses the deft as the plt says has had perfect knowledge and especially on the first day of Ddecember last at Springfeild afores<sup>d</sup>: the deft was notified thereof by the plt and then and there required by the

plt that he would warrant to him the plt the said negro Man nevertheless the deft hath always hitherto denied to do it and then particularly refused to do it [^and still refuses to do it^] and tho' often thereto requested by the plt the deft his covenant aforesaid with the plt in this behalf made hath not performed to the plt but broken and hath alltogether denied and yet doth deny to perform it to the plt to his damage sixty five pounds at which s<sup>d</sup>. Inferiour Court Judgment was rendred that the said Elisha recover against the said Elijah the Sum of fifty pounds lawfull money damage and cost This Appeal was bro't forward at the last term of this Court for this County when and where the parties appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who return'd their Verdict therein upon Oath that is to say They find specially vizt. They find that the appellant covenanted with the Appellee according to

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[251v]

to the tenor of the deed in the case and they also find all the matters in the writ declared of as breaches of said covenant but whether s<sup>d</sup>: covenant does in law extend to said matters so declared of the Jury are in doubt and if said Covenant does in Law extend to said Matters they find for the Appellee the sum of fifty eight pounds lawfull Mony damages and costs of Court but if not they find for the Appellant reversion of the former Judgment and costs, and from that term said appeal was continued to this Court and now the parties appeared and having been fully heard by Council upon said special verdict It is Considered by the Court that the said Noble recover against said Rogers the Sum of fifty eight pounds lawfull Money of this province damage and costs taxed at £13.16.4.

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Ex'c'on iss<sup>d</sup>.

12 April 1762.

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Curtice v Loomis

&gt;&gt;

Henry Curtice of Coventry in the County of Windham in the Colony of Connecticut in New England Yeoman Appellant ~~vs~~ Amos Loomis of Southampton in the County of Hampshire Yeoman Appellee from the Judgment of an Inferiour Court of Common pleas held at Northampton in the County of Hampshire on the second tuesday of November 1759, when and where the Appellant was plt and the Appellee was Deft In a plea or Action wherein the plt claims and demands against the deft as his the plt's right and Inheritance One quarter or fourth part of a lott of land with the Appurtenances in Northampton aforesaid called Curtice's pasture behind rocky hill bounded southerly by the way called Boggy Meadow path Northwesterly by land which lately belonged to Joseph wright of said Northampton deceased easterly by Capt<sup>n</sup>. James Lyman's land running to a point southeasterly the whole lott being in quantity 15 acres and an half and seven rods Also one eighth part of a certain peice of land with the Appurtenances in Northampton aforesaid-called the 50<sup>th</sup>. Original lott in the first and long division of Commons in said Town of Northampton Originally laid out & recorded to Samuel Curtice formerly of said Northampton dec'ed the plt's father of which demanded premisses the deft within twenty years last past hath unjustly and without Judgment disseised the plt and whereupon the plt says he was seised of said demanded premisses in his demesne as of fee and right within twenty years last past in the time of peace in the time of the present King's reign taking the profits thereof to the value of five pounds by the year of the devise of one Nathaniel Curtice deceased who on the eleventh day of August AD 1749 at said Northampton being seised of said demanded premisses in his demesne as of fee devised the said demanded premisses to the plt to hold the same in fee simple in common with others to whom he then and there devised the residue

of.

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252.

[252r]

of said tract of land first above described and the residue of half the tract of land last described and after the death of the said Nathaniel the plt became seised of said demanded premisses as aforesaid since which the deft hath unjustly and without Judgment entered there-into disseised the plt and unjustly holds out and deforceth him the plt of the same to his damage fifty pounds at which said Inferior Court Judgment was rendred that the said Amos recover against the said Henry his cost: This appeal was bro't forward at the last term of this Court for this County and from thence was continued to this Court and now the parties appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment possession of the land sued for and costs It is therefore Considered by the Court that the former Judgment be reversed and that the said Henry recover against the said Amos possession of the land demanded in the writ and costs taxed at £12.0.9.

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Facs. hab. issued

28<sup>th</sup>. June 1762.

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Forsey et al v Bardwell

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Thomas Forsey and Benjamin Forsey both of the City and county of Albany in the province of New York Merchants Appellants  
vs Ebenezer Bardwell of Hatfeild in the county of Hampshire

Gent<sup>n</sup>. Appellee from the Judgment of an Inferiour Court of common pleas held at Springfeild in the County of Hampshire on the third tuesday of May AD 760 when and where the Aplts were plts and the Applee' was Deft In a plea of the case for that said Ebenezer at s<sup>d</sup>: Springfeild on the last day of November last (i.e./ 1759) owed the plts sixteen pounds one shilling and six pence lawfull Money of the province of New York (equal to twelve pounds one shilling and a penny two farthings lawfull money of the province of the Massachusetts Bay for sundry Articles of book account according to the Amount annex to the plt's writ on file and then and there viz At s<sup>d</sup>. Springfeild on said last day of November last said Ebenezer promist the plts to pay them the same on demand yet the said Ebenezer tho' often requested hath not paid them the same or any part thereof but unjustly neglects it to their damage fifteen pounds At which said Inferiour Court upon the demurrer there Judgment was rendred that the said Ebenezer recover against the said Thomas and Benjamin his cost This appeal was bro't forward at the last term of this Court for this County and from thence at the aplts motion was continued to this Court they agreeing not to tax any costs of the s<sup>d</sup>. term tho' Judgment should be for them And now the parties appeared and waiv'd the said demurrer and join'd in the issue tendred at s<sup>d</sup>. Inferior Court and on file and then the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellants reversion of

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[252v]

of the former Judgment eleven pounds eleven shillings damage and costs Its therefore considered by the Court that the former Judgment be reversed and that the said Thomas and Benjamin recover against the said Ebenezer the Sum of eleven pounds eleven Shillings lawfull money of this province damage and costs taxed

at £7.15.11.

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Ex'c'on issued

29<sup>th</sup>. Jan<sup>ry</sup>. 1762.

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Downing v Day

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Nathaniel Downing of Sheffield in the County of Hampshire  
Physician appellant ~~vs~~ William Day of Westfeild in said County  
Gent<sup>n</sup>. Appellee from the Judgment of an Inferiour Court of Common  
pleas held at Springfeild in said county on the last tuesday of August  
1760 when and where the Appellee was plt and the Appellant was Deft In  
a plea of trespass on the case &c as in the writ on file, tested the 14<sup>th</sup>. day of  
May 1760 at large appears at which said Inferiour Court Judgment  
was rendred that the said William recover against the said Nathaniel  
the Sum of thirty four pounds lawfull money damage and costs: This  
Appeal was bro't forward at the last term of this Court for this County when  
and where the parties appeared and agreed to refer this action to the  
determination of Mess<sup>r</sup>. Hunt Bliss and Lyman, and William Williams  
Esq<sup>r</sup>. Elias Willard and John Ingersoll were at their desire admitted  
parties to the said rule of reference and from that term said appeal  
was continued to this Court no report having been made and now  
the parties appeared and said Referrees made report in writing as  
on file which was accepted and persuant thereto Its Considered by  
the Court that the said William [^Day^] recover against said Nathaniel  
Downing the Sum of thirty pounds lawfull money of this pro-  
vince damage and costs taxed at £17.16.6.

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Ex'c'on issued

2<sup>d</sup>. Oct<sup>r</sup>. 1761.

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Sloan v Smith

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John Sloan of Sheffield in the County of Hampshire Blacksmith  
Appellant ~~vs~~ Nathan Smith of the district of Egremont in said  
County Yeoman Appellee, The appellant now appeared and by his  
Attorney Cornelius Jones pray'd leave to discontinue this Action paying  
costs and thereupon Its granted, and Its Considered by the Court  
that the said Smith recover against said Sloan costs.

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Blackmer vs Moulton

>>

Lemuel Blackmer of ware River precinct in the County of Hamp-  
shire Yeoman appellant ~~vs~~ Robert Moulton who dwells on a tract of  
land in the County of Hampshire controverted between the heirs of John  
Read Esq<sup>r</sup>. deceased and the plt judged by some people to lie within the  
limits of Ware river precinct in said County and by Others to lie within  
the limits of the Township of Greenwich Yeoman appellee from the  
Judgment of an Inferiour Court of com'on pleas held at Springfeild in  
said County on the third tuesday of May 1760 when and where the  
Applee was plt and the Apl<sup>t</sup> was Deft in a plea of trespass on the Case  
&c as in the writ on file tested the 24<sup>th</sup>. day of April 1760 is at large sett forth  
at which said Inferiour Court Judgment was rendred that the said Robert  
recover

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[253r]

recover against the said Lemuel the sum of four pounds lawfull money  
damage and costs: This appeal was bro't forward at the last term of this Court  
for this county when and where the Parties appeared and agreed to  
refer this Action to the determination of Mess<sup>r</sup>. Pomroy Billing and Lyman  
and from that term said Appeal was continued to this Court And now the

Parties Appeared and said Referrees made their report in writing as on file which was accepted and pursuant thereto It is Considered by the Court that the said Moulton recover against said Blackmer the sum of four pounds lawfull money of this province damage and costs taxed at £5.14.5.

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Ex'c'on issued

16<sup>th</sup>. Augt. 1762.

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Allen v Shipman

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Moses Allen a transient person now resident in Granville in the County of Hampshire Yeoman ~~vs~~ Samuel Shipman of Hebron in the county of Hartford in the Colony of Connecticut in New England physician appellee from the Judgment of an Inferiour Court of com'on pleas held at Northampton in the county of Hampshire on the second tuesday of November last when and where the appellee was plt and the appellant was deft In a plea of the case for that whereas at a place called Hebron in northampton aforesaid on the eighth day of June 1758, for and in consideration of the Sum of ten pounds lawfull mony then and there by the said Samuel paid to the said Moses the said Moses in consideration thereof assumed to himself and promised then and There, the said Samuel that he the said Moses would inlist into the King's service in the expedition then and there to be entered into for the reduction of Canada in the room and stead and place of One David Finney a Soldier impressed into said Service belonging to a foot Company in the Militia in the town of Lebanon in the County of Windham under the command of Nathaniel Cushman Gent<sup>n</sup>. Captain of said Company and wholly excuse free and discharge said David Finney of and from said Service and of and from all and all Manner of cost charge prosecution fine forfeiture penalty and damage that might or could accrue or arise to the said Samuel or the said David in case he should

fail so to do yet the said Moses not regarding his said promise but Craftily and Subtilly intending the said Samuel to cheat defraud wrong and injure and abuse never inlisted into and entered on said Service in said David's room and place so as to excuse indemnify and discharge said David therefrom as aforesaid which is to the damage of the said Samuel as he saith thirty pounds, at which said Inferior Court Judgment was rendred that the said Samuel recover against said Moses the sum of Twenty three pounds one shilling and three pence lawfull Money damage and cost Both parties now Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellee fourteen pounds ten shillings mony damage and costs Its therefore Considered by the Court that the said Samuel recover

<duplicates previous>

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Image 316-Left

[253v]

recover against the said Moses the Sum of fourteen pounds ten shillings lawfull money of this province damage & Costs tax't at £7.8.6.

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Ex'c'on issued

22<sup>d</sup>. Oct<sup>r</sup>. 1761.

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Merret v Harwood et al

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John Merrett of Providence in the Colony of Rhode Island  
and providence plantation Merchant appellant vs John Harwood  
Yeoman Ephraim Patch Yeoman and David Pulcifer Yeoman all of  
the place called Ware River precinct in the County of Hampshire Appellees

from the Judgment of an Inferiour Court of Common pleas held at Springfield in said county of Hampshire on the third tuesday of May last when and where the Apl't was plt and the ap'lees were defts In a plea of Ejectment wherein he demands against the defts two thousand three hundred and eighty five acres of land with the appurtenances lying in the equivalent lands in the manor of peace in said Ware River precinct, bounding as follows vizt. beginning at the northeast corner of the division laid out to William Read in said Manor at a heap of stones on the north side of a rocky side hill in the line called the division line of said Manor thence running westerly in said William Read's northerly line and bounded by it to his northwest corner at swift river thence northerly by said Swift river to the northwest corner of said Manor to a stake and stones by the river thence east eleven degrees 15 minutes north about fourteen hundred and eighty rods partly on Greenwich and partly on Hardwick south lines to the northeast corner bounds of said Manor being a stake and stones thence south two hundred and sixty rods to a stake and stones by the west side of a poplar swamp the stake marked HP on the north side and AM on the south and standing in the east line of said Manor from thence running west eleven degrees fifteen minutes south seven hundred ninety six rods to the said division line to a white Oak-stake by Enos Allen's fence about twenty rods south of the house thence South one hundred rods to the said William Read's northwest corner aforesaid with the Appurtenances and whereon said John Merrett says that he within twenty years last past in a time of peace was seised of the land aforesaid with the Appur'ces in his demesne as of fee taking the profits thereof to the value of twenty pounds a year since which the said John Harwood Ephraim Patch and David pulcifer have illegally and without Judgment entered therein disseised the said John Merrett the plt thereof and unjustly hold him out to his damage two thousand pounds at which said Inferiour Court upon the demurrer there Judgment was rendred that the said Harwood Patch and pulcifer recover against the said Merrett costs: Both parties now appeared



and (by their consent the said demurrer being waved and issue join'd as tendered at said Inferior Court and on file) the case after a full hearing was committed to a Jury sworn According to Law to try the same that is to say they find for the Appellant reversion of the former Judgment possession

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Image 316-Right

254.

[254r]

possession of the land sued for save the land contained in John Harwood's lease and the hundred acres contained in Ebenezer Knap's deed to Ephraim Patch and costs It is considered by the Court that the said former Judgment be reversed and that the said John Merrett recover against the said John Harwood Ephraim Patch and David Pulcifer possession of the land sued for except the land contain'd in the same lease and deed [<sup>^</sup>on file in the case<sup>^</sup>] and costs taxed at £7.11.1.

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Fac<sup>s</sup>. hab. iss<sup>d</sup>:

26<sup>th</sup>. Sep<sup>tr</sup>. 1761.

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Inhab<sup>ts</sup>. of Northampton ads. Dom<sup>i</sup>. Regis

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The Inhabitants of the town of Northampton in the county of Hampshire Appellants at the Suit of the King from the Judgment of a Court of general Sessions of the peace holden at Springfeild in said county on the third tuesday of May last when and where the grand Jurors for the King for the body of that county did on their Oath present that the com'on highway of the said Lord the King in the township of Northampton in the s<sup>d</sup>. County leading from the meeting house in said Northampton to the meeting house in Hatfeild in said County viz<sup>t</sup>. from the top of the hill next or south

side of pine bridge so called in said Northampton to the top of the hill next to and south of the place called Dewey's hole there the whole breadth of said way & throughout the whole length last aforesaid on the first day of November current was and still is in great decay for default of due reparation and amendment thereof so that the leige Subjects of the said lord the King passing and travelling thro' or along the same way can not pass thro' the same without danger to the great damage and common nuisance of all the leige Subjects of the said Lord the King passing thro' the same way and that the Inhabitants of the town of Northampton aforesaid of right and by Law ought to repair & amend the same way so often as the same way stand in need of repair and the Inhabitants of said Northampton wholly neglect and refuse to repair said way contrary to the Laws of this province in such cases provided the peace of the said Lord the King his Crown and Dignity at which said Court Judgment or Sentence was given that the said Inhabitants of Northampton pay a fine of four pounds lawfull money to be to his Majesty for the Support of Government &c and cost of prosecution standing committed &c and that a distringar as go against the said Inhabitants for the said four pounds untill the said way be effectually repaired The appellants now Appeared and after a full hearing of the King's Attorney and the Council for the Aplts It is Considered by the Court that the presentment be quashed for the insufficiency thereof.

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Granger v Fowler

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Gideon Granger of Suffeild in the county of hartford in the Colony of Connecticut Yeoman Appellant ~~vs~~ Bildad Fowler of Westfeild in the county of Hampshire Yeoman appellee from the Judgment of an Inferior Court of com'on pleas held at Springfeild in the County of Hampshire on the last tuesday of August last when and where the appellant was plt and the appellee was Deft In a plea of the case for that said Bildad at said Springfeild on the twenty

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Image 317-Left

[254v]

twenty second day of November last past by his note of that date for value received promised said Gideon to pay him to the value of fifty pounds eight shillings lawfull Money in good merchantable boards two thirds thereof in good white pine boards and the Other third part in good yellow pine board to be delivered on or before the first day of May last at the house of the said Bildad or the Mill of Ebenezer Weller in said Westfeild yet the said Bildad tho' often requested never delivered the same boards to the said Gideon either at his the said Bildad's house or at the said Ebenezer Weller's Mill in said Westfeild tho the plt hath been always ready to receive the same at either of said places of delivery but the said Bildad hath hitherto refused and still refuses to do it To the damage of the said Gideon £60 At which said Inferiour Court Judgment was rendred that the said Bildad recover against said Gideon his costs.

The parties now appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Consider'd by the Court that the said Bildad recover against said Gideon costs taxed at £7.0.0.

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Ex'c'on issued

22<sup>d</sup>. Oct<sup>r</sup>. 1761.

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Watson v Utley

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Robert Watson jun<sup>r</sup>. of Sheffield [^(lately)^] in the county of Hampshire Yeoman Appellant ~~vs~~ William Utley of Suffeild in the county of hartford in the colony of Connecticutt Yeoman Appellee from the Judgment of an Inferior Court of Common pleas held at Northampton in s<sup>d</sup>. County of Hampshire in November last when and where the appellee was plt and the appell<sup>t</sup>. was Deft In a plea of the Case &c (as in the writ on file tested the 20<sup>th</sup>. day of October last is at large sett forth) at which said Inferiour Court Judgment was

rendred that the said William recover against the said Robert the sum of £36. lawfull mony damage and costs The parties now appeared and having been fully heard upon the plea in Abatement (viz<sup>t</sup>. for that the plt calls himself of Suffeild in the County of Hartford &c whereas Suffeild in which the plt lives was not at the purchase of the writ nor long before nor is the said Suffeild now in the County of Hartford but then and long before and now is in the County of Hampshire &c as in s<sup>d</sup>. plea on file is sett forth) It's a Considered by the Court that the Judgment of the Inferiour Court be reversed that the writ abate and that the said Watson recover against said Utley costs taxed at £4.2.5.

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Ex'c'on issued

22. Oct<sup>r</sup>. 1761.

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Knoll v Dewey et al

&gt;&gt;

Henry Knoll of Sheffeild [^(lately)^] in the County of Hampshire shopkeeper Appellant ~~vs~~ Stephen Dewey Gentleman and [+] deputy sheriff of the same County Elnathan Bush and Amos Kellog Husbandmen and John Pell Gentleman all of Sheffeild aforesaid Appellees from the Judgment of an Inferiour Court of common pleas held at Springfeild in said County on the last tuesday of August 1761 when and where the Appellant was plt and the Appellees were defts In a plea of trespass for that the defts on the eleventh day of November last past at Sheffeild afores<sup>d</sup>. with force and arms the plt's shop in Sheffeild aforesaid broke and entered into and being so entered seized and forcibly took

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Image 317-Right

255.

[255r]

took from the plt and carried away a large quantity of his goods & Merchandizes of the value fifteen hundred pounds the particulars whereof

are in the Schedule Annent to the writ expressed and many other outrages committed against the King's peace and to the damage of the said Henry 1600£ at which said Inferiour Court upon the demurrer there Judgment was rendred that the said Stephen Elnathan Amos and John recover against the said Henry costs The parties now appeared and by their consent the said demurrer was waved and issue as tendred at said Inferior Court and on file was join'd and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment fifteen hundred pounds lawfull mony damage and costs against the said Stephen Elnathan and John and for the said Amos costs against the said Henry It is therefore Considered by the Court that the former Judgment be reversed and that the said Henry recover against the said Stephen Elnathan and John the sum of fifteen hundred pounds lawfull money of this province damage and costs taxed at £ And that the said Amos recover against the said Henry costs taxed at £3.3.3.

N: B. Bond given to review.

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Ex'c'on issued

for Amos the

8<sup>th</sup>: Feb. 1762.

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Williams ads Domi. Regis

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Warham Williams of Sheffeild [<sup>^</sup>lately<sup>^</sup>] in the County of Hampshire

[<sup>^</sup>but now in the County of Berkshire Yeoman<sup>^</sup>]

Appellant at the Suit of the King, from the Judgment of a Court of general Sessions of the peace held at Northampton in said County on the second tuesday of November last when and where the grand Jurors for the Lord the King for the Body of the said County having upon their Oath presented that the said Warham and John Williams jun<sup>r</sup>. of s<sup>d</sup>.

Sheffeild Yeoman on the tenth day of July in the thirty second year

of the reign of his late Majesty King George the second at said Sheffield did with force and Arms feloniously steal take and carry away four gallons of rum of the value of sixteen shillings the goods and chattels of John Burghardt of said Sheffield Yeoman contrary to the Law of this province in Such cases provided the peace of the said Lord the King his Crown and dignity;" The said Court did thereupon give Judgment upon the Jury's verdict that the said Warham should pay a fine of forty shillings lawfull money to be to his Majesty for the Support of Government &c and that he pay to John Burghardt aforenamed forty eight shillings lawfull money being treble the value of the goods stollen and costs of this prosecution standing committed &c And that the said John Williams should be no further held &c The said Warham now appeared and the Jury was Sworn to try the issue who having fully heard the Evidence upon their Oath say that the said Warham Williams is guilty The Court having Considered his Offence Order that he pay the sum of forty shillings as a fine to the King that he pay the said

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[255v]

said John Burghardt treble the value of the goods stolen being two-pounds eight shillings and that he pay costs of prosecution standing committed untill this Sentence be performed

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Graves v Huggins.

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Moses Graves of Hatfeild in the County of Hampshire Gent<sup>n</sup>

Complt ~~vs~~ Samuel Huggins of Sheffield in the same County Yeoman

The Complt shew'd that at an Inferior Court of common pleas held at Springfeild in said County on the third tuesday of May last he recovered Judgment against the said Samuel for £10.5.11 damage and cost from which Judgment said Samuel Appealed to This Court and recogniz'd to

prosecute the said Appeal but failed so to do Wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and costs Its Considered by the Court that the said Moses recover against the said Samuel the Sum of ten pounds nine shillings and five pence Lawfull Money of this province damage and costs taxed at £4.0.1.

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Ex'c'on issued

14.Jan<sup>ry</sup>: 1762.

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Warner v Church.

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Jonathan Warner of Hadley in the County of Hampshire Yeoman  
Complt ~~vs~~ Nathaniel Church late of Hadley now of Westfeild in s<sup>d</sup>.  
County Yeoman The Complt shew'd that at an Inferior Court of common pleas held at Springfeild in said County in May last he recovered Judgment against the said Nathaniel for £5.8.1 damage and cost from which Judgment said Nathaniel Appealed to this Court and recogniz'd to prosecute the same but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost It is Considered by the Court that the said Jonathan recover against the said Nathaniel the sum of five pounds ten shillings and a penny lawfull money of this Province damage and costs taxed at £3.10.5.

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Ex'c'on issued

5<sup>th</sup>. Oct<sup>r</sup>: 1761.

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Warner ~~vs~~ Young.

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Jonathan Warner of Hadley in the County of Hampshire Yeoman  
Complt ~~vs~~ John Young of Pelham in the same County Physician The

Complt shew'd that at an Inferior Court of Common pleas held at Springfield in said County in May last he recovered Judgment against the s<sup>d</sup>. John for £8.4.7½ Damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of s<sup>d</sup>. Judgment with Additional Cost Its Considered by the Court that the said Jonathan recover against the s<sup>d</sup>: John the Sum of eight pounds four shillings and Seven pence half penny lawfull money of this Province damage and cost taxed at £3.12.7.

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Ex'c'on issued

5<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Warner v Killam.

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Jonathan Warner of Hadley in the County of Hampshire Trader Complt vs Charles Killam late of Ware River precinct so called in said County Mason The Complt shew'd that at an Inferior Court of Common pleas held at Springfield in s<sup>d</sup>. County in May last he recovered Judgment against said Charles for £5.4.3½ damage and cost from which Judgment the said Charles

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256.

[256r]

Charles appealed to this Court and recognized to prosecute the said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Jonathan recover against the said Charles the sum of five pounds four shillings and eleven pence lawfull money of this province damage and cost taxed at £3.11.0.

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Ex'c'on issued

5<sup>th</sup>. Oct<sup>r</sup>. 1761.

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Noble et al Adm<sup>x</sup> ~~vs~~ Smith et al Ex<sup>x</sup>

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Daniel Noble Yeoman and Rebecca his wife both of Westfeild in the County of Hampshire as the s<sup>d</sup>. Rebecca is Administratrix on the Estate of Samuel Crow late of Hadley in said County Yeoman deceased Compls ~~vs~~ Samuel Smith physician and Miriam his Wife and both of the same Westfeild as she is Executrix of the last will and Testament of Noah Ashley late of said Westfeild Esq<sup>r</sup>. deceased The Compls shew'd that at an Inferiour Court of common pleas held at Springfeild in said County in August last they recovered Judgment against the Estate of the s<sup>d</sup>. Noah deceased in the hands of the said Executrix the Sum of £4.6.8 damage & Cost Its therefore Considered by the Court that the said Daniel and Rebecca Admin<sup>x</sup> as aforesaid recover against the Estate of the said Noah deceased in the hands of the said Samuel and Miriam Executrix as aforesaid the Sum of four pounds six shillings and eight pence lawfull Money of this province damage and cost taxed at £3.4.5.

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Ex'c'on issued

21. Dec<sup>r</sup>. 1761.

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Adams ~~v~~ Austin.

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John Adams of Salisbury in the county of Litchfeild in the Colony of Connecticut Husbandman Compl<sup>t</sup> ~~vs~~ Samuel Austin of Sheffeild in the County of Hampshire Husbandman The Compl<sup>t</sup> shew'd that at an Inferior Court of Common pleas held at Springfeild in said County of Hampshire in May last he recovered Judgment against the said Austin for £12.5.2½

damage and cost from which Judgment said Austin appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said John recover against the said Samuel the sum of twelve pounds five shillings and two pence half penny lawfull money of this province damage and costs taxed at £4.15.5.

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Ex'c'on issued

10<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Bostwick et al ~~vs~~ Beach.

&gt;&gt;

William Bostwick of Albany in the province of New York Merchant and Thomas Worster of Stanford in the Colony of Connecticut Yeoman Compls ~~vs~~ Aaron Beach of the new Township called number One in the county of Hampshire Yeoman, the Compls shew'd that at an Inferior Court of common pleas held at Springfield in the county of Hampshire in May last they recovered Judgm<sup>t</sup>. against the said Aaron for £11.10.6 damage and cost from which Judgment he appealed to this Court and recogniz'd to prosecute said appeal but failed wherefore the Compls pray'd Affirmation of said Judgment with Additional Cost Its Considered by the Court that the said Bostwick and Worcester recover against the s<sup>d</sup>. Beach the Sum of eleven pounds ten shillings and six pence lawfull money of

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[256v]

of this province damage and costs taxed at £6.12.0.

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Ex'c'on issued

10<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Burghardt v Church

&gt;&gt;

John Burghardt of Sheffeild in the County of Hampshire Yeoman  
 Complt ~~vs~~ Malachi Church of Hadley in the same county Yeoman The  
 Complt shew'd that at an Inferiour Court of Common pleas held at Spring-  
 feild in said County in May last he recovered Judgment against the said  
 Malachi for £6.0.0 damage and cost from which Judgment said Malachi  
 Appealed to this Court and recogniz'd to prosecute said Appeal but failed  
 so to do wherefore the Complt pray'd affirmation of said Judgment with  
 Additional costs Its Considered by the Court that the said John recover ag<sup>st</sup>:  
 the said Malachi the Sum of Six pounds lawfull Money of this province dam<sup>a</sup>.  
 and costs taxed at £4.9.4.

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Ex'c'on issued

22 Oct<sup>r</sup>. 1761.

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Bliss v Sherman

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Lemuel Bliss of Western in the County of Worcester Yeoman Complt ~~vs~~  
 Samuel Sherman of a place called Ware River precinct in the County of  
 Hampshire Yeoman, The Complt shew'd that at an Inferiour Court of Common  
 pleas held at Springfeild in said County in May last he recovered Judgments  
 against the said Samuel for £6.17.5 damage and cost from which Judgment  
 said Samuel Appealed to this Court and recogniz'd to prosecute said appeal  
 but failed so to do wherefore the Complt pray'd affirmation of said Judgment  
 with Additional Interest and cost Its Considered by the Court that the  
 said Lemuel recover against the said Samuel the Sum of Seven pounds  
 and a penny lawfull money of this province damage & costs tax'd at £3.16.4

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Ex'c'on issued

4<sup>th</sup>. Jan<sup>ry</sup>. 1762.

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Ellsworth ~~vs~~ Stoddard

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John Ellsworth of Windsor in the County of Hartford and Colony of Connecticut Gent<sup>n</sup>. Compl<sup>t</sup> ~~vs~~ Ebenezer Stoddard late of Hadley in the County of Hampshire Yeoman The Compl<sup>t</sup> shew'd that at an Inferior Court of Common pleas held at Springfeild in the County of Hampshire in May last he recovered Judgment against the said Ebenezer for £3.10.0 damage and cost from which Judgment the said Ebenezer Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Compl<sup>t</sup> pray'd affirmation of said Judgment with Additional Cost Its Considered by the Court that the s<sup>d</sup>. John recover against the said Ebenezer the Sum of three pounds ten Shillings lawfull money of this province damage & costs tax't at £3.9.3

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Ex'c'on issued

10<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Gould v Kellog.

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David Gould of Sunderland in the County of Hampshire Yeoman Compl<sup>t</sup> ~~vs~~ Ebenezer Kellog of Stow in the County of Middlesex Gent<sup>n</sup>. The Compl<sup>t</sup> shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Springfeild in the County of Hampshire in May last he recovered Judgment against said Ebenezer for £10 debt and costs from which Judgment said Kellog Appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Compl<sup>t</sup> pray'd Affirmation of said Judgment with Additional costs Its Considered by the Court that the said Gould recover against said Kellog the sum of ten pounds lawfull money of this Province debt being the penalty of the

Bond Sued on and costs taxed at £

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[257r]

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Grainger v Johnson

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Daniel Grainger of Westfeild in the County of Hampshire Yeoman Complt ~~vs~~ Samuel Johnson of said Westfeild Yeoman The Complt Shew'd that at an Inferior Court of Common pleas held at Springfeild in the County of Hampshire in May last he recovered Judgment ag<sup>st</sup> the said Samuel for £7.12.1 damage and cost from which Judgment said Samuel appealed to this Court and recognized to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional interest and cost Its Considered by the Court that the said Daniel recover against said Samuel the Sum of Seven pounds fourteen shillings and eleven pence lawfull money of this province damage and costs taxed at £3.16.7.

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Ex'c'on issued

21. Dec<sup>r</sup>. 1761.

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Grainger v Bagg

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Daniel Grainger of Westfeild in the County of Hampshire Yeoman Complt ~~vs~~ Daniel Bagg of said Westfeild Yeoman The Complt shew'd that at an Inferior Court of Common pleas held at Springfeild in said County in May last he recovered Judgment against the said Daniel Bagg for £18.4.8½ damage and costs from which Judgment said Bagg appealed

to this Court and recogniz'd to prosecute said Appeal but failed so to do  
wherefore the Complt pray'd affirmation of said Judgment with Additional  
Interest and cost Its Considered by the Court that the said Daniel  
Grainger recover against the said Daniel Bagg the Sum of ighteen  
pounds eleven shillings and ten pence lawfull money of this  
province damage and cost taxed at £3.4.9.

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Ex'c'on issued

21. Dec<sup>r</sup>. 1761.

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Hitchcock v Hinds

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Caleb Hitchcock of Brookfeild in the County of Worcester yeoman Admor on the Estate  
of Pelatiah Hitchcock of Springfeild in the County of hampshire  
Yeoman [<sup>d</sup>dece<sup>d</sup>] Complt ~~vs~~ Joseph Hinds of Greenwich in the same County  
Yeoman The Complt shew'd that at an Inferiour Court of Common  
pleas held at Northampton in said County in November last he [<sup>d</sup>the s<sup>d</sup>. pelatiah<sup>d</sup>] reco-  
vered Judgment against the said Joseph for the sum of £3.4.10¾ Dam<sup>a</sup>:  
and costs from which Judgment the said Joseph appealed to this Court &  
recogniz'd to prosecute said appeal but failed so to do wherefore the  
Complt pray'd affirmation of said Judgment with Additional Interest  
and costs Its therefore Considered by the Court that the said Caleb:  
recover against the said Joseph the sum of three pounds seven shill<sup>s</sup>.  
and eleven pence lawfull money of this province damage and cost  
taxed at £3.12.4.

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Ex'c'on issued

10<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Keith ~~vs~~ Wait.

&gt;&gt;

John Keith of Hartford in the County of Hartford and Colony of Connecticut, Gent<sup>n</sup>. Compl<sup>t</sup> ~~vs~~ Benjamin Wait of Springfeild in the County of Hampshire Yeoman The Compl<sup>t</sup> shew'd that at an Infer<sup>r</sup>: Court of Common pleas held at Springfeild aforesaid in May last, he recovered Judgment against the said Benjamin for £4.6.4 Dam<sup>a</sup>: and costs from which Judgment said Benj<sup>a</sup>. appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the.

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[257v]

The Compl<sup>t</sup> pray'd affirmation of said Judgment with additional interest and cost Its Considered by the Court that the said Keith recover against the said wait the sum of four pounds Nine shillings & six pence lawfull money of this province damage and cost tax at £3.14.6

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Ex'c'on issued

10<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Lansingh et al v Beach.

&gt;&gt;

Abraham Jacob Lansingh of Albany in the County of Albany and province of New York Yeoman and Abraham Beach of Hartford in the County of Hartford and Colony of Connecticut Yeoman Compl<sup>ts</sup> ~~vs~~ Aaron Beach of a new Township called number one in the said County of Hampshire Yeoman The Compl<sup>ts</sup> shew'd that at an Inferiour Court of Common pleas held at Springfeild in said County in May last they recovered Judgment against the said Aaron for £15.19.7 damage & cost from which Judgment he appealed to this Court and recogniz'd to

prosecute said appeal but failed so to do wherefore the Complts pray'd  
affirmation of said Judgment with additional cost Its therefore consi-  
dered by the Court that the said Abraham Jacob Lansingh and Abr'am  
Beach recover against the said Aaron Beach the sum of fifteen  
pounds nineteen shillings and seven pence lawfull money of this pro-  
vince damage and cost taxed at £6.3.0

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Ex'c'on issued

10<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Lamberton ~~vs~~ Webb.

&gt;&gt;

James Lamberton jun<sup>r</sup>. of Palmer in the County of Hampshire  
Yeoman Complt ~~vs~~ Leonard Webb of Rutland district in the County of  
Worcester Yeoman The Complt shew'd that at an Inferior Court of com'on  
pleas held at Springfeild in the county of Hampshire in May last he  
recovered Judgment against the said Leonard for £8.10.5 damage &  
cost from which Judgment said Leonard appealed to this Court and recogni-  
zed to prosecute said appeal but failed so to do wherefore the Complt pray'd  
affirmation of said Judgment with additional Interest and cost Its  
Considered by the Court that the said James recover against the said  
Leonard the Sum of eight pounds thirteen shillings and eight pence  
lawfull money of this province damage and costs tax't at £3.15.10.

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Ex'c'on issued

21. Dec<sup>r</sup>. 1761.

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Leonard v Leonard

&gt;&gt;

Eleanor Leonard of Springfeild in the County of Hampshire Spinster



Complt ~~vs~~ George Leonard of the same Springfeild Yeoman, The Complt shew'd that at an Inferiour Court of common pleas held at said Springfeild in November last she recovered Judgment against him for £11.11.4¾ damage and costs from which Judgment he appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Eleanor recover against the said George the sum of twelve pounds two shillings lawfull money of this province damage & costs taxed at £3.5.10.

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Ex'c'on issued

21. Dec<sup>r</sup>. 1761.

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Image 320-Right

258.

[258r]

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Mills v Rose

&gt;&gt;

Ebenezer Mills of Symsbury in the county of Hartford in the Colony of Connecticut Gent<sup>n</sup>. Complt ~~vs~~ Israel Rose lately of Granville in the county of Hampshire Yeoman The Complt shew'd that at an Inferiour Court of Common pleas held at Springfeild in the County of Hampshire in May last he recovered Judgment against said Rose for £23.8.0¾ damage and costs from which Judgment the said Rose appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional Interest and cost Its Considered by the Court that the said Mills recover against said Rose the sum of twenty three pounds sixteen shillings and eight pence lawfull money of this province damage and cost taxed at £3.14.0.

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Ex'c'on issued

10<sup>th</sup>: Nov<sup>r</sup>. 1761.

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Spencer v Cooley

&gt;&gt;

Hezekiah Spencer of Somers in the County of Hartford  
and Colony of Connecticut Yeoman Compl't ~~vs~~ Hezekiah Cooley of  
Springfeild in the County of Hampshire Yeoman The Compl't shew'd  
that at an Inferiour Court of Common pleas held at said Springfeild in  
May last he recovered Judgment against the said Cooley for £17.14.10  
damage and cost from which Judgment said Cooley appealed to this Court  
and recogniz'd to prosecute said appeal but failed so to do wherefore  
the Compl't pray'd affirmation of said Judgment with Additional  
Interest and cost Its Considered by the Court that the said Spencer  
recover against said Cooley the Sum of eighteen pounds one shilling  
and Six pence lawfull money of this province damage and costs taxed  
at £3.5.6.

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Ex'c'on issued

10<sup>th</sup>: Nov<sup>r</sup>. 1762.

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Cooley v Church

&gt;&gt;

Aaron Cooley of Springfeild in the County of Hampshire Yeoman  
Compl't ~~vs~~ Malachi Church of Hadley in said County Yeoman The  
Compl't Shew'd that at an Inferior Court of Common pleas held at s<sup>d</sup>:  
Springfeild in May last he recovered Judgment against the said Church  
for £4.5.1½ damage and cost from which Judgment said Church  
appealed to this Court and recogniz'd to prosecute said appeal but

failed so to do wherefore the Complt pray'd affirmation of s<sup>d</sup>. Judgment with Additional Interest and cost Its Considered by the Court that the said Cooley recover against the said Church the sum of four pounds six shillings and nine pence lawfull money of this province damage and costs taxed at £2.16.4.

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Ex'c'on issued

19<sup>th</sup>: Dec<sup>r</sup>. 1761.

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Fowler v Rowlee

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Bildad Fowler of Westfeild in the County of Hampshire Yeoman Complt ~~vs~~ Thomas Rowlee of the same Westfeild Yeoman The Complt Shew'd that at an Inferior Court of Common pleas held at Springfeild in said County in May last he recovered Judgment against the said Thomas

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Image 321-Left

[258v]

Thomas for £14.1.1½ damage and cost from which Judgment the said Thomas appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional Interest and cost Its Considered by the Court that the said Bildad recover against the said Thomas the Sum of fourteen pounds six shillings and four pence lawfull Mony of this province damage and cost taxed at £3.4.10.

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Ex'c'on issued

22. Oct<sup>r</sup>. 1761.

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Harman v Grainger

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Joel Harman of Suffeild in the County of Hampshire Yeoman otherwise called Seth Harman of Suffeild in the County of Hartford in the Colony of Connecticutt in new England Yeoman Complt vs Daniel Grainger of Westfeild in the County of Hampshire Yeoman The Complt Shewed that at an Inferiour Court of Common pleas held at Springfeild in the County of Hampshire in may last he recovered Judgment against the said Daniel for £4.2.6 damage and cost from which Judgment said Daniel Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional Cost Its Considered by the Court that the said Joel recover against the said Daniel the sum of four pounds two Shillings and six pence lawfull money of this province damage and cost taxed at £3.5.0.

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Ex'c'on issued

22. Oct<sup>r</sup>. 1761.

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Feild v Hinds.

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John Feild of Amherst in the County of Hampshire Gent<sup>n</sup>. Complt vs Joseph Hinds of Greenwich in said County Yeoman. The Complt Shew'd that at an Inferiour Court of common pleas held at Springfeild in s<sup>d</sup>. County in May last he recovered Judgment against the s<sup>d</sup>: Joseph for £74.3.11½ Damage and costs from which Judgment he Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said John recover against the said Joseph the Sum of Seventy five pounds four shillings and nine pence lawfull Money of this province damage and cost taxed at £3.12.9.

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Ex'c'on issued

16. Feb. 1762.

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Hamilton v Stoddard

&gt;&gt;

Robert Hamilton of Northampton in the County of Hampshire

Yeoman Compl't vs Ebenezer Stoddard of South Hadley in the same County

Yeoman. The Compl't shew'd that at an Inferior Court of common pleas held at

Springfeild in said County in May last he recovered Judgment against the said

Ebenezer for £3.4.4. damage and cost from which Judgment he appealed

to this Court and recogniz'd to prosecute said appeal but failed so to do where-

fore the Compl't pray'd Affirmation of said Judgment with additional Interest

and cost Its Considered by the Court that the said Robert recover against

the said Ebenezer the sum of three pounds five shilling and six pence lawfull

money

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259.

[259r]

money of this province damage and costs taxed at £3.9.11.

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Ex'c'on issued}

5 Oct<sup>r</sup>. 1761.}

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Moreton v Wright

&gt;&gt;

Jonathan Moreton of Hatfeild in the County of Hampshire Gent<sup>n</sup>.

Complt ~~vs~~ Joseph Wright lately of Springfeild in the same County Yeoman the Complt shew'd that at an Inferiour Court of common pleas held at said Springfeild in November last he recovered Judgment against the said Joseph for £2.11.10½ debt and costs from which Judgment the said Joseph Appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Jonathan recover against the said Joseph the Sum of two pounds thirteen Shillings and five pence lawfull money of this province debt & Cost tax't at £3.6.3.

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Ex'c'on issued

5 Oct<sup>r</sup>. 1761.

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Moreton v Hubbard et al

&gt;&gt;

Jonathan Moreton of Hattfeild in the County of Hampshire Gent<sup>n</sup>.

Complt ~~vs~~ Joseph Hubbard of Hadley in the same county Gentleman and Benjamin Peirce of South Hadley in said County Yeoman The Complt Shew'd that at an Inferiour Court of common pleas held at Springfeild in said County in August last he recovered Judgment the said Joseph for £19.6.6½ debt and cost from which Judgment against the said Joseph Appealed to this Court and recogniz'd to prosecute said appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with additional Interest and cost Its Considered by the Court that the said Jonathan recover against the said Joseph the Sum of nineteen pounds seven shillings and nine pence lawfull money of this province damage and cost taxed at £3.12.8.

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Ex'c'on issued

5<sup>h</sup>. Oct<sup>r</sup>. 1761.

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Partridge v Clap.

&gt;&gt;

Oliver Partridge of Hatfeild in the County of Hampshire Esq<sup>r</sup>.  
 and Sheriff of the said county Complt ~~vs~~ Preserved Clap of Westfeild in  
 the same County Yeoman The Complt Shew'd that at an Inferior Court of  
 Common pleas held at Springfeild in said county in November last he recovered  
 Judgment against the said Clap for £6.0.12/4 damage and cost from which  
 Judgment he Appealed to this Court and recogniz'd to prosecute the said Ap-  
 peal but failed so to do wherefore the Complt pray'd affirmation of said  
 Judgment with Additional Interest and cost Its Considered by the Court that  
 the said Oliver recover against said Preserved the Sum of Six pounds  
 seven shillings and nine pence lawfull money of this province damage and  
 costs taxed at £3.2.8.

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Ex'c'on issued

22. Oct<sup>r</sup>. 1761.

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Jones v Jones.

&gt;&gt;

Danial Jones of Springfeild in the County of Hampshire Gent<sup>n</sup>.  
 Complainant ~~vs~~ Tryphena Jones of said Springfeild Spinster. On a  
 writ of Certiorari which writ follows in these words viz<sup>r</sup>. Province of the  
 Massachusetts Bay Hampshire &c George the third by the grace of God of great  
 Britain France and Ireland King Defender of the Faith &c To our  
 beloved

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Image 322-Left

[259v]

Beloved and faithfull Timothy Dwight Esq<sup>r</sup>. first Justice of Our  
 Court of general Sessions of the peace for said County of Hampshire

Greeting Willing for certain causes to be certified of the Record of the process and Judgment upon a Complaint of Triphena Jones of Springfield in said County Spinster against Daniel Jones of said Springfield Gent<sup>n</sup> for being the Father of a female Bastard Child born of her body sometime since the latter end of April AD 1760 and prosecuted (as it is said) in the said Court held at Springfield in and for said County on the third tuesday of May last and of all things touching said Complaint process and Judgment: We command you that the [<sup>d</sup>] Record of the said complaint process and Judgment with all things touching the same fully and entirely as the same remains before you by whatever names the parties are called in the same You send before us in Our Superiour Court of Judicature Court of assize and general goal delivery to be held at Springfield in and for our County of Hampshire on the fourth tuesday of September next under your hand & Seal together with this writ that we may thereupon cause to be done what by right and Law ought to be done Witness Thomas Hutchinson Esq<sup>r</sup>. at Boston this twelfth day of August in the first year of our Reign Annoq. "Dom<sup>i</sup>. 1761. Nathaniel Hatch Cler." The Record above said being duely return'd in to this Court sign'd, Timothy Dwight [<sup>and on file</sup>]; The said Daniel by Jeremy Gridley Esq<sup>r</sup>. his Attorney appeared and said that neither the aforesaid Complaint nor Judgment set forth when the child was born and for this Error pray'd Judgment that the said proceedings may be quash'd and rendred null, And the said Tryphena, by Charles phelps Esq<sup>r</sup> Attorney to her, having been heard upon the Error above assign'd Its Considered by the Court that the proceedings be quashed and rendred null.

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Order on Biglow's pet<sup>o</sup>.

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Hopestill Biglow and Esther Biglow which said Esther is Administratrix on the Estate of John Druce late of the Township N<sup>o</sup>: 1. in the County of Berkshire petition'd this Court and Shew'd that the debts due from the said Estate exceed the whole of his personal Estate the Sum of £51.19.6. said Administratrix prays therefore that this Court would enable her to pay the debts aforesaid by empowering her to sell so much of said deceased's [<sup>real</sup>] Estate as shall be



sufficient to that purpose Ordered that the prayers of the petitit be granted and the said Administratrix is hereby impowered to sell so much of the said deceased's real Estate as will answer the ends aforesaid she to post up Notifications thirty days before sale and to Account with the Judge of probate as the Law directs; and not to sell more than seventy pounds worth.

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Order on Mitchel's pet<sup>o</sup>.

>>

Joel Mitchel of Wallingford Administrator on the Estate of Michael Mitchel some time since of Deerfeild in the County of Hampshire deceased by His petition Shew'd that the said Michael died seised of several tracts of unimpwr'd lands in said town of Deerfeild that the whole of his Estate both

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Image 322-Right

260.

[260r]

both real and personal is insufficient to pay the whole of the just debts due from said Estate &c and therefore pray'd an Order of this Court empowering him to sell such of the real Estate of said deceased according to the Law, as will answer the ends aforesaid Ordered that the prayer of the Petitioner be granted and he is hereby impowered to sell and i convey such of said deceaseds' real Estate according to Law as will Answer the ends aforesaid he to post up notifications thirty days before sale and to Account with the Judge of probate as the law directs.

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Order on Loomise's pet<sup>o</sup>.

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Samuel Loomise of Sheffeild in the County of Berkshire  
Yeoman Yeoman Administrater in the Estate of Samuel Loomise  
late of said Sheffeild by his petition shewed that the Estate of s<sup>d</sup>. deceased

is insolvent and therefore pray'd the Court's leave to sell the deceaseds' whole Estate for the purpose, aforesaid Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell the said deceaseds' real Estate for the ends aforesaid he to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Sexton's pet<sup>o</sup>.

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James Sexton of Sheffield in the county of Berkshire Yeoman Ex'cor of the Testament of Zenas Huggin late of said Sheffield Gent<sup>n</sup> deceased by his petition Shew'd that the personal Estate of the s<sup>d</sup>. Deceased is insufficient to pay his debts and therefore pray'd to be Authorized to sell £200; worth of the real Estate of the said dece'd for payment of his debts Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell and convey two hundred pounds worth of the said deceased's real Estate for the ends aforesaid he to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Order on Fowler's pet<sup>o</sup>.

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Samuel Fowler of Westfeild in the County of Hampshire Yeoman Administrater on the estate of Elisha Old of said Westfeild deceased by his petition shew'd that the Estate of s<sup>d</sup>. deceased is insolvent and therefore pray'd leave to Sell the real Estate of s<sup>d</sup>. Deceased for payment of his debts Ordered that the prayer of the petitioner be granted and he is hereby impower'd to sell [^& convey^] the real Estate aforesaid for the ends aforesaid he to post up Notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Indictment vs Williams

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The Jurors for the Lord the King [+] upon their Oath did [^(at last Term)^] present that Warham Williams of Sheffield in the County of Hampshire Yeoman Sometime in the month of November AD 1757 at Sheffield aforesaid then being Constable of said Town duely elected into and qualified for the Execution of said Office then and there had an assessment of the province and Town rates made on the Inhabitants of said Sheffield for the year of our Lord

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Image 323-Left

[260v]

Lord 1757 delivered him the said Warham Williams by Jonathan Nash one of the assessors of said Town which said Assessment was made by Stephen Dewey Silas Kellogg and Jonathan Nash Assessors of the same town of Sheffield aforesaid for the year 1757. duely chosen into and qualified for the execution of their said Office and by said assessors signed with a legal Warrant impow'ring the said Warham Williams to collect all such rates as were in s<sup>d</sup>: assessment contained and which said assessment delivered to the said Warham Williams as aforesaid he the said Warham Williams upon his own head and imagination did wittingly subtilly and falsely forge and Alter in divers places that is to say the Rates of one Isaac Venduser who was in said Assessment rated for his province rate the sum of five pounds ten shillings and one penny and for his Town rate the sum of one pounds and five pence amounting in the whole to six pounds ten Shillings and six pence which said Rates of the said Isaac Venduser the said Warham Williams then and there with design to defraud him the said Isaac did at Sheffield aforesaid sometime in the month of Nov<sup>r</sup>: aforesaid wittingly subtilly and falsely forge and alter to the Sum of Six pounds fourteen Shillings and six pence which said last mention'd Sum the said Warham Williams afterwards as Constable as aforesaid and by virtue of the Assessment and warrant aforesaid demanded of the said Isaac and of him received the Same at Sheffield aforesaid also the rates of one John Peue who was in s<sup>d</sup>:- assessment rated for his province rate the Sum of One pound three shillings and six pence and for his town rate four shillings and six pence amounting in the whole to One pound eight shillings which said rates of the said John

Peue the said Warham Williams did then and there with a design to defraud him the said John Peue wittingly Subtilly and falsely forge and alter to one pound eighteen Shillings which said last mention'd Sum the said Warham Williams afterwards as Constable as aforesaid and by force of the assessment and warrant aforesaid demand and at sheffeild aforesaid received the Same. Also the rates of Jacob Burghart who was in said assessment rated for his province rate one pound and ten pence and for his town rate three Shillings and nine pence Amounting in the whole to One pound four shilling and seven pence which said rates of the said Jacob Burghardt the said Warham Williams did then and there with a design to defraud him the s<sup>d</sup>. Jacob wittingly Subtilly and falsely forge and alter to one pound fourteen shillings and seven pence which said last mention'd Sum the said Warham Williams afterwards as Constable as aforesaid and by force of the assessment & warrant aforesaid demanded and at Sheffeild aforesaid received the same of and from the said Jacob, Also the rates of Mathew Goose who was in said assessment rated for his province rate two pounds five Shillings and five pence which said rate of the said Mathew the said Warham Williams did then and there with a design to defraud him the said Mathew wittingly subtilly and falsely forge and Alter to two pounds nine shillings and eleven pence which said last mention'd Sum the said Warham Williams afterwards

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Image 323-Right

261.

[261r]

Afterwards as Constable as aforesaid and by force of the Assessment & warrant aforesaid demanded and at Sheffeild aforesaid received the same of and from the said mathew Also the rates of John Burghart who was in said assessment rated for his province rate two pounds sixteen shillings and five pence and for his town rate thirteen shillings and eleven pence amounting in the whole to three pounds ten shillings and four pence which said rates of the said John Burghart the said Warham Williams did then and there with a

design to defraud the same John wittingly subtitly and falsely forge and alter to three pounds fourteen Shillings and four pence which said last mention'd Sum the said Warham Williams afterwards as Constable as aforesaid and by virtue of the assessment and warrant aforesaid demanded and received the same of the said John Burghart Also the rates of Phillip Case who was in said assessment rated for his province rate fifteen Shillings and a penny which said rate the said Warham Williams did then and there with a design to defraud the said Phillip wittingly Subtitly and falsely forge and Alter to Sixteen shillings and eleven pence which said last mention'd sum the said Warham Williams receiv'd of the said Phillip Also the rates of Josiah Phelps who was in said assessment rated for his province rate one pound one Shilling and ten pence and which said rate the said Warham Williams did then and there with a design to defraud the said Josiah Phelps wittingly subtitly and falsely forge and alter to one pound two shillings and ten pence which said last mention'd sum the said Warham Williams as Constable aforesaid demanded and received from the said Josiah Phelps Also the rates of John Hamlin who was in said Assessment rated for his province rate one pound sixteen shillings and four pence which said rate the said Warham Williams did then and there with a design to defraud the said John Hamlin wittingly subtitly and falsely forge and alter to the Sum of one pound eighteen shillings and four pence and afterwards at Sheffield aforesaid the said Warham Williams as Constable as aforesaid demanded the same sum of the said John Hamlin who paid the same to the said Warham Williams and also the rates of Samuel Lee who was in said assessment rated for his province rate three pounds four shillings & six pence which said rate the said Warham Williams did then & there with a design to defraud the said Samuel wittingly and willingly Subtitly and falsely forge and Alter to the sum of three pounds fourteen Shillings and six pence and afterwards at Sheffield aforesaid the said Warham Williams as Constable as aforesaid demanded the same Sum of the Same Samuel who paid the same to the said Warham Williams

and also the said Warham Williams did in the month of November afores<sup>d</sup>.  
at

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Image 324-Left

[261v]

at Sheffield aforesaid with a design to defraud other the leige Subjects  
of Our Lord the King upon his head and imagination did wittingly  
Subtilly and falsely forge and alter the rates of divers Others contain'd  
in said assessment against the peace of the Lord the King his  
crown and dignity and the Law in such case made and provided  
and in evil example to Others To this Indictment [<sup>^w</sup>ch. was continued to this Court<sup>^</sup>] the said  
Williams

upon his Arraignment at the Bar pleaded not Guilty, a Jury was  
then sworn to try the issue (M<sup>r</sup> Moses Marsh foreman and fellows) who having  
fully heard the Evidence upon their Oath say that the said Warham  
Williams is Guilty The Court having considered his offence Order that he  
be set in the pillory for the space of One hour, that he pay the Sum of twenty  
pounds as a fine to the King) that he become bound by way of Recognizance  
in the Sum of fifty pounds with two sureties in the sum of twenty five  
pounds each for his keeping the peace and being of the good behaviour  
towards all his Majesty's leige Subjects for the term of five years and that he  
pay costs of prosecution standing committed untill this Sentence be perform'd.

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Indictment v Curle.

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The Jurors for the Lord the King upon their Oath did present  
That John Curle of Sheffield in the County of Berkshire Yeoman  
on the twenty eighth day of March last at Sheffield aforesaid  
minding the said Lord the King and his leige Subjects to deceive  
and defraud did with force and Arms falsely deceitfully and corruptly  
forge and make of pewter and other base metals mixed together  
seven false and counterfeit peices in the form and imitation of &  
resembling peices of coin'd Silver called quarters of Cobbs being then &

ever since a coin current in this province with an intent to utter the same false and counterfeit peices And that the said John there afterwards on the same day with force and Arms uttered and paid one of the same false and counterfeit peices to one Silas Kellogg for Tobacco bought of him the said Silas he the said John well knowing the peice so uttered to be false and counterfeit when he Uttered and paid the same to the said Silas as aforesaid; And that the said John there afterwards on the same day with force and Arms uttered and paid another of the said counterfeit peices to one Ruth Kellog for a cheese bought of her the said Ruth he the said John well knowing the peice last mention'd to be false & Counterfeit when he uttered and paid the same to the said Ruth as aforesd: against the peice of the said Lord the King his crown and dignity and the Law of this province in that case made and provided and in evil example to Others: To this Indictment the said John Curle upon his arraignment at the Barr pleaded not Guilty: But being afterwards set to the Barr to receive his trial moved the Court that he might be Allow'd to withdraw his aforesaid plea and to plead guilty which the Court granted and he then pleaded guilty[-] And the Court having Considered his Offence Order that the said John Curle be whipped twenty stripes upon his naked back at the publick whipping post that he be committed to the house of correction and there kept to hard labour for the space of six months and that he pay

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Image 324-Right

262.

[262r]

pay costs of prosecution standing committed untill this sentence shall be performed

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Indictment v Marsh

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The Jurors for the Lord the King upon their Oath did present

That Noah Marsh of Sheffield in the County of Berkshire Yeoman on the twenty eighth day of February last at Sheffield aforesaid wickedly minding the said Lord the King and his leige Subjects to deceive and defraud did with force and arms falsely deceitfully and corruptly forge and make of pewter and Other base metals mixed together eight false and counterfeit peices in the form and imitation of and resembling [+] peices of coined Silver called Cobbs being then and ever since a coin current in this province with an intent to utter the same false and counterfeit peices and that the said Noah there afterwards on the same day with force and Arms uttered and paid two of the said false and counterfeit peices to one Elisha Noble being for value received of the said Elisha he the said Noah well knowing the said two peices to be false and counterfeit when he uttered and paid the same to the said Elisha as aforesaid and that the said Noah there afterwards on the same day with force and Arms uttered and paid one Other of the said false and counterfeit peices to One Samuel Roberts being for value received of the said Samuel he the said Noah well knowing the last mention'd peice to be false and counterfeit when he uttered and paid the same to the s<sup>d</sup>. Samuel as aforesaid and that he the said Noah there afterwards on the same day with force and Arms uttered and paid one Other of the said false and counterfeit peices to one Joel Trumbale being for value received of him the said Joel he the said Noah well knowing the said last mention'd peice to be false and counterfeit when he uttered and paid the same to the said Joel as aforesaid against the peice of the said Lord the King his Crown and Dignity and the Laws of this province in that case made and provided and in evil Example to others: To this Indictment the said Noah upon his Arraignment at the Barr pleaded not guilty but afterwards being again brot into Court moved the Court that he might be allow'd to withdraw his afores<sup>d</sup>. plea of not guilty and to plead guilty which being allow'd he accordingly pleaded guilty: & The Court having Considered his Offence Order that he be whipped twenty stripes upon his naked back at the public whipping post that he be committed to the house of Correction and there



kept to hard labour for the space of six months and that he pay costs  
of prosecution standing committed untill this Sentence shall be perform'd.

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Indictment v Smith et al

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The Jurors for the Lord the King for this County, did  
at the Superior Court of Judicature Court of Assize and general  
goal

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[262v]

Goal delivery held at Springfield in and for the County of  
Hampshire upon the fourth tuesday of September AD 1758, upon  
their Oath present that Meriam Ashley of Westfeild in said County  
widow Abijah Smith and William Definx alias Crocker both late of s<sup>d</sup>.  
Westfeild Yeoman and Stephen Davis of a place called Road town in  
said County Yeoman with a wicked design to deceive and defraud his  
Majesty's good Subjects did on the thirty first day of August AD 1757,  
at said Road town with force and Arms assemble themselves together  
and combine and conspire together to forge and counterfeit false  
peices of metal in form and imitation of Spanish Mill'd Dollars then  
and ever since a coin current in said province and then and there  
provided themselves with Tools and implements for said purposes  
and that the said Miriam delivered to the said Abijah William  
and Stephen a Silver Tankard and a copper Tea kettle and that  
they the said Abijah William and Stephen received them to be  
mixed for the aforesaid use contrary to the peace of the said Lord  
the King his crown and dignity and in evil example of Others  
&c from which same Court this Indictment was continued to them  
the next term of said Court for said County and from that same  
term said Indictment against said Smith was continued to the last  
term of this Court for this County and from that same term said

Indictment against said Smith was continued to this Court: And now the said Smith was set to the Barr and Arraigned and upon his arraignment pleaded not guilty [<sup>^</sup>and then was remanded to Goal<sup>^</sup>] but being afterwards set to the Barr to receive his trial moved the Court that he might be allow'd to withdraw his aforesaid plea and plead guilty which was granted and he then pleaded guilty, The Court having considered his offence Order that the said Abijah pay the sum of ten pounds as a fine to the King that he be committed to the house of correction and there kept to hard Labour for the space of two months and that he pay costs of prosecution standing committed untill this Sentence shall be performed.

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Indictment v Smith et al

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The Jurors for the Lord the Kin for this County did at the Superior Court of Judicature Court of assize and general goal delivery held at Springfeild in and for the County of Hampshire on the fourth tuesday of September AD 1758 upon their Oath present that Abijah Smith and William Definx alias Crocker both late of Westfeild in said county of Hampshire yeoman and Stephen Davis of a place called Road Town in said County Yeoman on the fifteenth day of August AD 1757 wickedly designing to deceive and defraud the good Subjects of our said Lord the King at said Roadtown with force and Arms did forge and counterfeit out of Silver and base metals mixed together four false peices in form and imitation

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Image 325-Right

263.

[263r]

imitation of spanish mill'd dollars being then a coin current in this the said province and that they the said Abijah Smith William Definx alias Crocker and Stephen Davis afterward viz<sup>r</sup>. on the thirtieth

day of [<sup>d</sup>.^] August again wickedly designing to deceive and defraud the good Subjects of our said Lord the King did at said Road town with force and Arms forge and counterfeit out of Silver and base metals mixed together six false peices inform and imitation of spanish mill'd dollars being then a coin current within the said province contrary to the Act of said province in that case made and provided to his majesty's peace crown & dignity and in evil example of Others in like case; This Indictment was continued from the said Superior Court held at Springfeild in 1758 as afores<sup>d</sup>. to the then next term of said Court for said county and from that same term said Indictment against said Smith was continued to the last Term of this Court for this County and from that same term to this Court: and now the said Smith being sett to the Barr and Arraign'd pleaded to the same Indictment not Guilty; upon which he was remanded to Goal, and being afterwards set to the Barr to receive his trial he moved the Court that he might be allow'd to withdraw his aforesaid plea of not Guilty and to plead guilty which being granted he pleaded guilty And the Court having Considered his Offence Order that the said Abijah be whipped zten stripes upon his naked back at the publick whipping post that he be committed to the house of Correction and there kept to hard labour for the space of two months and that he pay costs of prosecution standing committed untill this Sentence be performed.

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Indictment v Smith.

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The Jurors for the Lord the King for this County did at the Superiour Court of Judicature Court of assize and general goal delivery held at Springfeild within and for the County of Hampshire on the fourth tuesday of September AD 1758, upon their Oath present That Abijah Smith late of Westfeild in said County Yeoman on the eighteenth day of November AD 1757, wickedly designing to deceive and defraud his Majesty's good Subjects did at Westfeild aforesaid with force and Arms forge and counterfeit out of Silver and base metals mixed together four false peices in form and imitation of Spanish Cobbs so called being a coin current

in said province contrary to the Act of said province in that case provided to his Majesty's peace crown and dignity and in evil Example of Others &c, from which said Superior Court said Indictment was continued to the then next term of said Court for this County and from that same term said Indictment was continued to the last term of said Court for this County and from the same term said Indictment was continued to this Court; and now the said Abijah Smith being arraigned at the Barr

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Image 326-Left

[263v]

Barr pleaded to the said Indictment not guilty Upon which he was remanded to goal, and being afterwards set to the Barr to receive his trial he prayed leave to withdraw his aforesaid plea of not guilty and to plead guilty, which being allow'd he accordingly withdrew his first plea and pleaded guilty and the Court having considered his Offence Order that the said Abijah be whipt ten stripes upon his naked back at the publick whipping post that he be committed to the house of correction and there kept to hard labour for space of two months and that he pay costs of prosecution standing committed untill this Sentence shall be perfomed.

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Springfeild September the 25<sup>th</sup>: 1761. The Court entered up Judgment according to the verdicts and then the Court Adjourn'd without day.

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Image 326-Right

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[264r]

Province of the}      Anno Regni Regis Georgii

Massachusetts Bay} tertii magnæ Britanniae  
 Bristol sC} Francæ et Hiberniae primo.

At his Majesty's Superiour Court of Judicature  
 Court of Assize and general goal delivery began  
 and held at Taunton within and for the County  
 of Bristol on the second tuesday of October (being  
 the 13.<sup>th</sup> day of said month) Annoq:<sup>e</sup> Dom<sup>i</sup>. 1761.

By the Honourable Thomas Hutchinson Esq. cheif Justice.

Benjamin Lynde}

John Cushing}

Chambers Russell and} Esq<sup>rs</sup>. Justices.

Peter Oliver}

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The names of the grand Jurors and Petit Jurors are in the  
 List on file.

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The Attorney general being absent, the Court Appoint  
 Samuel White Esq<sup>r</sup>. to Act in his stead at this term.

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Read v Valentine

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William Read of Newport in the County of Newport in  
 the Colony of Rhode Island &c Merchant Appellant ~~vs~~ Samuel  
 Valentine of Freetown in the County of Bristol Yeoman, Ap'lee  
 from the Judgment of an Inferiour Court of common pleas held  
 at Taunton in and for the County of Bristol on the second tuesday  
 of September 1758 when and where the Appellant was plant and  
 the Appellee was Deft In a plea of Trespass on the case for that the s<sup>d</sup>:  
 Samuel at a certain place called Newport in Freetown afores<sup>d</sup>. on the  
 sixth day of April 1737, rec<sup>d</sup>. of the plt the Sum of eighteen pounds  
 ten shillings Barbados money equal in value to eighteen

pounds and ten shillings lawfull money of this province being in full for one eighth part of One hundred and forty four pounds six Shillings and ten pence halfpenny Barbados money as aforesaid which was left in notes and some money in the hands of one Nathaniel Borden in Barbados aforesaid by Samuel Durfey Master of the Sloop Mary whereof the plt was part owner and was part of the effects of the Cargo that

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Image 327-Left

[264v]

that went in said Sloop to Barbados aforesaid in consideration whereof the said Samuel Valentine. then and there at Freetown aforesaid promis'd the plt to pay him the said Sum when thereto requested he the said William risking the getting said Money Now the plt averrs that the said Samuel has since receiv'd of the said Nathaniel Borden the aforesaid sum of eighteen pounds and ten shillings left in his hands as aforesaid and ought to Account with and pay the plt the aforesaid sum of eighteen pounds and ten shillings yet he hath not done it tho requested but refuses to do it and also whereas the aforesaid Samuel Valentine at Freetown afores<sup>d</sup>. was the receiver of the Money of him the said William from the said Sixth day of April 1737, aforesaid to the first day of April 1758, and within that time at Freetown aforesaid received of the moneys of the said William one Other sum of eighteen pounds & ten Shillings Barbados money equal in value to eighteen pounds & ten shillings lawfull money of this province by the hands of the afores<sup>d</sup>. Nathaniel Borden and promised to render a reasonable Account thereof to the said William when thereto requested yet the said Samuel Valentine tho' requested hath not as yet rendred such reasonable Account to the said William but hitherto hath and still doth refuse so to do to the damage of the said William Reed as he saith the sum of thirty pounds at which said Inferiour Court Judgment was rendred that the Said Samuel recover against the said William costs

This Appeal was bro't forward at the term of this Court for this County held at Taunton on the second tuesday of October 1750 and from thence continued under a rule of reference to the then next term and so from term to term to this Court and now the parties Appear'd and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment fifteen pounds eighteen shillings and eight pence money damage and cost Its therefore Considered by the Court that the former Judgment be reversed and that the said William Reed recover against the said Samuel Valentine the sum of fifteen pounds eighteen shillings and eight pence lawfull money of this province damage and cost taxed at £11.14.9

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Ex'c'on issued

13. Nov<sup>r</sup>. 1761.

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Tabour v Mosier

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Jonathan Tabour of Dartmouth in the County of Bristol Yeoman Appellant ~~vs~~ John Mosier of said Dartmouth Yeoman Appellee from the Judgment of an Inferiour Court of Common pleas held at Taunton in and for this County on the second Tuesday of September AD 1758, when

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Image 327-Right

265.

[265r]

when and where the Appellee was plant and the Appellant was Deft In a plea of Trespass upon the Case &c as in the writ on file tested the fifteenth day of August 1758 is at large sett forth At which said Inferiour Court

Judgment was rendred that the said Mosier shall recover against the said Tabor five pounds damage and costs: This Appeal was bro't forward at the term of this Court for this County held at Taunton in 1758, when and where the parties Appeared and entered into a rule of Court to refer this Action with all demands to Mess<sup>rs</sup>. Richmond Searle and Sherman who were to mark out and open according to deed the plt's way wherein he shall pass for the future and then said Appeal was continued to the then next term of said Superior Court for said County no report being made and at that same term the parties appeared and said Referres made their reports which was read and Accepted and Judgment was thereupon rendred that said Mosier's drift way be for the future as in said report is sett forth And that said Mosier pays aid Tabor costs of this Court and that said Tabor pay him the costs of the Inferior Court; and afterwards at said Mosier's Motion said Report was recommitted to said Referrees, and in case they find that the way is cleared according to the intent of the said Report then Mosier is to pay the costs otherwise the said Tabor to pay the costs and ye. Referrees to Report further at the then next term

find then s<sup>d</sup>. Appeal was continued to this Court: which first Report follows in these words "Bristol sc Dartmouth November 21. AD 1758, We the Underwritten pursuant to the Order of the Superiour Court dated October 1758, being Appointed Referrees &c All parties concerned being duely notified and present at the house of Jon<sup>a</sup>. Tabours in s<sup>d</sup>. Dartmouth &c and after hearing the pleas & Allegations of both parties went to the place in dispute between the said parties and staked out the original plt's drift way according to deed wherein he and his heirs and Sssigns shall pass and repass for the future beginning at a grey Oak [^tree^] standing near or in the line between phillip Tabor and Jon<sup>a</sup>. Tabor the which we have marked on four sides and put stones about it & s<sup>d</sup>:

way to be 40 feet wide and to extend Southerly by phillip Tabor's line upon Jon<sup>a</sup>. Tabor's land till it comes to John Mosher's homestead farm Report as followeth viz: that the afores<sup>d</sup>: described way be the said John Moshier's way for the future he the said John Moshier his heirs & Assigns making and Maintaining four pair of Barrs or gates vizt. one pair to go into phillip Tabor's land at the afores<sup>d</sup>: gray



Oak tree and one pair out of said Jonath<sup>n</sup>. Tabor's land to the s<sup>d</sup>. Jn<sup>o</sup>: Mosiers homestead farm and

two pair in said drift way if the s<sup>d</sup>. Jon<sup>a</sup>. Tabor makes division fences the s<sup>d</sup>. John Mosier his heirs

and assigns maintaining the afors<sup>d</sup>. four pair of Barrs or gates and no more: Also the said Jonathan Tabor pay the bill of cost that was taxed against him at the Inferior Court and the s<sup>d</sup>. Jn<sup>o</sup>. Mosier pay the bill of Costs of the Superior Court the parties having paid the cost of this Reference which we approve of all which is humbly Submitted Silvester Richmond Nath<sup>l</sup>.

Searl. Abraham Sherman Referrees": And now the parties Appeared & s<sup>d</sup>. Referrees made their further Report in writing as follows. December 25, 1759, we the Underwritten Report further that we have been to view the within described drift way which we hereto fore staked out and find it cleared According to the intent of the within Report. Silvester Richmond, Nath<sup>l</sup>. Searl, which further report was read also and Accepted and pursuant thereto Its Considered by the Court that the drift way between the parties be as therein described the Appellant to pay y<sup>e</sup>. cost at the Inferior Court & the Aple'e to pay the costs at the Sup<sup>r</sup>. Court and of the second

view of the Referrees.

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Fairbanks v Morey

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Benjamin Fairbanks of Norton in the County of  
Bristol Yeoman Appellant ~~vs~~ Samuel Morey of said Norton  
Gentleman and one of the Deputy Sheriffs for said County Appellee  
from

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Image 328-Left

[265v]

from the Judgment of an Inferiour Court of common pleas held at  
Taunton in and for the County of Bristol on the second Tuesday of June 1760  
when and where said Fairbanks was plt against said Morey, In a plea of  
Trespass (as in the writ on file tested the 17<sup>th</sup>: day of April 1760, ~~and~~ sett  
forth.) At which said Inferiour Court Judgment was rendred that the said  
Morey recover against the said Fairbanks cost of Court; This Appeal

was bro't forward at the last term of this Court for this County when and where the parties Appeared and then said Appeal was continued to this Court and now the parties Appeared and the Appellant confest Judgment for cost Its therefore Considered by the Court that the said Morey recover against the said Fairbanks costs taxed at

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Ex'c'on issued

10 novr. 1761.

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Stephens vs Bollan et al.

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Josiah Stephens of Taunton in the County of Bristol Cordwainer

Appellant ~~vs~~ William Bollan of London in great Britain Esq<sup>r</sup>. and Henry

Laughton of Boston in the County of Suffolk

Appellees from the Judgment of an Inferiour Court of common pleas held at Taunton in s<sup>d</sup>. County on the Second tuesday of September 1760, when and where the Appellant was plant and the Appellees were Defts (being vouch'd in as such by one Nicholas Baylies of Taunton in the County of Bristol Iron Master (against whom said Action was commenced) In a plea of Ejectment wherein he demands against said Nicholas Baylies the possession of a certain waterfall & the Stream or River called three mile river with the dams and works thereon standing together with a certain Cole Barn and the lands Adjacent to & surrounding the said Barn bounded as followeth beginning at a red Oak tree marked on the north side and standing by the riverside and from thence running westerly to Another red Oak tree marked on the south side then to a stake then to the westermost side of a great cleft rock measuring in the whole on that side two hundred and seventeen feet and from the said Rock running northerly seventy foot to a stake from thence running east northerly down to the riverside at twenty foot distance from the north end of the said Cole Barn and bounded on the easterly side by the said River: Also a small peice of land lying about twenty five foot distance and to the

Northward of the abovemention'd peice being seventy feet long and fifty five foot wide as the same is staked out and the upper part of a Small Island joining to the said Falls and bounded to a marked tree standing near the northeast corner of a certain grist Mill standing on said Falls and from said tree running to the Southside of a great upright Rock and from thence running by marked trees easterly to the said River together with the Buildings on the whole of the above described premisses standing and the Appurtenances the said premisses with the Appurtenances are all situate lying and being in Dighton in the said County of Bristol and whereupon the said Josiah says that on the fourth day of January last past he

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Image 328-Right

266.

[266r]

he himself was seised of the premisses aforesaid with the Appurtenances in his demesne as of fee by taking the profits thereof to the Amount of fifty pounds by the Year and ought to have held the same quietly yet the s<sup>d</sup>: Nicholas hath since unjustly and without Judgment entred upon the premisses aforesaid with the Appurtenances disseised the said Josiah thereof and now holds him out all which is to the damage of the said Josiah Stevens as he says the Sum of One thousand pounds, At which said Inferior Court upon the demurrer there Judgment was rendred that the said William Bollan and Henry Laughton recover against the said Josiah Stephens cost of Court; This Appeal was bro't forward at the Last term of this Court for this County, when & where the parties Appeared and by there consent the said Demurrer was waved and the issue (as tendred at s<sup>d</sup>. Inferior Court and on file was join'd) and then the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their verdict therein upon Oath that is to say They find that Nicholas Stephens Sen<sup>r</sup>. and Nicholas jun<sup>r</sup>. and Josiah Stevens upon the fourth day of June A D 1739, were seised of the premisses demanded in their own right and in fee

simple and that upon the same fourth day of June by deed indented of that date they the said Nicholas Sen<sup>r</sup>. and Nicholas jun<sup>r</sup>. and Josiah did grant demise and lease the said premisses as the same is described in the said Indenture of Lease unto William Bollan Gent<sup>n</sup>. and Henry Laughton Shopkeeper for the rents and considerations mention'd in the said deed of Indenture in the case as in said Indenture is expressed And we further find that the lessees aforesaid enter'd by force and virtue of the said demise and enjoyed the said granted leased premisses for and during the term of twenty years then next ensueing and paid all the rents for the same and during said twenty years built works thereon and have continued the said works and the improvements thereof upon the premisses holden as aforesaid unto this day and that on the expiration of said term of twenty years Henry Laughton jun<sup>r</sup>. being an assignee of the whole of the said Henry Laughton the lessee's right and Attorney to said Bollan notified the said Stephens that he and the said Bollan should continue to improve the premisses and were ready to join with him in choosing Arbitrators pursuant to said Indenture to determine what rents should be paid to the said Stephens for the future and the Jury also found that the now plants being seised in fee of the reversion of the said premisses upon the expiration of the said lease did upon the fourth day of January last enter into and demand the possession of the same of the said Nicholas and defts and that the said Nicholas afterwards ejected him Now if the defts have by Law right to hold the premisses demanded beyond the said Term of twenty years against the will of the plts then they found for the Defts costs of Court but if not they found for the possession of the said premisses with costs", and then this Appeal was continued to this Court: And now the parties Appeared and having been fully

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[266v]

fully heard upon said special Verdict Its Considered by the Court

that the former Judgment be reversed and that the said Josiah Stephens recover against the said William Bollom and Henry Laughton possession of the premisses demanded and costs taxed at £.

N.B. At this Court it was agreed that the aforesaid Special Verdict should be amended and the case argued and Judgment entered up at Boston in November next as of this Term.

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Willbore v Willbore

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Joseph Willbore and Benjamin Willbore both of Taunton in the County of Bristol Yeomen Appellants ~~vs~~ Meshech Willbore of Raynham in said County Yeoman Appellee from the Judgment of and Inferiour Court of common pleas held at Taunton aforesaid in November 1760 when and where the Appellants were plts and the Appellee was Deft In a plea of Trespass (as in the writ on file tested the 25<sup>th</sup>. day of february 1760 is at large sett forth) At which said Inferiour Court Judgment was rendred that the said Meshech recover against the said Joseph and Benjamin costs of Court: This Appeal was bro't forward at the last term of this Court for this County, when and where the parties appeared, and from thence s<sup>d</sup>. Appeal was continued to this Court and now the parties appeared And the Appellee confessed Judgment twenty shillings lawfull Money damage and costs Its therefore Considered by the Court that the said Joseph & Benjamin recover against the said Meshech the Sum of twenty shill<sup>s</sup>. lawfull money of this province damage and costs taxed at £22.0.10.

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Ex'c'on issued

26<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Clark v Goddard

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Jonathan Clark of Newport in the County of Newport in the Colony of Rhode Island &c Goldsmith Appellant ~~vs~~ Beriah Goddard of Dartmouth in the County of Bristol in this province Yeoman Appellee from the Judgment of an Inferiour Court of Common pleas held at Taunton in and for the County of Bristol in December 1759, when and where the Appellant was plt and the Appellee was Deft In a plea of debt for that the said Beriah at Dartmouth aforesaid on the last day of december Anno Domini one thousand seven hundred and fifty five by his bond (without the day of the month when signed sealed and delivered thereon inserted.) in Court to be produced bound himself to the said Jonathan in the full and just sum of Six hundred pounds current money of the Colony of Rhode Island aforesaid Old tenour to be paid to the plt on demand which sum in current money of the Colony of Rhode Island as afores<sup>d</sup>: the plt averrs to be of the value of forty five pounds lawfull Money yet the said Beriah tho' requested has never paid either of the aforesaid Sums to the plt but refuses to do it To the damage of the said Jonathan as

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Image 329-Right

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[267r]

as he saith, the sum of fifty pounds, At which said Inferiour Court upon the demurrer there Judgment was rendred that the said Beriah recover against the said Jonathan cost of Court: This Appeal was bro't forward at the last term of this Court for this County when and: where the parties Appeared and then the said appeal was continued to this Court & now the parties Appeared and by their consent the said demurrer was waved and the issue as tendred at said Inferiour Court and on file was joined, and then the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee costs Its therefore Considered by the Court

that the said Beriah recover against the said Jonathan costs tax't at  
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Ex'c'on issued

26, novr. 1761.

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Tripp v Durfey.

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Benjamin Trip of Chilmark in the County of Dukes County Mariner  
Appellant ~~vs~~ Thomas Durfee the second of that name of Freetown in the  
County of Bristol Yeoman Appellee from the Judgment of an Inferiour  
Court of Common pleas held at Taunton in and for the County of Bristol on the  
second tuesday of September 1760, When and where the Appellee was plt  
against the said Benjamin Only (Thomas Sisson named as the Other Deft in  
the writ not having been served with the process) In a plea of trespass upon  
the Case for that the said Thomas Sisson and Benjamin Tripp at Freetown  
aforesaid on the ninth day of April 1754 by their note of that date for  
value received promised to pay the plt one hundred and thirty dollars  
in three months time from the date of said note which one hundred &  
thirty dollars as aforesaid the plt averrs to be of the value of thirty  
nine pounds lawfull money and the said Thomas Sisson and Benj<sup>a</sup>:  
Trip also at said ffreetown on the same ninth day of April 1754 by their  
other note then dated for value received promised to pay the plt one  
hundred and seven dollars on demand which said One hundred  
and seven dollars the plt averrs to be of the value of thirty two pounds  
and two shillings lawfull money yet the said Thomas Sisson and  
Benjamin Trip tho' requested have not paid the plt either the  
One hundred and thirty dollars as aforesaid nor the value thereof  
in lawfull money as aforesaid nor have they paid the plant the  
said One hundred and seven dollars as aforesaid nor the value  
thereof in lawfull money as aforesaid but refuse to do either To the  
damage of the said Thomas Durfey as he saith the Sum of One hun=

dred and twenty pounds At which said Inferiour Court upon the pleadings there Judgment was rendred that the said Thomas Durfey recover against the said Benjamin Trip the Sum of sixty eight pounds eight shillings lawfull money damage and costs: This Appeal was bro't forward at the last term of this Court for this County when and where the parties Appeared and the pleadings aforesaid being waved and the pleas in abatement Overruled the said Benjamin by Rob<sup>t</sup>.

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[267v]

Robert Treat paine his Attorney defended &c and said He and the said Thomas Sisson never promised in manner and form as the plt declared and thereof put &c upon which plea issue was join'd and the case after a full hearing was committed to a Jury sworn according to Law to try the Same who returned their Verdict therein upon Oath that is to say they find that the Appellant together with the said Thomas Sisson for a debt due from them gave their notes mention'd in the declaration as therein expressed and afterwards the said Trip paid two pounds eighteen shillings on said notes and afterward the residue of the said notes amounting to sixty eight pounds eight shillings being unpaid the said Sisson gave his note of hand to the said Durfey for the same sum and afterwards paid and satisfied the same And of the said Thomas Durfey can in Law maintain this Action they find for the said Thomas the same sum and costs Otherwise they find for the Deft costs, and then this Appeal was continued to this Court and now the parties Appeared & having been fully heard Its Considered by the Court that the said former Judgment be reversed and that the said Benjamin Tripp recover against the said Thomas Durfey costs taxed at £11.14.6.

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Ex'c'on issued

4. Mar. 1762.

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Morey v Fairbanks

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Samuel Morey of Norton in the County of Bristol Gent<sup>n</sup>. and one of the Deputy Sheriffs for said County Appellant ~~vs~~ Benjamin Fairbanks of said Norton Yeoman Appellee from the Judgment of an Inferiour Court of Common pleas held at Taunton in said County on the second Tuesday of December last when and where the Appellee was plt and the Appellant was Deft In a plea of covenant broken for that the plt with Esther his wife and the deft at Norton aforesaid on the eighteenth day of March Anno Domini 1754 by interchangeable indented Covenants of that date one whereof sealed by the Deft in Court to be produced among other things therein it is witnessed that the said Benjamin and Esther for and in consideration of, the rents and covenants therein mention'd did by said presents to farm let unto the said Samuel Morey his heirs and Assigns that part of the dwelling house Barn and farm which lyeth in Norton aforesaid which Ebenezer Hodges of Norton aforesaid late deceased in his last will and Testament gave the improvement of to the said Esther during her natural life she being formerly wife of the said Ebenezer Hodges he the said Samuel Morey his heirs Executors Admin<sup>or</sup>: and Assigns to have hold and improve the said house Barn and farm with all other Buildings and fences standing thereon for the full and whole term of the natural lives of the said Benj<sup>a</sup>. Fairbanks and Esther his wife and at the death of the said Benjamin then the said lease to be void and the said house Barn and farm with all Other the said leased premisses to be delivered up to the said Esther again with all things in as good tenantable condition and repair as they were at the date of said Covenants

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268

[268r]

Covenants; but in case the said Esther should dye before the said Benjamin then at her death said lease to be fully ended and out and the whole aforesaid leased premisses to go into the possession of the said Samuel Morey by reason of its being at that time a free Estate to the wife of the said Samuel Morey his heirs and Assigns in consideration whereof the said Samuel Morey did thereby among other things find and oblige himself his heirs Exec<sup>r</sup>. Adm<sup>r</sup>. and Assigns to pay unto the said Benjamin his heirs and assigns the full and just sum of Six pounds thirteen shillings and four pence lawfull money of this Province at on or before the eighteenth day of March then next ensuing the date of said covenants which was the rent for the use of said House Barn and farm for one year And also to pay unto the said Benjamin his heirs Executors and Administ<sup>rs</sup>: and assigns the full and just Sum of six pounds thirteen shillings and four pence a year on the eighteenth day of March in each and every year successively during the whole term untill the death of the said Benjamin or Esther which shall happen first at which time the said lease was to be out and fully ended and in case the said Benjamin's death should be before the said Esther's then at the death of the said Benjamin the said house Barn and farm with all the fences and Other buildings should be delivered to the said Esther in as good Tenantable Condition and repair as they were in at the date of said covenants and also the said Samuel was to pay all the rates for the above leased premisses during said term Now the plt in fact says that the said Samuel tho' requested has not paid him the sum of six pounds thirteen shillings and four pence due by virtue of s<sup>d</sup>: Covenant for the years rent ending the eighteenth day of March 1756, And the like Sum of Six pounds thirteen shillings and four pence Annually since the said eighteenth day of March 1756, And that there was due to the plt from the said Samuel on the eighteenth day of March last the Sum of thirty three pounds six shillings & eight pence for five years Rent agreeable to said Covenant which now remains unpaid tho' demanded and the said Samuel by his

not paying the same has broke his Covenant to the damage of the said Benjamin Fairbanks as he saith the Sum of ninety pounds At which said Inferiour Court Judgment was rendred that the said Benjamin recover against said Samuel the sum of twenty six pounds thirteen shillings and four pence lawfull Money Damage and cost; Both parties now Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellee twenty six pounds thirteen shillings & four pence money damage and costs Its therefore Considered by the Court that the said Benjamin Fairbanks shall recover against the said Sam<sup>l</sup>: Morey the Sum of twenty six pounds thirteen shillings and four pence lawfull

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[268v]

lawfull money of this province damage and costs tax't at £3.15.4.

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Ex'c'on issued

13<sup>th</sup>.. Novr. 1761.

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Keith v Keith

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Josiah Keith of Easton in the County of Bristol Yeoman Appell<sup>t</sup>:  
 vs Daniel Keith of said Easton Yeoman Appellee from the Judgment  
 of an Inferiour Court of Common pleas held at Taunton in said County  
 in September last when and where the Appellant was plt and the  
 Appellee was Deft In a plea of the case for that he the said Daniel at  
 Easton aforesaid on the sixteenth day of January 1761, by his note of  
 that date for value receiv'd promist to pay the plant twenty dollars  
 and one quarter of a dollar to be paid on demand which twenty dollars

and one quarter of a dollar as aforesaid the plant averrs to be of the value of six pounds one shilling and Six pence lawfull money yet he the said Daniel tho' requested hath not paid the contents of the note aforesaid nor any part thereof to the plant. but refuseth to pay it To the damage of the said Josiah Keith as he saith the Sum of ten pounds At which said Inferior Court Judgment was rendred that the said Daniel recover against the said Josiah costs: The parties now Appeared and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their verdict there in upon Oath that is to say they find for the Appellee costs Its therefore Considered by the Court that the said Daniel recover against the said Josiah cost taxed at £

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Newcomb v Willbore

&gt;&gt;

Joseph Newcomb of Norton in the County of Bristol Yeoman Appellant ~~vs~~ Benjamin Willbore of Raynham in said County Husbandman appellee from the Judgment of an Inferiour Court of common pleas held at Taunton in said County in September last when and where the Appellee was plant and the Appellant was Deft In a plea of Trespass for that the said Joseph at Norton afores<sup>d</sup>.: on the fourth day of July 1761, with force and Arms did take and carry away from the plant three thousand of the plts good cedar shingles which were then and there in his possession being part shaved and part not shaved of the value of three pounds lawfull money & other enormities the said Joseph then and there did to the plt contrary to Law and against the King's peace and to the damage of the said Benjamin Willbore as he saith the Sum of six pounds At which said Inferior Court upon the pleadings there Judgment was rendred that Benjamin recover against the said Joseph the Sum of three pounds lawfull money damage and cost: The parties now Appear'd and waved the pleadings aforesaid and by consent the said Joseph plead anew and defended &c and said he is not guilty as the plt declares

and thereof put &c upon which plea issue was join'd and the case after a full hearing was committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath that is to say they find for the Appellant reversion of the former Judgment and costs  
Its

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Image 331-Right

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[269r]

Its therefore Considered by the Court that the former Judgment be reversed and that the said Joseph recover against the said Benjamin costs taxed at £6.2.4.

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Ex'c'on issued

5<sup>th</sup>: feb<sup>ry</sup>. 1762.

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Bicknall v Draper.

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Japheth Bicknall of Attleborough in the County of Bristol  
Yeoman plaintiff ~~vs~~ Josiah Draper of said Attleborough yeoman  
Clerk of the third foot company in said Attleborough under the co'mand  
of Capt<sup>n</sup>. John Stearns belonging to the third Regiment of Militia  
in said County whereof Ephraim Leonard Esq<sup>r</sup>. is Colonel, Defendant  
In a plea of Review of a plea of Debt commenced and prosecuted  
at an Inferiour Court of common pleas held at Taunton in and  
for the County of Bristol on the second tuesday of June AD 1757 by  
the said Josiah against the said Japheth in the words following vizt.  
In a plea of Debt, for that &c (as in the writ of Review on file tested  
the fourth day of September last, and said to be bro't forward by  
Order of the general Court, is at large sett forth) The plaintiff  
Appeared and the said Josiah by Jeremy Gridley Esq<sup>r</sup>. his Attorney

came and defended and so forth and said that the plt hath named this Action, a plea of Review of a plea of debt, and by his own Shewing therein he ought to have named it, a plea of Review of a plea of Review of a plea of debt, Wherefore for this misnaming the Deft prays the said writ may abate. and he be allow'd his costs, and after a full hearing of the parties It is Considered by the Court that the writ abate and that the said Josiah Draper recover against the said Japheth Bicknall costs taxed at £5.1.8.

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Ex'c'on issued

20<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Fisher v Simmons

&gt;&gt;

Jonathan Fisher of Norton in the County of Bristol Husbandman Compl<sup>t</sup> vs Constant Simmons of Dighton in said County Gentleman, The Compl<sup>t</sup> shew'd that at an Inferior Court of Common pleas held at Taunton in said County in december last he recovered Judgment against the said Constant for £22.13.9¼ damage and cost from which Judgment said constant Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Compl<sup>t</sup> pray'd Affirmation of said Judgment with Additional interest & cost Its Considered by the Court that the said Jonathan recover against the said constant the Sum of Twenty three pounds sixteen Shillings and five pence lawfull money of this province damage and costs taxed at £3.5.4.

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Ex'c'on issued

18<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Morey v Tisdale

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Samuel Morey of Norton in the County of Bristol Yeoman

[^& one of the Dep<sup>y</sup> Sheriffs for s<sup>d</sup>. County^] Complt ~~vs~~ Elijah Tisdale of Easton in the same County Husbandman

The Complt shew'd that at an Inferior Court of Common pleas held at Taunton in said County in September last he recovered Judgment against the said

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Image 332-Left

[269v]

said Elijah for £14.11.1 damage and costs from which Judgment the said Elijah Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirm= mation of said Judgment with Additional Interest and cost Its Considered by the Court that the said Samuel recover against the s<sup>d</sup>. Elijah the Sum of fourteen pounds twelve shillings and eight pence lawfull money of this province damage and costs taxed at £3.7.8

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Ex'c'on issued

18. Novr. 1761.

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White v Carver.

>>

Nathaniel White of Taunton in the County of Bristol Innholder

Complt ~~vs~~ Jonathan Carver of said Taunton Gent<sup>n</sup>. The Complt shew'd

that at an Inferior Court of Common pleas held at Taunton aforesaid in December last he recovered Judgment against the said Carver for

£3.9.0 damage and costs from which Judgment said Carver Appealed

to this Court and recogniz'd to prosecute said Appeal but failed so to

Wherefore the Complt pray'd Affirmation of said Judgment with Additional

Costs Its Considered by the Court that the said White recover against

said Carver the Sum of three pounds nine shillings lawfull money of this province damage and costs taxed at £3.2.7.

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Ex'c'on issued

25 Nov<sup>r</sup>. 1761.

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Snell v Harvey.

>>

Nathaniel Snell of Taunton in the County of Bristol Gentleman Complt ~~vs~~ Jacob Harvey of said Taunton Husbandman The Complt shew'd that at an Inferior Court of Common pleas held at said Taunton in September last he recovered Judgment against the said Harvey for £3.11.1 damage and costs from which Judgment s<sup>d</sup>: Harvey Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost Its consi=dered by the Court that the said Snell recover against said Harvey the sum of three pounds eleven shillings and seven pence lawfull money of this province damage and costs taxed at £3.4.4.

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Ex'c'on issued

13. Nov<sup>r</sup>. 1761.

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Moshier v Crabtree

>>

Benjamin Moshier of Dartmouth in the County of Bristol Cordwainer Complt ~~vs~~ Agreen Crabtree of Attleborough in said County House Carpenter, The Complt Shew'd that at an Inferior Court of Common pleas held at Taunton in said County in March last he recovered Judgment against the said Agreen for £3.18.0 damage



and costs from which Judgment said Agreen Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Cost Its Considered by the Court that the said Benjamin recover against the said Agreen the Sum of three pounds eighteen shillings lawfull money of said province damage and costs taxed at £3.17.2.

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Ex'c'on issued

27. May 1762.

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Image 332-Right

270.

[270r]

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Hodges v Richmond

&gt;&gt;

Timothy Hodges of Taunton in the County of Bristol Yeoman  
Complt ~~vs~~ Ebenezer Richmond of Taunton afores<sup>d</sup>. Husbandman  
The Complt shew'd that at an Inferiour Court of Common pleas  
held at Taunton in said County in December last he recovered Judg=  
ment against the said Ebenezer for £4.8.9½ debt and costs  
from which Judgment said Richmond Appealed to this Court and  
recogniz'd to prosecute said Appeal but failed so to do Wherefore  
the Complt pray'd Affirmation of said Judgment with Additional  
costs Its Considered by the Court that the said Hodges recover  
against said Richmond the sum of four pounds eight shill<sup>s</sup>.  
And nine pence half penny lawfull money of this province  
debt and costs taxed at £3.5.9.

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Ex'c'on issued

13. Novr. 1761

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Staples v Seekins

&gt;&gt;

Jacob Staples of Taunton in the County of Bristol Yeoman  
 Compl't vs Robert Seekins of said Taunton Husbandman The  
 Compl't shew'd that at an Inferior Court of Common pleas held at  
 said Taunton in March last he recovered Judgment against the  
 said Robert for £2.6.10 damage and costs from which Judgment,  
 said Robert Appealed to this Court and recogniz'd to prosecute s<sup>d</sup>.  
 Appeal but failed so to do wherefore the Compl't pray'd Affirmation  
 of said Judgment with Additional Interest and cost Its consi=  
 dered by the Court that the said Jacob recover against said  
 Robert the Sum of two pounds eight shillings lawfull money of  
 this province damage and costs taxed at £3.6.0.

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Ex'c'on issued

20<sup>th</sup>. Nov<sup>r</sup> 1761.

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Howard v Whitney

&gt;&gt;

James Howard of Cumberland in the County of pro=  
 vidence in the County of providence in the Colony of Rhode Island  
 &c physician Compl't vs Jonathan Whitney of Wrentham in  
 the County of Suffolk Gentleman The Compl't shew'd that at Taunton  
 in the County of Bristol in December last he recovered Judgment  
 against the said Whitney for £18.2.1 damage and cost from which  
 Judgment said Whitney Appealed to this Court and recogniz'd to prose=  
 cute said Appeal but failed so to do wherefore the Compl't pray'd  
 Affirmation of said Judgment with Additional Interest and cost  
 Its Considered by the Court that the said Howard recover against

said Whitney the Sum of eighteen pounds eighteen shillings and  
nine pence lawfull money of this province damage and costs taxed  
at £

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Ex'c'on issued

17<sup>th</sup>. Novr. 1761.

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Godfrey v Reed

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Richard Godfrey the second of that name of Taunton in  
the

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[270v]

the County of Bristol Yeoman Compl't vs Seth Reed of Middle=  
borough in the County of plymouth Joyner The Compl't shew'd  
that at an Inferiour Court of Common pleas held at said  
Taunton in March last he recovered Judgment against the  
said Seth for £4.3.1 damage and costs from which Judgment  
said Seth Appealed to this Court and recogniz'd to prosecute s<sup>d</sup>:  
Appeal but failed so to do wherefore the Compl't pray'd Affirmation  
of said Judgment with Additional Interest and cost Its Consi=  
dered by the Court that the said Richard recover against the  
said Seth the Sum of four pounds six shillings and a penny  
lawfull Money of this province damage and costs taxed  
at £3.4.0.

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Ex'c'on issued

27. Oct<sup>r</sup>. 1761.

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Order on Lyon's pet<sup>o</sup>:

&gt;&gt;

Upon Reading the Petition of John Lyon of Rehoboth in the County of Bristol Mariner Administrator on the Estate of John Nason late a Resident in Newport in The Colony of Rhode Island &c Mariner deceased wherein the petitioner Shew'd That the said deceased's personal Estate is insufficient to pay his just debts &c by the Sum of £797.12.10 current money of said Colony Old tenor which your petitioner supposes to be of the value of £39.17.8 lawfull Money of this province And the s<sup>d</sup>. deceased leaving no Real Estate in said Colony the petition<sup>r</sup>. pray'd this Court to empower him to sell so much of s<sup>d</sup>. deceased's real Estate lying in Rehoboth as will enable him to pay said debts & charges &c Ordered that the prayer of the petitioner be granted and he is hereby empowered to Sell and convey by Deed forty pounds worth of the same real Estate he to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Order on Fisher's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of John Fisher of Norton in the County of Bristol Guardian to Hannah Simmons of Dighton in s<sup>d</sup>. County Single. Woman wherein the petitioner Shew'd that the said Hannah's personal Estate is insufficient to pay her just debts by the Sum of £66.8.1. therefore the pet<sup>r</sup>. pray'd this Court to empower him to sell so much of the said Hannah's real Estate as shall pay the said debts and Charges that may arise in maintenance of the said Hannah &c Ordered that the prayer of the petitioner be granted and he is hereby empowered to sell and convey by deed so much of the said Hannah's real Estate as will pay the debts afores<sup>d</sup>. the to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Order on Willbore's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Elijah Willbore Administrator on the Estate of Ebenezer Willbore jun<sup>r</sup>. late of Raynham in the County of Bristol deceased wherein the petitioner Shew'd that the s<sup>d</sup>. deceased's personal

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Image 333-Right

271.

[271r]

personal Estate is insufficient to pay his debts by the Sum of £28.2.3¼ and therefore pray'd he might be impowered by this Court to sell the said deceased's real Estate (which appears by Certificate to be apprais'd at £24.0.0) for payment of his debts &c Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell and convey by deed the said real Estate for the ends afores<sup>d</sup>. he posting up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Order on Williams's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Daniel Williams Administrator on the Estate of Mary Whitman of Easton in said County of Bristol deceased wherein the Petitioner shew'd that the said deceased's personal Estate is insufficient to pay her just debts by the Sum of £18.6.10<sup>d</sup>. and therefore pray'd this Court to empower him to sell the said deceased's real Estate to enable him to pay her debts Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell the said deceased's real Estate & to convey the same by deed for the ends aforesaid he to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Indictment vs Pegg.

&gt;&gt;

The Jurors for the Lord the King for this County upon their Oath did present that Pegg a Negro woman of Swansey in the County of Bristol a Servant for term of life to Joseph Swasey of Swansey aforesaid mariner not having the fear of God before her eyes but being instigated by the Devil on the first day of November last past at Swansey aforesaid with force and Arms feloniously willfully and of her malice aforethought assaulted her female negro Child named Violet of about the age of four years in the peace of God and the Lord the King then & there being and that the said pegg then And there with force as aforesaid feloniously willfully & of her malice afor= thought did take and carry from the dwelling house of the said Joseph Swasey her aforesaid female child Violet and did then and there throw the said female Child into the water in the great River in Swansey afores<sup>d</sup>. near the dwelling house of the said Joseph Swasey and thereby the same female child the said pegg then and there feloniously willfully and of her malice aforethought by throwing into the River afores<sup>d</sup>. did Suffocate strangle and drown of which suffocation strangling and drowning the s<sup>d</sup>: female child then and there instantly died And so the Jurors aforesaid upon their Oath aforesaid Say'd that the said pegg her aforesaid female child Violet feloniously willfully and of her malice aforethought killed and murdered against the peace of the said Lord the King his crown & dignity Upon this Indictment the said pegg was Arraign'd at the Barr and upon her an Arraignment pleaded not Guilty [<sup>^</sup>and for trial put her self on God and the Country<sup>^</sup>], a Jury was thereupon sworn to try the issue (M<sup>r</sup> Nich<sup>o</sup>: Baylies foreman and fellows) who having fully heard the evidence upon their Oath say that the s<sup>d</sup>: Pegg is not guilty Its Considered by the Court that the said Pegg go without day

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Image 334-Left

[271v]

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pegg indicted

&gt;&gt;

The Jurors for the Lord the King for this county upon their Oath did present that pegg a negro woman of Swansey in the county of Bristol Spinster a Servant for life to Joseph Swasey of Swansey afores<sup>d</sup>. Mariner not having the fear of God before her eyes but being instigated by the Devil on the first day of November last past at Swansey aforesaid with force and Arms feloniously willfully and of her malice aforethought assaulted her male negro child named Cato of about the age of two years and in the peace of God and the said Lord the King then and there being and that the said Pegg then and there with force as aforesaid feloniously willfully and of her malice aforethought did take and carry from the dwelling house of the said Joseph Swasey her aforesaid male Child Cato and did then and there throw the said male child into the water in the great River in Swansey aforesaid in the great River in Swansey aforesaid near the dwelling house of the said Joseph Swasey and thereby the same male child the said Pegg then and there feloniously willfully and of her malice aforethought by throwing into the River as aforesaid did suffocate Strangle and drown of which suffocation strangling and drowning the said male child then and there instantly died and so the Jurors aforesaid upon their Oath aforesaid say that the said Pegg her aforesaid Male child Cato feloniously willfully and of her malice aforethought Killed and Murdered ag<sup>st</sup>. the peace of the said Lord the King his crown and dignity, upon this Indictment the said pegg was Arraign'd at the Barr and upon her Arraignment pleaded not guilty and for trial put herself upon God and the Country a Jury was thereupon sworn to try the issue who having heard the Evidence upon their Oath say that the said Pegg is not guilty, It is Considered by the Court that the said Pegg go without day.

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Taunton October 16, 1761. The Court entered up Judgment According to the Verdicts, and then the Court Adjourned without day.

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Image 334-Right

272.

[272r]

Province of the} Anno Regni Regis Georgii tertii  
 Massachusetts Bay} magnæ Britanniae Franciæ et  
 Essex sc} Hiberniæ primo.

At his Majesty's Superior Court of Judicature Court  
 of Assize and general goal delivery begun and held at  
 Salem within and for the County of Essex on the third  
 Tuesday of October, (being the twentieth day of said month)  
 Annoque Domini 1761.

By the Honourable Thomas Hutchinson Esq<sup>r</sup> chief Justice.

Benjamin Lynde

John Cushing

Chambers Russell and} Esq<sup>rs</sup>. Justices.

Peter Oliver}

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The names of the grand Jurors and of the Petit Jurors  
 are on the list on file.

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Smith v Gilbert

&gt;&gt;

Samuel Smith of Salem in the County of Essex Cordwainer  
 Appellant ~~vs~~ Jonathan Gilbert of Gloucester in said County Mariner  
 as he is Administrator of the Estate of Samuel Morehead late of s<sup>d</sup>:  
 Salem Labourer deceased Appellee from the Judgment of an Inferior  
 Court of Common pleas held at Newbury in said County in September  
 when and where the Appellant was plt and the Appellee  
 was deft In a plea of the Case &c (as in the writ on file tested the  
 ninth day of June 1760, is at large sett forth) at which said



Inferior Court Judgment was rendred that the said Jonathan recover of the said Samuel costs: This Appeal was bro't forward at the Superior Court of Judicature &c held at said Salem in 1760, at the October term, when and Where the parties appeared and then said Appeal was continued to then next term of said Court for said County and from that term said Appeal was continued to this Court and now the parties Appeared and the referrees to whom they had refer'd this Action made their Report in writing as on file which was read and Accepted and pursuant thereto Its Considered by the Court that the said Samuel Smith recover against the Estate of the said Morehead in the hands of the said Jonathan Gilbert the Sum of fourteen pounds eight shillings lawfull money of this province damage [ill]

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Ex'c'on issued

23<sup>d</sup>. March 1762.

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[272v]

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Allen. v Bakeman.

&gt;&gt;

William Allen of Newbury in the County of Essex coaster Appellant  
 vs John Bakeman of Harpswell in the County of York Trader Ap'lee  
 from the Judgment of an Inferior Court of Common pleas held at  
 Salem in the County of Essex in July AD 1760 when and where the  
 Appellant was plant and the Appellee was Deft In a plea of the Case  
 &c (as in the writ on file tested the fifth day of June AD 1760 is at large sett forth)  
 At which said Inferior Court Judgment was rendred that the said John  
 recover of the said William Costs; This Appeal was brot forward at the  
 Superiour Court of Judicature Court of assize and general goal delivery

held at Salem in and for the County of Essex in October AD 1760 and then and there the parties Appeared and referr'd this Action to Mess<sup>rs</sup>. Joseph Blaney Nathan<sup>l</sup>. Ropes and Jonathan Ropes and then said Appeal was continued to the then next term of said Superior Court for said county and from that term [^it^] was continued to this Court no report having been made and now the partie's Appeared and said Referrees made their Report in writing as on file which was read and Accepted and pursuant thereto It is Considered by the Court that the said William recover against the said John the sum of four pounds six shillings and two pence one farthing lawfull money of this province damage and costs taxed £4.16.8.

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Ex'c'on issued

5<sup>th</sup>. Novr. 1761.

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Norrimore v Hallowell

&gt;&gt;

Edward Norrimrse of Marblehead in the County of Essex Mariner Appellant ~~vs~~ Briggs Hallowell of Boston in the County of Suffolk merchant Appellee from the Judgment of an Inferiour Court of Common pleas held at Ipswich in said County of Essex in March last when And where the Appellant was plt and the Appellee was Deft In a plea of Trespass &c (as in the writ on file tested the 14<sup>th</sup>. day of November last) is at large sett forth, This Appeal was bro't forward at the last term of this Court for this County when and where the parties Appeared and then said Appeal was continued to this Court and now the Parties Appeared and the Appellant by his Attorney confessed Judgment for costs It is Considered by the Court that the said Briggs Hallowell recover against the said Edward Norrimore costs taxed at £.

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Browne v Williams

&gt;&gt;

William Browne of Marblehead in the County of Essex Fisherman  
 Appellant ~~vs~~ John Williams Fisherman Francis Cook Joiner Sarah  
 Gooking Widow and Mary parsons widow all of said Marblehead  
 Appellees from the Judgment of an Inferiour Court of Common pleas  
 held

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273.

[273r]

held at Salem in July last when and where the Appellant was plt  
 and the Appellees were defts In a plea of Ejectment wherein he demands  
 of the Defts one messuage being a Mansion house with the land under  
 and adjoining to it situate in said Marblehead bounded Northwesterly  
 on the Street leading into town and extends from the passage way to  
 phippen's land Northeasterly on the said phippen's land Southeasterly  
 on Land of Mary west and southwesterly on said passage way with  
 the Appurtenants &c (as in the writ is at large sett forth) At which  
 said Inferior Court Judgment was rendred that the said John Francis  
 Sarah and Mary recover against the said William costs both  
 parties now appeared and the Appellees by their Attorney confessed  
 Judgment for possession of the premisses sued for and costs It is therefore  
 Considered by the Court that the said William Browne recover against  
 the said John Williams Francis Cook Sarah Gooking and Mary  
 parsons possession of the premisses sued for and costs taxed at £4.5.8.

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Fac<sup>s</sup>: hab. iss<sup>d</sup>.:28. April 1762.

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Newhall v Breed

&gt;&gt;

Solomon Newhall of Lynn in the County of Essex Yeoman

Appellant ~~vs~~ Allen Breed of said Lynn Yeoman as he is Adm'or of the Estate of Samuel Newhall late of Lynn aforesaid Yeoman deceased Appellee from the Judgment of an Inferior Court of Common pleas held at Salem in and for the county of Essex on the second tues= day of July last when and where the Appellant was plt and the Appellee was deft In a plea of the case for that the said Samuel in his life time at said Lynn on the twenty eighth day of October Anno Domini 1756, owing said Solomon ninety four pounds five shillings and eight pence lawfull money According to the Account annex to the writ promised said Solomon to pay him the same on demand yet said Samuel in his life time did not pay the same tho' requested nor has the said Allen tho' likewise requested paid the same but the said Allen refuses to pay the same Also s<sup>d</sup>: Samuel in his life time afterwards vizt. then and there in considera: tion said Solomon had before that time there done and performed other work and labour for him the said Samuel at said Samuel's request promised said Solomon to pay him as much money for the same work and labour as said Solomon reasonably deserved to have of him the said Samuel therefor on demand And said Solo= mon in fact saith that he reasonably deserved to have of said Samuel vizt. then and there for the same work and labour other ninety four pounds five shillings and eight pence lawfull money of which said Samuel then and there had notice yet said Samuel in his life time tho' requested did not pay the same nor has said Allen since the decease of the said Samuel ever paid the same tho' likewise requested but denies to pay the same To the damage of the said

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[273v]

said Solomon Newhall as he saith the Sum of one hundred pounds At which said Inferiour Court upon the demurrer there Judgment was rendred that the said Breed recover against said Newhall costs; And

now the parties Appeared and the demurrer being waved by their consent and the issue tendred at said Inferior Court and on file being joined the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned Their verdict therein upon Oath that is to say they find for the Appellee costs It is therefore Considered by the Court that the said Allen Breed Administrator as a=foresaid recover against Solomon Newhall costs taxed at £2.2.9.

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Ex'c'on issued

27<sup>th</sup>. Sep<sup>tr</sup>. 1762

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Tarbox v Hubbill

&gt;&gt;

Joseph Tarbox of Gloucester in the County of Essex Housewright Complt ~~vs~~ Eleazer Hubbill resident in marblehead in said county Mariner The Complt Shew'd that at an Inferior Court of com'on pleas held at Salem in July last he recovered Judgment against the said Eleazer for £16.4.11 damage and cost from which Judgment said Eleazer Appealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional costs It is considered by the Court that the said Joseph Tarbox recover against the said Eleazer Hubbill the Sum of sixteen pounds four shillings and eleven pence lawfull money of this province damage and costs taxed at £3.11.0.

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Ex'c'on issued

18<sup>th</sup>. Nov<sup>r</sup>. 1761

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Bryant v Hart

&gt;&gt;

John Bryant of Lynn in the county of Essex, Yeoman Complt  
 vs Jonathan Hart of said Lynn Yeoman The Complt shew'd that  
 at an Inferiour Court of com'on pleas held at Salem in July last he  
 recovered Judgment against the said Jonathan for £6.0.0 damage  
 and costs from which Judgment said Jonathan Appealed to this Court  
 and recogniz'd to prosecute said Appeal but failed so to do where=  
 fore the Complt pray'd Affirmation of said Judgment with additional  
 costs Its Considered by the Court that the said Bryant recover against  
 the said Hart the sum of six pounds lawfull Money of this province  
 damage and costs taxed at £3.4.8.

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Ex'c'on issued

27. Octr. 1761.

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Pope v Hart.

&gt;&gt;

Nathaniel Pope of Danverse in the county of Essex Yeoman  
 Complt vs Jonathan Hart of Lynn in said county Husbandman  
 The Complt shew'd that at an inferior Court of common pleas held  
 at Salem in July last he recovered Judgment against the said Jon<sup>a</sup>:  
 for £2.0.7 Dam<sup>a</sup>. & cost from which Judgment said Jonathan Appealed  
 to this Court and recogniz'd to prosecute said Appeal but failed so to  
 do wherefore the Complt pray'd affirmation of said Judgment with  
 Additional Interest and cost Its Considered by the Court that the said  
 Pope recover against said Hart the Sum of Two pounds one shilling  
 and three pence lawfull Money of this province damage & cost taxed at £3.3/.

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Ex'c'on issued

18<sup>th</sup> Nov<sup>r</sup>. 1761.

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[274r]

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Reddington v Foster

>>

Abraham Reddington of Boxford in the County of Essex Yeoman  
Complt ~~vs~~ William Foster of Newbury in said county Innholder.  
The Complt shew'd that at an Inferiour Court of common pleas held  
at Salem in July last he recovered Judgment against the said  
William for £13.12.0 damage and cost from which Judgment said  
Abraham Appealed to this Court and recogniz'd to prosecute said  
Appeal but failed so to do wherefore the Complt pray'd affirmation  
of said Judgment with Additional Interest and cost Its Considered by the  
Court that the said Abraham recover against the said William the  
sum of thirteen pounds sixteen shillings lawfull money of this province  
damage and costs taxed at £3.17.2.

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Ex'c'on issued

18.<sup>th</sup> n<sup>ovr</sup>. 1761.

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Peaslee v Pressey et al

>>

Nathaniel Peaslee of Haverhill in the County of Essex Esq<sup>r</sup>. Complt  
~~vs~~ Jacob Pressey Yeoman and Stephen Sargeant Gent<sup>n</sup>. both of  
Almsbury in said County The Complt shew'd that at an Inferiour  
Court of Common pleas held at Salem in July last he recovered Judgment  
against the said Jacob and Stephen for £29.3.8 Debs and costs from  
which Judgment they Appealed to this Court and recogniz'd to prosecute  
said Appeal but failed so to do wherefore the Complt pray'd affirmation  
of said Judgment with Additional Interest and cost It is Considered

by the Court that the said Nath<sup>l</sup>. recover against the said Jacob and Stephen the Sum of twenty nine pounds eleven shillings and ten pence lawfull money of this province debt and costs taxed at £

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Kimball v Boynton

>>

Edmund Kimball of Bradford in the county of Essex yeoman Complt  
 vs James Boynton of Rowley in said County Husbandman. The Complt shew'd that at an Inferiour Court of common pleas held at Salem in July last he recovered Judgment against the said Edmund for £8.13.10 damage and cost from which Judgment said James ap=pealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd Affirmation of said Judgment with Additional Interest and cost It is Considered by the Court that the said Edmund recover against the said James the Sum of Eight pounds sixteen shillings and Six pence lawfull money of this province damage and costs taxed at £3.18.0.

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Ex'c'on issued

13. Novr. 1761.

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Wheeler v Arnold.

>>

Patience Wheeler of Salisbury in the County of Essex widow Complt  
 vs Thomas Arnold of said Salisbury Innholder, The Complt shew'd that at an Inferiour Court of Common pleas held at Salem in July [<sup>^</sup>last<sup>^</sup>] she recovered Judgment against him for £9.3.8 damage & cost from which Judgment he ap=pealed to this Court and recogniz'd to prosecute said Appeal but failed so to do wherefore the Complt pray'd affirmation of said Judgment with Additional Interest and cost It is considered by the Court that the said



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[274v]

said Patience recover against the said Thomas The sum of nine pounds six shillings and a penny lawfull money of this province damage and costs taxed at £4.3.4.

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Ex'c'on issued

5<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Cheny v Lunt.

>>

Ichabod Cheny of Bradford in the County of Essex Husbandman  
Complt ~~vs~~ Elkanah Lunt of Newbury in said County Husbandman  
The Complt shew'd that at an Inferiour Court of Common pleas held  
at Salem in July last he recovered Judgment against the said Lunt  
for £3.18.1½ damage and cost from which Judgment he Appealed  
to this Court and recogniz'd to prosecute said Appeal but failed so to  
do wherefore the Complt pray'd affirmation of said Judgment with  
Additional Interest and cost Its Considered by the Court that the  
said Cheny recover against said Lunt the Sum of three pounds  
nineteen shillings and three pence lawfull money of this province  
damage and costs taxed at £3.17.8.

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Ex'c'on issued

5<sup>th</sup>. Nov<sup>r</sup>. 1761.

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Hammon v Swetland

>>

Phillip Hammon of Danverse in the County of Essex Yeoman

Complt ~~vs~~ Samuel Swetland of Marblehead in said County Fisher=  
 man. The Complt shew'd that at an Inferior Court of co'mon pleas  
 held at Salem in July last he recovered Judgment against the said  
 Samuel for £42.8.8½ damage and cost from which Judgment said  
 Samuel Appealed to this Court and recogniz'd to prosecute said  
 Appeal but failed so to do wherefore the Complt pray'd affirmation  
 of said Judgment with Additional Interest and cost Its considered  
 by the Court that the said phillip recover against the said Samuel  
 the sum of forty three pounds and one penny lawfull money of this  
 province damage and cost taxed at £

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Order on Aborn's pet<sup>o</sup>

>>

Upon reading the petition of Samuel Aborn Guardian to Lydia  
 Stone of Danvers a person non compos mentis wherein the petitioner  
 shew'd that the debts due from the Estate of the said Lydia amount to:  
 £42.17.4. more than all her personal Estate therefore He pray'd this court  
 would impower him to sell the whole of the said Lydia's real Estate Apprais'd  
 at £47. to pay the debt afores<sup>d</sup>. & the remainder to apply for her Support  
 Ordered that the prayer of the Petitioner be granted and he is hereby  
 empowered to sell and by deed convey the said Lydia's whole  
 real Estate for the end, aforesaid he to post up notifications thirty days  
 before Sale and to Account with the Judge of Probate as the Law directs.

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Order on King's pet<sup>o</sup>.

>>

Upon reading the petition of Samuel King Executor of the  
 testament

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275.

[275r]

testament of Joseph Goldthwait late of Danverse deceased wherein the petitioner shew'd that the whole of the debts due from the Estate of the said deceased are one hundred and fifty pounds 15/8½ more than all his personal Estate: That this Court in June last impowered the petitioner to sell forty pounds worth of said deceased's real Estate which he has not yet sold and there still remains due from said Estate £115.15.8½ more than all the personal Estate and the £40 afores<sup>d</sup>. the pet<sup>r</sup> therefore pray'd this Court to impower him to sell £115.15.8½ worth [^more^] of said Testator's real Estate, (where it will be least prejudicial) for the purposes abovemention'd Ordered that the prayer of the petitioner be granted and he is hereby impowered to sell £115.15.8½ worth more of said real Estate whereby the ends afores<sup>d</sup>. maybe Answered [^and by deed to convey the same^] he to post up notifications thirty days before sale and to Account with the

Judge of probate as the Law directs

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Order on Collins's pet<sup>o</sup>.

>>

Upon reading the Petition of Mary Collins Administratrix on the Estate of her Husband Lemuel Collins late of Gloucester deceased wherein the peti<sup>r</sup>. shew'd that the debts due from said Estate amount to £14.3.8 more than all the personal Estate and therefore pray'd this Court to impower her to sell £18's worth of said deceased's real Estate for payment of the debts aforesaid and such as are still due Ordered that the prayer of the petitioner be granted and she is hereby impowered to sell and convey eighteen pounds worth of said real Estate for the ends aforesaid she to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs.

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Order on Coffin's pet<sup>o</sup>.

>>

Upon reading the petition of John Coffin Administrator  
on the Estate, not already Administred, of Enoch Bayley late of  
Newbury deceased wherein the petitioner shew'd that the deceased  
debts amount to more than all his real and personal Estate will pay  
and therefore pray'd leave of this court to sell all the deceased's real  
Estate for payment of his debts Ordered that the prayer of the petition<sup>r</sup>.  
be granted and he is hereby impowered to sell and convey all the said  
deceased's real Estate for the ends aforesaid he to post up notifications  
thirty days before Sale and to Account with the Judge of probate as  
the Law directs.

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Order on Lane's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Deborah Lane Administratrix of the  
Estate of her Husband William Lane late of Glocester deceased Intestate wherein  
the petitioner shew'd that the debts against said Estate mount to £59.13.1½.  
more than all the personal Estate and the Land which the said petit<sup>r</sup>:  
was by this Court heretofore impowered to sell will pay she therefore pray'd  
this Court to empower her to sell so much of said deceased's real Estate  
where it will be least prejudicial as will pay the debt aforesaid  
ordered

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[275v]

Ordered that the prayer of the petition<sup>r</sup>. be granted and she is  
hereby impowered to sell and by deed convey so much of said dec'ed's  
real Estate as will answer the end aforesaid she to post up notifications  
thirty days before sale and to Account with the Judge of probate as the  
Law directs.

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Order on Griffins pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Jonathan Griffen Administrator of the Estate of his brother Eliphalet Griffin late of Newbury deceased Intestate wherein the petit<sup>r</sup>. shew'd that the debts against said dec'ed's Estate amount to more than all his real and personal Estate the petit<sup>r</sup> therefore pray'd this Court to empower him to sell the whole real Estate consisting of a small House and small garden Adjourning in Newbury aforesaid that the same may be distributed among his Creditors Ordered that the prayer of the petitioner be granted and he is hereby empowered to Sell the whole real Estate of the said deceased for the ends aforesaid he to post up notifications thirty days before the sale and to Account with the Judge of probate as the Law directs.

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Order on Guy et al pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Robert Guy and Abigail Guy joint Administrators on the Estate of Nehemiah Hardy late of Gloucester deceased Intestate wherein the petit<sup>r</sup>. shew'd that the debts against said Estate are £113.12.7½ more than all his personal Estate and therefore pray'd this Court to empower them to sell so much of said deceased's real Estate where it will be least prejudicial as will pay his debts Ordered that the prayer of the petitioners be granted and they are hereby empowered to sell and convey so much of said deceased's real Estate where it will be least prejudicial as will answer the ends aforesaid they to post up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs.

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Order on Turner's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of John Turner Administrator of the Estate of Habbakuk Turner late of Salem deceased Intestate wherein the petitioner Shew'd that the said deceased's debts amount to £246.4.3½

more than all his personal Estate and therefore pray'd this Court to im=  
power him to sell so much of said deceased's real Estate where it will  
be least prejudicial as will pay said debts Ordered that the prayer  
of the petitioner be granted and he is hereby impowered to sell and by  
deed convey so much of said deceased's real Estate as will pay said  
debts he to post up notifications thirty days before sale and to Account  
with the Judge of probate as the Law directs, and he to sell two hundred fifty  
pounds worth & no more.

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Order on Turner's pet<sup>o</sup>.

>>

Upon reading the petition of John Turner Administrator of the  
Estate of Robert Turner late of Salem deceased Intestate wherein  
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276.

[276r]

the petitioner shew'd that the debts against said Estate amount to  
£96.6.9¼. more than all his personal Estate and therefore pray'd  
this Court to empower him to sell so much of said deceased's real Estate  
where it will be least prejudicial as will pay said debt Ordered that the  
prayer of the petit<sup>r</sup>. be granted and he is hereby impowered to sell  
and by deed convey one hundred pounds worth of s<sup>d</sup>: deceased's real Estate to  
Answer the end aforesaid he to post up notifications thirty days before  
sale and to Account with the Judge of probate as the Law directs.

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Order on Woodbury's pet<sup>o</sup>.

>>

Upon reading the petition of Andrew Woodbury of Manchester  
Administrator on the Estate of Joseph Woodbury late of said manchester

deceased wherein the petiti<sup>r</sup> shew'd that the debts due from the Estate are £16.10.9¾. more than all the deceased's personal Estate will pay and therefore pray'd the leave of this Court to sell so much of said deceased's real Estate as will enable him to pay said debts Ordered that the prayer of the petitioner be granted and he is hereby impower'd to sell and by deed convey £19. worth of said real Estate to answer the end aforesaid he to post up notifications thirty days before sale and to Account with the Judge of probate as the Law directs

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Order on Bennet's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of Rachael Bennet of Manchester Administrator of the Estate of Moses Bennet late of s<sup>d</sup>: Manchester deceased wherein the petit<sup>r</sup>. shew'd that the debts due from said Estate are £22.3.1 more than all his personal Estate will pay and therefore pray'd leave of this Court to Sell so much of said deceased's real Estate as will pay said debts Ordered that the prayer of the petit<sup>r</sup>. be granted and she is hereby empowered to sell and by deed convey twenty five pounds worth of said real Estate for the purpose aforesaid she to post up notifications thirty days before sale and to account with the Judge of probate as the Law directs.

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Order on Diamond's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of John Diamond Administrator of the Estate of William Diamond late of Marblehead in this County Yeoman deceased that the debts due from said Estate are sixty three pounds eight shillings more than all his personal Estate and therefore pray'd leave to sell so much of the deceased's real Estate as will be sufficient to pay his debts Ordered that the prayer of the petitioner be granted and he is hereby empowered to sell and convey so much of the deceased's real Estate as will pay said debts he to post

up notifications thirty days before Sale and to Account with the Judge of probate as the Law directs, he to sell as aforesaid to the value of sixty six pounds.

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[276v]

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Order on Porter's pet<sup>o</sup>.

>>

Upon reading the petition of Eunice porter Admin<sup>x</sup>. on the Estate of Dan<sup>l</sup>. Porter late of Wenham deceased wherein the pet<sup>r</sup>: shew'd that the personal Estate of said dec<sup>d</sup> is insufficient to pay his debts & charges of Administration by the sum of Sixty seven pounds 13/9<sup>d</sup>. and therefore pray'd leave to sell seventy pounds worth of s<sup>d</sup>. real Estate of s<sup>d</sup>. deceased to pay s<sup>d</sup>. debts Ordered that the prayer of the petitioner be granted and she is hereby impowered to sell and convey seventy pounds worth of s<sup>d</sup>. real Estate for the purpose afores<sup>d</sup>. she to post up notifications thirty days before sale and Account with the Judge of probate as the Law directs.

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Order on Diman's pet<sup>o</sup>.

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The petition of James Diman & others for division of Land: Allowed.

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Order on Gardner's pet<sup>o</sup>.

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The petition of Samuel Gardner & others for Division of Land: Allowed.

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Order on Richards's pet<sup>o</sup>.

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The petition of Will<sup>m</sup>: Richards & Others for division of Land: Allowed.

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Information v Sargeant et al

>>

At his Majesty's Superiour Court of Judicature Court of Assize and general goal delivery held at Ipswich in and for the County of Essex on the second tuesday of June in the thirty first year of the Reign of his late Majesty George the second by the grace of God of Great Britain France and Ireland then King Defender of the Faith &c The King's Attorney General filed in said Court an Information which follows in these words. "Be it remembred that Edmund Trowbridge the Attorney general of the said Lord the King for this province who prosecutes for the said Lord the King being present here in Court in his own person for the said Lord the King gives the Court here to understand and be Informed that by an Act of the great and general Court or Assembly of this his Majesty's province of the Massachusetts Bay in New England passed at their Session begun and held at Boston upon Wednesday the 25<sup>th</sup>. day of May Anno domini one thousand seven hundred and fifty seven and continued by prorogations to thursday the second day of March following & then met intituled An Act for laying an Embargo upon Ships & other Vessells in this province it is provided and enacted that no Vessell shall sail or depart from any port or other place [-] of this province out of it till the first day of June next without leave first obtained from his Excellency the Governor with the Advice of his Majesty's Council and if any Vessell shall sail or depart to any port or place out of said province without leave first had and Obtained as aforesaid the master of every Vessell so departing shall forfeit and pay the sum of two hundred pounds, And the Owner or Owners of every Vessell so departing shall forfeit and pay the Sum of two hundred pounds and the said last mention'd forfeiture shall and may be recovered from any or either of the Owners of such Vessell where more than One person shall be interested, And that no fishing Vessell

shall

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[277r]

shall depart out of any port or place of this province to the Banks of Newoundland or any other of the Banks before the said first day of June next without leave first had and Obtained as aforesaid and the owner or Owners of any fishing vessell that may depart contrary to the true intent and meaning of this Act shall forfeit and pay the like Sum of two hundred pounds saving only such small vessells or boats as may be employed in catching of fish and that shall not be absent more than six days at a time extraordinary casualties excepted the aforesaid penalties to be Recovered by Bill plaint or Information before any of his Majesty's Court of Record within this province and that all forfeitures by this Act shall be one half to His majesty to be paid into the province Treasury for the use of this province the other half to him or them that shall Inform & sue for the same and that it shall and may be lawfull for the Governor with the Advice of the Council at any time before the said first day of June next to take off said Embargo or to extend it beyond said time not exceeding the twenty second day of June next under the same penalties if His Majesty's Service will permit the one or shall require the Other" "And that the Governor with the Advice of Council did not take off the said Embargo before the said first day of June, And farther the said Edmund Trowbridge the Attorney General of the said Lord the King for the said Lord the King gives the Court here to understand and be informed that from the time of making the Act aforesaid untill the said first day of June currant at Glocester in the County aforesaid Epes Sargent and Samuel Lane jun<sup>r</sup>. both of Glocester aforesaid merchants were owners of the Schooner called the Robinhood and that James Robinson of Glocester aforesaid Mariner was there during that time Master of the said Schooner And that between the time of making the Act aforesaid and the said first day of June vizt. on the first day of may last

the said Epes and Samuel being Owners and the said James being Master of the Schooner aforesaid he the said James did with force and Arms navigate the same Schooner from a place commonly called Sandy bay in Glocester aforesaid to a place out of this province to the said Attorney General unknown without leave had and Obtained from his Excellency the Governor with the Advice of his Majesty's Council and that the same vessell did after making the Act aforesaid and before the said first day of June viz. on the said first day of May last depart and sail from the afore<sup>d</sup>: place called sandy bay in Glocester aforesaid to a place out of this province to the Attorney General unknown without leave first had and Obtained from his Excellency the Governor with Advice of his Majesty's Council the said James at the same time being master and the said Epes and Samuel Owners of the Schooner afores<sup>d</sup>. which was not one of the small Vessell's or boats in the Act afores<sup>d</sup>. mention'd

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[277v]

mentioned against the peace of the said Lord the King and the Law aforesaid in that case made and provided whereby the said Epes and Samuel have forfeited two hundred pounds lawfull money of this province and the said James has forfeited two hundred pounds like money to be disposed of according to Law yet the said James has not paid the two hundred pounds by him so forfeited as aforesaid nor have the said Epes and Samuel or either of them paid the said two hundred pounds by them so forfeited as aforesaid but neglect it And that no person or persons have Informed of the said breach of the Act aforesaid or sued for the sums aforesaid or either of them whereupon the said Attorney General of the said Lord the King for the said Lord the King prays the Advise of this Court upon the premisses and that the said Epes Sargent Samuel

Lane jun<sup>r</sup>. and James Robinson may come here to Answer the s<sup>d</sup>.  
Lord the King upon the premisses And that the said Epes and Samuel  
may be Adjudged to pay the said Sum of two hundred pounds by them  
so forfeited to the said Lord the King for the use of this province and  
that the said James may be Adjudged to pay to the said Lord the King  
for the use of this province the aforesaid Sum of two hundred pounds  
by him the said James so forfeited and that they may further do  
and receive that which this Court shall further consider". And  
from said Superiour Court the said Information hath been continued  
from term to term to this Court by reason of the Absence of the King's  
witnesses, And now the said Epes comes and defends &c and  
says he is not guilty as above declared and thereof puts &c And  
the said Samuel comes and defends &c and says he is not guilty  
as above declared and thereof puts &c and a Jury was thereupon sworn  
to try the issue who upon their Oath say that the said Epes is  
not guilty and that the said Samuel is not guilty It is  
therefore Considered by the Court that the said Epes Sargent  
and Samuel Lane jun<sup>r</sup>. go without day.

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Salem October 21. 1761. The Court entered up Judgment  
According to the Verdict and then the Court was Adjourned  
without day

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[278r]

Province of the} Anno Regni Regis Georgii tertii Magnæ Britanniae  
Massachusetts Bay} Franciæ et Hiberniæ secundo.  
Middlesex ss.}

At his Majesty's Superior Court of Judicature Court of Assize and  
General Goal Delivery, held at Charlestown within and for the  
County of Middlesex on the last tuesday of January (being the 26<sup>th</sup>  
day of said Month) Annoq. Domini 1762.

By the Honorable Thomas Hutchinson Esq; chief Justice

Benjamin Lynde}

John Cushing} Esquire's Justices.

Chambers Russell et}

Peter Oliver}

The Names of the Grand and Petit Jurors present Impanel'd and sworn are in  
Writing on file.

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Fessenden vs Smith

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Jonathan Fessenden of Cambridge in the County of Middlesex Victualler Appellant  
vs Josiah Smith of Weston in the County of Middlesex Gentleman, and a deputy  
sheriff of said County Appellee, from the Judgment of an Inferior Court of common  
pleas held at Cambridge in & for the County of Middlesex on the third tuesday of May  
AD 1758. when and where the Appellant was plaint. and the Appellee was def.  
In a plea of replevin &c. (as by the Writ on file, dated the 26<sup>th</sup>. day of July 1757. at  
large appears.) at which said Inferior Court [^Judgment^] was rendred that the Oxen in the  
declaration mentioned be returned from the pound therein mentioned, and that  
the said Josiah Smith recover against the said Jonathan Fessenden his Costs of suit.

This appeal was brought forward at the Superior Court of Judicature &c. held at Cambridge in & for the County of Middlesex on the first tuesday of August Anno Domini 1758. when and where the parties appeared, and referr'd this Action to Thomas Greenwood, & Joseph Fry Esq<sup>rs</sup>; and Deacon Davis of Brookline, the determination of said Referees, or any two of them, to be final; & then said Appeal was continued to the then Next term of said Court for this County no Report being made; and so from term to term unto this Court by Consent: And now both Parties Appeared, and said Referees made their report in Writing under their hands as on file, and pursuant to the same report, which was read and accepted It's Considered by the Court that the said Josiah Smith recover against the said Jonathan Fessenden the sum of eight pounds thirteen shillings and four pence Lawful Money of this Province Damage, & one half the Costs taxed at £5.2.7½ NB the whole of the Ap'lees costs is £10.5.3

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Ex'c'on issued

25. Nov<sup>r</sup>. 1762.

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[278v]

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Grimes ~~vs~~ Whiting

&gt;&gt;

Jonathan Grimes of Bedford in the County of Middlesex Yeoman Appellant  
~~vs~~ Leonard Whiting of Westford in the same County Esq; Appellee, from the Judgment of an Inferior Court of common Pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, when & where the Appellant was plaint. and the Apl'ee was def<sup>t</sup>. in a plea of trespass on the case for that on the 4<sup>th</sup>. day of April AD 1760. at Westford aforesaid one Joseph Hartwell drew his bill on the said Leonard desiring him to pay the said Jonathan ten pounds lawful Money on demand for value received and deduct the same out of the wages that might become due to the said Joseph the campaign then ensuing; and the said Jonathan there afterwards

on the said 4<sup>th</sup>. day of April 1760. presented the same bill to the said Leonard for acceptance and payment, and the said Leonard then and there accepted the same bill in this form, namely, that if the said Joseph lived to return home after the Campaign aforesaid, he the said Leonard would pay the said Jonathan the sum aforesaid on demand; Yet altho' the said Joseph on the last day of December last. returned home after the campaign aforesaid, and the said Leonard knew it Yet he altho' often since requested has not paid the sum aforesaid, but Neglects to do it. To the damage of the said Jonathan Grimes (as he says) the sum of twenty pounds. At which said Inferior Court Judgment was rendred, upon the demurer there, that the said Leonard Whiting recover against the said Jonathan Grimes Cost of suit. This appeal was bro't forward at the last term of this Court for this County & then continued to this Court by Consent: And Now both parties Appeared, and the demurer aforesaid [<sup>^</sup>being waved<sup>^</sup>] and issue join'd upon the plea tender'd as on file, the Case After a full hearing was committed to a Jury sworn according to Law to try the same who returned their verdict therein upon Oath that is to say, they find specially viz. "They find the note was drawn by the said Hartwell as set forth, that "afterwards such conversation was had between the parties to this Writ as in the deposition of "John Abbot filed in the Case appears; that afterwards the said Hartwell lived to return "and earn'd wages to the amount of the sum demanded and more while in the service "aforesaid, and if upon the whole this Court Judge the plaint. ought to recover on this "declaration, then the Jury find for the plaint. the sum of ten pounds and Costs otherwise "for the defendant Costs." And after a full hearing of the parties by their Council upon said special Verdict. It is Considered by the Court that the said Leonard Whiting recover against the said Jonathan Grimes Costs taxed at £4.2.3.

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Ex'c'on issued

Feb. 2<sup>d</sup>. 1762.

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Bodge ~~vs~~ Sprague

&gt;&gt;

John Bodge of Charlestown in the County of Middlesex Potter Appellant ~~vs~~  
 Rebecca Sprague of said Charlestown Widow Appellee, from the Judgment of an

Inferior Court of common pleas held at Cambridge in & for the County of Middlesex on the third Tuesday of May last, when & where the Appellee was plaint. and the Appellant

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Image 343-Right

279.

[279r]

appellant was def<sup>t</sup>. In a plea of the Case etc. (as by the Writ on file, tested the 20<sup>th</sup>. of last Jan'y at large appears.) At which said Inferior Court Judgment was rendred that the said Rebecca Sprague recover against the said John Bodge the sum of seven pounds ten shillings Lawful Money damage and Costs of suit. This appeal was bro't forward at the last term of this Court for this County, when & where the parties appeared and referr'd this Action with all other demands to Ezekiel Cheever jun<sup>r</sup>. Esq; David Wood and John White, the determination of said referees, or of any two of them to be final; & from thence the said appeal was continued to this Court Report not being made: And Now both Parties Appeared, and the said referees made report in Writing under their hands, (as on file) which was read and accepted, and pursuant thereto: It is Considered by the Court that the said Rebecca Sprague recover against the said John Bodge thirty shillings Lawful Money of this Province Damage, and half the Costs.

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Winter ~~vs~~ Harnden.

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William Winter of Boston in the County of Suffolk Gentleman Appellant ~~vs~~ Ebenezer Harnden of Malden in the County of Middlesex Gentleman Appellee, from the Judgment of an Inferior Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, when & where the Appellee was plaint. and the Appellant was def<sup>t</sup>. In a plea of the case &c. (as by the Writ on file, tested the 5<sup>th</sup>. day of May last, at large appears.) At which said Inferior Court Judgment was rendred that the said Ebenezer Harnden recover against the said William Winter the sum of Seven pounds one shilling and six pence Lawful Money damage, and Costs of suit. This Appeal



was bro't forward at the last term of said Court for this County and from thence continued to this time by Consent of the Parties: And Now both Parties Appeared and the appellant (by his Attorney M<sup>r</sup>. Kent) confessed Judgment for the sum sued for being seven pounds one shilling and six pence Lawful Money damage and Costs. It's therefore Considered by the Court that the said Ebenezer Harnden recover against the said William Winter the sum of seven pounds one shilling and six pence Lawful Money of this Province damage, and Costs taxed at  
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Sherman et Uxor ~~vs~~ Britnall

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Samuel Sherman of Marlborough in the County of Middlesex Yeoman and Hepzibah his Wife Appellants ~~vs~~ Phinehas Brintnall of Sudbury in the County of Middlesex Gentleman Appellee from the Judgment of an Inferior Court of common pleas held at Charlestown in & for the County of Middlesex on the second Tuesday of December last, when and where the Appellants were plaint<sup>s</sup>. and the Appellee was def<sup>t</sup>. In a plea of trespass upon the case for that the

<duplicates previous>

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Image 345-Left

[279v]

the said Phinehas at Sudbury aforesaid on the 13<sup>th</sup>. day of April last, in Consideration that the said Samuel and Hepzibah had permitted him the said Phinehas at his the said Phinehas's Request to improve and occupy the Moiety of an house and barn belonging to the said Hepzibah in Sudbury aforesaid, and to improve six acres and an half and fourteen rods of land lying Adjoining to the said House and barn and to improve another peice of land of eleven acres and ten rods in said Sudbury Adjoining to the land of Henry Loker and to improve one other peice of land of one acre and a quarter and five rods bounded southerly on snake brook; and to improve two acres of Meadow lying in a Meadow called bridle-point all in said Sudbury and all belonging to the plaint<sup>s</sup>. in right

of the said Hepzibah from the last day of May AD 1760. to the said thirteenth day of April AD 1761. The said Phinehas in Consideration thereof then and there promised the plaint<sup>s</sup>. to pay them whatsoever the use, occupation and improvement aforesaid was reasonably worth; now the plaint<sup>s</sup>. in fact say that the same was reasonably worth the sum of four pounds whereof the said Phinehas has had Notice the same day from the plaint<sup>s</sup>. yet he tho' requested hath never paid the same but refuses to pay it. To the damage of the said Samuel and Hepzibah as they say the sum of eight pounds. At which said Inferior Court Judgment was rendred upon the demurer there, that the said Phinehas Brintnal recover against the said Samuel Sherman & Hepzibah his Wife Costs of suit. Both Parties now Appeared. And the demurer aforesaid being waiv'd by Consent and issue join'd upon the plea tender'd at said Inferior Court (as on file) the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Costs: It's therefore Considered by the Court that the said Phinehas Brintnal recover against the said Samuel Sherman & Hepzibah his Wife costs taxed at £3.1.6.

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Ex'c'on issued

Mar, 13<sup>th</sup>. 1762.

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Hale ~~vs~~ Noyes.

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Joseph Hale of Marlborough in the County of Middlesex Blacksmith al<sup>s</sup>. dict<sup>s</sup>. Joseph Hale of Stow in the County of Middlesex in the Province of the Massachusetts Bay in New England Husbandman Appellant ~~vs~~ John Noyes jun<sup>r</sup>. of Sudbury in the County of Middlesex Esq; Appellee. from the Judgment of an Inferior Court of common pleas held at Charlestown in and for the County of Middlesex on the second Tuesday of December last, when and where the Appellee was plaint. and the Appellant was def<sup>t</sup>. In a plea of debt. for that the said Joseph at Sudbury aforesaid, on the 4<sup>th</sup> day of December AD 1753. by his bond in Court to be produced bound himself to the said John in fourteen pounds Lawful Money to be paid him on demand. Yet the said Joseph tho' often requested has not paid the same but neglects it. To the damage of

the said John Noyes jun<sup>r</sup>. (as he says) the sum of Fourteen pounds. At which said Inferior Court Judgment was rendred, that the said John Noyes jun<sup>r</sup>. recover against

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Image 345-Right

280.

[280r]

against the said Joseph Hale the sum of four pounds six shillings and one penny Lawful Money debt, and Costs of suit. The Parties Appeared, And after a full hearing of the appellant upon his plea, as on file, and examination of the Ap<sup>'</sup>lee upon Oath: It is Considered by the Court that the said John Noyes jun<sup>r</sup>. recover against the said Joseph Hale three pounds sixteen shillings being the chancery of the bond sued on, unto its just debt and Damage, and Costs taxed at £3.10.10.

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Ex'c'on issued

Feb. 24. 1762.

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Hunt ~~vs~~ Campbell

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John Hunt of Watertown in the County of Middlesex Esq; Appellant ~~vs~~ Duncan Campbell of Oxford in the County of Worcester Esq; appellee, from the Judgment of an Inferior Court of Common pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, when and where the Appellant was plaint. and the Appellee was def<sup>t</sup>. In a plea of the Case &c. (as by the Writ on file tested the 11<sup>th</sup>. of last August, at large appears.) At which said Inferior Court Judgment was rendred, that the said Duncan Campbell recover against the said John Hunt Cost of suit. The appellant appeared, but the appellee altho' solemnly called to come into court did not appear but made default: It is therefore Considered by the Court that the said John Hunt recover against the said Duncan Campbell the sum of Seventy eight pounds eighteen shillings

Lawful Money of this Province damage, and Costs taxed at £4.18.8.

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Ex'c'on issued

Mar. 1<sup>st</sup>, 1762.

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Bray ~~vs~~ Dix.

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George Bray of Boston in the County of Suffolk Baker Appellant ~~vs~~ James Dix of Watertown in the County of Middlesex Yeoman Appellee, from the Judgment of an Inferior Court of common pleas held at Charlestown in & for the County of Middlesex on the second tuesday of December last, when & where the Appellee was plaint. and the Appellant was def. In a plea of the case for that the said George on the twentieth day of November 1761. at Watertown aforesaid owing the said James two pounds and five pence Lawful money as by the account to the Writ annexed appears, promised to pay him the same on demand. And for that the said George there Afterwards on the same day in consideration that the said James [<sup>^</sup>had<sup>^</sup>] before that time sold and delivered the said sixteen hundred weight of hay and paid John May the hayweigher eight pence half penny Lawful Money for weighing the same d\hay, promised the said James to pay him the eight pence half penny aforesaid and so much more money as the same hay was reasonably worth being three pounds four shillings like money on demand; yet the said George tho' often requested has not paid the sums aforesaid or either of them, but Neglects it. To the damage of the said James Dix as he saith, the sum of eight pounds. At which said Inferior Court Judgment was rendred that the said James Dix recover against the said George Bray

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Image 346-Left

[280v]

Bray the sum of two pounds and five pence Lawful Money damage, and Costs of suit. Both Parties Now appeared, and the demurer [<sup>^</sup>made<sup>^</sup>] at the Inferior Court being waiv'd and issue join'd on the plea tender'd there, as on file, the Case after a full hearing was

committed to a Jury sworn according to Law to try the same who Return'd their Verdict therein upon Oath, that is to say, they find for the Appellee the sum tender'd being two pounds twelve shillings and four pence; and for the Appellant costs since the tender: It's therefore Considered by the Court that the said James Dix recover against the said George Bray the sum of two pounds thirteen shillings and four pence, and that the said George Bray recover against the said James Dix Costs arisen since the ninth day of December 1761. taxed at £

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Brooks ~~vs~~ Flagg.

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Jonathan Brooks of Woburn in the County of Middlesex Labourer Compl<sup>t</sup>.  
~~vs~~ Benjamin Flagg of said Woburn Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Concord in and for the County of Middlesex on the first tuesday of September last, he recovered Judgment against the said Benjamin for the sum of £11.3.0. Lawful Money damage, and Costs of suit. from which Judgment the said Benjamin appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jonathan Brooks recover against the said Benjamin Flagg the sum of Eleven pounds eight shillings Lawful money of this Province Damage, and Costs taxed at £3.5.3

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Ex'c'on issued.

Mar. 31<sup>st</sup>. 1762.

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Lane ~~vs~~ Reed.

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James Lane of Bedford in the County of Middlesex Gentleman Compl<sup>t</sup>. ~~vs~~  
 Eliphaz Reed of Woburn in the same County Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Charlestown in and for the County of Middlesex

on the second tuesday of December last, he recovered Judgment against the said Eliphaz for the sum of £14.4.0. Lawful Money damage, and Costs of suit. from which Judgment the said Eliphaz appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said James Lane Recover against the said Eliphaz Reed the sum of Fourteen pounds six shillings Lawful Money of this Province damage, and Costs taxed at £3.10.11

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Ex'c'on issued

4<sup>th</sup>. Feb. 1762.

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Lane ~~vs~~ Reed

&gt;&gt;

James Lane of Bedford in the County of Middlesex Gentleman Compl<sup>t</sup>. ~~vs~~  
Israel Reed of Woburn in the same County Victualler. The Compl<sup>t</sup>. shew'd that at an  
Inferior Court of common pleas held at Charlestown in and for the County of Middlesex  
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Image 346-Right

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[281r]

Middlesex on the second tuesday of December last, he recovered Judgment against the said Israel for the sum of £4.10.8. Lawful Money damage, and Costs of suit. from which Judgment the said Israel appealed to this Court & recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said James Lane recover against the said Israel Reed the sum of Four pounds ten shillings and eight pence Lawful. money of this Province Damage, and Costs taxed at £3.9.7.

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Ex'c'on issued

Feb. 4. 1762.

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Beemis ~~vs~~ Richardson.

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Joseph Beemis of Waltham in the County of Middlesex Labourer Compl't. ~~vs~~ Nathaniel Richardson of Boston in the County of Suffolk Gentleman. The Compl't. shew'd that at an Inferior Court of common pleas held at Charlestown in & for the County of Middlesex on the second tuesday of December last, he recovered Judgment against the said Nathaniel for the sum of £3.5.0. Lawful Money damage, and Costs of suit. from which Judgment the said Nathaniel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl't. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Joseph Beemis recover against the said Nathaniel Richardson the sum of three pounds five shillings Lawful Money of this Province Damage, and Costs taxed at £3.16.5.

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Ex'c'on issued

Feb. 24. 1762.

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Stratton ~~vs~~ Biglow

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David Stratton of Waltham in the County of Middlesex Yeoman Compl't. ~~vs~~ Josiah Biglow of said Waltham Yeoman. The Compl't. shew'd that at an Inferior Court of common pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, he recovered Judgment against the said Josiah for the sum of £13.5.3. Lawful Money damage, and Costs of suit. from which Judgment the said Josiah appealed to this Court and recogniz'd

with sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Interest and Costs. Its therefore Considered by the Court that the said David  
Stratton recover against the said Josiah Biglow the sum of thirteen pounds eleven  
shillings and six pence Lawful Money of this Province Damage, and Costs taxed  
at £3.6.5.

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Ex'c'on issued

Feb. 24. 1762.

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Sparhawk ~~vs~~ Whitney

&gt;&gt;

John Sparhawk of Boston in the County of Suffolk Physician Compl<sup>t</sup>.  
~~vs~~ John Whitney of Framingham in the County of Middlesex Husbandman. The  
Compl<sup>t</sup>.

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Image 347-Left

[281v]

Complainant shew'd that at an Inferior Court of common pleas held at Concord  
in and for the County of Middlesex on the first tuesday of September last, he  
recovered Judgment against the said John for the sum of £2.1.6. Lawful  
Money damage, and Costs of suit. from which Judgment the said John appealed  
to this Court and recogniz'd with sureties according to Law to prosecute the same  
with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
Judgment with Additional Interest and Costs. It's therefore Considered by the  
Court that the said John Sparhawk recover against the said John

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Image 347-Right

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[282r]



John Whitney the sum of two pounds two shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.4.11.

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Ex'c'on issued

17<sup>th</sup>. Feb.<sup>y</sup> 1762.

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Wood ~~vs~~ Richardson

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Cornelius Wood of Sudbury in the County of Middlesex Gentleman Compl<sup>t</sup>. ~~vs~~ Nathaniel Richardson of Boston in the County of Suffolk Innholder, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Charlestown in and for the County of Middlesex on the second Tuesday of December last, he Recovered Judgm<sup>t</sup>. against the said Nathaniel for the sum of £5.0.4 Lawful Money damage, & Costs of Suit; from which Judgment the said Nathaniel appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said Cornelius Wood Recover against the said Nathaniel Richardson the sum of Five pounds four shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.14.6

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Ex'c'on issued

9<sup>th</sup>. Mar, 1762.

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Sparhawk ~~vs~~ Priest

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John Sparhawk of Boston in the County of Suffolk Physician Complainant ~~vs~~ Jonas Priest of Waltham in the County of Middlesex Potter; The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, he Recovered Judgment against

the said Jonas for the sum of £6.0.4 Lawful Money damage, and Costs of Suit; from which Judgment the said Jonas appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs: It's therefore Considered by the Court that the said John Sparhawk Recover against the said Jonas Priest the sum of six pounds six shillings and six pence Lawful Money of this Province damage, and costs taxed at £3.6.8

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Ex'c'on issued

8<sup>th</sup>. Feb<sup>y</sup>. 1762.

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Hurd ~~vs~~ Stanhope et al

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Benjamin Hurd of Charlestown in the County of Middlesex Leather:  
:dresser. Complainant ~~vs~~ Joseph Stanhope and Samuel Stanhope both of  
Sudbury in the County of Middlesex Yeomen. The Compl<sup>t</sup>. shew'd that at an  
Inferiour Court of Common pleas held at Concord in and for the County of  
Middlesex on the first Tuesday of September last; he Recovered Judgment  
against the said Joseph and Samuel for the sum of £69.18.9 Lawful  
Money

&lt;duplicates previous&gt;

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[282v]

Money debt, and Costs of Suit; from which Judgment the said Joseph & Samuel  
appealed to this Court and Recognized with Sureties according to Law to prosecute  
the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation  
of said Judgment with Additional Interest and Costs: It's therefore Considered  
by the Court that the said Benjamin Hurd Recover against the s<sup>d</sup>: Joseph

Stanhope and Samuel Stanhope the sum of Seventy pounds Seventeen shillings and nine pence Lawful Money of this Province Debt and Costs taxed at £3.8.8.

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Ex'c'on issued

5<sup>th</sup>. ffeb.<sup>y</sup> 1762.

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Danforth ~~vs~~ Dowse et al

>>

Samuel Danforth of Cambridge in the County of Middlesex Esq Judge of Probate of Wills &C<sup>a</sup>. for said County. Complainant ~~vs~~ Joseph Dowse Esq Henry Newman, Shopkeeper [<sup>^</sup>both of Boston in the County of Suffolk<sup>^</sup>], and Nathaniel Dowse of Charlestown in the County of Middlesex

Mariner Executors of the last Will and Testament of Samuel Dowse late of said Charlestown Merchant deceased. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Concord in and for the County of Middlesex on the first Tuesday of September last, he Recovered Judgment against them for the sum of £141.0.0 Sterling damage, and Costs taxed at £2.0.10. from which Judgm<sup>t</sup>.

they appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but have fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest & Costs: It's therefore Considered by the Court that the said Samuel Danforth (in said Capacity) Recover against the Estate of the said Samul Dowse deceased, in the hands of the said Joseph Dowse, Henry Newman and Nathaniel Dowse Executors as aforesaid, the sum of One hundred and forty four pounds Sterling Debt and costs tax't at £3.12.0 lawfull money.

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Ex'c'on issued

18 May 1762.

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Melona ~~vs~~ Cutler

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Micah Melona of Sudbury in the County of Middlesex Labourer Compl<sup>t</sup>.  
~~vs~~ Asher Cutler of said Sudbury Yeoman. The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of Common Pleas held at Concord in and for the County  
 of Middlesex on the first Tuesday Last, he Recovered Judgment against the said  
 Asher for Costs taxed at £0.16.1; from which Judgment the said Asher  
 appealed to this Court, and Recognized with sureties according to Law to  
 prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Costs: It's therefore  
 Considered by the Court that the said Micah Melona Recover  
 against the said Asher Cutler Costs taxed at £2.13.0.

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Ex'c'on issued

Feb.<sup>y</sup> 17. 1762

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Image 349-Right

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[283r]

<<

Littlefield ~~vs~~ Sheffield

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Ephraim Littlefield of Holliston in the County of Middlesex Gentleman  
 Complainant ~~vs~~ Nathan Sheffield of said Holliston Husbandman, The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Charlestown in and for  
 the County of Middlesex on the second Tuesday of December last, he Recovered  
 Judgment against the Nathan for the sum of £16.4.8 Lawful Money damage, and  
 Costs of Suit; from which Judgment the said Nathan appealed to this Court and  
 Recognized with sureties according to Law to prosecute the same, with effect,  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
 with Additional Interest and Costs: It's therefore Considered by the Court

that the said Ephraim Littlefield Recover against the said Nathan Sheffield  
the sum of Sixteen pounds seven shillings lawful money of  
this province damage and costs taxed at £4.14.6.

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Ex'c'on iss<sup>d</sup>:10<sup>th</sup>. June 1762

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Hunt ~~vs~~ Bruce

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John Hunt of Watertown in the County of Middlesex Esq Complainant  
~~vs~~ Abijah Bruce of Westborough in the County of Worcester Husbandman. The  
Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Charlestown  
in and for the County of Middlesex on the second Tuesday of December last, he  
Recovered Judgment against the said Abijah for the sum of £5.7.4 Lawful  
Money of this Province damage, and Costs of Suit; from which Judgment the said  
Abijah appealed to this Court and Recognized with Sureties according to Law to  
prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
Affirmation of the said Judgment with Additional Interest and Costs: It's  
therefore Considered by the Court that the said John Hunt Recover against the s<sup>d</sup>:  
Abijah Bruce the sum of Five pounds eight shillings and two pence Lawful  
Money of this Province Damage, and Costs taxed at £3.9.9

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Ex'c'on issued

9<sup>th</sup>: Mar. 1762.

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Hill ~~vs~~ Peirce

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Isaac Hill of Malden in the County of Middlesex Innholder Complainant  
~~vs~~ Benjamin Peirce of Medford in the same County Husbandman. The Compl<sup>t</sup>.  
shew'd that at an Inferiour Court of Common Pleas held at Charlestown in

and for the County of Middlesex on the second Tuesday of December last, he Recovered Judgment against the said Benj<sup>a</sup>. for the sum of £14.16.1. Lawful Money damage, and Costs of Suit; from which Judgment the said Benjamin appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Complt pray'd Affirmation of said Judgment with Additional Costs: It's there: :fore Considered by the Court that the said Isaac Hill Recover against the

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[283v]

the said Benjamin Peirce the sum of Fourteen pounds sixteen shillings et 1<sup>d</sup> Lawful Money of this Province Damage, and Costs taxed at £3.2.10

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Ex'c'on issued

3<sup>d</sup>. feb.<sup>y</sup> 1762.

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Jackson ~~vs~~ Ainger Esq

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Elisha Jackson of Newton in the County of Middlesex Yeoman Appellant ~~vs~~ William Ainger of Cambridge in the same County Esq Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Charlestown in and for the County of Middlesex on the second Tuesday of December last, when and where the Appellant was plant, and the Appellee, was defendant, In a plea of Trespass &C<sup>a</sup>. (as in the Writ tested at Cambridge the 12<sup>th</sup>. day of November last, and on file, At large appears) At which said Inferiour Court [<sup>^</sup>upon the pleadings there<sup>^</sup>] Judgment was Rendered that the said Writ be abated, and that the said William Ainger Recover against the said Elisha Jackson Costs of Suit. Both Parties now Appeared, and after a full hearing of them, by their Council, upon the pleas in Abatement, [<sup>^</sup>,on file,<sup>^</sup>] It is Considered by the Court that the Writ abate upon the first exception, and that the said William Ainger Recover against the said Elisha Jackson Costs taxed at £

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Jones ~~vs~~ Biglow

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Elisha Jones of Weston in the County of Middlesex Esq Administrator  
 on the Estate of David Allen late of said Weston Yeoman deceased Compl<sup>t</sup>. ~~vs~~  
 Josiah Biglow of Waltham in the same County Yeoman. The Compl<sup>t</sup>. shew'd that  
 at an Inferiour Court of Common Pleas held at Concord in and for the County  
 of Middlesex on the first Tuesday of September last, he Recovered Judgment  
 against the said Josiah for the sum of £6.17.4 Lawful Money damge,  
 and Costs of Suit; from which Judgment the said Josiah appealed to this Court  
 and Recognized with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Interest and Costs: It's therefore Considered by the  
 Court that the said Elisha Jones Adm'or as aforesaid, Recover against  
 the said David Allen the sum of six pounds Nineteen shillings and 8<sup>d</sup>.  
 Lawful Money damage, and Costs taxed at £3.5.6

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Ex'c'on issued

9<sup>th</sup>. Feb<sup>y</sup> 1762.

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Order on Metcalf's Pet<sup>o</sup>.

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Upon Reading the Petition of Paletiah Metcalf Administrator of the  
 Estate of John Metcalf late of Holliston in the said County dec'ed Intestate,  
 wherein the Petitioner shew'd that the Estate of the said Deceased is insolvent  
 and not sufficient to pay his just Debts. The Petitioner therefore pray'd this  
 Court to impower him, in his said Capacity to make Sale of the whole  
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[284r]

of said Deceased's Real Estate that so with the Proceeds thereof he may be enabled to satisfy the deceaseds Debts. Ordered that the prayer of this Petition be granted, and that the said Pelatiah Metcalf (in his said Capacity) be and hereby is impowered to me sale of the Real Estate of the said Deceased for the Ends aforesaid as pray'd for. And to pass and execute a good Deed or Deeds in the Law for Conveyance therefore the petitio<sup>r</sup>. to post up Notifications thirty days before the Sale, and Acco<sup>t</sup>. with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Prentices Petition

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Upon Reading the Petition of Esther Prentice Administratrix of the Estate of her late Husband Thomas Prentice late of Lexington in said County Esq<sup>r</sup>. dec'ed wherein the Petitioner shew'd that the personal Estate of the said Deceased is not sufficient to pay his just Debts. Wherefore she pray'd this Court to Licence and Authorize her (in her said Capacity) to make Sale of the whole of the said dec'eds Real Estate or so much as may be sufficient for the purpose aforesaid: Ordered that the prayer of this Petition be granted; and that the said Esther Prentice (in her said Capacity) be and hereby is Impowered to make Sale of the Real Estate of the said Thomas for the Ends aforesaid as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof the Petitio<sup>r</sup>. to post up Notifications thirty days before the Sale and account with the Judge of Probate for said County (for the Produce thereof) as the Law directs.

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Order on Haven's Pet<sup>o</sup>.

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Upon Reading the Petition of John Haven Administrator of the Estate of Benjamin Angier late of Framingham in said County deceased Intestate Wherein the Petitioner shew'd that the Estate of the said Deceased is Insolvent and not sufficient to pay his just Debts. Wherefore he pray'd this Court would licence



and authorize him (in his said Capacity) to make Sale of the whole of the Real Estate of the said Deceased, that so with the proceeds thereof he may be enabled to satisfy the deceased's Just Debts so far as the same will extend. Ordered that the prayer of this Petition be granted, and that the said John Haven be and hereby is Impowered to make Sale of the Real Estate of the said Deceased for the Ends aforesaid as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (for the produce thereof as the Law directs.

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[284v]

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Order on Sparhawks Pet<sup>o</sup>.

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Upon Reading the Petition of Nathaniel Sparhawk Administrator on the Estate of Abraham Cutting late of Cambridge in said County deceased Intestate wherein the petitioner shew'd that the personal Estate of the said Deceased is not sufficient to pay his just Debts. The petition<sup>rs</sup>. therefore pray'd this Court would Licence and Authorize him (in his said Capacity) to make Sale of so much of the said Deceased's Real Estate where it cou'd be best spared, as might be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted, and that the said Nathaniel Sparhawk (in his said Capacity) be and hereby is Impowered to make Sale of two hundred pounds worth of the Real Estate of the said Abraham Cutting dec'ed for the Ends aforesaid (such as will least prejudice the whole) as pray'd for. and to pass and execute a good deed or deeds in the Law for Conveyance thereof. the Petition<sup>r</sup>. to post up Notifications thirty days before the Sale, and account with the Judge of Probate for said County, as the Law Directs.

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Order on Fletcher's Pet<sup>o</sup>.

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Upon Reading the Petition of Susanna Fletcher Administratrix of the Estate of Zachariah Fletcher late of Westford in said County dec'ed Intestate Wherein the Petitioner shew'd That the personal Estate of the said deceased is not sufficient to pay his just debts. Wherefore she pray'd this Court to Licence and Authorize her (in her said Capacity) to make Sale of so much of the said Deceased's Real Estate where it can be best spared as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted, and that the said Susanna Fletcher be (in her said Capacity) and hereby is Impowered to make Sale of Sixty two pounds worth of the said dec'eds Real Estate for the Ends aforesaid (such as will least Prejudice the whole) as pray'd for. and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof: the Petito<sup>r</sup>. to post up Notifications thirty days before the Sale and account with the Judge of Probate for said County as the Law directs.

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Order on Chandler's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of James Chandler Administrator of the Estate of William Barker late of Concord in said County deceased Intestate: Wherein the Petitioner shew'd that the personal Estate of the said Deceased is not sufficient to pay his just Debts. Wherefore he pray'd this Court would licence and Authorize him (in his said Capacity) to make Sale of so much of the said deceased's Real Estate, where it cou'd be best spared, as might be sufficient for

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285.

[285r]

for the purpose aforesaid. Ordered that the prayer of this Petition be granted; and that the said James Chandler (in his said Capacity) be and hereby is Impowered to make Sale of fifty six pounds worth of the said Deceased's Real Estate for the

end aforesaid (such as will be least prejudicial to the whole) as pray'd for and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof the petition<sup>r</sup>. to post up Notifications thirty days before the Sale and account with the Judge of Probate for said County, as the Law directs.

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Order on Lawrence's Petition

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Upon Reading the Petition of Jonathan Lawrence Administrator of the Estate of Capt. Thomas Lawrence late of the District of Pepperell deceased Intestate. Wherein the petitioner shew'd, that the Personal Estate of the said Deceased is not sufficient to pay his just Debts. Wherefore the petitioner pray'd this Court to Licence and Authorize him (in his said Capacity) to make Sale of so much of the said Deceased's Real Estate where it can be best spared, as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted; and that the said Jonathan Lawrence (in his said Capacity) be and hereby is Impowered to make Sale of fifty pounds worth of the Real Estate of the said deceased for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for. and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale and account with the Judge of probate for said County, as the Law directs.

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Order on Keyes's Pet<sup>o</sup>.

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Upon Reading the Petition of Dinah Keyes Administratrix of the Estate of her late Husband Zachariah Keyes late of Chelmsford in said County dec'ed, intestate. wherein the petitioner shew'd that personal Estate of the said deceased is not sufficient to pay his just debts. Wherefore the petitioner pray'd this Court would Licence and authorize her (in her said Capacity) to make Sale of so much of the said Deceaseds Real Estate where it can be best spared, as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted; and that the said Dinah Keys (in her

said County) be and hereby is Impowered to make Sale of twenty four pounds worth of the said Deceased's Real Estate for the Ends aforesaid (such as will least prejudice the whole) as pray'd for. and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale and account with the Judge of Probate for said County

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[285v]

County, as the Law directs.

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Order on Wood's Pet<sup>o</sup>:

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Upon Reading the Petition of Ephraim Wood of Concord in the County of Middlesex Guardian of the person and Estate of Joseph Buss a person non Compos, Wherein the Petitioner shew'd that the Buss. late of Concord Aforesaid, Father of the said Non Compos, gave to the said Joseph the son forever, the one half of an old dwelling house in Concord aforesaid (but did not give him the fee of the Land the said House stands on) and that the dwelling house is now greatly out of Repair, and must cost a considerable sum to put the same unto good Repair, and that as the said house now is, Rents for a small sum yearly, and that it will not rent for any thing in a year or two, unless the same shall be Repaired, and that it will be for the advantage of the said non compos, to have the same house sold, and the Money placed out upon Interest for him &C<sup>a</sup>: The Petitioner therefore pray'd this Court that he might (in his said Capacity) be impowered to make Sale of the half of the said Dwelling House, for the most the same will sell for, and give and execute a good in Law of the same, he observing the Rules of the Law respecting the sale of Real Estates by Executors and Administrators, and giving sufficient caution to the Judge of Probate for the County of Middlesex; and that the Money arising by the sale thereof, be faithfully applied for the support, maintenance and use of the said Non Compos,

and for his duly accounting for the same according to Law & C<sup>a</sup>. Ordered that the prayer of this Petition be granted; and that the said Ephraim Wood (in his said Capacity) be and he hereby is, Impowered to make Sale of one half part of said Dwelling house, for the Ends aforesaid, as pray'd, and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and Account with the Judge of Probate for said County (for the Produce thereof) as the Law directs.

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Order on Steven's Pet<sup>o</sup>.

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Upon Reading the Petition of John Stevens et al for division of Land, as one file; Allow'd.

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How's Indictm<sup>t</sup>.

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The Jurors for the Lord the King for the Body of this County did upon their Oath present, That at his late Majesty's Superiour Court of Judicature Court

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286.

[286r]

Court of Assize and General Goal Delivery held at Springfield in and for the County of Hampshire, on the fourth Tuesday of September in the thirty first year of the Reign of his said late Majesty King George the second of Blessed Memory Joshua How of a place called Westmoreland in the province of New Hampshire, Yeoman was duly convicted of wickedly, falsely, and with intent to deceive the Kings leige Subjects making and forging ten peices of base coin in imitation of the true spanish pistoles and ten other peices of base coin in imitation of the true Spanish peices of eight against the peace of the said

Late Lord the King and the Law of this Province in that case made and provided. And the Jurors aforesaid upon their Oath further present that the said Joshua How of Westmoreland aforesaid Yeoman, now a prisoner in his Majesty's Goal in Boston in the County of Suffolk) minding the said Lord the King that now is and his people to defraud and deceive, did after his the said Joshua's being so convicted of forging and making the said false and counterfeit Coins as aforesaid, viz. on the first day of September last, at Sudbury in the said County of Middlesex with force and Arms unlawfully advisedly and corruptly forge and counterfeit twelve peices of Copper and other mixed Metals to the likeness and Similitude of the good Money commonly called Spanish mill'd Dollars then and ever since currant in this Province, against the peace of the said Lord the King that now is, and the same Law of the province. [^Upon^] this Indictment the said Joshua How was now set to the barr and arraigned, and pleaded not guilty: a Jury was thereupon sworn to try the Issue M<sup>r</sup>. Samuel Baldwin foreman and fellows, who having fully heard the Evidence on their Oath say that the said Joshua How is guilty. The Court having considered his offence order that the said Joshua How be committed to the House of Correction and there kept to hard Labour for the Term of twenty years, and that he pay costs of prosecution, standing Committed until this sentence shall be performed.

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present that Joshua How late of Westmoreland in the province of New Hampshire Husbandman, minding the said Lord the King and his people, to deceive and defraud, on the twenty first day of September last, at Sudbury in the said County of Middlesex advisedly unlawfully and corruptly procured had and kept in his possession one iron caster, one iron edgeing mill, and two pair of iron stamps with an Intent & design unlawfully to use the same Instruments in forging and making

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[286v]

making of, Copper and other mixed metals, false and counterfeit coin like unto and resembling the true Money commonly called Spanish mill'd Dollars, then and ever since currant in this province. And that the said Caster, Edgeing Mill, and stamps, while they were by the said Joshua so kept in his possession at Sudbury aforesaid on the said twenty first day of September last, were as he then well knew suitable and proper Instruments to be used in forging and making the said false and Counterfeit Coin and were on the same day by him procured for that purpose And the Jurors aforesaid upon their Oath further present That the said Joshua How did there afterwards on the same day Advisedly unlawfully and corruptly council, advise, urge, Solicite and tempt diverse persons viz. Ezekil How, Benjamin Fisk, William Rice, and Jacob Stevens to engage and be concerned with him, the said Joshua and one Seth Hutson, in forgeing and making the false and counterfeit coin aforesaid, and in forging and counterfeiting the Receipts given by Harrison Gray Esq; Treasurer of this Province in form as by Law prescribed, for Sums by him borrowed and Received for the use of this province, and Afterwards uttering the same false and counterfeit coin as the true Money aforesaid, and publishing and uttering the said false and counterfiet Receipts as the true Receipts aforesaid; in evil and pernicious Example to others, and against the peace of the said Lord the King his Crown and Dignity. Upon this Indictment the said Joshua How was arraigned at the Barr, and pleaded not Guilty; A Jury was then sworn to try the Issue (M<sup>r</sup>.. Samuel Fisk foreman, and fellows, who having fully heard the Evidence, upon their Oath say that the said Joshua How is Guilty. The Court having considered the offence of the said Joshua Order that he be set in the pillory for the space of one hour, that he be publickly whipped twenty five stripes upon his naked back, that he pay the sum of twenty pounds as a fine to the King, and that he pay Costs of prosecution, standing Committed until this Sentence shall be performed.

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## Bradish's Indictment

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The Jurors for the Lord the King for the Body of this County, did upon their Oath present. That David Bradish of Charlestown in the County of Middlesex aforesaid, an Infant not having the fear of God before his Eyes, did

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287.

[287r]

did on the eighth day of October last, at Charlestown aforesaid with force and Arms. feloniously wilfully and of his malice forethought assault one Bristol of Charlestown aforesaid an Infant, and Negro Servant of Caleb Call of said Charlestown Baker, in the peace of God and the said Lord the King then and there being, and that the said David Bradish a certain hand Gun of the value of twenty shillings, which he the said David then and there had and held in both his hands charged with Gunpowder and shot, did then and there with force as aforesaid will fully, feloniously, and of his Malice forethought discharge and shoot at and against the said Bristol. and that the said David then and there by so discharging the said handgun, charged with gunpowder, and shot as aforesaid at and against the said Bristol did then and there with force as aforesaid, feloniously wilfully, and of his Malice forethought shoot and strike the gunpowder and shot aforesaid upon and into the back part of the said Bristol's Head, and that the said David then and there with the Gun powder and shot aforesaid by him so discharged and shot out of the handgun aforesaid upon and into the back part of the said Bristol's head did with force as aforesaid feloniously wilfully and of his the said David's Malice forethought give the said Bristol in the back part of his head a mortal wound six inches long and one inch broad, of which mortal wound the said Bristol then and there Instantly died, and so the Jurors aforesaid upon their Oath say that the said David. Bradish did on the said Eighth day of October last, at Charlestown aforesaid in manner and form aforesaid feloniously, wilfully, and of his Malice forethought



Kill and Murder the said Bristol, against the peace of the said Lord the King his Crown and Dignity. Upon this Indictment the said David Bradish was arraigned at the Barr, and upon his arraignment pleaded not Guilty, and for Trial put himself upon God and the Country; a Jury was then sworn to try the issue (M<sup>r</sup>. Samuel Baldwin foreman, and fellows) who having fully heard the Evidence went out to consider thereof, and Returned with their Verdict and upon their Oath say that the said David Bradish is not guilty. It is therefore Considered by the Court that the said David Bradish go without day.

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Charlestown January 30<sup>th</sup>. 1762 The Court entred up  
Judgment according to the Verdicts and then the Court  
Adjourned without day

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[288r]

Province of the} Anno Regni Regis Georgii tertii Magnæ  
Massachusetts: Bay} Britanniae Francæ et Hiberniæ secundo  
Suffolk ss}

At his Majesty's Superiour Court of Judicature  
Court of Assize and General Goal Delivery, held  
at Boston within & for the County of Suffolk on the  
third Tuesday of February (being the 16<sup>th</sup>. day of said  
Month) Annoque Domini 1762.

By the Honorable Thomas Hutchinson Esq: Chief Justice

Benjamin Lynde} Esqrs. Justices

John Cushing}  
 Chambers Russell et}  
 Peter Oliver}

The nNames of the Grand, and Petiti Jurors present Impannelled, & sworn  
 are in Writing, on file.

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Chardon ~~vs~~ Holyoke.

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Peter Chardon Esq; Adm'or Appellant ~~vs~~ Jacob Holyoke Adm'or Ap'lee.

Neither Party Appeared

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Boston Inhs. v Gillam phillips

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The Inhabitants of the Town of Boston in the County of Suffolk Appellants vs  
 Gillam Phillips of said Boston Esq; Appellee. from the Judgment of an Inferiour Court  
 of Common Pleas held at Boston in and for said County of Suffolk on the first Tuesday  
 of July AD 1759. when and where the Appellee was plant, and the Appellants (who were  
 vouch't in to defend this Actions instead of Joseph Calef of said Town of Boston Tanner)  
 were defendants. In a plea of Ejectment wherein he demands against the said  
 Joseph the possession of a Tract of Land and its Appurtenances in Boston aforesaid  
 bounded Northeasterly on Land of James Gould and the widow Salisbury, Southeast=  
 :erly on the Land of Jacob Wendell Esq; Southwesterly on land belonging to the Town of  
 Boston Nothwesterly on the plant<sup>s</sup>. other Land, containing about two Acres, for  
 that the plant in time of peace within twenty years last past was seized of the demanded  
 premisses in his demesne as of fee, and being so seized the said Joseph hath unjustly  
 entered on the premisses ejected the plant and still withholds the possession thereof from him  
 to the Damage of the said Gillam as he saith the sum twenty pounds; At which said  
 Inferiour Court Judgment was Rendered that the said Gillam Phillips Recover against  
 the said Inhabitants of Boston Possession of the premisses sued for, and Costs of Suit,  
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[288v]

This Appeal was brought at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1759 and from thence was Continued to the next Term, by Consent of the Parties, & so from term to term (in order to have a plan of the premisses taken) to this Court. and now both Parties Appeared, and it is agreed that the said Gillam Phillips shall have Judgment for the Possession of the premisses demanded, without Costs; Judgment is here entered accordingly.

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Fac<sup>s</sup>. hab iss<sup>d</sup>:

April 23. 1762.

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Gilbert ~~vs~~ Randell

&gt;&gt;

John Gilbert [<sup>^</sup>Resident<sup>^</sup>] at Boston in the County of Suffolk Merchant Appellant vs William Randell of said Boston Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April AD 1760. when and where the Appellee was plant, and the Appellant was defendant. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 31<sup>th</sup>. day of December 1759, on file, at large appears) At which said Inferiour Court Judgment was Rendered that the said William Randell Recover against the said John Gilbert the sum of Sixty pounds sterling Money of Great Britain damage, and Costs of suit. This Appeal was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1760. and from thence was Continued to the next Term of this Court for this County, by Consent of the Parties, and so from term to term unto this Court; and now both Parties Appeared, and the Appellant became Nonsuit; the Appellee asks Costs [+]: It's therefore Considered by the Court that the said William Randell Recover against the said John Gilbert the sum of £1.12.5 Costs.

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Ex'c'on issued

19<sup>th</sup>. Mar, 1762.

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Loftus ~~vs~~ Wheelwright

&gt;&gt;

Arthur Loftus residing in Boston in the County of Suffolk Esq;

Appellant ~~vs~~ Nathaniel Wheelwright of Boston in the said County Esq;

Appellee, from the Judgment of an Inferiour Court of Common Pleas held

Boston in and for the County of Suffolk on the first Tuesday of July 1760.

when and where the Appellee was plant, and the Appellant was defendant. In a

plea of Trespass on the Case for that the plant, is and ever has been the Kings faithfull

loyal and honest Subject free of all Treasons Felonies and Misprisions thereof

and all traiterous Correspondence with his Enemies and giving them any aid

countenance or intelligence, and has allways behaved as became a leige

Subject, and by means of his Fidelity and Loyalty has not only been Sundry

times employed in management of Public Affairs under the King in

this

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289.

[289r]

this Government, but has acquired such confidence and esteem among the King's good

Subjects as has enabled him to carry on a large commerce to his great advantage, of all

which the Defendant being well knowing but maliciously contriving to deprive the

plant. of his good character and all the advantages aforesaid arising therefrom, to

render him suspected by and odious to all the King's good Subjects, and to expose

him to all the pains and penalties of the Law against traiterous abetting the King's

Enemies and holding Correspondence with them, on the eighth day of November

A.D.1759. at Roxbury in the same County, discourse being had of the Glorious

Atchievements of General Wolf, and the King's Army in Canada the last Campaign

maliciously uttered and Repeated of and concerning the plant. in the hearing of many of his Majesty's leige Subjects the false scandalous and defamatory words and expressions following viz. The French at Canada (meaning His Majesty's open Enemies) had very good intelligence from a Correspondent they had at Boston (meaning during the present Warr between His Majesty and The French) of the number of our King's forces &C<sup>as</sup>; they knew the Number of General Wolf's Army within four hundred men, their design, as also what French Store ships bound to Quebec had been taken; it was not Jacco Morris that gave this intelligence it was an Inhabitant of the Town of Boston and no less a man than M<sup>r</sup>. Nath<sup>l</sup>. Wheelwright (meaning the plant:) it was M<sup>r</sup>. Wheelwright (meaning the plant:) M<sup>r</sup>. Wheelwright (meaning the plant:) corresponded with the Canadians (meaning during the present warr) by means of a Gentleman at Albany and gave them accounts from time to time what was designed against them, there was a Letter taken at Quebec not signed giving an Account of the General's Wolf and Amherst's Armies their numbers and designs, which Letter by being compared with other of M<sup>r</sup>. Wheelwright's letters of his own hand writing was thought to be the same, and those that knew his writing offered to swear that the Letter without Name was his hand writing, and those Letters will be sent General Amherst in order to call M<sup>r</sup>. Wheelwright (meaning the plant:) to an Account and I should not wonder if he (meaning the plant.) should be sent for by General Amherst to be tried (meaning for the Aforesaid correspondence) it is no secret that M<sup>r</sup>. Wheelwright (meaning the plant.) is the Man; would not you believe it if one or two persons would swear to his hand? (meaning the plant<sup>s</sup>. hand writing contained in such Letters of intelligence) and by means of the Defendant's uttering and Repeating the false and scandalous words and expressions aforesaid, the plant. has been brought into great trouble and disgrace and danger, to the damage of the said Nathaniel Wheelwright as he saith the sum of Five thousand Pounds Sterling; At which

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[289v]

At which said Inferiour Court Judgment was Rendered, that the said Nathaniel Wheelwright Recover against the said Arthur Loftus the sum of two thousand pounds Lawful Money of Great Britain Damage, and Costs of Suit. This Appeal was bro't forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1760. and from thence Continued to the Next Term of this Court for this County and so from term to term, to this Court by Consent: and Now the Parties Appeared, and After a full hearing, the Case was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee twelve hundred pounds Lawful money of Great Britain damage, and Costs: It is therefore Considered by the Court that the said Nathaniel Wheelwright Recover against the said Arthur Loftus the sum of twelve hundred pounds Lawful Money of Great Britain Damage, and Costs taxed at £9.7.10

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Smelt ~~vs~~ Wheelwright

&gt;&gt;

Thomas Smelt of Boston in the County of Suffolk Esq<sup>r</sup> Appellant ~~vs~~ Nathaniel Wheelwright of said Boston Esq; Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July AD 1760. when and where the Appellee was plant. and the Appellant was defendant. In a plea of Trespass on the Case for that the plant. is and ever has been the King's faithfull loyal and honest Subject. free of all Treasons Felonies and Misprisions thereof, and of all traiterous Correspondence with His Majesty's Enemies, and giving them any aid countenance [<sup>^</sup>or.<sup>^</sup>] intelli: :gence, and has always behaved as became a leige Subject, and by means of his fidelity and Loyalty has not only been Sundry times employed in the management of public affairs under His Majesty in this Govern= :ment but has acquired such Confidence and esteem among the King's good Subjects as has enabled him to carry on [<sup>^</sup>a<sup>^</sup>] large Commerce to his great advantage, of all which the Defendant being well knowing [-]but Maliciously contriving to deprive the plant of his good

Character and all the advantages aforesaid arising therefrom, to render him suspected and odious to all his Majesty's good Subjects and to expose him to all the pains and penalties of the Law against traitorous abetting the King's enemies and holding Correspondence with them, on the eighth day of November A.D. 1759. at Roxbury in the same County discourse being had of the glorious Atchievements of General Wolf and the Kings Army

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[290r]

Army in Canada the last Campaign maliciously uttered and repeated of and concerning the plant. in the hearing of many of His Majesty's leige Subjects the false scandalous and defamatory words and expressions following viz. all his Success (meaning the Success of the King's Army at Quebec the last Campaign) was obtained under this disadvantage, the French (meaning His Majesty's Enemies the French during the present War,) having had intelligence, of the best intelligence of almost the exact state of our Forces particularly our Number of Troops, which they knew within four hundred, their Intelligence was Received from the Town of Boston not the Neutral French but it was had from one of your own Townsmen or English Inhabitants (meaning the Inhabitants of Boston aforesaid) it is no secret M<sup>r</sup>. Nath<sup>l</sup>. Wheelwright was the man (meaning the plant. and that he was the man who gave His Majesty's Enemies the aforesaid Intelligence) it was so, and the French told us of it. And one Arthur Loftus Esq; at the same time and in the hearing of the same Company, and of the Defendant say'd as follows viz. The French at Canada (meaning His Majesty's open Enemies) had very good intelligence from a Correspondent they had at Boston (meaning during the present War between His Majesty and the French) of the Number of our King's Forces &C<sup>a</sup>. they knew the Number of General Wolf's army within four hundred men, their designs, as also what French Store ships bound to Quebec had been taken, it was not Jacco Morris that gave this Intelligence, it was an Inhabitant of the Town of Boston, and no less a man than M<sup>r</sup>. Nathaniel Wheelwright (meaning the the plant.) it was M<sup>r</sup>. Wheelwright (meaning the plant) M<sup>r</sup>. Wheelwright (meaning the plant.)

corresponded with the Canadians (meaning during the present war) by means of a Gentleman at Albany, and gave them accounts from time to time what was designed against them, there was a Letter taken at Quebec not signed giving an Account of the General's Wolf and Amherst's Armies, their Numbers and Designs, which Letters by being compared with other of M<sup>r</sup>. Wheelwright's Letters of his own hand writing was thought to be the same, and those that knew his writing offered to swear that the Letter. without Name was his hand writing, and those Letters will be sent to General Amherst in order to call M<sup>r</sup>. Wheelwright (meaning the plant) to an Account, and I should not wonder if he (meaning the plant.) should be sent for by General Amherst to be tried (meaning for the aforesaid correspondence) it is no secret that M<sup>r</sup>. Wheelwright (meaning the plant) is the Man, would not you believe it if one or two would swear to the hand? (meaning the plant's. hand writing contained in such Letters of intelligence). And thereupon the def<sup>t</sup>. then and there continuing his Malice aforesaid falsely in the hearing of y<sup>e</sup> same persons uttered these false & scandalous affirmations and words of what the said Loftus had then uttered

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[290v]

uttered viz. It is true. it is so. it is as he (meaning the said Loftus) says. meaning that the words and Allegations of the said Loftus as before recited were true, and that the plant. was guilty of the Crimes aforesaid, and by means of the Defendant's uttering the false and scandalous words Affirmations and Expressions aforesaid, the plant. has been brought into great trouble disgrace and danger To the damage of the said Nathaniel as he saith the sum of five thousand pounds Sterling. At which said Inferiour Court Judgment was Rendered that the said Nathaniel Wheelwright Recover against the said Thomas Smelt the sum of Five hundred pounds Lawful Money of Great Britain damage, and Costs of Suit. This Appeal was bro't forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1760. and from thence Continued to the next term of said Coun for said Court, and so from



term to term, unto this Court, by Consent: and Now the parties appeared, and the Case, After a full hearing, was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee five hundred pounds Sterling Money of Great Britain damage, and Costs: It's therefore Considered by the Court that the said Nathaniel Wheelwright Recover against the said Thomas Smelt the sum of Five hundred pounds Lawful Money of Great Britain Damage, and Costs taxed at £9.7.5

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Green jun<sup>r</sup>. vs Coppinger

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Joseph Green jun<sup>r</sup>. of Boston in the County of Suffolk Merchant Appell<sup>t</sup>. vs John Coppinger of said Boston Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July AD 1760. when and where the Ap<sup>'</sup>lee was plant, and the Appellant was def<sup>t</sup>. In a plea of Trespass (as in the Writ tested the 17<sup>th</sup>. day of June AD 1760. and on file, at large Appears) At which said Inferiour Court was Rendered that the said John Coppinger Recover against Joseph Green jun<sup>r</sup>. the sum of six hundred and ten pounds Lawful Money damage; and Cost of suit. This Appeal was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1760. when and where the Parties appeared, and Referr'd this Action to Edward Sheaf, John Rowe, and Tuthill Hubbard, the determination of said Referrees, or of any two of them, to be final: the Action was from thence Continued to the next term and so from term to term, unto this Court

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Image 357 -Right

291.

[291r]

Court, no Report being made: Now The parties appeared, and the said Referees

made Report in Writing under their hands, as on file, and pursuant to the same Report which [<sup>^</sup>was<sup>^</sup>] Read and accepted: It's Considered by the Court that the former Judgment be Reversed, and that the said Joseph Green jun<sup>r</sup>. Recover against the said John Coppinger Costs taxed at £9.9.2

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Ex'c'on iss<sup>d</sup>:

19. Mar. 1762.

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Bird *vs* Jackson.

&gt;&gt;

Thomas Bird of Dorchester in the County of Suffolk Gentleman Appell<sup>t</sup>.  
*vs* Phebee Jackson widow, and Michael Jackson Gentleman both of Newton in the County of Middlesex Appellees, from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of Ocober AD 1760. when and where the Appellant was plant, and the appellee's were defendants, On a writ of Scire Facias &C<sup>a</sup>. (as in the Writ tested the 5<sup>th</sup>. day of September AD 1760. on file, at large Appears) At which said Inf<sup>r</sup>.. Court Judgment was Rendered, that the Action be barr'd and that the said Michael and Phœbe recover against the said Thomas their Costs of the Suit. This Appeal was brought forward at the Superiour Court of Judicature &C<sup>a</sup>: held at Boston in and for the County of Suffolk on the third Tuesday of February last, when and where the Parties Appeared, and Refer'd this Action to Jeremy Gridley Esq<sup>r</sup>., James Otis and Oxenbridge Thacker Esq<sup>r</sup>'s.. the Report or Determination of the said Referees, or of any two of them, to be final; and then the said Appeal was Continued to the last Term of this Courty for this County said Referees not having made Report, and from thence, the said appeal was Continued unto this Court by Consent: And now the Parties, Appeared, and the said Referees made Report, in Writing under their hands (as on file) which was Read and accepted, and pursuant thereto: It's Considered by the Court that the said Thomas Bird Recover against the said Michael Jackson, and Phœbe Jackson, of their own proper goods, the sum of eighty one pounds seventeen shillings and two pence Lawful Money of

this Province Debt, and Costs taxed at £6.14.9

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Ex'c'on issued

April 2<sup>d</sup>: 1762.

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Moore ~~vs~~ Indicott

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William Moore of Boston in the County of Suffolk Housewright pl<sup>t</sup>..

~~vs~~ John Indicott of said Boston Gentleman defendant. On a Writ of Scire Facias, (as in the Writ tested the 9<sup>th</sup>. day of October AD 1760. on file, at large appears) This Action was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of February last, when and where the parties appeared, and

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[291v]

and agreed to Refer, and this Action was accordingly Refer'd (with all other demands between the Parties) to Mess<sup>rs</sup>: Thomas Gray, Onesiphorus Tilestone, and Caleb Baye; the determination of the said Referees, or of any two them, to be final: and the Parties agreed that if either of them did not attend said Referees when they should be required so to do. in such Case said Referrees shall proceed and make their Report ex parte, and such report shall be valid; and if they shall find any thing due to said Moor upon ballance, they have power to make him what allowance they think reasonable for his having been kept out of the same. and then said said Action was Continued to the last Term of this Court for this County, Report not being made. and from thence unto this Court, by Consent: and now both Parties Appeared, and the said Referees made Report in Writing under their hands, as on file, and pursuant to same Report, which was Read and Accopted: It's Considered by [x] the Court that the s<sup>d</sup>. William Moore Recover against the said John Indicot the sum of one hundred and thirty nine pounds six shillings and four pence Lawful

Money of this Province Damage, and Costs taxed at £2.10.2

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Ex'c'on issued

20<sup>th</sup>: Mar, 1762.

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Robins ~~vs~~ Jones

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Robert Robins of Boston in the County of Suffolk Mariner Administrator of the Goods, Chattles, Rights, and Credits of Eleazer Darby of Boston aforesaid Mariner deceased Appellant ~~vs~~ John Jones of Boston aforesaid Merchant Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston, in and for the County of Suffolk on the first Tuesday of January AD 1761. when and where the Appellant was plant, and the Appellee was defendant, In a plea of Trespass on the Case, for that the defendant on the first day of October AD 1756. being Indebted to the said Eleazer Fifty five pounds Lawful Money of Great Britain according to the Account to the Writ annexed at Boston afores<sup>d</sup>. promised the said Eleazer to pay him the same, on demand, Yet he has not paid it, tho' Requested but neglects it. To the damage of the said Robert as he saith the sum of Eighty pounds; At which said Inferiour Court Judgment was Rendered, upon the demurer there, that the John Jones Recover against the Estate of the said Eleazer Darby deceased, in the hands of the said Robert Robins Adm'or as aforesaid Costs of Suit. This Appeal was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at Boston in and for the County of Suffolk on the third Tuesday of February last, [x] and from thence was Continued to the last Term of this Court for this County, by y<sup>e</sup>. Parties Consent; and then the said Appeal was further Continued from the term last Mentioned, unto this Court, at the Appellee's Motion; And both Parties now Appeared, and the demurer aforesaid being wav'd and

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Image 358-Right

292.

[292r]

and issue Joined on the plea tender'd, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment, fifty five pounds Lawful Money of Great Britain Damage, and Costs: It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Robert Robins Adm'or aforesaid, Recover against the said John Jones the sum of Fifty five pounds Lawful Money of Great Britain damage, and Costs taxed at £6.13..

Boston April 6<sup>th</sup>. 1762. I hereby acknowledge to have Received full Satisfaction of the Judgment above Recorded. Rob<sup>t</sup>. Robins,

Witness Arodi Thayer.

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<<

Boylstone, at the Suit of the King

>>

Thomas Boylston of Boston in the County of Suffolk Merchant Appellant, at the Suit of the King, from the Judgment or Sentence of a Court of General Sessions of the Peace held at Boston in and for said County of Suffolk on the first Tuesday of July last, For that he on the twenty second day of March last, being on the Sabbath or Lord's day, did at Boston aforesaid presume to loiter and unnecessarily to walk in the streets and on the Long Wharff there, contrary to the Province Law in that case lately made and provided, and against the King's peace his Crown and Dignity. At which same Court of General Sessions of the peace, the said Thomas Boylston was Ordered to pay a fine of five shillings to be disposed of as the Law directs, and that he pay Costs of prosecution standing Committed until, that sentence was performed. This appeal was brought forward at the last Term of this Court for this County, when and where the Parties Appeared, and After they with the Evidence had been fully heard, the Case was Committed to a Jury sworn according to Law to try the same who Returned their verdict therein upon Oath that is to say, they find that the said Thomas Boylston is Guilty, and then the said Appeal was continued unto this Court: [+] And now the Court having Considered the offence of the said Thomas order that he pay

the sum of five shillings to be disposed of as the Law directs, and that he pay Costs of prosecution standing committed until this sentence shall be performed.

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Ledyard et al ~~vs~~ Morton

>>

John Ledyard, Samuel Avery, and Jabez Smith, all of Groton in the County of New London in the Colony of Connecticut Merchants Appellants ~~vs~~ Robert Morton of Boston in the County of Suffolk Mariner ap'lee. from

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[292v]

from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellants were plant<sup>s</sup>. and the Appellee was defendant. In a plea of Trespass on the Case, for that the plant<sup>s</sup>. on the first day of November AD 1760. at said Boston were possessed of a Sloop called the Abigail burthened an hundred Tons and her Cargo consisting of one hundred and four hogs heads of Molasses two teirces of Rum and eight barrells of Sugar all of the value of two thousand pounds Lawful Money as of their own property and on the same day the said Vessell and Cargo came into the hands of the defendant by finding, and the defendant knowing the same to belong to the plant, but designing to defraud them, then at said Boston converted the same to his own use, To the damage of the said John Ledyard, Samuel Avery, and Jabez Smith, as they say the sum of two thousand pounds: At which said Inferiour Court Judgm<sup>t</sup>. was Rendered. that the said Robert Morton Recover against the said John Ledyard, Samuel Avery, and Jabez Smith Costs of Suit. This Appeal was bro't forward at the last Term of this Court for this County, when and where the Parties appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict there:in upon Oath, that is to say, they find specially viz. "They find the Sloop

"Abigail was once the property of the plant. was taken by a French  
 "Privateer and Retaken by a providence Privateer, and Condemned by  
 "the Judge of Admiralty as in this Case. and if the said Judge did exceed  
 "his power and Jurisdiction in that Decree, than we find for the plant<sup>s</sup>. the  
 "sum sued for being two thousand pounds, but if he did not than we find  
 "for the defendant Costs." And from thence said Appeal was Continued  
 to this Court, for Argument: and now the parties Appeared, and after a  
 full hearing of them by their Council upon the said Special Verdict:  
 It is Considered by the Court that the said Robert Morton Recover  
 against the said John Ledyard, Samuel Avery, and Jabez Smith,  
 Costs taxed at £5.11.1

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Watt ~~vs~~ Grant et al Exec'ors

>>

Robert Watt of Boston in the County of Suffolk Shipwright Appellant  
~~vs~~ Samuel Grant of Boston aforesaid Esq; Executor of the Testament of Robert  
 Watt late of Boston aforesaid Merchant deceased, and Thomas Mitchel of s<sup>d</sup>:  
 Boston Mariner, and Rebecca his Wife Executrix of the same Testament  
 Appellee's from the Judgment of an Inferiour Court of Common Pleas held at  
 Boston in and for the County of Suffolk on the first Tuesday of July last  
 when

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[293r]

when and where the Appellant was plant and the Appellee's were def<sup>t</sup>s..  
 In a plea of the Case &c<sup>a</sup>. (as in the Writ tested the 9<sup>th</sup>. day of January A. Do'm 1761.  
 on file, at large appears.) At which said Inferiour Court Judgment was  
 Rendered, that the said Samuel Grant Executor as aforesaid, and the said  
 Thomas Mitchel and Rebecca his Wife Executrix as aforesaid, Recover  
 against the said Robert Watt Costs of Suit. This Appeal was bro't forward  
 at the last Term of this Court for this County when and where the Parties

Appeared, and Refer'd this Action with all other demands to the Determination of Thomas Gray, John Kneeland, and Joseph Bradford; and the Report of s<sup>d</sup>: Referees, or of any two of them, to be final; and then said Appeal was Continued to this Court, by Consent: And Now both Parties Appearing, the Referees aforementioned, made their Report in Writing; (as on file) and pursuant to the same Report which was Read and Accepted: It's Consider'd by the Court that the said Samuel Grant Executor as aforesaid, and Thomas Mitchel, and Rebecca his Wife Executrix as aforesaid, Recover against the said Robert Watt the sum of Fourteen pounds three shillings, Lawful Money of this Province Damage, and Costs taxed at £

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Hatch Admr v Homans.

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Nathaniel Hatch of Dorchester in the County of Suffolk Esq; Administrator of all and singular the Goods Chattles, Rights, and Credits of Jonathan Pue late of Salem in the County of Essex Esq; deceased Appellant ~~vs~~ John Homans of said Dorc[^h^]ester Yeoman Appellee, from the Judgment of an Inf<sup>r</sup>.. Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellant was plant, and the Appellee was defendant. In a plea of Trespass on the Case For that the def<sup>r</sup>. on the last day of June AD 1750. being indebted to the said Jonathan Ninety four pounds eight shillings Lawful Money of Great Britain for that sum by him before that time had and Received to the said Jonathan's use, at Boston aforesaid promised the said Jonathan to pay him the same on demand, yet the def<sup>r</sup>. hath never paid the same tho' requested but neglects and Refuses to pay it. To the damage of the said Nathaniel Administrator as aforesaid, as he saith, the sum of one hundred and eighty pounds: At which said Inferiour Court, Judgment was Rendered, that the said John Homans Recover against the Estate of the said Jonathan Pue dec'ed, in the hands of the said Nathaniel Hatch Adm'or as aforesaid, Costs of Suit. This Appeal was bro't forward at the last Term of this Court for this County, when & where the Parties appeared, and Refer'd this Action with all other demands



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[293v]

demands between the Appellant's Intestate, and the Appellee, to Thomas Flucker Esq; Nathaniel Coffin, and Samuel Phillips Savage, the Determination of the said Referees; or of any two of them, to be final; and then said Appeal was Continued unto this Court, by Consent.

Both Parties now Appeared, and the said Referees made Report in Writing under their hands (as on file) which was Read and Accepted, pursuant thereto: It is Considered by the Court that the said John Homans Recover against the Estate of the said Jonathan Pue deceased, in the hands of the said Nathaniel Hatch Adm'or as aforesaid, Costs taxed at £

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Homans ~~vs~~ Paxton

&gt;&gt;

John Homans of Dorchester in the County of Suffolk Yeoman Appell<sup>t</sup>.  
~~vs~~ Charles Paxton of Boston in the same County Esq<sup>r</sup>. Appellee from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellant was plan't and the appellee, was defendant. In a plea of trespass on the Case for that Jonathan Pue of Boston aforesaid on the twenty third day of June A D 1750. by his Bill of that date by him subscribed and directed to the said Charles requested him to pay to the said John or his order two hundred and fifty pounds Sterling, value received of the said John here, as & account, having signed two of the same tenor and date one being paid the other to be void; and .charge the same to his the said Jonathan's Account. And the said Charles on the same day under his hand there accepted said Order, and promised the said John to pay him the said sum on demand, after the said Charles should be appointed and sworn into the Office of searcher of the Customs at the port of Boston aforesaid if the said Pue should be then living. and the said John saith that the said [<sup>^</sup>Charles<sup>^</sup>] afterwards viz. on the twelfth day of September AD 1751. the said Jonathan being then living, was duly Appointed Searcher

of the Customs at the port of Boston aforesaid, and sworn into said Office, yet he has paid no more than an hundred and fifty three pounds one shilling and six pence thereof and the Remainder of the said sum tho' Requested the said Charles Neglects to pay to the damage of the said John as he saith the sum of two hundred pounds; At which said Inferiour Court Judgment was Rendered that the said Cha<sup>s</sup>. Paxton Recover against the said John Homans Cost of Suit. This Appeal was brought forward at the last Term of this Court, for this County; when and where the Parties appeared, and Refer'd this Action with all other demands between them, to the determination of Thomas Flucker Esq; Nathaniel

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Image 360-Right

294.

[294r]

Nathaniel Coffin, and Samuel Phillips Savage, Report of said Referees, or of any two of them to be final; and then said Appeal was Continued to this Court by Consent: and now both Parties Appeared, and the said Referees made Report in Writing under their hands (as on file) and pursuant to the same Report which was Read and Accepted: It is Considered by the Court that no Costs be allowed either party.

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Butler ~~vs~~ Malcom

>>

Thomas Butler of Boston in the County of Suffolk Mariner Appellant ~~vs~~ John Malcom of said Boston Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the appellant was plant. and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case &C<sup>a</sup>. (as in the Writ, tested the 28<sup>th</sup>. day of March 1759. on file, at large appears) At which said Inferiour Court Judgment was Rendered that the said John Malcom Recover against the said Thomas Butler Costs of Suit. This Appeal was brought forward at the last term of this Court for this County and then was Continued to this Court by Consent: And now both Parties Appeared, and

the Appellant in Court confessed Judgment for Costs: It's therefore Considered  
by the Court that the said John Malcom Recover against the said Thomas  
Butler Costs taxed at £4.1.1

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Ex'c'on issued  
29<sup>th</sup>. Mar, 1762.

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Malcom ~~vs~~ Butler

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John Malcom of Boston in the County of Suffolk Mariner Appellant ~~vs~~ Thomas  
Butler resident in said Boston Yeoman Appellee, from the Judgment of an Inferiour  
Court of Common Pleas held at Boston in and for the County of Suffolk on the  
first Tuesday of July last, when and where the Appellant was plant, and the  
Appellee was def<sup>t</sup>. In a plea of trespass on the Case for that the def<sup>t</sup>. at Boston  
aforesaid on the twenty first day of March AD 1759. being Indebted to the  
plan't the sum of two pounds two shillings Lawful Money of Great Britain  
as by the account to the Writ annexed, appears did then and there promise the  
plan't to pay him the same sum on demand, yet the def<sup>t</sup>. tho' requested hath not  
paid the same but neglects it. To the damage of the said John as he says the  
sum of eight pounds. At which said Inferiour Court Judgment was Rendered  
upon the demurer there, that the said Thomas Butler Recover against the s<sup>d</sup>:  
John Malcom Costs of Suit. This Appeal was brought forward at the last term  
of this Court for this County, and then continued to this Court by Consent: &  
Now both parties Appeared, and the demurer aforesaid being wav'd by Consent  
and the Issue tender'd [ill][^being^] Joined, the Case after a full hearing was Committed  
to a Jury sworn according to Law to try the same, who Returned their Verdict  
therein

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[294v]

therein upon Oath that is to say, they find for the Appellant reversion of the former Judgment, thirty shillings Sterling damage, and Costs: It's therefore Considered by the Court that the former Judgment be reversed, and that the said John Malcom Recover against the said Thomas Butler thirty shillings Sterling Money of Great Britain damage and Costs taxed at £7.12.5.

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Ex'c'on issued

29<sup>th</sup>: Mar, 1762.

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Cobb ~~vs~~ Osment

>>

Silvanus Cobb of Plimouth in the County of Plimouth Esq; Appellant ~~vs~~ William Osment of Boston in the County of Suffolk Mariner Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the Appellee was pl<sup>t</sup>. and the appellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 2<sup>d</sup>: day of August 1760. on file, at large Appears). At which said Inferiour Court Judgm<sup>t</sup>. was rendered, that the said William Osment Recover against the said Silvanus Cobb the sum of three pounds fourteen shillings and eight pence Lawful Money damage, and Costs of Suit. This Appeal was brought forward at the last term of this Court for this County, when and where the parties appeared, and Referr'd this Action So Sam<sup>l</sup>. Adams, Temple Decoster, and James Richardson, and the Appellant agreed to take no farther Costs, altho' Judgment should be for him: and that the Appellee shall have Judgment for interest from that time on what he should recover. if he Recover any thing. the determination of said Referees, or of any two of them to be final, and to make Report as soon as might be; and then said appeal was Continued to this Court. said Referees not having made Report. And now both Parties Appearing, said Referees made Report in Writing under their hands as on file; and pursuant to the same Report which was read & accepted: It's Considered by the Court that the said William Osment Recover against the said Silvanus Cobb the sum sued for, with Interest &

Agreement, being three pounds sixteen shillings and eleven pence Lawful  
Money of this Province Damage, and Costs taxed at £4.15.2

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Ex'c'on issued

16<sup>th</sup>. Ap<sup>l</sup>. 1762.

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Cobb ~~vs~~ Pipone

>>

Silvanus Cobb of Plimouth in the County of Plimouth Esq; Appellant  
~~vs~~ Daniel Pipone of said Boston Housewright Appellee, from the Judgment  
of an Inferiour Court of Common Pleas held at Boston in and for the County  
of Suffolk on the first Tuesday of April last, when and where the Appellee  
was plant, and the Appellant was def<sup>t</sup>. In a plea of trespass on the Case &C<sup>a</sup>. (as  
in the Writ tested the second day of August AD 1760. on file, at large appears) At  
which said Inferiour Court Judgment was Rendered that the said Daniel  
pipone

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[295r]

Pipone Recover against the said Silvanus Cobb the sum of three pounds fourteen shillings  
and eight pence Lawful Money damage, and Costs of Suit. This Appeal was brought  
forward at the last term of this Court for this County, when and where the Parties appeared, &  
Refer'd this Action to Samuel Adams, Temple Decoster, and James Richardson, and the Aplant  
agreed to take no farther costs tho' Judgment should be for him; and that the appellee should  
have Judgment for interest from that time on what he should Recover. if he Recover [+]  
any thing. the determination of said Referees, or of any two of them, to be final, and to Report  
as soon as might be; and then said Appeal was Continued to this Court: and Now both  
Parties appeared, and said referees made Report in Writing under their hands, as on file,  
which was Read and accepted: and pursuant thereto. It's Considered by the Court  
that the said Daniel Pipone Recover against the said Silvanus Cobb the sum of three

pounds sixteen shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £5.15.8.

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Ex'c'on issued

16<sup>th</sup>. Ap<sup>l</sup>. 1762.

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Oliver Ex'c'or ~~vs~~ Deering Ex'or

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Andrew Oliver of Boston in the County of Suffolk Esq; sole surviving Executor of the last will and testament of Thomas Fitch late of said Boston Esq; deceased Appellant ~~vs~~ Thomas Deering of said Boston Merchant Executor of the last Will and Testament of Henry Deering late of said Boston Merchant deceased Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of Debt for that the said Henry on the first day of February AD 1728. by his Obligation of that date in Court to be produced at Boston aforesaid, bound himself to the said Thomas in the sum of three thousand pounds to be paid to the said Thomas on demand, yet the said Henry in his life time never paid the same, tho' Requested neither hath the def<sup>t</sup>. paid the same since the death of the said Henry tho' likewise requested but detains it. To the damage of the said Andrew, Executor as aforesaid, as he saith the sum of three thousand pounds. At which said Inferiour Court Judgment was Rendered, that the said Thomas Dering Executor as aforesaid, Recover against the Estate of the said Thomas Fitch in the hands of the said Andrew Oliver Executor as aforesaid, Costs of Suit. This Appeal was bro't forward at the last Term of this Court for this County and from thence was Continued to this Court by Consent and the Appellant agreed not to tax any thing for Attendance after that time: And now both Parties Appeared. and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellant Reversion of the former Judgment, the forfeiture of

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[295v]

of the penalty of the bond sued on being £3000 Lawful Money and Costs: It's therefore Considered by the Court that the former Judgment be reversed, and that the said Andrew Oliver Executor as aforesaid, Recover against the Estate of the said Henry Deering dec'd, in the hands of the said Thomas Deering Executor as aforesaid, the sum of Eight hundred and twenty one pounds four shillings and nine pence half penny Lawful Money of this Province, being the chancery of the said bond unto its just Debt and Damage, and Costs taxed at £5.11.11.

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Ex'c'on issued

5 Aug<sup>t</sup>. 1762.

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Brown ~~vs~~ Fairbank's

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Allin Brown of Providence in the County of Providence in the Colony of Rhode Island and Providence Plantation Esq; Appellant ~~vs~~ Joseph Fairbanks of Wrentham in the County of Suffolk Gentleman Appellee; from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the Appellee was plant, and the Appell<sup>t</sup>. was def<sup>t</sup>. In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 5<sup>th</sup>. day of June last, on file, at large appears) At which said Inferiour Court, Judgment was Rendered, that the said Joseph Fairbanks Recover against the said Allin Brown the sum of thirty pounds Lawful Money damage, and Costs of Suit. This Appeal was brought forward at the last term of this Court for this County when and where the parties appeared, and refer'd this Action to Melatiah Bourne Esq. Thomas Gray, and Samuel Adams, the determination of said Referrees or of any two of them to be final, and Report to be made as soon as might be, and then said Appeal was Continued to this Court: And now both Parties Appeared, and the said Referees made Report in writing under their hands as on file, which was Read and

accepted, and pursuant thereto: It's Considered by the Court that the said,  
Joseph Fairbanks Recover against the said Allin Brown the sum of twenty eight  
pounds ten shillings Lawful Money of this Province Damage, and Costs taxed  
at £8.1.3

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Ex'c'on issued

2<sup>d</sup>. April 1762.

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Gridley ~~vs~~ Phillips

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Jeremy Gridley of Brookline in the County of Suffolk Esq; Appellant ~~vs~~  
Gillam Phillips of Boston in the County of Suffolk Esq, Appellee, from the Judgment  
of an Inferiour Court of Common Pleas held at Boston in and for the County  
of Suffolk on the first Tuesday of July last, when and where the appellee was  
plant and the appellant was def<sup>t</sup>. In a plea of debt &C<sup>a</sup>. (as in the Writ tested the  
22<sup>d</sup>. day of June last, on file, at large appears) At which said Inferiour Court  
Judgment was Rendered that the said Gillam Phillips Recover against the s<sup>d</sup>.  
Jeremy Gridely the sum of one hundred and twenty one pounds six shillings  
and

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Image 363-Right

296.

[296r]

and eight pence Lawful Money debt, and Costs of Suit. This appeal was brought  
forward at the last term of this Court for this County, when and where the parties  
appeared, and agreed that no Costs should be taxed by either of them in this Action, &  
then said appeal was Continued to this Court by their Consent: And the Parties  
appeared, and the said Gillam, by M<sup>r</sup>. Robert Auchmuty his Attorney, confessed  
Judgment for Costs. It's therefore Considered by the Court that the said Jeremy  
Gridley Recover against the said Gillam Phillips Costs taxed at £3.18.1.

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Ex'c'on issued  
14. february. 1763.

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Jones ~~vs~~ Robins

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John Jones Appellant ~~vs~~ Robert Robins Appellee

Neither party Appeared.

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Jones ~~vs~~ Robins

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John Jones of Boston in the County of Suffolk Esq; Appellant ~~vs~~ Robert Robins of said Boston Mariner. Administrator of the goods, Chattles, Rights, and Credits of Eleazer Darby late of said Boston Mariner dec'ed who died intestate, Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on first Tuesday of October last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of the Case, for that the said Eleazer on the first of October AD 1756. at said Boston owing the plan't thirty pounds of lawful Money of Great Britain according to the account to the Writ annexed, promised the plant to pay it him on demand, yet he did not pay it in his life time, neither hath the said Robert paid it since the death of the said Eleazer tho' Requested but Neglects it. To the damage of the said John as he saith the sum of forty pounds Sterling. At which said Inferiour Court Judgment was Rendered that the said Robert Robins Recover against the said John Jones Costs of Suit. Both Parties now Appeared, and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Robert Robins Adm'or as aforesaid, Recover against the said John Jones Costs taxed at £2.0.4 Boston April 6. 1762 I acknowledge to have rece'd full satisfaction of the Judgment above recorded Rob<sup>t</sup>. Robins. wit<sup>s</sup>. Arodi Thayer.

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Wetherbee ~~vs~~ Payson

&gt;&gt;

Jonathan Wetherbe of Lunenburg in the County of Worcester Gentleman Appell<sup>t</sup>.  
~~vs~~ Thomas Payson of Woodstock in the County of Windham in the Colony of Connecticutt  
 Gentleman appellee, from the Judgment of an Inferiour Court of Common Pleas held  
 at Boston in and for the County of Suffolk on the first Tuesday of October last, when  
 and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of the Case, &C<sup>a</sup>  
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[296v]

(as in the Writ tested the first day of June last, on file, at large appears) At which said  
 Inferiour Court Judgment was Rendered, that the said Thomas Payson Recover  
 against the said Jonathan Wetherbee the sum of three pounds eleven shillings and  
 nine pence three farthings Lawful Money damage, and Costs of Suit. The  
 Parties, and the plea in abatement, (as on file) being overruled, the Appellant  
 by his Attorney M<sup>r</sup>. Sewall, confessed Judgment for the sum sued for, being  
 three pounds Eleven shillings and nine pence three farthings Lawful Money  
 damage, and Costs: It's therefore Considered by the Court that the said  
 Thomas Payson Recover against the said Jonathan Wetherbee the sum of  
 three pounds eleven shillings and nine pence three farthings, Lawfull  
 Money of this Province Damage, and Costs taxed at £6.15.3

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Ex'c'on issued

17<sup>th</sup>. Ap<sup>l</sup>. 1762.

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Russell Esq; ~~vs~~ Greenleaf

&gt;&gt;

Daniel Russell of Charlestown in the County of Middlesex Esq; Appellant ~~vs~~  
 William Greenleaf of Boston in the County of Suffolk Shopkeeper Administrator of the

Estate of John Saujieller late of Dunstable in the province of New Hampshire Taylor dec'd intestate Appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of the Case, for that the defendant on the last day of September, AD. Seventeen hundred and forty four, at Boston aforesaid being Justly indebted to the said Intestate the sum of Eighty four pounds Nineteen shillings and eight pence in bills of public Credit on this province (which the plant. avers was then of the value of Seventeen pounds two shillings and two pence Lawful Money of said Province) for Sundries according to the Account to the Writ annexed, then and there promised the plant<sup>s</sup>. said intestate to pay him s<sup>d</sup>. sum on demand, yet the defendant tho' requested never paid the said John in his lifetime nor the said William the plant the said sum in said bills nor the value thereof in Lawful Money, but unjustly refuses to pay the same, To the damage, of the said William Greenleaf Adm'or as he saith, the sum of twenty pounds. At which said Inferiour Court Judgment was Rendered that the said William Greenleaf Adm'or as aforesaid, Recover against the said Daniel Russell the sum of Seventeen pounds two shillings and two pence Lawful Money damage, and Costs of Suit. The Parties Appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the appellant reversion of the former Judgment, and Costs: It's therefore Considered by the Court that the former Judgment be reversed, and that

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[297r]

that the said Daniel Russell Recover against the Estate of the said John Saujieller dec'd in the hands of the said William Greenleaf Adm'or as aforesaid. Costs taxed at £6.13.2.

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Ex'c'on issued

Nov<sup>r</sup>. 2. 1762.

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Doak vs Pike

&gt;&gt;

John Doak of Boston in the County of Suffolk Cooper Appellant vs William Pike of said Boston Mariner Appellee, from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of trespass on the Case, for that the plant on or about the fourth day of April AD 1760. at Boston aforesaid was possessed of a certain cask of molasses containing eighty gallons of the value of Nine pounds as of his own proper goods and being thereof so possessed [<sup>at Boston afores<sup>d</sup>. the same day & year out of his possession<sup>^</sup></sup>] casually lost the same, which said cask of molasses afterwards that is to say, the same day and year to the hands & possession of the def<sup>t</sup>. by finding came, yet the def<sup>t</sup>. tho' afterwards that is to say at Boston aforesaid, being requested to deliver the same to the plant, refused so to do, but the def<sup>t</sup>. knowing the same to belong to the plant and intending to defraud him thereof then and there converted the same to his own use. To the damage of the said John as he says the sum of ten pounds: At which said Inferiour Court Judgment was Rendered, upon the demurer there, that the said William Pike Recover against the said John Doake Costs of Suit. The parties Appeared, and the demurer aforesaid, being wav'd and Issue joined on the plea tender'd, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say they find for the Appellant Reversion of the former Judgment two pounds four shillings Lawful Money damage, and Costs: It's therefore Considered by the Court that the former Judgment be Reversed, and that the said John Doak Recover against the said William Pike the sum of two pounds four shillings Lawful Money of this Province Damage, and Costs taxed at £5.6.4

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Ex'c'on issued

29<sup>th</sup>. Mar, 1762.

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Pattin ~~vs~~ Winter

&gt;&gt;

William Pattin of Boston in the County of Suffolk Shopkeeper Appellant ~~vs~~ William Winter of said Boston Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 2<sup>d</sup>. day of December last, and on file, at large appears) At which said Inferiour Court Judgment was Renedred, that the said William Winter Recover against the s<sup>d</sup>. William Pattin Costs of Suit. The Parties appeared, and the Appellee confessed Judgment

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[297v]

Judgment for seven pounds ten shillings and 6<sup>d</sup>. Money damage, and Costs. It's therefore Considered by the Court that the said William Pattin Recover against the said William Winter the sum of seven pounds ten shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.17.7.

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Ex'c'on issued

16. Aug<sup>t</sup>. 1762.

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Murray ~~vs~~ Vernon

&gt;&gt;

William Murray of Boston in the County of Suffolk Perriwigmaker Appellant ~~vs~~ Abraham Vernon of said Boston Perrigwigmaker Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of trespass upon the case for that the said William on the first day of January AD. seventeen hundred

and fifty nine at Boston aforesaid, by his promisory Note subscribed with his hand for Value Received promised the plant to pay him or his order the sum of Fifty pounds Lawful Money on demand, yet the def<sup>t</sup>. tho' requested has not paid the same. and for that the def<sup>t</sup>. there afterwards viz. on the same day owing the plant Fifty pounds Lawful Money promised the plant to pay him the Lawful Interest for that sum from that time until the the def<sup>t</sup>. should pay to the plant the said fifty pounds; now the plant avers that the def<sup>t</sup>. has not paid the said fifty pounds to this day, nor the Interest thereof, for the time aforesaid, which amounts to the sum of eight pounds and fifteen shillings but tho' Requested unjustly Neglects to pay it. And for that at said Boston afterwards viz. on the same first day of January AD 1759. the def<sup>t</sup>. for value Received of the plant in labour at the business of a perriwigmaker promised the plant to pay him fifty pounds Lawful Money on demand with Lawfull Interest therefore until the def<sup>t</sup>. should pay the same: Now the plant avers that the def<sup>t</sup>. tho' often requested has not paid the said fifty pounds nor the Interest thereof but unjustly neglects & Refuses to pay the same to the damage of the said Abraham Vernon, as he saith, the sum of eighty pounds. At which said Inferiour Court Judgment was Rendered, upon the pleadings there, that the said Abraham Vernon Recover against the said William Murray the sum of eighty pounds Lawful Money damage, and costs of Suit. Both Parties now Appeared, and the pleadings aforesaid being wav'd by Consent of the Parties, the said William Murray (by Oxenbridge Thacher his Attorney) says he never promised inform aforesaid, and thereof put himself on the Country: Whereupon the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee fifty seven pounds Lawful Money damage, and Costs:

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[298r]

It is therefore Considered by the Court that the said Abraham Vernon Recover against the said William Murray the sum of fifty seven pounds Lawful Money of this

Province Damage, and £2.17.4. Costs.

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Ex'c'on issued

4. Aug<sup>t</sup>. 1762.

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Hall et al<sup>s</sup>. ~~vs~~ M<sup>c</sup>Cleland

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Hugh Hall of Boston in the County of Suffolk Esq; Fortesque Vernon Merchant & Jane his Wife, Ann Hudson Widow, and William Trout Blockmaker all of said Boston Appellants ~~vs~~ John M<sup>c</sup>.Cleland of said Boston Staysmaker, and Elizabeth his Wife, appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the Appellees were plant<sup>s</sup>. and the Appellants (who were admitted to defend this Action in lieu of Thomas Coverly of said Boston Goldsmith) were defendants, In a plea of ejectment &C<sup>a</sup>. (as in the Writ tested the 16<sup>th</sup>. day of June last, on file at large appears) At which said Inferiour Court Judgment was Rendered that the said John M<sup>c</sup>.Cleland and Elizabeth his Wife Recover against the said Hugh Hall two fifths, and against the said Fortesque Vernon, and Jane his Wife, Ann Hudson, and William Trout three fifths of the dwelling house, Yard, and Garden with the appurtenances, sued for, & Cost of Suit. The Appellants appeared, but the Appellees altho' solemnly called to come into Court did not appear but made Default: It's therefore Considered that the said Hugh Hall, Fortesque Vernon and Jane his Wife, Ann Hudson, and William Trout Recover against the said John M<sup>cl</sup>eland and Elizabeth his Wife. Costs taxed at £4.12.0

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Ex'c'on issued

13<sup>th</sup>. Mar, 1762.

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Dolbear Ex'c'or ~~vs~~ Timkins.

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Benjamin Dolbear of Boston in the County of Suffolk Merchant executor of the last will and Testament of William Clarke late of said Boston Physician dec'd appellant ~~vs~~ Ann Tomkins of Boston aforesaid widow Appellee, from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of Trespass upon the Case for that the said Ann, at Boston aforesaid, on the last of April AD 1760. being indebted to the plant<sup>s</sup>. said Testator then living the sum of Nine pounds seventeen shillings, according to the [^Account to the^] Writ annexed, then and there promised the said testator to pay him the same sum on demand, yet the said Ann tho' requested never paid the same to the said William in his life time nor since his decease to the plant executor as aforesaid, tho' also requested but refuses to pay it, To the damage of the said Benjamin executor as aforesaid, as he saith the sum of twelve pounds; At which said Inferiour Court Judgment was rendered, upon the demurer there, that the said Ann Tomkins, Recover

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[298v]

Recover against the Estate of the said William Clark dece'd, in the hands of the s<sup>d</sup>. Benj<sup>a</sup>. Dolbear Executor as aforesaid, Costs of Suit. Both Parties Appeared, and the demurer aforesaid is wav'd, and the issue tender'd is now Joined, and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict, therein upon Oath that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Ann Tomkins Recover against the Estate of the said William Clark deceased, in the hands of the said Benjamin Dolbear Executor as aforesaid, Costs taxed at £2.1.7

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Potter ~~vs~~ Rogers

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Edward Potter of Boston in the County of Suffolk Cooper Appellant ~~vs~~ John Rogers of said Boston Housewright Appellee, from the Judgment of an Inferiour



Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the appellee was plant and the Appellant was def<sup>t</sup>. In a plea of trespass upon the Case & C<sup>a</sup>. (as in the Writ tested the twenty second day of December last, on file at large appears) At which said Inferiour Court Judgment was Rendered. that the said John Rogers Recover against the said Edward Potter the sum of Seventeen pounds Lawful Money damage, and Costs of Suit. Both Parties appeared, and Referr'd this Action to all other demands to Onesiphorus Tilestone, Samuel Ruggles, and John Joy; the determination of said Referees, or of any two of them, to be final, Report to be made as soon as may be; and pursuant to the Report of said Referrees, under their hands as on file, which was read and accepted: It is Considered by Court that the s<sup>d</sup>: John Rogers Recover against the said Edward Potter the sum of ten pounds Lawful Money of this Province Damage, and Costs taxed at £5.3.8.

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Ex'c'on issued

29.<sup>th</sup> Mar, 1762.

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Swift ~~vs~~ Bayley

&gt;&gt;

Samuel Swift of Boston in the County of Suffolk Gentleman Plaintiff ~~vs~~ James Bayley of Boston aforesaid Housewright Defendant, In a plea of Review of a plea of trespass upon the case commenced at an Inferiour Court of common pleas held at said Boston for said County on the first tuesday of July last, by the but prosecuted at an Inf<sup>r</sup>. Court of com'on pleas held at s<sup>d</sup>. Boston for s<sup>d</sup>. County on the 1st. tuesday of July last by the said James against the said Samuel in the words following viz. "In a plea of "trespass upon the Case for that the def<sup>t</sup>. being indebted to the plant on the "twelfth day of June last, the sum of thirty one pounds eighteen shillings & "four pence, for sundries of work according to the Account to the Writ annx'd "then at said Boston promised the plant to pay him the same sum on demand Yet the "defendant tho' requested has not paid it but Neglects it: And for that the pla'nt on

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"on the eight day of September AD 1757. at the special request of the def<sup>t</sup>. had built for  
"the def<sup>t</sup>. other twenty one perch of stone wall, other two stacks of Chimneys, five funnels  
"one arch and Foundation, and had lathed and plaistered three hundred forty seven  
"yards all other than those mentioned in said Account and in consideration thereof the  
"def<sup>t</sup>. then at said Boston promised the plant to pay him therefor as much money as he  
"reasonably deserved on demand, now the plant avers that he reasonably derserved therefor  
"two and thirty pounds of which he has had Notice and has been requested to pay the  
"same but he unjustly refuses so to do. To the damage of the said James Bayley, as he saith,  
the sum of thirty seven pounds." At which said Inferiour Court last mentioned, Judgment  
was rendered upon the demurer there, that the said James Bayley recover against the s<sup>d</sup>.  
Samuel Swift the sum of fifty pounds lawful Money damage, and costs of Suit, from  
which Judgment the said Samuel appealed to the Superiour Court of Judicature  
Court of Assize and General Goal delivery held at said Boston for said County on  
the third Tuesday of August last, when and where the demurer aforesaid, was  
waived, and Judgment was rendered that the said James Bayley recover against  
the said Samuel Swift the sum of twenty three pounds eighteen shillings and nine  
pence lawful Money of this Province damage, and Costs; which same Judgment  
the said Samuel says is wrong and erroneous and that he is thereby damnified the  
sum of forty pounds, as shall then and there be made to appear: Wherefore for  
reversing the Judgment last mentioned, and for recovering back from the s<sup>d</sup>. James  
the same sum of twenty three pounds eighteen shillings and nine pence, and the  
same Costs, and for recovering Judgment against him for Cost of Courts, the said  
Samuel brings this Suit. Both Parties appeared, and the def<sup>t</sup>. (by Benjamin Kent  
his Attorney) comes and says the last recited Judgment is in nothing Erroneous and  
thereof put himself on the Country, and the Case after a full hearing was Committed  
to a Jury sworn according to Law to try the same, who Returned their Verdict therein  
upon Oath that is to say, they find for the plant reversion of the former Judgment  
and Costs: It's therefore Considered by the Court that the former Judgment  
be reversed, and that the said Samuel Swift Recover against the said James  
Bayley Costs taxed at £

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Neal ~~vs~~ Vernon

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Thomas Neale of the Island of S<sup>t</sup>. Christophers Merchant Appellant ~~vs~~ Fortesq  
 Vernon of Boston in the County of Suffolk Merchant Appellee, from the Judgm<sup>t</sup>.  
 of an Inferiour Court of Common Pleas held at Boston in and for the County  
 of Suffolk on the first Tuesday of January last, when and where the appell<sup>t</sup>  
 was plant and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case for yt.  
 the said Fortesq on the sixth day of December AD 1746. at said Island  
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[299v]

drew four bills of Exchange of the same tenor and date directed to [<sup>^</sup>M<sup>r</sup><sup>^</sup>] Alexander Pepper,  
 Merchant in London and subscribed them with his own hand and by the  
 second of them requested the said Alexander at thirty days sight thereof his first  
 third and fourth of the same tenor and date not paid, to pay to the said Thomas  
 or his order the sum of forty eight pounds thirteen shillings Sterling for value rec<sup>d</sup>,  
 and place the same without further advice to the Account of the Snow  
 prince Arthur; and the said second bill on the twenty first day of May A  
 D1747. was presented to the said Alexander for payment, the sum therein  
 mentioned having become due and payable and neither of the other said  
 bills being paid, and he refused to pay said sum wherefore it was protested;  
 and the said Thomas sought the said Fortesq (at said Boston and elsewhere,  
 to give him Notice thereof but could not find him till the last day of October  
 AD 1757. when at Boston aforesaid he had Notice thereof and then and there  
 became chargeable to pay said sum with Interest, and damage amounting to forty pounds  
 and promised to pay them on demand, yet he has not paid them tho<sup>t</sup> requested but  
 Neglects it, to the damage of the said Thomas as he saith the sum of an hundred  
 pounds; At which said Inferiour Court Judgment was Rendered, upon the  
 demurer there, that the said Fortesque Vernon recover against the said Thomas  
 Neal costs of Suit. Both Parties now appeared; and the demurer being waiv<sup>d</sup>

and the issue join'd on the plea tender'd, the Case after a full hearing was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant Reversion of the former: Judgment eighty eight pounds thirteen shillings Lawful Money of Great Britain damage, and Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Thomas Neal Recover against the said Fortesque Vernon the sum of eighty eight pounds thirteen shillings Lawful Money of Great Britain damage, and Costs taxed at £

Bond to review

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Ingraham ~~vs~~ Cooke

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Nathaniel Ingraham of Wrentham in the County of Suffolk Shoemaker Appellant ~~vs~~ Mary Cooke of said W[<sup>r</sup>]entham Spinster Appellee, from the Judgm<sup>t</sup>. of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where) the appell<sup>t</sup>. was plant and the Appellee was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the first day of June last, on file, at large appears) At which said Inferiour Court Judgment was Rendered, that the said Mary Cook recover against the said Nathaniel Ingraham Costs of Suit. Both Parties Appeared, and the Appellant confessed Judgment

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Judgment for Costs. It's therefore Considered by the Court that the said Mary Cooke Recover against Nathaniel Ingraham Costs taxed at £8.8.10

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Ex'c'on issued

26<sup>th</sup>. Feb<sup>y</sup> 1762.

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Baker ~~vs~~ Frobisher

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John Baker of Boston in the County of Suffolk Merchant Appellant ~~vs~~ William Frobisher of Boston aforesaid Soapboiler Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the Appellant was plant and the Ap'lee was defendant. In a plea of trespass on the Case [<sup>^</sup>that<sup>^</sup>] the plant on the third day of October AD 1760, being in want of a quantity of good merchantable Soap to ship on board a vessell and transport to Canada, and there to sell the same, at Boston aforesaid applied to the def<sup>t</sup>. to purchase of him the same. and the def<sup>t</sup>. accordingly then and there bargained and sold to the plant twenty five boxes of good merchantable soap containing two thousand two hundred neat weight of such soap for and at eight pence p each pound of said soap and one shilling a piece for said boxes and agreed with and promised the plant to deliver said twenty five boxes of good merchantable soap on board a certain vessell in which the same was to be transported for the plaintiff's account as aforesaid, and the plant. accordingly then and there paid unto the def<sup>t</sup>. for the same at the price aforesaid, amounting in the whole to seventy four pounds eleven shillings and eight pence; yet the def<sup>t</sup>. never delivered said quantity of good Merchantable soap nor any part thereof but deceitfully contriving to defraud the plant, delivered on board Vessell for the plant instead thereof twenty five boxes of bad, corrupt, unmer=:chantable soap, ill manufactured and made of bad and stinking Materials and then and there falsely affirmed to the plant the same to be good and merchantable and the plant giving Credit to the same false Affirmation rec'd the same bad soap and transported the same to Canada where by reason of the same being bad rotten corrupt stinking, and unmerchantable it could not be sold and the plant suffered greatly in his credit by importing the same there and was obliged to bring the same back to Boston whereby he hath also lost the freight and Insurance thereof and been disappointed in and lost the benefit of the sale that he might have made of good Merchantable soap together with the Money paid for good Soap as aforesaid all which is to the damage of the said John as he saith the sum of two hundred pounds; At which said Inferiour Court Judgment was rendered [<sup>^</sup>upon the pleadings there<sup>^</sup>], that the said William Frobisher recover against the said John Baker cost of Suit. Both Parties now Appeared,

and [~~and~~ s<sup>d</sup>. pleadings being waved<sup>^</sup>] the said William (by Robert Auchmuty his attorney) comes and defends &C<sup>a</sup>. and

says he is not Guilty in manner and form as the plant declares and thereof put &C<sup>a</sup>.

& issue being joined, the Case after a full hearing was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that

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that is to say, they find for the appellee Costs. It's therefore Considered by the Court that the said William Frobisher Recover against the said John Baker Costs taxed at £

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Hallowell ~~vs~~ Sloper

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Benjamin Hallowell of Boston in the County of Suffolk Shipwright Appell<sup>t</sup>.

~~vs~~ Samuel Sloper of said Boston Shipwright Appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the appellee was plant and the Appellant was de<sup>ft</sup> In a plea of the Case for that the de<sup>ft</sup>. on the second day of [<sup>^</sup>last<sup>^</sup>] May being justly indebted, at said Boston to the plant in the sum of one hundred and eighty eight pounds nineteen shillings and eight pence for work according to the account to the Writ annexed then and there promised the plant to pay him the same sum on demand yet the de<sup>ft</sup>. tho requested hath not paid the same but unjustly Neglects and refuses to pay it, and for that afterwards viz. on the third day of May last, the plant at the Special instance and request of the de<sup>ft</sup>. had worked for the de<sup>ft</sup>. seven hundred and eighty days and an half at the Shipwright business being other days than those mentioned in the account to the Writ annexed, he the de<sup>ft</sup>. then and there in Consideration thereof at said Boston promised the plant to pay him as much money on demand as he reasonably deserved to have for his work last mentioned now the plant avers that he reasonably deserves of the de<sup>ft</sup>. therefore the sum of one hundred and eighty nine pounds of which the defendant has had Notice and has been requested to pay it yet he has not paid it but unjustly Neglects and refuses to pay it. To the

damage of the said Samuel Slooper as he saith the sum of two hundred pounds At which said Inferiour Court Judgment was Rendered, that the said Samuel Slooper Recover against the said Benjamin Hallowell the sum of one hundred and eighty eight pounds nineteen shillings and eight pence Lawful Money damage, and Costs of Suit. Both Parties Appeared and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee thirty four pounds four shillings and 6<sup>d</sup>. Lawful Money damage, & Costs. It's therefore Considered by the Court that the said Samuel Slooper Recover against the said Benjamin Hallowell the sum of thirty four pounds four shillings and six pence lawful Money of this Province Damage, and Costs taxed at £ bond is given to review.

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Griffin ~~vs~~ Bayard

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James Griffin and James Forbes of Boston in the County of Suffolk Merchants and

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Image 368-Right

301.

[301r]

and Executors of the last Will and Testament of Ann Foot late of said Boston Widow, deceased Eleazer Johnson of said Boston Merchant and Elizabeth his Wife as the said Elizabeth is also an Executor of said last will and Testament Appellants, ~~vs~~ Belthazer Bayard of said Boston Yeoman Appellee, from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellants were plt<sup>s</sup>. and the appellee was def<sup>t</sup>. In a plea of trespass on the Case & C<sup>a</sup>. (as in the Writ tested the 21<sup>st</sup>. day of December last, on file, at large appears) At which said Inferiour Court Judgment was rendered, that the said Belthazer Bayard Recover against the Estate of the said Ann Foot, in the hands of the said James Griffin & al<sup>s</sup>. Executors as aforesaid Costs of Suit. The Appellants Appeared, but the App'lee

altho' solemnly called to come into Court did not appear but made default, and the appellants thereupon pray'd Judgment for the sum sued for being four pounds seventeen shillings and four pence three farthings, Lawful money damage, and Costs. It's therefore Considered by the Court that the said James Griffin and James Forbes Executors as aforesaid, and Eleazer Johnson, and Elizabeth his Wife who is also an Executor to the Estate of the said Ann Foot deceased, Recover against the said Belthazer Bayard the sum of Four pounds seventeen shillings and four pence three farthings, Lawful Money of this Province Damage, and Costs taxed at £4.13.7

&lt;&lt;

Ex'c'on issued

2.<sup>d</sup> April 1762.

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Boylstone ~~vs~~ Procter

&gt;&gt;

Thomas Boylstone of Boston in the County of Suffolk Merchant Appellant ~~vs~~ Jeremiah Procter of Marblehead in the County of Essex Merchant Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the appellant was plant and the Appellee was def<sup>t</sup>. In a plea of Trespass on the Case, for that whereas the def<sup>t</sup>. at said Boston on the eighteenth day of July AD. 1756. was Indebted to the plant the sum of five pounds two shillings and nine pence lawful Money agreeable to the Account to the Writ annexed and being so indebted then and there promised the plant to pay him the same on demand, yet the def<sup>t</sup>. tho' often requested hath not [<sup>^</sup>paid<sup>^</sup>] the same but Neglects it. To the damage of the said Thomas Boylston (as he saith) the sum of ten pounds. At which said Inferiour Court Judgment was Rendered, upon the Demurer there, that the said Jeremiah Procter Recover against the said Tho<sup>s</sup>. Boylstone Costs of Suit. Both Parties now Appeared, and the demurer being waved, and Issue joined on the plea tender'd the Case After a full full hearing was committed to a Jury sworn according to Law to try the same who



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[301v]

who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant reversion of the former Judgment five pounds two shillings and Nine pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Thomas Boylstone Recover against the said Jeremiah Procter the sum of five pounds two shillings and nine pence Lawful Money of this Province Damage, and Costs taxed at £5.14.8.

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Ex'c'on issued }

27<sup>th</sup>. Mar, 1762. }

&gt;&gt;

Boston the 23<sup>d</sup>. of April 1762. I hereby Acknowledge to have received full Satisfaction for the Judgment above Recorded. James Otis, Attorney to the Appell<sup>t</sup>. Rece'd of M<sup>r</sup>. James Oates the above, & discount in his book's. Tho<sup>s</sup>. Boylston

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Witness. Arodi Thayer.

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Tirrell ~~vs~~ Gay.

&gt;&gt;

Isaac Tirrell of Braintree in the County of Suffolk Yeoman Appellant ~~vs~~ Oliver Gay of said Braintree Cordwainer appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of trespass upon the case for that on the 15<sup>th</sup>. day of June last, the said Oliver purchased a writ out of the Inferiour Court of Common pleas in the said County of Suffolk bearing teste the same day and Returnable to the Inferiour Court of Common pleas then Next to be held at Boston aforesaid in and for the County of Suffolk on the first Tuesday of July last, and in

the declaration in the said Writ complained against the said Isaac for that he on the thirteenth day of May then Next before, in Consideration that the said Oliver had delivered at the same time to the said Isaac at his special instance a brown maxe worth six pounds, to be his the said Isaac's. Now the said Isaac delivered him a sorrel horse which he aver'd to be good and sound wind and limb, and free of all lameness, and further agreed and promised the said Oliver that if the said horse should not prove a good, able sufficient horse he would take said horse again, and in the room thereof would deliver the said Oliver another horse that would every way Answer the description aforesaid, and the said Oliver in his said declaration further alledged that the said horse so delivered him was incurably lame and fit for no use whatsoever, but was a constant charge to him and that he had given Notice thereof to the said Isaac and requested him according to his said promise to take back the said horse and bring him another but he had refused to do it, to the damage of the said Oliver the sum of seven pounds. And Afterwards viz. on the twenty second day of June aforesaid, the said Writ was duly served on the said Isaac; and Afterwards viz. on the seventh day of July last, at Braintree aforesaid

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302.

[302r]

aforesaid, being the day on which the said Writ was returnable as aforesaid the said Oliver being about to enter his said Action against the said Isaac the said Isaac prayed him not to do it, and promised that he would meet him the said Oliver on the evening of the next day, and that he would then bring a good horse to him and take away the lame horse aforesaid, and that certain John Hall jun<sup>r</sup> and Daniel Arnold should determine and award whether the said horse which the said Isaac should bring with him should be delivered to the said Oliver in Satisfaction of his said demand against the said Isaac, and whether the said Oliver should pay any thing, and how much more than his said demand therefor and whether the said Isaac should pay any thing to the said Oliver and how

much more than the said horse in satisfaction of said Oliver's demand afores<sup>d</sup>. and how the Cost that had then arisen on the suit aforesaid should be paid: And the said Oliver giving credit to the said Isaac's promises aforesaid, did not enter his said Action and the said Isaac and Oliver then and there agreed & Mutually promised each other to submit the controversy aforesaid in manner aforesaid to the said John and Daniel and promised each other to abide & and perform their award on the same; and Afterwards viz. on the eighth day of July last, the said Isaac met the said Oliver and brought with him a good horse and the parties aforesaid agreed again to submit the controversy aforesaid to the said John and Daniel, the Arbitrators aforesaid then present and they taking upon them the s<sup>d</sup> trust, heard the parties, considered their allegations, and published their award on the controversy aforesaid viz. that the said Isaac should take back the lame horse Aforesaid and should deliver to the said Oliver the horse that he the said Isaac had then brought with him and that this should be in full Satisfaction of the plant<sup>s</sup>. said demand against him and that the Cost of the said Oliver's Suit aforesaid before the said submission being ten shillings should be equally paid by the said Oliver and Isaac; yet the said Isaac disregarding his promise aforesaid refused to abide by [^the^] award aforesaid, and carried away the said horse by him then brought, and left the bad horse aforesaid on the plaintiff, nor did he pay the half of the Cost aforesaid but refused and still .contrary to his said promise to perform any part of the said award, to the damage of the said Oliver (as he saith) the sum of twelve pounds. At which said Inferiour Court Judgment was rendered, that the said Oliver Gay Recover against the said Isaac Tirrell the sum of eight pounds Lawful Money damage, and Cost of suit. Both Parties Appeared, and the pleas made at the Inferiour Court, being waived by their Consent, the said Isaac, (by James Otis Esq; his Attorney) says he never promised in form aforesaid, and thereof puts him= :self on the Country, and then the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath

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[302v]

Oath that is to say, they find for the Appellee ten pounds four shillings and 3<sup>d</sup>

Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Oliver Gay recover against the said Isaac Tirrell the sum of ten pounds four shillings and three pence Lawful Money of this province Damage, and Costs taxed at £4.17.7

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Ex'c'on issued

2<sup>nd</sup>. Ap<sup>l</sup>. 1762.

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Hallowell ~~vs~~ Dalton

&gt;&gt;

Benjamin Hallowell of Boston in the County of Suffolk Shipwright Appellant ~~vs~~ James Dalton of Boston aforesaid Mariner Appelle, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellee was plant and the Appell<sup>t</sup>. was def<sup>t</sup>. In a plea of the Case for that the def<sup>t</sup>. on the seventh day of last August at Boston aforesaid, being justly indebted to the plant the sum of twenty five pounds eighteen shillings and eleven pence half penny for beef sold and delivered to the def<sup>t</sup>. according to the Account to the Writ Annexed to ballance, then and there in consideration thereof promised the plant to pay him the same sum on demand; Yet the def<sup>t</sup>. tho' requested has not paid it but unjustly Neglects and Refuses to pay it To the damage of the said James Dalton (as he saith) the sum of thirty pounds. At which said Inferiour Court Judgment was Rendered [<sup>^</sup>upon the pleadings there<sup>^</sup>] that the said James Dalton recover against the Said Benj<sup>a</sup>.

Hallowell the sum of twenty five pounds eighteen shillings and eleven pence half penny lawful Money damage, and Costs of Suit. Both Parties Appeared and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee twenty two pounds seventeen shillings and a penny Lawful Money damage, and Costs. It's therefore Considered by the Court that the said James Dalton recover against the s<sup>d</sup>. Bej<sup>a</sup>. Hallowell the sum of twenty two pounds seventeen shillings and 1<sup>d</sup>. Lawful Money of this Province dam<sup>a</sup>. & Costs taxed at £3.19.2

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Bond is given to Review.

Ex'c'on issued

8. Dec<sup>r</sup>. 1762.

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Walker ~~vs~~ Gould

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Benjamin Walker of Brookfield in the County of Worcester Gentleman  
Administrator of the Estate of Phineas Walker late of Brookfield aforesaid, Trader  
deceased Appellant ~~vs~~ John Gould, Robert Gould, and John Gould jun<sup>r</sup>. all of  
Boston in the County of Suffolk Merchants appellees from the Judgment of an Inf<sup>r</sup>.  
Court of Common pleas held at Boston in and for the County of Suffolk on  
the first Tuesday of January last, when and where the Appellee's were plant<sup>s</sup>,  
and the Appellants was def<sup>t</sup>. In a plea of Debt & C<sup>a</sup>. (as in the Writ tested the  
26<sup>th</sup>. day of Nov<sup>r</sup>. last, on file at large appears) At which said Inferiour Court  
Judgment was Rendered, that the said John Gould, Robert Gould, and  
John Gould jun<sup>r</sup>. Recover against the Estate of the said Phinehas Walker  
dece'd, in the hands of the said Benjamin Walker Administrator as aforesaid,  
the

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303.

[303r]

the sum of eleven hundred & fourteen pounds fourteen shillings Lawful Money  
debt, and Costs of Suit. Both Parties Appeared, and after being fully heard upon  
the Writ and plea (on file), It's Considered by the Court that the said John  
Gould, Robert Gould, and John Gould jun<sup>r</sup>. Recover against the, Estate of  
the said Phinehas Walker de'ced, in the hands of the [<sup>^</sup>sd.<sup>^</sup>] Benjamin Walker the sum  
of Eleven hundred and fifty Nine pounds four shillings, Lawful Money of this  
Province Debt, and Costs taxed at £5.14.3

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Ex'co'n issued

26<sup>th</sup>. Mar, 1762.

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Paxton Esq; ~~vs~~ Pro: Mass Bay.

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Charles Paxton of Boston in the County of Suffolk Esq; Appellant ~~vs~~ The Province of the Massachusetts Bay in New England which sues by Harrison Gray Esq; Treasurer and Receiver General of the same Province, who by an Order of the Great and General Court of said Province held at said Boston on the twenty fifth day of March AD 1761. is specially empowered to sue on the behalf of said Province, Appellees, from the Judgment of an Inferiour Court of Com'on Pleas held at Boston in and for said County of Suffolk on the first Tuesday of Jan'y last, when and where the Appellees were plants, and the Appellant was def<sup>t</sup>, In a plea of trespass upon the Case for that whereas the said Charles at said Boston on the first day of September last, was indebted to the said Province in the sum of three hundred and fifty seven Pounds three shillings and eight pence Lawful Money for so much Lawful Money before that time and had received by the said Charles to and for the use of the Province aforesaid, and the said Charles being so indebted then and there promised the said Province to pay the same on demand, Yet the said Charles tho'. often Requested has not paid the same sum but Neglects it, To the damage of [<sup>d</sup>the s<sup>d</sup>.<sup>^</sup>] Province, as they say by the said Harrison Gray who sues aforesaid the sum of three hundred and sixty Pounds. At which said Inferiour Court Judgment wasRendered, that the said Province of the Massachusetts Bay, who sued by Harrison Gray Esq: their Treasurer recover against the said Charles Paxton the sum of three hundred and fifty seven Pounds three shillings and eight pence Lawful Money damage, and Costs of Suit. Both Parties appeared, and the pleas in abatement (as on file) having been argued and overruled; The Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say, they find for the Appellant reversion of the former Judgment and Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Charles Paxton Recover against the Province of the Massachusetts Bay, who sued by Harrison Gray Esq; [<sup>^</sup>Treasurer<sup>^</sup>] thereof Costs taxed at £6.1.0

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Jonathan

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[303v]

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Wetherbee ~~vs~~ Forsey et al<sup>s</sup>.

&gt;&gt;

Jonathan Wetherbee of Lunenburg in the County of Worcester Gentleman  
 appellant ~~vs~~ Thomas Forsey, Benjamin Forsey, and Samuel Jennison all of  
 Albany in the Province of New York Merchants appellees, from the Judgment of  
 an Inferiour Court of Common pleas held at Boston in and for the County of  
 Suffolk on the first Tuesday of October last, when and where the Appellees  
 were plant<sup>s</sup>. and the Appellant was def<sup>t</sup>. In a plea of the Case for the def<sup>t</sup>.  
 on the sixteenth day of October AD 1760. at Boston afores<sup>d</sup>. owing the plant's  
 the sum of six pounds, seven pence halfpenny for sundrys sold and  
 delivered according to the Account annexed to the Writ, then and there  
 promised the plant's to pay them the same sum on demand, yet the def<sup>t</sup>.  
 tho' requested has not done it but Neglects it, to the damage, of the said  
 Thomas, Benjamin, and Samuel, as they say, the sum of ten pounds.  
 At which said Inferiour Court Judgment was Rendered, that the said  
 Thomas Forsey, Benjamin Forsey, and Samuel Jennison, recover against the  
 said Jonathan Wetherbee the sum of six pounds and seven pence halfpenny  
 Lawful Money damage and Costs of Suit. Both Parties Appeared, and  
 the plea in abatement (on file) being overruled, the Appellant by his  
 Attorney M<sup>r</sup>. Sewall, confessed Judgment for the sum sued for being six  
 pounds, and seven pence half penny, Money damage, and Costs. It's  
 Therefore Considered by the Court that the said Thomas Forsey, Benj<sup>a</sup>.  
 Forsey and Samuel Jennison Recover against the said Jonathan Wetherbee  
 the sum of six pounds, and seven pence half penny, Lawful Money of  
 this Province Damage, and Costs taxed at £6.15.6.

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Ex'c'on issued

17<sup>th</sup>. Ap<sup>l</sup>. 1762.

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Rowe Esq; ~~vs~~ Pitts Esq;

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John Rowe of Boston in the County of Suffolk Esq; Appellant ~~vs~~ James Pitts Esq; Samuel Hewes merchant, Thomas Flucker, and Thomas Cushing Esq;<sup>r</sup>, Nathaniel Holmes Merchant, John Scollay Esq; John Tudor Merchant, Nathaniel Wheelwright Esq; Henry Bromfield Merchant, Samuel Grant, Royal Tyler Esq<sup>rs</sup>; James Bowdoin, Joseph Sherburn Esq<sup>rs</sup>. and John Powell Merchant, all of Boston aforesaid Trustees of Joseph Green jun<sup>r</sup>. of said Boston Merchant appellees, from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellee's were def<sup>ts</sup>. In a plea of Trespass upon the Case, &C<sup>a</sup>. (as in the Writ tested the 27<sup>th</sup>. day of Febr'y last, on file, at large Appears) At which said Inferiour Court Judgment was Rendered, that the plaintiff take Nothing by this Suit against the Trustees summoned. Both Parties Appeared, and the appellant having been fully

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[304r]

fully heard. It's Considered by the Court that the said John Rowe recover against the Money, goods and effects of the said Joseph Green jun<sup>r</sup> in the hands of the said Nathaniel Wheelwright one of the said Trustees, the sum of one hundred and twenty five pounds eighteen shillings and eleven pence Lawful Money of this Province damage; and that he take Nothing by this suit against the other Trustees.

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Ex'c'on issued

20<sup>th</sup>. Mar, 1762.



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Rowe Esq; vs Greenleaf Esq;

&gt;&gt;

John Rowe of Boston in the County of Suffolk Merchant Appellant vs Stephen Greenleaf of Boston aforesaid Esq; trustee of Joseph Green jun<sup>r</sup>. of said Boston Merch<sup>t</sup>. Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for said County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of Trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 25<sup>th</sup>. day of February last, on file, at large appears) At which said Inferiour Court Judgment was Rendered that the plaintiff take Nothing by this suit, against the trustee summoned. The Parties Appeared, and the Appellant having been fully heard. It is Considered by the Court that the said John Rowe take Nothing by this suit against the said Trustee.

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Gooch vs Wentworth et al<sup>s</sup>.

&gt;&gt;

John Gooch of Boston in the County of Suffolk Merchant Appellant vs Samuel Wentworth, and John Rowe Esq<sup>rs</sup>., Edward Green Merchant, and William Henry Crosier Physician all of said Boston, Agents and Trustees of Joseph Green jun<sup>r</sup>. of said Boston Merchant, Appellees from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellee's were defendants, In a plea of trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 2<sup>d</sup>. day of February last, on file, at large Appears). At which said Inferiour Court Judgment was Rendered, that the said William Henry Crosier Recover against the said John Gooch Costs of Suit. and that the plaintiff take Nothing by this suit of the trustees summoned. The Parties Appeared, and the Appellant having been fully heard. It is Considered by the Court that the said John Gooch take Nothing by this suit against the trustees aforesaid. And the defendant Crosier (who only appeared) asks no

Costs.

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Tuthill

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[304v]

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Hubbart ~~vs~~ Greenleaf Esq;

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Tuthill Hubbart of Boston in the County of Suffolk Merchant appellant ~~vs~~ Stephen Greenleaf of said Boston Esq; Sheriff of the County of Suffolk aforesaid. Agent and Trustee of Joseph Green jun<sup>r</sup>. of said Boston Merchant, Appellee. from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 28<sup>th</sup> day of February last, on file, at large appears) At which said Inferiour Court Judgment was Rendered, that the plaintiff take nothing by this suit of the trustee summoned. The Parties Appeared, & the Appellant having been fully heard. It is Considered by the Court that the said Tuthill Hubbart Recover against the Money, goods, and effects of the said Joseph Green jun<sup>r</sup>. in the hands of the said Trustee the sum [<sup>^</sup>sued for being<sup>^</sup>] forty pounds Lawful Money of this Province Damage, and Costs taxed at £6.8.0

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Ex'c'on issued

Mar, 29<sup>th</sup>. 1762.

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Taylor ~~vs~~ Bowdoin et al<sup>s</sup>.

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Nathaniel Taylor of Boston in the County of Suffolk Merchant Appell<sup>t</sup>. ~~vs~~ James Bowdoin, Foster Hutchinson, Joseph Sherburn, Joshua Winslow John Scollay, James Pitts, Thomas Flucker, Samuel Grant, John Rowe, &

Thomas Cushing all of Boston aforesaid Esq<sup>rs</sup>. Agents Debtors and Trustees of Joseph Green jun<sup>r</sup>. late of said Boston Merchant, Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant, and the Appellees were defendants, In a plea of Trespass on the Case &C<sup>a</sup>. (as in the Writ tested the twenty seventh day of February last, on file, At large appears) At which said Inferiour Court Judgment was Rendered, that the plaintiff take nothing by this Suit, of the trustees summoned. The Parties Appeared, and the Appellant having been fully heard. It is Considered by the Court that the said Nathaniel Taylor Recover against the Money, goods, and Effects of the said Joseph Green jun<sup>r</sup>. in the hands of the said James Bowdoin, Joseph Sherburn, John Scollay, James Pitts, Thomas Flucker, Samuel Grant, John Rowe, and Thomas Cushing, trustees as aforesaid, the sum sued for being three hundred seventy five pounds nine shillings and ten pence halfpenny Lawful Money of this Province, Damage, and Costs taxed at £7.0.3

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Ex'c'on issued

Mar, 19<sup>th</sup>. 1762.

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Green et al<sup>s</sup>. ~~vs~~ Pitts et al<sup>s</sup>.

&gt;&gt;

Joseph Green and Isaac Walker both of Boston in the County of Suffolk merchants, Appellant ~~vs~~ James Pitts, Thomas Hancock, Samuel Hewes, Thomas Cushing, John Scollay, Nathaniel Wheelwright, Royal Tyler, Samuel Grant, Joseph

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[305r]

Joseph Sherburne, Samuel Wentworth, and John Rowe Esq<sup>rs</sup>; Nathaniel Holmes, John Tudor, John Powell, and Henry Bromfield Merchants all of Boston aforesaid, and

James Bowdoin of Roxbury in the same County Esq<sup>r</sup>. Agents and Trustees of Joseph Green jun<sup>r</sup>. of said Boston Merchant, Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellants were plants and the Appellees, were defendants, In a plea of trespass upon the Case &C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of May last, on file, at large appers) at which said Inferiour Court Judgment was rendered, that the plaintiff take Nothing by this Suit of the trustees summoned. The Parties Appeared, and the Appellants having been fully heard. It is Considered by the Court that the said Joseph Green and Isaac Walker, Recover against the Money, goods, and Effects of the said Joseph Green jun<sup>r</sup>. in the hands of the said James Pitts, Thomas Hancock, Sam<sup>l</sup> Hewes, Thomas Cushing, John Scollay, Nathaniel Wheelwright, Royal Tyler, Samuel Grant, Joseph Sherburn, Nathaniel Holmes, John Tudor, John Powell and Henry Bromfield trustees as aforesaid, the money sued for, being three hundred and fifty [<sup>two</sup>] pounds one shilling and six pence Lawful Money of Great Britain damage, and £6.13.4 Lawful Money Costs.

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Ex'c'on issued

23<sup>d</sup>. Mar, 1762.

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Green ~~vs~~ Pitts

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Joshua Green of Boston in the County of Suffolk Merchant Appellant ~~vs~~ James Pitts, Thomas Hancock, Samuel Hewes, Thomas Cushing, John Scollay, Nathaniel Wheelwright, Royal Tyler, Samuel Grant, Joseph Sherburn, Samuel Wentworth, and John Rowe Esq<sup>rs</sup>, Nathaniel Holmes, John Tudor, John Powell, and Henry Bromfield Merchants all of Boston aforesaid, and James Bowdoin of Roxbury in the same County of Suffolk Esq; Agents, and Trustees of Joseph Green jun<sup>r</sup>. of said Boston Merchant, Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellees ware defendants, In a plea of Trespass on the Case

&C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of May last on file, at large Appears) At w<sup>ch</sup>.  
 said Inferiour Court Judgment was Rendered, that the plaintiff take. Nothing by  
 this Suit of the trustees summoned. The Parties Appeared, and the Appellant  
 having been fully heard. It is Considered by the Court that the said  
 Joshua Green Recover against the Money, goods and effects of the said  
 Joseph Green jun<sup>r</sup>. in the hands of the said James Pitts, Thomas  
 Hancock, Samuel Hewes, Thomas Cushing, John Scollay, Nathaniel  
 Wheelwright, Royal Tyler, Samuel Grant, Joseph Sherburn, Nath<sup>l</sup>. Holmes,  
 John  
 <duplicates previous>

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[305v]

John Tudor, John Powell, and Henry Bromfield trustees as aforesaid, the sum sued  
 for, being one hundred and seventeen pounds thirteen shillings, and six pence  
 Lawful Money of Great Britain damage, and Costs taxed at £6.13.4 Lmo.

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Ex'c'on issued

Mar, 23<sup>d</sup>. 1762.

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Green ~~vs~~ Hancock et al<sup>s</sup>

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Edward Green of Boston in the County of Suffolk Merchant appell<sup>t</sup>  
~~vs~~ Thomas Hancock, Leonard Jarius, Samuel Wentworth, and John Rowe Esq<sup>rs</sup>.  
 Joseph Jackson, Truckman, Joshua Green, and Thomas Jackson Merchants  
 all of Boston aforesaid Trustees of Joseph Green jun<sup>r</sup>. of said Boston Merchant  
 Appellees from the Judgment of an Inferiour Court of Common Pleas held at  
 Boston in and for the County of Suffolk on the first Tuesday of January last;  
 when and where the Appellant was plant, and the Appellees were  
 defts. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the second day of February last, on,  
 file at large Appears) At which said Inferiour Court Judgment was Rendered, that

the plaintiff take nothing [^by this^] Suit of the trustees summoned. The Parties Appeared, and the appellant having been fully heard. It is Considered by the Court that the said Edward Green Recover against the Money, goods, and effects of the said Joseph Green jun<sup>r</sup>. in the hands of the said Thomas Hancock one of the said Trustees the sum sued for being two thousand three hundred and ninety six pounds and four pence Lawful Money of this Province, damage, and Costs taxed at £6.14.6

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Ex'c'on issued  
Mar, 20<sup>th</sup>. 1762.

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Erving ~~vs~~ Rowe et al.

&gt;&gt;

John Erving of Boston in the County of Suffolk Esq; Appellant ~~vs~~ John Rowe Esq; William Henry Crosier Physician, and Edward Green Shopkeeper all of Boston aforesaid, agents and Trustees of Joseph Green jun<sup>r</sup>. late of said Boston Merchant. Appellees, from the Judgment of an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellant was plant and the Appellees were defendants In a plea of trespass on the Case &C<sup>a</sup>. (as in the Writ tested the 2<sup>d</sup>: day of February last, on file, at large appears) At which said Inferiour Court Judgment was Rendered, that the plaintiff take Nothing by this Suit, of the trustees summoned. The Parties Appeared, and the Appellant having been fully heard. It is Considered by the Court that the said John Erving take Nothing by this suit of the Trustees aforesaid

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John

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Image 374-Right

306.

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Gould et al vWheelwright.

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John Gould, Robert Gould, and John Gould jun<sup>r</sup>. all of Boston in the County of Suffolk Merchants Appellants ~~vs~~ Nathaniel Wheelwright of Boston aforesaid Esq; trustee of Joseph Green jun<sup>r</sup> late of said Boston Merchant, appellee, from the Judgm<sup>t</sup>. of an Inferiour Court of Common Pleas, held at Boston in and for the County of Suffolk on the first Tuesday of January last, when and where the Appellants were plant<sup>s</sup>. and the appellee was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>, (as in the Writ tested the 27<sup>th</sup>. day of February last, on file, at large Appears) At which said Inferiour Court Judgment was Rendered, that the plant<sup>s</sup>. take Nothing by this suit of the trustee summoned. The Parties Appeared, and the Appellants having been fully heard. It is Considered by the Court that the said John Gould, Robert Gould, & Gould jun<sup>r</sup>. Recover against the Money, goods and effects of the said Joseph Green jun<sup>r</sup>. in the hands of the said trustee, the Money sued for, being one hundred and Nineteen pounds Nine shillings and six pence Lawful Money of Great Britain damage, and Costs taxed at £6.7.7 Lawful Money.

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Ex'c'on issued

Mar, 23<sup>d</sup> 1762.

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Talbut's Certiorari

>>

Ebenezer Talbut of Stoughton in the County of Suffolk Husbandman Complainant, against William Scott of Boston aforesaid Cordwainer Defendant, on a Writ of Certiorari, which Writ follows in these words viz. "Province of the Massachusetts "Bay Suffolk ss. George the third by the Grace of God of Great Britain, France, & "Ireland King Defender of the Faith &C<sup>a</sup>. [LS.] To our Trustly and well beloved "John Phillips Esq; one of our Justices Assigned to keep our peace within said "County Greeting. Willing for certain causes to be certified of the record of the "process and Judgment upon [^a^] charge or Complaint of William Scott of Boston in

"said County Cordwainer, against Ebenezer Talbut of Stoughton in said County  
 "Husbandman for stealing from the said Scott's shop Window one pair of Mens,  
 "shoes, value nine shillings and four pence, which Complaint or charge (it is said)  
 "was heard and Adjudg'd at a Court held by you on the 24<sup>th</sup>. day of July last,  
 "and of all things touching said Charge process and Judgment: We Command you  
 "that the Record of the said Charge, Order and Judgment with all things touching  
 "the same fully and entirely as the same remains before you, by whatsoever  
 "names the parties are called in the same, you send before us in our Superiour  
 "Court of Judicature Court of Assize and General [^Goal^] Delivery to be held at  
 "Boston in and for said County, on the the third Tuesday [^of february^] instant, under your  
 "hand and seal together with this Writ, that we may thereupon cause to be done  
 "what by Right and Law ought to be done. Witness Thomas Hutchinson Esq; at  
 "Boston the second day of February in the second year of our Reign, Annoue  
 "domini 1762. Nathaniel Hatch Cler." and due return was made upon the s<sup>d</sup>..  
 Writ

<duplicates previous>

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Image 376-Left

[306v]

Writ by the aforecord of the Charge [^Order^] and Judgment within mentioned  
 " with all things touching the same fully and entirely, I send in a schedule  
 " hereto annexed to our said Sovereign Lord the King, in his within mentioned  
 " Court, as by the within Writ I am commanded." The Parties Appeared, and  
 having been fully heard, by their Council upon the Errors assigned (as on file)  
 It is Considered by the Court that the record of the sentence complained  
 of, be vacated, that the said Sentence or order be reversed, And that the said  
 Ebenezer Talbut be restored to every thing he hath lost thereby.

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Barrett vs Coppinger

>>

John Barrett of Malden in the County of Middlesex Yeoman Plaintiff vs



John Coppinger of Boston aforesaid Mariner defendant, In a plea of Review of a plea of Trespass commenced and prosecuted at an Inferiour Court of Common Pleas held at Boston in and for said County of Suffolk on the first Tuesday of July last, by the said John Coppinger against Ebenezer Prat, David Serjeant, Stephen Green and the said John Barrett in the words following viz." In a plea of trespass for that the Deft<sup>s</sup>. at Boston aforesaid, on the thirteenth day of May last, with force and arms the warehouse of the plaintiff did break and enter and took out of said Warehouse and carried away fifteen tons of log wood of the value of thirteen pounds six shillings and eight pence a ton being the property of the plant, and other outrages then and there committed against the peace of the said Lord the King, to the damage of the said John Coppinger, as he says, two hundred & twenty pounds; at which said Inferiour Court (upon the demurer there) Judgment was rendered that the said Ebenezer Prat, David Serjeant, Stephen Green, and John Barrett, Recover against the said John Coppinger Costs of Suit; from which Judgment the said Coppinger appealed to the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Boston in and for the County of Suffolk, on the third Tuesday of August last, when and where (the said demurer being waved by Consent) Judgment was Rendered that the former Judgment be reversed, and that the said John Coppinger recover against the said John Barrett the sum of one hundred and eighty six pounds Lawful Money of this Province dam<sup>a</sup> and Costs taxed at six pounds nineteen shillings and six pence, and that the said Ebenezer Prat, David Searjeant, and Stephen Green recover against the said John Coppinger Costs taxed at three pounds six shillings and four pence, for each of them; which same Judgment the said John Barrett says is Erroneous so far, as it concerns him and that he is thereby damnified the sum of

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Image 376-Right

307.

[307r]

of two hundred and twenty pounds as shall then and there be made to Appear:

Wherefore for reversing that part of the Judgment last mentioned that concerns him &

for recovering back from the said John Coppinger the said sum of one hundred and eighty six pounds damage, and six pounds nineteen shillings and six pence Costs, and for recovering Judgment against him for Costs of Courts, the s<sup>d</sup>: Barrett brings this Suit. Both Parties Appeared, and the said John Coppinger comes and defends &C<sup>a</sup>. (by Robert Auchmuty his Attorney) and says the last recited Judgment respecting the present ~~the present~~ plaintiff is in nothing Erroneous and thereof put &C<sup>a</sup>. and plaintiff (by Ri Dana Esq; his Attorney) did likewise: Issue being thus joined, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the plaintiff Reversion of the former Judgment in part viz. for the sum of Eighty nine pounds Lawful Money damage, and Costs of this Suit. It is therefore Considered by the Court that the former Judgment be Reversed in part, viz. that the said John Barrett Recover against the said John Coppinger the sum of Eighty Nine pounds Lawful Money of this Province damage, and Costs of this suit taxed at £5.18.2

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Ex'c'on issued

16<sup>th</sup>. Mar, 1762.

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March et al<sup>s</sup>. ~~v~~s Comrin Admx.

&gt;&gt;

Paul March, and William Earl Treadwell both of Portsmouth in the Province of New Hampshire Merchants Plaintiffs ~~v~~s Sarah Comrin of Boston in the County of Suffolk Widow, Administratrix of all and singular the Goods. Chattles, Rights and Credits which were of John Comrin late of said Boston Mariner deceased, def. In a plea of Review of a plea of trespass on the Case commenced and prosecuted at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, by the said Administratrix against the said Paul and William in the words following viz. "In a plea of trespass on the Case " for that whereas the said Paul March, and William Earl Tredwell on the " eighteenth day of July AD 1757, At said Boston being indebted to the said John

" Comrin (who was then living) the sum of one hundred and fifty two pounds  
 " five shillings and four pence Lawful Money according to the Account to the Writ  
 " annexed, did then and there promise the said John to pay him the said sum of  
 " one hundred and fifty two pounds five shillings and four pence in six Months  
 " from said eighteenth day of July, and also to pay him lawful Interest for said sum  
 " from the End of said six Months (if not paid by that time) untill paid, yet the said  
 " Paul March, and William Earl Treadwell have never paid the said sum or the  
 " Interest either to the said John in his life time, or to his said Administratrix since  
 his

<duplicates previous>

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Image 378-Left

[307v]

his death, nor have either of them paid it tho' often requested but Neglect it. To the damage  
 of the said Sarah Comrin Administratrix as aforesaid as aforesaid, as she saith, the sum  
 of two hundred pounds; At which said Inferiour Court, upon the demurer there,  
 Judgment was Rendered, that the said Paul March, and William Earl Treadwell,  
 Recover against the Estate of the said John Comrin deceased, in the hands of the s<sup>d</sup>.  
 Sarah Comrin Administratrix as aforesaid Costs of Suit: from which Judgment  
 the said Administratrix appealed to the Superiour Court of Judicature Court of  
 Assize and General Goal Delivery, held at Boston in and for the County of  
 Suffolk on the third Tuesday of August last, when and where (the demurer being  
 waved) Judgment was Eendered that the former Judgment be reversed, and  
 that the said Sarah Comrin Administratrix as aforesaid recover against the  
 said Paul March, and William Earl Treadwell the sum of One hundred eighty  
 four pounds Nineteen shillings and seven pence Lawful Money of this Province  
 damage, and costs taxed at five pounds thirteen shillings, and a penny. which  
 same Judgment the said Paul and William say is wrong and Erroneous and  
 that they are thereby damnified the sum of two hundred pounds, as shall then  
 and there be made to appear: Wherefore for reversing the same Judgment  
 and Recovering back from the said Estate in the hands of the said Sarah  
 the said sum of One hundred eighty four pounds nineteen shillings and

seven pence, and the same Costs, and for Recovering Judgment against the s<sup>d</sup>: Estate in the same hands for Cost [<sup>^</sup>of Courts<sup>^</sup>] the said Paul and William bring this suit. Both Parties Appeared, and the said Sarah defended &c. (by Samuel Fitch Esq; her Attorney) and say'd that the Judgment aforesaid is in Nothing Erroneous and thereof put herself on the Country: and the plant<sup>'s</sup>. likewise (by Robert Auchmuty Esq; their Attorney), upon which, Issue being Joined, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Plaintiffs reversion of the former Judgment and Cost of Courts. It's therefore Considered by the Court that the former Judgment, be reversed, and that the said Paul March, and William Earl Treadwell recover against the Estate of the said John Comrin deceased, an the hands of the said Sarah Comrin Adm<sup>x</sup>., as aforesaid Costs of Courts taxed at £11.4.2.

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Spur Adm<sup>r</sup>. ~~vs~~ Paine Adm<sup>r</sup>.

&gt;&gt;

William Spurr of Dorchester in the County of Suffolk Yeoman, Adm<sup>r</sup>.  
of all and singular the goods, and Chattles, Rights, and Credits, that were  
of Ebenezer Badcock late of Milton in the same County Yeoman [<sup>^</sup>dec'ed<sup>^</sup>] Appell<sup>t</sup>.  
~~vs~~ Joseph Paine of Charlestown in the County of Middlesex Miller, Adm<sup>r</sup>.  
of

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Image 378-Right

308.

[308r]

of all & singular the goods and Chattles, Rights, and Credits that were of Joseph Paine late  
of Georgetown in the County of York housewright deceased intestate, Appellee, from the  
Judgment of an Inferiour Court of Common Pleas, held at Boston in and for the  
County of Suffolk on the first Tuesday of October last, when and where the  
Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case  
for that the said Joseph deceased in his life time viz. at Milton aforesaid on the twentieth  
of June AD 1743. received of the said Ebenezer then also living the sum of two

hundred pounds in bills of credit on this Province of the old tenor of the value of one hundred and twenty pounds lawful Money of this Province and in consideration thereof then and there promised the said Ebenezer to procure and execute & deliver to the said Ebenezer within a reasonable time [^a^] good deed from himself & and Mary Paine his Wife to the said Ebenezer to convey him all the s<sup>d</sup>. Mary's right in the Estate of her father Nathaniel Badcock therefore deceased whereof her said Father died seized expecting only the dower of the s<sup>d</sup>. Nathaniel's Widow in the same Estate, yet the said Joseph deceased [^never^] in his life time procured or executed any such deed, altho' he lived more than ten years After the said promise, but Refused to do it, nor was the said Mary's Right ever conveyed to the said Ebenezer, and the said Joseph deceased thereby broke his promise aforesaid made to the said Ebenezer; for that also After the said twentieth of June to wit, on the last day of June AD 1744. at Milton aforesaid the said Joseph deceased being Indebted to the said Ebenezer then living another sum of one hundred and twenty pounds Lawful Money of this Province for that sum before that time had and Received by the said Joseph to the same Ebenezer's use then and there promised the said Ebenezer to pay him the same sum on demand, yet tho', Requested Neither the said Joseph deceased in his life time, nor since his decease the said Joseph Administrator as aforesaid have ever paid the same but the defendant refuses to pay it; To the damage of the said William Administrator as aforesaid, as he saith, the sum of six hundred pounds. At which said Inferiour Court Judgment was Rendered, upon the demurer there, that the said Joseph Paine Administrator as aforesaid Recover against the estate of the said Ebenezer Badcock deceased, in the hands of the William Spurr Administrator as aforesaid costs of Suit. Both Parties Appeared, and the demurer aforesaid, is waved and issue is joined on the plea as on file, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant reversion of the former Judgmen six hundred pounds Lawful Money damage, and Costs. The Appellant pray'd that he might be allowed to release two hundred and fifty pounds of the above

Image 379-Left

[308v]

above sum, granted: It's therefore Considered by the Court the former  
Judgment be reversed, and that the said William Suprr [<sup>^</sup>adm'or as afores<sup>d</sup>.<sup>^</sup>] Recover against the  
Estate of the said Joseph Paine dec'ed, in the hands of the said Joseph Paine Adm'or  
thereon, the sum of three hundred and fifty pounds Lawful Money of this  
Province Damage, and Costs taxed at £6.19.10

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Ex'c'on issued

May 3<sup>d</sup>. 1762.

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<<

Stevens ~~vs~~ Stevens

>>

Elizabeth Stevens of Roxbury in the County of Suffolk Spinster  
appellant ~~vs~~ Timothy Stevens of said Roxbury Physician Appellee, from the  
Judgment of an Inferiour Court of Common Pleas held at Boston in and for the said  
County, on the first Tuesday of January last, when and where the Appellant  
was plaintiff, and the Appellee was defendant, In a plea of Ejectment &C<sup>a</sup>. (as  
in the Writ tested the 22<sup>d</sup>. day of december last, on file, at large appears) At.  
which said Inferiour Court Judgment was Rendered, that the said Timothy  
Stevens recover against the said Elizabeth Stevens Costs of Suit. The Parties  
appeared, and the Appellee in Court, confessed Judgment for the Possession of the  
Premises sued for, and Costs. It's therefore Considered by the Court that the  
said Elizabeth Stevens Recover against the said Timothy Stevens Possession of  
the premisses demanded, as described in the Writ, and Costs taxed at £5.3.10

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Fac<sup>s</sup>. Hab. issued

May 3<sup>d</sup>. 1762.

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Stevens ~~vs~~ Stevens.

&gt;&gt;

Hannah Stevens of Roxbury in the County of Suffolk Spinster appellant  
 vs Timothy Stevens of said Roxbury Physician Appellee, from the Judgment of an  
 Inferiour Court of Common Pleas held at Boston in and for the County afores<sup>d</sup>.  
 on the first [^tuesday of^] January last, when and where the Appellant was plant, and the  
 Appellee was def<sup>t</sup>. In a plea of Ejectment &C<sup>a</sup>. (as in the Writ tested the twenty second  
 day of December last, on file, at large Appears) At which said Inferiour Court  
 Judgment was Rendered, that the said Timothy Stevens Recover against the s<sup>d</sup>.  
 Hannah Stevens Costs of Suit. Both Parties Appeared, and the Appellee, confess'd  
 Judgment for the possession of the premisses sued for and Costs. It's therefore  
 Considered by the Court that the said Hannah Stevens Recover against the  
 said Timothy Stevens the Possession of the premisses demanded, as described  
 in the Writ, and Costs taxed at £5.3.10

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Fac<sup>s</sup>. Hab. issued  
 May 3<sup>d</sup>. 1762.

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Lincoln vs Hough

&gt;&gt;

Samuel Lincoln Gentleman, Jonathan Lincoln Blacksmith  
 both of Hingham in the County of Suffolk, and John Lincoln of Worcester  
 in the County of Worcester Cordwainer Executors of the last Will and,  
 testament

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Image 379-Right

309.

[309r]

testament of Samuel Lincoln late of Hingham aforesaid Gentleman deceased  
 Complainants vs Atherton Hough of said Boston Trader. The Compl<sup>t</sup>. shew'd that  
 at an Inferiour Court of Common pleas held at Boston in and for the County of  
 Suffolk on the first Tuesday of October last, they Recovered Judgment against

the said Atherton for the sum of £41.12.1. debt, and Costs of Suit. from which Judgment the said Atherton appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>s</sup>. prayed Affirmation of said Judgment was Additional Interest and Costs. It's therefore Considered by the Court that the said Samuel Lincon Jonathan Lincoln, and John Lincoln Executors as aforesaid, Recover against the said Atherton Hough the sum of forty two pounds five shillings and ten pence, Lawful Money of this Province Debt, and Costs taxed at £4.13.10.

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Ex'c'on issued

1<sup>st</sup>. Ap<sup>l</sup>. 1762.

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Timmings ~~vs~~ Crane

&gt;&gt;

John Timmings of Boston in the County of Suffolk Merchant Apmplainant ~~vs~~ Seth Crane of Berkley in the County of Bristol Mariner, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, he Recovered Judgment against the said Seth for the sum of £164.0.1 Lawful Money debt, and Costs; from which Judgment the said Seth Appealed to this Court and Recogniz'd with Sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Timmings Recover against the said Seth Crane the sum of one hundred and sixty five pounds, and four pence Lawful Money of this Province debt, and Costs taxed at £3.11.0

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Ex'c'on issued

Mar, 4<sup>th</sup>. 1762.

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Lloyd ~~vs~~ Hasey

>>

Henry Lloyd of Boston in the County of Suffolk Esq; Complainant ~~vs~~ Ebenezer Hasey of Chelsea in the Same County Yeoman, The Compl<sup>t</sup>. Shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, he Recovered Judgment against the said Ebenezer for the sum of £57.8.0 Lawful Money damage, and Costs of Suit; from which Judgment the said Ebenezer appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Henry Lloyd Recover against the said Ebenezer Hasey

<duplicates previous>

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Image 381-Left

[309v]

Hasey the sum of Fifty seven pounds, eight shillings Lawful Money of this Province Damage, and Costs taxed at £3.3.5

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Ex'c'on issued

21<sup>st</sup>. May 1762.

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<<

Gould ~~vs~~ Tilson

>>

John Gould, Robert Gould, and John Gould jun<sup>r</sup>. all of Boston in the County of Suffolk Merchants Complainants ~~vs~~ Perez Tilson of Plimouth in the County of Plimouth Merchant. The Compl<sup>t</sup>'s. shew'd that at an Inferiour Court of Common Pleas held at Boston within and for the County of Suffolk on the first Tuesday of January last, they Recovered Judgment against the

said Perez for the sum of £93.9.6. Lawful Money dam<sup>a</sup>. and Costs of Suit. from which Judgment the said Perez Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>s</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Interest and Costs. It's therefore Considered by the Court that the said John Gould, Robert Gould, and John Gould jun<sup>r</sup>. Recover against the said Perez Tilson the sum of Ninety four pounds one shilling and six pence Lawful Money damage, and Costs taxed at £3.14.10.

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Ex'c'on issued

26<sup>th</sup>. Mar, 1762.

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King et ux<sup>r</sup>. ~~vs~~ Whitmore

&gt;&gt;

William King of Boston in the County of Suffolk Mariner and Mary his Wife Complainants ~~vs~~ Francis Whitmore of Medford in the County of Middlesex Merchant. The Compl<sup>ts</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of Janu<sup>y</sup>. last, they Recovered Judgment against the said William for the sum of £66.12/3. Lawful Money damage, and Costs of Suit. from which Judgment the said Francis Appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Costs [<sup>^</sup>& Interest<sup>^</sup>]. It's therefore Considered by the Court that the said William King and Mary his Wife Recover against the said Francis Whitmore the sum of Sixty seven pounds and seven pence, Lawful Money of this Province damage, and Costs taxed at £3.5.8

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Ex'c'on issued

Mar, 19<sup>th</sup>. 1762.

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M<sup>c</sup>.Millian ~~vs~~ Campbell Esq;

&gt;&gt;

Andrew M<sup>c</sup>.Millan of Rumford in the Province of New Hampshire Gent.  
 Complainant ~~vs~~ Duncan Campbell of Oxford in the County of Worcester Esq;  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston  
 in and for the County of Suffolk on the first Tuesday of October, he Recovered  
 Judgment

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Image 381-Right

310

[310r]

Judgment against the said Duncan for the sum of £77.17.4. Lawful  
 Money damage, and Costs of suit. from which Judgment the said Duncan,  
 appealed to this Court; and Recognized with sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Interest and  
 Costs. It's therefore Considered by the Court that the said Andrew M<sup>c</sup>.  
 Millan Recover against the said Duncan Campbell the sum of seventy Nine  
 pounds nine shillings and ten pence Lawful Money of this Province Damage,  
 and Costs taxed at £5.18.4

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Ex'c'on issued

10<sup>th</sup>. Mar, 1762.

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Moore ~~vs~~ Swanton

&gt;&gt;

James Moore of Boston in the County of Suffolk Mariner Complainant ~~vs~~  
 William Swanton of said Boston Shipwright. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>.  
 Court of Common pleas held at Boston in and for the County of Suffolk on the  
 first Tuesday of October last, he recovered Judgment against the said William

for the sum of £64.6.7. Lawful Money damage, and Costs of Suit. from w<sup>ch</sup>.  
 Judgment the said William appealed to this Court, and Recognized with  
 sureties according to Law to prosecute the same with Effect, but fail'd so to do.  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>.  
 [x] Costs. It's therefore Considered by the Court that the said James  
 Moore Recover against the said William Swanton  
 the sum of Sixty four pounds  
 six shillings and seven pence Lawful Money of this Province Damage, &  
 Costs taxed at £3.5.10

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Ex'c'on issued

Mar, 19<sup>th</sup>. 1762.

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Woodside ~~vs~~ Blake

&gt;&gt;

William Woodside of Brunswick in the County of Cumberland Gentleman  
 Complanant ~~vs~~ John Blake resident in Boston in the County of Suffolk  
 Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held  
 at Boston in and for the County of Suffolk on the first Tuesday of October  
 last, he Recovered Judgment against the said John Blake for the sum of £8  
 Lawful Money damage, and Costs of Suit. from which the said John [+] Appealed  
 to this Court, and Recognized with sureties according to Law to prosecute the same  
 with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Costs. It's therefore Considered by the Court  
 that the said William Woodside Recover against the said John Blake the sum of  
 eight pounds Lawful Money of this Province Damage, and Costs taxed  
 at £11.0.10

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Ex'c'on issued

19<sup>th</sup>. Mar, 1762.

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Richard

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[310v]

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Sircomb ~~vs~~ Winter

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Richard Sircumb of Boston in the County of Suffolk Baker Complainant  
~~vs~~ William Winter of Boston aforesaid Gentleman. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>.  
 Court of Common Pleas held at Boston in and for the County of Suffolk on the first  
 Tuesday of January last, he Recovered Judgment against the said William for the sum  
 of £6.5.4 Damage, and Costs of suit: from which Judgment the said William  
 appealed to this Court. and Recogniz'd with sureties according to Law to prosecute  
 the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation  
 of said Judgment with Additional Costs. It's therefore Considered by the Court that  
 the said Richard Sircumb Recover against the said William Winter the sum of  
 six pounds five shillings and four pence Lawful Money of this Province dam<sup>a</sup>.  
 and Costs taxed at £3.5.10

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Ex'c'on issued}

3<sup>d</sup>. May 1762.}

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Hammock Jun<sup>r</sup>. ~~vs~~ Sanger

>>

John Hammock jun<sup>r</sup>. of Boston in the County of Suffolk Merchant Complainant ~~vs~~  
 Richard Sanger of Sherburn in the County of Middlesex Trader. The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the  
 first Tuesday of October last, he Recovered Judgment against the said Richard for the  
 sum of £28.9.8.½ Lawful Money damage, and Costs of suit; from which Judgment the  
 said Richard appealed to this Court and Recognized with sureties according to Law to  
 prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of

said Judgment with Additional Costs. It's therefore Considered by the Court, that the said John Hammock jun<sup>r</sup>. Recover against the said Richard Sanger the sum of twenty eight pounds nine shillings and eight pence half penny Lawful Money of this Province Damage, and Costs taxed at £3.8.5

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Ex'c'on issued

27<sup>th</sup>. Mar, 1762.

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Cazneau vs Greenough jun<sup>r</sup>.

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Andrew Cazneau of Boston in the County of Suffolk Gentleman Complainant vs Thomas Greenough jun<sup>r</sup>. of said Boston Mathematical Instrument maker: The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, he Recovered Judgment against the said Thomas for the sum of £6.2.1 Lawful Money dam<sup>a</sup>. and Costs of suit; from which Judgment the said Thomas Appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Andrew Cazneau Recover against the said Thomas Greenough jun<sup>r</sup>. the sum of Six pounds eight shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.3.2.

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Ex'c'on issued

18<sup>th</sup>. Mar, 1762.

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Jonathan

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Deming vs Mason

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Jonathan Deming of Needham in the County of Suffolk Yeoman Complainant vs William Mason of Newton in the County of Middlesex Housewright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of January last, he Recovered Judgment against the said William for the sum of £22.9.1. Damage, and Costs of Suit; from which Judgment the said William appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jonathan Deming Recover against the said William Mason the sum of twenty two pounds eleven shillings, eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.14.0

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Ex'c'on issued

18<sup>th</sup>. mar, 1762.

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Randall vs Gilbert

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William Randall of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. vs John Gilbert resident in Boston aforesaid Mariner. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April AD 1760. he recovered Judgment against the said John Gilbert for the sum of Sixty pounds Sterling Money of Great Britain damage, and Costs of Court; from which Judgment the said John appealed to the Superiour Court of Judicature &C<sup>a</sup>. which was held at the said Boston in and for the said County, on the third Tuesday of August AD 1760. and entered his Action in that Court and the same has been continued from Court to Court to this time, but before this Court has become nonsuit, and has faild to prosecute his appeal according to his the said John's Recognizance; Wherefore the said William pray'd Affirmation of

that Judgment with Additional Costs. It's therefore Considered by the Court that the said William Randall Recover against the said John Gilbert the sum of Sixty pounds sterling Money of Great Britain Damage, and Costs taxed at £3.2.4

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Ex'c'on issued

Mar, 19<sup>th</sup>. 1762.

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Order on White's Pet<sup>o</sup>.

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Upon reading the Petition of Samuel White as he is Administrator of the Estate of Samuel French late of Braintree dec'ed Wherein the Petitioner shew'd; that the debts due from the said Estate amount to £79.11.3. more than his personal Estate, as by the Certificate from the Judge of Probate for said County, on file, at large appears. The petitioner therefore pray'd this Court to empower him to make sale of Eighty five pounds worth of the deceased's real Estate for payment of the said Debts, and the charges of the sale. Ordered that the Prayer of this Petition be granted, and that the s<sup>d</sup>: Samuel

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Samuel White, Adm'or as aforesaid, be and hereby is Impowered to make sale of Eighty five pounds worth of the Real Estate of the said dec'ed, for the Ends aforesaid (such as will least prejudice the Remainder) as pray'd for; and to pass and execute a good deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Order on Withington's Petition.

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Upon Reading the Petition of Phillip Withington as he is Guardian of Mary Capon a person, non compos mentis; Wherein the Petitioner shew'd that he personal Estate consists only of a few movables that are necessary to be kept for her use, & that she is in debt to the amount of £10.17.8. The Petitioner therefore pray'd this Court to empower him to make sale of her whole Real Estate, for the payment of her debts, and for her future support. Ordered that the prayer of said Petition be Granted, and that the said Phillip Withington in his said Capacity, be and hereby is empowered to make Sale of the whole Real Estate of the said Mary Capon, for the Ends aforesaid, as pray'd for; and to pass and Execute a good deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate for said County (of the produce thereof) as the Law directs.

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Order on Smith's pet<sup>o</sup>.

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Upon Reading the Petition of Robert Smith Administrator to the Estate of Pelatiah Smith late of Bellingham dec'd intestate, Wherein the Petitioner shew'd that said Peletiah died between six and seven years ago and his Widow a few Months afterwards, leaving only a son and a daughter both very young, and said left a small Estate, Real and personal. that said Real Estate is a tan house and three or four tan pits and one acre and three quarters of land on which they are, and six Acres of wild land near the same, and apeice of pine swamp in Wrentham. That the debts and charges of the said Peletiah's Estate amount unto sixty eight pounds eleven shillings and seven pence more than the personal Estate. The Petitioner therefore pray'd this Court to licence and authorize him to make Sale of the said tan house and one Acre and three quarters of an acre of land about it, and of the six acres near thereto in order to pay said Debts, and charges as usual in the like cases. Ordered that the prayer of this Petition be granted; and that the said Administrator, be and hereby is empowered to make sale of the Real Estate of the said Deceased. for the Ends aforesaid as pray'd for. the petitioner to pass, and Execute a good Deed or Deeds in the Law for Conveyance thereof, and to post up Notifications thirty days before the sale, and account with the Judge of probate for<sup>d</sup>. County (of the product

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product thereof) as the Law directs.

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Order on Peirce's Pet<sup>o</sup>.

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upon Reading the Petition of Isaac Peirce of said Boston Adm<sup>r</sup> or to the Estate of Mary Peirce late of Boston Widow deceased. Wherein the Petitioner shew'd that the personal Estate of the deceased is not sufficient to pay her just debts due from the Estate to the several Creditors; therefore the petitioner pray'd this Court would grant him liberty to sell the Real Estate to enable him to discharge the same for as it will goe. Ordered that the prayer of this Petition be granted, and that the said Isaac Peirce, in his said Capacity, be and hereby is Impowered to make Sale of the Real Estate of the said dec<sup>'ed</sup>, for the Ends aforesaid, as pray'd for, and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (for the product y<sup>r</sup>. of) as the Law directs.

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Order on Gridley's Petition

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Upon Reading the Petition of Richard Gridley Executor of the last will and Testament of his father John Gridley late of said Boston Currier dec<sup>'ed</sup>, Wherein the Petitioner shews that the debts due and owing from the said deceased's Estate amount to £56.1.11. more than his whole personal Estate, and what the land, the deceased by his will ordered to be, sold amounts to. The petiti<sup>o</sup>. therefore pray'd this Court to Authorize him in his said Capacity, to make sale of a house and land in Boston for payment of the same, as part thereof can't be sold without great prejudice the rest. Ordered that the prayer of this

Petition be granted, and that the said Richard Gridley (in his said Capacity) be and hereby is Impowered to make sale of said house & land for the Ends aforesaid, as prayed for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof; the petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and account with Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Stover's Pet<sup>o</sup>.

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Upon Reading the Petition of Mary Stover of Sherborn in the County of Nantuckett Widow, and Relict of Samuel Stover late of Nantuckett aforesaid Shipwright dec<sup>'ed</sup> Wherein the petitioner shew<sup>'d</sup>. That whereas the petitioner being appointed Adm<sup>x</sup>. of the Estate of said dec<sup>'ed</sup>, by the Honorable Jeremiah Gardner Esq; Judge of Probate for the County of Nantuckett, and has proceeded therein accordingly; and the said Estate being charged with several just debts to the amount of fifty [x] nine pounds four shillings and two pence Lawful Money already bro<sup>t</sup>. in, with several other debts which she expected daily to be brought in: and the

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the whole Inventory of the personal Estate appraized by men on Oath amounts but to forty two pounds fifteen shillings and six pence Lawful Money which being not sufficient to pay and discharge the justs debts brought in against the Estate as aforesaid, The Petitioner pray<sup>'d</sup> this Court to permit her to make Sale of the Real Estate of the said deceased in order to pay and discharge his just Debts as afores<sup>d</sup>. which real Estate solely consists of a small dwelling house began to be built and not half compleated, and seven square Rods of land on which said building standeth. Ordered that the prayer of this Petition be granted, and that the said Mary Stover be (in her said Capacity) and hereby is Impowered to make sale of the Real Estate of the said deceased for the Ends afores<sup>d</sup>. as prayed for. and to pass and execute a good Deed or Deeds in the Law for Conveyance

thereof, the Petiti<sup>o</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County of Nantuckett (for the produce thereof) as the Law directs.

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Order on Wing's Pet<sup>o</sup>.

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Upon Reading the Petition of Dinley Wing Administrator to the Estate of Cord Wing late of said Boston Shipwright deceased, Wherein the petitioner shew'd. That the personal Estate of said Deceased is insufficient to discharge the just Debts thereof The Petitioner therefore pray'd for licence and Authority to make Sale of a peice of Land lying on Water Street in said Boston being y<sup>e</sup>. real Estate of the said dec'd to enable him to pay the debts as aforesaid. Ordered that the prayer of this Petition be granted; and that the said Dinley Wing (in his said Capacity) be & hereby is empowered to make Sale of the Real Estate of the said Cord Wing deceased for the Ends aforesaid, as pray'd for; And to pass and execute a good deed or deeds in the Law for Conveyance thereof, the petiti<sup>o</sup>. to post up Notifi<sup>ons</sup>. thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Weld's Pet<sup>o</sup>.

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Upon Reading the Petition of Eleazer Weld Executor of the Testament of Joseph Weld late of Roxbury deceased. Wherein the petitioner shew'd that the debts amount to two hundred and seven pounds and 2<sup>d</sup>. more than his personal Estate, excepting such part of it as is specifically bequeathed that the whole of Real Estate is also specifically devised except 276. Acres of Land in a place called Royalshire. The Petitioner pray'd this Court to empower him to make sale of the above mentioned two hundred seventy six acres of land, which was appraised at eight pounds only, with such a proportion able part of each of the devisees share in the said deceased's real Estate as will with

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with the produce of the said two hundred and seventy six acres, be sufficient to discharge the debts aforesaid, with the charges of the sale. Ordered that the prayer of this Petition be granted, and that the said Eleazer Weld (in his s<sup>d</sup>. Capacity) be and hereby is Impowered to make sale of said two hundred & seventy six acres of land, with such a proportionable [<sup>^</sup>part<sup>^</sup>] of each of the devisees share in the said deceased's Real Estate as will with the produce of said 276. acres, be sufficient to discharge the debts aforesaid, with the charges of the sale. and that the said Eleazer pass and execute a good deed or Deeds in the Law for Conveyance thereof. and post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Brackett's Pet<sup>o</sup>.

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Upon Reading the Petition of James Brackett of Braintree in said County Victualler, and Mary his Wife, as she is Administratrix on the Estate of Richard Brackett late of said Braintree dec<sup>'ed</sup>. Wherein the Petitioner shew'd that the Real and personal Estate of said dec<sup>'ed</sup> is insufficient to pay his Just debts, and is represented insolvent, as appears by the Certificate annexed to said Petition. The Petitioner's therefore pray'd this Court that the said Administratrix might be impowered to make Sale of the whole real Estate of said deceased for payment of his debts. Ordered that the Prayer of this Petition be granted; And that the said Mary Brackett (Adm<sup>x</sup>. as afores<sup>d</sup>.) be and hereby is Impowered to make Sale of the Real Estate of the said Richard Brackett deceased, for the Ends aforesaid, as prayed for; and to pass and Execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner Mary to post up Notifica<sup>ons</sup>. thirty days before the sale and account with the Judge of Probate for said County (of the produce of the same) as the Law directs.

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Order on Brown's Petition

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Upon Reading the Petition of Samuel Brown Administrator de bonis non of y<sup>e</sup>. Estate of William Brown late of said Boston Shipjoiner deceased. Wherein the Petitioner prayed that this Court would empower him to make sale of the Real Estate of the said William Brown dec'd, for the payment of his just debts. Ordered that the prayer of this Petition be granted; and that the said Samuel Brown (in his said Capacity) be and hereby is Impowered to make sale of the Real Estate of the said William Brown dec'd, and for the Ends aforesaid; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the sale, and Account with the Judge of probate for said County (for the produce thereof) as the Law directs.

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Order on Jones's Petition.

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Upon rRding the Petition of Daniel Jones, as he is Administrator of the Estate of Christopher Webb late of Braintree dec'd, Wherein the petitioner shew'd That the deceased's debts amount to £26.5.10. more than his personal Estate, and that his Real Estate was appraized at thirty pounds: The Petition<sup>r</sup>. therefore pray'd this Court to empower him to sell the whole Real Estate of the said Deceased for payment of said Debts, and the charges of sale. Ordered that the prayer of this Petition be granted; and that the said Daniel Jones (in his said Capacity) be and hereby is impowered to make sale of the whole of the said Real Estate for the ends aforesaid, as prayed for. And to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (of the

Produce thereof) as the Law directs.

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Order on Orcut's Pet<sup>o</sup>.

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Upon Reading the Petition of Edward Orcut, as he is Executor of the Testament of Thomas Orcut late of Hingham deceased. Wherein the petitioner shew'd. That the deceased's personal Estate falls short of the amount of his debts £111.18/. as by the Certificate annexed to the Petition appears, He therefore pray'd this Court to empower him to make sale of one hundred and fifteen pounds worth of the said Deceased's real Estate, for payment of the said Debts, and the charges of the sale. Ordered that the prayer of this Petition be granted; And that the said Edward Orcut, (in his said Capacity) be and hereby is Impowered to make Sale of one hundred and fifteen pounds worth of the said deceased's Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for. And to pass & execute a good Deed or Deeds in the Law for Convey<sup>a</sup>. thereof, the petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs

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Order on Collier's Pet<sup>o</sup>.

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Upon Reading the Petition of Susannah Collier as she is Administratrix of the Estate of Moses Collier late of Boston boat builder dec'ed. Wherein the Petitio<sup>r</sup>. shew'd. That the said deceased's Estate is insolvent, as by a certificate on file, appears; The Petitioner therefore pray'd this Court to Impower her to make sale of his whole real Estate towards payment of his debts so far as it would go. Ordered that the prayer of this Petition be granted; and that the said Susannah Collier (in her said Capacity) be and hereby is impowered to make sale of the Real Estate of the said deceased for the Ends aforesaid, as prayed for, and to pass and Execute a good deed or deeds in the Law for Conveyance y<sup>r</sup>. of. the Petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Moor's Pet<sup>o</sup>.

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Upon Reading the Petition of Rosanna Moore, and Margarett Moor both of said Boston Administrators of the Estate of William Moore late of said Boston distiller deceased. Wherein the Petitioner's shew'd that all the Estate of the said William is insufficient to pay his just debts, as appears by the Certificate of the Honorable Thomas Hutchinson Esq; Judge of Probate for the County of Suffolk, to said Petition annexed. The Petitioner's therefore pray'd this would empower them to sell in fee, the Estate Reals which was of the said William according to a Law in such cases provided, for the payment of his just debts as far as the proceeds of the same would amount to. Ordered that the prayer of this Petition be granted, and that the said Rosanna Moore, and Margarett Moore (in their said Capacity) be and hereby are empowered to make sale of the Real Estate of the William Moore deceased, for the Ends aforesaid, as pray'd for and to pass and execute a good a deed or deeds in the Law for Conveyance thereof the Petitioners to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Waldo<sup>s</sup>. Pet<sup>o</sup>.

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Upon reading the Petition of Thomas Waldo, and John Waldo Administra<sup>rs</sup>. cum testamento annexo de bonis non etce<sup>te</sup>: of the estate of Cornelius Waldo late of s<sup>d</sup>: Boston Esq; deceased. Wherein the petitioner shew'd, That by an account settled by them before the hono'bbe the judge of the probate &C<sup>a</sup>. of the County aforesaid of their Administration, the debts due from the said Estate are more than his



personal estate that is come to the petitioner's hands, th the sum of three hundred and forty four pounds four shillings and seven pence, as by a Certificate from the probate office with this Petition on file appears. The Petitioner therefore prayed this Court to empower them to make sale of the Mansion house of the said deceased, situate in Friends street so called in Boston aforesaid, appraized at four hundred pounds, to pay the said deficiency. Ordered that the prayer of this Petition be granted; and that the said Thomas Waldo, and John Waldo Adm'ors as aforesaid, be and hereby are empowered to make sale of said house and land, for the Ends aforesaid, as prayed for, and to pass and execute a good deed or deeds in the Law for Conveyance thereof. they to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Story's Pet<sup>o</sup>.

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Upon reading the Petition of William Story Adm'or de bonis non, of the Estate of Abraham Quinc latey of Braintree Merchant deceased Intestate. Wherein the Petitioner shew'd that the said Deceased's personal Estate falls short of paying his just debts, and that the same Estate is insolvent, as appears by the Certificate on file, The

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The Petitioner therefore pray'd this Court to empower, him in his said Capacity, to make sale of the said Deceased's Real Estate for payment of his just debts so far as the same will extend. Ordered that the prayer of this Petition be granted, and y<sup>t</sup>. the said William Story, Adm'or as aforesaid, be and hereby is empowered to make sale of the Real Estate of the said dec'ed for the ends Aforesaid, as pray'd for. and to pass and execute a good deed or deeds in the Law for Conveyance thereof; the said story, to post up Notifications thirty days before the sale, and Account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Boies's Pet<sup>o</sup>.

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Upon reading the Petition of John Boies of Boston afores<sup>d</sup>. Wharfinger one of the Executors of the last will of Jacob Sheafe late of said Boston dec'd. Wherein the petitioner shew'd. That at the last February term of this Court he together with Aaron Purbeck the other Executor of said Will, was Impowered to make Sale of the Real Estate of the said Testator, to the amount of seventy six pounds for the payment of his just Debts: And Whereas that sum is insufficient to discharge the debts of said testator's Estate, as doth appears by claims filed in the office of the Hon'ble The Judge of probate for the County of Suffolk, by the Creditors to the Estate of said deceased. The Petitioner therefore pray'd this Court to Impower him (in his said Capacity) to make sale of apart of the real Estate of the said Testator viz. of an old hoodendwelling house with a small spot of land whereon it stands, situated in Sheafe's lane so called, in Boston aforesaid, at the South part of the Town; thereby he would be enabled to pay the Remainder of the debts of the said Testator. Ordered that the prayer of this Petition be granted; and that the said John Boies one of the Executors to said Will, be and he hereby is Impowered to make sale of said house & land, for the Ends aforesaid, as prayed for, and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, and post up Notifications thirty days before the sale, and account with the Judge of probate of this County (for the produce thereof) as the Law directs.

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Order on Thornton's Pet<sup>o</sup>.

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Upon Reading the Petition of Martha Thornton, as she is Executrix of the Testament of Joshua Thornton late of said Boston deceased. Wherein the petitio<sup>r</sup>. shew'd that the said deceaseds debts exceed his personal Estate the sum of £717.17.8<sup>3</sup>/<sub>4</sub>. as appears by the Certificate to said Petition Annexed: The petitioner therefore pray'd this Court to impower her to make sale of so much of his real Estate as will be sufficient to discharge said deceased's debts, and to pay the charges of the sale. Ordered that the prayer of this petition

be granted; And that the said Martha Thornton (in her said Capacity)  
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be and hereby is Impowered to make [<sup>^</sup>Sale<sup>^</sup>] of so much of the real Estate of the said deceased as will pay said debts. viz. to sell seven hundred and fifty pounds worth of it. for the ends aforesaid as pray'd (such part thereof, as will least prejudice the residue). And to pass and execute a good deed or Deeds in the Law for Convey<sup>c</sup>.. thereof. the Petiti<sup>o</sup>.. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Hudson's Indictment

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The, Jurors for our Sovereign Lord the King, for the body of this County upon their Oath present, That Seth Hudson of Boston in the said County of Suffolk Gentleman, and Joshua How of Westmoreland in the province of New Hampshire Yeoman, wickedly minding and contriving, the said Lord the King and his leige Subjects the Inhabitants of this his Majesty's province of the Massachusetts Bay in New England, to deceive and defraud, they the said Seth Hudson and Joshua How on the seventh day of October last, at said Boston in the County of Suffolk with that intent and design did with force and arms advisedly, deceitfully and corruptly, forge and make, and cause to be forged and made a false and counterfeit Instrument purporting to be a Receipt and obligation made and given by Harrison Gray as Treasurer of this province to Benjamin Furnass on the twenty fourth day of March in the year of our Lord Christ Seventeen hundred and sixty one, of the tenor following viz.  
Province of the}

Massachusetts Bay}

The twenty fourth day of March 1761. 92.

Received of M<sup>r</sup>. Benjamin Furnass the sum of one hundred pounds, for the

use and service of the province of the Massachusetts Bay; And in behalf of said Province, I do promise and oblige myself and Successors in the office of Treasurer, to Repay the said Benjamin Furnass, or order, the twentieth day of June, one thousand seven hundred and sixty three, the aforesaid sum of one hundred pounds in coined Silver, at six shillings and eight pence per ounce, or spanish mill'd Dollars, at six shillings each, with Interest Annually, at the rate of six per Cent per Annum. Witness my hand                      H Gray Treasurer.  
£100.

And that the said Seth Hudson, and Joshua How Afterwards on the said Seventh day of October last, at Boston aforesaid, in pursuance of their said wicked intent and design, did with force as aforesaid, advisedly, deceitfully, and corruptly, endorse forge and counterfeit, and cause to be endorsed forged and counterfeited, the Name & hand writing of the said Benjamin Furnass

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[315v]

Furnass on the back of the same false and counterfeit Instrument, and that the said Seth Hudson and Joshua How there afterwards on the same day with force as afores<sup>d</sup>. advisedly, deceitfully and corruptly published, and caused to be published the said false and counterfeit Instruments, so be endorsed as aforesaid and the same bargained sold and uttered to Samuel Welles Esq; for a valuable sum of money, as a true Receipt and obligation, made and given by the said Harrison Gray as Treasurer of this Province, to the said Benjamin Furnass, on the said twenty fourth day of March seventeen hundred and sixty one of the tenor afores<sup>d</sup>. and by him the said Benjamin Furnass endorsed in blank to enable and entitle the possessor thereof to demand and Receive of the Treasurer of this Province the said hundred pounds, on the said twentieth day of June seventeen hundred and sixty three, with Interest therefor annually at the rate of six pounds for an hundred pounds, one year, they the said Seth Hudson and Joshua How at the same time well knowing the same Instrument, and the said Benjamin Furnass's Name Endorsed thereon to be forged false and counterfeit, in Evil and pernicious example to others, & to the grievous damage, not only of the said Samuel Welles Esq; but also of all

the Inhabitants of this Province, against the peace of the said Lord the King his Crown and Dignity. The said Seth Hudson and Joshua How were set to the barr and arraigned and severally plead[^ed^] not guilty, a Jury was then sworn to try the issue (M<sup>r</sup>. John Cutler foreman and fellows) who having fully heard the Evidence, on their oath say that the said Seth Hudson is Guilty; and That the said Joshua How is guilty. The Court having Considered the Offence of the said Seth Hudson, and Joshua How, Order that the said Seth Hudson be set in the pillory for the space of one hour, that he be whipped twenty stripes upon his Naked back at the public whipping post, that he suffer one years Imprisonment, & that he pay the sum of one hundred pounds as a fine to the King, and that he pay Costs of Prosecution standing committed until Sentence be performed. And that the said Joshua How be set in the pillory for the space of one hour that he be whipt thirty nine stripes upon his Naked back at the public whipping post, and that he pay the sum of one hundred pounds as a fine to the King, and pay costs, standing committed until this Sentence be performed.

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Lane's Indictm<sup>t</sup>.

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The Jurors for our sovereign Lord the King for the body of this County, did upon their Oath present, That Charles Lane of Boston in the County of Suffolk Labourer, on the twenty first day of January last, at Boston afores<sup>d</sup>. minding and contriving to deceive and defraud Samul Parkman of Boston aforesaid merchant of the value of four pounds sixteen shillings Lawful Money, he the

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[316r]

the said Charles Lane with that evil intent and design did then and there with force and arms advisedly, deceitfully, and corruptly forge and make, and cause to be forged and made a false and counterfeit writing purporting to be an Order

drawn by one James Gray on the said Samuel Parkman of the tenor following viz  
"S<sup>r</sup>.

"be pleased to give the berar Charl<sup>s</sup>. Lane Soldier in my Company in  
"Co<sup>l</sup>. Saltenstall Regime<sup>t</sup>. to the value of sixteen dollars worth of Goods  
"and I will see you paid, as soon as the Muster Role is made up.

"I am y<sup>ers</sup>. Jam<sup>s</sup>. Gray.

"Watertown January the 20<sup>th</sup>. 1762.

"To M<sup>r</sup>. Samuel Parkman Merch<sup>t</sup>. in Boston".

And that the said Charles Lane did there afterwards on the said twenty first day of January last, with force and Arms Advisedly, deceitfully and Corruptly Publish and present the said false and Counterfeit writing to the said Samuel Parkman, as a true order drawn on him by the said James Gray of the tenor aforesaid; And that the said Charles Lane did then and there by colour and means of the said false and counterfeit writing fraudulently deceitfully and corruptly obtain and Receive to his own use of and from the said Samuel Parkman goods of the value of four pounds sixteen shillings Lawful Money; he the said Charles Lane at the same time well knowing the writing aforesaid to be false & Counterfeit: in evil Example to others, to the Grievous damage of the said Samuel Parkman and against the peace of the said Lord the King his Crown and Dignity. upon this Indictment the said Charles Lane was arraigned at the bar, and pleaded not Guilty; a Jury was then sworn to try the issue (M<sup>r</sup>. John Cutler foreman and fellows) who having fully heard the Evidence upon their Oath say that the said Charles is guilty. The Court having Considered the offence of the said Charles Lane, Order that he suffer six Months Imprisonment, and that he pay the sum of five pounds as a fine to the King, and that he pay costs of prosecution, standing committed until this sentence shall be performed. Costs are taxed at £3.13.2

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Lane's 2<sup>nd</sup>. Indictment.

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The Jurors for our sovereign Lord the King, for the body of this County, did upon their Oath present, That Charles Lane of Boston in the County of Suffolk

Labourer on the twenty third day of January last, at Boston aforesaid, minding and contriving to deceive and defraud Josiah Flagg of Boston afores<sup>d</sup>. Goldsmith, of a pair of Silver shoe buckles; he the said Charles Lane with that evil Intent and design did then and there with force and Arms Advisedly, deceitfully

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[316v]

deceitfully, and corruptly, forge and make, and caused to be forged and made a false and counterfeit writing purporting to be an order drawn by one James Gray on the said Josiah Flagg of the tenor following viz.

" Sir,                    be pleased to let y<sup>e</sup>. Berar Charles Lane a soldier in my  
                               "Company in et al. Saltenstall Regiment have one pair of  
                               "Silver shoue buckles and I will see you paid as soon as the  
                               "Muster Role is made up. Boston January the 23<sup>d</sup>. 1762.  
                               "I am Yo<sup>rs</sup>. Jam<sup>s</sup>. Gray.

"To, M<sup>r</sup>. Jo<sup>s</sup>. Flagg."

And that the said Charles Lane did there afterwards on the said twenty third day of January last, with force and Arms advisedly, deceitfully and Corruptly publish and present the said false and counterfeit writing to the said Josiah Flagg as a true order drawn on him by the said James Gray of the tenor aforesaid; And that the said Charles Lane did then and there by colour and means of the said false and counterfeit writing fraudulently deceitfully and corruptly obtain and Receive to his own use of and from the said Josiah Flagg one pair of Silver shoe buckles of the value of twenty five shillings and ten pence Lawful Money; the said Charles Lane at the same time, well knowing the writing aforesaid to be false and counterfeit, in evil example to others, to the grievous damage of the said Josiah Flagg, and against the peace of the said Lord the King his Crown and dignity. The said Charles Lane was set to the bar and arraigned, & pleaded not Guilty; and being afterwards set to the bar to receive his trial pray'd the Court that he might be allowed to withdrew his aforesaid plea of not Guilty, and to plead Guilty: which being allowed he accordingly

pleaded Guilty. The Court having Considered this offence of the said Charles Lane. Order that he suffer six other Months Imprisonment, and that he pay the further sum of five pounds as a fine to the King, and that he pay costs of prosecution, standing committed until this sentence shall be performed. Costs are taxed at £2.5.6

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Welch's Indictm<sup>t</sup>.

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The Jurors for our Sovereign Lord the King for the body of this County did upon their Oath present, That John Welch of Boston in the County of Suffolk aforesaid Labourer, on the twenty fifth day of January last, at Boston Afores<sup>d</sup>. minding and contriving to defraud Samuel Parkman of Boston Afores<sup>d</sup>. Merchant, of the value of four pounds sixteen shillings Lawful Money, he the said John Welch with that evil intent and design did then and there with force and arms advisedly, deceitfully, and corruptly forge and make and Cause

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[317r]

cause to be forged and made a false and counterfeit writing purporting to be an order known by one James Gray on the said Samuel Parkman of the tenor following viz. "S<sup>r</sup>. be pleased to give the berar John Welch a soldier in my Company "in Co<sup>l</sup>. Saltenstall Regim<sup>t</sup>. to the value of sixteen dollars worth of Goods "and I will see you paid as soon as the Muster Role is made up. "Watertown January th. 20<sup>th</sup>. 1762. I am y<sup>rs</sup>. Jam<sup>s</sup>. Gray. "To M<sup>r</sup>. Samuel Parkman Merchan<sup>t</sup>. in Boston"

And that the said John Welch did there afterwards on the said twenty first day of January last, with force and Arms Advisedly, deceitfully, and corruptly publish and present the said false and counterfeit writing to the said Samuel Parkman as a true order drawn on him by the said James Gray, of the tenor aforesaid, and that the said John Welch did there and there by colour and means of the



said false and counterfeit writing aforesaid, fraudulently deceitfully and corruptly obtain and Receive to his own use of and from the said Samuel Parkman Goods of the value of four pounds sixteen shillings Lawful Money he the said John Welch at the same time well knowing the writing aforesaid to be false and counterfeit, to the greivous damage of the said Samuel Parkman, in evil Exmple to others, and against the peace of the said Lord the King his Crown and dignity. The said John Welch was set to the barr and arraigned and pleaded not Guilty, a Jury was then sworn to try the issue issue(M<sup>r</sup>. John Cutler foreman and fellows) who having fully heard the Evidence, upon their Oath say, that the said John Welch is Guilty. The Court having Considered the offence of the said John Welch. Order that he be whipped twenty stripes upon his naked back at publick whipping post, that he suffer six Months Imprisonment, and that he pay the sum of ten pounds as a fine to the King and that he pay Costs of prosecution, standing committed until this sentence shall be performed. Costs are taxed at £3.16.2

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Barry's Indictm<sup>t</sup>.

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The Jurors for our Sovereign Lord the King for the body of this County, did upon their Oath present, That John Barry of Boston in the County of Suffolk Labourer, on the twentieth day of January last, at Boston aforesaid, minding and contriving to defraud Samuel Parkman of Boston afores<sup>d</sup>. Merchant of the value of four pounds sixteen shillings Lawful Money he the said John Barry with that evil intent and design did then and there with force and Arms Advisedly deceitfully and corruptly forge and make and cause to be forged and made a false and counterfeit writing purporting to be an order drawn by one James Gray on the said Samuel Parkman of the tenor following viz.

"S<sup>r</sup>.

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[317v]

"S<sup>r</sup>, be pleased to give the berar John Barry a soldier in my Company in  
 "Co<sup>l</sup>. Saltenstall Regiment to the value of sixteen dollars worth, and I will  
 "see you paid as soon as the muster Role is made up.

"Watertown January th. 20<sup>th</sup>. 1762. I am yo<sup>rs</sup>. James Gray.

"To M<sup>r</sup>. Samuel Parkman Merchant in Boston."

And that the said John Barry in pursuance of the same evil intent and design did  
 there Afterwards on the said twentieth day of January last, with force and arms  
 Advisedly, deceitfully and corruptly publish and present the said false and  
 counterfeit writing to the said Samuel Parkman, as a true order drawn on  
 him by the said James Gray, of the tenor aforesaid; And that the said John  
 Barry did then and there by Colour and means of the said false and Counterfeit  
 writing, fraudulently deceitfully and corruptly obtain and receive to his own  
 use of and from the said Samuel Parkman, Goods ands Chattles, to the value of four  
 pounds two shillings and six pence Lawful Money; He the said John Barry at  
 the same time well knowing the writing aforesaid to be false and counterfeit,  
 in evil example to thers, to the greivous damage of the said Samuel  
 Parkman, and against the peace of the said Lord the King his crown and  
 dignity. To this Indictment the said John Barry upon his Arraignment  
 at the barr pleaded not Guilty: and being Afterwards set to the bar, prayed  
 leave to withdraw his aforesaid plea of not guilty, and to plead Guilty;  
 which being allowed, he at the bar pleaded guilty. The Court having  
 Considered the Offence of the said John Barry, Order that he suffer three Months  
 Imprisonment, and that he pay the sum of forty shillings as a fine to the King,  
 and that he pay Costs of prosecution, standing committed until this sentence  
 shall be performed. Costs are taxed at £2.19.6.

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Dow's Indictm<sup>t</sup>..

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The Jurors for our Sovereign the King for the body of this County, did upon  
 their Oath present, That that John Dow of Roxbury in the County of Suffolk Afores<sup>d</sup>.  
 Labourer, did on the thirtieth day of October last, at Roxbury aforesaid, with  
 force and Arms feloniously break and enter the dwelling house of one  
 Edward Sumner of Roxbury aforesaid, and from thence take steal and

carry away one promisory Note made and given by one Edward Prentice to the said Edward Sumner for the sum of seven pounds five shillings and four pence Lawful Money, the property of the said Edward Sumner and of the value of seven pounds five shillings and four pence Lawful Money; also one small Mahogany chest, eight spanish mill'd Dollars, four French Crowns, five pistoreens, and one benefit Lottery Ticket, being all the Goods and Chattles of the said Edward Sumner, and of the value of five pounds seventeen

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318.

[318r]

seventeen shillings Lawful Money; against the peace of the said Lord the King his Crown and Dignity, and the Law of this Province in that case made and provided. To this Indictment the said John Dow upon his Arraignment at the bar pleaded not guilty. a Jury was then sworn to try the issue (M<sup>r</sup>. Henry Deering foreman and fellows) who having fully heard the Evidence, upon their Oath say that the said John Dow is guilty. The Court having Considered the offence of the said John Dow, Order that he whipped twenty stripes upon his Naked back at the public whipping post, that he suffer six Months Imprisonment, And that he pay the said Sumner tribble the value of the Goods stolen, being thirty Nine pounds seven shillings, (the goods Returned to be accounted part.) and that he pay Costs. of prosecution standing committed until this Sentence shall be performed. Costs are taxed at £5.0.2.

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Tyrrell's Indictment.

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The Jurors for our sovereign Lord the King for the Body of this County, did upon their Oath present, That John Tyrrell of Boston in the County of Suffolk Labourer, did on the seventh day of January last, at Boston aforesaid with force & Arms break and enter the shop of one Thomas Child of Boston aforesaid, and from thence feloniously take steal and carry away twelve gallons of New England

Rum, twenty eight pounds of sugar, five pistoreens, and ninety english Copper half pence, being all the property of the said Thomas Child and of the value of three pounds six shillings and eight pence, Lawful Money, in evil example to others and against the peace of the said Lord the King his Crown and Dignity: and the Law of this Province in that case made and provided. To this Indictm<sup>t</sup>. the said John Tyrrell upon his Arraignment at the bar, pleaded not Guilty. A Jury was then sworn to try the Issue (M<sup>r</sup>. Henry Deering foreman & fellows) who having fully heard the Evidence upon their Oath say, that the said John Tyrrell is guilty of breaking and entering the said Shop and stealing from thence to the value of fourteen shillings, and as to the rest not guilty. The Court having Considered the offence of the said John Tirrell, order that he suffer six months Imprisonment [<sup>^</sup>that he pay the sum of ten pounds as a fine to the King<sup>^</sup>], that he pay the said Child trible the value of the goods stoln, being forty two shillings, and that he pay Costs of prosecution, standing committed until this sentence shall be performed.

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Welch jun<sup>r</sup>. Indictment

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The Jurors for our Sovereign Lord the King for the Body of this County, did upon their Oath present, That John Welch jun<sup>r</sup>. of Boston in the County of Suffolk afores<sup>d</sup>. Merchant not having the fear of God before his Eyes, did on the seventeenth day if November, last at Boston aforesaid, in the said County of Suffolk, with force and Arms feloniously wilfully and of his Malice forethought Assault one Stephen Holman, riding in his Cart there, And that the said John Welch jun<sup>r</sup>. did then and there with

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[318v]

with force and arms feloniously wilfully and of his Malice forethought, force, cast, and throw the said Stephen Holman with great violence from his said Cart down upon the stone payement there, and that the said John Welch jun<sup>r</sup>. by so forceing,

casting, and throwing the said Stephen Tolman from his said Cart down upon the said stone pavement, did then and there with force as aforesaid, feloniously wilfully and of his Malice forethought brake the spinal bone in the Vertibræ of the Neck of him the said Stephen Holman, and thereby the said John Welch jun<sup>r</sup>. then and there did with force as aforesaid, feloniously wilfully and of his Malice forethought give the said Stephen Holman a Mortal wound in his Neck of which mortal wound the said Stephen Holman there languished until the nineteenth day of November last, and then at Boston aforesaid died of the Mortal wound aforesaid given him by the said John Welch jun<sup>r</sup>. as aforesaid, And so te Jurors aforesaid upon their Oath say, that the said John Welch jun<sup>r</sup>. did at Boston aforesaid in manner and form aforesaid feloniously wilfully and of his Malice forethought kill and Murder the said Stephen Holman install the

Sayer

twenty fourth day of March 1761. 928.

"Received of M<sup>r</sup>. Benjamin Furnass the sum of one hundred pounds for the use  
 "and service of the province of the Massachusetts Bay; and in behalf of said Province,  
 "I do promise and oblige myself and Successors in the office of Treasurer, to repay  
 "the said Benjamin Furnass or order the twentieth day of June one thousand  
 "seven hundred and sixty three, the aforesaid sum of one hundred pounds in  
 "coined silver at six shillings and eight pence per ounce, or spanish mill'd  
 "Dollars, at six shillings each, with Interest annually, at the rate of six per  
 "Cent, per Annum.                      Witness my hand              H Gray Treasurer.  
 £100

And said Seth Hudson and Joshua How, afterwards on the said sixth day of October last, at Boston aforesaid, in pursuance of their said wicked intent and design, did with force and Arms, advisedly, deceitfully and corruptly endorse forge and counterfeit, and cause to be endorsed forged and counterfeited, the name and hand writing of the said Benjamin Furnass on the back of said false and counterfeit Instrument. And that the said Seth Hudson and Joshua How, there afterwards on the same day, with force as aforesaid, advisedly, deceitfully and corruptly published and caused to be published, the said false and counterfeit instrument so endorsed as aforesaid, and the same bargained, sold and uttered and caused to be bargained sold and uttered to Joseph Jackson Esq; for a

valuable sum of money, as a true Receipt and obligation, made and given, by the said Harrison Gray, as Treasurer of this Province to the said Benjamin Furnass, on the said twenty fourth day of March Seventeen hundred and sixty one, of the tenor aforesaid, and by him the said Benjamin endorsed in blank, to enable and entitle the possessor thereof to demand and Receive of the Treasurer of this Province the said one hundred pounds on the said twentieth day of June seventeen hundred and sixty three, with Interest therefore annually at the rate of six pounds for an hundred pounds one year, they the said Seth Hudson and Joshua How at the same time well knowing the same Instrument, and the said Benjamin Furnass's Name endorsed thereon, to be forged false and counterfeit: in evil and pernicious example, to others, and to the greivous damage, not only to the said Joseph Jackson Esq; but also of all the Inhabitants of this Province, against the peace of the said Lord the King his Crown and Dignity. The said Seth Hudson and Joshua How were set to the bar and Arraigned and severally pleaded not Guilty; A Jury was then sworn to try the Issue (M<sup>r</sup>. John Cutler foreman and Fellows) who having fully heard the Evidence, upon their Oath say, that the said Seth Hudson is Guilty: and that the said Joshua How is Guilty. The

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[319v]

The Court having Considered this Offence of the said Seth Hudson, and Joshua How, Order that the said Seth Hudson be again set in the pillory for the space of one hour, that he be whipt other twenty stripes upon his Naked back at the public whipping post, that he suffer one other Years Imprisonment, and that he pay another hundred pounds as a fine to the King, and that he pay Costs standing committed until this Sentence shall be performed. And that the said Joshua How be again set in the pillory for the space of one hour, that he be whipt other thirty nine stripes upon his Naked back at the public whipping post, and that he pay another hundred pounds, as a fine to the King, and that he pay Costs of prosecution standing committed until this sentence be performed.

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Hudson's third Indictment

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The Jurors for our Sovereign Lord the King for the Body of this County, did upon their Oath, present, That Seth Hudson of Boston in the County of Suffolk Gent. wickedly minding and contriving the said Lord the King and his leige Subjects the Inhabitants of this [<sup>his</sup>] Province of the Massachusetts Bay in New England, to deceive and defraud, he the said Seth Hudson on the thirtieth day of July last, at Boston in the County of Suffolk aforesaid with that Intent and design, did with force and arms, advisedly, deceitfully and corruptly forge and make, and cause to be forged and made, a false and counterfeit Instrument purporting to be, a Receipt and obligation, made and given by Harrison Gray, as Treasurer of this Province, to Thomas Hubbard Esq; on the second day of January in the year of our Lord Christ seventeen hundred and sixty one, of the tenor follow:<sup>g</sup>. viz. "Province of the}

Massachusetts Bay}

"The second day of January 1761. 68.

"Received of Thomas Hubbard Esq; the sum of thirty one pounds for the use

"and Service of the Province of the Massachusetts Bay; and in behalf of said

"Province, I do promise and oblige myself and successors in the office of Treasurer

"to repay the said Thomas Hubbard or order, the twentieth day of June, one

"thousand seven hundred and sixty three, the aforesaid sum of thirty one pounds

"in Coined Silver at six shillings and eight pence per ounce, or spanish

"mill'd dollars at six shillings each, with Interest annually, at the rate of six

"per Cent. per Annum.            Witness my hand            H Gray Treasurer.

And that the said Seth Hudson afterwards on the said thirteenth day of July last, at Boston aforesaid, in pursuance of his said wicked, intent and design did with force as aforesaid, advisedly, deceitfully and corruptly, endorse forge and Counterfeit and cause to be Endorsed forged and counterfeited, the name and hand writing of

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320.

[320r]

writing of the said Thomas Hubbard on the back of the same false and counterfeit Instrument. And that the said Seth Hudson there Afterwards on the same day, with force as aforesaid Advisedly, deceitfully and corruptly published and caused to be published the said false and counterfeit Instrument so endorsed as aforesaid, and the said bargained sold and uttered, and caused to be bargained sold and uttered to William Hickling of Boston aforesaid Distiller, as a true Receipt and Obligation, made and given by the said Harrison Gray as Treasurer of this Province to the said Thomas Hubbard, on the said second day of January seventeen hundred and sixty one, of the tenor aforesaid, and by him the said Thomas Hubbard endorsed in blank to enable and entitle the possessor thereof to the said thirty one pounds, on the said twentieth day of June seventeen hundred and sixty three, with Interest therefor annually at the rate of six pounds for an hundreds one year, he the said Seth Hudson at the same time well knowing the same Instrument, and the said Thomas Hubbards Name endorsed thereon, to be forged false and counterfeit. And the Jurors aforesaid upon their Oath, further present That the said Seth Hudson afterwards on the said thirteenth day of July last, at Boston aforesaid in pursuance of his wicked intent and design aforesaid, did with force and Arms Advisedly wilfully and corruptly, forge and make, and cause to be forged and made, another false and counterfeit Instrument, purporting to be a Receipt and obligation made and given, by Harrison Gray, as Treasurer of this Province to Salah Bernard Esq; on the twentieth day of February in the Year of our Lord Christ seventeen hundred and sixty one, of the tenor following viz.

"Province of the}

"Massachusetts Bay}

"The twentieth day of February 1761. 829.

"Received of Salah Bernard Esq; the sum of one hundred pounds, for the use and

"service of the Province of the Massachusetts Bay; and in behalf of said Province

"I do hereby promise and oblige myself and Successors in the Office of Treasurer

"to repay the said Sanah Bernard or order, the twentieth day of June one

"thousand seven hundred and sixty two, the aforesaid sum of one hundred

"pounds in coined Silver, at six shillings and eight per ounce, or spanish

"mill'd Dollars, at six shillings each, with Interest annually, at the rate



"of six per Cent. per Annum. Witness my hand, H Gray Treasurer."

£100.

And that the said Seth Hudson afterwards on the said thirteenth day of July last, at Boston aforesaid, in pursuance of his said wicked intent and design, did with force as aforesaid, Advisedly, deceitfully and corruptly, endorse forge and Counterfeit, and cause to be endorsed forged and counterfeited, the Name and

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[320v]

and hand writing of the said Salah Bernard on the back of the same false and Counterfeit Instrument. And that the said Seth Hudson there Afterwards on the same day with force and Arms, Advisedly, deceitfully and corruptly published and caused to be published the same false and Counterfeit Instrument so endorsed as aforesaid, and the same bargained sold and uttered and caused to be bargained sold and uttered to the said William Hickling as a true receipt and Obligation, made and given by the said Harrison Gray as Treasurer of this Province, to the said Salah Barnard on the said twentieth day of February seventeen hundred and sixty one of the tenor aforesaid, and by him the said Salah Bernard endorsed in blank to enable and entitle the possessor thereof, to demand and Receive of the Treasurer of this Province, the same hundred pounds, on the said twentieth day of June seventeen hundred and sixty two, with Interest annually at the rate of six pounds for an hundred pounds one year, he the said Seth Hudson at the same time well knowing the same Instrument and the said Salah Bernard's Name endorsed thereon, to be forged false and counterfeit. In evil and pernicious example to others, and to the grievous damage not only of the said William Hickling, but also of all the Inhabitants of this Province, against the peace of the said Lord the King his Crown and Dignity. The said Seth Hudson was set to the bar and arraigned and pleaded not Guilty; A Jury was then sworn to try the issue (M<sup>r</sup>. Henry Deering foreman and fellows) who having fully heard the Evidence, upon their Oath say that the said Seth Hudson is Guilty. The

Court having considered this offence of the said Seth Hudson, Order that he be again set in the pillory for the space of one hour; that he be again whipped twenty stripes upon his Naked back at the public whipping post, that he suffer one other years Imprisonment, that he pay another sum of one hundred pounds as a fine to the King, and that he pay Costs of prosecution standing committed until Sentence shall be performed.

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Hudson's fourth Indictment

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The Jurors for our Sovereign Lord the King for the Body of this County, did upon their Oath present; That Seth Hudson of Boston in the County of Suffolk Gentleman wickedly minding and contriving the said Lord the King, and his leige subjects the Inhabitants of this his Majesty's Province of the Massachusetts Bay in New England to deceive and defraud, he the said Seth Hudson on the ninth day of March last, at Boston in the County of Suffolk aforesaid, with for Intent and design, did with force and Arms Advisedly, deceitfully and corruptly forge and make, and cause to be forged and made a false and counterfeit Instrument, purporting to

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321.

[321r]

to be a receipt and Obligation made and given by Harrison Gray, as Treasurer of this Province, to Daniel M<sup>c</sup>.Farland Esq; on the fifteenth day of February in the year of our Lord Christ seventeen hundred and sixty one of the tenor following viz.

"Province of the}

"Massachusetts Bay}

"The fifteenth day of February 1761. 795.

"Received of Daniel M<sup>c</sup>.Farland Esq; the sum of one hundred & twelve pounds

"for the use and service of the Province of the Massachusetts Bay; and in

"behalf of said Province [I do hereby promise and oblige myself and Successors

"in the office of Treasurer, to repay the said Daniel McFarland, or order, the  
 "twentieth day of June one thousand seven hundred and sixty two, the Afores<sup>d</sup>..  
 "sum of one hundred and twelve pounds in coined silver at six shillings  
 "and eight pence per ounce, or spanish mill'd Dollars at six shillings each, with  
 "Interest annually, at the rate of six per Cent. per Annum. Witness my hand.  
 £112. H Gray Treasurer."

And that the said Seth Hudson Afterwards on the said Ninth day of March last,  
 at Boston aforesaid, in pursuance of his said wicked intent and design, did with  
 force as aforesaid, Advisedly, deceitfully, and Corruptly endorse forge and  
 counterfeit, and cause to be endorsed, forged and counterfeited, the Name and  
 handwriting of the said Daniel M<sup>c</sup>Farland on the back of the same false and  
 counterfeit Instrument. And that the said Seth Hudson there Afterwards on the  
 same day with force as aforesaid, advisedly, deceitfully and corruptly published  
 and caused to be published, the said false and counterfeit Instrument, so  
 endorsed as aforesaid, and the same bargained sold and uttered, and caused to be  
 bargained, sold and uttered to Samuel Welles Esq, for a valuable sum of Money  
 as a true Receipt and Obligation, made and given by the said Harrison Gray  
 as Treasurer of this Province on the said fifteenth day of February seventeen hundred and  
 sixty one, of the tenor aforesaid, and by him the said Daniel M<sup>c</sup>.Farland endorsed blank  
 to enable and entitle the Possessor thereof, to demand and receive of the Treasurer of  
 this Province the said sum of one hundred and twelve pounds on the said twentieth  
 day of June seventeen hundred and sixty two, with Interest therefor annually, at  
 the Rate of six pounds for an hundred pounds one year, he the said Seth Hudson  
 at the same time well knowing the same Instrument, and the said Daniel  
 M<sup>c</sup>.Farland's name endorsed thereon, to be forged, false, and counterfeit. in  
 evil and pernicious Example to others, and to the greivous damage, not only  
 of the said Samuel Wells, but also of all the Inhabitants of this Province.  
 against the peace of the said Lord the King his Crown and Dignity. The said  
 Seth

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[321v]

Seth Hudson was thereupon set to the bar and arraigned and pleaded not Guilty,

A Jury was then sworn to try the issue (M<sup>r</sup>. John Cutler foreman and Fellows) who having fully heard the Evidence on their oath say, that the said Seth Hudson is guilty. The Court having Considered this offence of the said Seth Hudson, Order that he be again set in the pillory for the space of an hour, that he be again whipped twenty stripes upon his Naked back at the public whipping post, that he suffer one other years Imprisonment, that he pay one other hundred pounds as a fine to the King; and that he pay Costs of Prosecution standing committed until this Sentence is performed.

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M<sup>c</sup>.Neal's Indictm<sup>t</sup>.

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The Jurors for our sovereign Lord the King for the Body of this County, did upon their [^Oath present^]

that Adam M<sup>c</sup>.Neal of Charlestown in the County of Middlesex Mariner, on the fourteenth day of June last, at Charlestown aforesaid, not having the fear of God before his Eyes but Malitiously, contriving to deprive his then Wife Edeth of her life and her to kill and Murder, he the said Adam M<sup>c</sup>.Neal Afterwards on the same day at Charlestown aforesaid in his dwelling house there, did wilfully feloniously and of his Malice forethought put a deadly poison called Mercury Sublimate Corrosive, into a pint of Water and thereby poison the same water. And that the said Adam M<sup>c</sup>.Neal did then and there wilfully feloniously and of his Malice forethought give the water Aforesaid, so poisoned as aforesaid to his said Wife Edeth to drink, And that she the said Edeth being altogether Ignorant of the Water aforesaid's being so poisoned and suspecting no evil, she the said Edeth did then and there drink the water aforesaid so poisoned as aforesaid, and that the said Edeth by means of her drinking the Water aforesaid, so poisoned as aforesaid was poisoned and Languished for the space of ten days and then removed from Charlestown Afores<sup>d</sup>. to Boston in the County of Suffolk Aforesaid, and there Continued so to Languish until the nineteenth day of August last, and then at Boston aforesaid, died of the poison aforesaid given her by the said Adam M<sup>c</sup>.Neal as aforesaid: and so the Jurors aforesaid upon their Oath say, that the said Adam M<sup>c</sup>.Neal did wilfully feloniously and of his Malice forethought in manner and form aforesaid poison Kill and murder his said Wife Edeth, against the peace of the said Lord the King his Crown and Dignity. The said Adam M<sup>c</sup>.Neal, upon this

Indictment was Arraigned at the bar, and pleaded not Guilty; and for Trial put himself upon God and the Country: a Jury was then sworn to try the issue M<sup>r</sup>. John Cutler foreman, Benjamin Richardson, Daniel Crosby, Rob<sup>t</sup>. Edwards, Andrew Cunningham, Thomas Symms, Gregory Ivors, Thomas Potts, John Bennett, Henry Snow, Recompence Wadsworth Stimpson and Samuel Ridgeway jun<sup>r</sup>. who having fully heard the Evidence for the King

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Image 394-Right

322.

[322r]

King, with the prisoners defence, went out to consider thereof, and Returned with their Verdict and upon their Oath say that the said Adam M<sup>c</sup>.Neal is not guilty. It is therefore Considered by the Court that the said Adam M<sup>c</sup>.Neal go without day.

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<<

Doty's discharge

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Thomas Doty, who was under Recognizance for his Appearance at this Court, appeared and was discharged by proclamation.

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Boston March 12. 1762. The Court entred up Judgment according to the verdicts and then the Court Adjourned without day.

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[322v]

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323

[323r]

Province of the} Anno Regni Regis Georgii tertii magnæ Britanniae  
 Massachusetts Bay} Franciae et Hiberniae secundo  
 Plimouth ss.}

At his Majesty's Superiour Court of Judicature Court of  
 Assize and General Goal Delivery, held at Plimouth  
 within and for the County of Plimouth on the last Tuesday  
 of April (being the 27<sup>th</sup>. day of said Month) Annoq Domini  
 1762.

By the honorable Thomas Hutchinson Esq; Chief Justice

Benjamin Lynde}

John Cushing}

Chambers Russell et}

Peter Oliver}

The Kings Attorney being absent, the Court appoint James Hovey Esq; to act  
 in his stead at this Term.

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The Names of the Grand, and Petit Jurors present, Impannel'd, et sworn, are in Writing on file.

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Crane ~~vs~~ Sturtevant

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Seth Crane of Berkley in the County of Bristol Mariner, Plaintiff ~~vs~~

William Sturtevant of Plimton in the County of Plimouth Mariner, otherwise  
 called William Sturtevant of Halifax in our County of Plimouth Mariner, defendant.

In a plea of Plea of Review of a plea of Trespass on the Case commenced at an Inferiour  
 Court of Common Pleas held at Plimouth Aforesaid on the first Tuesday of March  
 AD 1757. by the said William against the said Seth in the words following viz. "In a plea  
 "of trespass upon the Case for that on the first day of October AD 1754. the said Seth was  
 "Master of a certain schooner called the Nancy then bound from the Port of Newport  
 "in the Colony of Rhode Island &C<sup>a</sup>. to the port and City of London within the Kingdom  
 "of Great Britain, and from thence back again to the said port of Newport, and

"Afterwards to wit, about the second of said Month at said Halifax the said William  
 "ship't himself (at the request of the said Seth) mate of the said Vessel for said Voyage  
 "at the rate of twenty pounds p<sup>r</sup>. month, Rhode Island currency so called, and  
 "Accordingly entered into the said service and fitted himself in every respect to  
 "perform said voyage and that he in said Vessel and as mate of the same  
 "accordingly proceeded on said Voyage to the said Port and City of London  
 "and faithfully performed his duty therein, and was ready to proceed [<sup>^</sup>in s<sup>d</sup>. Vessel<sup>^</sup>]  
 as  
 "mate from thence to said Port of Newport; yet the said Seth minding the  
 "said William to wrong and injure at a place called London, viz. at said  
 Halifax

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[323v]

Halifax on the first February 1755, caused him to be impressed on board our ship of  
 Warr called the Monarch where he in our Service was detained from that time until  
 the twenty eighth of November 1755. and also the said Seth at said Halifax took in  
 his hands and possession on board said Schooner the several Goods and  
 Merchizes enumerated in the schedule to the Writ annexed, and belonging to  
 the said William to the amount of thirteen pounds eight shillings Sterling Money of  
 Great Britain, and the same hath to this day detained from the said William, and  
 the said William in order to obtain his discharge from our service aforesaid hath  
 been put to cost and charge to the amount of two hundred and eighty pounds  
 Lawful Money of our Province of the Massachusetts Bay, all which was  
 occasioned by the said Seth's illegal causing said William to be impressed as  
 aforesaid: and tho'. Requested refuseth to make him any satisfaction, To the damage  
 of the said William as he saith three hundred pounds; At which said Inferiour  
 Court Judgment was Rendered that the plant's writ is bad and that the same be and  
 hereby is abated, and that the def<sup>t</sup>. recover cost, from which Judgment the said  
 William appealed to our Superiour Court of Judicature &C<sup>a</sup>. held at Plimouth  
 in and for the County of Plimouth on the third Tuesday of July AD July AD 1757.  
 when and where Judgment was Rendered was rendered that the former Judgment  
 be reversed, and that the said William Sturtevant recover against the said Seth

Crane the sum of forty pounds lawful Money of this Province damage, and Cost of Courts: which same Judgment the said Seth Crane saith is wrong and Erroneous and that he is thereby damnified the sum of fifty pounds, as shall then and there be made to appear; Wherefore for reversing the same Judgment and recovering back from said William the same sum of Forty pounds, and Costs of Courts, and for recovering Judgment against him for Cost of Courts, said Seth Crane brings this suit (being Authorized and impowered so to do by the great and General Court or assembly of this Province.) This Review was brought forward at the Superiour Court of Judicature, Court of Assize & General Goal Delivery, held at Plimouth in and for the County of Plimouth on the second Tuesday of May AD 1758. by Adjournment, and from thence was Continued to the Next Term of said Court for said County by Consent of the Parties, and then s<sup>d</sup>: action was further continued to the then next term of said Court for said County and from the term last mentioned, said Action was by Consent further continued to the last Term of this Court for this [~] County, when and where the parties appeared, and Referr'd this Action of Review to Stephen Greenleaf, and Joshua Winslow Esq<sup>ers</sup>. and M<sup>r</sup>. Thomas Gray the determination of said Referrees or of any two of them to be final, and then said Action was again [^further^] Continued to this Court, the Referees not having made Report: and now the parties appeared, and the s<sup>d</sup>: William

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324

[324r]

William (by Jer. Gridley Esq; his Attorney) comes and defends &C<sup>a</sup>. and saith the Judgment reviewed is in nothing erroneous. upon which issue was Joined, and the Case after a full hearing of both Parties, was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon oath, that is to say, they find for the defendant Costs. It's therefore Considered by the Court that the said William Sturtevant recover against the said Seth Crane Costs taxed at £6.18.2

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Ex'c'on issued

May 20<sup>th</sup>. 1762.



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Cahoon ~~vs~~ Chase

&gt;&gt;

William Cahoon of Rochester in our County of Plimouth Tanner Appellant ~~vs~~ Abraham Chase of a place called Holmeshole in the Constablewick of Tisbury in the County of Dukes County Yeoman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the fourth Tuesday of April last, when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case, and is for that the said Abraham and the said William at a place called Tisbury viz. at Rochester aforesaid upon the Seventeenth day of January AD 1756. accounted together of and concerning divers sums of money before that time due to the said William from the said Abraham and then in arrear and unpaid and upon such Account stated (under the hand of one Mercy Chase who was then an Attorney and Wife of the said Abraham and his book keeper) the said Abraham was then and there found to be in arrear to the s<sup>d</sup>. William the sum of fourteen pounds four shillings and four pence Lawful Money, and being so found in arrear the aforesaid Abraham in Consideration thereof viz. on the same seventeenth day of January 1758. at Rochester afores<sup>d</sup>. undertook and then and there promised the said William that he would content and pay him the said William the same sum of Fourteen pounds four shillings and four pence, by the tenth day of February AD 1759. or that whenever after he should be thereto requested, yet notwithstanding the said Abraham, tho' requested, hath not paid said sum but denies to do it. To the damage of the said William Cahoon, as he saith, the sum of twenty eight pounds. At which said Inferiour Court Judgment was Rendered, that the said Abraham Chase Recover against the said William Cahoon Costs of Court. This Appeal was bro't forward at the last term of this Court for this County, and Continued from thence this Court by Consent. And Now both Parties appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant the Money sued for, being fourteen pounds four shillings and four pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the

said William Cahoon Recover against the said Abraham Chase the sum of fourteen

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[324v]

Fourteen pounds four shillings and four pence Lawful Money of this Province dam<sup>a</sup>.  
and Costs taxed at £10.12.3½.

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Ex'c'on issued

7<sup>th</sup>. May 1762.

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Bumpass ~~vs~~ Whitten

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Noah Bumpass Appellant ~~vs~~ Thomas Whitten jun<sup>r</sup>. Appellee.

Neither party Appears.

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Cushing ~~vs~~ Fuller

>>

Theophilus Cushing Appellant ~~vs~~ Simeon Fuller Appellee.

Neither party Appears.

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Doty ~~vs~~ Tinkham

>>

Thomas Doty of Boston in the County of Suffolk Esq; Appellant ~~vs~~ Ebenezer Tinkham of Plimouth in the County of Plimouth Fisherman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the fourth Tuesday of April last, when and where the Appellee was plant, and the Appellant was def<sup>t</sup>. In a plea of Trespass upon the Case &C<sup>a</sup>. (by the Writ, on file, tested the 23<sup>d</sup>. day of March AD 1761. at large appears)

At which said Inferiour Court Judgment was Rendered, that the said Ebenezer Tinkham Recover against the said Thomas Doty thirty pounds Lawful Money damage, and Costs of Court. This Appeal was bro't forward at the last Term of this Court for this County, and Continued thence to this Court, by Consent. & Now both Parties appeared, and the Appellant, by his Attorney, confessed Judgment for two pounds thirteen shillings and four pence Lawful Money damage, and Costs, with which the Appellee is Content. It's therefore Considered by the Court that the said Ebenezer Tinkham Recover against the said Thomas Doty the sum of two pounds thirteen shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £[ill]

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Ex'c'on issued

June 1st 1762

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White ~~vs~~ Little

&gt;&gt;

Gideon White of Plimouth in the County of Plimouth Merchant. Appellant ~~vs~~ George Little of Plimton in the County of Plimouth Mariner, Appellee from the Judgm<sup>t</sup>. of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the first Tuesday of January AD 1761. when and where the Appell<sup>t</sup>. was plant. and the appellee was def<sup>t</sup>. In a plea of trespass upon the Case &C<sup>a</sup>. (as by Writ on file, tested the 29<sup>th</sup>. day of November AD 1760. at large Appears) At which said Inferiour Court Judgment was Rendered, that the said George Little recover against the said Gideon White eighteen shillings and two pence Lawful Money Cost of Court. This Appeal was bro't forward at the last term of this Court for this County, and was the Continued to this Court by both Parties Consent, they having then and there referr'd the same w<sup>th</sup>. all other demands to Gamaliel Bradford, and James Warren Esq<sup>rs</sup>. and

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[325r]

and Ezra Allen, the determination of said Referees, or of any two of them to be final and to Report as soon as may be. And now both Parties Appeared, and the same eferees made report in Writing under their hands, as on file, and pursuant to the same Report which was Read and Accepted. It's Considered by the Court that the said Gideon White Recover against the said George Little the sum of osued for being four pounds ten shillings Lawful Money of this Province Damage, and Costs taxed at £8.8.8

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Ex'c'on issued

24<sup>th</sup>. May 1762.

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Rawson ~~vs~~ Culnon

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John Rawson of Mendon in the County of Worcester Blacksmith Appellant ~~vs~~ Cornelius Culnon of Albany in our County of Albany and Province of New York Trader Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the first Tuesday of April Ins<sup>t</sup>. when and where the Appellee was plant. and the appellant was def<sup>t</sup>. In a plea of the Case for that the said John at said Plimouth on the 25<sup>th</sup>. day of last december, owing the plant. thirty three pounds three shillings New York Currency according to the Account to the Writ, annexed, promised to pay him the same sum on demand, yet the said John tho' requested has not paid the same nor the value thereof in Lawful Money of this Province being twenty two pounds twelve shillings and three pence, but Neglects it. To the damage of the said Cornelius Culnon, as he saith, the sum of Forty pounds. At which said Inferiour Court Judgment was Rendered, that the said Cornelius Culnon recover against the said John Rawson fifteen pounds three shillings and four pence Lawful Money damage, and four pounds twelve shillings and four pence Cost of Court. The Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellant, reversion of the former Judgment and Costs. It's therefore

Considered by the Court that the former Judgment be reversed, and that the said John Rawson Recover against the said Cornelius Culnon Costs taxed at £10.10.9.

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Ex'c'on issued

16<sup>th</sup>. June 1762.

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Packard et al<sup>s</sup>. ~~vs~~ Packard

>>

Samuel Packard the 2<sup>nd</sup>. of that name of Bridgwater in the County of Plim<sup>o</sup>. Gentleman, and Nathaniel Packard of said Bridgwater Husbandman Appellants ~~vs~~ Zachariah Packard of said Bridgwater Yeoman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the first Tuesday of October last, when and where the Appellee was pl<sup>t</sup>. and the Appellant was def<sup>t</sup>. In a plea of trespass, and is for that the said Samuel & Nathaniel with force and arms on the 30<sup>th</sup>. day of August AD 1760. entered into and upon a certain peice or lot of Cedar swamp of the plant<sup>s</sup>. and in his Possession lying

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[325v]

lying and being in Bridgwater aforesaid containing six Acres and is bounded Northerly on Abiel Howard, and Josiah Deans lot, Easterly on the Upland, and Southerly and Southwesterly by a range of Marked trees, that is the dividing line between the plants. swamp and that owned by Joseph Pratt sen<sup>r</sup>. (antiently made) until it comes to a point at the Westerly end of this Peice of Cedar swamp; and the def<sup>ts</sup>. being entered as aforesaid, with force as aforesaid they then and there cut down thirty of the plt<sup>s</sup>. cedar trees that was then standing and growing on said Lot of value seven pounds, and converted to their own use and the def<sup>ts</sup>. Afterwards viz. on the 2<sup>nd</sup>. of February AD 1761. with force as aforesaid, entered again on the plant<sup>s</sup>. said Lot and run two ranges and marked a great Number of the plant<sup>s</sup>. trees on said Lot to the number of twenty and

damnnified him the sum of forty shillings, and Afterwards viz. on the sixth day of February last, the deft<sup>s</sup>. with force and arms entered again on the plant<sup>s</sup>. cedar swamp and then and there with force as aforesaid cut down and carried away and converted as aforesaid thirty other of the plant<sup>s</sup>. Cedar trees, that was then standing and growing on said Lot of Cedar swamp of value four pounds Lawful Money and other enormities the deft<sup>s</sup>. then and there did to the plant, Contrary to law and the Kings Peace, And to the damage of the said Zachariah Packard as he saith the sum of twenty pounds. At which said Inferiour Court Judgment was rendered, that the said Zachariah Packard recover against the said Samuel & Nathaniel Packard five pounds damage, and three pounds Nineteen shillings and two pence Cost of Court. Both Parties Appeared, and the Case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee five pounds Lawful Money damage and Costs. It's therefore Considered by the Court that the said Zachariah Packard Recover against the said Samuel Packard and Benjamin Packard the sum of Five pounds Lawful Money of this Province, Damage, and Costs taxed at £9.16.10

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Ex'c'on iss<sup>d</sup>.23<sup>d</sup>. July. 1762

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Howard ~~vs~~ Howard

&gt;&gt;

George Howard of Bridgwater in the County of Plimouth Yeoman Appellant  
~~vs~~ Ephraim Howard of said Bridgwater Husbandman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plim<sup>o</sup>. on the first Tuesday of April Inst. when and where the Appellant was plant. and the Appellee was def<sup>t</sup>. in a plea of Covenant broken, for that the said Ephraim on the thirteenth day of December 1757. by his deed of that date and in Court to be produced duly acknowledged and Registered Bargained and sold and pretended to convey together with other Real Estate his the said Ephraim's homestead whereon he then dwelt, all Adjoining together being bounded as followeth viz.

beginning at a black oak marked thence west Eighty one rods thence South forty

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[326r]

forty three rods thence East one degree and an half, South twenty two rods, thence south one degree and a half, East forty eight rods, thence east one degree and a half, South sixty six rods and twelve feet, thence east one degree, North Eighteen rods thence East ten degrees South eighty rods, then east twenty degrees North twenty rods then east forty degrees North twenty rods, thence East forty degrees North seven rods, thence North forty four degrees, east twenty four rods and from thence North sixty five degrees east twenty one rods and from thence North four degrees and an half East sixty eight rods to a heap of Stones thence north thirty seven degrees east fourteen rods to a stake and stones thence North twenty four degree and an half west eighty three rods and an half to a dead white oak thence north forty one degrees and an half west thirteen rods to a stump thence west forty four rods and an half to a stake and stones thence south thirteen degrees and a quarter East sixty five rods thence west twenty nine degrees South twenty eight Rods thence south forty one degrees and an half East thirty two rods to a stake thence west twenty four degrees and an half south fifty five rods to the bounds first mentioned for the Consideration of six hundred pounds to the said George and his heirs, and thereby at said Bridgwater Covenanted with said George that he the said Ephraim was Lawfully seized in fee of the said homestead and had good right to sell and convey the same to the said George and his heirs. Now the said George saith that at the date of said Deed and long before and ever since, one Seth Howard was in possession of twenty seven acres of the value of one hundred and sixty pounds part of the said Land which is bounded as followeth beginning at a post standing on the North side of the way near Joseph Packards house for the south west Corner it being a Corner between the said Ephraim Howard and said Packard and from thence running North one degree and an half west forty eight rods to a stake standing in the edge of the meadow thence west one degree and an half north twenty rods to a stake thence North forty rods to two elm trees

marked and standing in the range between Samuel Lothrop's meadow and said Ephraim Howard's meadow thence east twenty eight rods to a stake standing in the North range of said Ephraim Howard's meadow thence east twenty eight rods to a stake standing in the Meadow thence east one degree and half south fifty eight rods and twelve feet to a stake and stones thence south one degree and an half east forty eight rods to a stake and stones standing on the north side of the way and thence west one degree and an half north sixty six rods and twelve feet to the bounds first mentioned; and that the said Ephraim before his the said Seth's aforesaid possession had by his deed Conveyed the said twenty seven acres to the said Seth and his heirs, and the said Ephraim Howard was at the date of the first mentioned deed Lawfully seized in fee, of the said twenty

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[326v]

twenty seven acres, and had no right to sell the same to the said George and his heirs; and so his Covenant aforesaid hath not kept, but broken: To the damage of the said George as he saith the sum of three hundred pounds. At which said Inferiour Court Judgment was rendered, upon the demurer there, that the s<sup>d</sup>: defendant Recover against the plant. George Howard Costs. Both Parties now appeared, and said demurer being wav'd, and issue joined, the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Ephraim Howard Recover against the said George Howard Costs taxed at £

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Leech ~~vs~~ Bosworth

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Benanuel Leech of Bridgwater in the County of Plimouth Husbandman  
Appellant ~~vs~~ Jonathan Bosworth of said Bridgwater Housewright Appellee,  
from the Judgment of an Inferiour Court of Common Pleas held Plimouth in



and for the County of Plymouth on the first Tuesday of October last, when and where the Appellant was plant, and the appellee was def<sup>f</sup>. In a plea of trespass &C<sup>a</sup>. (as in the Writ tested the 17<sup>th</sup>. day of September last, on file, at large appears) At which said Inferiour Court Judgment was Rendered, that the said Jonathan Bosworth Recover against the said Benanuel Leech Cost of Court. The parties Appeared, and the appellant confessed Judgment for Costs. It's therefore Considered by the Court that the said Jonathan Bosworth Recover against the said Benanuel Leech, Costs taxed at £

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Barker ~~vs~~ Hatch

&gt;&gt;

Prince Barker of Pembroke in the County of Plymouth Yeoman Plant ~~vs~~ David Hatch of Boston in the County of Suffolk Yeoman Defendant. On a Writ of Scire Facias to shew Cause &C<sup>a</sup>, (as in the Writ tested the twenty second day of March last, on file, at large appears). The Plaintiff Appeared in Court, but the defendant, altho' solemnly called to come into Court did not appear but made default. It is therefore Considered by the Court that the said Prince Barker Recover against the said David Hatch the Money sued for, being seven pounds fourteen shillings and eleven pence Lawful Money of this Province Debt, and Costs taxed at £2.7.5

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Ex'co'n Iss<sup>d</sup>.

21. July 1762

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White ~~vs~~ Sears

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Samuel White of Taunton in the County of Bristol Esq<sup>f</sup>. Complainant ~~vs~~ David Sears of Middleborough in the County of Plymouth Gentleman The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Plymouth in and for the County of Plymouth on the first Tuesday of October

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327

[327r]

October last, he Recovered Judgment against the said David for the sum of £3.14.2 damage, and Costs of suit; from which Judgment the said David Appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Samuel White Recover against the said David Sears the sum of three pounds sixteen shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £3.16.6

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Ex'co'n Issued

27<sup>th</sup>. May 1762.

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Leonard ~~vs~~ Cook

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Elkanah Leonard of Middleborough in the County of Plimouth Esq<sup>r</sup>. Compl<sup>t</sup>.  
~~vs~~ Abiel Cook of Tiverton in the County of Newport and Colony of Rhode Island &C<sup>a</sup>.  
 Yeoman Executor of the last Will and Testament of John Cook late of said Tiverton Yeoman deceased. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the third Tuesday of July last, he Recovered Judgment against the said Abial Exe'cor as aforesaid, for sixteen pounds 10s/. Lawful Money damage, and Costs of suit. from which Judgment the said Abiel Appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Elkanah Leonard Recover against the Estate of the said John Cook dec'ed, in the hands of the said Abial Cook Executor as aforesaid, the sum of sixteen pounds ten shillings Lawful Money of this Province,

Damage, and Costs taxed at £3.10.9

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Ex'co'n Issued

14. Aug. 1762.

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Hill ~~vs~~ Munro

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David Hill of Bridgwater in the County of Plymouth Cordwainer Compl<sup>t</sup>.  
~~vs~~ Henry Munro of Pembroke in the County of Plymouth Innholder. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Plymouth in and  
 for the County of Plymouth on the first Tuesday of January last, he Recovered  
 Judgment against the s<sup>d</sup>. Henry for the sum of £15.14.6. Lawful Money dam<sup>a</sup>.  
 and Costs of suit. from which Judgment the said Henry appealed to this Court  
 and Recognized with sureties according to Law to prosecute the same with Effect  
 but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
 with Additional Interest and Costs. It's therefore Considered by the Court that the  
 said David Hill Recover against the said Henry Munro the sum of Fifteen pounds  
 nineteen shillings and ten pence, Lawful Money of this Province, Damage, &  
 Costs taxed at £3.13.10

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Ex'c'on Issued

19. May. 1762

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Bates v Buker

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Joseph Bates of Hanover in the County of Plymouth Yeoman Compl<sup>t</sup>. ~~vs~~  
 Richard

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[327v]

Richard Buker of Pembroke in the County of Plimouth Bricklayer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the third Tuesday of July last, he Recovered Judgm<sup>t</sup>. against the said Richard for the sum of £2.13.5. Lawful Money damage and Costs of suit, from which Judgment the said Richard appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>: Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the the said Joseph Bates Recover against the said Richard Buker the sum of two pounds fourteen shillings and ten pence Lawful Money of this Province damage, and Costs taxed at £3.13.0

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Ex'c'on Issued

27<sup>th</sup>. May 1762.

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Burrell ~~vs~~ Turrell

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John Burrell of Abington in the County of Plimouth Cordwainer Compl<sup>t</sup>. ~~vs~~ Isaac Tirrell of Braintree within the County of Suffolk Labourer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Plimouth in & for the County of Plimouth on the third Tuesday of July last, he Recovered Judgm<sup>t</sup>. against the said Isaac for the sum of £5.8.0. Lawful Money damage and Costs of suit; from which Judgment the said Isaac appealed to this Court, and recognized with sureties according to Law to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Burrell Recover against the said Isaac Tirrell the sum of Five pounds eight shillings Lawful Money of this Province Damage, and Costs taxed at £

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Reed ~~vs~~ Richmond

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Hannah Reed of Middleborough in the County of Plimouth Spinster as she is Administratrix of the Estate of John Reed late of said Middleborough Husbandman dec'd. Complainant ~~vs~~ Christopher Richmond of said Middleborough Cordwainer The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Plim<sup>o</sup>. in and for the County of Plimouth on the third Tuesday of July last, she Recovered Judgment against the said Christopher for the sum of £5.5.2. Lawful Money debt, [x] and Costs of suit. from which Judgment the said Christ<sup>o</sup>. appealed to this Court and recognized with Sureties according to Law to prosecute the same with Effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Hannah Reed Adm<sup>x</sup>. as aforesaid, Recover against the said Christopher Richmond the sum of five pounds eight shillings and four pence Lawful Money of this

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[328r]

this Province Debt, and Costs taxed at £

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Culnon ~~vs~~ Stevens

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Cornelius Culnon of Albany in the County of Albany and Province of New York Trader Compl<sup>t</sup>. ~~vs~~ Simeon Stevens of Worcester in the County of Worcester Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Plimouth in and for the County of Plimouth on the first Tuesday of April last, he Recovered Judgment against the said Simeon for the sum of £13.2.6. Lawful Money damage, and Costs of Suit. from which Judgment the said Simeon appealed to this Court and recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore

Considered by the Court that the said Cornelius Culnon recover against the s<sup>d</sup>:  
Simeon Stevens, the sum of thirteen pounds two shillings and six pence Lawful  
Money of this Province Damage, and Costs taxed at £7.17.4.

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Ex'c'on Issued

10<sup>th</sup>. June 1762.

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Order on Dillingham's Petition

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Upon Reading the Petition of Ann Dillingham of Middleborough Adm<sup>x</sup>. of the  
Estate of Paul Dillingham late of said Middleborough dec'ed. Wherein the petitio<sup>r</sup>.  
shew'd that the personal Estate of the said deceased amounts to the sum of Eighty  
four pounds seventeen shillings and four pence: and the Debts due from said  
deceased's Estate amount to the sum of one hundred and ten pounds eighteen  
shillings and ten pence; so that there is a ballance, due from said Estate over and  
above the amount of the whole personal Estate of twenty six pounds one shilling  
and six pence, without any deduction made for necessaries for the widow, and  
what further charge there may be to compleat the settling her account of  
Administration and for Charge of Administring &C<sup>a</sup>.. Ordered that the Prayer  
of this Petition be granted. And that the said Ann Dillingham (in her said  
Capacity) be and hereby is Impowered to make Sale of fifty six pounds worth  
of the Real Estate of the said Paul Dillingham dec'ed, for the Ends aforesaid  
(such as will be least prejudicial to the whole) as pray'd for. the Petitio<sup>r</sup>. to pass  
and execute a good Deed or Deeds in the Law for the Conveyance thereof, the Petitio<sup>r</sup>.  
to post up Notifications thirty days before the Sale and account with the Judge of  
Probate for said County, as the Law directs.

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Order on Rider's Pet<sup>o</sup>.

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Upon Reading the Petition of Rebeckah Rider of Plimouth in the County  
of Plimouth Widow Administratrix on the Estate of her husband Charles Rider late of

said Plymouth Mariner deceased, Wherein the Petitioner shew'd that the said Estate is greatly insolvent; and therefore she pray'd that she might be enabled to make sale of the whole of the real Estate of said Deceased (her right of Dower excepted) that the produce thereof might be applied for the payment of his Debts.

Ordered

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[328v]

Ordered that the prayer of this Petition be Granted, and that the said Rebeckah Rider (in her said Capacity) be and hereby is Impowered to make Sale of the real Estate of the said deceased for the ends aforesaid, as prayed for. and to pass and execute a good deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Hammond's Pet<sup>o</sup>.

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Upon reading the Petition of Rowland Hammond of Plimton in the County of Plimouth Yeoman, Administrator of all and singular the goods Chattles, rights and Credits of Bonum Nye late of Plimton aforesaid Husbandman deceased, Wherein the Petitioner shew'd that the Estate of said Deceased is Insolvent; therefore the petitioner prayed that he might be impowered to make Sale of all the said deceased's real Estate for the payment of his Debts, so far as the same will extend. Ordered that the prayer of this Petition be granted, and that the said Rowland Hammond (in his said Capacity) be and hereby is Impowered to make Sale of the real Estate of the said Bonum Nye, for the end aforesaid as pray'd for; and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate for said County (for the produce thereof) as the Law directs.

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Order on Howard Pet<sup>o</sup>.

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Upon reading the Petition of Abner Howard of Bridgwater in said County Yeoman Guardian to Ezra Howard of said Bridgwater a person non compos mentis Wherein the petitioner shew'd that by a list of debts exhibited into the probate office for said County it appears that said Ezra's Debts amount to sixty six pounds thirteen shillings and four pence more than his personal Estate will pay, and the petitioner is called upon (in said Capacity) to pay the same and expects to be sued The Petitioner therefore prayed this Court to Impower him to make sale of Seventy pounds worth of the said Ezra's Real Estate to enable him to pay the same and charges and for his further support. Ordered that the prayer of this Petition be granted, and that the said Abner Howard (in his said Capacity) be and hereby is Impowered to make of Seventy pounds worth of the said deceased's Real Estate for the Ends aforesaid, (such as will least prejudice the whole) as prayed for. And to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate for said County as the Law directs.

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Order on White's Pet<sup>o</sup>.

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Upon Reading the Petition of Gideon White and Joanna White Executors of

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[329r]

of the last will and Testament of John Lothrop late of Plimouth in the County of Plimouth Gent. deceased. Wherein the Petitioner shew'd that the Estate of said Deceased is Insolvent, & therefore they pray'd that they might be Impowered to make Sale of all the said deceased's real Estate for the payment of his debts so far as the same will extend. Ordered that the prayer of this Petition be granted, and that the said Gideon White and Joanna White (in their said Capacity) be and hereby are Impowered to make Sale of the real Estate



of the said deceased, for the Ends aforesaid as pray'd for, and to pass and execute a good deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Harlow's Petition

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Upon Reading the Petition of Lois Harlow, as she is Admx. of the Estate of Amariah Harlow late of Plimouth Mariner dec'ed. Wherein the Petitioner shew'd that said deceased's personal Estate is insufficient to pay his debts by the sum of £38.8/. she therefore pray'd this Court to Impower her to sell £45. worth of his real Estate where it could best be spared for payment of his debts and the Charges of Sale. Ordered that the prayer of this Petition be granted, and that the said Lois Harlow (in her said Capacity) be and hereby is Impowered to make Sale of forty five pounds worth of the real Estate of the said Deceased for the Ends aforesaid (such part thereof as will least prejudice the whole) as pray'd for the Petitioner to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, and to post up Notifications thirty days before the Sale, and account with the Judge of Probate of said County, as the Law directs.

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Order on Green's Pet<sup>o</sup>.

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The Petition of Joseph Green et al for division of land, as on file; Allow'd.

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Order on Bartlets Petition

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Upon reading the Petition of Solomon Bartlet Adm'or of the Estate of Benj<sup>a</sup>. Bartlet late of Plimouth deceased. wherein the Petitioner shew'd That the personal Estate of y<sup>e</sup>. said Benjamin Barlet dec'ed, is insufficient to pay his debts the sum of £121.9/. The Petitioner therefore prayed this Court to Impower him to sell £125. worth of said Deceased's real Estate where it could best be spared for payment of said Debts, and the Charges of the sale. Ordered that the prayer

of this Petition be granted, and that the said Solomon Bartlet (in his said Capacity) be and hereby is Impowered to make Sale of one hundred and twenty five pounds worth of the Real Estate of the said dec'd for the Ends afores<sup>d</sup>. (such as will be least Prejudicial to the whole) as pray'd for. and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the petitioner. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County as the Law directs.

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Order on Jacob's Pet<sup>o</sup>.

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Upon Reading the Petition of Seth Jacob of Pembroke in the County of Plimouth Yeoman, he being appointed Administrator on the Estate of Nathaniel Backer late of Pembroke dec'd, by the Honorable John Cushing Esq; Judge of Probate of Wills and Letters of Administration for the County of Plimouth &<sup>a</sup>. Wherein the petitio<sup>r</sup>. shew'd that the said Estate being rendered Insolvent, and there not being sufficient for the dischargeing of the debts due from said deceased's Estate: The petitioner therefore pray'd this Court to Impower her to sell the whole Real Estate of the said deceased. Ordered that the prayer of this Petition be granted, and that the said Seth Jacob (in his said Capacity) be and hereby is Impowered to make Sale of the real Estate of the said dec'd for the Ends aforesaid, as pray'd for. and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the Sale, and account with the Judge of Probate for said County (of the produce thereof) as the Law directs.

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Order on Paddock's Petition

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Upon Reading the Petition of Zachariah Paddock of Middleborough in the County of Plimouth Cordwainer Adm<sup>r</sup>. on the Estate of Joseph Fenno late of said Middleboro

Husbandman deceased. Wherein the Petitioner shew'd That said Estate is Insolvent and therefore pray'd this Court to Impower him to make Sale of all the said deceased's Real Estate for the payment of his Debts so far as the same will extend. Ordered that the prayer of this Petition be granted; And that the said Zachariah Paddock (in his s<sup>d</sup>. Capacity) be and hereby is Impowered to make Sale of the Real Estate of the said deceased, for the Ends aforesaid as prayed for. And to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge for said County (for the Produce thereof) as the Law directs.

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Order on Gould's Pet<sup>o</sup>.

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Upon Reading the Petition of Samuel Goold of Pembroke in the County of Plim<sup>o</sup>. Yeoman Adm<sup>r</sup>. of all and singular the Goods, Chattles, rights, and Credits of Samuel Russell late of said Pembroke Husbandman; Wherein the Petitioner shew'd that the Estate of said dec<sup>'ed</sup> is Insolvent, and therefore pray'd this Court to Impower him to make Sal of all the real Estate of the said deceased for the payment of his debts so far as the same will extend. Ordered that the prayer of this Petition be granted, and that the said Samuel Goold (in his said Capacity) be and hereby is Impowered to make Sale of the Real Estate of the said deceased for the Ends Aforesaid, as prayed for, and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of probate of said County (for the produce thereof) as the Law directs.

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Adjornm<sup>t</sup> without day.

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plymouth April 30. 1762. The Court entred up Judgment according to the Verdicts and then the Court was Adjourned without day.

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Province of the} Anno Regni Regis Georgii tertii magnæ  
Massachusetts Bay} Britanniae Franciæ et Hiberniæ secundo  
Barnstabless}

At his Majesty's Superiour Court of Judicature Court of  
Assize and General Goal Delivery held at Barnstable  
within the County of Barnstable and for the Counties of  
Barnstable and Dukes County, on the first Tuesday of  
May (being the 4<sup>th</sup>. day of said Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq<sup>r</sup>. Chief Justice

Benjamin Lynde}

John Cushing} Esquire's Justices

Chambers Russell}

Peter Oliver}

The Attorney General being absent, the Court appoint James Otis Esq;  
to act in his stead at this Term.

The Names of the Grand and Petit Jurors present, Impanel'd and sworn,  
are in Writing; on file.

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Little Exc'x vs Otis Adm'or

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Abigail Little of Pembroke in the County of Plimouth Widow Executrix to  
the last Will and Testament of Isaac Little late of Pembroke aforesaid Esq; deceased  
Appellant vs John Otis of Barnstable in the County of Barnstable Gentleman  
Administrator of all and singular the Goods, Chattles, rights and Credits of John  
Otis late of said Barnstable Esq; deceased Appellee, from the Judgment of an Inf<sup>r</sup>.  
Court of Common Pleas held at Barnstable in and for the County of Barnstable  
on the third Tuesday of March AD 1761. when and where the Appellee was plant  
and the appellant was def<sup>r</sup>. In a plea of trespass &C<sup>a</sup>. (as in the Writ tested the 26<sup>th</sup>.  
day of February AD 1760. on file, at large appears) at which said Inferiour

Court Judgment was rendered, that the Administrator John Recover against the Executrix Abigail the sum of twenty five pounds three shillings and four pence Lawful Money, and two pounds eleven shillings and six pence Costs of Suit. This Appeal was brought forward at the last term of this Court for this County, when and where both Parties appeared, and Refer'd this Action, and all demands between them in their said Capacities, to Thomas Foster Esq; Perez Tilson, and Ebenezer Spooner, the determination of said Referees, or of any two of them, to be final; And then said Appeal was Continued to this Court under that rule: And now both Parties Appeared, And

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[330v]

and said Referees made Report in Writing under their hands as on file, which was and accepted and pursuant thereto. It's Considered by the Court that the said John Otis Administrator as aforesaid, Recover against the Estate of the Isaac Little dec'd, in the hands of the said Abigail Little Executrix as aforesaid, the sum of eleven pounds one shilling and four pence Lawful Money of this Province damage, and Costs taxed at £5.3.6.

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Ex'c'on iss<sup>d</sup>.

21. Oct<sup>r</sup>. 1762.

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Dotey ~~vs~~ Knowles

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Thomas Dotey of Boston in the County of Suffolk Esq; Appellant ~~vs~~ Samuel Knowles of Eastham in the County of Barnstable Gentleman Appellee from the Judgment of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March AD 1761. when and where

the Appellee was plant, and the appellant was def<sup>r</sup>. In a plea of Trespass upon the Case & C<sup>a</sup>. (as in the Writ tested the 18<sup>th</sup>. day of February AD 1761. on file, at large appears) At which said Inferiour Court Judgment was rendered, that the plant Recover against the defendant the sum of twelve pounds and twelve shillings damage, and Costs of suit. This appeal was bro't forward at the last term of this Court for this County and then Continued to this Court by Consent: and now both Parties appeared, and the Appellant became Nonsuit; It's therefore Considered by the Court that the said Samuel Knowles (who pray'd costs) Recover against the said Thomas Dotey Costs taxed at £1.4.10

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Ex'c'on issued

21. Oct<sup>r</sup>. 1762

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Wing ~~vs~~ Nye

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John Wing of Sandwich in the County of Barnstable Yeoman son of Edward Wing sen<sup>r</sup>. of said Sandwich Yeoman Appellant ~~vs~~ Lott Nye of said Sandwich Yeoman appellee, from the Judgment of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of September AD 1760. when and where the appellee was plant and the appellant was def<sup>r</sup>. In a plea of partition for that whereas the said Lott and John hold together as tenants in Common and undivided (in their demesne as of fee) a Certain tract of land and beach in Sandwich aforesaid, containing nine acres and is [^bounded^] Northerly by the sea, Easterly by the lands of Lemuel Nye, Westerly by the lands of the said Edward Wing, and Southerly from a Rock in the south east Corner of said nine acres and thence Westerly across said Land to a stake sett in the ground by Edward Wings land. Whereof it appertains unto the said Lott to hold four acres & an half, part of the said Nine acres of the said Land and beach; and unto the said John to hold the remainder of the said nine acres to be held by them in severalty so that the said Lott the said four acres and an half [^from^] the said John severally may possess and improve, and the said John the (said) other four acres and an half of said Nine acres from the said Lott may also severally possess and improve, but the said

John

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[331r]

John tho' often requested partition according to the form of his Majesty's Province Law in that case made and provided, to make, utterly refuses and denies; which is to the damage of the said Lott Nye as he saith the sum of twenty pounds. [^At which said Inferiour Court Judgment was Rendered upon the pleadings there, that the plant Recover against the deft the sum of twenty pounds dam<sup>a</sup>. and Costs of Suit.^] This Appeal was bro't forward at the last term of this Court for this County, and then Continued to this Court by Consent; And Now both Parties Appeared, and the said John (by James Hovey Esq; his Attorney) defended &C<sup>a</sup>. and said that at the time of the purchase and service of the Original Writ, he did not hold the premisses in the Writ described as Tenant in Common with the plant upon which Issue was Joined and the Case After a full hearing was committed to Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Partition of the land as in the Writ is demanded and Costs. It's therefore Considered by the Court that the said Lott Nye Recover against the said John Wing Partition of the Land described as aforesaid and as demanded in the Writ, and Costs taxed at £2.18.3.

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Ex'c'on issued

22 Oct<sup>r</sup>. 1762.

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Cozens ~~vs~~ Mayhew

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John Cozens of Edgartown in the County of Dukes County Innholder appellant ~~vs~~ Mathew Mayhew of said Edgartown Boatbuilder Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Edgartown in and for said County of Dukes County, on the first Tuesday of March AD 1761. when and where the Appellee was plant. and the Appellant was def<sup>t</sup>. In a plea of Ejectment

wherein the said Mathew demands against the said John the Possession of about one hundred and twenty acres of land and its appurtenances lying and being in Edgartown aforesaid and att a place commonly called Sanchcantackett or farm neck and is part of the sixteenth share or lot in the Allotment or division of the said Land of said Sanchacantackett or farm neck in said Edgartown, said division bearing date Anno Dom: seventeen hundred and ten-eleven, said part of said sixteenth lot being bounded on the Northerly side by the fifteenth share in said division and to take its breadth from the southerly side of said fifteenth share fifty six rods or thereabouts to a hole in the ground and from said hole in the ground on the North west & by west line until it comes to Isaac Norton jun<sup>r</sup>. of said Edgartown's fence until it meets with said fifteenth share, and says that one Thomas Mayhew late of said Edgartown Gentleman upon the sixteenth day of March in the year of our Lord sixteen hundred and eighty one being seized in his demesne as of fee of one dwelling house in said Edgartown, with the house lot containing forty acres more or less with the meadows thereunto Adjoining as likewise all and singular Dividends Divisions out lands meadows with all and singular the rights, titles, priviledges, and appurtenances to the said home lot belong. being and appertaining whether divided to be divided, or in common, in s<sup>d</sup>. Town

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[331v]

Town, and being so seized thereof, by his deed of gift of that date and in Court to be produced gave the same to his Grandson Mathew Mayhew of the same Town of Edgartown aforesaid, which same Mathew was great grandfather to the plant Mathew to him and the heirs [<sup>^</sup>male<sup>^</sup>] of his body Lawfully begotten forever, by force of which gift Mathew the great grandfather of the plant became seized of the s<sup>d</sup>. dwelling house, houselot, dividends, divisions, and commons divided or undivided and all the premisses aforesaid with their appurtenances as an Estate Tail, and held and Improved the same until on or about the sixth day of April 1710. and died seized thereof, and after the death of the same Mathew by the form of the Gift aforesaid the premisses with their appurtenances descended to Mathew Mayhew of Edgartown aforesaid Grandfather to the plant and



son and heir of the said Mathew grandson to said Thomas Mayhew the first Grantor, which same Mathew Grandfather of the plant as aforesaid, After the death of his father Entered into the premisses with their appurtenances and held the same quietly until the twentieth day of April AD 1720. and then died seized of the same intail as aforesaid, and after the death of the said Mathew grandfather of the plant the same premisses and Appurtenances by the form of the gift aforesaid, descended to Micajah Mayhew of Edgartown aforesaid Father to the plant son and heir of Mathew who was son of Mathew the grandson of Thomas the first Grantor of said Premisses which same Micajah After the death of his father aforesaid, viz. on the twentieth of April 1720. Entered into the same premisses with their Appurtenances and held the same quietly until the fourteenth day of April AD 1760. and then died seized of the same intail as aforesaid, and after the death of the said Micajah, the same premisses and appurtenances by the form of the gift aforesaid, descended to Mathew the plant as Eldest son and heir of the said Micajah and he ought to be in possession of the same, yet Never: :theless the said John hath Entered into the said one hundred and twenty acres aforementioned and described, and unjustly holds the plant out of the same to the damage of the said Mathew Mayhew as he saith, the sum of five hundred pounds. At which said Inferiour Court Judgment was Rendered, that the said Mathew Mayhew recover against the said John Cozens the possession of the land sued for, and Costs of Suit. This Appeal was bro't forward at the last term of this Court for this County, and thence Continued to this Court by Consent; and now both Parties Appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath, that is to say, they find for the appellant reversion of the former Judgment and

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and Costs. It's therefore Considered by the Court that the former Judgment be Reversed,

and that the said John Cozens Recover against the said Mathew Mayhew Costs taxed at £6.17.8

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Ex'c'on iss<sup>d</sup>:

26. July. 1762.

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Gorham jun<sup>r</sup>. vs Thacher

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Ebenezer Gorham jun<sup>r</sup>. of Barnstable in the County of Barnstable Mariner Appellant vs Elisha Thacher of Barnstable in the County of Barnstable Gentleman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the first Tuesday of December Last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case, for that whereas the plant is a person of good Name and a married man and has been married for more than a year, and was never Guilty or suspected of the crime of Adultery all which the def<sup>t</sup>. was well knowing but minding to ruin the reputation of the plant, did at Barnstable aforesaid, on the seventeenth day of September last, Malitiously speak and with a loud voice publish of and concerning the plant the following false and scandalous words to wit, Ebenezer Gorham, meaning the plant, is an Adulterer, Ebenezer Gorham lyes with Isaac Davis's Wife every night, Isaac Davis's Wife is a whore and more of a Wife to Ebenezer Gorham than to her husband, tho' speaking of which words is to the damage of the said Ebenezer Gorham jun<sup>r</sup>. as he saith the sum of five hundred pounds. At which said Inferiour Court Judgment was rendered that the said Elisha Thacher Recover against the said Ebenezer Gorham jun<sup>r</sup>. the sum of One pound and eleven shillings, Costs of Suit. Both Parties now appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellant reversion of the former Judgment ten pounds Lawful money damage, and Costs Its therefore Considered by the Court that the former Judgment be reversed and that the s<sup>d</sup>. Ebenezer recover against s<sup>d</sup>. Elisha the Sum of ten pounds lawfull money of this Province damage and costs taxed at £8.9.2.

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Covel ~~vs~~ Nickerson

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James Covel of Chatham in the County of Barnstable Yeoman [x]

[<sup>^</sup>as he is Treasurer of the Town of Chatham aforesaid Appellant<sup>^</sup>] ~~vs~~ William Nickerson of said Chatham Yeoman Appellee, from the [x] Judgm<sup>t</sup>.

of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March Last, when and where the Appell<sup>t</sup>. was plant, and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case and is for that the said William at Chatham aforesaid on the 14<sup>th</sup>. day of April 1756. by his Note of hand of that date for Value Rec<sup>d</sup>ed promised to pay to the said James in his said Capacity the sum of six pounds fourteen shillings and two pence ½. Lawful Money on demand with Interest for the same till paid, yet the said William hath not paid the same tho' often Requested but Neglects to do it. To, the

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[332v]

the damage of the said James Covell (as he in his said Capacity saith) the sum of Eight Pounds At which said Inferiour Court Judgment was rendered that the said William Nickerson recover against the said James Covell the sum of seventeen shillings and six pence Costs of suit. Both Parties Appeared, and the plea in Abatement (on file) being overruled, the appellee by his Attorney Confessed Judgment for the money sued for, being three pounds seven shillings and three pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the said James Covel Treasurer as aforesaid, Recover against the said William Nickerson the sum of three pounds seven shillings and three pence Lawful Money of this Province Damage, and Costs taxed at £3.16.1.

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Ex'c'on issued

2<sup>nd</sup>. June 1762.

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Hammond vs Webiquish

&gt;&gt;

John Hammond Jun<sup>r</sup>. Paul Hammond, Japhet Turner all of Falmouth in the County of Barnstable Whale-Fishermen and Yeomen, and Isaiah Price of said Falmouth Cordwainer Appellants vs Noah Webiquish of Mashpee in the County of Barnstable Labourer Appellee, from the Judgment of an Inferiour Court of Common pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March last, when and where the Appellee was plant, and the appellants were deft<sup>s</sup>. In a plea of Trespass and is for that the said John, Paul Japhet, and Isaiah, at Falmouth aforesaid on the second day of June last past, with force and Arms did make an Assault on him the said Noah and then and there threw him down on the ground, and him did beat bruise and wound; and on the same second day of June aforesaid, at Falmouth aforesaid, they the said John, Paul, Japhet, and Isaiah made another Assault on the said Noah and with force as aforesaid, and with Cords bound the said Noah hand and foot and forceably carried him on board a sloop then riding at anchor at Falmouth aforesaid whereof one Peter Pease was master and there detained him on board the same Sloop against his will a prisoner for the space of ten days and until said Sloop had made one trip out a whaleing in the deep before the said Noah could gain his liberty again and other outrages the said John Paul Japhet, and Isaiah on him the said Noah then and there committed Contrary to Law and against the Peace, and to the damage of the said Noah Webiquish as he saith, the sum of Fifty pounds. At which said Inferiour Court Judgment was rendered, that the said Noah Webiquish recover against the said John Hammond jun<sup>r</sup>. Paul Hammond, Japhet Turner, and Isaiah Price, the sum of fifty pounds in damages, and Costs of suit. Both Parties Appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for Isaiah Price one of the Appellants Costs against the appellee, and for the appellee two pounds Lawfull Money damage, and Costs against the other appellants.

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[333r]

Appellants. It's therefore Considered by the Court that the said Isaiah Price recover against the said Noah Webiquish Costs taxed at £

And that the said Noah Webiquish recover against the said John Hammond jun<sup>r</sup>. Paul Hammond, and Japhet Turner the sum of two pounds Lawful Money of this Province damage, and Costs taxed at £

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Pease et al<sup>s</sup>. vs Wright

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Peter Pease and Jabez Wheeldon both of Edgartown in the County of Dukes County Mariners John Eldridge of Sherborn in the County of Nantuckett Mariner, John Hammon jun<sup>r</sup> Paul Hammond, and Japhet Turner, all of Falmouth in the County of Barnstable Whale fishermen and Yeoman, and Isaiah Price of said Falm<sup>o</sup>. aforesaid Cordwainer Appellants vs Timothy Wright jun<sup>r</sup>. of Mashpee in the County of Barnstable Labourer Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March last, when and where the Appellee was plant and the Appellants were defendants, In a plea of trespass and is for that the said Peter Pease, Jabez Wheeldon, John Eldridge, John Hammond, Paul Hammond, Japhet Turner and Isaiah Price at Falmouth aforesaid, on the second day of June last past with force and arms did make an assault on him the said Timothy Wright jun<sup>r</sup>. and then and there they threw him down on the ground and did beat, bruise and wound him so that his life was dispaired of, and on the same day, at s<sup>d</sup>: Falmouth they the said Peter Pease, Jabez Wheeldon, John Hammon, John Eldridge, Paul Hammond, Japhet Turner, and Isaiah Price with force as aforesaid, a second assault made on said Timothy and with cords bound the s<sup>d</sup>. Timothy hand and foot and forceably carried him on board the sloop then riding at anchor at Falmouth aforesaid, which the said Peter Pease was master of, and there detained him on board the same sloop against his will (a prisoner until they had made one trip out a whaleing in the deep) for the space of ten days, before he could gain his Liberty again & other outrages

the said Peter Pease, Jabez Wheeldon, John Eldridge, John Hammond, Paul Hammond, Japhet Turner, and Isaiah Price on him the said Timothy then and there committed Contrary to Law and against the Kings Peace, and To the damage of the said Timothy Wright jun<sup>r</sup>. as he saith, the sum of sixty pounds. At which said Inferiour Court Judgment was rendered that the said Timothy Wright jun<sup>r</sup>. Recover against the said Peter Pease, Jabez Wheeldon, John Eldridge, John Hammond jun<sup>r</sup>, Paul Hammond, Japhet Turner, and Isaiah Price the sum of sixty pounds in damages, and Costs of suit. Both Parties appeared, and the Case After a full hearing was co'mitted T\to a Jury sworn according to Law to try the same who Returned their Verdict therein

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[333v]

therein upon Oath that is to say, they find for the said Isaiah one of the appellants Costs against the appellee, and for the Appellee four pounds Lawful Money damage, and Costs against the other appellants. It's therefore Considered by the Court that the said Isaiah Price recover against the said Timothy Wright jun<sup>r</sup>. Costs taxed at £ And that the said Timothy Wright jun<sup>r</sup>. recover against the said Peter Pease, Jabez Wheeldon, John Eldridge, John Hammond jun<sup>r</sup>. Paul Hammond, and Japhet Turner, the sum of Four pounds Lawful Money of this Province damage, and Costs taxed at £

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Lumbard ~~vs~~ Dulap

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Elihu Lumbard of Barnstable in the County of Barnstable Innholder Appellant ~~vs~~ James Dulap of said Barnstable Blacksmith Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of trespass upon the Case for that the said Elihu is and always was a man of Sober Life and

Conversation and in good Esteem among all the Kings leige people and clear of all Malicious designs and intentions of hurting or abusing any person either in body or Estate, or of committing any crimes worthy of Banishment from Christian society and he has carried on the business of a licenced Innholder in his dwelling house in Barnstable aforesaid for more than ten years last past with good Credit and esteem among all the Kings good subjects and especially their useing his said house and with great profit to him the said Elihu yet the said James not being Ignorant of the premisses but being minded to bring the said Elihu into disgrace and contempt and to put his Customers and all other the Kings leige People in fear of him and also in fear of tradeing with him and of useing his house as [^a^] common Inn and to hurt him in his Character and in his business of an Innkeeper as aforesaid, the said James did in the hearing of divers of the Kings people at Barnstable aforesaid on the seventeenth day of February last past, Maliciously speak and publish false scandalous and opprobrious english words of and concerning the s<sup>d</sup>: Elihu (viz.) speaking to the said Elihu (you) meaning the plant are a cheating Rogue (you) meaning the plant was sold and banisht from Nantucket being such a Devillish rogue, you was not fit to live among men And that the Inhabitants of Nantucket sold you off the Island of Nantuckett as a pest to society and by means of his the said James speaking and publishing the false scandalous and opprobrious words of and concerning him the said Elihu as aforesaid he has been brought into disgrace and Contempt among the Kings

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[334r]

Kings liege subjects and his good name Character and Reputation thereby greatly Lessen'd and scandalized, he also has by means thereof been greatly hurt in transacting his said business of an Innholder and that caused divers honest worthy persons who before that time used his house as an Inn now wholly refuse to use the same or to have any dealing or commerce with him the said Elih: his said business of Innholding from whence is worse and hath damages to the amount of two hundred pounds,

At which said Inferiour Court Judgment was rendered that the said James recover against the said Elihu his Cost of suit. Both Parties now Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the the same who Returned their Verdict therein upon Oath, that is to say, they find for the appellant reversion of the former Judgment six shillings Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Elihu Lumbard recover against the said James Dulap the sum of six shillings Lawful Money of this Province Damage, and Costs being £0.6.0

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Knowles ~~vs~~ Dotey

&gt;&gt;

Samuel Knowles of Eastham in the County of Barnstable Gentleman Complainant ~~vs~~ Thomas Dotey of Boston in the County of Suffolk Esq; The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Barnstable in and for the County of Barnstable on the third Tuesday of March AD 1761. he Recovered Judgment against the said Thomas for the sum of £12.12.0 Lawful Money damage, and Costs. from which Judgment the said Thomas appealed to the last term of this Court for this County, from which Court the same Appeal was Continued to this Court by Consent: but now the said Thomas fail'd to prosecute the same as he recognized to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with the Additional Costs. It's therefore Considered by the Court that the s<sup>d</sup>. Samuel Knowles Recover against the said Thomas Dotey the sum of twelve pounds twelve shillings Lawful Money of this Province damage, and Costs taxed at £4.14.6

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Ex'c'on issued

21. Oct<sup>r</sup>. 1762.

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Doane ~~vs~~ Prince

&gt;&gt;



Elisha Doane of Eastham in the County of Barnstable Merchant Compl<sup>ts</sup>.  
 vs Christopher Prince of Boston in the County of Suffolk Mariner. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Barnstable in &  
 for the County of Barnstable on the third Tuesday of September last, he Recovered  
 Judgment against the said Christopher for the sum of £217.7.10 debt, and  
 Costs. from which Judgment the said Christopher appealed to this Court and  
 Recognized with sureties according to Law to prosecute the same with Effect  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>.  
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[334v]

with additional Interest and Costs. Its therefore Considered by the Court that the said Elisha  
 Doane Recover against the said Christopher Prince the sum of two hundred and twenty five  
 pounds fourteen shillings and [^a^] penny Lawful Money of this Province Debt, and Costs  
 taxed at £4.19.8

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Ex'c'on issued

2<sup>nd</sup>: June 1762.

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Knowles vs Done

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Cornelius Knowles of Liverpool in the County of Lunenburg Yeoman (as he is the  
 same person who was late Cornelius Knowls of Chatham in the County of Barnstable  
 Yeoman) Complainant vs Sarah Doane of Chatham aforesaid Widow. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common pleas held at Barnstable in and for the  
 County of Barnstable on the third Tuesday of September last, wh Recovered Judgm<sup>t</sup>.  
 against her for the sum of £17.18.3 damage, and costs of suit; from which Judgm<sup>t</sup>.  
 the said Sarah appealed to this Court, and Recognized with sureties according to  
 Law to prosecute the same with Effect but failed so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Interest and Costs. It's

therefore Considered by the Court that the said Cornelius Knowls recover against the said Sarah Doane the sum of Eight pounds four shillings Lawful Money of this Province Damage, and Costs taxed at £

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Order on Crocker's Pet<sup>o</sup>.

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Upon reading the Petition of Cornelius Crocker of Barnstable Administrator on the Estate of John Dexter late of Yarmouth in the County of Barnstable Blacksmith dec<sup>'ed</sup>, Intestate represented insolvent. Wherein the Petitioner shew'd that the personal Estate of the said deceased falls short of paying the debts of said deceased and charges of Administration and necessary implements of house holdstuff allowed the Widow fifteen pounds one shilling and seven pence and the whole of the real Estate of said deceased was appraized at no more than Eighteen pounds. The Petitioner therefore pray'd this Court to empower him in his said Capacity; to make sale of the whole real Estate (reserving the Widows Interest therein) to enable him to pay said Deceased's just debts and to execute a good and sufficient Deed or Deeds in the Law for Conveyance thereof. Ordered that the prayer of this Petition be granted, and that the said Cornelius Crocker (in his said Capacity) be and hereby is Impowered to make Sale of the real Estate of the said John Dexter dec<sup>'ed</sup> for the ends aforesaid as pray'd for, and to pass and execute a good Deed or Deeds for Conveyance thereof, in Law; the Petition. to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Mayo's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Nathaniel Mayo of Eastham Yeoman, sole Executor of the last will and Testament of Nathaniel Mayo late of Eastham afores<sup>d</sup>: Yeoman deceased. Wherein the Petitioner shew'd that the personal Estate of said deceased

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[335r]

deceased falls short of paying the debts due from said deceaseds estate and necessaries for house keeping allowed the widow and charge of Administration the sum of thirty pounds and the whole real Estate of said deceased was apprizd at no more than thirty one pounds one shilling and eight pence. The Petitioner therefor pray'd this Court to empower him in his said Capacity to make sale of the whole of said Real Estate (reserving the widows interest) to enable him to pay said deceased's debts so far as the same wou'd extend, and to execute a good deed or Deeds in the Law for Conveyance thereof. Ordered that the prayer of this Petition be granted, and that the said Nathaniel Mayo (in his said Capacity) be and hereby is empowered to make Sale of the real Estate of the said Nathaniel Mayo dec'ed, [^(excepting as aforesaid)^] for the ends aforesaid, as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Bray's pet<sup>o</sup>.

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Upon reading the Petition of William Bray sole Administrator on the Estate of Thomas Bray late of Yarmouth in the County of Barnstable seafaring man dec'ed. Wherein the Petitioner shew'd that the personal Estate of said deceased's falls short of paying the deced's just debts and charges of Administration the sum of forty three pounds nine shillings and ten pence, & the whole of the real Estate was appraized at no more than fifty four pounds twelve shillings and four pence. The Petitioner therefore pray'd this Court to empower him (in his said Capacity, to make sale of the whole of said real Estate to enable him to pay the said deceased's just debts and to execute a good and sufficient Deed or Deeds in the Law for Conveyance of the same. Ordered that the prayer of this Petition be granted, and that the said William Bray in his said capacity, be and hereby is empowered to make sale of the real Estate of the said deceased for the Ends aforesaid as pray'd for. and to pass and execute a good deed or deeds in the Law for Conveyance thereof: the petitioner to post up Notifi<sup>as</sup>. thirty days before the sale, and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Hall's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Joseph Hall sole Administrator on the estate of Amos Okilley of Yarmouth in said County lately deceased: Wherein the petitioner shew'd that the whole of the Estate of said deceased both real and Personal ( exclusive of the Widows dower and charge of Administration) is insufficient to pay the said deceaseds just debts. The Petitioner therefore pray'd this Court to Impower him (in his said Capacity) to make sale of the whole real Estate of s<sup>d</sup>. dec'ed (reserving the widows interest) to enable him to pay the said deceaseds debts. and to execute a good and sufficient deed or Deeds in the Law for conveying the same, Ordered

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[335v]

Ordered that the prayer of this Petition be granted, and that the said Joseph Hall Administrator as aforesaid be and hereby is Impowered to make sale of the real Estate of the said dec'ed (saving the Widows Interest therein) for the ends aforesaid as pray'd for; and to pass and execute a good deed or Deeds in the Law for Conveying the same; the petitio<sup>n</sup>. up Notifi- :cations thirty days before the sale and account with the Judge of probate for said County (of the produce thereof) as the Law directs.

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Order on Killey's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Hannah Killey sole Administratrix on the Estate of Silvanus Killey late of Yarmouth in said County dec'ed: Wherein the Petitioner shew'd that the personal Estate of said deceased falls short of paying the just debts of said deceased and charges of Administration the sum of thirty six pounds 15/6. and the whole of the real Estate of said deceased was appraised at no more than thirty three pounds and ten shillings. The Petitioner therefore pray'd this Court to impower her (in her said Capacity) to make sale of the whole of the real Estate to enable her to pay said

deceaseds debts so far as the same will pay (exclusive of the Widows Interest) and to give sufficient deed or Deeds in the Law for Conveying the same. Ordered that the prayer of this petition be granted, and that the said Hannah Kelley, Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of the real Estate of the said deceased: for the Ends aforesaid (excepting as afore Excepted) as pray'd for. and to pass and execute a good deed or deeds in the Law for Conveyance thereof the petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Swift's Pet<sup>o</sup>.

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Upon reading the Petition of Moses Swift Sole Administrator on the Estate of Silas Gifford late of Falmouth in the County of Barnstable dec'ed. Wherein the Petitioner shew'd that the Estate of the said dec'ed is insolvent and insufficient to pay the debts due from the same, and the charge of Adminstration. The petitioner therefore pray'd this Court to Impower him to make sale of the real Estate of the said dec'ed to enable him to pay said deceased's debts so far as the same will pay and to execute a good and sufficient deed or deeds in the Law for Conveyance thereof. Ordered that the prayer of this Petition be granted, and that the said Moses Swift (in his said Capacity) be and hereby is Impowered to make Sale of the real Estate of the said dec'ed for the Ends aforesaid, as pray'd for: and to pass & Execute a good deed or deeds in the Law for Conveyance thereof. the petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Dexters Pet<sup>o</sup>.

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Upon reading the Petition of Tamer Dexter sole Adm<sup>x</sup>. on the Estate of Phillip

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[336r]

Phillip Dexter late of Falmouth in the said County of Barnstable Yeoman dec'd. Wherein the Petitioner shew'd that the personal Estate of said dec'd falls short of paying the debts due from said Estate necessarys allow'd the Widow and charges of Administration the sum of two hundred and five pounds and two shillings. The Petitioner therefore pray'd this Court to Impower her (in her said Capacity) to make sale of so much of the real Estate of said deceased as to enable her to pay said sum of two hundred and five pounds and two shillings; and to Execute a good and sufficient deed or deeds in the Law for Conveyance thereof. Ordered that the prayer of this Petition be granted and that the said Tamer Dexter (in her said Capacity) be and hereby is Impowered to make sale of two hundred and ten pounds worth of the real Estate of the said deceased, for the Ends aforesaid (such as will least prejudice the whole) as pray'd for: and to pass and Execute a good deed or deeds in the Law for Conveyance thereof; the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Order on Stone's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Nathaniel Stone Esq; sole Administrator on the Estate of John Sayler late of Harwich in the County of Barnstable Yeoman dec'd; Wherein the Petitioner shew'd that in the year 1748. the Estate of said dec'd was Represented Insolvent and the whole of said Estate (except one third of the real Estate) paid the Creditors no more than five shillings and two pence on the pound on their respective Debts and the Widow of s<sup>d</sup>. deceased is lately deceased: The Petitioner therefore pray'd this Court to Impower him to make sale of the real Estate which she held in dower during her life, in order to enable him to pay of the Creditors to said Estate so far as the same will pay and to execute a good and sufficient deed or Deeds in the Law for Conveying the same. Ordered that the prayer of this Petition be granted, and that the said Nathaniel Stone (in his said Capacity) be and hereby is Impowered to make sale of said Real Estate for the Ends aforesaid, as pray'd for: and to pass and execute a good deed or deeds in the Law for Conveyance thereof; the petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Snow's Pet<sup>o</sup>.

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Upon reading the Petition of Joseph Snow sole Administrator on the Estate of Joseph Now late of Harwich in the County of Barnstable dec'd; Wherein the petiti<sup>r</sup>. shew'd that the personal Estate of said dec'd falls short of paying the s<sup>d</sup>. deceaseds debts, charge of Administration, and Necessaries allow'd the Widow one hundred thirty eight pounds twelve shillings and ten pence. The Petitioner therefore pray'd this Court to Impower him (in his said Capacity) to make sale of so much of the real Estate of said dec'd, as to enable him to pay him to pay said sum, & to execute a good and sufficient deed or deeds in the Law for Conveyance thereof

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[336v]

thereof. Ordered that the prayer of this Petition be granted, and that the said Joseph Snow (in his said Capacity) be and hereby is Impowered to make Sale of one hundred & forty five pounds worth of the real Estate of said deceased, for the Ends aforesaid (such as will least prejudice the whole) as pray'd for and to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate of said County, as the Law directs.

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Order on Butler's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of John Butler of Tisbury in the County of Dukes County. Wherein the Petitioner shew'd that he is administrator to the Estate of John Beotle late of Edgartown in said County of Dukes County deceased, who upon examination finds said Estate to be insolvent; and therefore pray'd this Court

to licence him to sell the real Estate of said deceased. Ordered that the prayer of this Petition be granted; and that the said John Butler Adm'or as aforesaid, be and hereby is Impowered to make sale of the real Estate of the said deceased, for the Ends aforesaid, as pray'd for: and to pass and Execute a good deed or deeds in the Law for Conveyance thereof, the petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate of said County, (for the produce thereof.) as the Law directs.

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Fosters Petition allow'd

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The Petition of Nathan Foster for division of land, as on file; Allow'd.

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Barnstable May [<sup>4</sup>th. ^] 1762. The Court entered up Judgment According to the verdicts and then the Court Adjourned without day.

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[337r]

Province of the } Anno Regni Regis Georgii tertii magnæ  
Massachusetts Bay } Britanniaë Franciæ et Hiberniæ secundo.  
Essex ss}

At his Majesty's Superiour Court of Judicature Court  
of Assize and General Goal delivery, held at Ipswich  
within and for the County of Essex on the second  
Tuesday of June (being the 8<sup>th</sup>. day of said Month)  
Annoq Domini 1762.

By the honourable Thomas Hutchinson Esq<sup>r</sup>. Chief Justice.  
Benjamin Lynde }

John Cushing }

Chambers Russell et}



Peter Oliver }

The names of the Grand and Petit Jurors present Impannelled and sworn are in writing as on file.

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Procter ~~vs~~ Ridden

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Jeremiah Procter of Marblehead in the County of Essex Shoreman Appellant ~~vs~~ Benjamin Riddan of said Marblehead Fisherman Appellee, from the Judgment of an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March AD 1761. when and where the Appellant was plant and the appellee was def<sup>t</sup>. In a plea of the Case, for that the def<sup>t</sup>. at said Marblehead on the 9<sup>th</sup>. day of August AD 1759. hired of Received of the plant his horse and riding chair of the value of twenty pounds to ride with all from Marblehead to Topsfield in said County and back to said Marblehead, and then to be redelivered to the plant safe and sound within four days from the same day, all which the def<sup>t</sup>. then and there promised to do. accordingly; yet the def<sup>t</sup>. his said promise not regarding has not to the 12<sup>th</sup>. of December last returned said horse and chair safe and sound as aforesaid, but rode in said chair so negligently & used it so carelessly that the same was broken and torn in pieces, and the plant has lost the use and benefit of it ever since; To the damage of the said Jeremiah as he saith the sum of Nine pounds. At which said Inferiour Court Judgment was Rendered, upon the demurer there, that the def<sup>t</sup>. Benjamin Ridden, Recover against the plant Jeremiah Procter Cost of suit. This Appeal was brought forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Ipswich within and for the County of Essex on the second Tuesday of June last, whence the same was Continued, by Consent, to the

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[337v]

to the last term of this Court for this County, and from thence the same Appeal was

Continued to this Court, and now both Parties appeared, and the demurer afores<sup>d</sup>.  
 being waiv'd [^and issue join'd^] the case after a full hearing was Committed to a Jury sworn  
 according to Law to try the same who Returned their Verdict therein upon  
 Oath that is to say, they find for the appellee confirmation of the former  
 Judgment and Costs. It's therefore Considered by the Court that the s<sup>d</sup>.  
 Benjamin Ridden recover against the said Jeremy Procter Costs  
 taxed at £5.17.2.

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Ex'c'on issued

Jan<sup>ry</sup>. 11. 1763

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Branham ~~vs~~ Stickney et al<sup>s</sup>.

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Sarah Branham of Boston in the County of Suffolk Widow Appellant ~~vs~~  
 John Stickney Merchant, and William Stickney Shopkeeper both of Newbury  
 in the County of Essex Appellees, from the Judgment of an Inferiour Court of  
 Common Pleas held at Newbury in and for the County of Essex on the last  
 Tuesday of September last, when and where the Appellant was plant, and the ap'lees  
 were def<sup>ts</sup>. In a plea of Entry on Disseizin wherein she demands against the s<sup>d</sup>.  
 John and William the possession of a certain messuage with it's appurtenances in  
 Newbury aforesaid; containing in quantity about twenty five rods, with an  
 house barn and other buildings thereon and is bounded in the front southeasterly  
 on kings street fifty two feet, Southwesterly on the land of Cutting Noyes and  
 Benjamin Adams eight rods eleven feet, Northwesterly on the land of Edward  
 Swasy forty eight feet and one half, Northeasterly on land of Samuel Swasy and  
 Elizabeth Rich eight rods one foot. For that Robert Harris father to the demandant  
 in the time of peace in the thirteenth year of the reign of king George the second, was  
 seized of the demanded premisses in his demesne as of fee taking the Esplees.  
 thereof of the yearly value of ten pounds. And Afterwards in the same year died so  
 seized thereof intestate leaving Charles Harris, Robert Harris, William  
 Harris and the demandant his only children and heirs to whom the same  
 descended. and Afterwards in the twenty fourth year of the same reign the [^s<sup>d</sup>. ^] Charles

died intestate and without issue whereupon his purparty descended to the demandant and the same Robert and William as his brethren and heirs and afterwards in the twenty eighth year of the same reign the said William died intestate and without issue whereupon his purparty descended to the same Robert and the demandant as his brethren and heirs. and Afterwards in the thirty second year of the same reign the said Robert died intestate and without issue whereupon his purparty descended to the demandant as his Sister and sole heir whereby the dem[<sup>an</sup>]dant in manner aforesaid became intituled to the whole of the demanded premisses: and ought now to have the possession thereof; yet the said John and William Stickney have since unjustly and, without

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Image 412-Right

338.

[338r]

without Judgment entered on the demanded premisses disseized her thereof and still unjustly deforce her of the same To the damage of the said Sarah as she saith the sum of ten pounds; at which said Inferiour Court Judgment was rendered, that the said John Stickney and William Stickney recover against the said Sarah Bramham Costs of Court. This Appeal was bro't forward at the last term of this Court County, and Continued to this Court by Consent; And now both Parties appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say they find for the Appellees Costs. It's therefore Considered by the Court that the said John Stickney and William Stickney recover against the said Sarah Bramham Costs taxed at £5.4.11

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Ex'c'on iss<sup>d</sup>.

2. Oct<sup>r</sup>. 1762.

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Hart ~~vs~~ Hobby

&gt;&gt;

Moses Hart Appellant ~~vs~~ Jonathan Hobby Appellee

Neither party Appeared.

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M<sup>ci</sup>ntere ~~vs~~ Fuller

&gt;&gt;

Benjamin M<sup>ci</sup>ntire Appellant ~~vs~~ Timothy Fuller Appellee.

This Action is agreed, see referees Report on file.

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Carder ~~vs~~ Peach

&gt;&gt;

Joseph Carder of Marblehead in the County of Essex Shoreman Appellant ~~vs~~  
 Thomas Peach of said Marblehead Gentleman Appellee, from the Judgment of an  
 Inferiour Court of Common Pleas held at Newbury in and for the County of  
 Essex on the last Tuesday of September last, when and where the Appellee was plant  
 and the Appellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 15<sup>th</sup>. day of Sept<sup>r</sup>.  
 last, on file, at large appears) At which said Inferiour Court, Judgment was render'd  
 that the said Thomas Peach recover against the said Joseph Carder Eleven pounds  
 three shillings and nine pence Lawful Money damage, and Costs of suit. This  
 appeal was bro't forward at the last term of this Court for this County, when and where  
 the Parties appeared, and refer'd this Action to Benjamin Marston, Isaac Mansfield,  
 and Benjamin Stacey jun<sup>r</sup>, viz. this Action and all demands between the said Cader in his  
 private Capacity, and as Executor of the testament of his late father Joseph Cader dec'd  
 and the said Peach: and then said Appeal was continued to this Court no report  
 being made; And Now both Parties appeared, and said Referees madeReport  
 to the Court in Writing under their hands, as on file, and pursuant to the same  
 Report which was read and accepted; It's Considered by the Court that the s<sup>d</sup>.  
 Joseph Carder Recover against the said Thomas Peach the sum of four pounds  
 eight shillings and a penny Lawful money damage, and Costs taxed at £

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Blanchard ~~vs~~ Frothingham

&gt;&gt;

Joshua Blanchard of Boston in the County of Suffolk Merchant,  
Appellant

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Image 413-Left

[338v]

appellant ~~vs~~ Benjamin Frothingham of Newbury in the County of Essex Glazier  
 appellee, from the Judgment of an Inferiour Court of Common pleas held at Ipswich  
 in and for the County of Essex on the last Tuesday of March last, when and where the  
 Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of the Case for that whereas  
 the said Joshua at Newbury aforesaid, on the nineteenth day of August last, owing  
 the plant the sum of four pounds nineteen shillings and one penny according to the acco<sup>t</sup>.  
 annexed to the writ then and there in consideration thereof promised the plant to  
 pay him same on demand; Yet the said Joshua tho' often requested has not paid  
 the same but unjustly denys to pay it To the damage of the said Benjamin  
 Frothingha'. as he saith the sum of ten pounds. At which said Inferiour Court  
 Judgment was render'd upon the pleadings there, that the said Benjamin  
 Frothingham Recover of the said Joshua Blanchard four pounds Nineteen shillings  
 and a penny money damage, and Costs of suit. Both Parties Appeared, and the  
 pleading at the Inferiour Court being waivd, the said Joshua (by O Thacker.  
 his Attorney) says he never promised in manner and form as the said Benjamin  
 declares and thereof put himself &C<sup>a</sup>: and the said Benjamin (by Daniel  
 Farnham Esq. his Attorney) did likewise. Issue being thus Joined the Case After a  
 full hearing was Committed to a Jury sworn according to Law to try the  
 same who Returned their Verdict therein upon Oath, that is to say, they find for  
 the appellee four pounds nineteen shillings and a penny Lawful money, damage  
 and Costs. It's therefore Considered by the Court that the said Benjamin  
 Frothingham recover against the said Joshua Blanchard the sum of four  
 pounds Nineteen shillings and a penny Lawful Money of this Province  
 Damage, and Costs taxed at £3.18.9

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no Ex'c'on issued

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Hawkes v procter

&gt;&gt;

Ebenezer Hawkes jun<sup>r</sup>. of Marblehead in the County of Essex Blacksmith  
 appellant vs Jonathan Procter of said Marblehead Merchant Appellee, from  
 the Judgment of an Inferiour Court of Common Pleas held at Ipswich in  
 and for the County of Essex on the last Tuesday of March last, when and  
 where the Appellant was plant and the appellee was def<sup>t</sup>. In a plea of the Case  
 for that the def<sup>t</sup>. at said Marblehead the first day of March last owing the plant Eight  
 pounds twelve shillings for sundries according to the account annexed to the Writ  
 promised the plant to pay him that sum on demand; Yet the def<sup>t</sup>. tho' Requested  
 has not paid it but denies it. And whereas also afterwards the same day there the  
 def<sup>t</sup>. in consideration that the plant had before that time at the def<sup>ts</sup>. request  
 supplied him with other Ironware as hooks, thimbles, staples, and diverse  
 other things made for and delivered to the def<sup>t</sup>. at his request promised the  
 plant to pay him for the same on demand, what they were reasonably  
 worth

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Image 413-Right

339.

[339r]

worth, which the plant saith was nine pounds and thereof the def<sup>t</sup>. had Notice but did  
 not pay the same tho' requested but still denies it To the damage of the said Ebenezer  
 as he saith the sum of Nine pounds; At which said Inferiour Court Judgment  
 was rendered that the said Jonathan Procter recover against the said Ebenezer  
 Hawkes Costs. The Appellant Appeared, but the Appellee Altho' solemnly called  
 to come into Court did not appear but made default; It's therefore Considered  
 by the Court that the said Ebenezer Hawkes jun<sup>r</sup>. recover against the said  
 Jonathan Procter the sum of four pounds nineteen shillings and nine pence  
 Lawful Money of this Province Damage, and Costs taxed at £4.5.10

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Ex'c'on iss<sup>d</sup>:

12. Oct<sup>r</sup>. 1762.

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Osgood ~~vs~~ Colman

>>

John Osgood Appellant ~~vs~~ Benjamin Colman Appellee

Neither Party appears.

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Ingalls ~~vs~~ Graly

>>

William Ingalls of a place called Pugniss in the Province of Nova Scotia  
Joiner Compl<sup>t</sup>. ~~vs~~ William Graley of Marblehead in the County of Essex Fisherman  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Salem in  
and for the County of Essex on the last Tuesday of December last, he Recovered  
Judgment against the said William Graley for the sum £6.10.8<sup>d</sup>. Lawful Money  
damage, and Costs; from which Judgment the said William Graly appealed to  
this Court and Recognized with Sureties according to Law to prosecute the same  
to effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
Judgment with Additional Costs. It's therefore Considered by the Court  
that the said William Ingalls recover against the said Willian Graly the  
sum of six pounds ten shillings and eight pence Lawful Money  
of this Province damage, and Costs taxed at £4.9.6.

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Ex'c'on issued

Aug. 13<sup>th</sup>. 1762.

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Morgan ~~vs~~ Patten

>>

Abigail Morgan of Newbury in the County of Essex Widow Complainant ~~vs~~  
Joseph Patten of a place called Ship Island in no Township but within the County of

Lincoln Esq. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last: she recovered Judgment against the said Joseph for the sum of £54.13.4 Lawful Money damage and Costs of suit; from which Judgment the said Joseph appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Abigail Morgan Recover against the said Joseph Patten the sum of fifty four pounds thirteen shillings and four pence Lawful Money of this Province damage, and Costs taxed at £6.7.0.

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Ex'c'on issued

20<sup>th</sup>. July 1762.

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Image 414-Left

[339v]

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Hook ~~vs~~ Arnold et al

&gt;&gt;

Jacob Hook of Salisbury in the County of Essex Yeoman Complainant  
~~vs~~ Thomas Arnold Innholder, and Nathaniel Dole Yeoman both of said Salisbury  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Ipswich  
 in and for the County of Essex on the last Tuesday of March last, he recovered Judgm<sup>t</sup>.  
 against them for the sum of £31.6.6. damage, and Costs of suit; from which  
 \*\*\*PAT START HERE\*\*\*

Judgment they appealed to this Court and Recogniz'd with sureties according  
 to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the  
 Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest &  
 Costs. It's therefore Considered by the Court that the said Jacob Hook  
 recover against the said Thomas Arnold, and Nathaniel Dole the sum of  
 thirty one pounds thirteen shillings and three pence Lawful Money of this



Province damage, and Costs taxed at £3.14.10

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Ex'c'on issued

20<sup>th</sup>. July 1762.

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Ayer ~~vs~~ Boardman

>>

Richard Ayer of Haverhill in the County of Essex Tanner Complainant ~~vs~~  
John Boardman of Newbury in the same County Shipwright. The Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of Common Pleas held at Ipswich in and for the County  
of Essex on the last Tuesday of March last, he recovered Judgment against the  
said John for the sum of £20.4.0 Lawful Money damage, and Costs of  
suit; from which Judgment the said John appealed to this Court. and Recogniz'd  
with sureties according to Law to prosecute the same with Effect but fail'd so to do.  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Interest and Costs. It's therefore Considered by the Court that the said  
Richard Ayer Recover against the said John Boardman the sum of twenty  
pounds eight shillings and six pence Lawful Money of this Province Damage  
and Costs taxed at £3.11.2

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Ex'c'on issued

July 20<sup>th</sup>. 1762.

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March ~~vs~~ Boyton

>>

John March of Newbury in the County of Essex Yeoman Complainant ~~vs~~  
James Boynton of Rowley in the same County Husbandman. The Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of common Pleas held at Ipswich in and for the  
County of Essex on the last Tuesday of March last, he recovered Judgment against  
the said James for the sum of £2.18.0 damage, and Costs of suit; from which

Judgment the said James appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John March recover against the said James Boynton the sum of two pounds eighteen shillings Lawful Money of this Province Damage, and Costs taxed at £3.6.0

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Ex'c'on issued

July 20<sup>th</sup>. 1762.

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Micah

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Image 414-Right

340.

[340r]

&lt;&lt;

Hodge v Arnold

&gt;&gt;

Micah Hodge of Salisbury in the County of Essex Shipwright Complainant ~~vs~~ Thomas Arnold of said Salisbury Innholder. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March Last, he Recovered Judgment against the said Thomas for the sum of £32.0.8d. damage, and Costs of suit; from which Judgment the said Thomas Appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Micah Hodge recover against the said Thomas Arnold the sum of thirty two pounds five shillings and five pence Lawful Money of this Province damage, and Costs taxed at £3.11.4

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Ex'c'on issued

July 11<sup>th</sup>. 1762.

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Hughes ~~vs~~ Boardman

&gt;&gt;

Samuel Hughes of Boston in the County of Suffolk Merchant Complainant  
~~vs~~ John Boardman of Newbury in the same County of Essex Shipwright. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Salem in and for the  
 County of Essex on the last Tuesday of December last, he recovered Judgment  
 against the said John for the sum of £17.11.11 damage, and Costs of suit; from  
 which Judgment the said John appealed to this Court and Recogniz'd with sureties  
 according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore  
 Considered by the Court that the said Samuel Hughes recover against the said John  
 Boardman the sum of Eighteen pounds, and three pence Lawful Money of this Province  
 Damage, and three pounds seventeen shillings and four pence Lawful Money of this  
 Province Costs.

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Ex'c'on issued

20<sup>th</sup>. July 1762.

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Weed ~~vs~~ Woodbridge

&gt;&gt;

Sarah Weed of Newbury in the County of Essex Widow Administratrix of all  
 the Estate that belonged to John Weed late of said Newbury in the same County  
 Yeoman deceased intestate, Complainant ~~vs~~ Joseph Woodbridge of said Newbury  
 Yeoman and boat-builder. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
 common pleas held at Ipswich in and for the County of Essex on the last Tuesday of  
 March last, she recovered Judgment against the said Joseph for the sum of £2.6.11  
 damage, and Costs of suit; from which Judgment the said Joseph appealed to this  
 Court and Recogniz'd with sureties according to Law to prosecute the same with effect  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with

Additional Interest and Costs. It's therefore Considered by the Court that the said Sarah Weed Adm<sup>x</sup>. as aforesaid recover against the said Joseph Woodbridge the sum of two pounds seven shillings and five pence Lawful Money of this Province damage, and £3.6.10

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Ex'c'on issued

20<sup>th</sup>. July 1762.

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Benj<sup>a</sup>.

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[340v]

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Knight ~~vs~~ Tomson

&gt;&gt;

Benjamin Knight oJun<sup>r</sup>. of Newbury in the County of Essex Shipwright Complainant Nathaniel Thomson of Durham in the Province of New Hampshire Ship builder and Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he recovered Judgment against the said Nathaniel for the sum of £23.8.0 Lawful Money damage, and Costs of suit; from which Judgment the said Nathaniel appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Benjamin Knight jun<sup>r</sup>. recover against the said Nathaniel Thomson the sum of twenty three pounds eight shillings Lawful Money of this Province damage, and Costs taxed at £3.9.7.

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Ex'c'on issued

20<sup>th</sup>. July 1762.

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Breed vs Watts

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Joseph Breed of Marblehead in the County of Essex Blacksmith Compl<sup>t</sup>.  
vs Richard Watts of Chelsea in the County of Suffolk Gentleman. The Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of Common Pleas held at Salem in and for the County of  
Essex on the last Tuesday of December last, he recovered Judgment against the said  
Richard for the sum of £9.16.6 damage and Costs of suit; from which Judgment  
the said Richard appealed to this Court and Recogniz'd with sureties according  
to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
pray'd Affirmation of said Judgment with Additional Interest and Costs. It's  
therefore Considered by the Court that the said Joseph Breed recover against  
the said Richard Watts the sum of ten pounds four shillings and 9<sup>d</sup>. Lawful  
Money of this Province damage, and Costs taxed at £3.8.0.

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Ex'c'on issued

June 17<sup>th</sup>. 1762.

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Tucker vs Reed

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Andrew Tucker of Marblehead in the County of Essex Mariner Compl<sup>t</sup>.  
vs Richard Reed of said Marblehead Esq; The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>.  
Court of Common Pleas held at Ipswich in and for the County of Essex on the  
last Tuesday of March last, he recovered Judgment against the said  
Richard Reed for the sum of £72.16.9. damage, and Costs of suit; from  
which Judgment the said Richard appealed to this Court and recognized  
with sureties according to Law to prosecute the same with effect but fail'd so to do:  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
[x] Costs. It's therefore Considered by the Court that the said  
Andrew Tucker recover against the said Richard Reed the sum of Seventy  
two pounds sixteen shillings and 9<sup>d</sup>. Lawful Money of this Province Damage,  
and £3.12.8.

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Ex'c'on issued

June 24<sup>th</sup>. 1762.

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Gerry ~~vs~~ Reith

>>

Thomas Gerry of Marblehead in the County of Essex Merchant Complainant  
against

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Image 415-Right

341.

[341r]

against Richard Reith of said Marblehead Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he recovered Judgment against the said Richard for the sum of £687.7.8 ¼. Debt, and Costs of suit; from which Judgment the said Richard appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Gerry recover against the said Richard Reith the sum of six hundred ninety four pounds seven shillings and four pence Lawful Money of this Province Debt and Costs taxed at £4.15.2

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Ex'c'on issued

June 15<sup>th</sup>. 1762.

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Hooper ~~vs~~ Foster

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Robert Hooper of Marblehead in the County of Essex Esq<sup>r</sup>. Complainant  
~~vs~~ Joshua Foster of Marblehead aforesaid Taylor. The Compl<sup>t</sup>. shew'd that at an

Inferiour Court of common pleas held at Salem within and for the County of Essex on the last Tuesday of December last, he recovered Judgment against the said Joshua for the sum of £44.7.0. damage and Costs of suit; from which Judgment the said Joshua appealed to this Court and recogniz'd with Sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Robert Hooper recover against the said Joshua Foster the sum of forty five pounds eight shillings Lawful Money of this Province Damage, and Costs taxed at £4.7.10.

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Ex'c'on issued

July 9<sup>th</sup>. 1762.

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Kimball ~~vs~~ Somes

&gt;&gt;

Joshua Kimball of Marblehead in the County of Essex Wigg-maker Compl<sup>t</sup>. ~~vs~~ William Somes of Gloucester in the same County Cooper. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Ipswich in the County of Essex on the last Tuesday of March last, he recovered Judgment against the said William for the sum of £9.5.10 damage, and Costs of suit; from which Judgment the said William appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Joshua Kimball recover against the said William Somes the sum of Nine pounds seven shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £

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Swasey ~~vs~~ Cummings

&gt;&gt;

Nathaniel Swasey of Salem in the County of Essex Cooper Compl<sup>t</sup>. ~~vs~~ William Cummings of said Salem Fisherman. The Compl<sup>t</sup>. shew'd that at an

Inferiour Court of common pleas held at Salem in and for the County of Essex

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[341v]

Essex on the last Tuesday of December last, he recovered Judgment against the said William for the sum of £5.14.2 Lawful Money damage, and Costs; from which Judgment the William appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect but, fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Nathaniel Swasey recover against the said William Cummings the sum of five pounds fourteen shillings and two pence Lawful Money of this Province damage, and Costs taxed at £3.1.5

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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Britton ~~vs~~ Tucker

>>

David Britton of Salem in the County of Essex Hatter Complainant ~~vs~~ Andrew Tucker of Marblehead in said County Mariner. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he recovered against the said Andrew for the sum of £64.19.6. Debt, and Costs of suit; from which Judgment he appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said David Britton recover against the said Andrew Tucker the sum of sixty four nineteen shillings and six pence. Lawful Money of this Province Debt, and Costs taxed at £3.18.8.

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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Hale jun<sup>r</sup>. vs Perkins

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Abner Hale jun<sup>r</sup>. of Boxford in the County of Essex Yeoman Compl<sup>t</sup>. vs Timothy Perkins of Middleton in said County Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last; he recovered Judgment against the s<sup>d</sup>. Timothy for the sum of £10.12.9. damage; and Costs of suit; from which Judgment the said Timothy appealed to this Court; and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said Abner Hale jun<sup>r</sup>. recover against the said Timothy Perkins the sum of ten pounds fifteen shillings and a penny Lawful Money of this Province Damage, and Costs taxed at £3.9.8.

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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Breeden vs Breed

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Jacob Bredeen of Lynn in the County of Essex Blacksmith Complainant Joseph Breed of Marblehead in said County Blacksmith. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he recovered Judgment against the said

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[342r]

said Joseph for the sum of £2.2.0. damage, and Costs of suit; from which Judgm<sup>t</sup>. the said Joseph appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Jacob Breeden recover against the said Joseph Breed the sum of two pounds two shillings Lawful Money of this Province Damage and Costs taxed at £3.12.7.

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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Hawkes ~~vs~~ Dampney

>>

Adam Hawkes of Lynn in the County of Essex Yeoman Complainant ~~vs~~ John Dampney of Salem in the said County Victualer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common Pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he Recovered Judgment against the said John for the sum of £6.3.10 Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but faild so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Interest and Costs. It's therefore Considered by the Court that the said Adam Hawkes recover against the said John Dampney the sum of six pounds six shillings and two pence Lawful Money of this Province Damage, and Costs taxed at £3.13.8

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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Patch ~~vs~~ Spiller

&gt;&gt;

John Patch of Ipswich in the County of Essex Yeoman Complainant ~~vs~~ Joseph Spiller of Newbury in the County of Essex Tailer. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he recovered Judgment against the said Joseph for the sum of £4.1.0 Lawful Money damage, and Costs of suit; from which Judgment the said Joseph appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Patch [x] recover against the said Joseph Spiller the sum of four pounds two shill<sup>s</sup>. and a penny Lawful Money of this Province Damage, and Costs taxed at £2.17.8

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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&lt;&lt;

Upton ~~vs~~ Gilbert

&gt;&gt;

Ezra Upton of Danverse in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~ Daniel Gilbert of Salem in the County of Essex Victualler. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Ipswich in and for the County of Essex on the last Tuesday of March last, he Recovered Judgment against the said Daniel

&lt;duplicates previous&gt;

&lt;duplicates following&gt;

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[342v]

Daniel for the sum of £4.15.4. Lawful Money damage, and Costs of suit; from which Judgment the said Daniel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Ezra Upton recover against the said Daniel Gilbert the sum of four pounds fifteen shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.8.7.

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Ex'c'on issued

June 16<sup>th</sup>. 1762.

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Bradley ~~vs~~ Lankaster

&gt;&gt;

Samuel Bradley of Haverhill in the County of Essex Shopkeeper Compl<sup>t</sup>. Samuel Lankaster of Methuen in the County of Essex Labourer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common Pleas held at Salem in and for the County of Essex on the last Tuesday last; he recovered Judgment against the said Lankaster for the sum of £9.6.3. Lawful Money damage, and Costs of suit; from which Judgment the said Lankaster appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Samuel Bradley recover against the said Samuel Lankaster the sum of Nine pounds Nine shillings and three pence Lawful money of this Province Damage, and Costs taxed at £3.6.8.

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Ex'c'on issued

July 5<sup>th</sup>. 1762.

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Bradley ~~vs~~ Webster

&gt;&gt;

Samuel Bradley of Haverhill in the County of Essex Shopkeeper Compl<sup>t</sup>.  
~~vs~~ Grant Webster of Salisbury in the same County Shopkeeper. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common Pleas held at Ipswich in  
 and for the County of Essex on the last Tuesday of March last, he Recovered  
 Judgment against the said Grant for the sum of £19.11.6. Lawful Money  
 damage, and Costs of suit, from which Judgment the said Grant  
 Appealed to this Court and Recogniz'd with sureties according to Law to  
 prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Costs. It's  
 therefore Considered by the Court that the said Samuel Bradley.  
 recover against the said Grant Webster the sum of Nineteen pounds eleven  
 shillings and six pence half penny Lawful Money of this Province  
 Damage, and Costs taxed at £3.12.0

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Ex'c'on issued

June 12<sup>th</sup>. 1762.

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Osgood ~~vs~~ Reed

&gt;&gt;

Thomas Osgood of Andover in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~  
 Israel Reed of Woburn in the County of Middlesex Husbandman. The Compl<sup>t</sup>.  
 shew'd

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[343r]

shew'd that at an Inferiour Court of Common pleas held at Salem in and for the County of Essex on the last Tuesday of December last, he recovered Judgment against the said Israel for the sum of £3.16.11. damage, and Costs of suit; from which Judgment the said Israel appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Addito<sup>l</sup> Interest and Costs. It's therefore Considered by the Court that the said Thomas Osgood recover against the said Israel Reed the sum of three pounds eighteen shillings and ten pence Lawful Money of this Province, and Costs taxed at £3.11.0

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Ex'c'on issued

12 June 1762

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Order on Sargent's Pet<sup>o</sup>.

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Upon reading the Petition of Hannah Sargent Alias Stevens Administratrix of the Estate of her late husband Timothy Sargent late of Almsbury dec'd Intestate Wherein the petitioner shew'd that the debts against said Estate amount to twenty Nine pounds one shilling and six pence more than all his personal Estate will pay: The petitioner therefore pray'd this Court to Impower her to make Sale of thirty two pounds worth of said Intestates real Estate (where it will least prejudice the same) for payment of the Debt aforesaid and other debts yet due. Ordered that the prayer of this Petition be granted; and that the said Hannah Sargent alias Stevens be and hereby is Impowered to make Sale of thirty two pounds worth of the real Estate of said Deceased (such as will be least Prejudicial to the whole) for the Ends aforesaid as pray'd for; and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the petitioner to post up notifications thirty days before the sale and account with the Judge of probate for said County as the Law directs.

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Order on Downing's Pet<sup>o</sup>.

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Upon reading the Petition of Mary Downing Administratrix of the Estate of her husband Samuel Downing late of Manchester dec'd Intestate. Wherein the petitioner shew'd that the debts due from the said deceased's Estate. Wherefore the petitioner Pray'd this Court to empower her to make sale of the whole of the said deceased's real Estate, being a small dwelling house and Land Adjoining, that so the same may be proportioned among his Creditors. Ordered that the prayer of this Petition be granted; And that the said Mary Downing (in her said Capacity) be and hereby is empowered to make sale of the Real Estate of said Deceased for the Ends as aforesaid, as pray'd for; And to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of probate of said County (for the produce thereof) as the Law directs.

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Order on Morrill's pet<sup>o</sup>.

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Upon reading the Petition of Henry Morrill Executor of the testament of his father Aaron Morrill late of Salisbury deceased. Wherein the petitioner shew'd that the debts against said Deceased's Estate amount to sixty one pounds and nine pence more than all his personal Estate will pay. The petitioner therefore pray'd this Court to empower him to sell sixty six pounds worth of the said deceased's real Estate (where least prejudicial) for the payment of said Debts. and other debts still due. Ordered that the prayer of this Petition be granted, and that the said Henry Morrill (in his said Capacity) be and hereby is Impowered to make Sale of sixty six pounds worth of the real Estate of the said dec'd for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; And to pass and Execute a Good Deed or Deeds in Law for Convey<sup>a</sup>.

thereof, the petitioner to post up Notifications thirty days before and acco<sup>t</sup>.  
with the Judge of probate for said County (as the Law directs.

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Order on Pilsberry's Petition

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Upon reading the Petition of Elizabeth Pilsberry Administratrix of  
the Estate of her husband Daniel Pilsberry late of Newbury deceased Intestate  
Wherein the Petitioner shew'd That the debts against the Estate of said deceased  
amount to seventy seven pounds 16/11 ½. more than all his personal Estate.  
The petitioner therefore pray'd this Court to Impower her to sell Eighty six  
pounds worth of said Deceased's real Estate (where it will least prejudice the  
same) for the payment of said Debts and sundry other still due. Ordered  
that the prayer of this Petition be granted; and that the said Elizabeth Pilsberry  
Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make Sale of Eighty six pounds  
worth of the real Estate of said deceased for the Ends aforesaid (such as will least  
prejudice the whole) as pray'd for; And to pass and execute a good Deed or Deeds  
in the Lands for Conveyance thereof. the petitio<sup>r</sup>. to post up Notifications thirty days  
before the sale and account with the Judge of Probate for said County as the  
Law directs.

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Order on Grove's Pet<sup>o</sup>.

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Upon reading the Petition of Peter Groves Guardian to Anna Elliot of  
Beverly in said County a person Non Compos Mentis. Wherein the Petitioner shew'd  
That the debts due from the Estate of the said Anna are £63.4.10. more than all  
her personal Estate will pay as by a Certificate hereto annexed as Appears.  
The Petitioner therefore pray'd this Court would give him power to sell so  
much of the real Estate of the said Anna as will discharge said Debts and  
six pounds 15/2 over. Ordered that the prayer of this Petition be Granted;  
and that the said Peter Groves in his said Capacity) be and hereby is  
Impowered to make sale of Seventy pounds worth of the real Estate of said  
Anna



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344.

[344r]

Anna for the Ends aforesaid (such as will least prejudice the whole) as pray'd for;  
And to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof.  
the Petiti<sup>o</sup>. to post up Notifications thirty days before the sale and account with the  
judge of probate of said County, as the Law direct.

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Order on West's Pet<sup>o</sup>.

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Upon reading the Petition of Ruth West Adm<sup>x</sup>. of the Estate of her Mother  
Mary Martin late of Beverly dec'ed Intestate. Wherein the Petitioner shew'd that  
the debts due from said Estate amount to twenty Nine pounds twelve shillings  
and four pence half penny more than all her personal Estate will pay.

The Petitioner therefore pray'd this Court to Impower her to make SWale of  
so much of said Deceased's real Estate (where it will least prejudice the  
same) as will the debts aforesaid, Discharge. Ordered that the prayer of  
this Petition be Granted; And that the said Ruth West (in her said Capacity)  
be and hereby is impowered to make sale of thirty three pounds worth  
of the real Estate of the said dec'ed for the Ends aforesaid (such as will  
least prejudice the whole) as pray'd for; the Petiti<sup>o</sup>. to pass and execute a  
good Deed or Deeds in the Law for Conveyance thereof, and to post up  
Notifications thirty days before the sale and account with the Judge  
of probate for said County, as the Law directs.

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Order on Curriers Pet<sup>o</sup>.

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Upon reading the Petition of Judeth Currier Adm<sup>x</sup>. of the Estate of her  
husband William Currier late of Almsbury dec'ed Intestate. Wherein the Petiti<sup>o</sup>.  
shew'd that the debts due from said Estate am<sup>o</sup>. to Nineteen pounds four shillings  
and Nine pence more than all his personal Estate will pay. The Petitioner

therefore pray'd this Court to empower her to sell so much of the real Estate (where it will least prejudice the same) as will be sufficient to pay the debts aforesaid.

Ordered that the prayer of this Petition be granted; and that the said Judeth Currier (in her said Capacity) be and hereby is Impowered to make sale of twenty two pounds worth of the real Estate of said dec'd for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and Execute a good deed or deeds in the Law for Conveyance thereof the petitio<sup>r</sup>. to post up Notifications thirty days before the sale and account with the Judge of probate for said County, as the Law directs.

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Order on Little's Pet<sup>o</sup>.

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Upon reading the Petition of Moses Little Executor of the testament of Peter Ordway late of Newbury dec'd. Wherein the Petitioner shew'd that the said debts due from the Estate of the said deceased amount to one hundred and ten pounds eight shill<sup>s</sup>. and ten pence more than all his personal Estate. And five acres of land which the said

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[344v]

said testator by his said Testament empowered the petitioner to sell: will pay Ordered; upon the Petitioners praying this Court to Impower him to sell so much of his said testators real Estate (where least prejudicial) as will pay said Debt; that the prayer of the petitioner be granted, And that the said Moses Little (in his said Capacity) be and hereby is Impowered to make sale of one hundred and fifteen pounds worth of the real Estate of said Deceased (for the Ends aforesaid such as will least prejudice the residue) as pray'd for; And to pass and Execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and Account with the Judge of Probate of said County, as the Law directs.

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Order on Bagley's Pet<sup>o</sup>.

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Upon reading the Petition of Mary Bagley Administratrix to Timothy Bagley late of Almsbury dec'ed. Wherein the Petitioner shew'd that the said debts due from the Estate of said Deceased are sixteen pounds seven shillings and two pence more than all his personal Estate as by Certificate from the probate office on file, appears. The petitioner pray'd this Court to grant her Liberty to sell so much of the real Estate of the deceased as to pay his just Debts. Ordered that the prayer of this Petition be granted; and that the said Mary Bagley Adm<sup>x</sup>. as aforesaid be and hereby is Impowered to make Sale of Nineteen pounds worth of the real Estate of said Dec'ed for the Ends aforesaid (such as will least Prejudice the whole) as pray'd for; And to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof the petitio<sup>r</sup>. to post up Notifications thirty days before the sale, and Account with the Judge of probate of said County, as the Law directs.

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Order on Grant's Pet<sup>o</sup>

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Upon reading the Petition of Francis Grant Administrator of the estate of Joshua Beans late of Salem in said County dec'ed. Wherein the petitioner shew'd that the debts due from said Estate amount to thirty three pounds five shillings and five pence three farthings more than all his personal Estate will pay. The Petitioner therefore pray'd this Court to empower him to sell so much of the said deceased's Real Estate (where it will least prejudice the same) as well pay the debt aforesaid. Ordered that the prayer of this Petition be granted; and that the said Francis Grant Adm<sup>or</sup> as aforesaid, be and hereby is empowered to make sale of thirty six pounds worth of the real Estate of the said dec'ed for the Ends as aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and execute a Good Deed or Deeds in the Law for Conveyance thereof, the Petitio<sup>r</sup>. to post up Notifications thirty days before the sale and account with the Judge of probate for said County, as the Law directs.

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Order on Knoulton's Petition

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Upon reading the Petition of Elizabeth Knowlton Adm<sup>x</sup>. of the Estate of her husband Abraham Knowlton late of Ipswich dec<sup>'</sup>ed Intestate. Wherein the petitio<sup>rs</sup>. shew'd that the debts against said Estate are one hundred and nine pounds two shillings and ten pence more than all the said deceased's personal Estate will pay. The petitioner therefore pray'd this Court to Impower her to make sale of the whole of the real Estate of the said deceased, consisting of a dwelling house and Land with other buildings in Ipswich all appraized at one hundred and thirty three pounds six shillings and eight pence (the petitioners Dower therein not excepted) that so the debts aforesaid may be discharged.

Ordered that the prayer of this Petition be granted; and that the said Eliz<sup>a</sup>. Knowlton (in her said Capacity) be and hereby is Impowered to make sale of the real Estate of said Deceased for the Ends aforesaid as pray'd for, and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>o</sup>n<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge for said County (for the produce thereof) as the Law Directs.

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Order on Gerrish's Petition

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Upon reading the Petition of Samuel Gerrish Guardian to Stephen Lavenuke of Newbury a person represented to be non compos mentis. Wherein the petitioner shew'd that the debts due from the Estate of the said Stephen Lavenuke amount to twenty two pounds one shillings and eleven pence half penny more than all his personal Estate will pay. Wherefore the Petitioner pray'd this Court to Impower him to sell twenty five pounds worth of the real Estate of said Stephen for

payment of the debt aforesaid and other debts yet due. Ordered that the prayer of this Petition be granted; and that the said Samuel Gerrish in his Capacity. be and hereby is Impowered to make sale of twenty five pounds worth of the real Estate of the said Stephen Lavenuke for the Ends aforesaid, (such part thereof as will least prejudice the residue) as pray'd for; the said Samuel Gerrish also to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, and to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County as the Law directs.

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Order on Steven's Pet<sup>o</sup>.

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Upon reading the Petition of John Stevens et al for division of Land Allow'd.

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Order on Low's Pet<sup>o</sup>.

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Upon reading the petition of Aaron Low Executor of the Testament of his father Thomas Low late of Ipswich deceased. Wherein the Petitioner shew'd, that

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that the debts against said Estate amount to twenty nine pounds sixteen shillings and nine pence three farthings more than all his personal Estate will pay. The Petitioner therefore pray'd this Court to Impower him to sell part of said deceased's real Estate (where it will least prejudice the same) to the amount of the debt aforesaid. Ordered that the Prayer of this Petition be granted; and that the said Aaron Low Executor as aforesaid, be and hereby is Impowered to make sale of thirty three pounds worth of the real Estate of said dec'd, for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and execute a good Deed or Deeds in the Law for Conveyance

thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate of said County, as the Law directs.

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Order on Boardman's Petition

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Upon reading the Petition of Thomas Boardman Guardian to Jacob Boardman of Ipswich a person represented Non Compos. Wherein the Petitioner shew'd that the debts against the Estate of the said Jacob Boardman amount to eight pounds sixteen shillings and five pence one farthing more than all his personal Estate will pay. The petitioner therefore pray'd this Court to Impower him to make Sale of so much of said Jacob's real Estate (where least prejudicial) as would pay the debt aforesaid, and &C<sup>a</sup>. Ordered that the prayer of this Petition be granted; and that the said Thomas Boardman (in his said Capacity) be and hereby by is Impowered to make Sale of twelve pounds worth of the real Estate of the said Jacob Boardman for the Ends aforesaid as pray'd for; the said Thomas to pass and Execute a Good Deed or Deeds in the Law for Conveyance thereof; the petitioner to post up notifications thirty days before the sale and account with the Judge of Probate for said County, as the Law directs.

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Ipswich June 17.. the Court enter'd up Judgment according to the Verdicts.

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Order on Perkins's pet<sup>o</sup>.

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Upon reading the Petition Mary Perkins, shewing that she is an Adm<sup>x</sup>.. on the Estate of her husband Nathaniel Perkins late of said Ipswich deceased intestate, and that the said Estate is in debt fifteen pounds eighteen shillings and two pence more than his personal Estate will pay as by a Certificate from the Court of probate in said County, on file, appears. The Petitioner, by her Attorney Daniel Giddinge, therefore pray'd said Court would grant her liberty to sell the real Estate of the said deceased, consisting of about twenty rods of land with a Blacksmith's shop, and a small frame for a house thereon in said Ipswich to enable her to discharge the debts of her husband as afores<sup>d</sup>.

Ordered that the prayer of this Petition be granted, and that the said Mary Perkins Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of the

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[346r]

the Real Estate of the said deceased for the Ends aforesaid as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate for said County (for the produce thereof) as the Law directs.

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Mooer's Indictment

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The Jurors for our Sovereign Lord the King for the Body of this County did upon their Oath present, that one Nathaniel Gilman an Infant by John Gilman his father and next friend, having impleaded one Daniel Mooers for taking and converting to his own use among other things, a gown, a pair of red Breeches, a stomacher, a pair of Worsted and a pair of cotton stockings, in the tryal of the same Action in the Inferiour Court of common pleas held at Ipswich in and for said County on the last Tuesday of March last, being the thirty first day of the same month, Joseph Mooers of Beverly in said County of Essex Cordwainer came into the same Court to give Evidence in the cause aforesaid, and that the said Joseph being then and there duly sworn as a Witness in the same cause, he the said Joseph Mooers did then and there viz. on the thirty first day of March last, at Ipswich aforesaid upon his said Oath falsely and Maliciously wilfully and corruptly affirm, depose, and sware that he the said Joseph with the s<sup>d</sup>. Daniel Mooers and others found and took up a chest, in the Island of Orleans, near a house and by a wood pile, with french goods in it (meaning the chest) and that the said Daniel Mooers had a cotton and silk long gown, a pair of red half thick Breeches with strings in them, a silk stomacher, one pair of worsted and one pair of cotton stockings, two or three womens caps and a cotton and flowered Peticoat, as

his share of the same goods; whereas in fact and in truth and as the said Joseph Mooers then well knew the said Daniel Mooers had not the goods aforesaid, or any of them as his share of the goods that were in the chest aforesaid; and that the said Joseph Mooers Testimony as aforesaid was Material to the Issue then in tryal in the cause aforesaid and respected a material point in that cause. And so the Jurors aforesaid upon their Oath say that the said Joseph Mooers did on the said thirty first day of March last, at Ipswich aforesaid falsely and Maliciously Wilfully and corruptly in manner and form aforesaid, in the said Inferiour Court of common pleas being a Court of record commit Wilfull and corrupt perjury against the peace of the said Lord the King his crown and Dignity. To this Indictment the said Joseph Mooer upon his arraignment at the barr pleaded not guilty: A Jury was then sworn to try the issue M<sup>r</sup>. Jonathan Foster foreman, John Crocker, John Kingsman, John Goodhue, William Noyes, Benjamin Colman, William Stevens, Samuel Rust, John Farnham, John Sweat, Samuel Stickney, and Jonathan Todd; who having fully heard the Evidence for the king, with the prisoners defence

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[346v]

defence went out to consider thereof and return'd with their verdict, and upon their Oath say that the said Joseph Mooers is guilty. The Court having Considered the offence of the said Joseph Mooers, Order that he be sett in the pillory for the space of one hour, that he suffer three Months Imprisonment, and that he become bound by way of recognizance in the sum of twenty pounds with two sureties in ten pounds each for his keeping the peace and being of the good behaviour towards all his Majesty's leige subjects for the term of twelve months and that he pay costs of prosecution standing committed untill this sentence be performed.

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Information vs Solomon Newhall

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Be it remembred That Edmund Trowbridge Esq; the Attorney General of the s<sup>d</sup>;



Lord the king for this province, being present here in Court in his own person for the s<sup>d</sup>.  
 Lord the king gives the court hereto understand and be informed That Solomon  
 Newhall of Lynn in said County Cordwainer on the ninth day of June Instant  
 knowing that one Eleazer Lindsey was Indicted of Corruptly forging and making a  
 false and counterfeit writing purporting an acknowledgement made by one John  
 Nourse that he on the fourth day of November AD 1754. had received of the said  
 Eleazer ten shillings lawful Money in full of accounts, dues, and demands,  
 and afterwards publishing the same false and counterfeit writing as a true  
 receipt given by the said John Nourse to the said Eleazer of the tenor aforesaid  
 And that the said Eleazer was on the said Ninth day of June to be tried on this  
 Court upon the Indictment aforesaid; he the said Solomon Newhall did on the  
 said ninth day of June Currant at Ipswich aforesaid, corruptly and wickedly  
 attempt and Endeavor to persuade and Induce the said Edmund Trowbridge  
 to favour the said Eleazer and not prosecute him upon the Indictment Afores<sup>d</sup>:  
 faithfully and as he the said Attorney General ought to do, and for that purpose  
 he the said Solomon then and there Offered the said Edmund a Bribe of two  
 pounds eight shillings Lawful Money, in evil example to others, against the  
 peace of the said Lord the king his crown and dignity. Thereupon the said  
 Edmund Trowbridge the Attorney General of the said Lord the King for this  
 province, for the said Lord the king prays the Advice of this Court on the  
 premisses, and that the said Solomon Newhall may Come here to Answer  
 the said Lord the King in the premisses and be proceeded With thereon as to  
 Law and justice appertains. To this Information the said Solomon Newhall  
 upon his arraignment at the barr plead not Guilty. A Jury was then  
 sworn to try the issue M<sup>r</sup>. Isaac Appleton foreman and fellows, who  
 having fully heard the Evidence upon their Oath say, that the said  
 Solomon Newhall is guilty. The Court having considered the Offence,  
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347.

[347r]

of the said Solomon Newhall Order that he pay the sum of five pounds as a fine to the

king, and that he become bound by way of recognizance in the sum of fifty pounds with two sureties in twenty five pounds each, for his keeping the peace of the said Lord the King until the next term, and that he pay costs of prosecution standing com'itted until sentence be performed.

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Adjournm<sup>t</sup>. of the Court

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Ipswich June 11. 1762, The Court Adjourned without day.

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[348r]

Province of the} Anno Regni Regis Georgii tertii Magnæ  
Massachusetts Bay} Britanniaë Franciæ et Hiberniæ secundo.  
York ss..}

At his Majesty's Superiour Court of Judicature Court of Assize  
and General Goal Delivery, held at York within and for the  
County of York on the third Tuesday of June, (being the 15<sup>th</sup>.  
day of said Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq; Chief Justice

Benjamin Lynde}

John Cushing}

Chambers Russell &} Esq<sup>ers</sup>, Justices

Peter Oliver}

The Names of the Grand, and Petit Jurors present Impanel'd and sworn  
are in writing on file.

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Cutt ~~vs~~ Hamond.

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Thomas Cutt appellant ~~vs~~ Hannah Hammond Appellee

Neither party appeared.

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Hammond ~~vs~~ Cutt.

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Hannah Hammon Appellant ~~vs~~ Thomas Cutt Appellee

Neither party appears.

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Haskell ~~vs~~ Waldo

&gt;&gt;

Thomas Haskell of Falmouth (late in the county of York but now) in the county of Cumberland  
Ship=

wright & Husbandman Appell<sup>t</sup>: ~~vs~~ Samuel Waldo [<sup>^</sup>and Francis Waldo both of said Falmouth  
Esq<sup>rs</sup>. & Isaac Winslow of Roxbury & Tho<sup>s</sup>. Flucker of Boston<sup>^</sup>] both in the County of Suffolk  
[<sup>^</sup>Esq<sup>rs</sup>. [<sup>^</sup>& all<sup>^</sup>] Admin<sup>rs</sup>. on the Estate of Sam<sup>l</sup>. Waldo late of s<sup>d</sup>. Boston Esq<sup>r</sup>. deceased<sup>^</sup>]  
Appellees, from the Judgment of an Inferiour Court of Common pleas held at

York within and for the County of York on the first Tuesday of January AD 1759.

when and where the s<sup>d</sup>. [<sup>^</sup>Sam<sup>l</sup>. Waldo Esq<sup>r</sup>;<sup>^</sup>] deceas'd was plant, and the Appellant was  
defendant, In

a plea of Ejectment wherein he demands against the def<sup>t</sup>. the possession of a tract  
of land in Falmouth aforesaid with the house Barn and Grist mill thereon  
standing and appurtenances thereto belonging bounded as follows viz. beginning  
at the Southwesterly corner of one hundred acres of land laid out to Moses Pearson  
Sept<sup>r</sup>. 23<sup>d</sup>. 1732. thence running South fifty seven degrees, east sixty seven rods. thence  
North fifty degrees East thirty rods. thence south sixty and an half degrees East thirty  
four rods thence North seventy five degrees, east twenty rods. thence north Eighty six  
degrees, east forty nine rods. then North forty two and an half degrees, east forty  
rods. then North Fifty seven degrees, east, thirty two rods. thence north Nineteen  
and an half degrees, west Eighty seven rods, thence south sixty two degrees

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[348v]

west two hundred and twenty seven rods, to the first bounds mentioned having an highway running through the same containing about one hundred and three acres; For that the said Samuel in time of peace within twenty years last past was seized of the demanded premisses in his demesne as of fee, and being so seized the def<sup>t</sup>. afterwards entered on the premisses and unjustly and without Judgment disseized the plant thereof, and still unjustly withholds the Possession thereof from him, to the damage of the said Samuel Waldo, as he saith, the sum of one hundred pounds. At which said Inferiour Court judgment was rendered, that the said Samuel Waldo recover against the said Thomas Haskell the premisses sued for, and Costs of Court taxed at Nine pounds three shillings. This Appeal was brought forward at the Superiour Court of Judicature &<sup>a</sup>. held at York in and for the County of York on the third Tuesday of June AD 1759. when and where the first named Samuel Waldo Esq; (eldest son of said deceased) represented to said Court (by his Attornies) that there had not been time since the said deceased's death, for any person to obtain a regular Administration on his estate; & thereupon moved the Court that the said appeal might be continued to the then next term of said Court, that there might be time for some person to take Administration & qualify himself to defend the same; and then said appeal was continued Accordingly unto the Superior Court of Judicature &c. holden at York within & for s<sup>d</sup>. County [<sup>^</sup>of York<sup>^</sup>] on the first tuesday of July AD 1760: [<sup>^</sup>by adjournment<sup>^</sup>] when and where the s<sup>d</sup>. Samuel & the [<sup>^</sup>others<sup>^</sup>] Administrators as afores<sup>d</sup>. were admitted Appellees in the room of said Samuel Waldo Esq; deceased; and afterwards at the motion of the appellant said appeal was continued unto the last term of said Court for this County and so from thence unto this Court: And now both parties appeared and [<sup>^</sup>the Case<sup>^</sup>] after a full hearing was committed to a Jury sworn according to Law to try the same who (having viewed the Premises) Returned their Verdicts therein upon Oath that is to say, they find for the appell<sup>t</sup>.

reversion of the former Judgment and Costs; [x]

[x]

Its [<sup>therefore</sup>] Considered by the Court [<sup>that the former Judgment be reversed &</sup>] that the s<sup>d</sup>. Thomas Haskell recover

against the said Estate of the said Samuel Waldo dec<sup>d</sup>. in the hands of the said Samuel, Francis, Isaac & Thomas Dom<sup>r</sup>. [<sup>as afores<sup>d</sup></sup>] costs taxed at £22.12.6

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Ex'c'on issued

15<sup>th</sup>. June 1763.

dd. Haskell

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Obrian ~~vs~~ Milliken

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Morris Obrian of [x] Scarborough. In the County of York Taylor

Plaintiff ~~vs~~ Benjamin Milliken of said Scarborough Innholder defendant

In a plea of Review of a plea of trespass on the case commenced and prosecuted at an Inferiour Court of common pleas held at York in and for said County on the fourth Tuesday of April AD 1757. by the said Morris against the said Benjamin in the words following viz. "In a plea of trespass on the case for that whereas the def<sup>t</sup>. "on the 9<sup>th</sup>. day of October 1754. at Scarborough aforesaid bargained with and "hired of the plant a certain two Masted Boat of about thirty feet in length "and nine [<sup>feet</sup>] in breadth having sutable sales Cables & Anchor, (of all which "premisses of the value of sixty pounds the plant was then the owner) to put "on board and transport in the same all such goods wares and Merchandizes "from Scarborough aforesaid to York in the same County and there to put on board "and transport from thence to said Scarborough all such goods wares and "merchandize as to him the def<sup>t</sup>. should seem fit, and there to unloade and deliver "the

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349

[349r]

"the said Boat with all the Tackle and Appurtenances to the same belonging in good  
"order and Condition (the danger of the seas only excepted) as soon as the said Voyage  
"could reasonably be performed, for which use and service of the said Boat the def<sup>t</sup>.  
"then and there assumed and promised faithfully to pay to the plant on demand after  
"the said Voyage might be so performed the sum of two shillings Lawful Money for  
"every day the said Boat should be kept and detained from the plant for and  
"by reason of the service aforesaid; now the plant in fact says that the def<sup>t</sup>. on the s<sup>d</sup>.  
"Ninth day of October at said Scarborough pursuant to the said bargain took  
"the said boat into his custody and there laded the same as he thought  
"proper and carried away the said boat to places to the plant unknown, and  
"hath not returned the same to the plant tho' often thereto requested and hath  
"not paid the plant the said sum of two shillings a day as aforesaid for the hire  
"and use of the s<sup>d</sup>. boat nor any part thereof tho' often requested but still refuses to  
"pay the same and to deliver the said Boat, To the damage of the said Morris  
"Obrian as he saith, the sum of seventy pounds;" At which said Inferiour  
Court Judgment was rendered, that the said Morris Obrian should recover  
against the said Benjamin Milliken the sum of twenty six pounds thirteen  
shillings and four pence damage, and Nine pounds one shilling and six  
pence Costs of Courts, from which Judgment the said Benjamin appealed to  
our Superiour Court of Judicature Court of Assize and General Goal Delivery  
held at York in and for said County of York on the third Tuesday of June AD 1757.  
when and where Judgment was rendered that the former Judgment be reversed,  
and that the said Benjamin Milliken recover against the said Morris Obrian  
Costs. which same Judgment the said Morris says is wrong and Erroneous  
And that he is thereby damnified the sum of seventy five pounds, as shall  
then and there be made to appear, Wherefore for reversing the same  
Judgment, and recovering back from the said Benjamin the same Costs.  
and for recovering Judgment against him for the sum of seventy pounds)  
damage laid in the original Writ) and Costs of Courts, he the said Morris  
brings this suit. This Action was bro't forward at the Superiour Court of Judicature  
&C<sup>a</sup>. held at York for the County of York on the first Tuesday of July AD 1760. and  
from thence was continued from to the then Next term of said Court for said County, by  
Consent: and from the same term said Action of Review was further Continued  
to this Court: And Now both Parties Appeared, And the said Benjamin (by

Edmund Trowbridge Esq; his Attorney) says the Judgment aforesaid of this Court is in nothing Erroneous and thereof put &C<sup>a</sup>. upon which Issue being Joined, the case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon

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[349v]

upon Oath, that is to say, they find for the plant five pounds Lawful Money damage, and Costs. [^of this Court^] It's therefore Considered by the Court that the said Morris Obrian recover against the said Benjamin Milliken the sum of five pounds Lawful Money of this Province damage, and Costs [^of this Court^] taxed at thirty seven pounds seven shillings and ten pence.

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Ex'c'on issued

30<sup>th</sup>. July 1762.

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Tucker ~~vs~~ Staple

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Jane Tucker Appellant ~~vs~~ Joseph Staple Appellee.

This Action is dismiss pursuant to the referees report on file.

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Staple ~~vs~~ Tucker

>>

Joseph Staple of Kittery in the County of York Taylor Appellant ~~vs~~ Jane Tucker of said Kittery Widow, as she is Administratrix of the Estate of Hugh Tucker late of Kittery aforesaid Mariner dec'd Intestate Appellee, from the Judgment of an Inferiour Court of Common pleas held at York within and for the County of York on the first Tuesday of April 1760. when and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of the Case

&C<sup>a</sup>. (as in the Writ tested the first day of March AD 1759. on file at large appears)  
 At which said Inferiour Court Judgment was rendered, that the said Jane  
 Tucker, in her said Capacity; should recover against the said Joseph Staple  
 the sum of Eleven pounds one shilling and ten pence Money damage, and  
 the sum of four pounds two shillings and six pence Cost of suit. This appeal  
 was brought forward at the Superiour Court of Judicature &C<sup>a</sup>. held at York in and  
 for the County of York on the first Tuesday of July AD 1760. by Adjournment, when  
 and where the Parties appeared, and refer'd this Action to Caleb Emery, James  
 Gowen, and James Garvin, the determination of said referees, or of any two  
 of them; and then said Appeal was Continued to the last Term of this Court for this  
 County, report of said referees not having been made: and from the same term said  
 action was further continued to this Court by Consent: And Now both Parties  
 appeared, and said Referees made report in writing under their hands. as on  
 file, and pursuant thereto. It's Considered by the Court that the said Jane Tucker  
 Administratrix as aforesaid, recover against the said Joseph Staple the sum of  
 three pounds Lawful Money of this Province Damage, and Costs taxed at  
 £7.19.10

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Ex'c'on issued

5<sup>th</sup>. July 1762.

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Whitney ~~vs~~ Lumbard

&gt;&gt;

Nathan Whitney Yeoman, and Edmund Phiney Gentleman both  
 of a place called Gorehamtown in said County Appellants ~~vs~~ Solomon  
 Lumbard of a place called Gorehamtown aforesaid Clerk Appellee, from  
 the Judgment of an Inferiour Court of common pleas held at Falm<sup>o</sup>.  
 in and for the County of York on the first Tuesday of October AD 1760.  
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350

[350r]

when and where the Appellants were plant<sup>s</sup>. and the Appellee was def<sup>t</sup>. In a plea of Debt, for that the said Solomon on the twenty fifth day of January AD 1758. by his obligation of that date under his hand and seal and in Court to be produced at Gorehamtown aforesaid, bound himself to the said Nathan and Edmund in the sum of one thousand pounds Lawful Money to be paid to the plant<sup>s</sup> on demand, yet the said Solomon has not paid the same tho requested but detains it. To the damage of the said Nathan Whitney and Edmund Phiney (as they say) the sum of one thousand pounds; At which said Inferiour Court Judgment was rendered; that the said Solomon Lombard recover against the said Nathan Whitney, and Edmund Phiney Costs of Court.

This Appeal was brought forward at the last term of this Court for this County.

when and where the parties appeared, and the Case after a full hearing was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the Appellant reversion of the former Judgment the forfeiture of the penalty of the bond sued on being £1000. Lawful Money and Costs. The Appellee mov'd in arrest of Judgment that there is no issue in the case, and having been heard thereon. It was considered by the Court that Judgment be staid: and the action was then continued to this Court for a replader.

And Now both Parties Appeared, and having been fully heard by their Council upon the [<sup>^</sup>plea<sup>^</sup>] replication, and Demurer &C<sup>a</sup>. (on file) It is Considered by the Court that the said Solomon Lombard recover against the said Nathan Whitney and Edmund Phiney Costs. taxed at £3.16.6.

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Ex'c'on issued

14. Jan<sup>ry</sup>. 1763

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Hoar ~~vs~~ Noyce

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Jonathan Hoar of Annapolis Royal in the County of Annapolis in the Province of Nova Scotia Esq; Plaintiff ~~vs~~ Josiah Noyce Falmouth in the

County of Cumberland Gentleman, otherwise called Josiah Noyce of Falmouth in the County of York Gentleman, defendant. In a plea of Review of a plea of Review of a plea of trespass and ejectment commenced at an Inferiour Court of common pleas held at York in and for said County of York on the first Tuesday of January AD 1758. by the said Jonathan Hoar by the name of Jonathan Hoar of Concord in the County of Middlesex Esq; against one Edmund Merrill named as defendant in the original Writ, from which same Court said Action was continued to an Inferiour Court of common pleas held at said York in April then next following; when and where the said Josiah took upon himself and was admitted to defend in said Action instead of said Edmund; and then said Action was further Continued to the Inferiour Court of common pleas held at York in and for said County of York on the second Tuesday of July AD 1758. and was then and there prosecuted by the said

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[350v]

said Jonathan against the said Josiah in the words following viz. "In a plea of trespass  
 "and Ejectment, for that one Anthony Brackett on the twelfth day of November  
 "instant, at York aforesaid Demised to the plant a tract of land with its Appu'rces  
 "in said Falmouth, containing about one hundred and thirty acres bounded as  
 "follows viz. beginning at back cove at the southeast corner of the land now  
 "or late of Benjamin Skilling thence running west by an highway, and  
 "from thence southerly by the [<sup>s<sup>d</sup></sup>] highway to the [<sup>first</sup>] bounds of lands belonging to the  
 "said Anthony, now in the possession of one Baker on said Highway  
 "thence Easterly by the same to a stake thence southerly to the Creek or  
 "Salt water, and thence by the salt Water to the bounds first Mentioned.  
 "To have and To hold the same to the plant his Executors and Administrators  
 "for the term of three years then next ensuing, by virtue of which demise the  
 "plant then entered into the premisses aforesaid with its appurtenances  
 "and was possessed thereof and the plant being thereof so possessed, the def<sup>t</sup>.  
 "afterwards viz. on the same day with force and Arms into the premisses  
 "aforesaid with its appurtenances, which the said Anthony had demised  
 "to the plant in form aforesaid, for the term aforesaid (which is not yet

"passed) Entered; and the plant from the premisses aforesaid Ejected, & "other outrages committed to the great damage of the plant, against the "King's peace, all which is to the damage of the said Jonathan Hoar (as "he saith) the sum of one hundred pounds;" At which said inferiour Court last mentioned Judgment was rendered, that the said Josiah Noyce should recover against the said Jonathan Hoar Cost of Court taxed at five pounds three shillings and four pence; from which Judgment the said Jonathan appealed to the Superiour Court of Judicature Court of Assize and General Goal Delivery; held at York in and for the said County of York on the third Tuesday of June AD 1759. from which same Court said appeal was Continued to the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at said York in and for said County of York on the first Tuesday of July AD 1760. when and where Judgment was rendered, that the former Judgment be reversed, and that the said Jonathan Hoar recover against the said Josiah Noyce Possession of the premisses for the term sued for and Costs taxed at sixteen pounds twelve shillings and two pence half penny. And Afterwards at the Superiour Court of Judicature Court of Assize and General Goal Delivery, held at York within and for the said County of York on the third Tuesday of June last, the said Josiah Noyce commenced and prosecuted his Action of Review of the said plea of trespass and Ejectment against the said Jonathan Hoar, and at the same Court Judgment was thereupon rendered, that the last Judgment be reversed, &

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351

[351r]

and that the said Josiah Noyce recover against the said Jonathan Hoar restitution of the lands and premisses (described in the Writ) and Costs recovered by the said Judgment on the appeal, and Cost of Court taxed at forty pounds two shillings and eleven pence, including said £16.12.27½ Which, last mention'd Judgment rendered upon the said [^action of^] review, the said Hoar says is wrong and Erroneous and that he is thereby damnified the sum of one hundred and fifty

pounds, as shall then and there be made to appear; Wherefore for reversing the same Judgment and [<sup>for</sup>] recovering judgment against the said Josiah Noyce for Possession of the premisses demanded (as described in the original Writ) and for recovering back from the said Josiah the Costs last mentioned and also for recovering against the said Josiah Noyce Costs of Courts he the said Jonathan Hoar brings this Suit, being Authorized so to do, by Order of the great and General Court or Assembly of this Province.

The Parties Appeared, and the said Josiah Noyce defended &C<sup>a</sup>. (by Sam<sup>l</sup>. Livermore Esq; his Attorney) and said that the Aforesaid Judgment last mentioned is in nothing erroneous and of this put &C<sup>a</sup>. Upon which, Issue being joined, the case after a full hearing [<sup>was</sup>] committed to a Jury sworn according to Law to try the same who [<sup>(having viewed the premisses)</sup>] returned their Verdict therein upon Oath that is to say, they find for the defendant Costs. It's therefore Considered by the Court that the said Josiah Noyce recover against the said Jonathan Hoar Costs. taxed at £7.19.11.

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Ex'c'on issued

24. Nov<sup>r</sup>. 1762.

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Woodbridge v Burnam

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Paul Dudley Woodbridge of York in the County of York Yeoman Plaintiff ~~vs~~ Job Burnam of Scarborough in the County of Cumberland Yeoman, otherwise called Job Burnam of Scarborough in the County of York Yeoman defendant. In a plea of review of a plea of the case, commenced and prosecuted at an Inferiour Court of common pleas held at York within and for the County of York on the first Tuesday of January AD 1760. by the said Paul Dudley Woodbridge against the said Job Burnam in the words following viz. "In a plea of the case, for that "whereas the said Job at York aforesaid, on the twenty third day of June 1759. by "his Note of hand of that date for Value received promised the plant to pay him "or order ten pounds thirteen shillings Lawful Money on demand with Interest "till paid yet the def<sup>t</sup>. hath not paid the same tho' Requested but unjustly Neglects

"it. To the damage of the said Paul Dudley Woodbridge as he saith, the sum of "twenty pounds;" At which said Inferiour Court Judgment was rendered, that the said Paul Dudley Woodbridge should recover against the said Job Burnam the sum of ten pounds thirteen shillings Money damage, and the sum of two pounds nineteen shillings and two pence Cost of suit; from which Judgment

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[351v]

Judgment the said Job Burnam appealed to the Superiour Court of Judicature Court of Assize and General Goal Delivery held at York within and for the County of York aforesaid, on the first Tuesday of July AD 1760. by Adjournment made by the special order of the[<sup>^</sup>Great &<sup>^</sup>] General Court: when and where Judgm<sup>t</sup>. was render'd that the former Judgment be reversed, And that the said Job Burnam recover against the said Paul Dudley Woodbridge Costs; which Judgment last mentioned, the said Paul Dudley Woodbridge says is wrong and erroneous and that he is thereby damnified the sum of twenty pounds. as shall then and there be made to appear: Wherefore for reversing the Judgment last mentioned, and recovering back from the said Job Burnam the same Costs, and for recovering Judgment against the said Job Burnam for the sum of twenty pounds (the damage laid in the original Writ) and Costs of Courts, he the said Paul Dudley Woodbridge brings this suit. Both Parties Appeared, and the said Job (by Edmund Trowbridge Esq; his Attorney) says that the aforesaid Judgment of this Court is in Nothing Erroneous and thereof put &C<sup>a</sup>. Upon which issue being join'd, the case after A full hearing was committed to a Jury sworn according to Law to try the same, who returned their Verdict therein upon Oath, that is to say, they find for the plant reversion of the former Judgment restitution of the costs recovered thereby being £9.5.4<sup>d</sup>. And twelve pounds eleven shillings Lawful Money dam<sup>a</sup>. and Cost of Courts. It's therefore Considered by the Court that the [x] former Judgment be reversed, And that the said Paul Dudley Woodbridge recover against the said Job Burnam the sum of twelve pounds eleven shillings Lawful Money of this Province Damage, and Costs,

taxed at £24.1.1. including said £9.5.4.

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Ex'c'on issued

20<sup>th</sup>. July 1762.

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Loring et al ~~vs~~ Moreton & Uxor

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Nicholas Loring Clerk, Solomon Loring Gentleman, Samuel Bucknam and John Hamilton Yeomen, all of Northyarmouth formerly in the County of York, but now in the County of Cumberland Jacob Mitchell of North Yarmouth aforesaid Gentleman who was admitted Def. in this Case in the room of John Lewis and Joseph Drinkwater two of the original deft<sup>s</sup>. and s<sup>d</sup>. Jacob Mitchel was also Admitted def. in the room of Jonathan Mitchel of Northarmouth aforesaid Gentleman, the said Jonathan being Admitted def. in the room of Nathan Oakes one of the original deft<sup>s</sup>. and Thomas Pratt and Ezra Green Gentleman Administrators of the Estate of Benjamin Blaney late of Malden in the County of Middlesex dec'ed who were admitted deft<sup>s</sup>. in their said Capacity in part in the room of the said Samuel

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352

[352r]

Samuel Bucknam and Jacob Mitchell, and Joshua Freeman of Falmouth in the County of Cumberland Gentleman surviving Executor of the Testament of Phinehas Jones late of said Falmouth Gentleman dec'ed who was admitted def. in said Capacity partly in the room of the said Thomas Pratt and Ezra Green and partly in the room of the said Samuel Bucknam, Appellants, Adversus James Moreton of Blanford in the County of Hampshire Clerk, and Mary his Wife in her right Appellees, from the Judgment of an Inferiour Court of common pleas held at York in and for

the County of York on the first Tuesday of April last, when and where the the Appellees were plant<sup>s</sup>. and the Appellants were deft<sup>s</sup>. In a plea of Ejectment wherein the plant<sup>s</sup>. demand against the said Nicholas Solomon, Nathan, Joseph, Samuel, John Hamilton & John Lewis one third part of one moiety of two Islands in NorthYarmouth aforesaid and in Cascobay, with the Appurtenances thereof, the one called Cussen's Island and contains about five hundred acres of land the other formerly called long Island but now known by the name of Little Johns and contains about one hundred and fifty Acres of land both surrounded with the Salt water and which the plant<sup>s</sup>. claim as the right and inheritance of the said Mary in fee, and say one George Pearson of Boston in the County of Suffolk Merchant being seized of the said Moiety in his demesne as of fee, in or about the year of our Lord 1700. died so seized thereof intestate leaving only one sone and one Daughter his Children and heirs viz. Thomas Pearson and Mary Pearson to whom the said Moiety by the laws of this Province descended and came in the following proportion viz. two third parts thereof to the said Thomas in fee and one third to the said Mary in fee and Afterwards viz. some time in the Year of our Lord 1718. The said Thomas Pearson disseized the said Mary of her part aforesaid, and actually ousted her thereof and Afterwards viz. in or about the Year of our Lord 1720. the said Mary then called Mary Butt (being before married to one John Butt) not having Reentered into the premisses demanded but having a right thereto died intestate leaving the plant Mary her only grand child and heir to whom the right to the premisses demanded descended in fee, and the Aforesaid James Moreton & Mary his Wife in her right ought accordingly to recover and be in the quiet and peaceable possession thereof, but the said Nicholas, Solomon, Nathan, Joseph, Samuel, John Hamilton, and John Lewis have Entered into the same and unjustly withhold the possession thereof from the plant<sup>s</sup>. to the damage of the said James Moreton and Mary his

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[352v]

his Wife as they say (in her right) the sum of two hundred pounds; At which said Inferiour Court Judgment was rendered, upon the pleadings there, that the said James Moreton and Mary his Wife, should recover against the said Nicholas Loring, Solomon Loring, Samuel Bucknam and John Hamilton, and Jacob Mitchell and Thomas Pratt and Ezra Green Adm'ors as aforesaid, and Joshua Freeman Executor as afores<sup>d</sup>.

Possession of the premisses demanded and Costs. Both Parties Appeared, and [^the pleadings afores<sup>d</sup>. being waved by consent^] the said Nicholas Loring, Solomon Loring, Samuel Bucknam,

John Hamilton, Jacob Mitchell, and Thomas Prat and Ezra Green Adm'ors as aforesaid, and Joshua Freeman executor as aforesaid (by Samuel Livermore Esq: their Attorney) defend &C<sup>a</sup>. and say they are not guilty in form aforesaid, and of this put themselves on the Country. And the said James & Mary (by William Parker Esq; their Attorney) did likewise: the Case After a full hearing was then committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath, that is to say, they find for the Appellants reversion of the former Judgment and Costs. It's therefore Considered by the Court that the said Nicholas Loring, Solomon Loring Samuel Bucknam, John Hamilton, Jacob Mitchell, and Thomas Pratt and Ezra Green Administrators as aforesaid, and Joshua Freeman Exe'cor as aforesaid recover against the said James Moreton and Mary his Wife, Costs taxed at £38.13.10

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I Acknowledge to have received of the Rev<sup>d</sup>. Mr. Morton named} in the within Judgment thirty eight pounds thirteen shillings} and ten pence in full discharge of this Judgment and of} the Execution that issued upon it. I say reced at Attorney} to the Reverend M<sup>r</sup>. Loring & others the recoverors, this 7<sup>th</sup>. Sepr. 1763}

Test M<sup>c</sup>Hatch Cler

Jer. Porsell}

Ex'c'on issued

15. June. 1763

<sup>dd</sup> powel.

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Cousins et al ~~vs~~ Day et al

&gt;&gt;

Benjamin Cousins and Joseph Cousins both of Wells in the County of York Husbandmen Appellants ~~vs~~ Joseph Day jun<sup>r</sup> and Hilton Day both of said Wells Husbandmen Appellees, from the Judgment of an Inferiour Court of common pleas held at York in and for the County of York on the first Tuesday of April last, when and where the Appellees were plant<sup>s</sup>. and the Appellants were deft<sup>s</sup>. In a plea of trespass for that the deft<sup>s</sup>. with others to the plants unknown on or about the first day of August 1761. with force and Arms did enter into and upon a certain tract of land of the plant<sup>s</sup>. and in their possession in a place called Coxhall in the County of York aforesaid, (but not in any Township) Containing twenty five Acres butted and bounded as follows, Namely beginning at a maple tree marked on four sides standing in a gulley from thence running North and by East one hundred rods to a pitch pine tree marked on four sides then East and by South forty rods to a marked tree then South and by West one hundred rods then West and by North forty rods to the first Mentioned bounds & then and there in manner as aforesaid did cutt down fourteen of fresh meadow grass

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353

[353r]

grass of the plants then and there growing of the value of three pounds and made the same into hay and carryed away the same to places to the plant<sup>s</sup>. unknown and other Enormities then and there perpetrated and did against the Kings peace and To the damage of the said Joseph Day jun<sup>r</sup> and Hilton Day, as they say, the sum of five pounds. At which said Inferiour Court Judgment was rendered, that the said Joseph Day jun<sup>r</sup> and Hilton Day recover against the said Benjamin Cousins and Joseph Cousins the sum of two pounds money damage, and the sum of seven pounds seven shillings and six pence Cost of suit. The Parties appeared, and the Appellee in Court confessed Judgment for reversion of the former Judgment & Costs.

It's therefore Considered by the Court that the former Judgment be reversed,  
and that the said Benjamin Cousins and Joseph Cousins recover against the  
said Joseph Day jun<sup>r</sup> and Hilton Day Costs taxed at £8.9.8

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Ex'c'on issued

8<sup>th</sup>. July 1762.

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Pepperell et al ~~vs~~ Burnam et al

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Lady Mary Pepperell of Kittery in said County Widow Nathaniel Sparhawk  
of said Kittery Esq; and Elizabeth his Wife, in her right John Thompson of  
Scarborough in the County of Cumberland Husbandman, John Googins of  
Biddeford in said County of York Mariner and Sybill Thompson and Charity  
Thompson both of Scarborough aforesaid Singlewomen and Spinsters. Infants  
under the Age of twenty one years who prosecute by Nathan Winslow of Falm<sup>o</sup>.  
in said County of Cumberland Husbandman their Grandfather and next  
friend Appellants Samuel Burnam and Job Burnam the third both  
of Scarborough aforesaid Yeomen Appellees, from the Judgment of an Inferiour  
Court of Common pleas held at York within and for the County of York on  
the first Tuesday of April last, when and where the Appellants were plant<sup>s</sup>. and the  
Appellees were deft<sup>s</sup>. In a plea of trespass for that the deft<sup>s</sup>. at diverse days and times  
between the first day of December 1759. and the first day of April then next,  
with force and arms entered into and upon a certain close of the plant<sup>s</sup>. in their  
possession lying and being partly in the town of Scarborough and partly in the  
Town of Biddeford aforesaid containing two hundred Acres more or less bounded as  
follows viz. beginning at a white burch marked on four sides in the NorthWest  
line of Benightons Patent otherwise called the upper Checker of Foxwells Patent  
and from the said white burch running Ninety one pole and an half Northwest  
to a rock maple marked on four sides, then south west three hundred and twenty  
pole then South east ninety one pole and an half then North East three hundred  
and twenty pole to the white burch first mentioned; the said discribed premisses  
being the same that was set off, to the heirs of Esther Rogers in the upper

Checker so called in the Division of the Estate of Richard Foxwell by Order of

<duplicates previous>

<duplicates following>

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Image 432-Left

[353v]

of the Judge of probate for the County of York, and Recorded in the Registry of the said Court of probate; and then and there in manner aforesaid, did cutt down  
fell destroy and carry [<sup>^</sup>away<sup>^</sup>] two hundred trees then and there standing and growing of more than one foot diameter each tree, and each of the value of fifteen shillings and one hundred trees then and there standing and growing under one foot diameter each, all said trees being the property of the plant and other enormities the deft<sup>s</sup>. then and there committed contrary to the Kings Peace and to the Laws of this Province in such cases made and provided, the deft<sup>s</sup>. having no right nor priviledge there nor leave nor licence from the plant<sup>s</sup>. for so doing whereby the deft<sup>s</sup>. have forfeited and ought to pay to the plant<sup>s</sup>. the sum of forty shillings for each of the said trees above one foot diameter besides three times the value thereof and twenty shillings for each of the said trees under one foot diameter; Yet the deft<sup>s</sup>. have not paid the same tho' often thereto requested but Neglects and refuses to pay the same. To the damage of the plant<sup>s</sup>. as they say in form afores<sup>d</sup>. the sum of one thousand pounds; At which said Inferiour Court Judgment was rendered, that the said Samuel Burnam and Job Burnam the third, recover against the said Lady Mary Pepperell, Nathaniel Sparhawk to Esq; and Elizabeth his Wife, John Thompson, John Googins, Sybel Thompson and Charity Thompson Costs of Court. Both Parties Appeared, and the Case After a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their verdict therein upon Oath that is to say, they find for the Appellants reversion of the former Judgment fifteen pounds one shilling Lawful Money damage, and Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Lady

Mary Pepperell, Nathaniel Sparhawk and Elizabeth his Wife, and  
 John Thompson, John Googins, and Sybill Thompson and Charity Thompson  
 against the said Job Burnam and Job Burnam the third  
 the sum of fifteen pounds one shilling Lawful Money of this Province dam<sup>a</sup>.  
 and Costs taxed at £23.2.5.

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Ex'c'on issued

20. Sept<sup>r</sup> 1762.

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Sherburn ~~vs~~ Hallowell

>>

John Sherburn of Portsmouth in the Province of New Hampshire  
 Merchant Appellant ~~vs~~ Briggs Hallowell of Boston in the County of  
 Suffolk Merchant Appellee, from the Judgment of an Inferiour Court of  
 Common pleas held at York in and for the County of York on the first  
 Tuesday of April last, when and where the Appellant was plant, and the Ap'lee  
 was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 19<sup>th</sup>. day of March last,  
 on file, at large Appears.) At which said Inferiour Court Judgment was  
 rendered, that the said Briggs Hallowell recover against the said John  
 Sherburn Costs of suit. Both Parties Appeared, and agreed to refer this  
 Action

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Image 432-Right

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[354r]

Action with all other demands between them, to Mark Hunting Wentworth, and  
 John Nelson Esq<sup>ers</sup>. and Samuel Cutt; and agreed that each party should bear  
 his own Cost. And pursuant to the Report of said Referees, which was read &  
 accepted, and one file: It's Considered by the Court that the said John  
 Sherburn recover against the said Briggs Hallowell the sum of thirty  
 seven pounds twelve shillings and three pence Lawful Money of

this Province.

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Ex'c'on issued

June 29<sup>th</sup>. 1762.

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Prop<sup>o</sup>. of Lake & Clark's Land vs Sam.Blanchard

>>

The Proprietors holding certain lands under Lake and Clark on the Eastern side of river Sagadahock and Merry meeting Bay in the County of Lincoln Plaintiffs vs Samuel Blanchard of Woolwich in the County of Lincoln Yeoman Defendant, On a Writ of Scire facias to shew cause &c<sup>a</sup>. (as in the Writ tested the 13<sup>th</sup> day of April last, on file, at large appears.) The plant<sup>s</sup>. appeared, but the defendant altho' solemnly called to come into Court did not appear but made default: It's therefore Considered by the Court that the proprietors holding certain Lands under Lake and Clark on the eastern side of the river Sagadahoc and Merry meeting bay have, his Majesty's Writ of facias habere possession as pray'd for. [ill]. against the said Samuel Blanchard for possession of the premisses as demanded and discribed in said Writ of Sci. fac<sup>s</sup>. and Costs of this Suit, taxed at £

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Door vs Fost

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Sarah Door of a place called Lebanon at the head of Berwick without the bounds of any Township but in the said County Widow and Spinster Appellant vs Jeremy Frost of Berwick in said County Gentleman Appellee. from the Judgment of an Inferiour Court of common pleas held at York in and for the County of York on the first Tuesday of January last, when and where the Appellee was plant, and theaAppellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as in the Writ tested the 29<sup>th</sup>. day of July last, on file, at large appears.) At which said Inferiour Court, Judgment was rendered, that the said Jeremiah Frost recover against the said Sarah Door the sum of fourteen pounds eighteen shillings Money damage, and the sum of three

pounds two shillings and two pence Costs of suit. The Parties Appeared, and the Appellee in court confessed Judgment for reversion of the former Judgment and Costs. It's Therefore Considered by the Court that the former Judgment be reversed and that the said Sarah Door recover against the said Jeremy Frost Costs taxed at £6. 11. 4

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Ex'c'on issued

7<sup>th</sup>. Feb'ry 1763.

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prop<sup>s</sup>. of Berwick ~~vs~~ Hambleton

&gt;&gt;

Proprietors of Berwick Appellants ~~vs~~ Joseph Hambleton Appellee

Neither Party Appeared.

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Samuel

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Image 433-Left

[354v]

Samuel Jordan of Biddiford in the County of York Gentleman Complainant. ~~vs~~ David Libby of Scarborough in the County of Cumberland Mariner. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at York in and for the County of York on the second Tuesday of July last, he recovered Judgment against the said David for the sum of £17.6.8. Lawful Money damage, and Costs of suit; from which Judgment the said David appealed to this Court, and recog=  
:niz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Samuel Jordan recover against the said David Libby the sum of Seventeen pounds six shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £5.17.10

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Ex'c'on issued

June 21<sup>st</sup>. 1762.

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Wise ~~vs~~ Pickman Adma.

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John Wise of Berwick in the County of York Gentleman Complainant  
~~vs~~ Benjamin Pickman of Salem in the County of Essex Esq; Administrator of  
 the Estate of James Lindall late of Said Salem Esq; deceased, [<sup>^</sup>The<sup>^</sup>] Complainant  
 shew'd that at an Inferiour Court of common pleas held at York within and for the  
 County of York on the first Tuesday of April last, he recovered judgment against  
 the [<sup>^</sup>goods or<sup>^</sup>] Estate of the said James Lindall in the hands and under the Administration  
 of the said Benjamin Pickman Adm'or as aforesaid the sum of four hundred  
 pounds Money damage, and the sum of three pounds 13.4, Costs of Suit; from  
 which Judgment the said Benjamin appealed to this Court, and recogniz'd with  
 sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore  
 the Compl'. pray'd Affirmation of said Judgment with additional Costs. It's  
 therefore Considered by the Court that the said John Wise recover against  
 the Estate of the said James Lindall dec'ed, in the hands of the said Benj<sup>a</sup>.  
 Pickman Administrator as aforesaid, the sum of Four hundred pounds  
 Lawful Money of this Province Damage, and Costs taxed at £8.4.7

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Ex'c'on issued

5<sup>th</sup>. July 1762.

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Brackett ~~vs~~ Sullivan

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Samuel Brackett of Berwick in the County of York Yeoman Complainant  
 as a trustee for the North Parish there so called ~~vs~~ Daniel Sullivan of Berwick in the  
 same County Trader. The Compl'. shew'd that at an Inferiour Court of Common

pleas held at York in and for the County of York on the first Tuesday of January last, he recovered Judgment against the said Daniel for the sum of £5.14.2. dam<sup>a</sup>. and Costs of suit; from which Judgment the said Daniel appealed to this Court & recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Samuel Brackett, recover

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Image 433-Right

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[355r]

recover against the said Daniel Sullivan the sum of five pounds fourteen shillings and two pence Lawful Money of this Province Damage, and Costs taxed at £3.13.0

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Ex'c'on issued

5<sup>th</sup>. July 1762.

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Props. of Berwick ~~vs~~ Clark

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The proprietors of the common and undivided Lands in the Township of Berwick separate from and lying Westerly of the Interest of the proprietors of Kittery, which they have in Berwick, otherwise called the proprietors of Berwick Complainants ~~vs~~ James Clark of said Berwick Labourer. The Compl<sup>t</sup>s. shew'd that at an Inferiour Court of common pleas held at York in and for the County of York on the first Tuesday of April last, they recovered Judgment against Deliverence Goodwin, Benjamin Austin, and the said James Clark for Possession of thirty Acres of land with the Appurtenances in Berwick aforesaid as particularly discribed in said Judgment, and the sum of six pounds and ten pence against the said James Clark for Costs of suit; from which Judgment the said James appealed to this Court, and recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do:



Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Proprietors recover against the said James Clark the Possession of the premisses [<sup>^</sup>demanded<sup>^</sup>] in the Writ, and Costs taxed at £

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Morril jun<sup>r</sup>. ~~vs~~ Adams

>>

John Morrill jun<sup>r</sup>. of Berwick in the County of York Yeoman Compl<sup>t</sup>. ~~vs~~ Jonathan Adams of a place called Phillipstown in said County Labourer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at York in and for the County of York on the second Tuesday of July last, he recovered judgment against the said Jon<sup>a</sup>. for the sum of £3.3.8. damage, and Costs of suit; from which Judgment the said Jon<sup>a</sup>. Appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Morrill jun<sup>r</sup>. recover against the said Jonathan Adams the sum of three pounds six shillings and seven pence Lawful Money of this Province Damage, and Costs taxed at £3.15.10

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The 5<sup>th</sup>. July 1762.

Ex'c'on issued

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Wallingford ~~vs~~ Downs

>>

Thomas Wallingford of Summersworth in the Province of New Hampshire Esqr Complainant ~~vs~~ Nathaniel Downs of Berwick in said County of York Labourer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at York in and for the County of York on the first Tuesday of April last, he recovered Judgment against the said Nathaniel for the sum of £20.17.4 damage, and Costs of suit; from which Judgment the said Downs appealed to

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Image 434-Left

[355v]

to this Court and recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said Thomas Wallingford recover against the said Nathaniel Downs the sum of twenty one pounds one shilling Lawful Money of this Province damage, and Costs taxed at £3.16.0

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Ex'c'on issued

July 5<sup>th</sup>. 1762.

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Pepperell et al ~~vs~~ Keays

>>

Lady Mary Pepperell of Kittery in the County of York Widow and Benjamin Greenleaf late of Kittery aforesaid, now of Newbury in the County of Essex Gentleman Executors of the Testament of Sir William Pepporell late of said Kittery Baronet deceased, Complainants ~~vs~~ William Keays of Berwick in the same County Gentleman. The Compl<sup>ts</sup>. shew'd that at an Inferior Court of com'on pleas held at York in and for the County of York on the first Tuesday of Jan'y last, they recovered judgment against the said William for the sum of £28.2.0 damage, and Costs of suit; from which Judgment he appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect. but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Lady Mary Pepperell and Benjamin Greenleaf recover, in their Capacity, against the said William Keays the sum of twenty eight pounds fourteen shillings and two pence Lawful Money of this Province Debt, and Costs taxed at £3.14.6.

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Ex'c'on issued

5<sup>th</sup>. July 1762.

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Pepperell et al vs Hodson et al

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Lady Mary Pepperell of Kittery in the County of York Widow, and Benjamin Greenleaf late of said Kittery, now of Newburty in the County of Essex Gentleman, executors of the testament of Sir William Pepperell late of Kittery in the County of York Baronet deceased, Complainants vs John Hodsdon Yeoman, and Phillip Hubbard Gentleman both of Berwick in said County of York. The Compl<sup>ts</sup>. shew'd that at an Inferiour Court of common pleas held at York in and for the County of York on the first Tuesday of January last, they recovered Judgment against the said John and Phillip for the sum of £16.0.7. dam<sup>a</sup>. and Costs of suit; from which Judgment the said John and Phillip appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but has fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said Lady Mary Pepperell, and Benjamin Greenleaf Executors as afores<sup>d</sup>. recover against the said John Hodson, and Phillip Hubbard the sum of sixteen pounds, and seven pence Lawful Money of this Province Debt, and Costs taxed at £3.16.6.

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Ex'c'on issued

July 5<sup>th</sup>. 1762.

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[356r]

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Pepperell et al *vs* Gerrish

>>

Lady Mary Pepperell of Kittery in the County of York Widow, and Benjamin Greenleaf Merchant [x] of said Kittery Executors of the testament of Sir William Pepperell late of said Kittery Baronet deceased, Complainants *vs* Timothy Gerrish of said Kittery Gentleman. The Compl<sup>s</sup>. shew'd that at an Inferiour Court of Common Pleas held at York in and for said County, on the second Tuesday of July last; they recovered Judgment against the said Timothy for the sum of £347.19.10. damage and Costs of suit; from which Judgment the said Timothy appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Lady Mary Pepperell [<sup>^</sup>and Benjamin Greenleaf Ex'cors &C<sup>a</sup>.<sup>^</sup>] recover against the said

Timothy Gerrish the sum of three hundred and sixty two pounds thirteen shillings and ten pence Lawful Money of this Province Debt, and Costs taxed at £3.11.8.

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Ex'c'on issued

20. Sep<sup>tr</sup>. 1762

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Pepperell et al *vs* Gerrish

>>

Lady Mary Pepperell of Kittery in the County of York Widow, and Benjamin Greenleaf of said Kittery Merchant executors of the testament of Sir William Pepperell late of said Kittery Baronet deceased Complainants *vs* Timothy Gerrish of s<sup>d</sup>. Kittery Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at York in and for the County of York on the second Tuesday of July last, they recovered Judgment against the said Timothy for the sum of £66.8.7. damage, and Costs of suit; from which Judgment he appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered

by the Court that the said Lady Mary Pepperell, and Benjamin Greenleaf  
Executors as aforesaid, recover against the said Timothy Gerrish the sum of  
sixty six pounds eight shillings and seven pence Lawful Money of this Province  
Damage, and Costs taxed at £3.18.11

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Ex'c'on issued

20<sup>th</sup>. Sep<sup>tr</sup>. 1762.

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M<sup>e</sup>Intier jun<sup>r</sup>. vs Nowell

>>

Daniel M<sup>e</sup>Intier jun<sup>r</sup> .of York in the County of York Yeoman Compl<sup>t</sup>. vs  
Silas Nowell of said York Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court  
of Common pleas held at York in and for said County on the first Tuesday of  
April last, he recovered Judgment against the said Silas for Possession of about  
ten Acres of land lying in York aforesaid, as is bounded in said Judgment, and Costs  
of Suit: unless the said Silas his heirs Executors or Administrators should pay to the  
said Daniel within two Months then next, the sum of thirty three pounds six  
shillings and four pence Money debt and Damage, and Costs as aforesaid,  
from

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[356v]

from which Judgment the said Silas appealed to this Court and recogniz'd with  
sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Interest and Costs. It's therefore Considered by the Court that the said  
Daniel M<sup>e</sup>Intier jun<sup>r</sup>. recover against the said Silas Nowell the possession  
of the Premises discribed in the Writ, and Costs: unless the said Silas pay  
unto the said Daniel within two Months from this time the sum of Thirty  
three pounds fourteen shillings and three pence Lawful Money of this  
Province Damage, and Costs taxed at £3.8.0

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Fac<sup>s</sup>. hab iss<sup>d</sup>.20. Sep<sup>tr</sup> 1762

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Bradstreet ~~vs~~ Hancock.

&gt;&gt;

Andrew Bradstreet of Biddeford in the County of York Trader Compl<sup>t</sup>.  
~~vs~~ Isaac Hancock of Narragansett N. one. in the same County Gentleman.  
 The Compl<sup>t</sup>. shewd that at an Inferiour Court of Common pleas held at York  
 in and for the County of York on the first Tuesday of January last, he recovered  
 Judgment against the said Isaac for the sum of £9.12.11½ damage, and Costs  
 of suit; from which Judgment the said Isaac appealed to this Court, and  
 recogniz'd with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>.  
 with Additional Costs. It's therefore Considered by the Court that the said  
 Andrew Bradstreet recover against the said Isaac Hancock the sum of Nine  
 pounds twelve shillings and eleven pence half penny Lawful Money of  
 this Province Damage, and Costs taxed at £4.5.4.

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Ex'c'on issued

21. June 1762

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White Adm<sup>x</sup>. ~~vs~~ Sands

&gt;&gt;

Eunice White of York in the County of York Widow, Administratrix  
 of the Estate of Samuel White late of Biddeford in said County Physician  
 deceased, complainant ~~vs~~ Thomas Sands of Narragansett N<sup>o</sup>. 1. but in no Town  
 within said County Labourer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court  
 of Common pleas held at York in and for the County of York on the second tuesday  
 of July last, she recovered Judgment against him for the sum of £3.12.1½.

damage, and Costs of suit; from which Judgment he appealed to this Court and recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of Judgment with Additional Costs. It's therefore Considered by the Court that the said Eunice White [^,in said Capacity^] recover against the said Thomas Sands the sum of three pounds twelve shillings and a penny half penny Lawful Money of this Province Damage, and Costs taxed at £3.9.1

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Ex'c'on issued

8<sup>th</sup> July 1762.

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Horne jun<sup>r</sup>. vs Downs

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Daniel Horne jun<sup>r</sup>. of Dover in the province of New Hampshire  
Yeoman

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[357r]

Yeoman Complainant vs Nathaniel Downs of Berwick in the said County of York Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at York in and for the County of York on the first Tuesday of April last, He recovered Judgment against the said Nathaniel for the sum of £21.18.0 damage, and Costs of suit; from which Judgment the said Nath<sup>l</sup>. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Daniel Horne jun<sup>r</sup>. recover against the said Nathaniel Downs the sum of twentyone pounds eighteen shillings Lawful Money of this Province Damage, and Costs taxed at £3.15.4

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Ex'c'on issued

5<sup>th</sup>. July 1761.

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Sewall's Pet<sup>o</sup>. Allow'd as on file.

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The Petition of Samuel Sewall Esq; et al<sup>s</sup>. for division of land; Granted.

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Sewall's Pet<sup>o</sup>. Allow'd.

>>

The Petition of Samuel Sewell Esq; et al<sup>s</sup>. for division of land as on file;  
Granted.

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Bragdon's Pet<sup>o</sup>. Allow'd.

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The Petition of Daniel Bragdon for division of land as on file, Granted.

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Town's pet<sup>o</sup>. Order thereon

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Upon Reading the Petition of Samuel Town Adm<sup>r</sup> of the Estate of Nathaniel Wakefield late of Wells in said County deceased Intestate. Wherein the Petitioner shew'd that the necessarys for upholding of life allow'd the Widow of the said deceased and the Charges and Disbursements of the Petitioner hitherto arisen and allow'd by the Judge of Probate amount to the sum of £30.3.8. And the said Estate being under a commission of Insolvency the claims already exhibited amount to the sum of £99.12.9. which sums amount to seventy eight pounds sixteen shillings and five pence more than the personal Estate. That the real Estate of the said Intestate was appraized at £216 [-]. one third part of which is by order of the Judge of Probate divided and sett off to the said Widow. The Petitioner therefore pray'd that he might (in the Capacity afores<sup>d</sup>.)



obtain a licence from this Court to sell so much of the remaining two thirds of said real Estate as wou'd be sufficient to defray the necessary Charges that shall hereafter arise in the settlement of the same, and to pay the just debts that have and shall be reported to be due from the said Estate. Ordered that the prayer of this Petition be granted, and that the said Samuel Town (in his said Capacity) be and hereby is Impowered to make sale of eighty three pounds worth of the real Estate of said deceased, for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for; And to

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[357v]

to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the sale and account with the Judge of Probate for said County, as the Law directs.

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Order on Morrell's Pet<sup>o</sup>.

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Upon reading the Petition of Peter Morrell and Sarah Allen Adm'ors of the Estate of Jedadiah Allen late of Berwich in the County of York deceased. Wherein the Petitioner shew'd that the real Estate of the said Deceased was appraized the tenth of February last at the sum of £283.13.0. And the personal Estate by Inventory and the Additional Inventory was valued at £89.19.9. The Necessarys allow'd the Widow of said dec'ed for upholding of Life amount to £24. and the Administrators account of Charges & disbursmt<sup>s</sup>. hitherto 18.2.11 £42.2.11. The demand made upon the Petitioner for Debts due from said Estate amount to the sum of £141.7.7. £183.10.6.

Which account of Deeds due from the said Estate and Necessarys allowed the Widow and Young Children of the said deceased with the above mentioned account of charges of Administration amount to ninety three pounds eleven shillings and nine pence more than the personal Estate. Wherefore the Petiti<sup>rs</sup>. pray'd this Court to grant them licence (in

their said Capacity) to sell so much of the real Estate of their said Intestate as wou'd be sufficient to discharge the debts aforesaid and farther to defray the charges that might arise in compleating the settlement of the said Estate. Ordered that the prayer of this Petition be granted, And that the said Peter Morrill and Sarah Allen Adm'ors as aforesaid, be and hereby are Impowered to make sale of one hundred pounds worth of the real Estate of said dec'ed for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for; and to pass and execute a good deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale and account with the Judge of Probate for said County as the Law directs.

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Order on Murpheys Pet°.

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Upon reading the Petition of Elizabeth Murphy Executrix of the testament of John Murphy late of Arrundel in said County deceased, Wherein the Petitioner shew'd that the real Estate of the said testator was appraized in the year 1750. at the sum of £222.13.4. and the personal Estate was valued at [-] £48.11.4. The Charges and disbursment in settling said Estate as by the account allow'd by the Judge am°. £29.13.10. And the necessities allow'd to the Widow am°. to £12.17.8. The report of the claims of the creditors return'd by Commissioners appointed

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[358r]

appointed to examine the same £87.6.3 ½. exclusive of £13.6.8. paid Bishworth Jordan Esq, before the Inventory was known £13.6.8. £143.4.5 ½. That there were three Executions levied upon the real Estate of the said dec'ed, to satisfy other demands viz. upon 45 acres of the land which was not considered by the Commissioners. levied for the sum of £53.9. And the Widows dower in

said real Estate being set off to her, there remains not sufficient of land, were it sold to the full Value; to pay the above Charges disbursements, and Debts above-mentioned. The Petitioner therefore pray'd this Court to grant her Licence to sell the remaining part of said real Estate that so the proceeds of the sale might be applied to defray the charges above mentioned, and the surplussage distributed to and among the Creditors. Ordered that the prayer of this Petition be granted; and that the said Eliz<sup>a</sup>. Murphy (in her said Capacity) be and hereby is Impowered to make sale of the real Estate of the said deceased for the Ends aforesaid, as pray'd for, and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the product thereof) as the Law directs.

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Order on Burnam's Petition

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Upon reading the Petition of James Burnam one of the Executors of the testament of Peter Rich late of Wells in said County dec'ed. Wherein the Petition<sup>r</sup>. Shew'd that the real and personal Estate of the dec'ed was apprais'd in the Month of October 1760. and amounted to more than. £39.4.7

That y<sup>e</sup>. Petition<sup>rs</sup>. account of Administration so far as he has proceeded am<sup>o</sup>. to £8.8.7. The Necessaries for upholding of Life allow'd the Widow of the dec'ed amount to £9.5.1. £17.13.7. And the said Estate being represented Insolvent the claims already made thereon which are under Consideration of the Commissioners appointed to examine the same amount to more than sixty pounds. which sums far exceed the appraised Value of the whole Estate. The Petitioner therefore pray'd this Court to grant him Licence in his said Capacity, to sell the whole real Estate after the Widow's dower therein is sett off to her, that so the Surplusage may be distributed amongst the Creditors as the Law directs. Ordered that the prayer of this Petition be granted, and that the said James Burnam (in his said Capacity) be and hereby is Impowered to make sale of the real Estate of said dec'ed for the Ends aforesaid, as pray'd for; And to pass and execute a good Deed or Deeds

in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate, of said County (for the produce thereof) as the Law directs.

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[358v]

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Order on Hutchins Pet<sup>o</sup>.

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Upon reading the Petition of David Hutchins jun<sup>r</sup>. Administrator of the Estate of Enoch Hutchins late of Arundel in said County deceased Intestate Wherein the Petitioner shew'd that the real Estate of said Intestate consisting of twenty five acres of land and a small dwelling house thereon was appraised at the sum of £45. The personal Estate was valued at £32.8. The necessities for upholding of life allow'd to the Widow of the deceased with the petitioners account of the charges of Administration and Disbursements hitherto as allow'd by the Judge of Probate amount to £34.1.9. And the said Estate being insolvent as appears by the list of claims reported by the Commissioners appointed to examine the same and which further appears by the papers and Records with the Certificate of the register on file. The petitioner therefore pray'd this Court to licence him (in said Capacity) to make sale of two thirds of the real Estate of the s<sup>d</sup>. deceased (the other third to be assigned to the Widow as her third in the same) in order that the proceeds of the sale might be distributed amongst the Creditors pursuant to Law. Ordered that the prayer of this Petition be Granted and that the said David Hutchins Adm<sup>r</sup> or as aforesaid, be and Hereby is Impowered to make sale of the real Estate of the said Enoch Hutchins dec<sup>d</sup> for the Ends aforesaid as pray'd for; and to pass and Execute a good deed or Deeds in the Law for Conveyance thereof; the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate of said County, as the Law directs.

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Order on Merrill's Petition

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Upon reading the Petition of John Merrill Adm<sup>r</sup>. of the Estate of John  
 Jellison late of Arundel in said County. Wherein the Petitioner shew'd that the  
 said Estate consists of two tracts of land only, the one containing 40 acres with a  
 dwelling house thereon appraized at the sum of £60. the other of  
 115. acres lying on Saco Road valued at 34.10.0. amounting in the whole to  
 £94.10/. The Petition<sup>r</sup>. account of charges of Administration hitherto arisen  
 as allowed by the Judge to £2.14.3. And the debts due from said Estate some  
 time since demanded amount to £17.2.9 £19.17.0. and that there  
 are so many other claims since made upon said Estate that the Petitioner  
 apprehends the whole Estate will not sufficient to pay the debts, and has  
 thereupon represented the same insolvent. And commission for  
 examining said Claims has been issued, but the time allow'd for that  
 purpose is not yet expired. The Petitioner therefore pray'd this Court to  
 Impower him to sell the whole Estate of the said deceased that so the  
 proceeds may be disposed of and disbursed to and amongst the Creditors.  
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359

[359r]

as the Law directs. Ordered that the prayer of this Petition be granted; and that the  
 John Merrill in his said Capacity be and hereby is Impowered to make of the  
 real Estate of the said dec'd for the Ends aforesaid as pray'd for; the petiitioner  
 to pass and Execute a good deed or deeds in the Law for Conveyance thereof,  
 and to post up notifications thirty days before the sale, and also account  
 with the Judge of Probate for said County (for the produce thereof as the  
 Law directs.

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Order on Phippens Petition

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Upon reading the Petition of Benjamin Phippen Administrator of the Estate of James Bane late of York aforesaid dec'd intestate. Wherein the Petitioner shew'd that the personal Estate of the said deceased lying at Halifax in Nova Scotia after deducting the necessities for upholding of life allowed by the Judge of Probate to the Widow of the Intestate will not be sufficient to pay the doctors bill funeral Charges and debts due from the Estate there. And that the real Estate of the said dec'd lying in the County of York wereit sold for the full value will not be sufficient to defray the charges of Administration and pay the remainder of the debts of the said Intestate according to the claims already made which are now under examination of commissioners appointed by the Judge of Probate for that purpose as appears by the registers Certificate on file. The Petitioner therefore pray'd this Court to grant him a licence in his said Capacity to sell the whole real Estate of the said deceased that so he might be enabled to defray the charges of his Administration and distribute the surplusage of the same to & amongst the creditors according to their just claims pursuant to the directions of the Law. Ordered that the prayer of this Petition be granted and that the s<sup>d</sup>. Benjamin Phippen Adm'or as aforesaid, be and hereby is Impowered to make Sale of the real estate of the said dec'd for the Ends aforesaid as pray'd for, and to pass and execute a good deed or deeds in the Law for Conveyance thereof the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate for said County (for the produce thereof) as the Law directs.

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Order on Hatch's pet<sup>o</sup>

&gt;&gt;

Upon reading the Petition of Nathaniel Hatch Adm'or of the Estate of James Buzzell late of Wells in said County dec'd Intestate, Wherein the Petitioner shew'd That the real Estate of the said Intestate consisting of Eighty nine acres of land and a dwelling house was appraised dhe 6<sup>th</sup>. July 1759. at the sum of £112.2.8. The personal Estate and profits of the real p<sup>r</sup>. account 7.1.3. The petitioner's account of charges and Disbursments about said Estate as allow'd by the Judge of Probate am<sup>o</sup>. £11.10.0. And the demands for debts due from said Estate,

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[359v]

not yet paid amount to. £15.18.5. £26.18.5. upon which it appears by the Registers Certificate on file, that the said debts and charges amount to Nineteen pounds seventeen shillings and two pence more than the personal Estate. The Petitioner therefore pray'd this Court to grant him Licence in his said Capacity, to sell so much of the real Estate of his said Intestate as shall be sufficient to pay the debts and charges above mentioned. Ordered that the prayer of this Petition be granted and that the said Nathaniel Hatch Adm'or as aforesaid be and hereby is Impowered to make sale of twenty three pounds worth of the real Estate of said deceased for the Ends aforesaid (such as will least prejudice the whole) as pray'd for: and to pass and execute a good deed or deeds in the Law for Conveyance thereof the petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Clark's Pet<sup>o</sup>. Allow'd

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The Petition of Samuel Clark et al<sup>s</sup>. for division of land: Granted. The petition is on file.

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Wares's Pet<sup>o</sup>. Allow'd

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The Petition of Daniel Ware et al<sup>s</sup>. For division, as on file: Granted.

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York June 19<sup>th</sup>. 1762 The Court entered up Judgment according to the verdicts, and then Adjourned without day.

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Province of the} Anno Regni Regis Georgii tertii magnæ Britanniaë

Massachusetts-Bay} Franciæ et Hiberniæ secundo.

Cumberland ss}

At his Majesty's Superiour Court of Judicature Court of Assize  
and General Goal Delivery, held at Falmouth within the County  
of Cumberland, and for the Counties of Cumberland and  
Lincoln on the fourth Tuesday of June (being the 22<sup>d</sup>. day of  
said Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq; Chief Justice

Benjamin Lynde }

John Cushing, and} Esquire's Justices.

Chambers Russell}

The Attorney General being absent, the Court appoint William Cushing  
Esq; to act as King's Attorney at this Term.

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Petition of Davee allow'd.

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The Petition of Robert Davee for division of land, as on file: continued from



last term that the absent partners might be notified; Now Granted.

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Prop<sup>s</sup>. of Falm<sup>o</sup>. ~~vs~~ Hodgkins

>>

The Proprietors of the common and undivided lands in the Town of Falmouth in the County of Cumberland (of whom Moses Pearson of said Falmouth Esquire; Sheriff of said County is one) appellants ~~vs~~ Phillip Hodgkins of Georgetown in the County of Lincoln Shipwright appellee, from the Judgment of an Inferiour Court of Common pleas held at Pownalborough in and for the County of Lincoln on the second Tuesday of September last, when and where the appellee was plaintiff and the appellants were defendants. In a plea of trespass upon the case, for that the proprietors of the said Town of Falmouth at Falmouth, at Falmouthaforesaid, on the eighth day of May AD one thousand seven hundred and twenty eight granted and conveyed to the said Phillip two lots of land lying in the said Town of Falmouth one of said Lots containing one acre and bounded beginning at a stake on the Eastermost side of Robert Rundall's lot, and thence eight rods east and by North to a stake, and thence North and by west twenty rods to a stake, and thence eight rods west and by South to a stake, and thence south and by east to the first bounds mentioned, The other of said lots containing three acres being the third lot in Number, bounded beginning at a hemlock tree marked 2.3. and thence south east fronting the bay twelve rods to a Hemlock tree marked 3.4. and thence South west forty rods to a stake, and thence north twelve rods to a stake, and thence North East to the first bounds mentioned leaving a highway on the bank. And on the eighteenth day

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[361v]

day of July AD one thousand seven hundred and twenty nine, Joshua Moody Gentleman, Samuel Moody Physician, Edmund Montfort Merchant, and Mary his Wife in her right and his own, all of Falmouth aforesaid, John Smith of Boston in the County of Suffolk Merchant, Phillip Thompson Physician and Mary his Wife, and Joanna Montjoy spinster all three of Roxbury in the County of Suffolk, prosecuted a Writ of trespass

and Ejectment against Joseph Bailey and the said Phillip Hodgkins, by the Name of Phillip Hodgkins of Falmouth in the County of York Shipwright, at the Inferiour Court of common pleas held at York within the County of York on the first Tuesday of October AD 1729. for recovering possession of a tract of land containing three hundred and ten acres in Falmouth aforesaid being the Easterly End of Mountjoy's neck bounded on all sides on the salt water, & a line drawn from the mouth of a runnel of water on the easterly side where McCleave's house stood, strait to the place where an old barn once stood on the top of a hill; and from thence the shortest line, nearest west north west to the salt water (Excepting the lands all along the southerly [<sup>side</sup>] of the neck, from the said runnel of water to the place where the former meeting house stood) & extending twenty poles backward, with all the buldings and Appurtenances thereof; as appears of Record: within which tract the aforesaid one acre lot and three acre lot are included; and on the fifteenth day of September AD. one thousand seven hundred and twenty nine, the said proprietors legally voted that every person or persons holding a Town right shall pay their equal charge in defraying the charges of any person or persons, sued for any lot or lots, that he or they may or shall have granted by the Town of Falmouth or by order of said Town each person paying the charge according to the lands they hold by virtue of Town rights; And the said Proprietors on the fourth day of May A.D. one thousand seven hundred and thirty legally voted, that Captain Dominicus Jordan, James Winslow, and Joseph Bailey, be agents to answer to the case depending at York concerning the neck of land in Contest now in the Law between Cap<sup>t</sup>. Joshua Moody and Company plaintiffs and Joseph Bailey and Phillip Hodgkins de<sup>ft</sup><sup>s</sup>. And at the Superiour Court of Judicature held at York aforesaid on the thirteenth day of May AD one thousand seven hundred and thirty by the consideration of said Superiour Court Judgment was rendered for said Joseph Bailey and Phillip Hodgkins to recover their Cost in said Action on the appeal as appeareth by the record thereof in the same Court remaining; whereupon a Writ of review of the same Judgment was prosecuted by the said plaintiffs, returnable to the said Superiour Court to be then held at said York on the twelfth day of May AD one thousand seven hundred and thirty one and by the Consideration of said Court held at said York by adjournment on

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362.

[362r]

on the thirtieth day of the same Month the same Judgment was recovered and the said plant<sup>s</sup>. recovered Judgment against the said Phillip Hodgkins for their title and possession of said land and Costs, taxed at fifty nine pounds ten shillings and nine pence, as appeareth by the record thereof in the same Court remaining; And on the twenty first day of November A.D. one thousand seven hundred and thirty two, the said proprietors upon the Motion of the said Phillip Hodgkins legally voted, that there be a proportionable tax laid on the propiety of sixty pounds to defray the charges of the Execution that Cap<sup>t</sup>. Moody and others have against Phillip Hodgkins about the neck of land Call'd Mountjoy's Neck, (meaning the said charges of the Execution, that had issued on the last mentioned Judgment, amounting to the said sum of sixty pounds and more, & at said Georgetown then promised the said Phillip to pay him the said sum of sixty pounds on demand; yet they have not paid it tho requested but neglect it.

To the damage of the said Phillip Hodgkins, as he saith the sum of two hundred pounds. At which said Inferiour Court Judgment was rendered, upon the demurer there, that the said Phillip Hodgkins recover against the said Proprietors the sum of Sixty pounds, and Costs of suit. Both Parties Appeared, and the demurer aforesaid being now waived, and issue joined [<sup>^</sup>(as on file)<sup>^</sup>] the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee sixty pounds dam<sup>^a^</sup>ge and Costs. The appellee pray'd leave to release thirty nine pounds two shillings and three pence of the above verdict: which was allow'd. It's therefore Considered by the Court that the said Phillip Hodgkins recover against the said Proprietors the sum of twenty pounds seventeen shillings and Nine pence Lawful Money of this Province damage, and Costs taxed at £4.7.2.

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Ex'c'on issued

July 8<sup>th</sup>. 1762.

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Freeman ~~vs~~ Thompson

&gt;&gt;

Enoch Freeman of Falmouth in the County of Cumberland Esq; Appellant  
~~vs~~ Nicholas Thompson [<sup>^</sup>Yeoman<sup>^</sup>] and Samuel Cole [<sup>^</sup>Labourer<sup>^</sup>] both of said Falmouth  
 Appellees, from

the Judgment of an Inferiour Court of common pleas held at Falmouth in &  
 for the County of Cumberland on the third Tuesday of May last, when and  
 where the appellant was plant and the appellees were defts In a plea of  
 Debt &C<sup>a</sup>. (in the Writ tested the 30<sup>th</sup>. day of September last, as on file doth  
 Appear) At which said Inferiour Court Judgment was rendered, that the  
 said Enoch Freeman recover against the said Nicholas Thompson, and  
 Samuel Cole the sum of Ninety nine pounds Lawful Money debt, being  
 the Chancery of the Bond declared on, and the sum of one pound thirteen  
 shillings and six pence Costs of Suit. Both Parties Appeared, and the  
 Appellees confessed Judgment for one hundred and five pounds Money  
 debt

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[362v]

debt and Costs. It's therefore Considered by the Court that the said Enoch Freeman  
 recover against the said Nicholas Thompson and Samuel Cole the sum of one  
 hundred and five pounds Lawful Money of this Province debt, and Costs  
 taxed at £3.12.8.

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Ex'c'on issued

26<sup>th</sup>. June 1762.

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Pearson ~~vs~~ Procter

&gt;&gt;

Moses Pearson of Falmouth in the County of Cumberland Esq; appellant ~~vs~~

Samuel Procter of said Falmouth Yeoman appellee, from the Judgment of an Inferiour Court of Common pleas held at Falmouth in and for the County of Cumberland on the third Tuesday of May last, when and where the appellee was plan<sup>t</sup>. and the appellant was def<sup>t</sup>. In a plea of Ejectment wherein he demands against the said Moses the possession of a certain tract of land in Falmouth aforesaid with its appurtenances, bounded as follows viz. beginning at a stake standing in the Easterly line of said Samuel's acre lot two rods Northwest and by North from fore street, thence running north thirty nine degrees west thirty four rods to middle street, thence North fifty six degrees fifteen minits East three rods by middle street, thence south East and by South thirty four rods to the bounds first mentioned, containing about fifty one square rods, for that the said Samuel in time of peace within twenty years last past was seized of the demanded premisses, in his demesne as of fee taking the profits thereof at ten shillings P year, and being so seized the def<sup>t</sup>. afterwards enter'd on the premisses, and unjustly and without Judgment disseized the plant thereof, and still unjustly withholds the possession thereof from him To the damage of the said Samuel Procter as he saith the sum of twenty five pounds. At which said Inferiour Court Judgment was rendered, that the said Samuel Procter recover against the said Moses Pearson, part of the premisses sued for, viz. a gore or triangular peice of land joining to the plant<sup>s</sup>. possession, two rods wide at Middle street and running off to a point at fore street and the sum of three pounds ten shillings and ten pence Costs of suit. Both Parties Appeared, and the Case After a full hearing was committed to a Jury sworn according to Law to try the same; and After they had viewed the premisses the Appellee pray'd leave to discontinue this suit; paying Costs: which was allow'd. It's therefore Considered by the Court that the said Moses Pearson recover against the said Samuel Procter Costs taxed at £6.1.2

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Ex'c'on issued

6<sup>th</sup>. July 1762.

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Loveit ~~vs~~ Porterfield

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Jonathan Loveit of Falmouth in the County of Cumberland Mariner  
appellant ~~vs~~ Patrick Porterfield resident at said Falmouth Yeoman Appellee,  
from the Judgment of an Inferiour Court of common Pleas held at Falmouth in &  
for the County of Cumberland on the first Tuesday of September last, when  
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[363r]

and where the Appellant was plant. and the Appellee was def<sup>t</sup>. In a plea of trespass for y<sup>t</sup>.  
the said Patrick at Falmouth aforesaid, on the Ninth day of July last, with force and  
arms entered the plant<sup>s</sup>. close in said Falmouth containing about two acres  
bounded as follows viz. beginning at a ditch on the North westerly side of Spurwink  
river (so called) which ditch is the dividing line between the plant. land, and  
the land of one Robert Mitchell, and running from the aforesaid Ditch up  
the same river as said river runs to the ditch aforesaid, and cut down and  
destroyed the grass of the plant. then growing thereon of the value of ten pounds  
and other Injuries then and there perpetrated and did against the King's peace  
and the Law of this Province made and provided To the damage of the said  
Jonathan Loveit as he says the sum of ten pounds. At which said Inferiour  
Court Judgment was rendered, that the said Patrick Porterfield recover  
against the said Jonathan Loveit Costs of suit taxed at two pounds two  
shillings and four pence. Both Parties Appeared, and the Case after  
a full hearing was Committed to a Jury sworn according to Law to try the  
same who returned their Verdict therein upon Oath that is to say they find  
for the appellant forty shillings Lawful Money damage, and Costs. It's  
therefore Considered by the Court that the said Jonathan Loveit recover  
against the said Patrick Porterfield the sum of forty shillings Lawful Money  
of this Province Damage, and Costs taxed at £8.3.2.

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Ex'c'on issued

4<sup>th</sup>. Aug. 1762.

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Milliken vs Burnam

&gt;&gt;

John Milliken of Scarborough in the County of Cumberland Sadler  
 Appellant vs Daniel Burnam of Scarborough aforesaid Yeoman Appellee, from  
 the Judgment of an Inferiour Court of common pleas held at Falmouth in and  
 for said County of Cumberland on the third Tuesday of May last, when and  
 where the Appellant was plant and the appellee was def<sup>t</sup>. In a plea of trespass for  
 that the def<sup>t</sup>. at Scarborough aforesaid on the fourth day of May AD 1761. did  
 with force and arms unlawfully enter into the plant<sup>s</sup>. barn in Scarborough  
 aforesaid, and then and there took and drove away one red Ox with a white  
 face belonging to the plant. of the value of eight pounds Lawful Money and  
 hath detain'd said ox from the plant ever since, whereby the plant has lost  
 his said Ox and did to him other enormities against the peace of our Lord  
 the King and to the damage of him the said John as he saith the sum of  
 twelve pounds. at which said Inferiour Court Judgment was rendered, upon  
 the demurer there, that the said Daniel Burnam recover against the said  
 John Milliken Costs taxed at one pound fourteen shillings and three pence  
 Both parties Appeared, and the demurer aforesaid being waiv'd and  
 issue join'd on the plea tender'd [<sup>^</sup>& on file<sup>^</sup>] the Case after a full hearing was committed  
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[363v]

to a Jury sworn according to Law to try the same who returned their Verdict therein  
 upon Oath, that is to say, they find for the appellant seven pounds Lawful Money  
 damage, and Costs. It's therefore Considered by the Court that the said John  
 Milliken recover against the said Daniel Burnam the sum of Seven pounds  
 Lawful Money of this Province damage, and Costs taxed at £4.11.8.

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Ex'c'on issued

Aug. 5<sup>th</sup>. 1762.

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Frost ~~vs~~ Whitney

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Joanna Frost of Falmouth in the County of Cumberland Gentlewoman  
Appellant ~~vs~~ Nathan Whitney of a place called Gorehamtown in the same  
County Labourer, and John Bayley of Falmouth aforesaid Taylor Appellees, from  
the Judgment of an Inferiour Court of common pleas held at Falmouth in and  
for the County of Cumberland on the third Tuesday of May last, when and  
where the appellant was plant and the appellees were defts In a plea of  
Debt, &C<sup>a</sup>. (as by the writ on file, tested the 18<sup>th</sup>. day of March last. at large  
appears) at which said Inferiour Court Judgment was rendered, that the  
said Joanna Frost recover against the said Nathan Whitney and John Bayley  
the sum of Fifteen pounds seventeen and two pence Lawful Money debt, being  
the Chancery of the bond declared on, and Costs of Suit taxed at One pound  
fourteen shillings and four pence. Both Parties Appeared, and After  
a full hearing of them in Chancery. It's Considered by the Court that  
the said Joanna Frost recover against the said Nathan Whitney and John  
Bayley the sum of fifteen pounds nineteen shillings Lawful Money of  
this Province debt, and Costs of the Inferiour Court only, taxed at  
£1.14.4.

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King ~~vs~~ Purrington

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Richard King of Scarborough in the County of Cumberland Gentleman  
Appellant ~~vs~~ Joshua Purrington of said Scarborough Yeoman appellee, from  
the Judgment of an Inferiour Court of Common pleas held at Falmouth in and  
for the County of Cumberland on the third Tuesday of May last, when and where Samuel  
the appellant was plant and the appellee was def<sup>t</sup>. In a plea of the case for  
that whereas the def<sup>t</sup>. at Falmouth aforesaid on the twenty second day of  
February AD 1752. by his promissory Note under his hand of that date for value



received, promised to pay to one Doc. Nathaniel Coffin or order, the sum of two pounds ten shillings and four pence Lawful Money on demand with Lawful Interest 'till paid, and Afterwards viz. on the first day of March last past, at Falmouth aforesaid, the said Nathaniel by his indorsement on the said note ordered the contents thereof (being then unpaid) to be paid to the plant of all which the def<sup>t</sup>. on the same day at Falmouth aforesaid, had due Notice; also for that the def<sup>t</sup>. by his one other note under his hand bearing date the fourteenth

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364.

[364r]

fourteenth day of October last past, at Falmouth aforesaid for value received, promised to pay one Benjamin Harford or order the sum of four pounds Lawful Money on or before the twentieth day of March next after the date aforesaid; and Afterwards viz. on the same fourteenth day of October at Falmouth aforesaid the said Benjamin by his Indorsement on the said Note ordered the Contents thereof (being then unpaid) to be paid unto the plant of all which the def<sup>t</sup>. on the same day at Falmouth aforesaid had due notice. Also for that the def<sup>t</sup>. on the twenty first day of March last past, at Falmouth aforesaid being indebted to the plant in the sum of forty three pounds ten shillings and eight pence three farthings Lawful Money on ballance according to the account to the Writ annexed and to ballance the same then and there promised the plant to pay him the same sum on demand; Yet the def<sup>t</sup>. though often requested to pay the several sums aforesaid has not paid the same nor any part of any or either of them; but refuses to do it. To the damage of the said Richard King as he saith the sum of Seventy pounds. At which said Inferiour Court Judgment was rendered, that the said Joshua Purrington recover against the said Richard King Costs of Suit taxed at one pound four shillings and four pence.

Both Parties Appeared, and the Case After a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say, they find for the Appellant thirty one pounds five shillings and three pence damage, and Costs. It's therefore Considered by the Court that the said Richard King recover against the said Joshua

Purrington the sum of thirty one pounds five shillings and three pence  
 Lawful Money of this Province Damage, and Costs taxed at £7.2.5

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Ex'c'on issued

July 19<sup>th</sup>. 1762.

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Hight ~~vs~~ Milliken

>>

John Hight of Scarborough in the County of Cumberland Yeoman appellant  
~~vs~~ Edward Milliken of Scarborough aforesaid Esq; Appellee, from the Judgment of  
 an Inferiour Court of Common Pleas held at Falmouth in and for the County  
 of Cumberland on the third Tuesday of May last, when and where the appellee  
 was plant and the appellant was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as by the Writ  
 on file tested the 15<sup>th</sup>. day of February last, at large appears) at which said Inferiour  
 Court Judgment was rendered, that the said Edward Milliken recover  
 against the said John Hight the sum of twenty six pounds six shillings and  
 eight pence Money damage, and Costs taxed at four pounds nineteen shillings  
 and nine pence. The Appellee appeared, but the appellant altho' solemnly  
 called to come into Court did not appear but made default. It's therefore  
 Considered by the Court that said Edward Milliken (who asked Costs)  
 shall recover against the said John Hight Costs taxed at £ .see Compl<sup>t</sup>. is<sup>s</sup>.

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Benjamin

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Milliken ~~vs~~ Obrian et al.

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Benjamin Milliken of Scarborough in the County of Cumberland Trader Appell<sup>t</sup>.  
~~vs~~ Jeremy Obrian Taylor alias Labourer, and Moses Burnam Husbandman alias

Labourer Appellees, from the Judgment of an Inferiour Court of Common pleas held Falmouth in [^& for^] the County of Cumberland on the third Tuesday of May last, when and where the appellant was plant and the appellee was def<sup>t</sup>. In a plea of trespass &C<sup>a</sup>. (as by the Writ tested the 7<sup>th</sup>. day of April last, on file, at large appears) At which s<sup>d</sup>. Inferiour Court Judgment was rendred, that the said Jeremy Obrian and Moses Burnam recover against the said Benjamin Milliken Cost of Court taxed at £2.3.1. The Parties appeared, and after being fully heard upon the plea in abatement (on file) It's Considered by the Court that the writ abate, and that the said Jeremy Obrian, and Moses Burnam recover against the said Benjamin Milliken the sum of three pounds eighteen shillings and eleven pence Costs.

&lt;&lt;

Ex'c'on issued

Sep. 10s<sup>t</sup>. 1762.

&gt;&gt;

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&lt;&lt;

Larkin ~~vs~~ Milliken

&gt;&gt;

Joseph Larkin and Battery Powers both of Charlestown in the County of Middlesex Potters and Partners Appellants ~~vs~~ Benjamin Milliken of Scarborough in the County of Cumberland Trader Appellee, from the Judgment of an Inf<sup>t</sup>. Court of common Pleas held at Falmouth in and for the County of Cumberland on the third Tuesday of May last, when and where the Appell<sup>ts</sup>. were plant<sup>s</sup>. and the Appellee was def<sup>t</sup>. In a plea of the Case for that the def<sup>t</sup>. at Falmouth aforesaid, on the fourth day of July last, being indebted to the plant<sup>s</sup>. in the sum of five pounds six shillings and six pence one farthing Lawful Money for Earthen ware sold and delivered according to the account annexed then and there promised the plant<sup>s</sup>. to pay them the same sum on demand, yet (tho' requested) he the def<sup>t</sup>. has not done it but neglects it, To the damage of the said Joseph and Battery (as they say) the sum of Eight pounds. At which said Inferiour Court, upon the demurer there, Judgment was rendered that the said Benjamin Milliken recover against the said Joseph Larkin and Battery Powers Costs of Court taxed

at one pound one shilling and seven pence. The Appellants appeared, but the appellee although solemnly called to come into Court did not appear but made default. It's therefore Considered by the Court that the said Joseph Larkin and Battery Potters recover against the said Benjamin Milliken the sum sued for being five pounds six shillings and six pence farthing Lawful Money of this Province damage, and Costs taxed at £5.16.0

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Ex'c'on issued

July 20<sup>th</sup>. 1762.

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Freeman ~~vs~~ Thompson

&gt;&gt;

Enock Freeman of Falmouth in the County of Cumberland Esquire,  
Complainant ~~vs~~ Nicholas Thompson of said Falmouth Yeoman. The Compl<sup>t</sup>.  
shew'd

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Image 443-Right

365.

[365r]

shew'd that at an Inferiour Court of Common pleas held at Falmouth in and for the County of Cumberland on the first Tuesday of September last, he recovered Judgment against the said Nicholas Thompson for the sum of £25.6.3. Lawful Money damage, and Costs of suit; from which Judgment the said Nic. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment w<sup>th</sup>. Additional Interest and Costs. It's therefore Considered by the Court that the said Enoch Freeman recover against the said Nicholas Thompson the sum of twenty five pounds six shillings and eight pence Lawful Money of this Province Damage, & Costs taxed at £1.19.10.

&lt;&lt;

Ex'c'on issued

June 22<sup>d</sup>. 1762.

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Anderson Adm<sup>r</sup>. vs Boardman

>>

Ann Anderson of North yarmouth in the County of Cumber[<sup>land</sup>] Widow Administratrix of the Estate of James Anderson late of Northyarmouth aforesaid Yeoman dec<sup>'ed</sup> Compl<sup>t</sup>. of Newbury in the County of Essex Shipwright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Falmouth in and for the County of Cumberland on the third Tuesday of May last, she recovered Judgment against the said John for the sum of five pounds six shillings and eight pence Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>. of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Ann Anderson Administratrix as aforesaid, recover against the said John Boardman the sum of five pounds six shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £8.3.9

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Ex'c'on issued

19<sup>th</sup>. July 1762.

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Codman vs Dunn

>>

Richard Codman of Falmouth in the County of Cumberland Merchant Compl<sup>t</sup>. vs Samuel Dunn of said Falmouth Shipwright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Falmouth in and for the County of Cumberland on the third Tuesday of May last, he Recovered judgment against the said Samuel for the sum of three pounds seventeen shill<sup>s</sup>. and one penny Lawful Money damage, and Costs of Suit; from which Judgm<sup>t</sup>.

the said Samuel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Richard Codman recover against the said Samuel Dunn the sum of three pounds seventeen shillings & a penny Lawful Money of this Province Damage, and Costs taxed at £3.4.11

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Ex'c'on issued

July 20<sup>th</sup>. 1762.

&gt;&gt;

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Richard

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[365v]

&lt;&lt;

King ~~vs~~ Purrington

&gt;&gt;

Richard King of Scarborough in the County of Cumberland Gentleman  
Complainant ~~vs~~ Joshua Purrington of said Scarborough Yeoman. The Compl<sup>t</sup>. shew'd y<sup>t</sup>.  
at an Inferiour Court of common pleas held at Falmouth in and for the County of  
Cumberland on the third Tuesday of May last, he recovered Judgment against  
the said Joshua for the sum of one hundred and twenty five pounds eighteen  
shillings and eight pence Lawful Money damage, and Cost of Court taxed at  
two pounds, to be paid in two Months; and in want thereof that the said  
Richard King have his Execution for Possession of the premisses demanded  
and Costs as aforesaid; from which Judgment the said Joshua appealed to  
this Court and recogniz'd with sureties according to Law to prosecute the same  
with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of  
said Judgment with Additional Interest and Costs. It's therefore Considered  
by the Court that the said Richard King recover against the said Joshua  
Purrington Possession of the premisses demanded in the Writ and Costs: unless  
the said Purrington do within two months from this time pay said King one

hundred and nineteen pounds two shillings and eight pence Lawful Money  
of this Province damage, and Costs taxed at £3.7.2.

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Ex'c'on issued

Aug. 24<sup>th</sup>. 1762.

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Malcom ~~vs~~ Ring

>>

William Malcom of Georgetown in the County of Lincoln Yeoman Compl<sup>t</sup>.  
~~vs~~ Benjamin Ring of said Georgetown Yeoman. The Compl<sup>t</sup>. shew'd that at an  
Inferiour Court of Common pleas held at Pownalborough in and for the County  
of Lincoln on the second Tuesday of September last, whe recovered Judgment  
against the Benjamin the sum of four pounds Lawful Money damage, and Costs  
of Suit; from which Judgment the said Benjamin appealed to this Court, and  
recogniz'd with sureties according to Law to prosecute the same with Effect,  
but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
with additional Costs. It's therefore Considered by the Court that the said  
William Malcom recover against the said Benjamin Ring the sum of  
Four pounds Lawful Money of this Province damage, and Costs taxed at  
£5.0.3

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Ex'c'on issued

8<sup>th</sup>. July 1762.

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Silvester ~~vs~~ Prebble

>>

Joshua Silvester of Pownalborough in the County of Lincoln Cordwainer  
Compl<sup>t</sup>. ~~vs~~ Abraham Prebble of said Pownalborough Yeoman. The Compl<sup>t</sup>. ~~vs~~  
shew'd that at an Inferiour Court of Common of common pleas held at  
Pownalborough in and for the County of Lincoln on the second Tuesday of Sep.

last, he recovered Judgment against the said Abraham for the sum of one pound eleven shillings and a half penny Lawful Money damage, and Costs of suit; from which Judgment the said Abraham appealed to this Court and recogniz'd with

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Image 444-Right

366.

[366r]

with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Joshua Silvester recover against the said Abraham Prebble the sum of one pound eleven shillings and [<sup>a</sup>] half penny Lawful Money of this Province Damage, and Costs taxed at £

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<<

Couillard ~~vs~~ Winchell

>>

John Couilliard of Georgetown in said County of Lincoln Yeoman Compl<sup>t</sup>.  
~~vs~~ Samuel Winchel of a place called Cathance in said County Yeoman defendant.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Pownalborough in and for the County of Lincoln on the second Tuesday of September last, he recovered Judgment against the said Samuel for the sum of thirteen pounds six shillings and eight pence damage, and costs of suit; from which Judgment the said Samuel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Couilliard recover against the said Samuel Winchell the sum of thirteen pounds six shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £4.1.6.

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Ex'c'on issued

8 Dec<sup>r</sup>. 1762.



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Robinson jun<sup>r</sup>. ~~vs~~ Cushing

&gt;&gt;

John Robinson jun<sup>r</sup>. of Falmouth in the County of Cumberland Gent.Complainant ~~vs~~ Jeremy Cushing of said Falmouth Mariner. The Compl<sup>t</sup>.

shew'd that at an Inferiour Court of common pleas held at Falmouth in &amp;

for the County of Cumberland on the first Tuesday of September Last, he

recovered Judgment against the said Jeremy for the sum of three pounds

four shillings Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>.

the said Jeremy appealed to this Court and recogniz'd with sureties according to

Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.

pray'd Affirmation of said Judgment with Additional Costs. It's therefore

Considered by the Court that the said John Robinson jun<sup>r</sup>. recover against

the said Jeremy Cushing the sum of three pounds four shillings Lawful Money

of this Province Damage, and Costs taxed at £

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&lt;&lt;

Milliken ~~vs~~ Hight

&gt;&gt;

Edward Milliken of Scarborough in the County of Cumberland Esq;

Complainant ~~vs~~ John Hight of said Scarborough Yeoman. The Compl<sup>t</sup>. shew'd

that at an Inferiour Court of common pleas held at Falmouth in and for the County of

Cumberland on the third Tuesday of May last, he recovered Judgment against the

said John for the sum of twenty six pounds six shillingsand eight pence Money

damage,

&lt;duplicates previous&gt;

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Image 446-Left

[366v]

damage, and Costs of suit; from which Judgment the said John appealed to this Court

and recogniz'd with sureties According to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the s<sup>d</sup>. Edward Milliken recover against the said John Hight the sum of twenty six pounds nine shillings Lawful Money of this Province damage, and Costs taxed at £4.18.8

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Ex'c'on issued

26<sup>th</sup>. June 1762.

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Fogg ~~vs~~ Small jun<sup>r</sup>.

&gt;&gt;

Daniel Fogg of Scarborough in the County of Cumberland Gentleman Complainant ~~vs~~ Samuel Small jun<sup>r</sup>. of said Scarborough Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Falmouth in and for the County of Cumberland on the first Tuesday of September last, he recovered Judgment against the said Samuel for the sum of thirteen pounds ten shillings Lawful Money damage, and Costs of Suit; from which Judgment the said Samuel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Daniel Fogg recover against the said Samuel Small jun<sup>r</sup>. the sum of thirteen pounds ten shillings Lawful Money of this Province damage, and Costs taxed at £

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Mars ~~vs~~ Dearing

&gt;&gt;

Dennis Mars of Scarborough in the County of Cumberland Shipwright Complainant ~~vs~~ John Dearing of Biddeford in the County of York Shipwright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Falmouth in and for the County of Cumberland on the third Tuesday of

September last, he recovered Judgment against the said John for the sum of eighteen pounds Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>r</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Dennis Mars recover against the said John Dearing the sum of Eighteen pounds seventeen shillings and six pence Lawful Money of this Province damage, and Costs taxed at £

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Order on Blithen's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Hannah Blithen of Georgetown in the County of Lincoln Widow Administratrix on the Estate of John Blithen late of said Georgetown Yeoman deceased; Wherein the petitioner shew'd that the Estate of said dec'd

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Image 446-Right

367.

[367r]

deceased is Insolvent and therefore she pray'd she might be allowed to make sale of the real Estate of said deceased (saving the dower of the said Hannah therein Widow of said deceased) to satisfy said deceaseds debts as far as the same will extend. Ordered that the prayer of this Petition be granted; and that the said Hannah Blithen (in her said Capacity) be and hereby is Impowered to make Sale of the real Estate of said deceased for the End aforesaid as pray'd for; And to pass and Eecute a good deed or deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty days before the sale and account with the Judge of probate of said County [<sup>^</sup>of Lincoln<sup>^</sup>] (for the produce thereof) as the Law directs.

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Order on Farr's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Sarah Farr Administratrix of the Estate of William Farr late of Harpswell in said County deceased Intestate; Wherein the Petitioner shew'd that the personal Estate of said Intestate is not sufficient to pay the several demands thereon by forty nine pounds one shilling; as by the Registers Certificate on file appears. Wherefore the Petitioner pray'd this Court to enable her to make Sale of so much of the real Estate of said Intestate as will be sufficient to pay the said sum together with Incidental charges.

Ordered that the prayer of this Petition be granted; and that the said Sarah Farr (in her said Capacity) be and hereby is Impowered to make sale of fifty two pounds worth of the real Estate of said deceased for the Ends (such as will least prejudice the whole) as pray'd for; and to pass and Execute a good deed or deeds in the Law for Conveyance thereof the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate of said County of Cumberland, as the Law directs.

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Cargil et al Indictment

&gt;&gt;

The Jurors for our Sovereign Lord the King, for the Body of this County did upon their Oath present, That James Cargill of Newcastle in said County of Lincoln Gentleman, Jonathan Leiton Yeoman, Thomas Clark Labourer both of sd. Newcastle Israel Averill of Pownalborough in the County of Lincoln Husbandman, James Clark of said Pownalborough Labourer, David Given jun<sup>r</sup>. of said Newcastle Labourer, Benjamin Woodbridge jun<sup>r</sup>. of said Newcastle Labourer, Paul Woodbridge a minor of said Newcastle son of Benjamin Woodbridge of said Newcastle Gentleman, John Leiton a minor [x] of said Newcastle son of said Jonathan Leiton of Newcastle aforesaid, John Cunningham jun<sup>r</sup>. a minor of said Newcastle son of John Cunningham Innholder, on the twenty fifth day of June AD. one thousand seven hundred and sixty one with force and Arms, did riotuously, routously, and unlawfully at Newcastle aforesaid, assemble together to disturb the peace of the said Lord the king and being so assembled, did then and

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[367v]

and there with force and Arms riotously, routously, and unlawfully burn up  
 consume and destroy fifty rods of fence of one Joseph Hutchins and one Samuel  
 Ball of the value of ten pounds situate in said Newcastle, and did then & there  
 with force and arms riotously, routously, and unlawfully besat the dwelling  
 house of the said Joseph Hutchins and Samuel Ball situate in said Newcastle  
 of the value of Forty pounds and did then and there with force and arms  
 riotously, routously and unlawfully Assault [x] one Walter Cane [<sup>in</sup>] being the  
 same house and him with stones and clubs, struck, beat, and wounded  
 and him put in great danger of his life, and did then and there with  
 force and arms riotously, routously, and unlawfully pull and with axes  
 cut down said dwelling house and the same set fire to burn up & Consume  
 to the terror and disturbance of divers of his Majesty's good subjects, in Evil  
 Example of all others in such cases offending, and contrary to the peace of the  
 said Lord the King his Crown and dignity. To this Indictment the said James  
 Cargill, Jonathan Leiton, Thomas Clark; Israel Averill, James Clark, David  
 Given jun<sup>r</sup>. Benjamin Woodbridge jun<sup>r</sup>. Paul Woodbridge, John Leiton, and John  
 Cunningham jun<sup>r</sup>. upon their Arraignment at the barr severally plead  
 not Guilty; A Jury was then sworn to try the issue M<sup>r</sup>. James Gooding foreman  
 Jeremy Pote, Solomon Mitchell, Solomon Loring, Isaac Young, William  
 Butler, Samuel Anderson, Samuel Harnden jun<sup>r</sup>. Robert Stinson, James  
 McCobb, Josiah Noyes, and Benjamin Thrasher; who having fully heard the  
 Evidence for the King, with the defendants defence went out to Consider  
 thereof, and returned with their Verdict and upon their Oath say, that the said  
 James Cargill is [x], that the said Jonathan Leiton is [x], that the  
 said Thomas Clark is [x], that the said Israel Averill is [x], that the  
 said James Clark is [x], that the said David Given is [x], that the s<sup>d</sup>.  
 Benjamin Woodbridge jun<sup>r</sup>. is [x], that the said Paul Woodbridge is  
 [x], that the said John Leiton is [x] and that the said John Cunningham  
 jun<sup>r</sup>. is [x].

Note. The Jury which was charged with the above Indictment not being  
 able to agree, although twice sent out by the Court; The Kings Attorney moved

the Court that the Indictment might be be withdrawn from them and that no further proceedings might be had upon it: And the Indictment was accordingly with drawn from them and the Court order that no further proceedings be had upon that Indictment.

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Adjournment of the Court

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June 24. 1762. The Court entred up Judgment according to the Verdicts and then the Court was Adjourn'd without day

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Image 447-Right

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[368r]

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[368v]

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Image 448-Right

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[369r]

Province of the}      Anno Regni Regis Georgii tertii Magnæ  
Massachusetts Bay}    Britanniae Franciæ et Hiberniæ secundo  
Middlesex ss}

At his Majesty's Superiour Court of Judicature Court of Assize and General Goal Delivery, held at Cambridge in and for the County of Middlesex, on the first Tuesday of August (being the third day of said Month) Annoque

Domini 1762.

By the Honorable Thomas Hutchinson Esq; Chief Justice

Benjamin Lynde}

John Cushing}

Chambers Russell et} Esq<sup>ers</sup>, Justices

Peter Oliver}

The Names of the Grand and petit Jurors present Impanneled and sworn are  
in Writing on file.

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<<

Boucher ~~vs~~ Stearns

>>

Sarah Boucher of Cambridge in the County of Middlesex Widow Appellant ~~vs~~  
Peleg Stearns of Charlestown in the County of Middlesex Butcher Appellee, from the  
Judgment of an Inferiour Court of common pleas held at Charlestown in and for  
the County of Middlesex on the second Tuesday of December AD 1760. when and where  
the appellant was plant. and the appellee was def<sup>t</sup>. In a plea of trespass for that  
the said Peleg on the thirtieth day of June AD 1760. with force and arms broke  
and entered the plant<sup>s</sup>. close lying in Charlestown aforesaid near the Neck so  
called, and the plant<sup>s</sup>. grass then and there growing of the value of five pounds  
cut and carried away and other enormities against the said Sarah then and  
there committed against the peace & To the damage of the said Sarah as she  
saith the sum of five pounds; At which said Inferiour Court Judgment was  
rendered, upon the pleadings there, that the said Peleg Stearns recover against the said  
Sarah Boucher his Costs of suit. This appeal was bro't forward at the Superiour Court of  
Judicature Court of Assize and General Goal Delivery, held at Charlestown in and for  
the County of Middlesex on the last Tuesday of January AD 1761. & from thence was  
continued to the then next term of s<sup>d</sup>. Court for said County, when and where the  
parties appeared, & the plea of not guilty made by the def<sup>t</sup>. at said Inferior Court  
& on file, being join'd on issue by the said Sarah, the case after a full hearing was  
committed to a Jury sworn according to Law to try the same, who Returned their  
Verdict therein upon Oath that is to say, They find specially

viz.

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[369v]

viz. "That John Sprague on the thirteenth day of February 1755. being seized in fee  
"of a Messuage and tract of land in Charlestown aforesaid containing about ten Acres  
"by his deed of that date conveyed the same to John Spooner to hold to him and his  
"heirs upon Condition Nevertheless to be void if the said John Sprague paid the  
"said John Spooner one hundred and sixty pounds Lawful Money with lawful  
"Interest for the same by the thirteenth day of November then next ensuing, then  
"the same deed to be void. and on the twenty first day of February 1755. The said  
"John Sprague by his deed of that date bargained and sold the same Messuage  
"and land to Nathan Sprague, Mary Sprague, and Rebecca Sprague to  
"hold to them and their heirs upon condition nevertheless that [<sup>if</sup>] the said  
"John Sprague paid to the said Nathan Sprague twenty six pounds thirteen  
"shillings and four pence Lawful Money with Interest; et to the said Mary  
"Sprague thirty three pounds six shillings and eight pence Lawful Money  
"with lawful Interest; And to the said Rebecca Sprague twenty eight Pounds  
"Lawful Money with Interest on or before the twenty first day of February  
"then next ensuing, then the same deed was to be void, and because the said  
"one hundred and sixty pounds with the Interest thereof was not paid to the said  
"John Spooner he brought his action of Ejectment against the said John Sprague  
"for recovering possession of the Messuage and ten acres of land aforesaid and by  
"the consideration of the Justices of the Inferiour Court of common pleas held at  
"Charlestown aforesaid on the second Tuesday of December AD 1756. Recovered  
"his title and possession thereof unless the said John Sprague within two Months from  
"that time paid the said John Spooner one hundred and eighty pounds five  
"shillings Like Money and because that sum was not paid in that time Execution  
"issued on that Judgment and by force thereof seizen and possession of the said  
"Messuage and ten acres of land aforesaid was on the twenty eighth day of  
"April AD 1757. by the Sheriff of the County of Middlesex delivered to the said  
"John Spooner and he in Consequence thereof held and Improved the same  
"Messuage and land until the twenty eighth day of December 1759. When



"Samuel Sprague Guardian to the said Nathan Sprague agreed with the said  
 "John Spooner to give him one hundred and eighty pounds Nineteen shillings  
 "in full for his right and Interest in the Messuage and land aforesaid, and  
 "then paid him that sum therefor; and that the said Samuel might have the  
 "Advantage thereof the said John Spooner on the tenth day of January 1760. at the  
 "said Samuel's request sign'd his Name blank in the Margin of the Record of the  
 "Mortgage first mentioned in the registers office in presence of the said Samuel  
 "who also at the same time signed his name blank in the Margin of the  
 "record of the other Mortgage in the same office, and that the register was not  
 present

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Image 449-Right

370.

[370r]

"present when the same John and Samuel signed as aforesaid but they afterwards  
 "on the same day at Charlestown aforesaid said to him the words mentioned in his  
 "in his declaration in the Case, whereupon he Afterwards on the same day wrote over  
 "the names of the same John and Samuel the words which now stand there, a  
 "Copy of which is also in the Case. That the said John Sprague on the eleventh  
 "day of January 1760. being indebted to the said Sarah Boucher ninety three  
 "pounds. The for the recovery thereof took out of the clerks Office of the said  
 "Inferiour Court a Writ of Attachment directed to the Sheriff of the County  
 "of Middlesex, who afterwards on the same day, by Virtue thereof attached the  
 "Messuage and land aforesaid as the said John Spragues Estate and That the  
 "said John Spooner for the better and More Effectual assuring and conveying his  
 "right and Interest in the Messuage and land aforesaid to the said Samuel  
 "Sprague did on the seventeenth day of March AD 1760. make and duly execute  
 "the deed of that date, in the Case for the consideration therein mentioned.  
 "That afterwards on the eighteenth day of March 1760. the said Samuel  
 "by his deed in [^the^] Case, for the consideration therein mentioned bargained  
 "sold and Conveyed the same Messuage and land to the said Peleg Stearns  
 "to hold to him and his heirs forever. That such proceedings were had upon the  
 "said Sarah's suit aforesaid as that she by the consideration of the Justices of the

"Inferiour Court of Common pleas held at Charlestown in and for the said  
 "County, on the second Tuesday of March 1760. recovered against the said John  
 "Sprague [<sup>for</sup>] thirty three pounds thirteen shillings and four pence Money damage  
 "and one pound twelve shillings and a penny Costs. Whereupon Execution issued  
 "and she thinking fit to levy on the land aforesaid as the said John Sprague's  
 "Estate to satisfy the judgm<sup>t</sup>. aforesaid, the close in the writ mentioned being part of [<sup>the</sup>] ten  
 "acres aforesaid was by the Sheriff of the County aforesaid on the 16<sup>th</sup>. day of April 1760.  
 "set out to her by meets and bounds to Satisfy the Judgment aforesaid as by his  
 "return in the Case appears. After which viz. on the thirtieth day of June AD 1760.  
 "the said Peleg cut and carried away two loads of Grass of the value of four pounds  
 "that grew in the close in the Writ mentioned: And if upon the whole matter  
 "aforesaid he was a trespasser in so doing then we find for the said Sarah  
 "Boucher four pounds damage, and Costs; otherwise we find for the said  
 "Peleg costs of this suit." & from the term of said Superior Court last mentioned s<sup>d</sup>:  
 appeal was Continued to the last term of this Court for this County, by Consent; & from  
 the same term said Appeal was continued to this Court for Advisement on said  
 Special Verdict: &

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[370v]

Both Parties now appeared, and after a full hearing of them, by Council  
 upon the said Special Verdict. It is Considered by the Court that the said  
 Peleg Stearns recover against the said Sarah Boucher Costs taxed at  
 £

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Fletcher vs Lawrence

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Gershom Fletcher of Westford in the County of Middlesex Yeoman Appellant  
 vs Samuel Lawrence of said Westford Yeoman Appellee, from the Judgment of an  
 Inferiour Court of Common pleas held at Cambridge in and for the County of  
 Middlesex on the third Tuesday of May last, when and where the appellant was plt.  
 and the appellee was def<sup>t</sup>. In a plea of trespass for that the said Samuel at diverse

days and times between the fourteenth day of February AD 1760. and the fifteenth day of February AD 1762. and on the same fifteenth day of February with force and Arms broke and Entered the plant<sup>s</sup>. dwelling house in said Westford and on the Body of Lydia the Wife of the plant, being at those times in the said house, assault made and her the said Lydia by force ravished compressed and carnally knew whereby the plant has lost the Comfort and Fellowship of his said Wife, and many other enormities the said Samuel at the days and times aforesaid did to the plt. against the peace of the late King, and the King that now is, To the damage of the said Gershom as he saith the sum of one thousand Pounds. At which said Inferiour Court Judgment was rendered, upon the demurer there, that the said Samuel Lawrence recover against the said Gershom Fletcher Costs of suit. Both Parties Appeared and the demurer was waiv'd by Consent and issue join'd on the plea tender'd and then the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say, they find for the appellant one hundred [<sup>&</sup> <sup>ten</sup>] pounds Lawful money damage, and Costs. It's therefore Considered by the Court that the said Gershom Fletcher Recover against the said Samuel Lawrence the sum of One hundred and ten pounds Lawful Money of this Province damage, and Costs taxed at £16.2.3

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Judgment made up

6. Aug<sup>r</sup>: 1761

Ex'c'on issued

25 Aug: 1762.

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Prescot ~~vs~~ Barrett et al Ex'c'or

&gt;&gt;

Jonathan Prescott of Littleton in the County of Middlesex Esq; Appellant  
~~vs~~ James Barrett Gentleman and Elizabeth Minot Widow both of Concord in the County of Middlesex Executors of the testament of James Minot late of Concord aforesaid Esq; deceased, appellees from the Judgment of an Inferiour Court of Common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of

May last, when and where the appellees were plant<sup>s</sup>. and the Appellant was def<sup>t</sup>. In a plea of Debt for that the said Jonathan on the ninth day of August AD. 1756. at Concord aforesaid by his bond in Court to be produced bound himself to

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Image 450-Right

371.

[371r]

to the said James in two hundred and forty pounds lawful Money of this pProvince to be paid to him his Executors or Administrators on demand; Yet the said Jonathan tho' often requested has not paid the same but still unjustly detains it, To the damage of the said James Barrett and Elizabeth Minot Executors as afores<sup>d</sup>. as they say, the sum of two hundred pounds. At which said Inferiour Court [^upon the pleadings there^] Judgment was rendered, that the said James Barrett and Elizabeth Minot Exe'cors &C<sup>a</sup>.

recover against the said Jonathan Prescott the sum of one hundred and sixty one pounds fourteen shillings lawful Money debt and Costs of Suit. Both Parties now appeared, and [^s<sup>d</sup> pleadings being waiv'd by consent^] the said Jonathan (by Benjamin Kent his Att<sup>y</sup>.)

Confesses he has forfeited the penalty of the obligation declared on and prays the same may be chancered to the just debt and damage. And after a full hearing of the parties in chancery. It's Considered by the Court that the s<sup>d</sup>: James Barrett, and Elizabeth Minot Executors as aforesaid recover against the said Jonathan Prescott the sum of One hundred and fifty six pounds Lawful Money of this Province, being the chancery of the Bond sued on unto its just debt and damage; and Costs taxed at £3.15.6.

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Ex'c'on issued

12. Oct<sup>r</sup>. 1762.

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Johnson ~~vs~~ Hardee

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Benjamin Johnson of Woburn in the County of Middlesex Gentleman Compl<sup>t</sup>.  
 vs Thomas Hardee of said Woburn Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior  
 Court of common pleas held at Charlestown in and for the County of Middlesex  
 on the fourth Tuesday of March last, he recovered Judgment against the said  
 Thomas for the sum of four pounds eighteen shillings and eight pence Lawful  
 Money damage, and Costs of suit; from which Judgment the said Thomas  
 appealed to this Court and recogniz'd with sureties according to Law to prosecute  
 the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation  
 of said Judgment with Additional Interest and Costs. It's therefore Considered  
 by the Court that the said Benjamin Johnson Recover against the said Thomas  
 Hardee the sum of Five pounds and four pence Lawful Money of this Province  
 damage, and three pounds [<sup>ten</sup>] shillings and four pence Costs.

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Ex'c'on issued

Aug 26<sup>th</sup>. 1762.

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Culnon vs Woodward

&gt;&gt;

Cornelius Culnon of Albany in the County of Albany & Province of New York  
 Trader Appellant vs James Woodward of Reading in the County of Middlesex Yeoman  
 Appellee from the Judgment of an Inferiour Court of common pleas held at  
 Charlestown in and for the county of Middlesex on the fourth Tuesday of March  
 last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a  
 plea of debt, for that the said James at Charlestown aforesaid, on the twenty first  
 day of February AD 1759. by his bond of that date in Court to be produced bound  
 himself to the said Cornelius (by the name of Cornelius Culnon of Reading in said  
 County

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Image 451-Left

[371v]

County of Middlesex Blacksmith) in the sum of forty pounds Lawful Money of New

new England, to be paid to the said Culnon on demand; Yet the said James tho' requested has not paid the same but detains it unjustly To the damage of the said Cornelius Culnon (as he saith) the sum of forty pounds. at which said Inferiour Court Judgment was rendered, that the said Cornelius Culnon recover against the said James Woodward the sum of Nine pounds Lawful Money (being the Chancery of the bond declared on to it's just debt or damage) and Costs of suit. Both Parties appeared, and after a full hearing of them in Chancery It is Considered by the Court that the said Cornelius Culnon recover against the said James Woodward the sum of six pounds being the chancery of the bond sued on unto its' just debts & damage, and Costs taxed at £12.0.4

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Ex'c'on issued

2<sup>d</sup>. Sep. 1762.

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Goldthwait Esquire ~~vs~~ Mansfield

&gt;&gt;

Ezekiel Goldthwait of Boston in the County of Suffolk Esq; Compl<sup>t</sup>.~~vs~~ Samuel Mansfield of Waltham in the County of Middlesex Cordwainer.

Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, he recovered judgment against the said Samuel for Possession of the premisses [+]

demanded & Costs: unless [+] within two Months after

said Judgment, [<sup>^</sup>was entred there be paid by said Samuel to s<sup>d</sup>. Ezekiel the Sum of<sup>^</sup>] two hundred and twenty eight pounds sixteen shillings Lawful

Money, [<sup>^</sup>being the principal & interest due upon the Mortgage<sup>^</sup>] and Costs of suit; from which Judgment he appealed to this Court and

recognized with Sureties according to Law to prosecute the same with Effect

but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment w<sup>th</sup>.

Additional Interest on the principal sum and Costs according to Law. It's

therefore Considered by the Court that the said Ezekiel Goldthwait

recover against the said Samuel Mansfield Possession of the premisses

demanded and described in the Writ, and Costs: Unless the said Samuel

[^within two months from this time^] pay unto the Complainant the sum of two hundred and thirty one pounds

ten shillings Lawful Money of this Province debt, and Costs taxed at £3.12.1.

Boston 29<sup>th</sup>: September 1762 I do hereby Acknowledge to have receiv'd of Samuel Winthrop Esq<sup>r</sup> the above Sums in full discharge of this Judgment & the Mortgage mention'd in the suit

Ezekiel Goldthwait

witt<sup>ss</sup>. Nat Hatch Cler

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Farnsworth ~~vs~~ Trowbridge

>>

Isaac Farnsworth of Groton in the County of Middlesex Yeoman Compl<sup>t</sup>. ~~vs~~ Thomas Trowbridge of Shirley District in the same County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, he recovered judgment against the said Thomas for the sum of twenty eight pounds one shilling and two pence Lawful Money of this Province Damage, & Costs of suit; from which Judgment the said Thomas appealed to this Court and recogniz'd with sureties according to Law to Prosecute the same with

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Image 451-Right

372.

[372r]

with effect but has fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Isaac Farnsworth recover against the said Thomas Trowbridge the sum of twenty eight pounds ten shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £4.2.6

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Ex'c'on issued

Sep. 9<sup>th</sup>. 1762.

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Keep ~~vs~~ Stone

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Jabez Keep of Westford in the County of Middlesex Gentleman Compl<sup>t</sup>.  
~~vs~~ John Stone jun<sup>r</sup>. of Groton in the same County Husbandman. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of common pleas held at Cambridge in and for the  
 County of Middlesex on the third Tuesday of May last, he recovered Judgment against  
 the said John for the sum of Eleven pounds five shillings and seven pence Lawful  
 Money damage, and Costs of suit; from which Judgment the said John appealed to  
 this Court, and recognized with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment  
 with additional Interest and Costs. It's therefore Considered by the Court  
 that the said Jabez Keep recover against the said Jihn Stone jun<sup>r</sup>. the sum of  
 Eleven pounds nine shillings and a penny Lawful Money of this Province  
 damage & Costs taxed at £4.4.6.

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Ex'c'on issued

12 Janry 1763.

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Heald v Page.

>>

Timothy Heald of New Ipswich in the Province of New Hampshire Gent.  
 Complainant ~~vs~~ John Page of Groton in the County of Middlesex Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of common pleas held at Cambridge in and  
 for the County of Middlesex on the third Tuesday of May last, he recovered Judgm<sup>t</sup>.  
 against the said John for the sum of twenty eight pounds ten shillings and  
 eight pence Lawful Money damage, and Costs of suit; from which Judgment  
 the said John appealed to this Court and recogniz'd with sureties according  
 to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the



Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said Timothy Heald recover against the said John Page the sum of twenty nine pounds Lawful Money of this Province damage, and Costs taxed at £4.17.8

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Ex'c'on issued

Aug: 12<sup>th</sup>. 1762.

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Stevens ~~vs~~ Stevens

>>

James Stevens of Townshend in the County of Middlesex Gentleman  
Complainant ~~vs~~ Solomon Stevens of said Townshend Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, he Recovered Judgment against the said Solomon for the sum of sixteen pounds nineteen shillings and eight pence Lawful Money damage, and Costs of suit; from

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Image 452-Left

[372v]

from which Judgment the said Solomon appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said James recover against the said Solomon Stevens the sum of Seventeen pounds five shillings and eight pence Lawful Money of this Province damage, and Costs taxed at £4.19.0

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Ex'c'on issued

24. Nov<sup>r</sup>. 1762.

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Peirce ~~vs~~ Baker

&gt;&gt;

John Peirce of Lunenburg in the County of Worcester Housewright Compl<sup>t</sup>.  
~~vs~~ William Baker of the district of Shirley in the County of Middlesex Cordwainer  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at  
Cambridge in and for the County of Middlesex on the third Tuesday of  
May last, he recovered Judgment against the said William Baker for the  
sum of twenty six pounds six shillings and ten pence Lawful Money  
Damage and Costs of suit; from which Judgment the said William appeal'd  
to this Court and recogniz'd with sureties according to Law to prosecute the  
same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
of said Judgment with Additional Interest and Costs. It's therefore  
Court that the said John Peirce recover against the said William Baker  
the sum of twenty six pounds twelve shillings and a penny Lawful Money  
of this Province Damage and Costs taxed at £4.10.5

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Ex'c'on issued

Aug. 25<sup>th</sup>. 1762.

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Edwards ~~vs~~ Newton

&gt;&gt;

Benjamin Edwards of Woburn in the County of Middlesex Esq; Compl<sup>t</sup>.  
~~vs~~ Abner Newton of Templetown in the County of Worcester Yeoman. The Compl<sup>t</sup>.  
shew'd that at an Inferiour Court of common pleas held at Cambridge in and  
for the County of Middlesex on the third Tuesday of May last, he Recovered Judgment  
against the said Abner for the sum of twenty eight pounds two shillings and 8<sup>d</sup>.  
Lawful Money debt and Costs of suit; from which Judgment the said Abner appealed  
to this Court and recogniz'd with sureties according to Law to prosecute the same  
with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said  
Judgment with Additional Interest and Costs. It's therefore Considered by the  
Court that the said Benjamin Edwards recover against the said Abner Newton

the sum of twenty eight pounds twelve shillings Lawful Money of this  
Province debt and Costs taxed at £3.16.6

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Ex'c'on issued

19<sup>th</sup>. Aug. 1762.

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Procter *vs* Barrett et al

>>

Samuel Procter jun<sup>r</sup>. of Chelmsford in the County of Middlesex Yeoman  
Complainant *vs* Nathaniel Barrett Cooper, and Oliver Barrett Yeoman  
both of Chelmsford aforesaid. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
Common pleas held Charlestown in and for the County of Middlesex on the  
fourth

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Image 452-Right

373

[373r]

fourth Tuesday of March last, he recovered Judgment against the said Nath<sup>l</sup>. &  
Oliver for the sum of three pounds fourteen shillings Lawful Money damage,  
and Costs of suit; from which Judgment the said Nathaniel and Oliver  
appealed to this Court and recogniz'd with sureties according to Law to  
prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
pray'd Affirmation of said Judgment with Additional Costs. It's there-  
:fore Considered by the Court that the said Samuel Procter jun<sup>r</sup> recover  
against the said Nathaniel Barrett, and Oliver Barrett the sum of  
three pounds fourteen shillings Lawful Money [<sup>^</sup>of this Province<sup>^</sup>] damage, and Costs taxed  
at £

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Coffin *vs* Greenleaf

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Ebenezer Coffin of Marlborough in the County of Middlesex Yeoman  
 Complainant *vs* Joseph Greenleaf of Abington in the County of Plimouth  
 Shopkeeper. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas  
 held at Cambridge in and for the County of Middlesex on the third Tuesday of  
 May last, he recovered Judgment against the said Joseph for the sum of eighty  
 five pounds ten shillings and five pence one farthing Lawful Money damage  
 and Costs of suit; from which Judgment the said Joseph appealed to this  
 Court, and recogniz'd with sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional Costs. It's therefore  
 Considered by the Court that the said Ebenezer Coffin recover against  
 the said Joseph Greenleaf the sum of Eighty five pounds ten shillings  
 and five pence one farthing Lawful Money of this Province Damage,  
 and Costs taxed at £4.10.6.

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Ex'c'on issued  
 13<sup>th</sup>. Aug. 1762.

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Minot *vs* Baldwin

&gt;&gt;

Timothy Minot Jun<sup>r</sup>. of Concord in the County of Middlesex Physician Comp<sup>t</sup>.  
*vs* David Baldwin of Billerica in the same County Husbandman. The  
 Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cam-  
 :bridge in and for the County of Middlesex on the third Tuesday of May last,  
 he recovered Judgment against the said David for the sum of fifteen pounds  
 damage, and Costs of suit; from which Judgment the said David appealed  
 to this Court and recognized with sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation  
 of said Judgment with Additional Interest, and Costs. It's therefore Considered  
 by the Court that the said Timothy Minot jun<sup>r</sup>. recover against the said David  
 Baldwin the sum of fifteen pounds four shillings Lawful Money of this  
 Province damage, and Costs taxed at £3.15.6

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Ex'c'on issued

Aug. 10<sup>th</sup>. 1762.

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John

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[373v]

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Clark *vs* Webster

&gt;&gt;

John Clark of Waltham in the County of Middlesex Esq; otherwise called John Clark of Boston in the County of Suffolk and Province aforesaid Physician Compl<sup>t</sup>. *vs* Grant Webster of Salisbury in the County of Essex Shopkeeper. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of March last, he recovered Judgm<sup>t</sup>. against the said Grant for the sum of forty seven pounds five shillings and 4<sup>d</sup>. Lawful Money debt [x] and Costs of suit; from which Judgment the said Grant appealed to this Court and recogniz'd with sureties according to Law to Prosecute the same with Effect, but faild so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Clark recover against the said Grant Webster the sum of forty seven pounds eighteen shillings and nine pence Lawful Money of this Province debt, and Costs taxed at £3.6.8

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Ex'c'on issued

Aug. 17<sup>th</sup>. 1762.

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Henchman *vs* Whittemore

&gt;&gt;

Lydia HENCHMAN of Marblehead in the County of Essex Widow Executrix of the last Will and Testament of Nathaniel HENCHMAN late of LYNN in the same County Clerk deceased Complainant ~~vs~~ Francis WHITTEMORE of Medford in the County of Middlesex Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, she recovered Judgment against him for the sum of Seventy one pounds six shillings and eight pence Lawful money debt, and Costs of suit; from which Judgment the said Francis appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Lydia HENCHMAN Executrix as aforesaid, recover against the said Francis WHITTEMORE the sum of Seventy two pounds ten shillings and four pence Lawful Money of this Province Debt, and Costs taxed at £3.8.0

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Ex'c'on issued

3. Nov<sup>r</sup>. 1762

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Hull ~~vs~~ Boyd

&gt;&gt;

Jonathan HILL of Billerica in the County of Middlesex Yeomon Complainant ~~vs~~ James BOYD of Charlestown in the same County Victualler the Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, he recovered Judgment against the said James for the sum of six pounds thirteen shillings and four pence Lawful Money damage, and Costs of Suit; from which Judgment the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by

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Image 453-Right

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[374r]

by the Court that the said Jonathan Hill Recover against the said James Boyd the sum of six pounds thirteen shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.7.3

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Ex'c'on issued

Aug. 11<sup>th</sup>. 1762.

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Bond ~~vs~~ Spring.

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William Bond of Weston in the County of Middlesex Cordwainer Compl<sup>t</sup>. Henry Spring of said Weston Gentleman. The Compl<sup>t</sup>. shew'd that at an Infr Court of common pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of March last, he recovered Judgment against the said Henry for the sum of eight pounds fourteen shillings and eleven pence Lawful Money damage, and Costs of Suit; from which Judgm<sup>t</sup>. the said Henry appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said William Bond recover against the said Henry Spring the sum of eight pounds eighteen shillings and eleven pence Lawful Money of this Province damage, and Costs taxed at £3.10.4

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Ex'c'on issued

Sep. 3<sup>rd</sup>. 1762.

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Burridge ~~vs~~ Oakes

&gt;&gt;

Thomas Burrige of Dedham in the County of Suffolk Husbandman  
 Complainant ~~vs~~ Edward Oakes of Medford in the County of Middlesex Brick-  
 :maker. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas  
 held at Charlestown in and for the County of Middlesex on the fourth Tuesday  
 of March last, he recovered Judgment against the said Edward for the sum  
 of £11.13.6. Lawful money damage, and Costs of suit; from which Judgment  
 the said Edward appealed to this Court and recogniz'd with sureties according to  
 Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with additional Interest and Costs. It's  
 therefore Considered by the Court that the said Thomas Burrige Recover  
 against the said Edward Oakes the sum of eleven pounds nineteen shillings  
 and nine pence Lawful Money of this Province damage, and Costs taxed at  
 £3.12.2

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Ex'c'on issued  
 3<sup>d</sup>. Sep. 1762.

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Jones ~~vs~~ Biglow

&gt;&gt;

Isaac Jones of Weston in the County of Middlesex Yeoman Complainant  
~~vs~~ Jotham Biglow of Holden in the County of Worcester Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of Common pleas held at Cambridge  
 in and for the County of Middlesex on the third Tuesday of May last, he  
 recovered Judgment against the said Jotham for the sum of four Pounds  
 thirteen shillings Lawful Money damage, and Costs of suit; from which  
 Judgm<sup>t</sup>.

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[374v]

Judgment the said Jotham appealed to this Court and recognized with sureties



according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Isaac Jones recover against the Jotham Biglow the sum of four pounds thirteen shillings Lawful Money of this Province damage, and Costs taxed at £

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Felton ~~vs~~ Church.

&gt;&gt;

Benjamin Felton of Watertown in the County of Middlesex Yeoman Compl<sup>t</sup>. ~~vs~~ Joshua Church of Harvard in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May last, he recovered Judgment against the said Joshua for the sum of Nineteen pounds twelve shillings Lawful Money damage, and Costs of suit; from which Judgment the said Joshua appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest & costs. It's therefore Considered by the Court that the said Benjamin Felton recover against the said Joshua Church the sum of Nineteen pounds seventeen shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £3.7.10

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Ex'c'on issued

3<sup>d</sup>. Sep. 1762.

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Taylor ~~vs~~ Brintnal

&gt;&gt;

Ezra Taylor of South borough in the County of Worcester Gentleman Complainant ~~vs~~ Paul Brintnal of Sudbury in the County of Middlesex Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of March last, he recovered Judgment

against the said Paul for the sum of five pounds four shillings and 7<sup>d</sup>. Lawful money damage, and Costs; from which Judgment the said Paul appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest and Costs. It's therefore Considered by the Court that the said Ezra Taylor recover against the said Paul Brintnal the sum of five pounds eleven shillings and five pence Lawufl Money of this Province damage, and Costs taxed at £3.18.8.

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Ex'c'on issued

2<sup>nd</sup>. Sep. 1762.

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Belknap ~~vs~~ Butler.

&gt;&gt;

Abraham Belknap of Framingham in the County of Middlesex Currier, Compl<sup>t</sup>. ~~vs~~ Phinehas Butler of Sherburn in the same County housewright The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of March

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Image 454-Right

375.

[375r]

March last, he Recovered Judgment against the said Phinehas for the sum of five pounds four shillings and seven pence Lawful Money damage, and Costs of suit; from which Judgment the said Phinehas appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Abraham Belknap recover against the said Phinehas Butler the sum of five pounds eleven shillings and five pence Lawful Money of this Province

Damage, and Costs taxed at £3.8.4

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Ex'c'on issued

2<sup>nd</sup>. Sep. 1762.

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Kimball ~~vs~~ Butler et al

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Ebenezer Kimball jun<sup>r</sup>. of Hopkinton in the County of Middlesex Mason  
Compl<sup>t</sup>. ~~vs~~ Phinehas Butler of Sherburn Housewright and Daniel Haven jun<sup>r</sup>.  
of Framingham Labourer both of the County of Middlesex. the Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of common pleas held at Charlestown in and for the  
County of Middlesex on the fourth Tuesday of March last, he Recovered Judgment  
against the said Phinehas and Daniel for the sum of Nine pounds Lawful Money  
damage, and Costs of suit; from which Judgment they appealed to this Court and  
recogniz'd with sureties according to Law to prosecute the same with Effect, but  
fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
Additional Costs. It's therefore Considered by the Court that the said Ebenezer  
Kimball jun<sup>r</sup> recover against the said Phinehas Butler, and Daniel Haven  
jun<sup>r</sup>. the sum of nine pounds Lawful Money of this Province damage, and  
Costs taxed at £4.3.4.

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Ex'c'on issued

2<sup>nd</sup>. Sep. 1762.

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Gibbs ~~vs~~ Hemminway

>>

Jonathan Gibbs of Framingham in the County of Middlesex Gentleman  
Compl<sup>t</sup>. ~~vs~~ Isaac Hemminway of said Framingham Blacksmith. The Compl<sup>t</sup>.  
shew'd that at an Inferiour Court of common pleas held at Cambridge  
in and for the County of Middlesex on the third Tuesday of May last, he recovered

Judgment against the said Isaac for the sum of fourteen pounds four shillings Lawful Money debt, and Costs of suit; from which Judgment the said Isaac appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jonathan Gibbs recover against the said Isaac Hemminway the sum of fourteen pounds nine shillings Lawful Money of this Province Debt, and Costs taxed at £3.17.2.

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Ex'c'on issued

2<sup>nd</sup>. Sep. 1762.

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How ~~vs~~ Tower

&gt;&gt;

David Haw of Sudbury in the County of Middlesex Miller Complainant  
versus

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Image 455-Left

[375v]

versus Joseph Tower of Princetown district in the County of Worcester Housewright, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of March last, he recovered judgment against the said Joseph for the sum of £2.10.10, Lawful Money damage, and Costs of suits; from which Judgment the said Joseph appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said David How recover against the said Joseph Tower the sum of two pounds eleven shillings and ten pence Lawful Money of this Province damage, and Costs taxed at £4.3.3

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Ex'c'on issued

2<sup>n</sup><sup>d</sup>. Sep. 1762.

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Johnson ~~vs~~ Newton

>>

Mary Johnson of Framingham in the County of Middlesex Widow Compl<sup>t</sup>.  
~~vs~~ Simon Newton of Westborough in the County of Worcester Husbandman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of common pleas held at Cambridge in and for the  
 County of Middlesex on the third Tuesday of May last, she Recovered Judgment against  
 the said Simon for the sum of Seven pounds seventeen shillings and four pence  
 Lawful Money damage, and Costs of suit; from which Judgment the said Simon  
 appealed to this Court and recognized with sureties according to Law to prosecute  
 the same with Effect but failed so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
 of said Judgment with additional Interest and Costs. It's therefore Considered  
 by the Court that the said Mary Johnson recover against the said Simon  
 Newton the sum of Eight pounds one shilling and two pence Lawful Money  
 of this Province damage, and Costs taxed at £3.19.2

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Ex'c'on issued

2<sup>nd</sup>. Sep. 1762

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Wheeler ~~vs~~ Bruce

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Silas Wheeler of Marlborough in the County of Middlesex Sadler Complainant  
~~vs~~ Samuel Bruce of Bolton in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of Common pleas held at Cambridge in and for the  
 County of Middlesex on the third Tuesday of May last, he recovered Judgment  
 against the said Samuel for the sum of £13.8.8. Lawful Money damage and  
 Costs of Suit; from which Judgment the said Samuel appealed to this Court and  
 Recogniz'd with sureties according to Law to prosecute the same with Effect, but

fail'd so to do: Wherefore the Compl<sup>t</sup>. prayed Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Silas Wheeler Recover against the said Samuel Bruce the sum of thirteen Pounds thirteen shillings and Six pence Lawful Money damage, and Costs. taxed at £

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Benjamin

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376

[376r]

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Hill v Hardee

>>

Benjamin Hill of Medford in the County of Middlesex Distiller Complainant *vs* Thomas Hardee of Woburn in the same County Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of March last, he recovered Judgment against the said Thomas for the sum of £9.9.8¾. Lawful Money damage, and Costs of suit; from which Judgment the said Thomas Appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additio<sup>l</sup>. Costs. It's therefore Considered by the Court that the said Benjamin Hall Recover against the said Thomas Harbee the sum of Nine Pounds Nine shillings and eight pence three farthings Lawful Money of this Province damage, and Costs taxed at £3

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Ex'c'on issued

25<sup>th</sup>. Sep. 1762.

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Winn *vs* Hardee

&gt;&gt;

Hezekiah Winn of Wilmington in the County of Middlesex Yeoman  
 Complainant ~~vs~~ Thomas Hardee of Woburn in the same County Gentleman.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at  
 Charlestown in and for the County of Middlesex on the fourth Tuesday of  
 March last, he recovered Judgment against the said Thomas for the same  
 of £42.1.6. Lawful Money damage and Costs of suit; from which Judgm<sup>t</sup>.  
 the said Thomas appealed to this Court and recogniz'd with sureties accor-  
 :ding to Law to prosecute the same with Effect, but fail'd so to do: Wherefore  
 the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Costs.  
 It's therefore Considered by the Court that the said Hezekiah Winn  
 recover against the said Thomas Hardee the sum of forty two pounds one  
 shilling and six pence Lawful Money of this Province damage, and Costs  
 taxed at £4.11.6

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Ex'c'on issued  
 23<sup>d</sup>. Aug. 1762.

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Frain Ex'or ~~vs~~ Powers

&gt;&gt;

John Frain of Greenwich in the County of Hampshire Yeoman  
 Executor of the last Will and testament of David Powers late of Littleton  
 in the County of Middlesex Husbandman Complainant ~~vs~~ Josiah Powers of  
 Littleton aforesaid Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of co'mon  
 pleas held at Charlestown in and for the County of Middlesex on the fourth Tuesday of  
 March last, he Recovered Judgment against the said Josiah for the sum of £.  
 Costs of suit; from which Judgment the said Josiah appealed to this Court and  
 Recogniz'd with sureties according to Law to prosecute the same with Effect, but  
 fail'd so to do: Wherefore the Compl<sup>t</sup>. Pray'd affirmation of said Judgment with  
 additional Costs. It's therefore Considered by the Court that the said John  
 Frain Exe'cor as aforesaid, Recover against the said Joshua Powers the sum of £. Costs.

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[376v]

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Order on Jenks's pet<sup>o</sup>

&gt;&gt;

Upon reading the Petition of Samuel Jenks Administratorm of the Estate of John Jenks late of Medford in said County deceased intestate: Wherein the Petiti<sup>o</sup>r. Shew'd that the estate of the said deceased is insolvent and not sufficient to pay his Just debts Wherefore the Petitioner pray'd this Court to Licence and Authorize him, in his said Capacity, to make sale of the whole of the said deceased's real Estate, that so with the proceeds thereof, he might be enabled to satisfy the deceased's debts so far as the same will extend. Ordered that the prayer of this Petition be Granted, and that the said Samuel Jenks Adm<sup>r</sup> or as aforesaid, be and hereby is Impowered to make sale of the real Estate of the said John Jenks dec<sup>'</sup>ed for the Ends aforesaid, as pray'd for; And to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the Produce thereof) as the Law directs

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Order on Perry's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Joseph Perry Administrator of the Estate of W<sup>m</sup>. Gower late of Sherburn in the County of Middlesex dec<sup>'</sup>ed Intestate. Wherein the Petitioner shew'd that the Estate of the said deceased is Insolvent and not sufficient to pay his just debts. Wherefore the Petitioner pray'd this Court to licence and authorize him, in said Capacity, to make sale of the whole of the said deceased's Real Estate; that so with the proceeds thereof, he may be enabled to satisfy the deceased's debts so far as the same will Extend. Ordered that the prayer of this Petition be Granted and that the said Joseph Perry Administrator as aforesaid be and hereby is Impowered to make sale of the real Estate of the said William Gower dec<sup>'</sup>ed for the Ends aforesaid, as pray'd fo;r and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitio<sup>r</sup>.



to post up notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Richardsons Petition

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Upon Reading the Petition of William Richardson Administrator of the Estate of Ebenezer Goodhue late of Dracut in said County deceased Intestate. Wherein the Petitioner shew'd that the Estate of the said deceased is Insolvent and not sufficient to pay his just debts. Wherefore the Petitioner pray'd this Court to licence & authorize him (in his said Capacity) to make sale of the whole of the real Estate of said dec'd, that so with the proceeds thereof, he may be enabled to satisfy the deceased's debts so far as the same will extend. Ordered that the prayer of this Petition be granted, that the said William Richardson Adm'or as aforesaid, be and hereby is Impowered to make sale of the real Estate of said dec'd for the Ends aforesaid, as pray'd for, and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate

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[377r]

Probate of said County (for the produce thereof) as the Law directs.

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Order on Jacksons Pet<sup>o</sup>.

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Upon reading the Petition of Edward Jackson Administrator of the Estate of Benjamin Cheney of Cambridge in said County, lately deceased in Intestate. Wherein the Petitioner shew'd that the personal Estate of said deceased is not sufficient to pay his just debts. Wherefore the Petitioner pray'd this Court to licence and Authorize him, in his said Capacity, to make sale of so much of the real estate of said deceased, where it cou'd be best spared

as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be Granted, and that the said Edward Jackson Adm'or as aforesaid, be and hereby is Impowered to make sale of one hundred and Ninety [<sup>two</sup>] pounds worth of the real Estate of said Deceased for the Ends aforesaid, (such as will least Prejudice the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate of said County, as the Law directs.

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Order on Jacksons et al Petition

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Upon Reading the Petition of Michael Jackson and Phebe Jackson Adm'ors on the Estate of Michael Jackson late of Newton in said County deceased Intestate. Wherein the Petitioner shew'd that the Estate of the said deceased is Insolvent and not sufficient to pay his just debts. Wherefore the petitioners pray'd this Court to licence and Authorize, them in their said Capacity, to make sale of the whole of the said Deceased's real Estate that so with the proceeds of the sale thereof, they might be enabled to satisfy the deceased's debts so far as the same would extend. Ordered that the prayer of this Petition be Granted, and that the said Michael Jackson and Pheebe Jackson Adm'ors as aforesaid, be and hereby are Impowered to make Sale of the whole of the real Estate of the said Michael Jackson dec'd for the Ends aforesaid, as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Brook's Petition

&gt;&gt;

Upon Reading the Petition of Samuel Brooks Administrator on the Estate of William Whitmore late of Medford in said County dec'ed Intestate. Wherein the Petitioner shew'd that the personal Estate of said deceased is not sufficient to pay his just debts. Wherefore the Petitioner pray'd this Court to Impower him, in his said Capacity, to make sale of so much of the Real Estate of said deceased

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[377v]

deceased (where it can be best spared) as may be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted, and that the said Samuel Brooks Adm'or as aforesaid, be and hereby is Impowered to make Sale of two hundred & pounds worth of the real Estate of said dec'ed, for the ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale and account with the Judge of Probate for said County as the Law directs.

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Order on Oldham's Pet<sup>o</sup>.

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Upon Reading the Petition of Sarah Oldham Administrator of the Estate of her late husband John Oldham late of Cambridge in said County dec'ed Intestate. Wherein the Petitioner shew'd that the personal Estate of the said deceased is not sufficient to pay his just debts. Wherefore the Petitioner pray'd this Court to licence and Authorize her, (in her said Capacity, to make Sale to make sale of so much of the said deceased's real Estate (where it could be best spared) as might be sufficient for the purpose aforesaid. Ordered that the prayer of this Petition be granted, and that the said Sarah Oldham (in her s<sup>d</sup>. Capacity) be and hereby is Impowered to make osale of fifty pounds worth of the real Estate of said dec'ed, for the Ends aforesaid, (such as will be least prejudicial to the whole) as pray'd for; and to pass and Execute a good deed or deeds in the Law for Conveyance thereof, the petitioner to post up Notifications thirty

days before the sale and account with the judge of Probate of said County,  
as the Law directs.

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Order on Collins's Pet<sup>o</sup>.

>>

Upon reading the Petition of Moses Collins Administrator of the Estate  
of James Whittemore late of Malden in said County deceased Intestate. Wherein  
the petitioner shew'd that the personal Estate of the said deceased is not  
sufficient to pay his just debts. Wherefore the Petitioner pray'd this Court  
to licence and Authorize him (in his said Capacity, to make sale of so  
much of the said Deceased's real Estate, where it cou'd be best spared, as  
might be sufficient for the purpose aforesaid. Ordered that the prayer of this  
Petition be granted, and that the said Moses Collins Adm'or as aforesaid, be  
and hereby is Impowred to make Sale of the real Estate of said dec'ed to the  
amount of twenty eight pounds, and to pass and Execute a good deed or  
deeds in the Law for Conveyance thereof, the petitioner to post up Notifications  
thirty days before the sale, and account with the Judge of Probate of said  
County as the Law directs.

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Upon

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378.

[378r]

Upon Reading the Petition of William Kitteridge Adm'or of the Estate of Gload  
Longon late of Tewksbury in said County deceased Intestate. Wherein the Petitioner  
shew'd that the personal Estate of the said deceased is not sufficient to pay his just  
Debts. Wherefore the Petitioner pray'd this Court would licence and Authorize  
him, in his said Capacity, to make sale of so much of the said deceased's real Estate  
wher it can be best spared, as may be sufficient for the purpose aforesaid.  
Ordered that the prayer of this Petition be Granted, and that the said William  
Kitteridge Adm'or as aforesaid, be and hereby is Impowred to make sale of ten pounds

worth of the real Estate of said deceased for the ends aforesaid, (such as will be least prejudicial to the whole) as pray'd for; and to pass and execute a deed or deeds in the law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate of said County, as the Law directs.

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Young's Indictment.

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The Jurors for the Lord the King, for the body of this County did upon their Oath present, That Sarah Young of Charlestown in the County of Middlesex Widow did on the thirty first day of May last, at Malden in said County with force and arms break and enter the dwelling-house of Sarah Newhall in said Malden & from thence feloniously take steal and carry away one pair of cotton sheets, one pair of tow sheets, one linnen shift, two check'd linnen aprons, one Grlix shirt, one black crape handkerchief, five linnen towels, one pair of thread hose, one cotton petticoat, one shalloon petticoat, one Holland gown, one pair Calamancoe shoes, one pair yarn hose, one pair lawn Ruffles, one lawn Hankerchief, two large silver [^tea^] spoons, one silver tea spoon, one silver thimble, one silver shoe buckle, two spanish mill'd dollars, four pistareens, and twenty english copper half pence all the property of the said Sarah Newhall and of the value of twenty pounds against the peace of the said Lord the King his Crown and dignity and the law of this Province in that case made and provided. To this Indictment, the said Sarah Young upon her Arraignment at the bar plead not Guilty: a Jury was thereupon sworn to try the issue M<sup>r</sup>. Richard Cary foreman, Edward Ruggles, Richard Devens, Stephen Hosmore, James Tufts, Stephen Pain, Norman Clark, Simon Whitney, Joseph Wright, William Kidder, Benjamin Mu[^n^]roe, and Joseph Hill, who having fully heard the Evidence for the king with the prisoners defence, upon their Oath say that the said Sarah Young is guilty; And the Court having Considered the Offence of the said Sarah Young [^Order that she^] be whipped twenty stripes upon her naked back at the public whipping post, that she pay the said Sarah Newhall tribble

the value of the goods stoln being sixty pounds, the goods returned to be,  
accounted

<duplicates previous>

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[378v]

accounted part, and that she pay costs of Prosecution standing committed until  
this sentence shall be performed.

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Stevens's Indictment which is lost

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At the last term of the said Superior court of Judicature &c for this county The Grand  
for this county upon their Oath presented That [+]

Jacob Stevens of Grafton in the county of Worcester husbandman

At which same court the said Jacob upon his Arraignment for  
plea then said, that he would not contend with the Lord the King  
but Submit himself to his grace, and Sentence thereupon having  
been respited by the Court untill this term the said Jacob being now  
asked by the Court what he had to say why Judgment should not be  
given against him, pleads His Majesty's most gracious pardon  
of the offence, for which he was indicted, under the seal of this  
province bearing Test, the 14<sup>th</sup>: day of July 1762, which being pro-  
duced in Court is allowed by the Court It is therefore  
Considered by the Court that the said Jacob Stevens go without day  
paying costs.

N. B. it appears by the minute Book that said Stevens was indicted for unlawfully  
and corruptly forgeing and counterfeiting twelve peices & other mixed metals to the  
likeness of good money called milled dollars.

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[379r]

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order on Kitteridge's pet<sup>o</sup>.

>>

William Kitteridge Administrator on the estate of Gload Longon. late of Tewksbury deceased by his petition to this Court shew'd that the personal estate of the said deceased is not sufficient to pay his just debts; wherefore said petitioner pray'd to be impowered to sell so much of said deceased's real estate as will be sufficient to pay his just debts, hereupon it is Ordered by the Court that the petitioner be and hereby he is impowered to sell and by deed convey said real estate to the value of ten pounds for the purpose aforesaid he to post up notifications thirty days before sale and to account with the Judge of probate as the law directs.

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Cambridge August the 6<sup>th</sup>, 1762, The Court is adjourned without day.

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[380r]

Province of the} Anno Regni Regis Georgii tertii Magnæ  
Massachusetts-Bay} Britanniaë Franciæ et Hiberniæ secundo.  
Suffolk ss.}

At his Majesty's Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston within and for the County of Suffolk on the third Tuesday of August (being the 17<sup>th</sup>. day of s<sup>d</sup>. Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq; Chief Justice

Benjamin Lynde }

John Cushing } Esquire's Justices

Chambers Russell et }

Peter Oliver }

The Court appoint Jonathan Sewall Esq; to act as Attorney to the King at this term in the absence of the Attorney General.

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Gordon ~~vs~~ Stevens

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James Gordon of Boston in the County of Suffolk Merchant appellants ~~vs~~ Samuel Stevens of Roxbury in the same County Gentleman Appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for said County of Suffolk, on the first Tuesday of July AD 1759. when and where the Appellant was plant, and the the appellee was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as by the Writ on file tested the 17<sup>th</sup>. day March 1759. at large appears). At which said Inferiour Court Judgment was Rendred, that the said Samuel Stevens Recover against the said James Gordon Costs of suit. This appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1759. when and where the Parties appeared, and Referr'd this action, and all demands between said Gordon and Timothy Stevens who came into Court and desired to be admitted a party to the same Rule) to Thomas Gunter, Thomas Johnson, and John Cotton the determination of said Referees, or of any two of them, to be final; and from thence said appeal was continued to the then next term of said Court for said County, no Report having been made by said Referees, and from thence, to the term of said Court held at said Boston on the third Tuesday of August 1760, by the parties consent; when and where the parties appear.g Joseph Williams Esq; was appointed a Referee intead of said Gunter who was then dead, and from thence said Appeal was continued to the Superior Court of



Judicature & C<sup>a</sup>. held at Boston in and for said County, on the third Tuesday of February A Dom. 1761. when and where W<sup>m</sup>. Cooper, by the Parties consent, was appointed a Referee instead of said Cotton; and then said Appeal was

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[380v]

was continued to the then next term of said Court for said County no Report being made; and so from the same Court said appeal was continued to the last term of said Court for this County Report not being made; when and where by Consent of the parties, M<sup>r</sup>. Samuel Adams was appointed a Referee instead of said Williams who declined the service; and Afterwards the same appeal was Continued unto this Court, no report being made: And Now both parties Appeared, and said Referees, namely Sam<sup>l</sup>. Adams, William Cooper, & Tho<sup>s</sup>. Johnson, now Reported to the Court in Writing under their hands as on file; which was Read and accepted, in Con thereof. It is Considered by the Court that the said James Gordon Recover against the said Samuel Stevens the sum of forty eight Pounds Nine shillings and 4<sup>d</sup>. Lawful Money of this Province damage, and Costs taxed at £4.17.0

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Ex'c'on issued}

in favor of Gordon}

8<sup>th</sup>. Oct<sup>o</sup>. 1762.}

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And that the said Timothy Stevens recover against the said James Gordon the sum of four pounds ten shillings and nine pence Lawful Money of this Province Damage.

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Ridgeway ~~vs~~ Lillie

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Samuel Ridgeway of Boston in the County of Suffolk Chair maker Appellant ~~vs~~ Theophilus Lillie [<sup>^</sup>Jun<sup>r</sup><sup>^</sup>] of said Boston Merchant Appellee, from the Judgment of an Inferiour

Court of common pleas held at Boston in and for said County of Suffolk on the first Tuesday of July AD 1760. when and where the Appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of trespass on the case for that the plant for sundry years last past hath been and still is occupant and owner in fee simple of a certain antient House with its appurtenances and priviledges situate in Middle street in Boston aforesaid, adjoining to the land of the defendant, and one side of said Antient House being contiguous and so close to the line and land of the said Theophilus that whenever the same house on that side wanted repairing, the same could at no time be done without entering on the land of the said Theophilus for that purpose; & in such cases the owner and occupants of the same house always have had and still has a right by law so to do. And on the thirtieth day of July AD 1759. the clapboards and sills of said antient house were become rotten, and the plant, under a necissity of entering on the defendant's land with proper Workmen in order to do what was needful to repair the same side of the house, and according [<sup>^</sup>ly<sup>^</sup>] then and there entered the same peaceably, and without doing any damage to the def<sup>t</sup>. there to erect Necessary stages and ladders for clapboarding the same side of the house as aforesaid, but the defendant maliciously contriving to deprive the plant of his said right, and to force the plant; to suffer his said house to fall into utter ruin would not permit the plant, to erect ladders and stages necessary as aforesaid, or to remain on his land, but then and there Menaced

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381

[381r]

menaced and drove away his workmen aforesaid. And Afterwards on the twenty first day of January AD 1760. The plant's. necessity of New clapboarding & putting in new sills being very great, and having Necessity and right to enter on the land of the defendant as aforesaid for that purpose he then and there entered as aforesaid with his workmen requested the defendant to permit him to go on with his work as aforesaid, and then and there offered and tendred the defendant as amends for any damages that he should suffer by means thereof more than the amount thereof, yet the defendant would not

permit him thereto proceed and to Repair his house as aforesaid, but Maliciously contriving to obstruct the plant and hinder him from making his Necessary Repairs, then and there menaced the plant<sup>s</sup>. Workmen, placed a great quantiny of timber and plank in their way, and erected a fence on the place whereby he Rendered it impracticable for the plant. to proceed, and the plant<sup>s</sup>. house of the value of six hundred pounds by means thereof cannot be repaired, and for want thereof will be utterly ruined and lost, to the damage of the said Samuel as he saith the sum of Six hundred pounds. At which said Inferiour Court Judgment was rendered, that the said Theophilus Lillie recover against the said Samuel Ridgway Costs of suit. This appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for the County of Suffolk on the third Tuesday of August AD 1760. when and where the parties appeared, and referr'd this Action to James Otis Esq; Oxenbridge Thacher, & Robert Auchmuty, the report of them or any two of them, to be final; And then said appeal was continued by the parties consent, to the then next term of said Court for this County, and from thence unto the next term, and so from term to term said Appeal was continued by Consent unto this Court: said Referees not having made Report. And Now both parties Appeared, and the Referees aforenamed, made their Report in writing under their hands (as on file) which was read & accepted, and pursuant to the same Report. It is Considered by the Court that the said Samuel Ridgway recover against the said Theophilus Lillie jun<sup>r</sup>. the sum of twenty shillings Lawful Money of this Province damage, and Costs taxed at £6.3.2                      Boston Oct<sup>o</sup>. 25<sup>th</sup>. 1762. I acknowledge this Judgment to be fully satisfied, having received the sums above-mentioned. & Sam<sup>l</sup>. Quincy Att<sup>y</sup>. to the pl<sup>t</sup>. Witness Arodi Thayer.

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Quincy ~~vs~~ Cranch.

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Josiah Quincy Appellant ~~vs~~ Richard Cranch Appellee

Neither party Appeared.

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Scott et al. ~~vs~~ Draper

&gt;&gt;

Samuel Scott et al Appellant ~~vs~~ Jonathan Draper Appellee.

This Action is dismiss, the Appellee being dead, and no Exec'or or Adm'or appearing.

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Samuel

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[381v]

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Scott ~~vs~~ Draper

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Samuel Scott Appellant ~~vs~~ Jonathan Draper Appellee.

This Action is dismiss, the appellee being dead, and no Exe'cor or Adm'or appearing.

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Hall ~~vs~~ McMillion

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Andrew Hall appellant ~~vs~~ James McMillion Appellee.

This Action is dismiss, neither party appearing to prosecute the same.

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Sinclair ~~vs~~ Hallowell

&gt;&gt;

Ruth Sinclair of Boston in the County of Suffolk Widow executrix of the last will and testament of Peter Sinclair late of said Boston Mariner dec'd, appellant ~~vs~~ Benjamin Hallowell of said Boston Shipwright Appellee from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April AD 1761. when and where the appellant was plant, and the Appellee was def<sup>t</sup>. In a plea of trespass & C<sup>a</sup>. (as in the Writ tested the day of at large appears) At which said Inferiour Court Judgment was rendered that the said Benjamin Hallowell recover against the Estate of the said Peter Sinclair dec'd, in the hands of the said Ruth Sinclair Executrix as

aforesaid Costs of suit. This appeal was bro't forward at the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for the County of Suffolk on the third Tuesday of August last, when and where the Parties Appeared, and referr'd this Action with all other demands to the determination of Samuel Hewes Esq; Thomas Greene Esq; and William Mollineaux, the Report of said Referees, or of any two of them, to be final; and from thence said Appeal was continued to the last term of this Court for this County, by Consent of Parties; when and where the parties appeared, and M<sup>r</sup>. Shimson Hutchinson was chosen a Referee instead of said Mollineaux who declined the service, and afterwards the said Appeal was further Continued to this Court, no Report being made: And Now both Parties appeared, and said Referees reported in writing under their hands as on file; and pursuant thereto. It is Considered by the Court that the said Ruth Sinclair Executrix as aforesaid, recover against the said Benjamin Hallowell the sum of thirty five Pounds three shillings and seven pence half penny Lawful Money of this Province Damage, and Costs taxed at £4.13.2

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Ex'c'on issued

Nov. 3<sup>d</sup>. 1762.

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Wiswell ~~vs~~ Hall

&gt;&gt;

Samuel Wiswell of Bellingham in the County of Suffolk Weaver appellant  
~~vs~~ Hugh Hall of Boston [<sup>^</sup>in said County<sup>^</sup>] Esq; appellee, from the Judgment of an Inferiour Court  
 of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of October AD 1761. when and where the Appellant was Plant  
 and

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382.

[382r]

and the appellee was defendant, In a plea of trespass upon the case for that the def<sup>t</sup>. by the Consideration of the Justices of the superior Court of Judicature Court of Assize and General Goal delivery held at Boston in and for said County, on the third Tuesday of February AD 1755. recovered judgment against the now plant for one hundred and twenty nine pounds sterling debt, and five pounds fifteen shillings and six pence lawful money of this Province for his Costs of suit. And Afterwards viz. on the sixteenth day of April AD 1755 the said Judgment was in force against the said Samuel and at the same time the said Samuel was plant and the said Hugh was def<sup>t</sup>. in an action then depending in the Inferiour Court of common pleas for the County of Suffolk and submitted by a Rule of Court to the determination of John , Joseph Buckminster, and Nathaniel Ames, or either of them, and the same action had then been depending in the same Court from the first tuesday of October AD 1754. and the plant further avers that he had good cause of said Action to recover damages and Costs against the said Hall, and the said Referees awarded that the said Hugh should pay to the said Samuel the sum of Forty seven pounds five shillings and eight pence damage, for which sum the said Samuel obtained Judgment of Court and the plant further avers that the said Referees would also have awarded the said Hugh to have paid the said Samuel his Cost of suit, had not the agreement hereafter mentioned prevented it; and the plant further avers that on the tenth day of April AD 1755. at Boston aforesaid the said Hugh promised the said Samuel that if he the said Samuel would bear his own Cost in the last mentioned action and pay the Cost of Reference aforesaid, that he the said Hugh would not [<sup>at</sup>] any time hereafter demand of the said Samuel said sum of five pounds fifteen shillings and six pence or any part of it, the same being the said Hugh's cost in the first mentioned action and that he the said Hugh would bear the same himself; the Plant further says that relying upon the s<sup>d</sup>: Hugh's promise aforesaid, he the said Samuel bore his own Costs, and also paid the cost of the reference aforesaid, but the said Hugh disregarding his promise aforesaid, and minding to defraud the said Samuel; he the said Hugh afterwards Purchased a Writ of attachment against the said Samuel returnable into the Inferior Court of common pleas held at Boston aforesaid in and for the County of Suffolk on the first Tuesday of October AD 1760. in and by which Writ the

said Hugh demanded against the said Samuel by virtue of the Judgment first mentioned the said sum of Costs being five pounds fifteen shillings and six pence, and the said Hugh pursued his Action in the said Inferior Court where the said Writ was returnable as aforesaid, and at the Superior Court of Judicature Court of Assize and General Goal Delivery, held at

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[382v]

at Boston in and for said County of Suffolk on the third Tuesday of February AD 1761. by the consideration of the Justices of the same Court the said Hugh in that action recovered Judgment against the said Samuel for the sum of Five pounds fifteen shillings and six pence [<sup>debt</sup>], and for two pounds eleven shillings and eight pence cost of suit; and afterwards viz. on the fifteenth day of June AD 1761. the def<sup>t</sup>. compelled the plant to pay and he at said Boston paid him the same sums with one shilling and six pence more for a Writ of execution of the said Judgment; and so the said Hugh has broken his promise aforesaid which is to the damage of the said Samuel Wiswell (as he saith) the sum of twenty pounds. At which said Inferiour Court Judgment was render'd, upon the demurer there, that the said Hugh Hall recover against the said Samuel Wiswell Costs of suit. This appeal was bro't forward at the last term of this Court for this County, and from thence was Continued to this Court, by Consent; And now the Parties Appeared, and the demurer aforesaid being waiv'd [<sup>and issue being join'd</sup>] the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Hall Recover against the said Samuel Wiswell Costs taxed at £3.8.7.

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Ex'c'on issued

7<sup>th</sup>. Sep. 1762.

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Kilby et al ~~vs~~ Rowe et al

&gt;&gt;

Christopher Kilby of Westminster Esq; and Jonathan Barnard and Benjamin Parker both of London Merchants [<sup>^</sup>all in the Kingdom of Great Britain<sup>^</sup>] appellants ~~vs~~ John Rowe, John Gould, Robert Gould, and John Gould jun<sup>r</sup>. Henderson Inches, Ebenezer Storer, and John Leverett Merchants, Thomas Leverett Shopkeeper, Nathaniel Holmes Distiller, John Gore Painter, Thomas Handasyde Peck Feltmaker, Jolly Allen and Thomas Syms Taylors, and John Bake Mariner all of Boston aforesaid Appellees. This Action is agreed.

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Hall ~~vs~~ Thayer

&gt;&gt;

Preserved Hall of Wrentham in the County of Suffolk Innholder Administrator of all and singular the goods and chattles rights and credits that were of Abijah Hall late of said Wrentham Gentleman deceased intestate appellant ~~vs~~ Samuel Thayer the sixth person of that name in the town of Mendon in the County of Worcester trader Appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for thet County of Suffolk on the first Tuesday of Jan<sup>y</sup>. last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of trespass on the case for that the said Samuel on the sixteenth day of June AD 1761. owed the said Abijah then living, the sum of thirty two pounds two shillings and nine pence Lawful Money according to the account to the Writ annexed

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383

[383r]

annexed and then and there promised to pay the same sum on demand; Yet the said Samuel tho' requested never paid the same Sum to the said Abijah in his life time nor since his decease has he paid the said sum to the plant Adm<sup>r</sup> or as aforesaid, but unjustly refuseth to pay both to the damage of the said Preserved Hall Adm<sup>r</sup> or as



aforesaid, as he saith the sum of fifty pounds. At which said Inferiour Court Judgment was rendered, upon the demurer there, that the said Samuel Thayer recover against the Estate of the said Abijah Hall in the hands of the said Preserved Hall Adm'or as aforesaid, Costs of suit. This appeal was bro't forward at the last term of this Court for this County, and from thence was Continued, by Consent, unto this Court: And now both Parties Appeared, and the demurer being waiv'd [^and issue join'd^] the Case after a full hearing was Committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say they find for the appellant twelve pounds Lawful Money dam<sup>a</sup>. and Costs. It's therefore Considered by the Court that the said Preserved Hall Adm'or as aforesaid, recover against the said Samuel Thayer the sixth, the sum of twelve Pounds Lawful Money of this Province damage, and Costs. taxed at £9.8.8.

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Ex'c'on issued

Sep. 6<sup>th</sup>. 1762.

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Gould et al ~~vs~~ Stevens

&gt;&gt;

John Gould, Robert Gould, and John Gould jun<sup>r</sup>. all of Boston in the County of Suffolk Merchants Appellants ~~vs~~ Peter Stevens of Groton in the County of Middlesex Yeoman executor of the last will and testament of John Stevens late of s<sup>d</sup>. Groton Esq; deceased appellee, from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of Jan'y. last, when and where the appellants were plant<sup>s</sup>. and the appellee was def<sup>t</sup>. In a plea of the Case for that the said John Stevens on the eighteenth day of May AD 1757. at Boston aforesaid, being then living and owing the plant<sup>s</sup>. five pounds one shilling and six pence lawful Money to ballance the account to the Writ annexed promised them to pay them the same sum on demand; Yet the said John Stevens did not pay the same in his life time tho' requested nor hath the said Peter paid it since the death of the said John Stevens tho' likewise requested but he neglects it to the damage of the said John, Robert, &

John Gould jun<sup>r</sup>. as they say, the sum of Eight Pounds. At which said Inf<sup>r</sup>. Court Judgment was rendered, upon the demurer there, that the said Pter Stevens exe<sup>r</sup>cor as aforesaid, recover against the said John Gould, Robert Gould, and John Gould jun<sup>r</sup>. Costs of Suit. This Appeal was bro<sup>t</sup> forward at the last term of this Court for this County, and from thence was continued to this Court, saving to the def<sup>r</sup>. his exceptions; And Now both Parties appeared, and the demurer being waiv<sup>d</sup>, after a full hearing of them by their Council upon the Plea, replication, and

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[383v]

and rejoinder &Cc<sup>a</sup>. as on file. It is Considered by the Court that the Writ abate, and that the said Peter Stevens Executor as aforesaid, recover against the said John Gould, Robert Gould, and John Gould jun<sup>r</sup>. Costs taxed at £

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Newman Adm<sup>x</sup>. ~~vs~~ Homans

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Elizabeth Newman of the parish of S<sup>t</sup>. Mary White Chappel, in the County of Middlesex Widow Administratrix of all and singular the Goods, Chattles, rights and credits of William Newman late of the same parish Silk thrower dec<sup>d</sup>, Plaintiff ~~vs~~ John Homans of Dorchester in the County of Suffolk Merchant, and Surviving Partner in trade with Timothy Emerson late of Boston in the same County Merchant deceased, defendant; In a plea of Review of a plea of trespass on the Case, commenced and prosecuted at an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July AD 1760. by the said Elizabeth against the said John in the words following viz. "In a plea of trespass on the Case "for that the def<sup>r</sup>. and the said Timothy on the twelfth day of May AD 1741. being "Indebted to the said William four thousand five hundred and three Pounds "sixteen shillings and eleven pence in bills of Public Credit on this Province "of the old tenor according to the account annexed at Boston aforesaid, Promised "the said William to pay him the same (being of the Value of Eight hundred and "fifty pounds lawful Money of Great Britain) on demand. And also afterwards

"viz. on the same day the defendant and the said Timothy being indebted to the  
"said William another sum of four thousand five hundred and three Pounds  
"sixteen shillings and eleven pence in bills of Credit on this Province of the old tenor  
"(being of the value of Eight hundred and fifty Pounds Lawful Money of Great  
"Britain) for that sum by them before that time had and received to the use of  
"the said William, at Boston aforesaid promised the said William to pay him the  
"same on demand: with Interest 'till paid; Yet neither the Defendant and the  
"same Timothy, in the lifetime of the said Timothy, nor either of them ever paid  
"either of the sums aforesaid tho' requested, neither hath the def<sup>t</sup>. paid either of  
"them, or the Interest thereof since the death of his said late Partner tho'  
"requested but Neglects and refuses to pay them; To the damage of the said  
"Elizabeth Adm<sup>x</sup>. as aforesaid as she saith the sum of two thousand Pounds."  
at which said Inferiour Court Judgment was Rendered, upon the demurer there,  
that the said John Homans Recover against the Estate of the said William dec<sup>d</sup>,  
in the hands of said Elizabeth Administratrix as aforesaid, Costs of Suit. from which  
Judgment the said Elizabeth appealed to the Superiour Court of Judicature Court of  
Assize and General Goal Delivery held at Boston within and for the County of  
Suffolk on the third Tuesday of August AD 1760. and from thence said appeal was  
continued to the Superiour Court of Judicature &C<sup>a</sup>. held at Boston within and for  
said

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384.

[384r]

said County of Suffolk on the third Tuesday of February AD 1761. when and where  
Judgment was rendred, that the former Judgment be reversed, and that the  
said Elizabeth Newman Administratrix as aforesaid, recover against the said  
John Homans the sum of thirty eight pounds six shillings and five pence Lawful  
Money of this Province damage, and Costs taxed at six pounds eight shillings  
and five pence. which same Judgment the said Elizabeth says is so far  
wrong and Erroneous, as that instead of being rendred as it is, it ought to  
have been rendred, for her, in her said Capacity, to recover against the  
said John the sum of two thousand Pounds damage, and Costs: And y<sup>t</sup>.

she is Adm<sup>x</sup>. as aforesaid, is thereby damnified the sum of Nineteen hundred sixty one pounds thirteen shillings and seven pence, as shall then and there be made to appear. Wherefore for recovering Judgment against the said John for the further sum of one thousand nine hundred and sixty one Pounds thirteen shillings and seven pence, to compleat said sum of two thousand Pounds (the damage laid in the original Writ). and Costs of Courts, she the said Elizabeth Newman Administratrix as aforesaid brings this suit. This Action of Review was brought forward at the last term of this Court for this County, and from thence was Continued to this Court: And Now both Parties appeared, and the said John Homans defended (by Ri Dana Esq; his Attorney) and said that the last mentioned judgment is not erroneous, saving that instead of being for the s<sup>d</sup>. Elizabeth to recover against the said John the said sum of Eight and thirty pounds six shillings and five pence of lawful Money of this Province & Costs, it ought to have been given for Confirmation of the first mentioned judgm<sup>t</sup>. and for the said John to recover his Costs, and thereof put himself on the country; and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their verdict therein upon Oath that is to say they find for the plaintiff Ninety seven pounds thirteen shillings and seven pence Lawful Money damage in addition to the former Judgment, and Costs. It's therefore Considered by the Court that the said Elizabeth Newman [^adm<sup>x</sup>. as aforesaid,^] Recover against the said John Homans the sum of Ninety seven pounds thirteen shillings and seven pence Lawful Money of this Province damage, in addition to the former Judgment, & Costs taxed at £3.18.0.

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Ex'c'on issued

Sep. 11<sup>th</sup>. 1762.

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Homans v Newman

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John Homans of Dorchester in the County of Suffolk Merchant, and surviving partner in trade with Timothy Emerson late of said Boston Merchant deceased,

Plaintiff vs Elizabeth Newman of the parish of S<sup>t</sup>. Mary white chappel in the County of Middlesex Widow Administratrix of all and singular the goods. chattles,

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[384v]

chattles, rights, and credits of William Newman late of the same Parish Silk-Thrower deceased, defendant, In a plea of Review of a plea of trespass upon the case commenced and prosecuted at an Inferiour Court of common pleas held at s<sup>d</sup> Boston. for said County on the first tuesday of July AD 1760. by the said Elizabeth administratrix as aforesaid, against the said John in the words following viz. "In a plea of trespass upon the case for that the def<sup>t</sup>. and the s<sup>d</sup>. "Timothy Emerson on the twelfth day of May AD 1741. being indebted to the s<sup>d</sup>. "William four thousand five hundred and three pounds sixteen shillings & "eleven pence in bills of Public credit on this Province of the old tenor according "to the account to the Writ annexed at Boston aforesaid, promised the said "William to pay him the same (being of the value of eight hundred and fifty "pounds lawful Money of greatbritain) on demand. And afterwards viz. on the "same day also, the def<sup>t</sup>. and the said Timothy being indebted to the said W<sup>m</sup>. "another sum of four thousand five hundred and three pounds sixteen shill<sup>s</sup>. "and eleven pence in bills of credit on this Province of the old tenor (being of "the value of eight hundred and fifty pounds lawful Money of Great Britain) for that "sum by them before that time had and received to the use of the said William at "Boston aforesaid, promised the said William to pay him the same on demand, "with Interest untill paid, yet neither the def<sup>t</sup>. and the said Timothy in the life- "time of the said Timothy, nor either of them ever paid either of the sums aforesaid "tho' requested, neither hath the def<sup>t</sup>. paid either of them or the Interest thereof, Said Inferiour Court Judgment "since the death of his said late Partner tho' requested but Neglects and refuses "to pay them to the damage of the said Elizabeth Adm<sup>x</sup>. as aforesaid, as she saith "the sum of two thousand pounds." At which was rendred, upon the demurer there, that the said John Homans recover against the Estate of the said William deceased in the hands of the said Eliz<sup>a</sup>. Adm<sup>x</sup>. as aforesaid, costs of suit. from which Judgment the said Elizabeth

appealed to the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston in and for the County of Suffolk on the third tuesday of Aug: AD 1760. and from that court the said appeal was continued to the then next term of the said Court for said County of Suffolk when and where (the demurer aforesaid being waived) Judgment was rendred that the former Judgment be reversed and that the said Elizabeth Newman Adm<sup>x</sup>. as aforesaid, recover against the said John Homans the sum of thirty eight pounds six shillings and five pence Lawful Money of this Province damage, and Costs taxed at six pounds eight shillings and five pence; which same Judgment the said John Homans says is wrong and Erroneous and that he is thereby damnified the sum of Eighty Pounds as shall then and there be made to appear; Wherefore for reversing the same

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385.

[385r]

the same Judgment and recovering back from the said Estate of the said William in the hands of the said Elizabeth the said sum of thirty eight pounds six shillings and five pence, and the same Costs and for recovering Judgment against said Estate in her hands for Costs of Courts. the said John Homans brings this suit. This Action of Review was bro't forward at the leaf term of this Court for this County, and from thence was continued to this Court by Consent: And Now both Parties Appeared, and the s<sup>d</sup>: Elizabeth (by Oxenbridge Thacher her Attorney) saith the judgment reviewed is in Nothing Erroneous, saving that instead of being as aforesaid. Judgment ought to have been for the said Elizabeth to recover against the said John the s<sup>d</sup>. sum of two thousand pounds: and of this she put herself on the Country. and then the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the defendant Costs. It's therefore Considered by the Court that the said Elizabeth Newman Adm<sup>x</sup>. as aforesaid, recover against the said John Homans Costs taxed at £1.1.8

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Ex'c'on issued

Sep. 11<sup>th</sup>. 1762.

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Foye ~~vs~~ Jackson

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Elizabeth Foye of Milton in the County of Suffolk Widow Plaintiff ~~vs~~ Mary Jackson of Boston in the County of Widow, Defendant. In a plea of Review of a plea of trespass on the case commenced and prosecuted at an Inferiour Court of Common pleas held at said Boston for said County on the first tuesday of July AD 1761. by the said Mary against the said Elizabeth in the words following viz. In a plea of trespass on the case "for that the def<sup>t</sup>. on the first day of January last being indebted to the plant thirty two "pounds eight shillings and seven pence one farthing for that sum by her before that "time had received to the plant<sup>s</sup>. use as specified in the schedule to the Writ annexed "at Boston aforesaid promist the plant to pay her the same on demand; Yet the said "Elizabeth hath never paid the same tho' requested but Neglects and refuses to pay "it to the damage of the said Mary as she saith the sum of thirty eight pounds;" At which said Inferiour Court Judgment was rendered, on the demurer there, that the said Elizabeth Foye recover against the said Mary Jackson Costs of suit. from which Judgm<sup>t</sup>. the said Mary appealed to the Superiour Court of Judicature Court of Assize and general Goal Delivery, held at Boston in and for the County aforesaid on the third Tuesday of August last, when and where (the said demurer being waiv'd) Judgment was rendred, that the said MaryJackson recover against the said Elizabeth Foye the sum of thirty two pounds eight shillings and seven pence farthing Lawful Money of this Province damage, and Costs taxed at six pounds and six pence; which same Judgment the said Elizabeth says is wrong and Erroneous and that she is thereby damnified the sum of fifty pounds as shall then and there be made to appear; Wherefore for reversing the same Judgment and Recovering

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[385v]

recovering back from the said Mary the said sum of thirty two pounds eight shillings

and seven pence farthing and the same cost and for recovering Judgment against the said Mary for Costs of Courts, the said Elizabeth brings this suit; This action of Review was brought forward at the last term of this Court for this County, and Continued from thence unto this Court by Consent; and now both Parties appeared, and the said Mary (by James Otis jun<sup>r</sup>. Esq; her Attorney) saith the last Judgment is in nothing erroneous and thereof puts &c<sup>a</sup>. Whereupon the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their verdict therein upon Oath, that is to say they find for the plaintiff reversion of the former Judgment and Cost of Courts. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Elizabeth Foye recover against the said Mary Jackson Cost of Courts taxed at £10.6.8.

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Ex'c'on issued

6<sup>th</sup>. Sep. 1762.

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Oliver ~~vs~~ Sale

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John Oliver of Malden in the County of Middlesex Yeoman Appellant ~~vs~~ John Sale of Chelsea in the County of Suffolk Gentleman appellee from the Judgment of an Inferiour Court of Common pleas held at Boston in and for the County of Suffolk on the first Tuesday of October last, when and where the Appellant was plant and the Appellee was def<sup>t</sup>. In a plea of trespass upon the case for that the said John Sale at Boston aforesaid on the eighteenth day of June AD 1759. falsely and deceitfully sold to the said John Oliver as slaves two free Mulatto Boys one Named Sudbury Allen and about the age of Nine Years the other Named Seymour Allen aged about seven years and to induce the plant to buy the said two Boys falsely Affirmed that they were his the said John Sale's own servants and slaves, and the plant giving credence to his the said Sale's false Affirmation aforesaid advanced and paid to him the sum of forty six pounds thirteen shillings and four pence Lawful Money of this Province for the said boys in consideration whereof the said John Sale then and there sold and delivered the said two boys to the plaintiff to be his slaves when in fact and truth as the said



John Sale then well knew the said two boys were born of the body of one Catharine Allen a free Mullatto Woman and who themselves free and not liable to be sold nor were they the servants of the said John Sale at all, and by means of the s<sup>d</sup>. deceit and false affirmation of the said Sale the plant hath suffered great damage, and is likely to suffer still greater to the damage of the said John Oliver as he saith the sum of two hundred and fifty pounds. At which said Inferiour Court Judgment was render'd that the said John Sale Tecover against the said John Oliver Costs of Suit. This appeal was bro't forward at the last term of this Court for this County, and from thence continued to this Court by Consent: And Now both Parties appeared, and the Case after a full hearing was com'itted to

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386.

[386r]

to a Jury sworn according to Law to try the same who Teturned their Verdict therein upon Oath that is to say they find for the Appellee Costs. It's therefore Considered by the Court that the said John Sale Recover against the said John Oliver. Costs taxed at £9.9.2

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Ex'c'on issued

Sep. 7<sup>th</sup>. 1762.

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Willard et Uxor vs Rogers

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Aaron Willard residing at Sherburn in the County of Middlesex Gentleman and Elizabeth his Wife as she is Executrix of the last Will and testament of Moses Brewer late of said Sherburn Gentleman deceased, appellants [<sup>^</sup>against Robert Rogers of Portsmouth in the Province of New Hampshire Esq, appellee<sup>^</sup>] from the Judgment of an Inf<sup>r</sup>. Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of October last, when and where the Appellee was plant and the apllants were defendants. In a plea of trespass upon the case for that the said Moses in his

lifetime on the last day of December AD 1759. at Boston aforesaid, being indebted to the plant in the sum of four hundred and fifty seven pounds and seven shillings New York currency equal in value to three hundred and forty three pounds and one shilling lawful Money of this Province for sundries according to the Acco<sup>t</sup>. to the Writ annexed, and in consideration thereof the said Moses then and there promised the plant to pay him the same sum on demand; Yet the said Moses tho' requested never paid the same in his lifetime to the plant nor the value thereof in lawful Money of this Province nor has the said Eliz<sup>a</sup>. Execut<sup>x</sup>. as aforesaid ever paid the same since the said Moses decease tho' requested, nor have the def<sup>t</sup>s. or either of them, tho' requested since their intermarriage paid the same but they unjustly detain it from the plant, which is to the damage of the said Robert Rogers as he saith) the sum of three hundred and sixty pounds. At which said Inferiour Court Judgment was rendred, upon the pleadings there that the said Robert Rogers Recover against the Estate of the said Moses Brewer dec<sup>'</sup>ed, in the hands of the said Aaron Willard and Eliz<sup>a</sup>. his Wife as she is Executrix of the said Moses Brewer dec<sup>'</sup>ed the sum of three hundred and forty three pounds nine shillings and three pence Lawful Money damage, and Costs of suit. This appeal was bro't forward at the last term of this Court for this County, and then Continued unto this Court by Consent: And now both Parties Appeared and [<sup>^</sup>said pleadings being waived<sup>^</sup>] the said Aaron and Elizabeth (by Rob<sup>t</sup>. Auchmuty [<sup>^</sup>Esq<sup>r</sup><sup>^</sup>] their Attorney) defend & C<sup>a</sup>. and say that Moses the said testator never promised the plant in manner and form as he within declares and y<sup>t</sup>. of put & C<sup>a</sup>. and then the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the appellee two pounds twelve shillings and 6<sup>d</sup>. Lawful Money damage, and Costs. It is therefore Considered by the Court

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[386v]

Court that the said Robert Rogers Recover against the Estate of the said Moses Brewer deceased, in the hands of the said Aaron Willard and Elizabeth his Wife, as she is execut<sup>x</sup>. of the s<sup>d</sup>: Brewer's Will the sum of two pounds twelve shillings and Six pence

Lawful Money of this Province Damage, and Costs taxed at £8.17.9  
bond given to review.

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Spurr ~~vs~~ Shippey

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Eleanor Spurr of Annapolis in the Province of Nova Scotia a minor who sues on this behalf by John Homans of Dorchester in the County of Suffolk Yeoman, Guardian of the said Eleanor Spurr appellant ~~vs~~ Eleanor Shippey of said Dorchester Widow appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of Jan'y last, when and where the appell<sup>t</sup>. was plant and the appellee was def<sup>t</sup>. In a plea of trespass upon the case for that the said Eleanor Shippey on the eighth day of March 1760. being indebted to the said Eleanor Spurr in the sum of thirty three pounds two shillings and six pence lawful Money of Great Britain for the like sum in the same money then by the said Eleanor Shippey received for the use of the said Eleanor Spurr at Boston aforesaid, promised the said Eleanor Spurr to pay her the same sum on demand; Yet she has not paid it tho' requested but neglects it to the damage of the said Eleanor Spurr as she saith, by her said Guardian, the sum of fifty pounds. At which said Inferiour Court Judgm<sup>t</sup>. was rendred, upon the demurer there, that the said Eleanor Shippey Recover against the said Eleanor Spurr Costs of Suit. This appeal was bro't forward at the last term of this Court for this County, and from thence was continued unto this Court by Consent; and Now both parties appeared, and the plant waiv'd the said demurer and join'd issue on the plea tender'd [<sup>at s<sup>d</sup>. said Inf<sup>r</sup>. Court & on file<sup>^</sup>], and then the</sup>

Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say they find for the appellee costs. It's therefore Considered by the Court that the said Eleanor Shippey Recover against the said Eleanor Spurr Costs taxed at £

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Tower jun<sup>r</sup> ~~vs~~ Chipman

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Daniel Tower jun<sup>r</sup>. of Hingham in the County of Suffolk Fisherman

Complainant ~~vs~~ John Chipman of Marblehead in the County of Essex Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April 1761. he Recovered Judgment against the said John for the sum of twelve pounds eighteen shillings and eight pence halfpenny Lawful money damage, and Costs of suit; from which Judgment the said John appealed to the Superiour Court of Judicature Court of Assize and General Goal Delivery held at Boston within and for the County of Suffolk on the third tuesday

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Image 467-Right

387.

[387r]

tuesday of August AD 1761. and from thence said appeal was continued to the last term of this Court for this County, by the parties consent, and [<sup>so</sup>] in like manner unto this Court: and the said John has fail'd to prosecute said appeal: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Costs. It's therefore Considered by this Court that the said Daniel Tower jun<sup>r</sup>. Recover against the said John Chipman the sum of twelve pounds eighteen shillings and eight pence half penny Lawful Money of this Province damage, and Costs taxed at £

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Order on Bates's Pet<sup>o</sup>.

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Upon Reading the Petition of Jonathan Bates for himself and in behalf of his brother William Bates as Executors to the last Will and testament of their Father David Bates late of Hingham deceased. Wherein the petitioner shew'd that the debts due from the Estate of the dec'd amount to more than the whole personal Estate whereby there is a ballance due to the Executors of £205.13.2. as will appear by a certificate on file, from the Jude of Probate; The petitioner therefore pray'd this to empower them, as executors as aforesaid to make, sale of so much of the real Estate of the said deceased as wou'd be sufficient to pay the debts aforesaid and the Costs.

Ordered that the prayer of this Petition be granted, and that the said Jonathan Bates and William Bates (in their said Capacity) be and hereby are impowred to make Sale of two hundred and ten pounds worth of the said deceased's Real Estate for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioners to post up notifications thirty days before the sale and account with the Judge of Probate for s<sup>d</sup>.

County, as the Law directs.

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Baker ~~vs~~ Frobisher

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John Baker of Boston in the County of Suffolk Merchant plaintiff ~~vs~~ William Frobisher of said Boston Soapboiler Defendant. In a plea of Review of a plea of trespass on the case commenced and prosecuted at an Inferiour Court of common pleas held at Boston, in and for the County of Suffolk on the first Tuesday of October AD 1761. by the said John Baker against the said William Frobisher in the words following viz. "In a plea of "trespass on the case for that the plant on the third day of October, AD 1760. being in "want of a quantity of good Merchantable soap to ship on board a vessell and transport "to Canada and there to sell the same, at Boston aforesaid applied to the def<sup>t</sup>. to "purchase of him the same and the def<sup>t</sup>. accordingly then and there bargained & "sold to the plant twenty five boxes of good Merchantable soap containing "two thousand two hundred neat weight of such soap for and at eight [<sup>pence</sup>] per each pound "of said soap and one shilling apeice for said boxes and agreed with and promised "the plant to deliver said twenty five boxes of good Merchantable soap on board a certain

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[388v][Are these being paginated correctly?]

"certain vessell in which the same was to be transported for the plant<sup>s</sup>. account as aforesaid, "and the plant accordingly then and there paid the def<sup>t</sup>. for the same at the price "aforesaid amounting in the whole to Seventy four pounds eleven shillings and eight "pence; Yet the def<sup>t</sup>. never delivered said quantity of good Merchantable soap "nor any part thereof, but deceitfully contriving to defraud the plant delivered

"on board vessell for the plant instead thereof twenty five boxes of bad corrupt &  
 "unmerchantable soap, ill Manufactured and made of bad and stinking  
 "materials and then and there falsely Affirmed to the plant the same to be  
 "good and Merchantable and the plant giving credit to the same false  
 "affirmation received the same bad soap and transported the same to canada  
 "where by reason the same being bad, rotten, corrupt, stinking and unmer-  
 ":chantable it could not be sold and the plant suffered greatly in his credit  
 "by importing the same there and was obliged to bring the same back to  
 "Boston whereby he has also lost the freight and insurance thereon and  
 "been disappointed in and lost the benefit of the sale that he might have  
 "made of good Merchantable soap together with the money paid for good  
 "soap as aforesaid, all which is to the damage of the said John as he saith the  
 "sum of two hundred pounds." At which said Inferiour Court, upon the  
 demurer there, Judgment was rendered; that the said William Frobisher  
 recover against the said John Baker costs of suit: from which Judgment the s<sup>d</sup>.  
 John appealed to the Superiour Court of Judicature Court of Assize and  
 General Goal Delivery held at Boston in and for the County of Suffolk  
 on the third Tuesday of February last, when and where Judgment was  
 rendered that the said William Frobisher recover against the said John  
 Baker Costs; which same Judgment the said John says is wrong and  
 Erroneous and that he is thereby damnified the sum of two hundred  
 and fifty pounds, as shall then and there be made to appear; Wherefore for  
 reversing the same Judgment and Recovering back from the said William  
 the same Costs and for recovering Judgment against him for the sum of  
 two hundred pounds (the damage laid in the original Writ) and Costs  
 of Courts, he the said John brings this suit. Both Parties appeared, and the  
 said William (by Robert Auchmuty his Attorney) says that the said Judgment is in  
 nothing erroneous and thereof puts &C<sup>a</sup>. and then the case after a full hearing was  
 committed to a Jury sworn according to Law to try the same who Returned their  
 Verdict therein upon Oath that is to say, they find for the defendant Costs. It's  
 therefore Considered by the Court that the said William Frobisher Recover  
 against the said John Baker Costs taxed £

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Nathaniel

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388

[388r]

&lt;&lt;

Ingraham ~~vs~~ Cook et al

&gt;&gt;

Nathaniel Ingraham of Bellingham in the County of Suffolk Cordwainer appell<sup>t</sup>  
~~vs~~ Robert Cook Gentleman Stephen Cook Gentleman and Thomas Cooke Yeoman  
 all of Wrentham in the County of Suffolk appellees, from the Judgment of an Inferiour  
 Court of common pleas held at Boston in and for the County of Suffolk on the first  
 Tuesday of July last, when and where the appellant was plant, and the appellees  
 (together with Jonathan Wales of said Wrentham Yeoman) were defendants, In a  
 plea of trespass for that the defendants at said Bellingham on the twenty ninth  
 day of March last, with force and Arms an assault on the Body of the said  
 Nathaniel did make and him did beat wound and evil intreat so that his  
 life was dispaired of, and other enormities the deft<sup>s</sup>. then and there committed  
 against the Kings peace contrary to Law and to the damage of the said  
 Nathaniel Ingraham, as he saith, a hundred pounds. At which said Inferiour  
 Court Judgment was rendred, upon the demurer there, that the said  
 Robert, Stephen, Thomas Cook, and Jonathan Wales recover against the said  
 Nathaniel Ingraham Costs of Suit. Both Parties Appeared, and the demurer  
 being waived, Issue was join'd on the plea tender'd, and then the case after a full  
 hearing was committed to a Jury sworn according to Law to try the same who  
 Returned their verdict therein upon Oath that is to say they find for the appell<sup>t</sup>.  
 twenty pounds Lawful money damage, and Costs. It's therefore Considered  
 by the Court that the said Nathaniel Ingraham Recover against Robert Cook,  
 Stephen Cook, and Thomas Cook the sum of twenty pounds Lawful Money of  
 this Province damage, and Costs taxed at £8.7.10. Motion to review.

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Zuil ~~vs~~ Bradley

&gt;&gt;

John Zuil of Boston in the County of Suffolk Merchant Appellant *vs* Daniel Bradley of Haverhill in the County of Essex trader appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of July last, when and where the appellant was plant and the appellee was def<sup>t</sup>. In a plea of the case for that whereas the def<sup>t</sup>. at Boston aforesaid on the seventh of June last in consideration he had before that time Received of the plant three dozen and ten silk handkerchiefs of the plant<sup>s</sup>. and to his the def<sup>t</sup><sup>s</sup>. use promised the plant to pay him on demand, what the same handkerchiefs were reasonably worth now the plant avers they were then reasonably worth thirteen pounds eight shillings according to the account to the Writ annexed of which there instantly he gave the def<sup>t</sup>. Notice and requested him to pay the same thirteen pounds eight shillings; Yet the def<sup>t</sup>. tho' Often requested has not paid the same but denies to pay it to the damage of the said John Zuil as he says the sum of twenty pounds. at which said Inferiour Court, upon the pleadings there, Judgment was Rendered, that the said Daniel Bradley recover against the said John Zuil Costs.

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[388v]

Costs of Suit. Both Parties Appeared, and After a full hearing of 'em, by their Council, upon the pleas in abatement, as on file, It is Considered by the Court that the Writ abate upon the second exception, and that the said Daniel Bradley Recover against the said John Zuil Costs taxed at £3.3.5

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Ex'c'on issued

6<sup>th</sup>. Sep. 1762.

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Waterhair *vs* Harris

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John Waterhair of Dorchester in the County of Suffolk Ropemaker Appellant  
 vs Thomas Harris of said Dorchester Clothier Appellee, from the Judgment of an  
 Inferiour Court of common pleas held at Boston in and for the County of Suffolk  
 on the first Tuesday of July last, when and where the Appellant was plant and  
 the appellee was def<sup>t</sup>. In a plea of Covenant broken &C<sup>a</sup>. (as by the Writ on file, tested the  
 21<sup>st</sup>. day of June last, at large appears.) At which said Inferiour Court Judgment  
 was render'd that the said Thomas Harris Recover against the said John Waterhair  
 Cost of suit. The Parties appeared and the appellee confessed Judgment for  
 Costs. It's therefore Considered by the Court that the said John Waterhair  
 recover against the said Thomas Harris Costs taxed at £6.4.4.

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Ex'c'on issued

23<sup>d</sup>. Oct. 1762.

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Gould et al vs White

&gt;&gt;

John Gould, Robert Gould, and John Gould jun<sup>r</sup>. all of Boston in the  
 County of Suffolk Merchants Appellants vs Nathaniel White of Taunton in the County  
 of Bristol Innholder Appellee, from the Judgment of an Inferiour Court of common  
 Pleas held at Boston in and for the County of Suffolk on the first Tuesday of  
 April last, when and where the appellants were plant<sup>s</sup>. and the Appellee was  
 def<sup>t</sup>. In a plea of the case for that the said Nathaniel on the tenth of June last, at  
 Taunton to wit, in Boston aforesaid by his Promisory Note with his hand subscrib'd  
 promist to pay the plant<sup>s</sup>. or their order four hundred and seventy two pounds  
 Lawful Money in six months from that time with lawful Interest till paid Yet  
 he hath not paid the same tho' requested but neglects it, to the damage of the said  
 John Gould, Robert Gould, and John Gould jun<sup>r</sup>., as they say, the sum of  
 five hundred pounds. At which said Inferiour Court Judgment was  
 Rendred, upon the demurer there, that the said Nathaniel White recover against  
 the said John, Robert, and John Gould Costs of suit. The Parties appeared ,  
 and the plants now in this Court retracting their plea aforesaid (by Samuel  
 Fitch their Attorney) say that the deft<sup>s</sup>. did promise as they have declared and

thereof put themselves on the Country: and then the Case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the Appellants five hundred and five pounds sixteen shillings and four pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the said John Gould, Robert Gould, and John Gould jun<sup>r</sup> . recover against the

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389.

[389r}

the said Nathaniel White the sum of Five hundred and five pounds sixteen shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £6.1.6.

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Ex'c'on issued

Oct<sup>o</sup>. 2<sup>d</sup>. 1762.

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Jones ~~vs~~ Belcher

>>

John Jones of Boston in the County of Suffolk Esq; appellant ~~vs~~ William Belcher, and Cornelius Durant both of said Boston Merchants appellees, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the appellant was plant and the appellees were defendants, In a plea of debt. &C<sup>a</sup>. (as by the Writ tested the 21<sup>st</sup>. day of June last, on file, at large appears) at which said Inferiour Court Judgment was rendred that the said John Jones Recover against the said William Belcher and Cornelius Durant the sum of two hundred and twenty seven pounds twelve shillings and two pence half penny Sterling being the chancery of the bond sued on, unto its just debt or damage, and Costs of suit. The Parties appeared and after a full hearing of them (by Council) in chancery. It is Considered by the Court that the said John Jones recover against the said William

Belcher and Cornelius Durant the sum of two hundred and thirty two Pounds sixteen shillings and five pence Lawful Money of Great Britain debt, and Costs taxed at £3.19.8

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Ex'c'on issued

Sep. 7<sup>th</sup>. 1762.

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Pecker v Webb.

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James Pecker of Boston in the County of Suffolk Physician appellant ~~vs~~ John Webb Merchant, and Enoch Rust mariner both of said Boston executors of the last Will and testament of William Webb late of said Boston Merchant dec'ed, Appellees; from the Judgment of an Inferiour Court of common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the appellant was plant and the appellees were def<sup>ts</sup>. In a plea of trespass on the case &C<sup>a</sup>. (as by the Writ on file, tested the 25<sup>th</sup>. day of January last, at large appears) At which said Inferior Court Judgment was rendred that the said James Pecker recover against the estate of the said William Webb dec'ed, in the hands of the said John Webb and Enoch Rust executors as aforesaid. the sum of twenty two pounds lawful Money dam<sup>a</sup>. and costs of suit. Both Parties Appeared and refer'd this Action and all other demands to John Leverett Esq; Dudson Kilcup and Nathaniel Cary: and said Referees were to determine which party should pay the costs. and the said Referees Reported to the Court in writing under their hands as on file, which was read and accepted and pursuant to the same Report. It is Considered by the Court that the said James Pecker recover against the estate of the s<sup>d</sup>. William Webb dec'ed, in the hands of the said John Webb, and Enoch Rust Exec'ors as aforesaid, the sum of twenty five pounds ten shillings Lawful Money of this Province Damage and Costs taxed at £5.18.0

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Ex'c'on issued

6<sup>th</sup>. Sep. 1762.

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Samuel

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[389v]

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Vans ~~vs~~ Boylstone

&gt;&gt;

Samuel Vans of Boston in the County of Suffolk Merchant [<sup>^</sup>appel<sup>l^</sup>] ~~vs~~ Thomas Boylstone of said

Boston Merchant Appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the appellee was plant and the appellant was def<sup>t</sup>. In a plea of trespass upon the case for that whereas the said Samuel Vans at said Boston on the eighth day of July AD 1761. was indebted to the said Thomas Boylston in the sum of two hundred and forty seven pounds seven shillings and seven pence according to the account to the Writ annexed and being so indebted then and there promised the said Thomas Boylston to pay him the same on demand Yet he never paid it tho' often requested but neglects it. To the damage of the said Thomas Boylston as he saith the sum of three hundred pounds. At which said Inferiour Court Judgment was rendred, upon the pleadings there, that the said Thomas Boylston recover against the said Samuel Vans the sum of two hundred forty seven pounds seven shillings and seven pence Lawful Money damage, and Costs of suit. Both Parties Appeared, and the said Samuel (by Samuel Fitch Esq; his attorney) defends &C<sup>a</sup>. and Waiving his demurer to the plant<sup>s</sup>. declaration, says that he never promised as the plant declared, and thereof put himself on the Country. And the plant (by James Otis Esq; his Attorney) did likewise. Issue being thus joined the case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee two hundred and forty seven pounds seven shillings and seven pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Thomas Boylston Recover

against the said Samuel Vans the sum of two hundred forty seven pounds seven shillings and seven pence Lawful Money of this Province damage, and Costs. taxed at £3.2.8

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Ex'c'on issued

Sep. 8<sup>th</sup>. 1762

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Dennie ~~vs~~ Webster

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John Dennie of Boston in the County of Suffolk Merchant Appellant ~~vs~~ Grant Webster of Salisbury in the County of Essex trader Appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the appellant was pl<sup>t</sup>. and the appellee was def<sup>t</sup>. In a plea of trespass upon the case &C<sup>a</sup>. (as by the Writ tested the 24<sup>th</sup>. day of May last, on file, at large appears.) at which said Inferiour Court Judgment was rendred, that the said Grant Webster Recover against the said John Dennie Costs of suit. The Parties appeared and the appellee, by his Attorney, confessed Judgment for three hundred and four pounds eleven shillings and 10<sup>d</sup>. Lawful money damage, and Costs. It's therefore Considered by the Court that the said John Dennie Recover against the said Grant Webster the sum of

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[390r]

of three hundred and four pounds eleven shillings and ten pence Lawful Money of this Province damage, and Costs taxed at £4.15.8.

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Ex'c'on issued

Sep. 6<sup>th</sup>. 1762.

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Vernon ~~vs~~ Brown.

&gt;&gt;

William Vernon of Boston in the County of Suffolk Mariner appellant ~~vs~~ Mercy Brown of said Boston Widow appellee from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the appellant was plant and the appellee was def<sup>t</sup>. In a plea of trespass on the case for that the plant at Boston aforesaid on the twenty sixth day of May last, was possessed of one peice of Brussells lace g<sup>t</sup>. thirteen yards and one quarter of a Yard of the value of twenty two pounds and of a handkerchief, apron, tucker, Ruffles, all of Dresden work and of the Value of twelve pounds as of his own proper goods and being so possessed thereof afterwards to wit at Boston aforesaid on the same day out of his possession casually lost the same all which said Goods Afterwards to wit on the same day and year at Boston aforesaid into the hands and possession of the def<sup>t</sup>. by finding came, Yet the def<sup>t</sup>. tho' Requested viz. at Boston aforesaid on the twenty seventh of May last, to deliver all the said Goods to the plant refused so to do. and knowing them all of right to belong to the plant Afterwards to wit on the same day at Boston aforesaid converted all said goods to her own use to the damage of the said William as he says the sum of forty pounds. At which said Inf<sup>t</sup>. Court Judgment was Rendred, upon the demurer there, that the said Mercy Brown Recover against the said William Vernon Costs of suit. Both Parties Appeared the demurer aforesaid was waived, [<sup>^</sup>issue join'd<sup>^</sup>] and the case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the appellee Costs. It's therefore Considered by the Court that the said Mercy Brown recover against the said William Vernon Costs taxed at £2.13.4.

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Ex'c'on issued

6. Sept<sup>r</sup>. 1762.

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Mcenzie ~~vs~~ Malbone

&gt;&gt;

Andrew Mcenzie of Dorchester in the County of Suffolk Merchant plaintiff ~~vs~~  
 Godfrey Malbone jun<sup>r</sup> of Newport in the County of Newport in the Colony of Rhode Island  
 and Providence [<sup>plantation</sup>] Esq; defendant, In a plea of review of a plea of account &C<sup>a</sup>. (as  
 in the

Writ tested the eighth day of June last, on file at large appears) Both Parties appeared,  
 and Referr'd this Action, with all other demands to Isaac Winslow Esq; Samuel  
 Hughes, and Timothy Newell, the Report of said Referees, or of any two of 'em, to be final  
 and pursuant to the Report of said Referees made in Writing under their hands  
 as on file. It's Considered by the Court that the said Godfrey Malbone Jun<sup>r</sup>.  
 Recover against the said Andrew Mcenzie the sum of two pounds two shillings  
 and eleven pence Lawful money of this Province damage, and Costs taxed at  
 £2.12.11.

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Benjamin

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[390v]

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Hallowell ~~vs~~ Dalton

&gt;&gt;

Benjamin Hallowell of Boston in the County of Suffolk Shipwright Plaintiff ~~vs~~ James  
 Dalton of said Boston Mariner Defendant, In a plea of Review of a plea of the Case  
 commenced and prosecuted at an Inferiour Court of common pleas held at Boston  
 in and for the County of Suffolk on the first Tuesday of January last, by the said  
 James against the said Benjamin in the words following viz. "In a plea of the  
 "case, for that the def<sup>t</sup>. on the eleventh day of last August at Boston aforesaid being  
 "justly indebted to the plant the sum of twenty five pounds eighteen shillings  
 "and eleven pence half penny for beef sold and delivered to the def<sup>t</sup>. according to the  
 "account hereto annexed, to ballance said account then and there in  
 "consideration thereof promised the plant to pay him the same sum on demand;  
 "Yet the def<sup>t</sup>. tho' Requested has not paid it, but unjustly Neglects and refuses  
 "to pay it; To the damage of the said James Dalton (as he saith) the sum of thirty  
 "pounds." At which said Inferiour Court Judgment was rendred, upon the

demurer there, that the said James Dalton recover against the said Benj<sup>a</sup>.  
Hallowell the sum of twenty five pounds eighteen shillings and eleven  
pence half penny Lawful Money damage, and Costs of suit; from w<sup>ch</sup>.  
Judgment the said Benjamin appealed to the Superiour Court of Judicature  
Court of Assize and General Goal delivery, held at Boston in and for the  
said County of Suffolk on the third Tuesday of February last, when and  
where Judgment was rendred that the said James Dalton recover against  
the said Benjamin Hallowell the sum of twenty two pounds seventeen  
shillings and one penny Lawful Money of this Province damage, and  
Costs; which same Judgment the said Benjamin says is wrong and  
erroneous and that he is thereby damnified the sum of forty Pounds as  
shall then and there be made to appear; Wherefore for reversing the Judgm<sup>t</sup>.  
last mentioned, and Recovering back from the said James the said  
sum of twenty two pounds seventeen shillings and a penny damage, and  
the same Costs, and for recovering Judgment against the said James for  
Costs of Courts, he the said Benjamin brings this suit. Both Parties  
appeared, and the def<sup>t</sup>. (by Benjamin Kent his attorney) defends &C<sup>a</sup>.  
and says the last recited Judgment is in nothing erroneous and thereof puts  
himself upon the Country. Issue being join'd the case after a full hearing was  
committed to a Jury sworn according to Law to try the same who Returned their  
Verdict therein upon Oath, that is to say they find for the defendant Costs.  
It's therefore Considered by the Court that the said James Dalton recover  
against the said Benjamin Hallowell Costs taxed at £2.8.10

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Ex'c'on issued

8<sup>th</sup>. decr. 1762

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Capen ~~vs~~ Winslow

&gt;&gt;

Thomas Capen Shipjoiner and James Manning Perriwigmaker  
both



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391.

[391r]

both of Charlestown in the County of Middlesex appellants *vs* Joseph Sayer of Wells, Esq; Daniel Bragdon of York Mariner in the County of York, and Joshua Winslow jun<sup>r</sup>. of Boston in the County of Suffolk Esq; appellees from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the appellees were plant<sup>s</sup>. and the appellants (together with John Mayo of Roxbury in the County of Suffolk Yeoman) were defendants. In a plea of trespass & C<sup>a</sup> (as by the Writ tested the 22<sup>nd</sup>. day of June last, on file, at large appears) at w<sup>ch</sup>. said Inferiour Court Judgment was rendred, that the said Joseph Sayer, Daniel Bragdon, and Joshua Winslow recover against the said Thomas Capon, and James Manning the sum of twenty pounds Lawful Money damage, and Costs of suit; and that the said John Mayo recover against the said Joseph Sayer, Daniel Bragdon, and Joshua Winslow Costs of suit. Both Parties Appeared. The Merits of this cause having been determined by the appeal brought forward by the said Winslow and others against the said Capen and others; And as the Judgment there is in favor of the said Winslow and others, It is Considered by the Court that the said Joseph Sayer, Daniel Bragdon, and Joshua Winslow jun<sup>r</sup>. recover against the said Thomas Capen, and James Manning Costs taxed at £2.9.5.

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Boston Decr. 24. 1762. rec<sup>d</sup>. two pounds nine shillings and five pence in full of this Judgment J. Otis. Witness Arodi Thayer  
1763. Jan<sup>ry</sup>. 27. receiv'd of James Otis Esq<sup>r</sup>. fifty two pounds  
13/3. being what he receiv'd as it is enter'd on these two Judgments  
John Deming Attorney

N. B. D<sup>r</sup> . Sayer agrees that M<sup>r</sup> . Deming shall receive,  
said £52.13.3. Attest N Hatch Cler.

John Deming Attorney

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Winslow et al *vs* Capen et al.

&gt;&gt;

Joshua Winslow jun<sup>r</sup>. of Boston in the County of Suffolk Esq; Joseph Sayer of York Esq; and Daniel Bragdon of said York [<sup>^</sup>in the County of York<sup>^</sup>] Mariner appellants ~~vs~~ Thomas Capen Shipjoiner and James Manning Perriwigmaker both of Charlestown in the County of Middlesex and John Mayo of Roxbury in the County of Suffolk Yeoman Appellees, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the appellants were plant<sup>s</sup>. and the appellees were deft<sup>s</sup>. In a plea of trespass for that the said Tho<sup>s</sup>. Capen, James Manning and John Mayo on the twenty first day of August, AD 1760. at Chignecto in the Province of Nova Scotia by force and Arms broke open and entred upon the plant<sup>s</sup>. sloop called the Properous then lying in the harbour of Chignecto with force as aforesaid carried her away and thereby prevented her proceeding in her voyage to the damage of the said Joseph Sayer, Daniel Bragdon and Joshua Winslow as they say the sum of seven hundred pounds, At which said Inferiour Court Judgment was rendred, that the said Joseph Sayer, Daniel Bragdon, and Joshua Winslow recover against the said Thomas Capon and James Manning the sum of twenty pounds and Costs of suit: and that the said John Mayo Recover against the said Joseph Sayer, Daniel Bragdon, and Joshua Winslow Costs of suit. Both Parties appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee Mayo Costs.

<duplicates previous>

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Image 475-Left

[391v]

Costs. and as to the other appellees the Jury find Specially viz. "that the Appellants "Bragdon, and Sayer were owners of the said Sloop Prosperous at the time mention'd in the declaration and that the said Joshua Winslow had chartered the same "as by the charter-party, copy of which is in the Case, and was at that time "possessed thereof, by virtue of said charter-party; And if by Law the appellants "may join in the action for the trespass then the Jury find for the appellants "the sum of thirty eight pounds damage and Cost; if by law they cannot

"join then they find for the appellees Costs." And the said Manning and Capen then consented that Judgment, should be entred up against them for said thirty eight Pounds; and for Costs: The appellants in Court releasing to them any other actions for the taking and detaining mentioned in said Declaration. It's therefore Considered by the Court that the said John Mayo recover against the said Joshua Winslow [<sup>^</sup>Jun<sup>r</sup>.<sup>^</sup>] Joseph Sayer, and Daniel Bragdon Costs taxed at £6.15.2. and that the said Joshua Winslow jun<sup>r</sup>. Joseph Sayer, and Daniel Bragdon Recover against the said Thomas Capen, and James Manning the sum of thirty eight pounds Lawful Money of this Province damage, and Costs taxed at £12.3.10

&lt;&lt;

Ex'c'on issued

Nov. 8<sup>th</sup>. 1762.in fav<sup>r</sup>. of Mayo.

&gt;&gt;

Boston Nov<sup>r</sup>. 11<sup>th</sup>. 1762. Received of said Capen and Manning twenty seven pounds one shilling and four pence, in part of the above Judgment as Attorney to the Appellants                      James Otis  
Witness Arodi Thayer.

&lt;&lt;

Decr. 24<sup>th</sup>. 62. }rec<sup>d</sup>. twenty three }

pounds 2/6 of }

Capen &amp; manning }

in full for winslow's }

Judgment. }

J Otis }

wit<sup>s</sup>

Arodi Thayer. }

&gt;&gt;

&lt;\_&gt;

&lt;&lt;

Fulton ~~vs~~ Fosdick et al

&gt;&gt;

Robert Fulton residing in Boston in the County of Suffolk Yeoman appell<sup>t</sup>.  
 James Fosdick and Timothy Thornton both of said Boston Pavers Appellees, from the  
 Judgment of an Inferiour Court of common pleas held at Boston in and for the  
 County of Suffolk on the first Tuesday of July last, when and where the Appellees  
 were plant<sup>s</sup>. and the appellant was def<sup>t</sup>. In a plea of the case for that the def<sup>t</sup>. at  
 said Boston on the ninth day of November last, owed the plant eighteen pounds  
 four shillings and seven pence to ballance the account to the Writ annexed  
 and being so indebted then and there promised to pay the same on demand.  
 Yet the def<sup>t</sup>. has not paid it tho' Requested but neglects it. To the damage  
 of the said James and Timothy as they say the sum of thirty pounds. At  
 which said Inferiour Court Judgment was rendred, that the said James  
 Fosdick and Timothy Thornton Recover against the said Robert Fulton  
 the sum of Eighteen pounds four shillings and seven pence Lawful Money  
 damage, and costs of suit. Both Parties appeared, and the case After a  
 full hearing was Committed to a Jury sworn according to Law to try the same  
 who Returned their Verdict therein upon Oath, that is to say, they find  
 for

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Image 475-Right

392.

[392r]

for the appellee eighteen pounds four shillings and seven pence Lawful Money damage,  
 and Costs. It's therefore Considered by the Court that the said James Fosdick and  
 Timothy Thornton Recover against the said Robert Fulton the sum of Eighteen  
 pounds four shillings and seven pence Lawful Money of this Province damage  
 and Costs taxed at £7.3.1

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Ex'c'on issued

28<sup>th</sup>. Sep. 1762.

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Clark vs Payson.

&gt;&gt;

Thomas Clark of Almsbury in the County of Essex in the Province afores<sup>d</sup>. Gentleman appellant ~~vs~~ Thomas Payson of Woodstock in the County of Windham in the Colony of Connecticut Trader Appellee, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, when and where the appellee was plant and the Appellant was def<sup>t</sup>. In a plea of trespass on the case for that the def<sup>t</sup>. at Boston aforesaid on the fifteenth day of October AD 1760. being justly Indebted to the plant in the sum of six pounds eighteen shillings and five pence  $\frac{1}{4}^{\text{th}}$ . lawful Money for sundries sold and delivered according to the Account to the Writ annexed, then and there promised the plant to pay him the same sum on demand, yet the def<sup>t</sup>. tho' requested has not paid the same but Neglects it, To the damage of the said Thomas Payson (as he saith) the sum of thirteen pounds. At which said Inferiour Court [<sup>^</sup>upon the demurrer there<sup>^</sup>] Judgment

was Rendred, that the said Thomas Payson Recover against the said Thomas Clark the sum of Six pounds eighteen shillings and five pence [<sup>^</sup> $\frac{1}{4}$ <sup>^</sup>] Lawful Money dam<sup>a</sup>. and Costs of suit. Both Parties appeared, and [<sup>^</sup>the said demurrer being wav'd & issue join'd<sup>^</sup>] the Case After a full hearing

was committed to a Jury sworn according to Law to try the same who Returned their Verdict thereinupon Oath, that is to say, they find for the appellant reversion of the former Judgment and Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Thomas Clark recover against the said Thomas Payson Costs taxed at £.

Sep. 2<sup>d</sup>. 1762 Received the sum of seven pounds six shillings and two pence by the hands of Abraham Savage as per another Receipt of this tenor this day given him.

J Otis ju<sup>r</sup>. Att<sup>y</sup>.

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&lt;&lt;

Blake ~~vs~~ Davis et al

&gt;&gt;

John Blake of Boston in the County of Suffolk Mariner appellant ~~vs~~ Benjamin Davis, and Edward [<sup>^</sup>Davis<sup>^</sup>] both of said Boston Merchants Appellees, from the Judgment of an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, when and where the appellant was plant, and the aplee's were defendants, In a plea of trespass upon the case & C<sup>a</sup>. (as by the Writ on file, tested the

twenty first day of June last, at large appears). At which said Inferiour Court Judgment was Rendred, that the said Benjamin Davis and Edward Davis Recover against the said John Blake Costs of suit. The Parties Appeared, and the appellees, confessed Judgment for the sum sued for being one hundred and twenty five

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[392v]

five pounds sixteen shillings Lawful Money damage, and Costs. It's therefore Considered by the Court that the said John Blake Recover against the said Benjamin Davis, and Edward Davis the sum of One hundred and twenty five pounds sixteen shillings Lawful Money of this Province damage, and Costs taxed at £4.10.10

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Ex'c'on issued

Sep. 8<sup>th</sup>. 1762.

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Clark ~~vs~~ Prince

>>

Benjamin Clark of Boston in the County of Suffolk Gentleman Complainant ~~vs~~ Christopher Prince of Boston aforesaid Mariner. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said Christopher for the sum of £103.8.6 Lawful Money of Great Britain damage, and Costs of suit; from which Judgment the said Christopher appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. prayd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Benjamin Clark Recover against the said Christopher Prince the sum of One hundred & five pounds eleven shillings Lawful Money of Great Britain damage,

and Costs taxed at £3.6.10

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Ex'c'on issued

Sep. 6<sup>th</sup>. 1762.

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Dolbear ~~vs~~ Spealman & al

>>

Benjamin Dolbear of Boston in the County of Suffolk Merchant executor of the last Will and testament of William Clark late of Boston aforesaid Physician deceased Complainant ~~vs~~ John Spelman and Luke Hitchcock both of Granville in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of April last he Recovered Judgment against them for the sum of £103.10.0 Lawful Money damage, and Costs of suit; from which Judgment they appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional interest and costs. It's therefore Considered by the Court that the said Benjamin Dolbear Executor as aforesaid, Recover against the said John Spelman, and Luke Hitchcock the sum of One hundred and five pounds eight shillings and four pence Lawful Money of this Province damage, and Costs taxed at £4.10.6

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Ex'c'on issued

Sep. 6. 1762.

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Stoddard ~~vs~~ Salmon

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Simeon Stoddard of Boston in the County of Suffolk Gentleman a person unsound in mind, who sues by Joseph Jackson of said Boston Esq; his

Guardian

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Image 476-Right

393.

[393r]

Guardian Complainant ~~vs~~ Mary Salmon of said Boston Widow The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of April last, he Recovered Judgment against the said Mary for possession of a Messuage and land in Boston aforesaid, and Costs of suit; from which Judgment the said Mary appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Simeon Stoddard Recover against the said Mary Salmon Possession of the Messuage and Land described in the Writ, and Costs taxed at £3.6.10

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Fac<sup>s</sup>: Hab. issued

6<sup>th</sup>. Sep. 1762.

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Hall ~~vs~~ Richardson

>>

Josiah Hall of Wrentham in the County of Suffolk Yeoman Complainant ~~vs~~ Nathaniel Richardson of Boston in the County of Suffolk Gentleman, The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said Nathaniel for the sum of £3 Lawful Money damage, and Costs of suit; from which Judgment the said Nathaniel appealed to this Court & Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment w<sup>th</sup>. Additional Costs. It's therefore Considered by the Court that the said Josiah Hall Recover against the said Nathaniel Richardson the sum of three Pounds Lawful



Money of this Province damage, and Costs taxed at £3.13.1

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Ex'c'on issued

6<sup>th</sup>. Sep. 1762.

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Richardson ~~vs~~ Richardson

>>

David Richardson of Medway in the county of Suffolk Yeoman Compl<sup>t</sup>. ~~vs~~  
Nathaniel Richardson of Boston in the County of Suffolk Gentleman. The Compl<sup>t</sup>.  
shew'd that at an Inferiour Court of common pleas held at Boston in and for the  
County of Suffolk on the first Tuesday of July last, he recovered Judgment against  
the said Nathaniel for the sum of £2.16.7. Lawful Money damage, and Costs of  
suit; from which Judgment the said Nathaniel Appealed to this Court and  
Recogniz'd with sureties according to Law to prosecute the same with Effect, but  
fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
Additional interest and costs. It is therefore Considered by the Court that the s<sup>d</sup>.  
David Richardson Recover against the said Nathaniel Richardson the sum of  
two pounds sixteen shillings and eleven pence Lawful Money of this Province,  
damage, and Costs taxed at £3.12.10

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Ex'c'on issued

6<sup>th</sup>. Sep. 1762.

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Whiting ~~vs~~ Richardson

>>

Eliphalet Whiting of Wrentham in the County of Suffolk Yeoman Compl<sup>t</sup>. ~~vs~~  
Nathaniel Richardson of Boston in the County of Suffolk Gentleman. The Compl<sup>t</sup>.  
shew'd

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[393v]

shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Nathaniel for the sum of £7.1.11 Lawful Money damage, and Costs of suit; from which Judgment the said Nathaniel appealed to this Court & recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said Eliphalet Whiting recover against the said Nathaniel Richardson the sum of seven pounds three shillings and a penny Lawful Money of this Province damage, and Costs taxed at £3.15.4

<<J Otis }

Ex'c'on issued

Sep. 6. 1762.

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Sparhawk vs Page

>>

John Sparhawk of Boston in the County of Suffolk Physician Compl<sup>t</sup>. vs William Page of said Boston Shipwright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said William for the sum of £27.16.7. Lawful Money damage, and Costs of suit; from which Judgment the said William appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said John Sparhawk Recover against the said William Page the sum of twenty seven pounds sixteen shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £3.10.4

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Ex'c'on issued

Sep. 6. 1762.

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Gould jun<sup>r</sup>. ~~vs~~ Mead.

>>

John Gould jun<sup>r</sup>. of Boston in the County of Suffolk Merchant Compl<sup>t</sup>.  
~~vs~~ Israel Mead of Medford in the County of Middlesex Taylor. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of Common Pleas held at Boston in and for the County  
 of Suffolk on the first Tuesday of July last, he Recovered Judgment against  
 the said Israel for the sum of £68.13.11 Lawful Money damage, and Costs of  
 suit; from which Judgment the said Israel appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd  
 so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
 Additional Interest and Costs. Its therefore Considered by the Court that  
 the said John Gould jun<sup>r</sup>. recover against the said Israel Mead the sum of  
 Sixty nine pounds two shillings and seven pence Lawful Money of this Province  
 Damage, and Costs taxed at £3.6.9

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Ex'c'on issued

Oct<sup>o</sup>. 2<sup>d</sup>. 1762.

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Deblois ~~vs~~ Allen

>>

Gilbert Deblois of Boston in the County of Suffolk Merchant Compl<sup>t</sup>.  
 versus.

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Image 477-Right

394.

[394r]

versus James Allen of said Boston Taylor. The Compl<sup>t</sup>. shew'd that at an Inferiour Court

of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last. he recovered Judgment against the said James for the sum of £4.12.8 Lawful Money damage, and Costs of suit; from which Judgment the s<sup>d</sup>. James appealed to this Court and Recognized with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Gilbert Deblois recover against the said James Allen the sum of Four pounds twelve shillings and eight Pence Lawful Money of this Province damage, and Costs taxed at £3.1.10

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Ex'c'on issued

7<sup>th</sup>. Sep. 1762.

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Storer ~~vs~~ Dix

&gt;&gt;

Ebenezer Storer of Boston in the County of Suffolk Merchant Complainant ~~vs~~ James Dix of Watertown in the County of Middlesex Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said James for the sum of £7.11.9. Lawful Money damage, & costs of suit; from which Judgment the said James appealed to this Court & Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional interest and costs. It's therefore Considered by the Court that the said Ebenezer Storer recover against the said James Dix the sum of seven pounds seven shillings and eight pence Lawful Money of this Province damage, and costs taxed at £3.6.4

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Ex'c'on issued

Sep. 7. 1762.

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Storer v Peirce

&gt;&gt;

Ebenezer Storer of Boston in the County of Suffolk Esq; Compl<sup>t</sup>. ~~vs~~  
 James Peirce of Charlestown in the County of Middlesex Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of common pleas held at Boston in and for  
 the County of Suffolk on the first Tuesday of April last, he Recovered Judgm<sup>t</sup>.  
 against the said James for the sum of £4.10.0 Lawful Money damage, and  
 Costs of suit; from which Judgment the said James appealed to this Court &  
 Recogniz'd with sureties according to Law to prosecute the same with Effect,  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>:  
 with Additional Costs. It's therefore Considered by the Court that the s<sup>d</sup>.  
 Ebenezer Storer recover against the said James Peirce the sum of four  
 pounds ten shillings Lawful Money of this Province Damage, and Costs  
 taxed at £3.3.8

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Ex'c'on issued

Sep. 7. 1762.

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Pierpont ~~vs~~ Campbell

&gt;&gt;

William Pierpont of Roxbury in the County of Suffolk trader Compl<sup>t</sup>. ~~vs~~  
 Alexander

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[394v]

Alexander Campbell of Oxford in the County of Worcester Physician. The Compl<sup>t</sup>: shew'd  
 that at an Inferiour Court of common pleas held at Boston in and for the County of  
 Suffolk on the first Tuesday of July last, he Recovered Judgment against the said  
 Alexander for the sum of £12.14.0 Lawful Money damage, and Costs of suit  
 from which Judgment the said Alexander appealed to this Court and recogniz'd

with sureties according to Law to prosecute the same with Effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest & costs. It's therefore Considered by the Court that the said William Pierport recover against the said Alexander Cambpell the sum of twelve pounds fifteen shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.9.10

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Ex'c'on issued

Sep. 7. 1762.

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Cheever ~~vs~~ Metcalf

&gt;&gt;

William Down Cheever of Boston in the County of Suffolk Merchant Appell<sup>t</sup>. ~~vs~~ Thomas Metcalf of Boston aforesaid Mariner. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup> Court of common pleas held at Boston in and for the County of Suffolk in the first Tuesday of April last, he Recovered Judgment against the said Thomas for the sum of £30.5.11½ Lawful Money damage and Costs of suit; from which Judgment the said Thomas appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said William Down-Cheever Recover against the said Thomas Metcalf the sum of thirty pounds five shillings and eleven pence ½ Lawful Money of this Province damage, and Costs taxed at £3.7.8

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Ex'c'on issued

5 feb. 1763.

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Turner ~~vs~~ Bates

&gt;&gt;

Elisha Turner of Weymouth in the County of Suffolk Shipwright Complainant  
 vs Samuel Bates of Hingham in said County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>.  
 Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday  
 of April last, recovered Judgment against the said Samuel for the sum of £4.7.6  
 Lawful Money damage, and Costs of suit; from which Judgment the said Samuel  
 appealed to this Court and recogniz'd with sureties according to Law to prosecute  
 the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation  
 of said Judgment with Additional Costs. It's therefore Considered by the Court  
 that the said Elisha Turner Recover against the said Samuel Bates the sum  
 of Four Pounds seven shilling and six pence Lawful Money of this Province,  
 damage, and Costs taxed at £3.17.0

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Fairservice v Hall

&gt;&gt;

James Fairservice of Boston in the County of Suffolk Gentleman Compl<sup>t</sup>.

vs

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[395r]

vs Hugh Hall of said Boston Esq; The Compl<sup>t</sup>. shew'd that at an Inferiour Court of  
 common pleas held at Boston in and for the County of Suffolk on the first Tuesday  
 of July last, he Recovered Judgment against the said Hugh for Costs of suit;  
 from which Judgment the said Hugh appealed to this Court and Recognized  
 with sureties according to Law to prosecute the same with Effect, but fail'd so  
 to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Costs. It's therefore Considered by the Court that the said James Fairservice Recover  
 against the said Hull Hall Costs taxed at £3.6.3

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Tyler vs Biglow

&gt;&gt;

Thomas Tyler of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. *vs* Jotham Biglow of Holden in the County of Worcester Innholder. The Compl<sup>t</sup>. [<sup>^</sup>shew'd<sup>^</sup>] that at an Inf<sup>t</sup> Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he recovered Judgment against the said Jotham for the sum of £28.6.11 Debt and Costs of suit; from which Judgment the said Jotham appealed to this Court and recogniz'd with sureties [<sup>^</sup>according<sup>^</sup>] to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Tyler recover against the said Jotham Biglow the sum of twenty eight pounds twelve shillings and eleven pence Lawful Money of this Province debt, and Costs taxed at £3.7.11

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Ex'c'on issued

7<sup>th</sup>. Sep. 1762.

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Faneuil *vs* Moore

&gt;&gt;

Benjamin Faneuil jun<sup>r</sup>. of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. *vs* William Moore of said Boston housewright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said William for the sum of £56.17.10 Lawful Money damage, and Costs of suit; from which Judgment the said William appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Benjamin Faneuil jun<sup>r</sup>. recover against the said William Moore the sum of Fifty six pounds seventeen shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £3.4.2.

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Ex'c'on issued

7<sup>th</sup>. Sep. 1762.

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Lane ~~vs~~ Tilson

&gt;&gt;

Thomas Lane of London in the Kingdom of Great Britain Merchant Compl<sup>t</sup>.  
~~vs~~ Perez Tilson of Plimouth in the County of Plimouth Merchant. The Compl<sup>t</sup>. shew'd  
 that at an Inferiour Court of Common pleas held at Boston in and for the County of  
 Suffolk on the first Tuesday of July last, he Recovered Judgment against against  
 the said Perez for the sum of £100.10.0 Lawful Money debt, and Costs of  
 suit;

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[395v]

suit; from which Judgment the said Perez appealed to this Court and recogniz'd with  
 sureties according to Law to prosecute: the same with effect but fail'd so to do: Where-  
 :fore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs.  
 It's therefore Considered by the Court that the said Thomas Lane Recover against  
 the said Perez Tilson the sum of One hundred and one pounds two shillings and  
 six pence Lawful Money of this Province debt, and Costs taxed at £3.6.11

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Ex'c'on issued

7<sup>th</sup>. Sep. 1762.

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Sewall ~~vs~~ Mason

&gt;&gt;

Henry Sewall of Brookline in the County of Suffolk Esq; and Ebenezer Craft of  
 Roxbury in the same County Husbandman Executors of the last Will and testament  
 of Samuel White late of said Brookline Esq; deceased, Complainants; ~~vs~~ Samuel Mason  
 of Watertown in the County of Middlesex Housewright The Compl<sup>ts</sup>. shew'd that at an  
 Inferiour Court of common pleas held at Boston in and for the County of Suffolk  
 on the first Tuesday of April last, they recovered Judgment against the said

Samuel for the sum of £39.4.9. Lawful Money damage, and Costs of suit; from which Judgment the said Samuel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Henry Sewall and Ebenezer Craft executors as aforesaid, recover against the said Samuel Mason the sum of thirty Nine pounds Nineteen shillings and a penny Lawful Money of this Province damage, and Costs taxed at £3.10.8

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Ex'c'on issued

8<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Ruddock ~~vs~~ Winter

&gt;&gt;

John Ruddock of Boston in the County of Suffolk Esq; Collector of the Province County, and Town taxes for the Town of Boston for the years 1759-1760 & 1761 Complainant ~~vs~~ William Winter of Boston in the same County Gentleman The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said W<sup>m</sup>. for the sum of £13.7.8¼. Lawful Money damage, and Costs of suit: from which Judgment the said William appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Ruddock Collector as aforesaid; recover against the said William Winter the sum of thirteen pounds seven shillings and eight pence one farthing Lawful Money of this Province damage, and Costs taxed at £3.6.10

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Ex'c'on issued

Nov. 27<sup>th</sup>. 1762.

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Hyslop ~~vs~~ Greenleaf

&gt;&gt;

William Hyslop of Boston in the County of Suffolk Merchant Compl<sup>t</sup>.~~vs~~

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Image 479-Right

396.

[396r]

~~vs~~ Joseph Greenleaf of Abington in the County of Plimouth Yeoman The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Joseph for the sum of £20.7.9. Lawful Money damage, and Costs of suit; from which Judgment the said Joseph appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said William Hyslop Recover against the said Joseph Greenleaf the sum of twenty pounds ten shillings and five pence Lawful Money of this Province damage, and Costs taxed at £3.6.10

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Ex'c'on issued

13<sup>th</sup>. Sep. 1762.

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Vans ~~vs~~ Whitmore

&gt;&gt;

Samuel Vans of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. ~~vs~~ Francis Whitmore of Medford in the County of Middlesex Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of April last, he Recovered Judgment against the

said Francis for the sum of £19.17.5¾. Lawful Money damage, and Costs of suit; from which Judgment the said Francis appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Samuel Vans Recover against the said Francis Whitmore the sum of Nineteen Pounds seventeen shillings and five pence three farthings Lawful Money of this Province Damage and Costs taxed at £

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Clark ~~vs~~ Watts

&gt;&gt;

Jonathan Clark of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. ~~vs~~ David Watts of said Boston Book-keeper. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said David for possession of the premisses sued for, and Costs of suit; from which Judgment the said David appealed to this Court, and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Jonathan Clark recover against the said David Watts the Possession of the Premises sued for, and described in the original Writ; and Costs taxed at £2.19.6

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Fac. Hab. issued

27<sup>th</sup>. Aug. 1762.

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Fletcher v Joy

&gt;&gt;

Thomas Fletcher of Boston in the County of Suffolk Gentleman Compl<sup>t</sup>.~~vs~~

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[396v]

vs Simon Joy of Weymouth in the County of Suffolk Yeoman The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of April last, he Recovered Judgment against the said Simon for the sum of £23.8.1. Lawful Money damage, and Costs of suit; from which Judgment the said Simeon appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Fletcher recover against the said Simon Joy the sum of twenty three pounds seventeen shillings and eight pence Lawful Money of this Province damage, and £3.17.0 Costs.

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Ex'c'on issued

30<sup>th</sup>. Aug. 1762.

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Vinson vs Cowings

&gt;&gt;

John Vinson of Weymouth in the County of Suffolk Yeoman Compl<sup>t</sup>. vs Israel Cowing of said Weymouth Shipwright. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said Israel for the sum of £10.13.9. Lawful Money damage, and Costs of suit; from which Judgment the said Israel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do : Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Vinson recover against the said Israel Cowing the sum of ten pounds eighteen shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.16.9

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Ex'c'on issued

Sep. 25<sup>th</sup>. 1762.

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Hobby ~~vs~~ Kilcup jun<sup>r</sup>.

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Jonathan Hobby of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. ~~vs~~ George Kilcup jun<sup>r</sup>. of said Boston Painter. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he recovered Judgment against the said George for the sum of £4.10.0. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>. Judgment the said Geo. appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additio<sup>l</sup>. Costs. It's therefore Considered by the Court that the said Jonathan Hobby recover against the said George Kilcup jun<sup>r</sup>. the sum of four pounds ten shillings Lawful Money of this Province damage, and Costs taxed at £2.0.8

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Ex'c'on issued

Sep. 6<sup>th</sup>. 1762.

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Logan ~~vs~~ Whitney

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Walter Logan of Boston in the County of Suffolk Merchant Compl<sup>t</sup>.

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397.

[397r]

Complainant ~~vs~~ Jonathan Whitney of Wrentham in the County of Suffolk Esq; The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Jon<sup>a</sup>. for the sum of £94.18.4½. Lawful Money damage, and Costs of suit; from which Judgment the said Jonathan appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Walter Logan Recover against the said Jonathan Whitney the sum of Ninety four pounds Nineteen shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.11.0

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Ex'c'on issued

Sep. 25. 1762.

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Blanchard ~~vs~~ Dix

&gt;&gt;

Joshua Blanchard of Boston in the County of Suffolk Merchant Complainant ~~vs~~ James Dix of Watertown in the County of Middlesex Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first tuesday of April last, he Recovered judgment against the said James for the sum of £3 damage, and Costs of suit; from which Judgment the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Joshua Blanchard recover against the said James Dix the sum of three pounds lawful Money of this Province damage, and Costs taxed at £3.2.10

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Ex'c'on issued

Sep. 6<sup>th</sup>. 1762.

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Blower Adm<sup>x</sup>. ~~vs~~ Blake

&gt;&gt;

Abigail Blower of Boston in the County of Suffolk Widow Administratrix of all and singular the goods and chattles, rights and credits that were of John Blower late of said Boston bricklayer deceased intestate, Complainant ~~vs~~ Jonathan Blake of Boston aforesaid Cordwainer. The Compl<sup>t</sup>. shew'd that at an Inf Court of common pleas held at Boston in and for said County of Suffolk on the first Tuesday of July last, she Recovered Judgment against him for £7.7.4. Lawful Money damage, and Costs of suit; from which Judgment the said Jonathan appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Costs. Its therefore Considered by the Court that the said Abigail Blower Adm<sup>x</sup> as aforesaid, Recover against the said Jonathan Blake the sum of Seven pounds seven shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £2.18.4

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Ex'c'on issued

Sep. 6. 1762.

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Nathan

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[397v]

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Aldis ~~vs~~ Richardson

&gt;&gt;

Nathan Aldis of Wrentham in the County of Suffolk trader Compl<sup>t</sup>. ~~vs~~ Nathaniel Richardson of Boston in the County of Suffolk Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of April last, he Recovered Judgment against the said Nathaniel for the



sum of £6.11.6. Lawful Money damage, and Costs of suit; from which Judgment the said Nathaniel appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Nathan Aldis Recover against the said Nathaniel Richardson the sum of Six pounds fourteen shillings and five pence Lawful Money of this Province damage, and Costs taxed at £3.4.4.

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Ex'c'on issued

Sep. 7<sup>st</sup>. 1762.

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Fessenden jun<sup>r</sup>. ~~vs~~ Richardson

&gt;&gt;

Jonathan Fessenden jun<sup>r</sup>. of Cambridge in the County of Middlesex Victualler Compl<sup>t</sup>. ~~vs~~ Nathaniel Richardson of said Boston Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Nathaniel for the sum of £4.9.7. Lawful Money damage, and Costs; from which Judgment the said Nathaniel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Jonathan Fessenden jun<sup>r</sup>. Recover against the said Nathaniel Richardson the sum of four pounds Nine shillings and seven pence Lawful Money of this Province damage, and Costs taxed at £3.2.2

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Ex'c'on issued

Sep. 7. 1762.

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Zuil ~~vs~~ Greenleaf

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John Zuil of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. ~~vs~~ Joseph Greenleaf of Abington in the County of Plimouth trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Joseph for the sum of £26.8.1. Lawful Money damage, and Costs of suit, from which Judgment the said Joseph appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Zuil Recover against the said Joseph Greenleaf the sum of twenty six pounds eight shillings and a penny Lawful Money of this Province damage, and Costs taxed at £3.6.4.

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Ex'c'on issued

Sep. 7<sup>s</sup><sup>h</sup>. 1762.

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Zuil ~~vs~~ Butcher

&gt;&gt;

John Zuil of Boston in the County of Suffolk Merchant Compl<sup>t</sup>. ~~vs~~ Thomas Butcher of Boston aforesaid Shopkeeper. The Compl<sup>t</sup>. shew'd that at an Inferiour

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398.

[398r]

Inferiour Court of common pleas held at Boston in and for the County of Suffolk on the first Tuesday of July last, he Recovered Judgment against the said Thomas for the sum of £12.16.4 <sup>3</sup>/<sub>4</sub> Lawful Money damage, and Costs of suit; from which Judgment the said Thomas appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Zuil Recover

against the said Thomas Butcher the sum of twelve pounds sixteen shillings  
and four pence three farthings Lawful Money of this Province damage, and  
Costs taxed at £3.4.10

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Ex'c'on issued

Sep. 7. 1762.

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Order on Neal's Pet<sup>o</sup>.

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Upon reading the Petition of Sarah Neale Widow of Joseph Neale late of Braintree  
dec'ed and Executrix of his last Will; Wherein the Petitioner shew'd That his personal  
Estate is insufficient to pay his debts &c<sup>a</sup>. £37.4.5 and that they must be paid out of the  
real Estate; that her said testator by his said last Will gave the Petitioner the use and  
improvement of the whole of his real Estate during life, and provided that in case  
the income and profits of said Estate should not be sufficient for her support she  
might sell of the real Estate for that End: Now the Petition<sup>r</sup>. represented to this  
Court that the buildings on said Estate viz. the dwelling house and barn  
are much out of Repair and that the fences are gone; and that the Petitioner  
is unable to repair the same, and that if so much of said Real Estate were  
sold as would be sufficient to pay the debts aforesaid, and to put the  
residue in good repair, the improvement of what would then remain  
would not afford the petition<sup>r</sup>. sufficient support: Wherefore the petitioner  
pray'd this Court to Impower her to sell the whole of said Real Estate for  
payment of the deceased's aforementioned debts, and for her support.

Ordered that the prayer of this petition be granted, and that the said Sarah Neale, in her  
said Capacity, be and hereby is Impowered to make of fifty pounds worth of the real  
Estate of said deceased, for the Ends aforesaid, (such as will least prejudice the whole)  
as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance  
thereof, the petitioner to post up Notifications thirty days before the sale, and account  
with the Judge of Probate for said County, as the Law directs.

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## Order on Greenough's Petition

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Upon Reading the Petition of Thomas Greenough Adm'or de bonis non, of the Estate of William Clark late of Boston Esq; deceased; Wherein the Petitioner shew'd that the personal Estate of said deceased is insufficient to pay his debts the sum of £92.3. The petitioner therefore pray'd this court to Impower him to make sale of an old house situate at the Northerly part of said Boston (the only part of said deceased's

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[398v]

deceased's real Estate which remains undisposed of) for payment of the debts aforesaid, with the Costs. Ordered that the prayer of this Petition be granted, and that the said Thomas Greenough (in his said Capacity) be and hereby is Impowered to make sale of said house and Land for the ends aforesaid as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof; the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate of said County (as the Law directs.

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## Order on Greenough's Petition

&gt;&gt;

Upon reading the Petition of Thomas Greenough as Adm<sup>r</sup>. of the Estate of Sarah Clark late of Boston Widow deceased. Wherein the Petitioner shew'd that her personal Estate is insufficient to discharge her debts the sum of forty eight pounds two shillings and eight pence. The Petitioner therefore pray'd this Court to Impower him to make sale of so much of her real Estate lying at a place called cape porpoise in the County of York as will be sufficient to pay the same with the charges arising. Ordered that the prayer of this Petition be granted, and that the said Thomas Greenough (in his said Capacity) be and hereby is Impowered to make to make sale of fifty three pounds worth of the real Estate of said deceased, for the Ends aforesaid (such as will be least Prejudicial to the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale and account with the Judge of Probate of said County as the Law directs.

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Order on Hawk's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Abigail Hawkes as Adm<sup>x</sup>. of the Estate of Jonathan Hawkes late of Chelsea deceased. Wherein the petitio<sup>r</sup>. shew'd that the personal Estate of said deceased is insufficient to pay his just debts: the sum of three hundred and fifty pounds fourteen shillings. The Petitioner therefore pray'd this Court to Impower her to make sale of so much of his real Estate, where it can best be spared as will be sufficient to discharge the same, and defray the charges accruing. Ordered that the prayer of this Petition be granted, and that the said Abigail Hawkes (in her said Capacity) be and hereby is Impowered to make Sale of three hundred and fifty five pounds worth of the real Estate of said dec'd for the ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and Execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Order of Belcher's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Abigail Belcher of said Boston Widow Adm<sup>x</sup>. of the Estate of her late husband Samuel Belcher late of said Boston Truckman dec'd, Wherein the petitioner shew'd that the same is insolvent, and the whole Estate of the said deceased both real and personal insufficient to

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[399r]

to discharge his just debts as by the Certificate from the Probate office on file appears; The petitioner therefore pray'd this Court to empower her as Adm<sup>x</sup>. as aforesaid to make sale of the said deceased's real Estate as the Law directs in order for a settlement of the same &

that his just Debts may be duly discharged as far as the same will extend. Ordered that the prayer of this Petition be granted, and that the said Abigail Belcher Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of the real Estate of said dec<sup>'</sup>ed for the Ends aforesaid, (as pray<sup>'</sup>d for; and to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petiti<sup>r</sup>. to post up Notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce y<sup>c</sup>. of) as the Law directs.

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Order on Whitten's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Samuel Whitten Executor to the testament of Sam<sup>l</sup>. Whiten late of Hingham Yeoman dec<sup>'</sup>ed. Wherein the petitioner shew<sup>'</sup>d that the personal Estate of said deceased is insufficient to pay his just debts the sum of £20.5.8. as by a Certificate on file appears; Wherefore the Petiti<sup>r</sup>. pray<sup>'</sup>d this Court to Impower him (in his Capacity aforesaid) to make Sale of so much of the real Estate of the dec<sup>'</sup>ed as will be sufficient to pay the debts aforesaid. Ordered that the prayer of this Petition be granted, and that the said Samuel Whitten (in his said Capacity) be and hereby is Impowered to make sale of the real Estate of said dec<sup>'</sup>ed as pray<sup>'</sup>d for; and to pass and Execute a good Deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Andrews's Petition

&gt;&gt;

Upon Reading the Petition of Thomas Andrews as Executor to the last will and testament of Laban Cushing late of Hingham in the County of Suffolk deceased: Wherein the Petitioner shew<sup>'</sup>d that there is a ballance of £34.2.0½ due to the said Executor (after the whole personal Estate is accounted for) as by a Certificate on file appears; Wherefore the Petitioner pray<sup>'</sup>d this Court would impower him in his Capacity as Executor, to make sale of so much of the real Estate of said dec<sup>'</sup>ed, Real Estate as would be sufficient to discharge the Ballance aforesaid, and the

costs as the Law directs. Ordered that the prayer of this Petition be granted, and that the said Thomas Andrews (in his said Capacity) be and hereby is Impowered to make sale of thirty eight pounds worth of the real Estate of said deceased for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the petitioner to post up notifications thirty days before the sale and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Prat's pet<sup>o</sup>.

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Upon reading the Petition of Abner Prat of Weymouth Executor of the last Will and testament of his

late father Ebenezer Pratt late of Weymouth aforesaid Husbandman deceased. Wherein the Petitioner shew'd That he obtain'd licence of the [<sup>r</sup>] Court held at Boston in and for said County,

in Feb. 1760. for the sale of some part of said deceased's real Estate for the payment of his Just debts (and legacies then due) but that the proceeds of said sale was not sufficient to pay the same, as appears by a Certificate from the probate office the sum of £10.2.9.

The petitioner therefore pray'd this Court to licence and authorize him to make sale of so much of the Remainder of said deceased's real Estate as may enable him to pay the whole of the debts due from said Estate, and also those legacies that will become due in October Next. Ordered that the prayer of said Petition be granted, and that the said Abner Pratt (in his said Capacity) be and hereby is, Impowered to make sale of fourteen pounds worth of said deceased's real Estate for the Ends aforesaid,

(such as will least prejudice the residue) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof the petitioner to post up notifications thirty days before the sale, and account with the Judge of probate for said County (as the Law.

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Order on Sheppard's Petition

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Upon the Petition of Benjamin Sheppard as he is guardian of John New of Wrentham, a non compos person. Wherein the petiti<sup>r</sup>. shew'd that the personal Estate of the said John is insufficient to pay his debts the sum of eleven pounds & 5<sup>d</sup>./2. The petiti<sup>o</sup><sup>r</sup>. therefore pray'd this Court to Impower him to make sale of the whole of his s<sup>d</sup>. Wards real Estate, (appraised at £26.13.4. only: for the payment of his debts, and the charges; and for his further Support. Ordered that the prayer of this Petition be granted, and that the said Benjamin Sheppard (in his said Capacity) be and hereby is Impowered to make sale of the real Estate of his said ward, and to pass and Execute a good Deed or Deeds in the Law for Conveying the same for the purpose as pray'd for; And to post up Notifications thirty days before the sale, accounting with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Spur's Pet<sup>o</sup>.

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Upon Reading the Petition of William Spur as Adm<sup>r</sup>. of the Estate of Ebenezer Tucker late of Roxbury deceased. Wherein the Petiti<sup>o</sup><sup>r</sup>. shew'd that the deceased's personal Estate is insufficient to pay his debts seventy two pounds six shillings and 4<sup>d</sup>/4. The Petiti<sup>o</sup><sup>r</sup>. therefore pray'd this Court to Impower him to make sale of so much of the deceased's real Estate, where it can best be spared, for the payment of the said deceased's debts, and the charges of the sale. Ordered that the prayer of this Petition be granted, and that the said W<sup>m</sup>. Spur (in his said Capacity) be and hereby is Impowered to make sale of Seventy six pounds worth of the real Estate of said dec<sup>'</sup>ed.



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deceased for the Ends aforesaid (such as will be least prejudicial to the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Order on Davis's Petition

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Upon reading the Petition of Samuel Davis as he is Administrator of the Estate of his late Father Samuel Davis dec'd. Wherein the Petitioner shew'd that the Personal Estate of said Intestate is insufficient to pay his debts the sum of fifty six pounds 6/. Therefore he pray'd this Court to Impower him to make sale of the deceased's real Estate which consists only of an old house with the land Adjoining situate in summer street Boston, appraized at £500. old tenor in the year 1738/9. for the payment of his debts, and the charges. Ordered that the prayer of this Petition be granted, and that the said Samuel Davis (in his said Capacity) be and hereby is Impowered to make sale of the said dec'd's Real Estate for the Ends aforesaid, as pray'd for; and to pass and execute a good Deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate for said County, (for the produce thereof) as the Law directs.

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Stevenson's Indictment

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The Jurors for our Sovereign Lord the King for the body of this County, did upon their Oath present, That Silas Stevenson late of Windsor in the County of Hartford in the Colony of Connecticut in New England husbandman did on the twenty third day of June last, at Boston aforesaid Advisedly unlawfully and corruptly plot, contrive, and determine to forge and make false and Counter-

:feit bills of the tenor and in imitation of the bills of credit on the said Colony of Connecticut by Law established within the said Colony, and to utter the said false and counterfeit bills, as the true bills aforesaid, to the people of the s<sup>d</sup>. Colony of Connecticut and thereby to deceive and defraud them. And that the said Silas in pursuance of his said wicked purpose and design aforesaid, Afterwards on the said twenty third day of June last, at Boston aforesaid did with force and Arms arms Advisedly unlawfully and corruptly, sollicite, urge and tempt Nathaniel Hurd of Boston aforesaid Engraver to engrave a plate to be used by the said Silas in making the false et counterfeit bills aforesaid and that the said Silas did then and there with force as aforesaid advisedly, unlawfully, and corruptly use [^Urge^] Sollicite and tempt the said Nathaniel Hurd to be concerned with him the said Silas in forgeing and making the false and counterfeit bills aforesaid, and to aid and assist him the said Silas therein, in evil and pernicious example to others, and against the peace of the said Lord the King his Crown and dignity. Upon this Indictment, the

<duplicates following>

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[400v]

the said Silas Stevenson upon his arraignment at the bar pleaded not guilty. a Jury was then sworn to try the issue M<sup>r</sup>. John Spooner foreman, Samuel Fletcher, Robert Breck jun<sup>r</sup>., Seth Dwight, Enoch Rust, Asa White, Ebenezer May, Thomas Bird jun<sup>r</sup>. Thomas Bates, Jedediah Morse, Benjamin Sheppard of Simon Harding who having fully heard the Evidence for the King with the prisoners defence upon their Oath say, that the said Silas Stevenson is guilty. The Court having Considered his offence Order that he pay the sum of ten pounds as a fine to the King, that he suffer three months imprisonment, and that he become bound by way of Recognizance in the sum of fifty pounds, with a surety or sureties in the like sum, for his keeping the peace and being of good behavior for the term of twelve months, and that he pay costs of prosecution, standing committed untill sentence shall be performed, Costs are taxed at £3.6.5.

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Dudley admitted to practice

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Upon a motion for that purpose Joseph Dudley Esq; and M<sup>r</sup>. Benjamin Gridley had the Oath of an Attorney, as by the Province law prescribed, Administre'd to them, in open Court in order to their practicing in this Court.

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Order touching Jn<sup>o</sup>. Baker's Conduct.

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Complaint being made to the Court by William Codner, one of the Jurors at this term, that he has Received an affront from John Baker a suiter in this Court, Ordered that the officer Notify said Baker to attend the Court the first day of the next term, he being now absent.

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Order on Otis's et al Petition

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The Petition of Ensign Otis et al for division of land (as on file) which was enter'd at Ipswich Court last, and continued to this term that the absent partners might be notified; and they having been notified, and not appearing to object, the prayer is now granted.

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Barristers at Law.

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James Otis. Edmund Trowbridge, Jeremy Gridley, Richard Dana, Benj<sup>a</sup>: Kent, Daniel Farnham, John Worthington, James Otis jun<sup>r</sup>., James Putnam, Joseph Hawley, John Chipman, Oxenbridge Thacher, Robert Auchmuty, Samuel White, James Hovey, Samuel Fitch, Jonathan Sewall, William Cushing, Robert Treat Paine, William Pynchon, William Read, Samuel Swift, Joseph Dudley, Benjamin Gridley Samuel Quincy, and John Adams having been called by the Court to be Barristers at Law, the following Gentlemen viz. Edmund Trowbridge, Jeremy Gridley, Benjamin Kent, James Otis jun<sup>r</sup>, Oxenbridge Thacher, Robert Auchmuty, Samuel Fitch, Jonathan Sewall, Robert Treat Paine, Samuel Swift, Samuel

Quincy, and John Adams Esquires, appeared accordingly this term, in Barristers Habits.

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[401r]

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Lyon vs Hewes al.

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Thomas Lyon of Dorchester in the County of Suffolk Wheelwright Plaint. versus Daniel Hewes Husbandman, & William Hewes Yeoman both of Wrentham in the County of Suffolk aforesaid Defendants, In a plea of Review of a plea of Ejectment commenced & prosecuted at an inferior court of common pleas held at Boston in & for the county of Suffolk on the first Tuesday of January AD 1759. by the said Thomas Lyon against the said Daniel & William in the words following viz. “In a plea of ejectment of a tract of land “& it’s appurtenances lying now in Wrentham aforesaid but formerly in Dorchester “aforesaid, being on both sides the road leading to Wading river, containing by estimation about nine hundred & thirty acres being that Dorchester school farm so called, “which was formerly under lease to Robert Calef & [^is butted &^] bounded as follows viz. “beginning at said road & bounding by a fence formerly erected by the said Robert “Calef ranging about east south east until it comes to a Corner where there was “formerly an heap of stones by an hornbeam tree, thence turning & running south “south west two degrees & thirty minutes west to Taunton line, as run by Ware & others; “& so running along in said line between west & by south [^& west^] south west about four “hundred & fifty six rods then turning & running North six degrees & an half West to “the road aforesaid, where was erected an heap of stones then running along by the “same road to Bates’s corner about one hundred & twenty one rods then turning & “running East four degrees south about thirty four rods, then turning & running North & by West eight degrees & three quarters west one hundred rods to the Brook then running as the “Brook runs about two hundred & eighty two rods then crossing the brook it runs North “two degrees & one quarter west about fifteen rods, then North ten degrees east about thirty

“rods then North & by east forty two rods then North east right degrees east about forty six  
 “rods then running south east one degree east thirty two rods then south east half a  
 “degree south about fifty two rods then South West seven degrees west about fifty two  
 “rods to the road aforesaid, then by the road until it comes to the bounds first  
 “mentioned; being about one hundred & seventy four acres: For that Samuel  
 “How Gentleman, Edward Preston Clothier, & Richard Hall Yeoman the  
 “Major part of the selectmen of the said Town of Dorchester on the thirteenth day  
 “of June last, at Dorchester aforesaid, demised the now demanded premisses  
 “to the plaint. To have & To hold to the plaint. & his assigns for the term of four  
 “years commencing from the aforesaid time of demise until the same four  
 “years then next ensuing, should be compleat & ended; by force of which  
 “demise the plaint. then entred on the premisses & was thereof possessed  
 “& the plaint. being so thereof possessed the said Daniel & William Afterwards on the  
 “same thirteenth day of June last, with force & arms into the premisses which were  
 “demised as aforesaid to the plaint, which s<sup>d</sup> term is not yet past, entred & him  
 “from his farm aforesaid ejected & other outrages committed against the plaint  
 “committed to his great damage & against our Peace To the damage of the said  
 “Thomas as he saith, the sum of one hundred & eighty pounds.” At which said  
 “Inferior Court Judgment was rendred, that the said Thomas Lyon recover  
 against the said Daniel & William Hewes Possession of the premisses assued  
 for, & Costs of suit. from which Judgment the said Daniel & William appealed to  
 the superior court of Judicature court of assize & general goal delivery appointed  
 to

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[401v]

to have been held at Boston within & for said County on the third Tuesday of February  
 AD 1759. but held there for said County on the third Wednesday of the same Month.  
 by Adjournment from the said third Tuesday, & from thence said appeal was  
 continued to the then next term of said Court for said County, & so from term to term  
 to the superior Court of Judicature Court of Assize & General goal Delivery, held at  
 Boston in & for the County of Suffolk on the third Tuesday of August AD 1760. when  
 & where Judgment was rendered that the former Judgment be reversed, & that the

said Daniel Hewes & William Hewes recover against the said Thomas Lyon Costs taxed at twelve pounds two shillings & nine pence: Which same Judgment the said Thomas Lyon says is wrong & erroneous & that he is thereby damnified the sum of two hundred pounds; as shall then & there be made to appear Wherefore for reversing the Judgment last mentioned & recovering back from them the same Costs, & for recovering Judgment against them the said Daniel Hewes & William Hewes for Possession of the premisses demanded (in the original Writ) & Costs of Courts, he the said Thomas Lyon brings this suit.

This action was bro't forward at the superior court of Judicature court of Assize & General goal Delivery held at Boston within & for the County of Suffolk on the third tuesday of August AD 1761. & from thence was continued (by the Parties consent,) to the last term of this Court for this County. And the said Aption was further continued from that term by Consent, to this Court: & now both parties appeared, & the said Daniel & William (by Oxenbridge Thacher Esq, their attorney) defended &c. & said the judgment reviewed by the Writ of Review, was in nothing erroneous & thereof put themselves upon the country. whereupon the case after a full hearing of the parties, was committed to a Jury sworn according to Law to try the same, who Return'd their verdict therein upon Oath, that is to say they fond for the defendants Costs. It's therefore Considered by the Court that the said Daniel Hewes & William Hewes Recover against the said Thomas Lyon Costs taxed at £4.6.8.

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Boston August 31. 1762. the Court entred up  
Judgment according to the verdicts and then the  
Court was Adjourned without day.

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[402r]

Province of the} Anno Regni Regis Georgii tertii magnæ Britanniæ

Massachusetts Bay} Franciæ et Hiberniæ secundo

Worcester ss}

At his Majesty's Superior Court of Judicature Court of Assize  
and General Goal Delivery, held at Worcester within and for  
the County of Worcester on the third Tuesday of September (being  
the 21<sup>st</sup>. day of said Month) Anno Domini 1762.

By the Honorable Thomas Hutchinson Esq; chief Justice

Benjamin Lynde}

John Cushing} Esquire's Justices

Chambers Russell et}

Peter Oliver}

The Names of the Grand and Petit Jurors present, Impanel'd & sworn are in  
Writing on file.

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Harrington vs Keyes

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Joshua Harrington pl<sup>t</sup>. v David Keyes defendant.

The def<sup>t</sup>. being dead since last term and no Executor or Administrator appearing  
now: This Action is therefore dismiss.

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Kendall vs Badcock.

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Samuel Kendall of Pequioe in the County of Worcester Gentleman Appellant,

vs Jason Badcock of said Poquioqe Husbandman appellee, from the Judgment of an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August AD 1761. when and where the Appellant was pl<sup>t</sup>. and the Appellee was deft in a plea of trespass that the said Jason on diverse days and times between the first day of March AD 1758. and the 20<sup>th</sup>. day of October 1760. with force and arms entred the said Samuel's close in Poquioqe aforesaid Cont<sup>g</sup>. about ten acres and bounded as follows viz. beginning at a white pine stump on the bank of the river called Miller's river being the Northeast corner of the meadow Lott N<sup>o</sup>. 55.

owned by the said Jason thence running Southerly seventeen rods and an half to a pitch pine tree then East five rods and an half to a stake and stones being the North East Corner of the Meadow Lott N<sup>o</sup>. 56. belonging to the said Kendall thence running South nine rods and a quarter to a stake and stones being the South East corner of the said lott N<sup>o</sup>. 56. thence East one hundred and forty six rods of said river, thence turning down the river till it comes to the first mentioned Corner: and Erected a dwelling house thereon, and cut down and carried away two hundred of the said Samuel Kendall's timber trees lately growing thereon of the value of four shillings Lawful

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[402v]

Lawful Money each, and did him other injuries against the peace of his Majesty's Royal Grand father King George the second &C<sup>a</sup>. To the damage of the said Samuel Kendall (as he saith) the sum of one hundred pounds. At which said Inferiour Court Judgment was rendred, that the said Jason Badcock recover against the s<sup>d</sup>. Samuel Kendall Costs of suit. This appeal was brought forward at the last term of this Court for this County, when and where the parties appeared, and agreed that neither of them shou'd cutt wood from off the premisses until this time, and the said appeal was then continued to this Court: and now the Parties Appeared and the case after a full hearing was committed to a Jury sworn according to Law to try the same, who returned their Verdict therein upon Oath, that is to say, they find for the Appellant five shillings Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Samuel Kendall recover against the Jason Badcock the sum of five shillings Lawful Money of this Province damage



and Costs taxed at £

N.B. bond is given to review.

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Thayer ~~vs~~ Thayer

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Rachel Thayer of Mendon in the County of Worcester Seemster and sole Adm<sup>x</sup>. of all and singular the goods. Rights, Chattles and Credits that were of Samuel Thayer late of Mendon aforesaid Yeoman deceased Appellant ~~vs~~ Samuel Thayer the fourth person of that name of Mendon in said County Trader, otherwise called Samuel Thayer the fifth of that name of said Mendon Trader Appellee, from the Judgment of an Inferiour court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, when and where the Appell<sup>t</sup>. was plant and the Appellee was def<sup>t</sup>. In a plea of trespass on the case for that the said Samuel Thayer the fourth, at Mendon aforesaid, on the third day of April AD 1761. by his note of hand of that date in Court to be produced for value rec<sup>d</sup>ed promised to pay the said Samuel then (living the sum of sixty pounds within one year from the date of said note with Interest (meaning Lawful Interest) till paid; yet the said Samuel Thayer the fourth, never paid the said sixty pounds nor the interest thereof to the said Samuel Thayer in his lifetime nor, tho' the one year abovesaid is elapsed, he hath not paid the said sixty pounds nor the Interest to the said Rachel Administratrix as aforesaid, tho' often requested but neglects and refuses to do Either of them; To the damage of the said Rachel Thayer Adm<sup>x</sup>. as aforesaid (as he saith) the sum of one hundred pounds. At which said Inferiour Court Judgment was rendred, upon the plea in abatement there, that the Writ abate and that the said Samuel Thayer the fourth, shou'd recover against the Estate of the said Samuel Thayer dec<sup>d</sup>ed, in the hands of the said Rachel Thayer Adm<sup>x</sup>. as aforesaid, Costs of Suit. Both Parties Appeared, and the case after a full hearing was committed to a Jury sworn according to Law, to

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to try the same who returned their verdict therein upon Oath is to say, they find for the appellant sixty five pounds six shillings Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Rachel Thayer Administratrix as aforesaid, recover against the said Samuel Thayer the fourth, the sum of sixty five pounds six shillings Lawful Money of this Province damage, and Costs taxed at £5.9.4

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Ex'c'on issued

Oct<sup>o</sup>. 13<sup>th</sup>. 1762.

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James Grimes ~~vs~~ Tho<sup>s</sup>. Slayton

&gt;&gt;

James Grimes of Newton in the County of Middlesex Yeoman Appellant ~~vs~~ Thomas Slayton of Brookfield in the County of Worcester Yeoman Appellee, from the Judgment of an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, when and where the Appellant was plant and the appellee was def<sup>t</sup>. In a plea of the case for that the def<sup>t</sup>. at Worcester aforesaid, on the 26<sup>th</sup>. day of November AD 1761. by his note in writing under his hand for value received promised the plant to pay him or order, the sum of thirteen pounds six shillings and eight pence Lawful Money in six months from that time with Interest therefor till paid, yet the def<sup>t</sup>. tho' often requested has [<sup>^</sup>not<sup>^</sup>] paid that sum nor the Interest thereof but unjustly neglects it. To the damage of the said James as he saith, the sum of twenty pounds: At which said Inferiour Court Judgment was rendred, that the said Thomas Slayton recover against the said James Grimes Costs of suit. Both parties Appeared, and the case after a full hearing was committed to a Jury sworn according to Law to try the same who returned their Verdict therein upon Oath that is to say, they find for the appellant the money sued for being thirteen pounds nineteen shillings lawful money damage, and Costs. It's therefore Considered by the Court that the said James Grimes recover against the said Thomas Slayton the sum of thirteen pounds nineteen shillings Lawful money of this Province damage, and Costs taxed at £9.11.8

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Ex'c'on issued

Oct<sup>o</sup>. 13<sup>th</sup>. 1762.

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Gould et al ~~vs~~ Walker Adm<sup>r</sup>or

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John Gould and Robert Gould Merchants and John Gould jun<sup>r</sup> Merch<sup>t</sup>.  
all of Boston within the County of Suffolk Appellants ~~vs~~ Benjamin Walker of  
Brookfield in the County of Worcester Yeoman Administrator on the Estate of  
Phinehas Walker late of s<sup>d</sup>. Brookfield Yeoman deceased Appellee, from the Judgm<sup>t</sup>.  
of an Inferiour Court of common pleas held at Worcester in and for the County  
of Worcester on the third Tuesday of August last, when and where the ap'lee  
was plant and the Appellant was def<sup>ts</sup>. In a plea of the Case for that whereas  
at said Worcester on the 16<sup>th</sup>. day of April Anno Domini 1757. the said  
John Gould, Robert Gould, and John Gould jun<sup>r</sup> were patners in the  
way of Merchandizing jointly negotiateing and using commerce  
together and then and there as such were justly indebted to the said  
Phinehas (then living) in the sum of one hundred and four pounds  
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[403v]

two shillings and eleven pence for so much money by them the said John, Robert, & John  
the def<sup>ts</sup>. to the use of the said Phinehas there before viz. on the same day had and  
received, and being so indebted they the said John, Robert, and John there Afterwards  
viz. on the same sixteenth day of April in consideration thereof assumed on them=  
selves and to the said Phinehas faithfully promised that they would Well and faith=  
: fully pay and content him the said Phinehas the same sum when they should  
be afterwards thereto requested; nevertheless the said John, Robert, and John their  
promise aforesaid not Regarding but designing the said Phinehas to deceive &  
defraud they never paid the same or any part thereof to him while he lived  
tho' by him often Requested and particularly on the last day of August Anno  
Domini 1760. at said Worcester, neither have they the said John, Robert, and

John ever paid the same to the said Benjamin since the death of the said Phinehas, though by him often Requested, but they Unjustly Neglect it. To the damage of the said Benjamin, in his said Capacity, as he saith the sum of one hundred and forty pounds. At which said Inferiour Court Judgment was rendred, upon the pleadings there, that the said Benjamin Walker in his Capacity should recover against the said John Gould, Robert Gould, and John Gould jun<sup>r</sup>. one hundred and four pounds two shillings and eleven pence Lawful Money damage, and costs of suit. Both Parties Appeared, and the Case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellants costs. It's therefore Considered by the Court that. [-] [-] the said John Gould, Robert Gould, and John Gould jun<sup>r</sup> Recover against the Estate of the said Phinehas Walker deceased, in the hands of the said Benjamin Walker Adm<sup>r</sup> or as aforesaid Costs taxed at £6.3.1.

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Noyes Esq; ~~vs~~ Stevens

&gt;&gt;

John Noyes jun<sup>r</sup>. of Sudbury in the County of Middlesex Esq; Appellant ~~vs~~ Simon Stevens of Worcester in the County of Worcester Gentlemen Appellee, from the Judgm<sup>t</sup>. of an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, when and where the appellee was plant and the appellant was def<sup>t</sup>. In a plea of trespass on the case for that whereas the said Simon on the fourth day of April AD 1761. being possessed of a certain benefit ticket in Sudbury Lottery in [<sup>the</sup>] third class. and division of said Lottery signed and subscribed by the said John Noyes which ticket was of the true and real number of 2572. as of his said Simons own ticketand which tickett in the draught of the said Lottery came up a prize of One hundred dollars equall in value to thirty pounds lawful Money and the said Simon was justly in his intituled to receive, that

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that sum thereon and he at Worcester aforesaid Afterwards on the same day casually Lost the same tickett and the said John Noyes then and there found the same knowing that it of right belonged to the plant and that he was thereby intituled to the hundred dollars aforesaid but contriving and intending to defraud the plant of his ticket aforesaid and the whole benefit thereof he the def. at Worcester aforesaid Afterwards on the fourth day of January AD 1762. Converted the same ticket to his the said John Noyes's own use To the damage of the said Simon Stevens as he saith the sum of fifty pounds. At which said Inferiour Court Judgment was Rendred, that the said Simon Stevens recover against the said John Noyes Five pounds Lawful Money damage, and Costs of suit. Both Parties appeared, and the case After a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee ten pounds Lawful Money dam<sup>a</sup>. and Costs. It's therefore Considered by the Court that the said Simon Stevens Recover against the said John Noyes jun<sup>r</sup>. the sum of ten pounds Lawful Money of this Province damage, and Costs taxed at £15.11.9.

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Ex'c'on issued

Oct<sup>o</sup>. 13. 1762.

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Stevens ~~vs~~ M<sup>c</sup>Cluer

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Hannah Stevens of Brookfield in the County of Worcester Widow Administratrix on the Estate of Roger Stevens late of said Brookfield Yeoman deceased Intestate plaintiff ~~vs~~ John M<sup>c</sup>Cluer of Brookfield aforesaid Yeoman Administrator of all and singular the goods, & Chattles, Rights and Credits of or that were belonging to Isaiah Stevens late of New Braintree district in the County of Worcester Potter deceased intestate, that are yet unadministred, Defendant; In a plea of review of a plea of trespass on the case commenced and prosecuted at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August AD 1761. by the said John M<sup>c</sup>Cluer in his capacity as aforesaid, against the said Hannah Stevens in her

capacity as aforesaid, in the words following viz. “In a plea of trespass on  
 “the case for that whereas the said Isaiah in his lifetime viz. on the tenth day of  
 “August AD 1758. at Brookfield aforesaid at the special instance and request  
 “of the said Roger being then alive, had laboured with and for him the said  
 “Roger at his husbandry business and in helping him build an house there  
 “sixty Weeks between the last day of September AD 1756. and the said tenth  
 “day of August 1758. the said Roger then and there in consideration thereof  
 “promised the said Isaiah to pay him so much Money as his labour and service  
 “aforesaid was reasonably worth, and so much as he deserved to have for the  
 “same on demand. Now the said John M<sup>c</sup>Cluer in fact saith, that the said  
 “Isaiah’s labour and service aforesaid was well worth and that he ought  
 “and deserved therefor the sum of thirty pounds Lawful Money, whereof the  
 “said Isaiah there Afterwards on the same tenth day of August AD 1758.  
 “gave

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"gave the said Roger notice and then and there requested him to pay the same and he  
 "thereupon became chargeable and promised the said Isaiah to pay him the same  
 "accordingly on demand; yet the said Roger tho’ often requested never paid the  
 "same to the said Isaiah while he lived nor has the said Hannah ever paid the  
 "same sum nor part thereof to the said John M<sup>c</sup>Cluer or any other or former  
 "Administrator tho’ of ten requested to do it since the said Roger’s decease, but  
 "she still unjustly neglects and refuses to pay the same To the damage of the said  
 "John M<sup>c</sup>Cluer, as he saith, the sum of thirty pounds. " At which said Inferiour  
 Court Judgment was rendred, that the said Hannah Stevens, in her said  
 Capacity, recover against the Estate of the said Isaiah Stevens, in the hands  
 of the said John McCluer Adm’or, Costs of suit. from which Judgment the said  
 John M<sup>c</sup>Cluer appealed to the Superiour Court of Judicature Court of Assize  
 and General Goal Delivery, held at Worcester in and for the County of  
 Worcester on the third Tuesday of September last, when and where Judgment  
 was rendred that the former Judgment be reversed, and that the said John  
 M<sup>c</sup>Cluer Administrator as aforesaid, recover against the Estate of the said

Roger Stevens dec'ed, in the hands of the said Hannah Stevens Adm<sup>x</sup>. as Aforesaid, the sum of twelve pounds Lawful Money of this Province damage and Costs taxed at Nine pounds thirteen shillings and five pence. Which same Judgment the said Hannah Stevens Adm<sup>x</sup>. as aforesaid says is wrong and erroneous and that she (in said Capacity) is thereby damnified the sum of thirty pounds, as shall then and there be made to appear; Wherefore for Reversing the Judgment last mentioned, and Recovering back from the Estate of said Isaiah Stevens dec'ed, in the hands of the said John M<sup>c</sup>Cluer Adm'or as aforesaid, the said sum of twelve pounds damage, and the same Costs; and also for recovering Judgment against the estate last mentioned in said John M<sup>c</sup>Cluer's hands for Costs of Courts, she the said Hannah Stevens Adm<sup>x</sup>. as aforesaid, brings this suit. The Parties Appeared, and the said John M<sup>c</sup>Cluer (by Edmund Trowbridge Esq; his Attorney) say'd that the aforesaid Judgment of this Court is in nothing erroneous, and then the case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Defendant costs. It's therefore Considered by the Court that the said John McCluer Administrator as aforesaid, Recover against [^Estate^] of the said Roger Stevens dec'ed in the hands of the said Hannah Stevens Adm<sup>x</sup>. as aforesaid Costs taxed at £4.7.10.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Parker ~~vs~~ Kendall

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Nathan Parker of Reading in the County of Middlesex Yeoman  
Appellant

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appellant ~~vs~~ Josiah Kendall of Lancaster in the County of Worcester Yeoman Appellee from the Judgment of an Inferior Court of Common Pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, when and where the Appellee was plant and the Appellant was def<sup>t</sup>. In a plea of trespass for that the said Nathan on the last day of April AD 1761. with force and arms the close of the said Josiah in Westminster District in the County of Worcester bounded southeasterly on Lot N<sup>o</sup>. 74. Northeasterly on a second division Lot N<sup>o</sup>. 73. and Northwesterly and southwesterly on land of the said Josiah; reputed to be eight acres, broke and entred into and cut down and carried away four of the pant<sup>s</sup>. trees of the value of forty shillings, thereon standing and growing And also on diverse other days between the said last of April 1761. and the last of August 1761. the said Nathan the close aforesaid broke and entred & with horses, oxen, cows, and sheep did eat up, breakdown, and consume the plant<sup>s</sup>. grass and hay thereon standing and growing to the value of sixty shillings and then and there did to the said Josiah enormities against the peace To the damage of the said Josiah as he saith the sum of ten pounds. At which said Inferiour Court Judgm<sup>t</sup>. was rendred. that the said Josiah Kendall Recover against the said Nathan Parker six shillings Lawful Money damage, and costs of suit. Both Parties Appeared, and the case after a full hearing was committed to Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say; they find for the Appellee ten shillings Lawful Money damage, and costs. It's therefore Considered by the Court that the said Josiah Kendall Recover against the said Nathan Parker the sum of ten shillings Lawful Money of this Province damage, and Costs taxed at £9.9.5

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Ex'c'on issued

Oct<sup>o</sup>. 21<sup>st</sup>. 1762.

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Paine ~~vs~~ Nichols

&gt;&gt;

Timothy Paine of Worcester in the County of Worcester Esq; Complainat ~~vs~~  
Jonathan Nichols Gentleman, and Jonathan Nichols jun<sup>r</sup>. Yeoman both of Sutton



in the County of Worcester. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common please held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against them for the sum of £4.12.6 Lawful Money dam<sup>a</sup>. and costs of suit; from which Judgment they appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Int. and costs. It's therefore Considered by the Court that the said Timothy Paine Recover against the said Jonathan Nichols, and Jonathan Nichols jun<sup>r</sup>. the sum of four pounds twelve shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.0.8.

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Ex'c'on issued

26<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Taylor ~~vs~~ Adams

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Ezra Taylor of Southborough in the County of Worcester Esq; Complainant ~~vs~~ Daniel Adams of Framingham in the County of Middlesex Yeoman. The Compl<sup>t</sup>. shew'd

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[405v]

shew'd that at an Inferiour Court of common Pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he recovered Judgment against the said Daniel for the sum of £7.7.2. Lawful Money damage, and costs of suit; from which Judgment the said Daniel appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and costs. It's therefore Considered by the Court that the said Ezra Taylor recover against the said Daniel Adams the sum of Seven pounds seven shillings and ten pence Lawful Money of this Province

damage, and Costs taxed at £3.13.2

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Ex'c'on issued

Oct<sup>o</sup>. 15<sup>th</sup>. 1762.

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Biglow ~~vs~~ Adams

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Joseph Biglow of Spencer district in the County of Worcester Yeoman Compl<sup>t</sup>.  
~~vs~~ Daniel Adams of Framingham in the County of Middlesex Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of common pleas held at Worcester in and for  
 the County of Worcester on the third Tuesday of August last, he Recovered Judgment  
 against the said Daniel for the sum of £15.8.0. Lawful Money damage, and Costs  
 of suit; from which Judgment the said Daniel appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Interest and Costs. It's therefore Considered by the Court that the said Joseph  
 Biglow recover against the said Daniel Adams the sum of fifteen pounds Nine  
 shillings and four pence Lawful Money of this Province damage, and Costs  
 taxed at £3.5.4.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Ryan ~~vs~~ Berry

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Darby Ryan of Leicester in the County of Worcester Trader Compl<sup>t</sup>. ~~vs~~ Benjamin  
 Berry of Sudbury in the County of Middlesex Husbandman. The Compl<sup>t</sup>. shew'd that  
 at an Inferiour Court of common pleas held at Worcester in and for the County of  
 Worcester on the second Tuesday of May last, he Recovered Judgment against the said  
 Benjamin for the sum of £9.12.9. Lawful Money damage, and costs of suit;

from which Judgment the said Benjamin appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Darby Ryan Recover against the said Benjamin Berry the sum of Nine pounds twelve shillings and nine pence Lawful Money of this Province damage, and Costs taxed at £3.11.9.

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Ex'c'on issued  
Oct<sup>o</sup>. 15<sup>th</sup>. 1762.

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Ryan ~~vs~~ Hadden

&gt;&gt;

Darby Ryan of Leicester in the County of Worcester Trader Complainant  
versus

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Image 493-Right  
406.

[406r]

versus Moses Hayden of Sudbury in the County of Middlesex Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Moses for the sum of £10.17.0. Lawful Money damage, and Costs of suit; from which Judgment the said Moses appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Darby Ryan Recover against the said Moses Hayden the sum of ten pounds seventeen shillings Lawful Money of this Province damage, & Costs taxed at £3.16.7.

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Ex'c'on issued

Oct<sup>o</sup>. 15<sup>th</sup>. 1762.

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Hayward ~~vs~~ Legg

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Samuel Hayward of Mendon in the County of Worcester Gentleman Compl<sup>t</sup>. ~~vs~~ John Legg of Mendon in the County of Worcester Husbandman. The Compl<sup>t</sup>. shew'd that at an Inf. Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of September last, he Recovered Judgment against the said John for the sum of £13.12.7. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with Additional Interest and Costs. Its therefore Considered by the Court that the said Samuel Hayward Recover against the said John Legg the sum of thirteen pounds eighteen shillings and a penny Lawful Money of this Province, damage, and Costs taxed at £3.12.4.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Dwight ~~vs~~ Harwood

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Simeon Dwight of Western in the County of Worcester Gentleman Compl<sup>t</sup>. ~~vs~~ John Harwood of a place called ware. River precinct within the County of Hampshire Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the first Tuesday of November last, he Recovered Judgment against the said John for the sum of £7.19.8. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs. Its therefore Considered by the Court that the said Simeon Dwight Recover

against the said John Harwood the sum of Eight Pounds seven shillings and six pence  
Lawful Money of this Province damage, and Costs taxed at £3.13.10.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Garnwell ~~vs~~ Barns

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Samuel Garnwell of Westborough in the County of Worcester Yeoman

Complainant ~~vs~~ Richard Barns of Westborough in the County of Worcester Yeoman.

The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Worcester in and  
for

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[406v]

for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against  
the said Richard for the sum of £30.19.1. Lawful Money damage, and Costs of suit;  
from which Judgment the said Richard appealed to this Court and Recogniz'd with  
sureties according to Law to prosecute the same with Effect, but fail'd so to do: Where-  
: fore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest &  
costs. It's therefore Considered by the Court that the said Samuel Garnwell recover  
against the said Richard Barns the sum of thirty one pounds twelve shillings  
and five pence Lawful Money of this Province Damage, and Costs taxed at  
£3.8.5.

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Ex'c'on issued

Nov. 11<sup>th</sup>. 1762.

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Heald ~~vs~~ Prop<sup>s</sup>. of Tomlinson

&gt;&gt;

Ebenezer Heald of New Ipswich in the Province of New Hampshire  
 Husbandman Complainant ~~vs~~ The Proprietors of the town of Tomlinson in the same  
 Province. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held  
 at Worcester in and for the County of Worcester on the third Tuesday of August Last  
 he Recovered Judgment against them for the sum of £6.10.8 Lawful Money  
 damage, and Costs of suit; from which Judgment the said Proprietors appealed  
 to this Court and Recogniz'd with sureties according to Law to prosecute the same  
 with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Costs. It's therefore Considered by the Court that  
 the said Ebenezer Heald Recover against the said Proprietors the sum of six pounds  
 ten shillings and eight pence Lawful Money of this Province damage, and  
 Costs taxed at £4.7.6.

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Ex'c'on issued

15. Dec<sup>r</sup>. 1762.

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Houghton ~~vs~~ Wheelock

&gt;&gt;

Abiather Houghton of Leominster in the County of Worcester Yeoman Compl<sup>t</sup>.  
~~vs~~ Abner Wheelock of said Leominster Husbandman. The Compl<sup>t</sup>. shew'd that at an  
 Inferior Court of common pleas held at Worcester in and for the County of Worcester  
 on the first Tuesday of November last, he Recovered Judgment against the said  
 Abner for the sum of £6.7.9½. Lawful Money damage, and Costs of suit;  
 from which Judgment the said Abner appealed to this Court and Recognized w<sup>th</sup>.  
 sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Int.  
 and Costs. It's therefore Considered by the Court that the said Abiather Houghton  
 Recover against the said Abner Wheelock the sum of six pounds fourteen shillings  
 Lawful Money of this Province damage, and Costs taxed at £3.11.2.

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Ex'c'on issued

Nov. 11<sup>th</sup>. 1762.

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Kendall ~~vs~~ Goddard

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Ezekiel Kendall of Lancaster in the County of Worcester Yeoman Compl<sup>t</sup>.  
~~vs~~ Nathan Goddard of a place called Royalshire in the County of Worcester Husbandman  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at said  
 Worcester

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407.

[407r]

Worcester in and for said County of Worcester on the second Tuesday of May last, he Recovered  
 Judgment against the said Nathan for the sum of £77.1.2. Lawful Money of this Prov.  
 damage, and costs of suit; from which Judgment the said Nathan appealed to this  
 Court and Recogniz'd with sureties according to Law to prosecute the same with  
 effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
 with Additional Interest and Costs. It's therefore Considered by the Court that the  
 said Ezekiel Kendall Recover against the said Nathan Goddard the sum of Seventy  
 eight pounds eleven shillings and ten pence Lawful Money of this Province Damage,  
 and Costs taxed at £3.14.0.

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Ex'c'on issued

11<sup>th</sup>. Nov. 1762.

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Knight ~~vs~~ Hazen

>>

Jonathan Knight of Lancaster in the County of Worcester Yeoman Compl<sup>t</sup>. ~~vs~~  
 Edward Hazen of Stow in the County of Middlesex Yeoman. The Compl<sup>t</sup>. shew'd that

at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Edward for the sum of £4.7.1 Lawful Money damage, and Costs of suit; from which Judgment the said Edward appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and costs. It's therefore Considered by the Court that the said Jonathan Knight Recover against the said Edward Hazen the sum of four pounds eight shillings and ten pence Lawful Money of this Province damage, and Costs taxed at £3.10.8.

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Ex'c'on issued

11<sup>th</sup>. Nov. 1762.

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Partridge ~~vs~~ Lynde

&gt;&gt;

Jonathan Partridge of Rutland District in the County of Worcester Husband=  
:man Compl<sup>t</sup>. ~~vs~~ Samuel Lynde Innholder and Daniel Lynde Husbandman  
both of Leicester in said County of Worcester. The Compl<sup>t</sup>. shew'd that at an Inf.  
Court of common pleas held at Worcester in and for the County of Worcester on the  
second Tuesday of May last, he Recovered Judgment against the said Samuel  
for the sum of 15.15.6. Lawful Money damage, and Costs of suit; from which  
Judgment the said Samuel appealed to this Court and recogniz'd with  
sureties according to Law to prosecute the same with effect, but fail'd so to do:  
Wherefore the Compl<sup>t</sup> pray'd Affirmation of said Judgment with Additional  
Interest and Costs. It's therefore Considered by the Court that the said  
Jonathan Partridge recover against the said Samuel Lynde the sum of  
sixteen pounds one shilling and nine pence Lawful Money of this  
Province damage, and Costs taxed at £3.12.8.

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Ex'c'on issued

11<sup>th</sup>. Nov. 1762.



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Goodenow v Cowdin

&gt;&gt;

Ithamar Goodenow of Holdin in the County of Worcester Husbandman,  
Complainant

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[407v]

Complainant ~~vs~~ James Cowdin of Pelham in the County of Hampshire Taylor. The Compl<sup>t</sup>. shewd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last; he Recovered Judgment against the s<sup>d</sup>. James for the sum of £10.6.0. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the said James appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Ithamar Goodenow Recover against the said James Cowdin the sum of ten pounds ten shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.11.3.

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Ex'c'on issued

26. Jan<sup>y</sup>. 1763

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Braman ~~vs~~ Taft

&gt;&gt;

James Braman late of Rye in the County of West Chester in the Province of New York, now resident at Worcester in the County of Worcester and [<sup>^</sup>in this<sup>^</sup>] Province [-] [-] Gentleman Complainant ~~vs~~ Ebenezer Taft of Mendon in the County of Worcester Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Worcester in and for the County of Worcester on the second Tuesday of

May last, he Recovered Judgment against the said Ebenezer for the sum of £30.19.9. Lawful Money damage, and Costs of suit; from which Judgment the said Eben. appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said James Braman Recover against the said Ebenezer Taft the sum of Thirty Pounds nineteen shillings and nine pence Lawful Money of this Province damage, and Costs taxed at £3.1.8.

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Ex'c'on issued

14. Dec<sup>r</sup>. 1762

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Chandler ~~vs~~ Newhall

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John Chandler junior of Worcester in the County of Worcester Esq; and sheriff of the same County, Complainant ~~vs~~ Daniel Newhall of Leicester in the same County Gentleman. The compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Daniel for the sum of £17.3.3. Lawful Money damage, and Costs of suit; from which Judgment the said Daniel appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Chandler jun<sup>r</sup>. Recover the said Daniel Newhall the sum of seventeen pounds ten shillings and three pence Lawful Money of this Province damage, and Costs at £2.19.2

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Ex'c'on issued

13<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Chapin ~~vs~~ Harwood.

&gt;&gt;

Gershom Chapin of Mendon in the County of Worcester Husbandman Compl<sup>t</sup>.

vs

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Image 495-Right

408.

[408r]

versus Peter Harwood of Uxbridge in said County Gentleman and a deputy sheriff of said County. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last; he Recovered Judgment against the said Peter for the sum of £60.7.11. Lawful Money damage, and Costs of suit; from which Judgment the said Peter appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said Gershom Chapin Recover against the said Peter Harwood the sum of sixty one pounds twelve shillings and a penny Lawful Money of this Province Damage, and Costs taxed at £3.12.4.

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Ex'c'on issued

Oct<sup>o</sup>. 13<sup>th</sup>. 1762.

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Taft vs Thayer et al.

&gt;&gt;

Ebenezer Taft of Mendon in the County of Worcester Gentleman Complainant  
vs David Thayer jun<sup>r</sup>. of Uxbridge in the County of Worcester Trader, and Samuel  
Thayer y<sup>e</sup> fourth of that Name in Mendon in said County of Worcester Trader. The Compl<sup>t</sup>.  
shew'd that at an Inferiour Court of common pleas held at Worcester in and for said  
County of Worcester on the second Tuesday of May last, he Recovered Judgment  
against the said David and Samuel for the sum of £24.15.3. Lawful Money  
damage, and Costs of suit; from which Judgment the said David and Samuel  
appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same

with Effect but fail'd so to do: Whrerefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and costs. It's therefore Considered by the Court that the said Ebenezer Taft Recover against the said David Thayer jun<sup>r</sup>., and Samuel Thayer the 4<sup>th</sup>. the sum of twenty five pounds seven shillings and a penny Lawful Money of this Province damage, and Costs taxed at £3.15.8.

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Ex'c'on issued

24<sup>th</sup>. Nov. 1762.

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Burpee jun<sup>r</sup>. ~~vs~~ Sawyer

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Samuel Burpee jun<sup>r</sup>. Complainant versus John Sawyer.

Agreed

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How ~~vs~~ Hall.

&gt;&gt;

John How of Templetown in the County of Worcester Husbandman Complainant ~~vs~~ Willis Hall of Sutton in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd that at an Infe<sup>r</sup>. Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said Willis for the sum of £24.4.7. Lawful Money debt [x] and Costs of suit; from which Judgment the said Willis appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said John How Recover against the said Willis Hall the sum of twenty four pounds six shillings and ten pence Lawful Money of

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[408v]

of this Province debt, [x] and Costs taxed at £3.13.0.

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Ex'c'on issued

Oct<sup>o</sup>. 15<sup>th</sup>. 1762.

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M<sup>c</sup>Nutt ~~vs~~ Nurse

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David M<sup>c</sup>Nutt of Oakham in the County of Worcester Cordwainer Compl<sup>t</sup>. ~~vs~~ Timothy Nurse of Rutland District in the county of Worcester Innholder. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said Timothy for the sum of £10.14.0. Lawful Money damage, and Costs of suit; from which Judgment the said Timothy appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said David M<sup>c</sup>Nutt recover against the said Timothy Nurse the sum of ten pounds fifteen shillings Lawful Money of this Province damage, and Costs taxed at £3.11.6.

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Ex'c'on issued

15<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Rogers ~~vs~~ Craige jun<sup>r</sup>.

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Abijah Rogers of Rutland in the County of Worcester Labourer Complainant ~~vs~~ James Craige jun<sup>r</sup>. of said Rutland Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered judgment against the said James for the sum of £10.13.6. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and Recogniz'd with sureties according to Law to

prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Abijah Rogers Recover against the said James Craige jun<sup>r</sup>. the sum of ten pounds seventeen shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £3.9.6.

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Ex'c'on issued

Oct<sup>o</sup>.15<sup>th</sup>.1762.

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Jennison vs Sawyer

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Nathaniel Jennison Compl<sup>t</sup>. vs John Sawyer, Agreed.

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Rice vs Tower

&gt;&gt;

William Rice of Sudbury in the County of Middlesex Innholder Compl<sup>t</sup>. vs Joseph Tower of the District of Princetown in the County of Worcester Housewright. y<sup>e</sup>. Compl<sup>t</sup>. shew'd that

at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the first Tuesday of November last, he Recovered Judgment against the said Joseph for the sum of £2.0.1. Lawful Money damage, and costs of suit, from which Judgm<sup>t</sup>. the said Joseph appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said William Rice Recover against the said Joseph Tower

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409.

[409r]

Tower the sum of two pounds two shillings and three pence Lawful Money of this Province

damage, and costs taxed at £3.16.4.

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Ex'c'on issued

22<sup>d</sup>. Jan'y 1763

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Nicholas ~~vs~~ Robins[^on^] jun<sup>r</sup>.

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Jonathan Nichols of Sutton in the County of Worcester Gentleman [^ Compl<sup>t</sup>. ~~vs~~ Samuel Robinson jun<sup>r</sup> of Hardwick in the same County Yeoman.^] The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Samuel for the sum of £7.8.0 Lawful Money damage, and costs of suit; from which Judgment the said Samuel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect: but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Jonathan Nichols Recover against the said Samuel Robinson jun<sup>r</sup>. the sum of seven pounds Eight shillings Lawful Money of this Province damage, and Costs taxed at £3.7.4.

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Ex'c'on issued

Oct<sup>o</sup>. 13<sup>th</sup>. 1762.

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Rogers ~~vs~~ Emms

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Sarah Rogers of Rutland in the County of Worcester Widow Compl<sup>t</sup>. ~~vs~~ Aaron Emms of Sudbury in the County of Middlesex Cordwainer. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, she Recovered Judgment against the said Aaron for the sum of £4.0.7. Lawful Money damage, and Costs of suit; from which Judgment the said Aaron appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect; but fail'd so to do:

Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Sarah Rogers Recover against the said Aaron Emms the sum of Four pounds two shillings & 1<sup>d</sup>. Lawful Money of this Province damage, and costs taxed at £3.9.7.

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Ex'c'on issued

Oct<sup>o</sup>. 20. 1762.

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Dalrymple vs Hill

&gt;&gt;

Andrew Dalrymple of Petersham in the County of Worcester Gentleman Compl<sup>t</sup>. vs Josiah Hill of Uxbridge in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester on the second Tuesday of May last, he Recovered Judgment against the said Josiah for the sum of £7.10.4. Lawful Money damage, and Costs of suit; from which Judgment the said Josiah appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Andrew Dalrymple Recover against the said Josiah Hill the sum of seven pounds sixteen shillings and two pence Lawful Money of this Province damage, and Costs taxed at £3.18.8.

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Ex'c'on issued

13<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Benjamin

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Waite ~~vs~~ Stevens

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Benjamin Waite of Brookfield in the County of Worcester Gentleman Complainant. ~~vs~~ Willard Stevens of northfield in the County of Hampshire. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the s<sup>d</sup>. Willard for the sum of £22.8.7. Lawful Money damage, and Costs of suit; from which Judgment the said Willard appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional interest and costs. It's therefore Considered by the Court that the said Benjamin Waite Recover against the said Willard Stevens the sum of twenty two pounds seventeen shillings and four pence Lawful Money of this Province damage, and Costs. taxed at £3.18.4

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Ex'c'on issued  
13<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Whipple ~~vs~~ Nurse

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Joseph Whipple of Grafton in the County of Worcester Yeoman Compl<sup>t</sup>. ~~vs~~ Timothy Nurse of Rutland District in the County of Worcester Innholder. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last; he Recovered Judgment against the said Timothy for the sum of £7.10.4. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the said Timothy appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Joseph Whipple recover against the said Timothy Nursethe sum of seven pounds thirteen shillings and 4<sup>d</sup>. Lawful Money of this Province damage, and Costs taxed at £3.12.8

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Ex'c'on issued

Oct<sup>o</sup>. 13<sup>th</sup>. 1762.

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Stewart ~~vs~~ Batchellor

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James Stewart of Brookfield in the County of Worcester Yeoman Complainant  
~~vs~~ David Batchellor of Upton in said County Cooper. The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of common pleas held at Worcester in and for the County of Worcester  
 on the second Tuesday of May last, he Recovered Judgment against the said David for the  
 sum of £15.1.8 Lawful Money damage, and costs of suit; from which Judgment the  
 said David appealed to this Court and Recognized with sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional interest and Costs. It's therefore  
 Considered by the Court that the said James Stewart Recover against the said  
 David Batchellor the sum of fifteen pounds eight shillings and ten pence Lawful  
 Money of this Province damage, and costs taxed at £3.12.0.

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Perry ~~vs~~ Webb

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Phinehas Perry of Rutland District in the County of Worcester Husbandman  
 Compl<sup>t</sup>.

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Image 497-Right

410.

[410r]

compl<sup>t</sup>. ~~vs~~ Leonard Webb of Rutland [^District^] in the County of Worcester Husbandman. The  
 Compl<sup>t</sup>.

shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County  
 of Worcester on the second Tuesday of May last, he Recovered Judgment against the said  
 Leonard for the sum of £6.6.4. Lawful Money damage, and Costs of suit; from  
 Judgment the said Leonard appealed to this Court and Recogniz'd with sureties

according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Phinehas Perry Recover against the said Leonard Webb the sum of six pounds nine shillings Lawful Money of this Province damage, and Costs taxed at £3.16.0.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Crawley ~~vs~~ Child

&gt;&gt;

John Crawly late of Roxbury in the County of Suffolk now of Yarmouth in the County of Hallifax and Province of Nova Scotia Masster. Compl<sup>t</sup>. ~~vs~~ Increase Child of Brimfield in the County of Hampshire Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Increase for the sum of £4.16.0. Lawful money damage, and Costs of suit; from which Judgment the said Increase appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional costs. It's therefore Considered by the Court that the said John Crawly Recover against the said Increase Child the sum of Four Pounds sixteen shillings Lawful Money of this Province damage, and Costs taxed at £3.15.7.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Cowdin ~~vs~~ Webb

&gt;&gt;

John Cowdin of Princetown in the County of Worcester Blacksmith Compl<sup>t</sup>.

[^~~vs~~ Leonard Webb of Rutland District in the same County Husbandman.^] The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Leonard for the sum of £9.7.8. Lawful Money damage, and Costs of suit; from which Judgment the said Leonard appealed to this Court and Recognize'd with sureties according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Cowdin Recover against the said Leonard Webb the sum of Nine pounds eleven shillings and a penny Lawful Money of this Province Damage, and costs taxed at £3.12.6.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Caldwell v Clark

&gt;&gt;

John Caldwell of Rutland in the County of Worcester Esq; Compl<sup>t</sup>.~~vs~~

&lt;duplicates previous&gt;

&lt;duplicates followings&gt;

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[410v]

~~vs~~ Edward Clark of Rutland in said County Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common on pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last; he Recovered Judgment against the said Edward for the sum of £11.19.11. Lawful Money damage, and costs of suit; from which Judgment the said Edward appealed to this Court and Recogniz'd with sureties according to Law

to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Caldwell Recover against the said Edward Clark the sum of twelve pounds and five pence Lawful Money of this Province dam<sup>a</sup>. and Costs taxed at £3.15.0.

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Knowlton *vs* Clark

&gt;&gt;

Luke Knowlton of Shrewsbury in the County of Worcester Yeoman Complainant *vs* Edward Clark of Rutland in the same County Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said Edward for the sum of £78.6.8. Lawful Money damage, and costs of suit; from which Judgment the said Edward appealed to this Court, and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and costs. It's therefore Considered by the Court that the said Luke Knowlton Recover against the said Edward Clark the sum of Seventy eight pounds fourteen shillings and three pence Lawful Money of this Province damage, and costs taxed at £3.5.10.

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Ex'c'on issued

14 Ja'ry 1763

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Moor *vs* Campbell et al

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David Moore of Worcester in the County of Worcester Yeoman, and a deputy sheriff in and for the same County Complainant *vs* Duncan Campbell Esq; &

Alexander Nichols Yeoman both of Oxford in said County. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said Duncan and Alexander the sum of £86.10.2. Lawful Money damage, & costs of suit, from which Judgment the said Duncan and Alexander appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the compl<sup>t</sup>. Pray'd affirmation of said Judgment with Additional Interest and costs. It's therefore Considered by the Court that the said David Moor recover against the said Duncan Campbell and Alexander Nichols the sum of Eighty six pounds eighteen shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.0.6.

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Ex'c'on issued

Oct<sup>o</sup>. 13<sup>th</sup>. 1762.

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Case ~~vs~~ Buck

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Amos Case of Sutton in the County of Worcester Husbandman Complainant

~~vs~~

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411.

[411r]

versus Samuel Buck of said Sutton Innholder [<sup>^</sup>Ex'c'or of the last will and testament of Samuel Buck late of said Sutton Yeoman deceased.<sup>^</sup>]. The Compl<sup>t</sup> shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August

last; he Recovered Judgment against the Estate of the said Samuel Buck deceased in the hands of the said Samuel Buck his Executor four Pounds Lawful Money damage) and costs of suit taxed at one pound eight shillings and three pence, from which Judgment the said Samuel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but faild'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation

of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Amos Case Recover against the Estate of the said Samuel Buck dec'd, in the hands of the said Samuel Buck Executor as aforesaid the sum of four pounds and four pence Lawful Money of this damage, and costs taxed at £3.3.0.

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Ex'c'on issued

Nov. 11<sup>th</sup>.1762.

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Hodgman ~~vs~~ Harrington

&gt;&gt;

Samuel Hodgman of Brookfield in the County of Worcester Cordwainer Compl't. ~~vs~~ Joshua Harrington of said Brookfield Husbandman. The Compl't. shew'd that at an Inf. Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Joshua for the sum of £4.3.2. Lawful Money damage, and cost of suit; from which Judgment the said Joshua appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl't. pray'd Affirmation of said Judgment with Additional Cost. It's therefore Considered by the Court that the said Samuel Hodgman Recover against the said Joshua Harrington the sum Four Pounds three shillings and two pence Lawful Money of this Province damage, and cost taxed at £3.11.0

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Ex'c'on issued

Oct<sup>o</sup>. 13. 1762.

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Fletcher ~~vs~~ Willson

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Alpheus Fletcher of Rutland in the County of Worcester Physician Compl't. ~~vs~~ John Willson of Petersham in the County of Worcester Gentleman. The Compl't shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester

on the first Tuesday of November last, he Recovered Judgment against the said John for the sum of £4.19.0. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and costs. It's therefore Considered by the Court that the said Alpheus Fletcher Recover against the said John Willson the sum of Five pounds four shillings Lawful Money of this Province Damage, and Costs taxed at £3.9.2

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Smith jun<sup>r</sup> ~~vs~~ Livermore

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Elisha Smith Jun<sup>r</sup> of Worcester in the County of Worcester Yeoman Complainant  
~~vs~~ Josiah Livermore of Brookfield in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd that

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[411v]

that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the first Tuesday of November last, he Recovered Judgment against the said Josiah for the sum of £7.12.5. Lawful Money damage, and Costs of suit; from which Judgment the said Josiah appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Elisha Smith jun<sup>r</sup>. Recover against the said Josiah Livermore the sum of seven pounds Nineteen shillings and Nine pence Lawful Money of this Province damage, and Costs taxed at £3.0.2.

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Ex'c'on issued



Oct<sup>o</sup>. 20<sup>th</sup>. 1762

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Moor ~~vs~~ Flagg

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David Moor of Worcester in the County of Worcester Gentleman, and a deputy sheriff within and for the same County, Complainant ~~vs~~ Asa Flagg of Worcester aforesaid Gentleman. The Compl<sup>l</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the first Tuesday of November last, he Recovered Judgment against the said Asa for the sum of £12.19.0 Lawful Money damage, and costs of suit; from which Judgment the said Asa appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>l</sup>. pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said David Moor Recover against the said Asa Flagg the sum of thirteen pounds Eleven shillings and five pence Lawful Money of this Province damage, and costs taxed at £2.16.0.

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Cutler ~~vs~~ Loring

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Jemima Cutler of Brookfield in the County of Worcester Widow Compl<sup>l</sup>. Joseph Loring of Brookfield in the County of Worcester Blacksmith. The Compl<sup>l</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the first Tuesday of November last, he recovered Judgment against the said Joseph for the sum of £6.11.10¼. Lawful Money damage, and Costs of suit; from which Judgment the said Joseph appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>l</sup>. pray'd Affirmation of said Judgment with Additional & Costs.

It's therefore Considered by the Court that the said Jemima Cutler recover against the said Joseph Loring the sum of six pounds eighteen shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.13.6.

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Ex'c'on issued

13. Octr. 1762

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M<sup>c</sup>Intier ~~vs~~ Green

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Obadiah M<sup>c</sup>Intier of Charlston in the County of Worcester Gentleman  
Complainant ~~vs~~ Nathaniel Green of Leicester in the County of Worcester Gent.  
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[412r]

The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said Nathaniel for Possession of the premisses in the original Writ demanded, and Costs of suit; from which Judgment the said Nathaniel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Obadiah M<sup>c</sup>ntier recover against the said Nathaniel Green the Possession of the premisses demanded in the Writ, and costs taxed at £3.11.10.

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Fac. Hab. issued

Oct<sup>o</sup>. 14. 1762.

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Biglow ~~vs~~ Cobleigh

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Jotham Biglow of Holdin in the County of Worcester Yeoman Compl<sup>t</sup>. ~~vs~~ Oliver Cobleigh of New Braintree in said County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Oliver the sum of £5.16.7. Lawful Money damage, and Costs of suit, from which Judgment the said Oliver appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do. Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Jotham Biglow Recover against the said Oliver Cobleigh the sum of five pounds sixteen shillings and seven pence Lawful Money of this Province damage, and Costs taxed at £3.8.0.

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Ex'c'on issued

Oct<sup>o</sup>. 20<sup>th</sup>. 1762.

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Robinson ~~vs~~ Farr

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Samuel Robinson of Hardwick in the County of Worcester Compl<sup>t</sup>. ~~vs~~ Jonathan Farr of Hardwick Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said Jonathan afor the sum of £2.12.2. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>. Judgment the said Jonathan appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Samuel Robinson Recover against the said Jonathan Farr the sum of two pounds thirteen shillings and three pence Lawful Money of this Province,

damage, and costs taxed at £3.18.10.

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Ex'c'on issued

Nov. 11<sup>th</sup>. 1762.

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Thayer ~~vs~~ Thayer

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Samuel Thayer jun<sup>r</sup>. of Mendon in the County of Worcester Gentleman,  
Complainant ~~vs~~ David Thayer jun<sup>r</sup>. of Uxbridge in the County of Worcester Trader. The  
Compl<sup>t</sup>.

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[412v]

Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Worcester in and for the  
County of Worcester on the second Tuesday of May last he Eecovered Judgment against the said  
David for the sum of £185.17.4. Lawful Money damage, and Costs of suit; from which  
Judgment the [<sup>^</sup>s<sup>d</sup>.<sup>^</sup>] David appealed to this Court and Recogniz'd with sureties according to  
Law

to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
of said Judgment with Additional costs. It's therefore Considered by the Court that  
the said Samuel Thayer jun<sup>r</sup>. of Mendon Recover against the said David Thayer jun<sup>r</sup>. of  
Uxbridge the sum of One hundred and eighty nine pounds twelve shillings &  
three pence Lawful Money damage, and Costs taxed at £5.18.6.

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Ex'c'on issued

Oct<sup>o</sup>. 13. 1762.

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Thayer ~~vs~~ Thayer.

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Samuel Thayer the second of that Name of Mendon in the County of Worcester

Gentleman, Complainant ~~vs~~ David Thayer jun<sup>r</sup>. of Uxbridge in the same County Trader. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of Common pleas held at Worcester in and for the County of Worcester on the third Tuesday of August last, he Recovered Judgment against the said David, for the sum of £288.6.8. Lawful Money damage, and Costs of suit; from which Judgment the said David appealed to this Court and Recogniz'd with sureties according to the Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Samuel Thayer the second, Recover against the said David Thayer jun<sup>r</sup>. the sum of two hundred eighty eight pounds six shillings and eight pence Lawful Money of this Province damage, and Costs taxed at £6.2.4.

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Ex'c'on issued

12<sup>th</sup>. Octo. 1762.

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Thayer vs Thayer junr.

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Samuel Thayer of Mendon in the County of Worcester Gentleman Compl<sup>t</sup>. vs David Thayer junr. of Uxbridge in the County of Worcester Trader. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Worcester in and for the County of Worcester on the second Tuesday of May last, he Recovered Judgment against the said David for Costs; from which Judgment the said David appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect. but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Samuel Thayer Recover against the said David Thayer Costs taxed at £3.15.0.

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Ex'c'on issued

Octo. 14<sup>th</sup>. 1762.

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Order on Stone's Pet<sup>o</sup>.

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Upon Reading the Petition of Mary Stone Adm<sup>x</sup>. on the Estate of her late husband Oliver Stone late of Harvard in said County deceased, Wherein the petitio<sup>r</sup>. shew'd that the personal Estate of said deceased was appraized at £176.15.2. That she this day settled her Administration account which was allow'd, amounts to One

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413.

[413r]

one hundred and twenty one pounds sixteen shillings and eleven pence, in the hands £54.18.3. That the debts due still, from said Estate including an allowance to the Petitioner for house-keeping, amounts to £194.18.2. from which deduct the above sum £54.18.3. remains £136.19.11. She therefore pray'd that she might be impowered to sell one hundred and forty pounds worth of the deceased's Estate where it will do the least damage, for the payment of his debts and charges aforesaid. Ordered that the prayer of this Petition be granted, and that the said Mary Stone Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of one hundred and forty pounds worth of the real Estate of said deceased for the ends aforesaid, (such as will least prejudice the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate for said County as the Law directs.

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Order on Jone's Pet<sup>o</sup>.

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Upon Reading the Petition of Joseph Jones Adm<sup>r</sup>. on the Estate of Joseph Carter late of Lunenburg in the County of Worcester Yeoman deceased. Wherein the Petitio<sup>r</sup>. shew'd that the deceased's personal Estate was appraized at £12.3.2. his real Estate

lying in Lunenburg at £33.6.0. total £45.9.2. That he hath filed a list of debts in the probate office amounting to £34.2.0. That the charge of Adm<sup>r</sup> or and funeral charges, and charges of Sickness will amount to more with the above sum than the whole Estate. He therefore pray'd he might be impowered to make sale of said deceased's real Estate aforesaid for the payment of said debts. Ordered that the prayer of this Petition be granted, and that the said Joseph Jonas in his said Capacity, be and hereby is Impowered to make sale of the real Estate of said deceased for the Ends aforesaid (as pray'd for, and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty day before the sale and account with the Judge of Probate forsaid County (for the Produce thereof) as the Law directs.

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Order on Batle's Pet<sup>o</sup>.

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Upon reding the Petition of Susannah Battles Adm<sup>r</sup>. on the Estate of Jos: Battles late of Leominster in said County Joyner deceased. Wherein the Petiti<sup>o</sup>. shew'd that she this day settled her account of Administration and there was is in her hands only the sum of £30.15.5. That the debts still due from said Estate together with the usual allowance for housekeeping £38.3.10. out of which deduct the above sum of £30.15.5. Remains £7.8.5. She therefore pray'd this Court to Impower her to sell so much of the said deceased's real Estate lying in Leominster as might enable her to pay s<sup>d</sup>. sum of £7.8.5. and the charges of selling. Ordered that the prayer of

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[413v]

of this petition be granted and that the said Susannah Battles (in her said Capacity) be & hereby is Impowered to make sale of ten pounds worth of the real Estate of said dec<sup>d</sup>, for the ends aforesaid (such as will least prejudice the whole) as pray'd for, and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of

Probate for said County, as the Law directs.

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Order on Denny's Pet<sup>o</sup>.

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Upon Reading the Petition of Samuel Denny of Leicester in the County of Worcester Yeoman and Administrator on the estate of Ebenezer Sanderson late of said Leicester Housewright deceased. Wherein the Petitioner shew'd that the said deceased died seized of a small peice of land in Leicester containing about fifteen acres with a small house thereon appraized at forty pounds Lawful Money and his personal Estate at Nine pounds. That he left a Widow who hath by the order of the Judge of Probate had her dower set to her out of the real Estate. That the said Adm'or was obliged to represent the Estate insolvent apprehending that the debts together with the Charges that will necessarily arise will be more than the deceased's Estate both real and personal will fetch. The Petitioner therefore pray'd this Court to enable him to sell the Remaining part of the Real Estate of said dec'ed, that is left after the Widows dower is sett off. Order'd that the prayer of this Petition be granted, and that the said Samuel Denny Adm'or as aforesaid, be and hereby is Impowered to make sale of the real Estate of said deceased, for the Ends aforesaid as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate of said County (for the Produce thereof) as the Law directs.

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Order on Beal's Pet<sup>o</sup>.

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Upon Reading the Petition of Mehetable Beals Adm<sup>x</sup>. on the Estate of her late husband Daniel Beals late of Mendon dec'ed. Wherein the Petitioner shew'd that the personal Estate of said deceased was appraized at £62.4.1. That the said dec'eds debts with usual allowance to Widows a list whereof she has filed in the probate office, amounts to £73.5.0. from which deduct the personal Estate 62.4.1. Leaves £11.0.11. She therefore pray'd she might be impower'd to sell about eleven pounds worth of the deceased's real Estate lying in Mendon where



it can be best spared for the payment of the above sum. Ordered that the prayer of this Petition be granted, and that the said Mehetable Beals Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of fifteen pounds worth of the real Estate of said deceased, for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law

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[414r]

Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of probate for said County, as the Law directs.

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Order on Stowers Pet<sup>o</sup>.

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Upon reading the Petition of Asa Stowers and Rebecca Stowers formerly Rebecca Lynds Daniel Lynds and Thomas Denny the said Rebecca, Daniel & Thomas being Administrators on the Estate of John Lynds late of Leicester Yeoman de'ced. Wherein the Petitioner shew'd that John Lynds, Father of the aforesaid John Lynds deceased, in and by his last will and testament duly made, proved and approved in and among other things therein contained did give and bequeath to his Daughter Hannah Call, twelve ounces of silver or the value thereof in the public and common currency of the Country to be paid unto her yearly and every year during her natural life by the said John Lynds And further gave unto the Children born of the body of the said Hannah Call the sum of two hundred ounces of silver to be paid them by said John Lynds dec'ed his son in time and Manner following viz. two Months after the said Hannah's decease the equal part or share of said sum to any many of her sons as shall then arrived to the age of twenty one years and to as many of her daughters as shall be arrived to the age of Eighteen years, or be then married, and as to the rest of her children if any there be; that at said time are not arrived to said ages respectively their equal part or share of said

sum shall be paid them, as they arrive thereunto as aforesaid; together with the Lawful Interest of such part or share from the day of their said Mothers decease &C<sup>a</sup>. as by that paragraph of said deceased's Will may appear. That the Petitioners would further represent that the division of the Estate of the said John Lynds to whom they are Adm'ors is rendred very difficult on Account of the aforesaid bequests to which his Estate is subject to the payment. That the eldest son of said deceased is of age and wants his part and portion of said Estate. That the Petitioners have in their hands the sum of twenty six pounds fifteen shillings and six pence. They therefore pray'd this Court to Impower them (the Petitioners) to make sale of so much of the real Estate of said deceased, which together with the aforesaid sum now in the hands of the Petitioners as will raise the aforesaid sum of two hundred ounces of silver given to the heirs of the said Hannah Call at her decease, which being put out to Interest will raise the aforesaid sum of twelve ounces of silver which they are by the aforesaid bequest obliged to pay the said Hannah during her natural life. And that at the death of the said Hannah the aforesaid sum of two hundred ounces of silver divided among the heirs of the said Hannah agreeable to said Will. Ordered that the prayer of this Petition be granted, and that the said Asa Stowers and Rebecca Stowers, Daniel Lynds and

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[414v]

and Thomas Denny be and hereby is Impowered to make sale of forty five pounds worth of the real Estate of John Lynds deceased for the ends aforesaid (such as will be least prejudicial to the whole.) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioners to post up Notifications thirty days before the sale and account with the Judge of Probate for said County as the Law directs.

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Order on Fisk's Pet<sup>o</sup>.

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Upon Reading the Petition of Benjamin Fisk Adm'or on the Estate of

Daniel Fisk late of Upton deceased. Wherein the petitioner shew'd that the personal Estate of said deceased is all Expended for the payment of said deceased's debts, and that upon the settlement of his Account in the year 1759. there was due to him £1.1.5¾. That the debts still due from said Estate a list whereof he hath filed in the probate Court £18.14.2. makes £19.15.7¾. he therefore pray'd he might be Impowered to sell so much of the deceased's real Estate lying in Upton as shou'd be sufficient to pay said sum and Charges of this Petition, and selling the same. Ordered that the prayer of this Petition be granted, and that the said Benjamin Fisk in his said Capacity, be and hereby is Impowered to make sale of twenty three pounds worth of the real Estate of said deceased for the Ends aforesaid, (such as will least prejudice the remainder) as pray'd for; And to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petition<sup>r</sup>. to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Willard Admitted an to practice as an attorney.

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Upon Motion to the Court M<sup>r</sup>. Abel Willard had the Attorney's Oath as by the province Law prescrib'd administred to him in order to his practicing in this Court.

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Foster's Indictment

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The Jurors for the Lord the King for the body of this County, did on their Oath present That Hugh Foster of Acton in the County of Middlesex Cordwainer did on the tenth day of April last, at Southborough in the said County of Worcester with force and Arms Assault one Mary Prescott with an Intent to kill and murder her, and that the said Hugh Foster did then and there with force as aforesaid with a knife which he held in his right hand, stab, cut and greivously wound the said Mary so that her life was thereby greatly endangered & dispaired of, and other Injuries he the said Hugh Foster did the said Mary against the peace of the said Lord the King his Crown and Dignity.

To this Indictment the said Hugh upon arraignment at the bar plead not guilty; a Jury was then sworn to try the issue M<sup>r</sup>. Nathaniel Woolcot foreman Tyrus Rice, Daniel Boyden, David Rice, Isaac Johnson, Ebenezer Learned, Israel Parsons, Joseph Bruce, Ephraim Whitney, Ebenezer Maynard, James Brown

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415.

[415r]

Brown, and David Shumeway: who having fully heard the Evidence for the king with the prisoners defence went out to consider thereof and Returned with their verdict and upon their Oath say that the said Hugh Foster is guilty. The Court having considered his Offence order that he pay the sum of fifty pounds as a fine to the King, that he suffer twelve Months imprisonment and that he become bound by way of recognizance in the sum of fifty pounds with two sureties in £25. each for his keeping the peace and being of the good behaviour towards all his Majesty's leige subjects for the term of two Years and that he pay costs of prosecution standing committed until this sentence shall be performed.

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Fay's Indictm<sup>t</sup>.

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The Jurors for the Lord the King for the body of this County did upon their Oath present that Josiah Fay of Southborough in the said County of Worcester Gentleman did on the twenty third day of November last, at Southborough aforesaid with force and arms Advisedly unlawfully and corruptly utter to one Samuel Rice a false and Counterfeit peice of Money made of Copper and other mixed Metals in the likeness of and to resemble a peice of true money commonly called a spanish Mill'd dollar then current in this Province he the said Josiah well knowing the said peice of money by him so uttered to be false and counterfeit when he uttered the same to the s<sup>d</sup>. Samuel Rice as aforesaid against the peace of the said Lord the king his Crown and Dignity and the laws of this Province in that case made and provided. To this

Indictment the said Josiah Fay upon his arraignment at the bar for plea says he will not contend with the Lord the King, but submits himself to his grace. The Court having Considered his Offence [^order^] that he pay the sum of forty shillings as a fine to the King and that he become bound by way of Recognizance in the sum of twenty pounds with two sureties in ten pounds each for his keeping the peace and being of the good behaviour towards all his Majesty's leige Subjects until the next term and that he pay costs of prosecution standing committed until this sentence shall be performed.

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Coleman indicted

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The Jurors for the Lord the King for the body of this County, did upon their Oath present that James Coleman of a place called Dorchester Canna in the said County of Worcester Yeoman did on the last day of April last, at Dorchester Canada aforesaid, falsely and deceitfully and wickedly expose to sale a certain putrid and corrupted Hog which the said James well knew dyed of a Mortifying distemper and the flesh whereof was unwholesome and destructive to the Humane body, and that the said James then and there falsely and deceitfully and wickedly exposed and sold the said putrid and corrupted hog to

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[414v]

&lt;&lt;

David Harper

&gt;&gt;

to one Daniel Harper he the said James Coleman at the same time well knowing the same hog to be putrid corrupted unwholesome and destructive as aforesaid, and to have died of a Mortifying distemper as aforesaid, to the deceiving impoverishing and destruction of the leige subjects of the said Lord the King tasting or eating thereof, to the great damage of the said Joseph Goodridge in Evil and pernicious example to others and against

the peace of the said Lord the King his Crown and Dignity. To this Indictm<sup>t</sup>. the said James Coleman upon his arraignment at the bar for plea say'd that he will not contend with the Lord the King but submit himself to his grace. The Court having Considered his Offence, Order that he pay the sum of forty shillings as a fine to the King, and that he become bound by way of recognizance in the sum of twenty pounds with two sureties in ten pounds each for his keeping the peace and being of the good behaviour towards all his Majesty's leige subjects until the next term, and that he pay costs of prosecution standing committed until this sentence shall be performed.

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Page's Indictment

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The Jurors for the Lord the King for the body of this County [<sup>^</sup>having<sup>^</sup>] upon [<sup>^</sup>their oath presented<sup>^</sup>] that David Page of Petersham in the County of Worcester Yeoman at Worcester

aforesaid is and for the space of twelve years last past has been a common Barretor and a Continual disturber of the peace of the said Lord the King and a sower of discord among his neighbours and other leige subjects of the said Lord the King, and that the said David Page hath within the time aforesaid at Worcester aforesaid, and elsewhere in the County aforesaid mov'd excited and procured diverse law suits, differences, contentions, and Quarrells among his Neighbours and other leige subjects of the said Lord the King to the great grief and damage not only of his Neighbours but also of other leige subjects of the said Lord the King; in evil Example to others and against the peace of the said Lord the King his crown and dignity. To this Indictment the said David Page, upon his Arraignment at the bar plead not Guilty a Jury was then sworn to try the issue M<sup>r</sup>. James Goodwin foreman, Samuel Baker, Joseph Mixer, Jonathan Hale, Robert Douglas, Thomas Davis, William Green, Benjamin Shurston, Daniel Furbush, Daniel Boyden, Thomas Fairbanks, and James Yates who having fully heard the Evidence upon their Oath say, that the said David Page is not guilty. It is therefore considered by the Court that the said David Page go without day.

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Dudley v Richards et al

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Thomas Dudley of Roxbury in the County of Suffolk Gentleman Plaintiff ~~vs~~  
 Elizabeth Richards of Dedham in the county of Suffolk Widow, late wife  
 of Joseph Richards late of said Dedham Esq; deceased) Benjamin  
 Gerrish of Halifax in the Province of Nova Scotia Merchant and  
 Rebecca his wife, otherwise called Benjamin Gerrish of Boston  
 in the same county Merchant and Rebecca his wife, Joseph Dudley  
 of Roxbury in the said county of Suffolk Esq. John Cotton of Boston in  
 said county of Suffolk Gentleman and Mary his wife and John  
 Lovell of said Boston Merchant and Ann his wife Defendants.  
 In a plea of Review of a plea of partition commenced at an  
 Inferior court of common pleas held at said Worcester on the  
 first Tuesday of November AD 1757. but prosecuted at an  
 inferior court of common pleas held at Worcester in & for  
 said county of Worcester on the second Tuesday of May AD 1758.  
 by the said Joseph Richards then living & the said Elizabeth  
 his wife in her right, the said Benjamin Gerrish and  
 Rebecca his wife in her right, the said Joseph Dudley, the said  
 John Cotton and Mary his wife in her right and the said  
 Ann Lovett then sole, by the name of Ann Dudley of  
 Roxbury aforesaid a minor, who sued by Joseph Williams  
 of Roxbury aforesaid Esq; her guardian and next friend  
 against the said Thomas Dudley in the words following viz.  
 In a plea of partition for that the said Joseph Richards and his  
 said Wife in her right, Benjamin and his said Wife in her  
 [^right^] Joseph Dudley, John Cotton and his said wife in her right  
 Ann Dudley and the said Thomas Dudley hold together

and undivided a tract of land in Oxford in said County of Worcester containing about one thousand acres bounded northerly on land of Samuel Carril and Ebenezer Fitts, easterly on lands of the heirs of Samuel Rich, of Israel Rich, Elisha Rich, and Benjamin Marsh, Southerly on land of Thomas M<sup>c</sup>Night and of Amos Gould Westerly on land of the heirs of Phinehas Dana of Samuel Davis Edward Davis, and of the heirs of John Mayo with the appur'ces thereof of which to the said Joseph Richards and his wife in her right, Benjamin Gerrish and his said wife in her right Joseph Dudley, John Cotton and his said wife in her right, and the said Ann Dudley it appertains to hold five ninth parts and to the said Thomas Dudley it appertains to hold the other

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[415a v]

other four ninth parts to be held by the plaintiffs and the said Thomas in severalty so that the plaint<sup>s</sup>. their said five ninth parts and the said Thomas his said four ninth parts may severally approve but the said Thomas denies partition thereof to make between him and the plaintiffs and will not permit the same to be done against the Law in such cases provided: Wherefore the plaint<sup>s</sup>. in manner aforesaid bring this suit To the damage of the plaint<sup>s</sup>. as they say One thousand pounds. At which said inferior [<sup>^</sup>Court<sup>^</sup>] last mentioned Judgment was rendred that the said Thomas Dudley should recover against the said Joseph Richards & Elizabeth his wife, Benjamin Gerrish & Rebecca his wife, Joseph Dudley, John Cotton & Mary his wife and against the estate of the said Ann Dudley in the hands of the said Joseph Williams Esq; her Guardian & next friend costs of suit. From which Judgment the then plaint<sup>s</sup>. in the same court appealed to the Superior court of Judicature, court of Assize, and General Goal delivery held at Worcester in & for the County of Worcester on the third Tuesday of September AD 1758. from which Court said appeal was continued to the then next term



of the same court for the same county, when and where Judgment was rendred that the former Judgment be Reversed and that the said Joseph Richards & Elizabeth his wife in her right, Joseph Dudley, John Cotton & his said wife in her right, and Ann Dudley recover against the said Thomas Dudley partition of the premises [<sup>as</sup>] demanded & costs taxed at ten pounds six shillings & eight pence which same Judgment the said Thomas Dudley says is wrong & erroneous & that he is thereby damnified the sum of a thousand pounds. This action of review was enter'd at the Superior Court of Judicature court of assize & general goal delivery holden at Worcester in & for

the county of Worcester on the third Tuesday of September One thousand seven hundred & sixty one; When and

where the parties appeared and issue being joined the case after a full hearing was committed to a Jury

sworn according to law to try the same who Returned their Verdict therein upon Oath that is to say they

find specially viz: that Joseph Dudley Esq; on the twenty seventh day of October AD seventeen hundred &

nineteen was seized of the lands & premisses whereof partition is demanded in his demesne as of fee & being so seized made his last will & testament, only proved & approved a Copy whereof is in the Case & therein devised the same to William Dudley Esq; son of the said Joseph the testator, and father of the original defendant who was his eldest son also father of the orig<sup>l</sup>.

plaint<sup>s</sup>. Joseph Dudley, Elizabeth Richards, Rebecca Gerrish, Mary Cotton, & Ann Dudley now Ann Lovell, and two other Children, that the land & premisses aforesaid are in said will by said testator called his farm of a thousand acres as Manchoag and

afterwards the testator died seized as aforesaid, and afterwards the said William Dudley enter'd on the premisses and died intestate leaving only his eight Children aforesaid and thereupon the said Thomas enter'd on the premisses aforesaid. If therefore the said William by force of the will aforesaid took an estate in fee simple in the thousand acres aforesaid, then they find for the Defendants Costs; otherwise they find for the

original defendant and now plaintiff. Reversion of the former Judgment restitution and Costs of Courts. and afterwards the said action was continued from thence for Argument unto this Court, Now both parties appear and both parties having been fully heard by council upon said special verdict:

It is considered by the Court that the said Elizabeth Richards, Benjamin Gerrish & Rebecca his wife, Joseph Dudley, John Cotton & Mary his wife, John Lovell & Ann his wife Recover against the said Thomas Dudley Costs

taxed at £2.16.8. NB. Immediately after entering up this Judgment, the said Thomas moved for an appeal to His Majesty in Council which the Court did not allow.

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Worcester ss Sept<sup>r</sup>. 25<sup>th</sup>: 1762, The Court entered up Judgment according to the Verdicts: and then the Court adjourned without day.

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[416r]

Province of the} Anno Regni Regis Georgii tertii Magnæ  
Massachusetts-Bay} Britanniaë Franciaë et Hiberniaë secundo  
Hampshire ss}

At his Majesty's Superiour Court of Judicature Court of Assize & General Goal Delivery, held at Springfield within the [x] County of Hampshire, and for the Counties of Hampshire and Berkshire, on the fourth Tuesday of September (being the 28<sup>th</sup>. day of said Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq<sup>r</sup>. Chief Justice.

Benjamin Lynde}

John Cushing} Esquires Justices

Chambers Russell &}

Peter Oliver}

The Kings Attorney being absent; the Court appointed Jonathan Sewall Esq; to act in his stead at this Term.

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Burbank ~~vs~~ M<sup>c</sup>Clean

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Timothy Burbank late of Suffield in the County of Hartford in the colony of connecticut, now of Springfield in said County of Hampshire Yeoman Appellant ~~vs~~ Alexander M<sup>c</sup>Clean of Albany in the County of Albany in the Province of

New-York Merchant Appellee from the Judgment of an Inferiour Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of Aug. 1761. when and where the Appellee was plant and the Apl<sup>t</sup>. was def<sup>t</sup>. In a plea of debt. &C<sup>a</sup>. (as by the Writ on file, bearing date the 20<sup>th</sup>. day of March 1761. may at large appear). At which said Inferior Court, Judgment was rendred, that the said Alexander shou'd recover against the said Timothy the sum of one hundred and ten pounds eighteen shillings and ten pence ½. Lawful Money (being the chancery of the said bond) debt and five pounds sixteen shillings and eleven pence for his Costs and expenses &C<sup>a</sup>.

This appeal was bro't forward at the last term of this Court for this County, & from thence was Continued to this Court by Consent; And now both parties

Appeared [^and the said Timothy (by Jos. Hawley Esq; his Att<sup>o</sup>.) Confessed the forfeiture of the bond declar'd on & pray'd Chancery of the same; ^]. The parties being fully heard in Chancery: It is Considered

by the Court that the said Alexander M<sup>c</sup>Clean recover against the said Timothy Burbank the sum of one hundred eighteen pounds Lawful Money of this Province. (being the chancery of the bond sued on, unto its just debt and damage) and Costs taxed at £9.19.5.

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Ex'c'on issued

14. Oct<sup>r</sup>. 1762.

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Gager ~~vs~~ Matton

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Samuel Gager Appellant ~~vs~~ Ebenezer Matton Aplee. This Action is agreed see referees report on file.

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[416v]

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Ferry ~~vs~~ Shaw.

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Mark Ferry of Monson in the County of Hampshire Yeoman Appellant ~~vs~~ William Shaw of Palmer in the same County Yeoman Appellee, from the Judgment of an Inferiour Court of common pleas held at Springfield in and for the County of Hampshire on the third Tuesday of May 1761. when and where the Appellee was plant and the Appell<sup>t</sup> was def<sup>t</sup>. In a plea of trespass &C<sup>a</sup> (as by the Writ on file, tested the 29<sup>th</sup>. day of April 1761. at large appears.) At which said Inferior Court Judgment was rendred, y<sup>t</sup>. the said William shou'd recover against the said Mark the sum of two hundred and twenty pounds lawful Money damage and one pound sixteen shillings and four pence Costs. This appeal was brought forward at the last term of this Court for this County, and the Parties then Referr'd this Action to Josiah Dwight Esq; Robert Harris and Edward Pynchon, the determination of said Referees, or any two of 'em, to be final; and from thence this appeal was continued to this Court, by Consent: and now both Parties Appeared, and the Referees before named made Report in Writing under their hands, as on file; which was read and accepted, and in pursuance thereof: It is Considered by the Court that the said William Shaw recover against the said Mark Ferry the sum of six pounds Lawful Money of this Province damage, and Costs taxed at £21.18.6.

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Ex'c'on issued

Nov. 29<sup>th</sup>. 1762.

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Willard ~~vs~~ Torrey

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Levi Willard of Lancaster in the County of Worcester Gentleman Appell<sup>t</sup>.  
~~vs~~ Jonathan Torrey of Monson in the County of Hampshire Yeoman Appellee, from the Judgment of an Inferiour Court of common pleas held at Springfield in & for the County of Hampshire on the first Tuesday of May last, when and where

the appellee was plaintiff and the appellant was defendant. In a plea of the case, for that said Levi at said Springfield on the first day of May 1761. being justly indebted to the said Jonathan the sum of five pounds one shilling and four pence for so much by him the said Levi before that time received of Harrison Gray Esq; treasurer of the Province of the Massachusetts Bay, for the use of the said Jonathan he the said Levi then and there viz. at said Springfield on said first day of May 1761. promised said Jonathan to pay him the same on demand; Yet the said Levi tho' often requested hath not paid the same or any part thereof, but unjustly Neglects it, to the damage of the said Jonathan Eight Pounds. At which said Inferior Court Judgment was rendered, upon the pleadings there, that the said Jonathan Recover against the said Levi five pounds one shilling and four pence Lawful Money damage, and Costs, taxed at two pounds two shillings and a penny. The Parties now appeared, and the defendant. (by James Putman and Joseph Hawley Esq<sup>ers</sup>. his Attornies) now waiving his plea at the Inferior Court defends and says that he never promised the plaintiff in manner and form as the plaintiff. in his Writ against him has alledged and thereof put himself on

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417.

[417r]

on the Country, and the plaintiff (by John<sup>o</sup>. Worthington Esq; his Attorney) did likewise and then the case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their verdict therein upon Oath that is to say, they find for the appellant reversion of the former Judgment and costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Levi Willard recover against the said Jonathan Torrey the sum of six pounds five shillings and four pence Costs.

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Ex'c'on issued

Nov. 3<sup>d</sup>. 1762.

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Spooner v Burt.

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John Spooner and William Spooner Merchants and Traders in Company both of Boston in the County of Suffolk Appellants ~~vs~~ Eleazer Burt of Northampton in the County of Hampshire Yeoman Appellee, from the Judgment of an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, when and where the appellants were plaint<sup>s</sup>. and the Appellee was def<sup>t</sup>. In a plea of the Case &C<sup>a</sup>. (as by the Writ on file, tested the fifth day of August last, at large appears) At which said Inferior Court Judgment was rendred, that the said John and William have nothing by their plea there, but that for their groundless demand they be in mercy &C<sup>a</sup>. and that the said Eleazer Recover against the said John and William his Costs. The Appellants appeared, but the appellee altho' solemnly called to come into Court, did not appear but made default: It's therefore Considered by the Court that the said John Spooner, and William Spooner. Recover against the said Eleazer Burt the sum of Eighty one pounds Lawful Money of this Province damage, and Costs taxed at £6.6.4.

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Ex'c'on issued

Oct<sup>o</sup>. 18. 1762.

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Ingersol ~~vs~~ Sikes

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David Ingersoll of Great-Barrington in the County of Berkshire Gentleman Appellant ~~vs~~ Benjamin Sikes of Springfield in the County of Hampshire Yeoman Ap'lee from the Judgment of an Inferiour Court of common pleas held at Great Barrington in and for the County of Berkshire on the first Tuesday of September ins<sup>t</sup>. when and where the Appellee was plaint and the Appellant was def<sup>t</sup>. In a plea of Covenant broken for that said David at Sheffield in the said County of Berkshire on the first day of July in the twenty fifth year of the reign of King George the Second, late King of Great Britain &C<sup>a</sup>. of Blessed Memory (by the name of David Ingersoll of Sheffield in the County of Hampshire in the Province of the Massachusetts-Bay in New England Esq;) made sealed and delivered to the plaint his deed poll of that date in Court to be produced in which among other things it is Witnessed that the said David in consideration of the sum of Seventy seven pounds ten shillings Lawful Money paid him by the plaint

absolutely granted and conveyed to the plaint and his heirs forever sundry tracts or Lotts of Land hereafter described all lying in the upper or Northerly division of the outward commons on the East side the Great River in said Springfield, that is to say, the lot number thirty six in said division originally laid out to James Dorchester formerly of Springfield deceased, being in bredth twelve rods and

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[417v]

and eleven feet accounting at the rate of sixteen feet to the rod, and in length four miles east and west, and containing Ninety one acres and a half, also the forty first lot in Number in the same division of said commons originally granted and laid out to Nath<sup>l</sup>. Bliss formerly of said Springfield dec'ed, which lot is in length four Miles East and West and in bredth nine rods eight feet and ten inches and contains seventy six acres and five twelfth parts of an acre, also the thirty eighth Lot in Number in the same division of said commons originally granted and laid out to John Crawfutt formely of said Springfield dec'ed, being of the same length of the forementioned Lotts and in bredth three Rods and eight feet, and containing twenty eight acres. also one Ninth part in common and undivided of the Ninety fourth lot in said com'on originally laid out to Benjamin Cooley formerly of said Springfield dec'ed, the whole in length as the former lots and in bredth seven rods three feet and six inches and contains fifty seven acres and three quarters with the appur'ces to the same Lands so granted and conveyed, belonging. To have and To hold the same to the plaint and his heirs to his and their own use in fee simple and in and by the same deed the said David did covenant promise and grant to and with the said Benjamin Sikes and his heirs that before and until the ensealing of the same deed he said David was the true sole[^& proper^] and lawful owner and possessor of the before mentioned granted premisses with the appurtenances and that he had in himself good rightfull power and lawful authority to grant and convey the same as aforesaid and that free and clear and discharged of all other grants and incumbrances whatsoever and by the same deed the said David did then and there covenant promise and engage to the said Benjamin Sikes that he the said David would forever secure and defend the said granted premisses

with the appurtenances to the said Benjamin Sikes and his heirs against the lawful claims and demands of all persons. And the plaint. says that afterwards vizt. on the first day of August in the same year he confiding in the title and conveyance aforesaid entered on the lot aforesaid originally granted to James Dorchester & also upon the lot aforesaid originally granted to Nathaniel Bliss and hath ever since continued seized and possessed of the same until the seventeenth day of February Anno Domini 1761. and during the said term hath expended large sums in clearing and fencing the said Lands and prepairing the same for Improvement. And the said Benjamin further says that at an Inferiour Court of Common pleas held at Springfield on the third Tuesday of May Anno Domini 1760. within and for the County of Hampshire aforesaid, one Robert Oliver of Dorchester in the County of Suffolk Esq; (who by virtue of the deed of Bargain and sale of the said David duly executed and recorded, truly owned and was possessed of the lot aforesaid originally Nathaniel Bliss's at the time of the making the deed aforesaid

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[418r]

aforesaid to said Benjamin the plaint brought his Writ of Assize of Novil Desseizen against the said Benjamin to recover against him the same lot of land to which Writ of the said Robert the said Benjamin according to his summons appeared at said Court and pray'd an imparlance to the then next Inferior Court of common pleas held at said Springfield in said County on the last Tuesday of August then next in order to vouch in said David to Warrant and defend the said Premisses to said Benj<sup>a</sup>. which said imparlance was then and there granted by said Court and the said David being summoned appeared at said Court and then and there freely warranted the same Lands with their appurtenances to the said Benjamin and his heirs and thereupon the said Robert then and there by John Worthington Esq; his Attorney demanded against said David tenant by said Warranty the Lands last aforesaid, and their appurtenances and declared that he was seized thereof in his own right as of his inheritance and right in a time of peace in the reign of his [<sup>^</sup>Majesty's<sup>^</sup>] Royal Prodecessor the King that then was; taking the profits thereof



to the value of twenty shillings a year and into which the said David had no Entry but by the Disseizin which he had committed against the said Robert within twenty years then last past, and the said David then present in the same Court freely acknowledged that he had committed against the said Robert, the disseizin aforesaid in the aforesaid declaration mentioned, that he the said Benjamin had no entry into the same land demanded as aforesaid, but after that disseizin, and that the said cause was then continued untill the next Inferiour Court of common pleas, holden at Northampton in said County of Hampshire on the second Tuesday of November then next, and that at the same Court there It was Considered by the said Court that the said Robert Oliver should recover against the said David the lands and premisses by him against said David demanded as aforesaid, and Costs of the said suit: and that afterwards viz. on the twelfth day of February then next following att said Springfield the said Robert sued out from the Clerks Office of the same Court a Writ of Execution in form as the Law of this Province directs on the Judgment aforesaid and that the same was committed to Moses Bliss then of Springfield a deputy Sheriff under Oliver Patridge Esq; Sheriff of the County of Hampshire to be executed and that said Moses before the return day of the same Writ of Execution viz. on the 17<sup>th</sup>. day of February Anno Domini 1761. by Virtue of the same caused the said Benjamin to be put out of Possession of the same lands recovered as aforesaid, and then and there viz. at said Springfield gave seizen and possession of the same to said Robert Oliver; and the said Benjamin says, that at the time aforesaid of the bargain and sale aforesaid and of making the deed aforesaid, from said David to said Benjamin, Thomas Hutchinson of

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[418v]

of Boston in the County of Suffolk Esq; was seized of two third parts in common and undivided, &

that Foster Hutchinson of said Boston Esq; was seized of the other third part in common and undivided of the lot of land aforesaid originally granted to James Dorchester, & that at said Inferiour Court of common pleas holden at said Springfield on said third Tuesday of May anno Domini 1760. said Thomas Hutchinson Esq; brought against said Benjamin

his Action of Novel disseizin of the said two third parts of the same lot, and the said Foster at the same Court brought against said Benjamin his Action of Novel disseizin of his one third part thereof on each of which actions It was so proceeded (in all respects as, in the action aforesaid of the said Robert Oliver Esq; against the said Benjamin) That at an Inferior Court of common pleas holden at Northampton in said County of Hampshire on the s<sup>d</sup>. second tuesday of Nov<sup>r</sup>. Anno dom. 1760. by the consideration of the s<sup>d</sup>. Court the said Thomas recovered against the said David (Tenant by his Warrant as afores<sup>d</sup>. two third parts in common and undivided of the same lot, and the said Foster at the same Court recovered against the said David (Tenant as aforesaid) one third part of the same lot in common and undivided, and that on the twelfth day of February then next following, the said Thomas and Foster Respectively sued out a Writ of Execution of the Judgments aforesaid and delivered the same to Moses Bliss aforesaid in due form of Law to be executed, and that at said Springfield on the 17<sup>th</sup>. day of said Feb<sup>ry</sup>. by Virtue of said Writs of Execution the said Moses caused the said Benjamin to be amoved and put out of the Possession of the same lot of land, and then and there caused the said Thomas and Foster to have seizin and Possession of their respective proportions thereof recovered as aforesaid, and the said Benjamin further saith that long before the time of the said David's making the deed aforesaid to said Benjamin, the said David had bargained sold and Conveyed to William Downe of Boston aforesaid Merchant the aforesaid lot of land originally granted to John Crowfutt, and that in Consequence thereof, the heirs of the said William Downe were lawfully seized of the same lott of land, at the time aforesaid when said David made his deed aforesaid thereof to the said Benjamin the plaint, so that the s<sup>d</sup>. Benjamin never could lawfully enter into or possess the same; and the said Benjamin Sikes further says, that the said David Ingersoll never was possessed nor the owner of the said Ninth part of the lot of land originally granted to Benjamin Cooley, and that the said Benjamin Sikes never could by Virtue of the Bargain and sale and Deed of the said David to him aforesaid, enter lawfully into or Possessor Improve the same, and the said Benjamin Sikes saith, that at the time of the Bargain and sale and deed of the said David to him viz. on said first day of July in the twenty first year of the reign of his Majesty's aforesaid Royal Grandfather, or ever before or after the said David was not the true sole proper and lawful owner and possessor of any of the Lands in said deed before mentioned to be granted to

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419.

[419r]

to said Benjamin the plaint, and that said David had not good right or any power and authority to give, grant, bargain, sell, convey, and confirm the same as aforesaid to the plaint. and that the same were not clear and discharged of and from all other Gifts grants, bargains, sales, and incumbrances as the said David by his said Deed. covenanted that they were and that the said David hath not warranted secured & defended the same to the plaint against the lawful claims and demands of other persons according to his Covenant aforesaid; and so the said Benjamin says that the s<sup>d</sup>. David hath broken his said Covenants mentioned and contained in his said Deed to the said Benjamin and not kept the same To the damage of the said Benjamin Sikes(as he saith) the sum of one hundred and fifty pounds. At which said Inferiour Court Judgment was rendred, that the pl<sup>t</sup>. have and Recover of the def<sup>t</sup>. the sum of Ninety four pounds four shillings and ten pence damages, and Four pounds Fifteen shillings and eight pence for his Costs of Suit. Both Parties appeared, and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who [<sup>^</sup>enquired into the damage sustained by the Appellee and<sup>^</sup>] Returned their Verdict therein upon Oath that is to say they find for the appellee ninety four pounds four shillings and ten pence Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Benjamin Sikes Recover against the said David Ingersoll the sum of Ninety four shillings and ten pence Lawful Money of this Province damage, and costs taxed at £4.18.6.

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Ex'c'on issued

4. Nov. 1762

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Williams ~~vs~~ Dwight et al.

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John Williams of Great Barrington in the County of Berkshire Yeoman Appell<sup>t</sup>.  
~~vs~~ Josiah Dwight Esq; Timothy Hopkins and Daniel Allin Yeoman all of Great

Barrington aforesaid, and Nathaniel Austin of Sheffield in the said County of Berkshire Gentleman, Agents chosen for this purpose by a vote of the Major part of the Inhabitants present at the respective Meetings of the said Towns of Sheffield and Great-Barrington for that purpose orderly warned and assembled, Appellees. from the Judgment of an Inferiour Court of Common pleas held at Great-Barrington within and for said County of Berkshire on the first Tuesday of September instant when and where the appellees were plaint<sup>s</sup>. and the appellant was def<sup>t</sup>. In a plea wherein the plaintiffs (in their said Capacity) demand against the said John as the joint right and Inheritance of the said Towns of Sheffield and great Barrington, that part of the Housatonick river(so called) called the falls of the great River being in said Great Barrington near the Meeting house in the said last mentioned Town which falls are one hundred and fifty rods in length and the Bredth of the said River and which were sequestered and sett apart for the common use and benefit of both of the said towns by a committee appointed by the great and General Court of the Province aforesaid, to dispose lay out and bring forward the settlement of the aforesaid towns (then called the upper and lower Housatonnock) and into which the said

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[419v]

said John hath no entry but after the disseizin which David Ingersoll unjustly and without judgment committed against the said Towns of Sheffield and Great Barrington (then called the upper and lower Housatonnock) within thirty years last past and whereof the plaint<sup>s</sup>. (in said Capacity) complain that the said John still unjustly deforceth the said Towns and whereon they say that within thirty years last past in a peaceable time in the reign of his Majesty's late Royal Grand father George the second of Great Britain &C<sup>a</sup>. King &C<sup>a</sup>. the said towns were seized of the above demanded premisses with the appurtenances in their demesne as of fee taking the profits thereof to the value of twenty shillings by the year and into which the said John hath no Entry but after the disseizin which said David Ingersoll thereof unjustly and without Judgment committed against said towns within thirty years last past and whereof the said John unjustly deforcerth the said Towns and still holds them out. and thereupon the said

towns of Sheffield and Great-Barrington by their agents aforesaid bring this suit, the said John's deforceing and holding out the said Towns from the said demanded premisses is to the damage of the said Joseph Timothy and Nath<sup>l</sup>. (in their said Capacity) as they say, the sum of one hundred pounds. At which said Inferior Court Judgment was Rendred, upon the pleadings there, that the plt<sup>s</sup>. (in their said Capacity) have and recover of the def<sup>t</sup>. Possession of the premisses in their declaration against him demanded, and Costs of suit. The Parties appeared, and the said John Williams (by Jeremy Gridley Esq; his Attorney) defended &c<sup>a</sup>. and retracting his aforesaid pleas saith that he is not guilty as the plaint<sup>s</sup>. above complain and thereof put himself on the country. And afterwards the appellees pray'd leave to discontinue this action paying costs, and it is granted. It's therefore Considered by the Court that the said John Williams Recover against the Inhabitants of the Towns of Sheffield and Great Barrington who sued by the said Joseph Dwight, Timothy Hopkins, Daniel Allin and Nathaniel Austin agents chosen in manner aforesaid, for the purpose aforesaid, the sum of £4.5.6. Costs.

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Ex'c'on issued

18<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Fairfield ~~vs~~ Eastman

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[420r]

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Burt ~~vs~~ Brooks

&gt;&gt;

Eleazer Burt of Northampton in the County of Hampshire Yeoman Appellant ~~vs~~  
 Samuel Brooks of Springfield in the same County, Junior, Yeoman Appellee, from the

Judgment of an Inferiour Court of common pleas held at Springfield within and for the County of Hampshire on the first Tuesday of May last, when and where the appell<sup>t</sup>. was plaint and the appellee was def<sup>t</sup>. In a plea of the case &c<sup>a</sup>. (as by the Writ on file tested the sixteenth day of April last, at large appears) At which said Inferior Court Judgment was rendred, that the said Samuel Brooks recover against the said Eleazer his Costs and expences in defending this suit. The appellant and appellee appeared, and the former pray'd leave to discontinue this action paying costs; and it is granted. It is therefore Considered by the Court that the said Samuel Brooks Recover against the said Eleazer Burt Costs taxed at £1.12.9.

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Ex'c'on issued

Oct<sup>o</sup>. 28<sup>th</sup>. 1762.

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Kellog ~~vs~~ Shaw

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Martin Kellog Appellant ~~vs~~ William Shaw Appellee

Neither party appeared.

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Fowler ~~vs~~ Grainger

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Bildah Fowler Appellant ~~vs~~ Zachariah Grainger Apl'ee.

Neither party appeared.

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Reed ~~vs~~ Lee

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Daniel Reed of Great Barrington in the County of Berkshire Gentleman Appellant ~~vs~~ Samuel Lee of the same Great Barrington Yeoman Appellee from the Judgment of an Inferior Court of common pleas held at Pittsfield in and for the County of Berkshire on the last Tuesday of April [x] last, when and where the appellant was plaint and the appellee was def<sup>t</sup>. In a plea of the Case for that

Whereas the said Daniel at said Great Barrington on the twenty first day of Octo<sup>r</sup>.  
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[420v]

Anno Domini 1761. was possessed of a brown cow white under her belly, six years old of the price of five pounds Lawful Money, as his proper Estate and being so possessed the same cow the said Daniel Afterwards the same day casually lost out of his possession, and the same cow there by finding afterwards came, the same day into the hands and possession of the said Samuel; Yet the said Samuel knowing the same cow to be the property of the said Daniel, contriving and fraudulently intending the said Daniel of the said cow wickedly and subtilly to deceive and defraud, tho' often thereto requested, never delivered the same to him the said Daniel but then and there converted the same to his own use; and hath ever since refused to deliver the same to the said Daniel which Male feasance is to the damage of the said Daniel (as he saith) the sum of seven pounds. At which said Inferior Court Judgment was rendered, that the def<sup>t</sup>. have and Recover of the plaint his Costs. Both Parties appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the appellee Costs. It's therefore Considered by the Court that the said Samuel Lee Recover against the s<sup>d</sup>: Daniel Reed Costs taxed at £7.17.2.

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Ex'c'on issued

15. febry. 1763.

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Scott jun<sup>r</sup>. vs Johnson

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Samuel Scott jun<sup>r</sup>. of Sunderland in the County of Hampshire Yeoman Compl<sup>t</sup>.  
vs Isaac Johnson of a plantation called Shutesbury in the County of Hampshire Yeoman  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Northampton in

and for the County of Hampshire on the fourth Tuesday of September Ins<sup>t</sup>. he Recovered Judgment against the said Isaac for the sum of £3.7.2. Lawful Money damage, and Costs of suit; from which Judgment the said Isaac appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Samuel Scott jun<sup>r</sup>., Recover against the said Isaac Johnson the sum of three pounds seven shillings and two pence Lawful Money of this Province damage, and Costs taxed at £

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Billing ~~vs~~ Scott jun<sup>r</sup>.

&gt;&gt;

Moses Billing Yeoman and Company viz. and Samuel Blodgett Physician both of Sunderland in the County of Hampshire being joint partners in trade and commerce Complainants ~~vs~~ Samuel Scott jun<sup>r</sup>. of said Sunderland Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Springfield in & for the County of Hampshire on the first Tuesday of May last, they Recovered Judgment against him for the sum of £22.4.11½. Lawful Money damage, and Costs of Suit; from which Judgment the said Samuel appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore

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[421r]

Wherefore the compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs & Interest. It's therefore Considered by the Court that the said Moses Billing and Samuel Blodget Recover against the said Samuel Scott jun<sup>r</sup>. the sum of twenty two pounds Fifteen shillings Lawful Money of this Province damage, and Costs taxed at £3.17.8.

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Ex'c'on issued

Nov. 23<sup>rd</sup>. 1762.

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Belding ~~vs~~ Pomroy.

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Reuben Belding of Hatfield in the County of Hampshire Yeoman Compl<sup>t</sup>.  
~~vs~~ Eleazer Pomroy of Sunderland in the same County Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Northampton in and for the County  
 of Hampshire on the third Tuesday of March last, he Recovered Judgment against  
 the said Eleazer for the sum of £6.17.9. Lawful Money damage, and Costs of  
 suit; from which Judgment the said Eleazer appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with effect, but fail'd so  
 to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Interest and Costs. It's therefore Considered by the Court that the said  
 Reuben Belding Recover against the said Eleazer Pomroy the sum of  
 seven pounds two shillings and a penny Lawful Money of this Province Damage,  
 and Costs taxed at £3.9.1.

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Ex'c'on issued

Nov. 18<sup>th</sup>. 1762.

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Graves ~~vs~~ Church.

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Moses Graves Gentleman and Elisha Allin Gentleman both of Hatfield in the  
 County of Hampshire Complainants ~~vs~~ Eber Church of Hadley in the County of Hampshire  
 Cordwainer. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at said  
 Springfield in and for said County of Hampshire, on the first Tuesday of May last,  
 they Recovered Judgment against the said Eber for the sum of £4.15.10. Lawful  
 Money damage and Costs of suit; from which Judgment the said Eber appealed to  
 this Court and Recogniz'd with sureties according to Law to prosecute the same  
 with effect, but failed so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgm<sup>t</sup>.  
 with Additional Interest and Costs. It's therefore Considered by the Court that the  
 said Moses Graves and Elisha Allin Recover against the said Eber Church the

sum of Four pounds eighteen shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £3.11.0.

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Ex'c'on issued

Nov. 18<sup>th</sup>. 1762.

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Henry v Fairfield

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James Henry of South Hadley in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Walter Fairfield of Belchertown in the same County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he Recovered Judgment against the s<sup>d</sup>. Walter for the sum of £5.19.6½. Lawful Money damage and costs of suit; from which Judgment the said Walter appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore

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[421v]

Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said James Henry recover against the said Walter Fairfield the sum of six pounds two shillings and two pence Lawful Money of this Province damage, and Costs taxed at £3.6.1.

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Patterson ~~vs~~ M<sup>c</sup>Clister

>>

William Patterson of Hadley in the County of Hampshire Yeoman Complainant ~~vs~~ James M<sup>c</sup>Clister of Enfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at

an Inferiour Court of common pleas held at Northampton in and for the County of Hampshire on the third Tuesday of March last; he recovered Judgment against the s<sup>d</sup>: James for the sum £2.9.1. 2 2 farthings Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said William Patterson recover against the said James M<sup>c</sup>Clister the sum of two pounds ten shillings and seven pence Lawful Money of this Province Damage, and Costs taxed at £

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Pomroy ~~vs~~ Fuller

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Eleazer Pomroy of Sunderland in the County of Hampshire Sadler Complainant ~~vs~~ Shubal Fuller late of said Sunderland, who now lives upon some Land between Northfield and Montague which said Land is annexed to Montague in said County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for said County of Hampshire on the first Tuesday of May last, he Recovered Judgment against the said Shubal for the sum of £6.10.10. Lawful Money damage, and Costs of suit; from which Judgment the said Ehubal appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Eleazer Pomroy Recover against the said Shubal Fuller the sum of six pounds thirteen shillings and seven pence Lawful Money of this Province damage, and Costs taxed at £

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Smith ~~vs~~ Wait

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Warham Smith of Hadley in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Nathan Wait of Hatfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd

that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the third Tuesday of March last, he Recovered Judgment against the said Nathan for the sum of £7.7.4½. Lawful Money damage, and

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422.

[422r]

and Costs of suit; from which Judgment the said Nathan appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Warham Smith recover against the said Nathan Wait the sum of Seven pounds twelve shillings Lawful Money of this Province damage, and Costs taxed at £3.2.1.

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Ex'c'on issued

Nov. 18<sup>th</sup>. 1762.

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Warner ~~vs~~ Hinds

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Jonathan Warner of Hadley in the County of Hampshire Trader Complainant ~~vs~~ Joseph Hinds of Greenwich in the same County Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the second Tuesday of November last, he Recovered Judgment against the said Joseph for the sum of £2.8.1. Lawful Money damage, and Costs of suit; from which Judgment the said Joseph appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jonathan Warner recover against the said Joseph Hinds the sum of two pounds ten shillings and five pence Lawful Money damage, and Costs taxed at £

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Brown ~~vs~~ Lee

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Elijah Brown of Stockbridge in the County of Berkshire Yeoman Complainant  
~~vs~~ Nathaniel Lee of Great Barrington of the said County of Berkshire Blacksmiths.  
 The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington  
 in and for the County of Berkshire on the last Tuesday of April last, he Recovered Judgm<sup>t</sup>  
 against the said Nat for the sum of £16.16.4. Lawful Money damage, and Costs  
 of suit; from which Judgment the said Nat appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest  
 and Costs. It's therefore Considered by the Court that the said Elijah Brown Recover  
 against the said Nathaniel Lee the sum of Seventeen pounds four shillings &  
 eight pence Lawful Money of this Province Damage, and Costs taxed at £3.13.1.

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Ex'c'on issued

27. Jan<sup>ry</sup>. 1763.

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Burghardt ~~vs~~ Miller

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Hendrick Burgherdt of Great Barrington in the County of Berkshire Gentlem<sup>n</sup>.  
 Complainant ~~vs~~ Abraham Miller of Sheffield in the County of Berkshire Yeoman. The  
 Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Pittsfield in and for  
 the County Berkshire on the first Tuesday of December last, he recovered Judgment  
 against the said Abraham for the sum of £2.8.5. Lawful Money damage, and Costs  
 of suits; from which Judgment the said Abraham appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore

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[422v]

Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Int<sup>t</sup>. and Costs. It's therefore Considered by the Court that the said Hendrick Burgherdt recover against the said Abraham Miller the sum of two pounds eight shillings & five pence Lawful Money of this Province Damage, and Costs taxed at £3.6.11.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Breeck vs Grainger

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Samuel Breeck of Great Barrington in the County of Berkshire Physician  
Complainant vs Daniel Grainger jun<sup>r</sup>. of Sheffield in the same County Labourer.  
The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Pittsfield in the County of Berkshire on the first Tuesday of December last, he Recovered Judgm<sup>t</sup>. against the said Daniel for the sum of £8.3.2½. Lawful Money damage, and Costs of suit; from which Judgment the said Daniel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Samuel Breeck recover against the said Daniel Grainger jun<sup>r</sup>. the sum of Eight pounds eleven shillings and two pence Lawful Money of this Province Damage, and Costs taxed at £3.16.8.

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Ex'c'on issued

Nov. 27<sup>th</sup>. 1762.

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Chadwick vs Huggins et al

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John Chadwick of Tyringham in the County Berkshire Gentleman Compl<sup>t</sup>.

John Huggins of Sheffield Yeoman, and Samuel Huggins of New Marlborough Yeoman both in the County of Berkshire. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Great-Barrington in and for the County of Berkshire on the last Tuesday of April last, he Recovered he Recovered Judgment against them for the sum of £8.18.3. Lawful Money damage, and Costs of suit; from which Judgment they appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Chadwick Recover against the said John Huggins and Samuel Huggins the sum of Nine pounds four shillings and ten pence Lawful Money of this Province, damage, and Costs taxed at £

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Dewey ~~vs~~ Church.

&gt;&gt;

Martin Dewey of Crum-elbow precinct in Dutchess County in the province of New York Gentleman Complainant ~~vs~~ Moses Church of Great Barrington in the County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of common pleas held at Pittsfield in and for the County of Berk:  
shire on the first Tuesday of March last, he Recovered Judgment against the

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423.

[423r]

the said Moses for the sum of £5.1.0. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>. Judgment the said Moses appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Martin Dewey Recover against the said Moses Church the sum of Five pounds four shillings and four pence Lawful Money of this Province damage, and Costs taxed at £4.12.8.

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Ex'c'on issued

Oct<sup>o</sup>. 6<sup>th</sup>. 1762.

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Downing vs Spencer

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Nathaniel Downing of Sheffield in the County of Berkshire Physician Compl<sup>t</sup>.  
 vs William Spencer of the same Sheffield Yeoman. The Compl<sup>t</sup>. shew'd that at an  
 Inferiour Court of common pleas held at Pittsfield in and for the County of Berk-  
 shire on the first Tuesday of March last, he recovered Judgment against the said  
 W<sup>m</sup>. for the sum of £18.14.4. Lawful Money damage, and Costs of suit; from  
 which Judgment the said W<sup>m</sup>. appealed to this Court and Recognized with  
 sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Interest and Costs. It's therefore Considered by the Court that the said Nathaniel  
 Downing recover against the said William Spencer the sum of Nineteen pounds  
 six shillings and ten pence Lawful Money of this Province damage, and  
 Costs taxed at £3.12.11.

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Ex'c'on issued

Oct<sup>o</sup>. 6<sup>th</sup>. 1762.

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Hamlin v Roberts

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John Hamlin of Great Barrington in the County of Berkshire Yeoman Compl<sup>t</sup>.  
 vs Samuel Roberts of Egremont in the same County Gentleman. The Compl<sup>t</sup>.  
 shew'd that at an Inferiour Court of common pleas held at Great Barrington in  
 and for the County of Hampshire on the last Tuesday of April last, he recovered  
 Judgment against the said Samuel for the sum of £4. Lawful Money damage,  
 and Costs of suit; from which Judgment the said Samuel appealed to this



Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Hamlin recover against the said Samuel Roberts the sum of Four pounds Lawful Money of this Province Damage, and Costs taxed at £3.7.9.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Hallenbeck v Winchell

&gt;&gt;

Robert Hallenbeck of Egremont in the County of Berkshire Yeoman Compl<sup>t</sup>.  
 vs Samuel Winchell jun<sup>r</sup>. of the same Egremont Yeoman. The Compl<sup>t</sup>. shew'd that at an  
 Inferior Court of common pleas held at Pittsfield in and for the County of Berkshire on  
 the first Tuesday of March last, he Recovered Judgment against the said Samuel  
 for

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[423v]

for the sum of £11.13.0. Lawful Money damage, and Costs of Suit; from which Judgm<sup>t</sup>.  
 the said Samuel appealed to this Court and Recogniz'd with sureties according  
 to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Interest and Costs. It's  
 therefore Considered by the Court that the said Robert Hollenbeck recover against  
 the said Samuel Winchell the sum of Eleven pounds Nineteen shillings and 3<sup>d</sup>.  
 Lawful Money of this Province Damage, and Costs taxed at £4.1.4.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Hopkins et al. ~~vs~~ Dickinson

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Roswell Hopkins Esq; and Michael Hopkins Yeoman both of crum:  
:elbow precinct in Dutchess County in the Province of New-York, Complainants  
~~vs~~ Thomas Dickinson of Sheffield in the County of Berkshire Yeoman. The Compl<sup>ts</sup>.  
shew'd that at an Inferior Court of common pleas held at Pittsfield in and  
for the County of Hampshire on the first Tuesday of December last, they recovered  
Judgment against the said Thomas for the sum of £14.2.3¾. Lawful  
Money damage, and Costs of suit; from which Judgment the said Thomas  
appealed to this Court and Recogniz'd with sureties according to Law  
to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
pray'd Affirmation of said Judgment with Additional Interest and Costs.  
It's therefore Considered by the Court that the said Roswell Hopkins and  
Michael Hopkins recover against the said Thomas Dickinson the sum of  
fourteen pounds fifteen shillings and three pence Lawful Money of this  
Province Damage, and Costs taxed at £4.15.3.

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Ex'c'on issued

Oct<sup>o</sup>. 6<sup>th</sup>. 1762.

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Kingsley ~~vs~~ Patterson.

&gt;&gt;

Amos Kingsley of a plantation commonly called and known by the name  
of Number four in the County of Berkshire Yeoman compl<sup>t</sup>. ~~vs~~ John Patterson of  
the same place Yeoman. The compl<sup>t</sup>. shew'd that at an Inferior Court of common  
pleas held at Pittsfield in and for the County of Berkshire on the first Tuesday of  
last he Recovered Judgment against the said John for the sum of £4.19.4.  
Lawful Money damage, and Costs of suit; from which Judgment the said  
John appealed to this Court and Recognizd with sureties according to Law  
to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.

pray'd Affirmation of said Judgment with Additional interest and Costs. It's therefore Considered by the Court that the said Amos Kingsley recover against the said John Patterson the sum of Five pounds three shillings and nine pence Lawful Money of this Province damage, and Costs taxed at £3.9.11.

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Ex'c'on issued

Dec'em 6<sup>th</sup>. 1762.

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Peebles ~~vs~~ Sexton.

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Thomas Peebles of Albany in the County of Albany in the Province New-York.

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Image 517-Right

424.

[424r]

New York Merchant complainant ~~vs~~ James Sexton of Sheffield in the County of Berkshire Yeoman.

The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington in & for the County of Berkshire on the last Tuesday of April last, he Recovered Judgment against the said James for the sum of £106.5.3½. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Peebles recover against the said James Sexton the sum of One hundred and eight pounds sixteen shillings and five pence Lawful Money of this Province damage, and Costs taxed at £4.19.5.

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Ex'c'on issued

Oct<sup>o</sup>. 6<sup>th</sup>. 1762.

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Peebles ~~vs~~ Ingersole

&gt;&gt;

Thomas Peebles of Albany in the County of Albany in the Province of New York Merchant Complainant ~~vs~~ David Ingersole of Great Barrington in the County of Berkshire Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Great Barrington in and for the County of Berkshire on the last Tuesday of April last, he recovered Judgment against the said David for the sum of £63.19.6. Lawful Money debt, and Costs of suit; from which Judgment the said David appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Peebles recover against the said David Ingersole the sum of sixty Five pounds Nine shillings and six pence Lawful Money of this Province Debt, & Costs taxed at £4.19.1.

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Ex'c'on issued

Nov. 27<sup>th</sup>. 1762.

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Phelps ~~vs~~ Wilcox

&gt;&gt;

Zepheniah Phelps of Great Barrington in the County of Berkshire Yeoman Compl<sup>t</sup>. ~~vs~~ Thomas Wilcox of the same Great Barrington Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Great Barrington in and for the County of Berkshire on the last Tuesday of April last, he recovered Judgment against the said Thomas for the sum of £6.17.2. Lawful Money damage; and Costs of suit; from which Judgment the said Thomas appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. Pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Zepheniah Phelps Recover against the said Thomas Wilcox the sum of seven pounds four shillings

Lawful Money of this Province damage, and Costs taxed at £3.9.5.

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Ex'c'on issued

Dece'em 6<sup>th</sup>. 1762.

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Ryan ~~vs~~ Root et al.

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Darby Ryan of Leicester in the County of Worcester and Province aforesaid  
Yeoman Complainant ~~vs~~ Abraham Root, Levi Stockwell and James Wadkins  
all

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[424v]

all of Sheffield in the County of Berkshire Yeomen. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>.  
Court of common pleas held at Pittsfield in and for the County of Berkshire on the first  
Tuesday of March last, he Recovered Judgment against the said Abraham, Levi, and  
James for the sum of £4.10.0. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>.  
Judgment the said Abraham, Levi, and James appealed to this Court, and  
recognized with sureties according to Law to prosecute the same with Effect, but  
fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additio<sup>l</sup>.  
Costs. It's therefore Considered by the Court that the said Darby Ryan Recover  
against the said Abraham Root, Levi Stockwell, and James Wadkins the sum  
of Four pounds ten shillings Lawful Money of this Province damage, and Costs  
taxed at £

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Taylor ~~vs~~ Collins

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Samuel Taylor of Egremont in the County of Berkshire Yeoman Complainant  
~~vs~~ John Collins of Sheffield in the same County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd  
that at an Inferiour Court of common pleas held at Great Barrington in and for the

County of Berkshire on the last Tuesday of April last, he recovered Judgment against the s<sup>d</sup>. John for the sum of £35. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Samuel Taylor recover against the said John Collins the sum of thirty five pounds Lawful Money of this Province damage, and Costs taxed at £3.13.9.

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Ex'c'on Issued

26. Jan<sup>ry</sup>. 1763.

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Woodbridge ~~vs~~ Newton

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Joseph Woodbridge of Stockbridge in the County of Berkshire Yeoman. Complainant ~~vs~~ Jason Newton of a New Township called New Framingham in the said County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Pittsfield in and for the County of Berkshire on the first Tuesday of March last, he Recovered Judgment against the said Jason for the sum of £3.14.10. Lawful Money damage, and Costs of suit; from which Judgment the said Jason appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Joseph Woodbridge recover against the said Jason Newton the sum of three pounds seventeen shillings and four pence Lawful Money of this Province Damage, and Costs taxed at £

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Caleb

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Image 518-Right

425.

[425r]

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Hitchcock v Ward

&gt;&gt;

Caleb Hitchcock of Brookfield in the County of Worcester Yeoman Administrator on the Estate of Petaliah Hitchcock of Springfield in the County of Hampshire Sadler late dec'd. Intestate, Complainant ~~vs~~ Josiah Ward of said Springfield Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the second Tuesday of Nov<sup>r</sup>. last, he recovered Judgment against the said David for the sum of £2.5.4. Lawful Money damage, and Costs of suit; from which Judgment the said Josiah appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Caleb Hitchcock [<sup>^</sup>Adm'or & c<sup>a</sup>.<sup>^</sup>] recover against the said Josiah Ward the sum of two pounds five shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.14.8.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Loughead ~~vs~~ Foster

&gt;&gt;

Robert Loughead of Blanford in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ David Foster of Granville in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the third Tuesday of March last, he Recovered Judgment against the said David for the sum of £4.10.0. Lawful Money debt [x] and Costs of suit; from which Judgment the said David appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Int. and Costs. It's therefore Considered by the Court that the said Robert Loughead

recover against the said David Foster the sum of Four pounds, twelve shillings and eleven pence Lawful Money of this Province debt [x] and Costs taxed at £4.2.5.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762.

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Fowler ~~vs~~ Barber jun<sup>r</sup>.

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Bildad Fowler of Westfield in the County of Hampshire Yeoman Complainant ~~vs~~ John Barber jun<sup>r</sup>. of said Springfield Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the on the first Tuesday of May last, he Recovered Judgment against the said John for the sum of £3.19.0<sup>3</sup>/<sub>4</sub>. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Bildad Fowler recover against the said John Barber jun<sup>r</sup>. the sum of four pounds and Nine pence Lawful Money of this [<sup>^</sup>province<sup>^</sup>] Damage, and Costs taxed £3.5.11.

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Ex'c'on issued

Oct<sup>o</sup>. 18. 1762

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Willcox ~~vs~~ Rowlee

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David Willcox of Suffield in the County of Hampshire Yeoman Complainant ~~vs~~ Thomas

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[425v]

Thomas Rowlee of Westfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common Pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, he recovered Judgment against the said Thomas for the sum of £2.10.5. Lawful Money damage, and Costs of suit; from which Judgment the said Thomas appealed to this Court and recogniz'd with Sureties according to Law to prosecute the same with Effect. but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said David Willcock recover against the said Thomas Rowlee the sum of two pounds twelve shillings a penny Lawful Money of this Province Damage, and Costs taxed at £3.6.9.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762.

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Strong ~~vs~~ Goss.

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Joel Strong of Westfield in the County of Hampshire Yeoman Complainant ~~vs~~ Phillip Goss of a plantation commonly known and called by the name of N<sup>o</sup>. Four in the County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he recovered Judgment against the said Phillip for the sum of £3.12.10. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the said Phillip appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Joel Strong recover against the said Phillip Goss the sum of three pounds fourteen shillings and seven pence Lawful Money of this Province Damage, and Costs taxed at £3.10.2.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762.

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Rose et al ~~vs~~ Bancroft.

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John Rose Yeoman and Kezia Rose Spinster and Wife of the said John both of Granville in the County of Hampshire Compl<sup>ts</sup>. ~~vs~~ Thomas Bancroft of the same Granville Yeoman. The Compl<sup>ts</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the third Tuesday of March last, they recovered Judgment against the said Thomas for the sum of £6. Lawful Money damage, and Costs of suit; from which Judgment the said Thomas appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Rose and Kezia his Wife recover against the said Thomas Bancroft the sum of six pounds Lawful Money damage, and Costs taxed at £3.14.2.

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Ex'c'on issued

Nov<sup>r</sup>. 18<sup>th</sup>. 1762.

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Mills ~~vs~~ Roe

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Ebenezer Mills of Symsbury in the County of Hartford in the Colony of connecticut

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426.

[426r]

Connecticut Gentleman Complainant ~~vs~~ Peter Roe of Westfield in the County

of Hampshire Yeoman. The Compl<sup>t</sup>. Shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, he recovered Judgment against the said Peter for the sum of £3.5.1½. Lawful Money damage, and Costs of suit; from which Judgment the said Peter appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Ebenezer Mills recover against the said Peter Roe the sum of three pounds five shillings and five pence Lawful Money of this Province Damage, and Costs taxed at £3.10.11.

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Ex'c'on issued

Dec'em 24. 1762.

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Burril ~~vs~~ Keyes

&gt;&gt;

Charles Burril of Canaan in the County of Litchfield in the Colony of Connecticut Gentleman Complainant ~~vs~~ Charles Keyes of Sheffield in the County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington in and for the County of Berkshire on the last Tuesday of April last, he Eecovered Judgment against the said Keyes for the sum £18.7.9. Lawful Money damage, and Costs of suit; from which Judgment the said Keyes appealed to this Court and recogniz'd with sureties According to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Charles Burril recover against the said Charles Keyes the sum of Eighteen pounds fifteen shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.17.10.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Burril ~~vs~~ Noble.

&gt;&gt;

Charles Burril of Canaan of Litchfield County in the Colony of Connecticut Gentleman Complainant ~~vs~~ Robert Noble of Great Barrington in the County of Berkshire Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Pittsfield in the County of Berkshire on the first Tuesday of March last, he Recovered Judgment against the said Robert for the sum of £6.0.1½. Lawful money damage, and Costs of suit; from which Judgment the said Robert appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. Its therefore Consider'd by the Court that the said Charles Burril Recover against the said Robert Noble the sum of six pounds, onepenny halfpenny Lawful Money damage, and Costs taxed at £4.4.4.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Bush vs Reed

&gt;&gt;

Elnathan Bush of Sheffield in the County of Berkshire Yeoman Complainant, Jonathan Reed of Great Barrington in the County of Berkshire Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington in

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[426v]

in and for the County of Berkshire on the last Tuesday of April last, he recovered Judgment against the said Jonathan for the sum of £12.1.2. Lawful Money damage, and Costs of suit; from which Judgment the said Jonathan appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect,

but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Elnathan Bush recover against the said Jonathan Reed the sum of twelve pounds seven shillings and two pence Lawful Money of this Province damage, and Costs taxed at £3.10.8.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Collins ~~vs~~ Grainger

&gt;&gt;

John Collins [<sup>^</sup>late<sup>^</sup>] of Egremont in the County of Berkshire Blacksmith, but now of Great Barrington in the County of Berkshire Blacksmith Complainant ~~vs~~ Daniel Grainger of Sheffield in the County of Berkshire Millwright. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Pittsfield in and for the County of Berkshire on the first Tuesday of March last, he Recovered Judgment against the said Daniel for the sum of £25.5.7. Lawful Money damage, and Costs of suit; from which Judgment the said Daniel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Collins Recover against the said Daniel Grainger the sum of twenty six pounds two shillings and eight pence Lawful Money of this Province damage, and Costs taxed at £3.17.7.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Collins ~~vs~~ M<sup>c</sup>Clean.

&gt;&gt;

John Collins of the district of Egremont in the County of Berkshire Blacksmith  
 Complainant *vs* Alexander M<sup>c</sup>Clean of Albany in the County of Albany in the Province  
 of New York Merchant. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas  
 held at Pittsfield in and for the County of Berkshire on the first Tuesday of March  
 last, he recovered Judgment against the said Alexa. for the sum of £100. Damage,  
 and Costs of suit; from which Judgment the said Alexa. appealed to this Court and  
 recogniz'd with sureties according to Law to prosecute the same with Effect,  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
 with Additional Costs. It's therefore Considered by the Court that the said  
 John Collins recover against the said Alexander M<sup>c</sup>Clean the sum of One hundred  
 pounds Lawful Money damage, and Costs taxed at £5.19.5.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Ensign *vs* Smith

&gt;&gt;

Ezekiel Ensign of a place called Tome Hanak in the County of Albany Yeoman  
 Complainant *vs* Derick Smith of Egremont in the County of Berkshire Yeoman.  
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427.

[427r]

The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington  
 in and for the County of Berkshire on the last Tuesday of April last, he recovered  
 Judgment against the said Derick for the sum of £7.6.3. Lawful Money dam<sup>a</sup>.  
 and Costs of suit, from which Judgment the said Derick appealed to this Court  
 and recognized with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>.  
 with Additional Interest and Costs. It's therefore Considered by the Court

that the said Ezekiel Ensign recover against the said Derick Smith the sum of seven pounds Nine shillings and eight pence Lawful Money of this Province damage, and Costs taxed at £5.4.3.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Grainger ~~vs~~ Bercherd

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Gideon Grainger Complainant ~~vs~~ James Bercherd.

Agreed.

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Grainger ~~vs~~ King.

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Gideon Grainger Complainant ~~vs~~ Solomon King.

Agreed.

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Grainger ~~vs~~ Delf

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Gideon Grainger of Suffield in the County of Hampshire Gentleman Compl<sup>t</sup>. ~~vs~~ Mathew Delf of a place called Number four, in the County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Pittsfield in and for the County of Berkshire on the first Tuesday of April last, he recovered Judgment against the said Mathew for the sum of £7.14.0. Lawful Money damage, and Costs of suit; from which Judgment the said Mathew appealed to this Court, and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Gideon Grainger recover against the said Mathew Delf the sum of Seven pounds Nineteen shillings and a penny Lawful Money of this Province damage, and Costs taxed at £3.117.

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M<sup>c</sup>Arthur *vs* Ingersole

&gt;&gt;

John M<sup>c</sup>Arthur of a place commonly known by the Name of Noblestown in the County of Berkshire Yeoman Complainant *vs* David Ingersole of Great-Barrington in the County of Berkshire Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at Great-Barrington in and for the County of Berkshire on the last Tuesday of April last; he recovered Judgment against the said David for the sum of £18.15.6. Lawful Money damage, and Costs of suit, from which Judgment the said David appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore

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[427v]

therefore Considered by the Court that the said John M<sup>c</sup>Arthur recover against the said David Ingersole the sum of Nineteen pounds four shillings and two pence Lawful Money of this Province Damage, and Costs taxed at £3.16.9.

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Ex'c'on issued

27. Jan<sup>ry</sup>. 1763.

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Ray *vs* Taylor

&gt;&gt;

Stephen Ray of the oblong in Dutchess County in the Province of New York Merchant Complainant *vs* Phinehas Taylor of Sheffield in the County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great-Barrington in and for the County of Berkshire on the last Tuesday of April last, he Recovered Judgment against the said Phinehas for the sum of £11.2.0½. damage, and Costs of suit; from which Judgment the said Phinehas appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with



Additional Costs. It's therefore Considered by the Court that the said Stephen Ray recover against the said Phinehas Taylor the sum of Eleven pounds two shillings and two farthings Lawful Money of this Province Damage, and Costs taxed at £4.9.4.

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Van-Ness ~~vs~~ Ingersole

&gt;&gt;

Peter VanNess living about twenty Miles from Great Barrington in the County of Berkshire, on the road that leads from said Great Barrington to Kenderhook, and in the County of Albany in the Province of New York Shopkeeper Complainant ~~vs~~ David Ingersole of Great Barrington aforesaid Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington in and for said County of Berkshire on the last Tuesday of April last, he recovered Judgment against the said David for the sum of £7.16.5¼. Lawful Money damage, and Costs of suit, from Judgment the said David appealed to this Court and Recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Peter Vanness recover against the said David Ingersole the sum of Seven pounds sixteen shillings and five pence one farthing Lawful Money damage, and Costs of Suit taxed at £3.19.2.

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Van-Schaack ~~vs~~ Brookins

&gt;&gt;

Cornelius Van-Schaack of Kenderhook in the County of Albany Merchant

Complainant *vs* Boaz Brookins of Sheffield in the County of Berkshire Yeoman.  
 The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington  
 in and for the County of Berkshire on the last Tuesday of April last, he recovered  
 Judgment against the said Boaz for the sum of £5.9.3. Lawful Money dam<sup>a</sup>.  
 and costs of suit; from which Judgment the said Boaz appealed to this Court  
 and Recognized with sureties according to Law to prosecute the same with  
 Effect

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Image 521-Right

428.

[428r]

Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with  
 Additional

Interest and Costs. It's therefore Considered by the Court that the said Cornelius VanSchaack  
 recover against the said Boaz Brookins the sum of Five pounds eleven shillings and seven  
 pence Lawful Money damage, and Costs taxed at £4.5.3.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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VanSchaack *vs* Grainger

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Cornelius VanSchaack of Kenderhook in the County of Albany in the Province  
 of New York Merchant Complainant *vs* Daniel Grainger of Sheffield in the County  
 of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas  
 held at Pittsfield in and for the County of Berkshire on the first Tuesday of March last,  
 he Recovered Judgment against the said Daniel for the sum of £22.7.4. Lawful  
 Money damage, and Costs of suit; from which Judgment the said Daniel appealed to  
 this Court and Recogniz'd with sureties according to Law to prosecute the same with  
 Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment  
 with Additional Interest and Costs. It's therefore Considered by the Court that the s<sup>d</sup>.  
 Cornelius Van-Schaack recover against the said Daniel Grainger the sum of twenty

two pounds eighteen shillings and a penny Lawful Money of this Province damage  
and Costs taxed at £4.8.11.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Willson ~~vs~~ Goodrich

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James Willson of little nine partners in Dutchess County in the Province of New York  
Yeoman Complainant ~~vs~~ Charles Goodrich of Pittsfield in the County of Berkshire Yeoman.  
The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at Great Barrington in  
and for the County of Berkshire on the last Tuesday of April last, he recovered Judgment  
against the said Charles for the sum of £75.3.6. Lawful Money damage, and Costs of  
suit; from which Judgment the said Charles appealed to this Court and recognized with  
sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore  
the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs.  
It's therefore Considered by the Court that the said James Willson Recover against the  
said Charles Goodrich the sum of Seventy seven pounds and eleven pence Lawful  
Money of this Province damage, and Costs taxed at £4.17.9.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Dickinson ~~vs~~ Nash

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Nehemiah Dickinson of Amherst in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~  
Timothy Nash of Shutesbury in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd  
that at an Inferior Court of Common pleas held at Northampton in and for the  
County of Hampshire on the third Tuesday of March last, he recovered Judgment  
against the said Timothy for the sum of £20.8.3. Lawful Money damage, and

Costs of suit; from which Judgment the said Tim<sup>o</sup>. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest

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[428v]

Interest and Costs. It's therefore Considered by the Court that the said Nehemiah Dickinson recover against the said Timothy Nash the sum of twenty one pounds one shilling and three pence Lawful Money of this Province Damage, and Costs taxed at £

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Hasting ~~vs~~ Fletcher

>>

Thomas Hastings of Amherst in the County of Hampshire Yeoman Complainant ~~vs~~ Benjamin Fletcher of Hardwick in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the second Tuesday of November last, he Recovered Judgment against the said Benjamin for the sum of £8.8.3. Lawful Money damage, and Costs of suit, from which Judgment the said Benj<sup>a</sup>. appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Hastings recover against the said Benjamin Fletcher the sum of eight pounds Sixteen shillings & eight pence Lawful Money of this Province Damage, and Costs taxed at £3.11.0.

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Ex'c'on issued

Nov. 27<sup>th</sup>. 1762.

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Browning ~~vs~~ Day.

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Joseph Browning of Brimfield in the County of Hampshire Yeoman Compl<sup>t</sup>.  
 vs Samuel Day of Springfield in the County of Hampshire Gentleman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Northampton in and for the County of  
 Hampshire on the third Tuesday of March last, he recovered Judgment against the said  
 Samuel for the sum of £10.4.3. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>.  
 Judgment the said Samuel appealed to this Court and recogniz'd with sureties  
 according to Law to prosecute the same with Effect but fail'd so to do: Wherefore  
 the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and  
 Costs. It's therefore Considered by the Court that the said Joseph Browning recover  
 against the said Samuel Day the sum of ten pounds ten shillings and five pence  
 Lawful Money damage, and Costs taxed at £3.16.1.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762.

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Fowler vs Grainger

&gt;&gt;

Stephen Fowler of Westfield in the County of hampshire Yeoman Compl<sup>t</sup>. vs  
 Daniel Grainger Jun<sup>r</sup>. lately of Westfield aforesaid Yeoman. The Compl<sup>t</sup>. shew'd that  
 at an Inferior Court of common pleas held at Northampton in and for the County of  
 Hampshire on the second Tuesday of November last, he recovered Judgment against  
 the said Daniel for the sum of £12.3.5. Lawful Money damage, and Costs of  
 suit; from which Judgment the said Daniel appealed to this Court and recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Interest and Costs. It's therefore Considered by the Court that the said Stephen  
 Fowler recover against the said Daniel Grainger jun<sup>r</sup>. the sum of twelve  
 pounds

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Image 522-Right

429.

[429r]

pounds sixteen shillings Lawful Money of this Province Damage, and Costs taxed at £3.14.9.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762.

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M<sup>ch</sup>Clister ~~vs~~ Lincoln

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James M<sup>c</sup>.Clister of Enfield in the County of Hampshire Yeoman Complainant ~~vs~~ Seth Lincoln of Western in the County of Worcester Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, he Recovered Judgment against the said Seth for the sum of £51.7.0. Lawful Money damage, and Costs of suit; from which Judgment the said Seth appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said James M<sup>c</sup>Clister recover against the said Seth Lincoln the sum of fifty one pounds eleven shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £3.7.3.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762.

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M<sup>c</sup>ilvain ~~vs~~ Kilborn

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Timothy M<sup>c</sup>Elvain of Palmer in the County of Hampshire Yeoman Complainant ~~vs~~ Samuel Kilborn of Monson in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, he Recovered Judgment against the said Samuel for the sum of £70.15.6. Lawful Money damage, and Costs of suit; from which Judgment the s<sup>d</sup>.

Samuel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Timothy M<sup>c</sup>Elvain recover against the said Samuel Kilborn the sum of Seventy one pounds one shilling and 10<sup>d</sup>. pence Lawful Money of this Province Damage, and Costs taxed at £3.11.0.

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Ex'c'on issued

Nov. 25<sup>th</sup>. 1762.

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Cook ~~vs~~ Barstow

&gt;&gt;

Moses Cook of Amherst in the County of Hampshire Yeoman Complainant ~~vs~~ Nathaniel Barstow of Sunderland in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, he recovered Judgment against the said Nath<sup>l</sup>. for the sum of £26.19.9½. Lawful Money dam<sup>a</sup>. and Costs of suit; from which Judgment the said Nath<sup>l</sup>. appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Moses Cook recover against the said Nathaniel Barstow the sum of twenty seven pounds two shillings and six pence Lawful money of this Province dam<sup>a</sup>. and Costs taxed at £

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John

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[429v]

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White ~~vs~~ Fowler

&gt;&gt;

John White of Upton in the County of Worcester Yeoman Complainant ~~vs~~ Bildah Fowler of Westfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he recovered Judgment against the said Bildah for the sum of £1.11.6. Costs of suit; from which Judgment the s<sup>d</sup>. Bildah appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John White recover against the said Bildah Fowler the sum of £4.7.3. Costs.

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Ex'c'on iss<sup>d</sup>16. Sep<sup>tr</sup>. 1763.d<sup>d</sup>. Hawley

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Billing ~~vs~~ Baxter

&gt;&gt;

Joseph Billing of Hatfield in the County of Hampshire Gentleman Compl<sup>t</sup>. ~~vs~~ William Baxter of Greenwich in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he recovered Judgment against the said William for the sum of £5.11.8. Lawful Money damage, and Costs of suit; from which Judgment the said William appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Joseph Billing recover against the said William Baxter the sum of five pounds fourteen shillings Lawful Money of this Province Damage, and Costs taxed at £3.12.11.

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Ex'c'on issued



Oct<sup>o</sup>. 11. 1762.

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Alvard *vs* Baker

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Paul Alvard of Bolton in the County of Hartford in the Colony of Connecticut in New England Yeoman, and Thomas White of South Hadley in the County of Hampshire Yeoman Complainants *vs* Jonathan Baker of said South Hadley Yeoman. The Compl<sup>t</sup>s. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the third Tuesday of August last, they Recovered Judgement against the said Jonathan for the whole sum of the bond declared on being five hundred pounds Lawful Money debt: and that Execution be awarded only for the sum of one hundred and Nineteen pounds Nineteen shillings and nine pence three farthings lawful Money, being the sum due in Equity on the said Bond; and Costs of suit; from which Judgment the said Jonathan appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Paul Alvard and Thomas White recover against

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[430r]

against the said Jonathan Baker the penalty of the Bond declared on being five hundred Pounds Lawful Money of this Province and that they have Execution for one hundred and twenty pounds nine shillings and eleven pence Lawful Money as aforesaid Debt; being the sum due in equity upon said Bond, and Costs taxed at £3.6.1.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Pittees ~~vs~~ Stockwell

&gt;&gt;

John Pittees of Amherst in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~  
Abel Stockwell of Springfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>.  
shew'd that at an Inferior Court of common pleas held at Northampton in and  
the County of Hampshire on the second Tuesday of November last, he recovered  
Judgment against the said Abel for the sum of £12.18.1. Lawful Money  
damage, and Costs of suit; from which Judgment the said Abel appealed to this  
Court and recogniz'd with sureties according to Law to prosecute the same  
with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
Judgment with Additional Interest and Costs. It's therefore Considered by the  
Court that the said John Pittees recover against the said Abel Stockwell the  
sum of thirteen pounds ten shillings and eight pence Lawful Money of this  
Province Damage, and Costs taxed at £3.4.8.

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Ex'c'on issued

Nov. 14<sup>th</sup>. 1762.

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Angier ~~vs~~ Scott

&gt;&gt;

Oakes Angier of Newton in the County of Middlesex Gentleman Complainant  
~~vs~~ Moses Scott of Bernardston in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd  
that at an Inferior Court of common pleas held at Springfield in and for the County of  
Hampshire on the last Tuesday of August last, he Recovered Judgment against the s<sup>d</sup>.  
Moses for the sum of £2.8.0. Lawful Money damage, and Costs of suit; from which  
Judgment the said Moses appealed to this Court and recogniz'd with sureties  
according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore  
the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's  
therefore Considered by the Court that the said Oakes Angier recover against the s<sup>d</sup>.

Moses Scott the sum of two pounds eight shillings Lawful Money of this Province  
Damage, and Costs taxed at £

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Gray ~~vs~~ Noble et al.

>>

Harrison Gray of Boston in the County of Suffolk Esqr; Treasurer and Receiver  
General of the Province aforesaid Complainant ~~vs~~ Eleazer Smith of Egremont  
in the County of Berkshire Yeoman, and Luke Noble of Great Barrington in the  
County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of  
Common pleas held at Great Barrington in and for the County of Berkshire on the  
last Tuesday of April last, he recovered Judgment against the said Eleazer and  
Luke for the sum of £8.16.1. Lawful Money damage, and Costs of suit; from which  
Judgment

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Judgment they appealed to this Court and recognized with sureties according  
to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
pray'd Affirmation of said Judgment with Additional Interest and Costs. It's  
therefore Considered by the Court that the said Harrison Gray Treasurer as  
aforesaid, recover against the said Ebenezer Smith and Luke Noble the  
sum of eight pounds Nineteen shillings and two pence Lawful Money of  
this Province Damage, and Costs taxed at £6.9.11.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Gray ~~vs~~ Ingersole

>>

Harrison Gray of Boston in the County of Suffolk Esq; Treasurer & Receiver

General of the Province aforesaid Complainant *vs* David Ingersole of Great Barrington in the County of Berkshire Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great-Barrington in and for the County of Berkshire on the last Tuesday of April last, he Recovered Judgment against the said David for the sum of £128.15.0. Lawful Money debt, and Costs of suit; from which Judgment the said David appealed to this Court & Recogniz'd with sureties according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Harrison Gray Treasurer as aforesaid, Recover against the s<sup>d</sup>. David Ingersole the sum of one hundred and thirty one pounds five shillings Lawful Money of this Province Debt, and Costs taxed at £6.6.7.

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Ex'c'on issued

Dec'em 24<sup>th</sup>. 1762

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Coburn *vs* Hitchcock jun<sup>r</sup>.

&gt;&gt;

Andrew Coburn of Dudley in the County of Worcester Gentleman Compl<sup>t</sup>. *vs* Ebenezer Hitchcock jun<sup>r</sup>. of Springfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on Hampshire on the last Tuesday of August last, he recovered Judgment against the said Eben. for the sum of £16.12.8½. Lawful Money debt, and Costs of suit; from which Judgment the said Eben. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Andrew Coburn recover against the said Ebenezer Hitchcock jun<sup>r</sup>. the sum of Sixteen pounds fourteen shillings a penny Lawful Money of this Province Debt, and Costs taxed at £4.7.7.

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Ex'c'on issued

14. Jan<sup>ry</sup>. 1763

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Colton ~~vs~~ Cooley

>>

Charles Colton of Springfield in the County of Hampshire Yeoman Compl<sup>t</sup>.  
~~vs~~ Joel Cooley of said Springfield Yeoman. The Compl<sup>t</sup>. shew'd that at an Inf.  
 Court of common pleas held at Springfield in and for the County of Hampshire  
 on.

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[431r]

on the first Tuesday of May last; he recovered Judgment against the said Joel for the sum  
 of £6.14.7. Lawful Money damage, and costs of suit; from which Judgment the said  
 Joel appealed to this Court and recogniz'd with sureties according to Law to prosecute  
 the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of  
 said Judgment with Additional Interest and Costs. It's therefore Considered by  
 the Court that the said Charles Colton recover against the said Joel Cooley the sum  
 of six pounds seventeen shillings and five pence Lawful Money of this Province  
 damage, and costs taxed at £2.14.11.

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Ex'c'on issued

Nov. 25<sup>th</sup>. 1762.

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Dewey ~~vs~~ Old.

>>

Martin Dewey of crum-elbow precinct in dutchess county in the Province  
 of New York Gentleman Complainant ~~vs~~ Daniel Old of Westfield in the County of  
 Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at

Northampton in and for the County of Hampshire on the second Tuesday of November last, he Recovered Judgment against the said Daniel for the sum of £4.13.2. Lawful Money damage, and costs of suit; from which Judgment the said Daniel appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Martin Dewey recover against the said Daniel Old the sum of four pounds seventeen shillings and eight pence Lawful Money of this Province Damage, and Costs of suit taxed at £5.5.2.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Goddard ~~vs~~ Lee

&gt;&gt;

David Goddard of a place called Narraganset Number six in the County of Worcester Yeoman Complainant ~~vs~~ Abner Lee of Amherst in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the second Tuesday of November last, he Recovered Judgment against the said Abner for the sum of £10.6.5. Lawful Money damage, and Costs of suit; from which Judgment the said Abner appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said David Goddard Recover against the said Abner Lee the sum of ten pounds six shillings and five pence Lawful Money of this Province Damage, and Costs taxed at £

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Isaacs Ex'cor ~~vs~~ Fowler

&gt;&gt;

Ralph Isaacs of Norfolk in the County of Fairfield in the Colony of Connecticut Yeoman Executor of the last Will and Testament of Isaac Isaacs late of New-

Haven in the County of New Haven dec'd, Complainant ~~vs~~ David Fowler  
of Westfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an  
Inferior

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[431v]

Inferior court of common pleas held at Springfield in and for the County of Hampshire on the  
last Tuesday of August last, he Recovered Judgment against the said David For the sum of  
£109 Lawful Money damage, and Costs of suit; from which Judgment the said David  
appealed to this Court and Recogniz'd with sureties according to Law to prosecute the  
same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
Judgment with Additional Interest and Costs. It's therefore Considered by the Court that  
the said Ralph Isaacs Exec'or as aforesaid, Recover against the said David Fowler the  
sum of One hundred and nine pounds ten shillings Lawful Money of this province  
Damage, and Costs taxed at £6.0.11.

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Ex'c'on issued

Oct<sup>o</sup>. 14. 1762.

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Glover ~~vs~~ Hitchcock jun<sup>r</sup>.

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Samuel Glover of Springfield in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~  
Ebenezer Hitchcock jun<sup>r</sup>. of said Springfield Yeoman. The Compl<sup>t</sup>. shew'd that at an  
Inferior Court of common pleas held at Springfield in and for the County of  
Hampshire on the first Tuesday of May last, he Recovered Judgment against the s<sup>d</sup>:  
Ebenezer for the sum of £66.13.4. Lawful Money damage, and Costs of suit;  
From which Judgment the said Ebenezer appealed to this Court and recogniz'd  
with sureties according to Law to prosecute the same with Effect, but fail'd so to do.  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
Costs. It's therefore Considered by the Court that the said Samuel Glover  
recover against the said Ebenezer Hitchcock jun<sup>r</sup>. the sum of sixty six pounds

thirteen shillings and four pence Lawful Money of this Province Damage,  
and Costs taxed at £

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Kent ~~vs~~ Roe

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Samuel Kent jun<sup>r</sup>. of Suffield in the County of Hampshire Esq<sup>r</sup>. Compl<sup>t</sup>. ~~vs~~  
Peter Roe of Westfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd  
that at an Inferior Court of common pleas held at Springfield in and for the  
County of Hampshire on the last Tuesday of August last, he Recovered Judgment  
against the said Peter for the sum of £5.1.11. Lawful Money damage, and  
Costs of suit; from which Judgment the said Peter appealed to this Court and  
Recogniz'd with sureties according to Law to prosecute the same with Effect;  
but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
with Additional Interest and Costs. It's therefore Considered by the Court that  
the said Samuel Kent jun. Recover against the said Peter Roe the sum of five  
pounds two shillings and five pence Lawful Money of this Province,  
Damage, and Costs taxed at £

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<<

Keys ~~vs~~ Colton

>>

Submit Keyes of Western in the County of Worcester Gentlewoman, Administrat<sup>x</sup>.  
on the Estate of David Keyes late of said Western Gentleman dec'ed Complainant ~~vs~~  
Benjamin

NP

Image 525-Right

432.

[432r]

Benjamin Colton of Brimfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>.  
shew'd that at an Inferior Court of common pleas held at Springfield in and for  
the County of Hampshire on the first Tuesday of May last, she Recovered Judgment  
against the said Benjamin for the sum of £18.13.3. Lawful Money debt [x] and



Costs of suit; from which Judgment the said Benjamin appealed to this Court and Eecogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Costs. It's therefore Considered by the Court that the said Submit Keyes Adm<sup>x</sup>. as aforesaid recover against the said Benjamin Colton the sum of Eighteen pounds thirteen shillings and three pence Lawful Money of this Province debt, and Costs taxed at £3.9.11.

&lt;&lt;

Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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&lt;&lt;

Lamb ~~vs~~ Colton

&gt;&gt;

Daniel Lamb of Springfield in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Benjamin Colton of Brimfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he Recovered Judgment against the said Benjamin for the sum of £13.19.2. Lawful Money debt, and Costs of suit; from which Judgment the said Benjamin appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Daniel Lamb, recover against the said Benjamin Colton the sum of fourteen pounds four shillings and eight pence Lawful Money of this Province debt, and Costs taxed at £3.3.1.

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Ex'c'on issued

Nov. 25<sup>th</sup>. 1762.

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Moor ~~vs~~ M<sup>c</sup>Elvain

&gt;&gt;

John Moor the third of Palmer in the County of Hampshire Yeoman Complainant  
 vs Timothy M<sup>c</sup>Elvain of said Palmer Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior  
 Court of common pleas held at Springfield in and for the County of Hampshire on  
 the last Tuesday of August last, he Recovered Judgment against the said Timothy  
 M<sup>c</sup>Elvain for the sum of £16.7.0. Lawful Money damage, and Costs of suit; from  
 which Judgment the said Timothy appealed to this Court and recogniz'd with  
 sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional  
 Interest and Costs. It's therefore Considered by the Court that the said John Moor  
 the third, Recover against the said Timothy M<sup>c</sup>Elvain the sum of Sixteen pounds  
 eight shillings and six pence Lawful Money of this Province Damage, and  
 Costs taxed at £

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Mun v Spelman

&gt;&gt;

Oliver Mun of Granville in the County of Hampshire Yeoman Compl<sup>t</sup>. vs  
 Daniel

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Image 526-Left

[432v]

Daniel Spelman of said Granville Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court  
 of common pleas held Springfield in and for the County of Hampshire on the last Tuesday  
 of August last, he Recovered Judgment against the said Daniel for the sum of £5.16.10.  
 Lawful Money damage, and Costs of suit; from which Judgment the said Daniel  
 appealed to this Court and recogniz'd with sureties according to Law to prosecute the  
 same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>.  
 Judgment with Additional Interest and Costs. It's therefore Considered by the  
 Court that the said Oliver Mun recover against the said Daniel Spelman the sum  
 of Five pounds seventeen shillings and seven pence Lawful Money of this Province  
 damage, and Costs taxed at £6.11.9.

&lt;&lt;

Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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<<

Pomroy *vs* Lamb.

>>

Oliver Pomroy of Weathersfield in the County of Hartford and Colony of Connecticut Gentleman Complainant *vs* George Lamb of s<sup>d</sup>. Springfield Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in & for the County of Hampshire on the last Tuesday of August last, he recovered Judgm<sup>t</sup> against the said George for the sum of £6.11.2. Lawful Money damage, and Costs, of suit; from which Judgment the said George appealed to this Court and recogniz'd, with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Oliver Pomroy Recover against the said George Lamb the sum of six pounds eleven shillings and two pence Lawful money of this Province Damage, and Costs taxed at £3.12.11.

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Ex'c'on issued

Oct<sup>o</sup>. 14. 1762.

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Pynchon *vs* Burbank

>>

Charles Pynchon of Springfield in the County of Hampshire Physician, Complainant *vs* Abraham Burbank of Suffield Gentleman and Timothy Burbank of Springfield Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferiour Court of Common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he Recovered Judgment against them for the sum of £42.3.9½. Lawful money damage, and Costs of suit; from which Judgm<sup>t</sup>. they appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore

Considered by the Court that the said Charles Pynchon Recover against the said Abraham Burbank and Timothy Burbank the sum of Forty three pounds sixteen shillings and seven pence Lawful Money of this Province Damage and Costs taxed at £

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William

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Image 526-Right

433

[433r]

<<

Smith v Gunn.

>>

William Smith of Springfield in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~  
 Eleanor Gunn of Great Barrington in the County of Berkshire Gentlewoman [<sup>^</sup>Widow et relict and Adm<sup>x</sup>. of the Estate of Stephen Gunn late of Sheffield Gentleman deceased<sup>^</sup>]  
 The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he Recovered Judgment against the estate of the said Stephen in the hands of said Adm<sup>x</sup>. the sum of £6. Lawful Money damage, and Costs of suit; from which Judgment the s<sup>d</sup>. Eleanor appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said William Smith Recover against the Estate of the said Stephen Gunn dec'ed, in the hands of the said Eleanor Gunn Administratrix as aforesaid, the sum of Six pounds Lawful Money of this Province damage, and Costs taxed at £4.10.0.

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Ex'c'on issued

Nov. 25<sup>th</sup>. 1762.

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Shaw ~~vs~~ Stebbins

&gt;&gt;

William Shaw of Palmer in the County of Hampshire Yeoman Compl<sup>t</sup>.  
 vs Ebenezer Stebbins the second of Springfield aforesaid Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferior Court of common pleas held at Springfield in  
 and for the County of Hampshire on the last Tuesday of August last, he  
 Recovered Judgment against the said Ebenezer for the sum of £8.  
 Lawful Money damage, and Costs of suit; from which Judgment the said  
 Eben. appealed to this Court and Recogniz'd with sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>.  
 pray'd Affirmation of said Judgment with Additional Costs. It's therefore  
 Considered by the Court that the said William Shaw Recover against the s<sup>d</sup>:  
 Ebenezer Stebbins the second, the sum of Eight pounds Lawful Money  
 of this Province Damage, and Costs taxed at £3.6.6.

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Ex'c'on issued  
 Nov. 29<sup>th</sup>. 1762.

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Strong vs King

&gt;&gt;

Ezra Strong of Westfield in the County of Hampshire [^Yeoman^] Complainant vs Solomon  
 King of the new plantation called N<sup>o</sup>. 4. in the County of Berkshire Yeoman. The Comp<sup>lt</sup>.  
 shew'd that at an Inferior Court of common pleas held at Springfield in and for the  
 County of Hampshire on the first Tuesday of May last, he Recovered Judgment against  
 the said Solomon for the sum of £3.16.9. Lawful Money damage, and Costs of suit,  
 from which Judgment the said Solomon appealed to this Court and Recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
 Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional In<sup>t</sup>.  
 and Costs. It's therefore Considered by the Court that the said Ezra Strong  
 Recover against the said Solomon King the sum of three pounds eighteen shillings  
 and six pence Lawful Money of this Province Damage, and Costs taxed at  
 £

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Mathew.

Image 527

<duplicates previous>

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[433v]

<<

Falcott ~~vs~~ Stanley

>>

Mathew Falcott of Middleton in the County of Hartford and Colony of Connecticut Yeoman Compl<sup>t</sup>. ~~vs~~ John Stanley of South Hadley in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the second Tuesday of November last, he Recovered Judgment against the said John for the sum of £4.17.5.

Lawful Money damage, and costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Mathew Falcott recover against the said John Stanley the sum of five pounds two shillings and seven pence Lawful Money of this Province Damage, and Costs taxed at £4.4.8.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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<<

Townley ~~vs~~ Freeland

>>

John Townley of Hartford in the County of Hartford in the Colony of Connecticut Merchant Complainant ~~vs~~ James Freeland of Blanford in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at

Springfield in and for the County of Hampshire on the last Tuesday of August last, he Recovered Judgment against the said James for the sum of £52.14.0. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said John Townley recover against the said James Freeland the sum of Fifty two pounds fourteen shillings Lawful Money of this Province Damage, and Costs taxed at £3.16.6.

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Ex'c'on issued

Oct<sup>o</sup>. 14<sup>th</sup>. 1762.

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Uttley ~~vs~~ Rowlee

&gt;&gt;

William Uttley of Suffield in the County of Hampshire Yeoman Compl<sup>t</sup>. ~~vs~~ Thomas Rowlee of Westfield in the County of Hampshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Springfield in and for the County of Hampshire on the last Tuesday of August last, he Recovered Judgment against the said Thomas for the sum of £3.6.4. Lawful Money damage, and Costs of suit; from which Judgment the said Thomas appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. Affirmation of said Judgment with Additional Interest and Costs, pray'd. It's therefore Considered by the Court that the said William Uttley recover against the said Thomas Rowlee the sum of three pounds seven shillings and a penny Lawful Money of this Province Damage and Costs taxed at £

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Chauncy

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Image 528-Right

434

[434r]

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Whittessey et al ~~vs~~ Warner

&gt;&gt;

Chauncy Whittelsey Clerk and Elisha Whittelsey Yeoman both of New Haven in the County of New Haven in the Colony of Connecticut Complainants ~~vs~~ Jonathan Warner of Hadley in the County of Hampshire Yeoman. The Complainants shew'd yt. at an Inferior Court of common pleas held at Northampton in and for the County of Hampshire on the third Tuesday of March last, they Recovered Judgment against the said Jonathan for the sum of £79.6.10. Lawful Money damage, and Costs of suit; from which Judgment the said Jonathan appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Chauncy Whittessey and Elisha Whittessey recover against the said Jonathan Warner the sum of Eighty one pounds fifteen shillings and seven pence Lawful Money of this Province Damage, and Costs taxed at £5.3.8.

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Ex'c'on issued

14<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Pease ~~vs~~ Hall

&gt;&gt;

Ephraim Pease of Enfield in the County of Hampshire Gentleman Compl<sup>t</sup>. ~~vs~~ Ebenezer Hall of New Marlborough in the County of Berkshire Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Great Barrington in and for the County of Berkshire on the last Tuesday of April last, he Recovered Judgment against the said Ebenezer for the sum of £8.2.4. Lawful Money damage, and Costs of Suit; from which Judgment the said Eben. appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgm<sup>t</sup>. with additional Interest and Costs. It's therefore Considered by the Court that the said



Ephraim Pease recover against the said Ebenezer Hall the sum of Eight pounds six shillings Lawful Money of this Province Damage, and Costs taxed at £3.14.11.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Pease ~~vs~~ Printess

>>

Ephraim Pease of Enfield in the County of Hampshire Gentleman Compl<sup>t</sup>. ~~vs~~ James Printess of said Springfield Yeoman The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at Springfield in and for the County of Hampshire on the first Tuesday of May last, he Recovered Judgment against the said James for the sum of £7.8.1½. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Ephraim Pease Recover against the said James Printess for the sum of Seven pounds eleven shillings and three pence Lawful Money of this Province Damage, and Costs taxed at £3.3.3.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Elijah

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[434v]

<<

Griswold ~~vs~~ Ryan

>>

Elijah Griswold of Tyringham in the County of Berkshire Yeoman  
 Complainant *vs* Darby Ryan of Leicester in the County of Worcester Yeoman.  
 The Compl<sup>t</sup>. shew'd that at an Inferiour Court of common pleas held at  
 Great-Barrington in and for the County of Berkshire on the first Tuesday of  
 September instant, he Recovered Judgment against the said Darby for the sum  
 of £23.8.9. damage, and Costs of suit; from which Judgment the said Darby  
 appealed to this Court and recogniz'd with sureties according to Law to prosecute  
 the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional Costs. It's therefore  
 Considered by the Court that the said Elijah Griswold recover against  
 the said Darby Ryan the sum of twenty three pounds eight shillings and  
 nine pence Lawful Money of this Province Damage, and Costs taxed at  
 £

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&lt;&lt;

Griswold *vs* Ryan

&gt;&gt;

Elijah Griswold of Tyringham in the County of Berkshire Yeoman.  
 Complainant *vs* Darby Ryan of Leicester in the County of Worcester  
 Cordwainer. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas  
 held at Great-Barrington in and for the County of Berkshire on the first  
 Tuesday of September instant, he Recovered Judgment against the said  
 Darby for Costs of suit; from which Judgment the said Darby appealed to this  
 Court and Recogniz'd with sureties according to Law to prosecute the same with  
 Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of the said Judgment  
 with Additional Costs. Its therefore Considered by the Court that the said  
 Elijah Grisswold Recover against the said Darby Ryan Costs taxed at  
 £

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Order on Stebbin's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of Edward Stebbins of Springfield in the  
 County of Hampshire Yeoman Administrator on the Estate of John Stebbins

late of said Springfield Cordwainer deceased. Wherein the Petitioner shew'd that the Estate of said deceased is not sufficient to pay the just Debts of the said deceased; And that said Estate is represented insolvent. The Petitioner therefore pray'd this Court would Authorize and impower him to sell and dispose of all the real Estate, that belonged to the said deceased for the payments of the just debts due from said deceased's Estate. Ordered that the prayer of this Petition be Granted; and that the said Edward Stebbins Adm'or as aforesaid, be and hereby is Impowred to make sale of the real Estate of said deceased for the Ends aforesaid, as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty

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435.

[435r]

thirty days before the sale, and account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Marsh's Petition.

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Upon reading the Petition of Phebe Marsh of Hadley in the County of Hampshire Administratrix on the Estate of Samuel Marsh late of said Hadley deceased, Wherein the Petitioner shew'd that the Estate of said Deceased is Indebted to sundry persons more than the personal Estate of said deceased is sufficient to pay, the sum of fifty four pounds seven shillings and five pence one farthing. She therefore pray'd this Court to Impower her to sell so much of said deceaseds real Estate as may be sufficient to defray the same; as also so much more as may be sufficient for defraying the Necessary Expences of Administration (account whereof has not been presented to the Judge for allowance) and for a deduction to be made out of the personal Estate of Necessaries to the Widow, and therefore pray'd this Court to have respect thereto in the Order for the sale of said real Estate. Ordered that the prayer of this Petition be granted; and that the said Phebe Marsh Adm<sup>x</sup>.

as aforesaid, be and hereby is Impowered to make sale of eighty pounds worth of the real Estate of said Deceased for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; And to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate of said County, as the Law directs.

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Order on Shaw's Pet<sup>o</sup>.

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Upon reading the Petition of John Shaw as he is Administrator of the Estate of George Shaw late of New Malborough dec'ed. Wherein the Petitioner shew'd that the said deceased's Estate is insolvent. The Petitioner therefore pray'd this Court to empower him to make sale of his said intestates whole real estate towards Payment of his debts so far as the same will go. Ordered that the prayer of this Petition be granted, and that the said John Shaw Adm'or as aforesaid, be and hereby is Impowered to make sale of the real Estate of said deceased for the Ends as aforesaid, as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale and account w<sup>th</sup>. the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Cleavland's Pet<sup>o</sup>.

>>

Upon reading the Petition of Oliver Cleveland of Sheffield in the County of Berkshire, administrator on the Estate of Jonas Cleveland late of said Sheffield deceased, Wherein the Petitioner shew'd that the debts due from the Estate of said Jonas the dec'ed, exceeds the whole personal Estate of said dec'ed the sum of £87.15.½. Lawful Money exclusive of the Expence and charge of Administ<sup>g</sup>. thereon

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[435v]

thereon. The petitioner therefore pray'd this Court to Impower him to sell the real Estate of said deceased sufficient to satisfy the debts due therefrom; and also to defray the expences of Administration. Ordered that the prayer of this Petition be granted, and that the said Oliver Cleveland Adm'or as aforesaid, be and hereby is Impowered to make Sale of Ninety two Pounds worth of the real Estate of said deceased, for the Ends aforesaid, (such as will least Prejudice the whole) as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate for said County, as the Law directs.

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Order on Pomroy's Pet<sup>o</sup>.

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Upon reading the Petition of Ebenezer Pomroy of Northampton in the County of Hampshire Gentleman, Administrator on the Estate of Elisha Pomroy of Northampton aforesaid Gentleman deceased, and Esther Pomroy of said Northampton Gentlewoman Administratrix on the same Estate; Wherein the Petitioners shew'd that the Estate of said deceased is Insolvent, & pray'd the licence of this Court to make sale of the real Estate of the said deceased. Ordered that the prayer of this Petition be granted; and that the Administrator and Administratrix aforenamed be, and they are hereby, Impowered to make sale of said deceased's real Estate for the Ends afores<sup>d</sup>. as pray'd for; and to pass and execute a good Deed or deeds in the Law for Conveying the same, the Petitioners to post up Notifications thirty days before the sale, and account with the Judge of Probate of said County (for the product thereof) as the Law directs.

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Tuttle's Indictment

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The Jurors for the Lord the King for the body of this County, did upon their Oath present, that Ebenezer Tuttle of the District of Montague within the County of Hampshire aforesaid Husbandman, not having God before his Eyes, did on the seventeenth day of September instant at Montague aforesaid feloniously assault one Nathan Tuttle in the peace of God and of the said Lord the

King then and there being, and that the said Ebenezer, a certain Hand-Gunn of the Value of ten shillings which he the said Ebenezer then and there held in both his hands, charged with gunn-powder and a leaden bullet did feloniously discharge and shoot towards and against him the said Nathan Tuttle by means of which discharging and shooting the said hand-gunn charged as afores<sup>d</sup>. the said Ebenezer did then and there feloniously strike and wound the said Nathan in and upon the right side of him the the said Nathan, with the bullet discharged and shot from the said Gunn by the said Ebenezer as aforesaid thereby giving to the said Nathan on his right side as aforesaid one mortal wound of the breadth of one Inch of the depth of nine inches of, which

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436.

[436r]

which mortal wound the said Nathan then and there instantly died; And so the Jurors aforesaid upon their Oath say, that the said Ebenezer Tuttle on the said seventeenth day of September instant at Montague aforesaid the said Nathan Tuttle in manner and form aforesaid did feloniously kill and slay, against the peace of the said Lord the King, his crown and dignity. The said Ebenezer was thereupon set to the bar and arraigned, and upon his arraignment pleaded not Guilty, and For trial put himself upon God and the Country; A Jury was then sworn to try the issue M<sup>r</sup>. Mathew Noble foreman and fellows who having fully heard the Evidence for the King with the prisoners defence on their Oath say, that the said Ebenezer Tuttle is not guilty. It is therefore Considered by the Court that the said Ebenezer Tuttle go without day.

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Spellman indicted

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The Jurors for the Lord the King for the body of this County, did upon their Oath present, That Daniel Spelman of Granville in the County of

Hampshire Yeoman on the fifteenth day of August in the year of the Lord Christ one thousand seven hundred and sixty one, at Granville aforesaid wickedly minding and contriving the said Lord the King and his Leige subjects to deceive and defraud did with Force and Arms falsely deceitfully and corruptly forge and make and cause to be forged and made of pewter and other base metals mixed together ten false and counterfeit peices in the likeness and Imitation of, and resembling true spanish mill'd peices of eight being a coin the currency whereof was then established and regulated by the laws of this Province, with an Intent and design to utter the same false and counterfeit peices; and that the said Daniel Spelman afterwards to wit, on the same day, at Granville aforesaid in pursuance of his said wicked intent and design did with Force as aforesaid falsely deceitfully and corruptly utter and pass one of the said false and counterfeit peices to one Phinehas Pratt as a true spanish mill'd peice of eight, he the said Daniel well knowing the said peice to be false and counterfeit when he uttered the same to the said Phinehas as aforesaid; And that the said Daniel in Further pursuance of his said wicked intent and design did Afterwards to wit on the same day at Granville aforesaid with Force as aforesaid falsely deceitfully and corruptly utter and pass one other of the said false and counterfeit peices to one Ezra Clap as a true Spanish mill'd peice of eight, he the said Daniel well knowing the same peice last mentioned to be false and counterfeit when he uttered the same to the said Ezra as aforesaid; and that the said Daniel in further pursuance of his said wicked intent and design, afterwards to wit, on the same day at Granville aforesaid did

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[436v]

did with Force as aforesaid falsely deceitfully and corruptly utter and pass one other of the s<sup>d</sup>. false and counterfeit peices to one Bildad Fowler as a true spanish mill'd peice of eight, he the said Daniel well knowing the said peice last mentioned to be false and counterfeit when he uttered the same to the said Bildad as aforesaid, in evil and pernicious example to others, and against the peace of the said Lord the king his crown and dignity and

the Law of this Province in that case made and provided. The said Daniel was thereupon arraigned at the bar, and pleaded not guilty. A Jury was then sworn to try the Issue M<sup>r</sup>. Eleazer Smith Foreman and fellows viz. John Hunt, Josiah Chapin, Daniel White, Enos Nash, Zachary Billings, David Smith, Jonathan Clap, John Clary, John Dickinson, Samuel Partridge, and Waitstill Strong, who having fully heard the Evidence for the King, with the prisoners defence went out to consider thereof, and Returned with their Verdict, and upon their Oath say that the said Daniel Spelman is guilty. The Court having Considered his Offence Order that the said Daniel Spelman be set in the pillory for the space of one hour, that he be publickly whipped twenty stripes upon his naked back, and that he be committed to the house of correction and there kept to hard labour for the space of six Months, and that he pay costs of prosecution standing committed until this sentence shall be performed.

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Adjournm<sup>t</sup>.  
of the Court  
without day.

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Springfeild October 1<sup>st</sup>. 1762, The Court enter'd up Judgment according to the Verdicts: And then the Court was adjourned without day.

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Image 531-Right

437.

[437r]

Province of the} Anno Regni Regis Georgii tertii Magnæ Britanniaë  
Massachusett- Bay} Franciaë et Hiberniaë & secundo.

Bristol ss}

At his Majesty's Superior Court of Judicature Court of Assize



and general goal Delivery, held at Taunton [<sup>in &</sup>] for the County of Bristol on the second Tuesday of October (being the 12<sup>th</sup>. day of said Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq; chief Justice.

Benjamin Lynde}

John Cushing}

Chamber Russell &} Esq<sup>ers</sup>; Justices.

Peter Oliver}

The Kings Attorney being absent the Court appoint Samuel White Esq; to Act in his stead at this term.

The Names of the Grand and Petit Jurors present impanel'd and sworn are in Writing as on file,

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Raynham ~~vs~~ King et al

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The Town of Raynham in the County of Bristol Complainants ~~vs~~ Phillip King & others on a Writ of Certiorari. This Writ is dismiss, the Town Rayham disavowing the process, as appears on file.

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Macomber ~~vs~~ Taunton prop<sup>s</sup>.

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Thomas Macomber of Taunton in the County of Bristole Yeoman Appellant versus The proprietors of the Common and undivided Lands in Taunton old Township in the same County whereof Richard Godfrey Esq; one of the deputy Sheriff's forsaied County of Bristol is also one of the Proprietors of said Taunton old Township who sue by Zephaniah Leonard of Raynham in the same County Esq; their agent for that purpose, Appellees from the Judgment of an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of September AD 1761. when and where the Appellees were plaint<sup>s</sup>. and the Appellant was def<sup>t</sup>. In a plea of Entry sur disseisin wherein the said Proprietors by their said Agent demand against the said Thomas Macomber one tract of land with its appurtenances lying and being in Taunton aforesaid near three-mile-river and contains about forty

one acres be the same more or less and is bounded as follows to wit, beginning at a flat stone marked T. a walnut saplin being marked facing towards said stone on the northwardly side of that fence which stands a little Southward from James

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Image 532-Left

[437v]

James Macombers Cellar, thence south twenty degrees West to another stone marked T. on the eastwardly side of the way that leads from Lawrence Harts to pole plain thence south Eastwarly on the Eastwardly side of said way to a third stone marked T. thence East about twenty degrees south to a maple tree marked thence south about fourteen degrees west to a small burch marked, thence East about fifteen degrees south to a large white Oak [^tree^] marked by the side of the three-mile-river, on the Eastside of the great river, thence by said three-mile-River down stream to a small Elm saplin by said river side on the northwardly side of a fence which now stands there, thence on a strait line by marked trees about west twenty nine degrees North to the first mentioned flat stone, or however the said Land is bounded according to the known bounds of the same, whereinto the said Thomas had no Entry but by disseisin by him on said proprietors unjustly and without Judgment made within thirty years last past; Whereupon the said Proprietors by their said agent say, that they were seized of the demanded premisses in their demesne as of Fee in time of peace in the fourth year of the reign of his late Majesty King George the second, taking the Espleas thereof of the value of ten pounds by the year into which the said Thomas had no right of Entry but unjustly and without Judgment within thirty years last past Entred on the demanded premisses disseised the said Proprietors thereof, and thereof still unjustly deforces them To the damage of the said Proprietors (who sue by their said agent as aforesaid, as they say the sum of three hundred pounds. At which said Inferior Court Judgment was rendred, upon the pleadings there, that the proprietors of the common and undivided Lands of Taunton old Township who sue by Zephaniah Leonard Esq; their Agent shall Recover against the said Thomas Macomber the possession of the land with it's Appurtenances

as sued for, and Cost of Court. This appeal was bro't forward at the last Term of this Court for this County, when and where the parties appeared, and the Action was continued unto this Court and the appellant agreed not to make any strip or waste upon the land in the mean time: And now both [<sup>^</sup>partys<sup>^</sup>] Appearing, the said Thomas (by Robert Treat Paine Esq; his Attorney) retracting his plea at the Inferior Court, defends &c<sup>a</sup>., and saith he never disseisd the plaint<sup>s</sup>. as they declare and thereof put &c<sup>a</sup>. Whereupon [<sup>^</sup>issue being [+] join'd<sup>^</sup>] the Case after a full hearing was

committed to a Jury sworn according to Law to try the same who [<sup>^</sup>(having viewed the premisses)<sup>^</sup>] Returned

their Verdict therein upon Oath, that is to say, the Jury [-]

[+]find for the appellant reversion of the former Judgment and Costs.

It's therefore Considered by the Court that the former Judgment be Reversed, and that the said Thomas Macomber Recover against the Proprietors aforesaid Costs taxed at £5.13.1.

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Ex'c'on issued

Nov. 18<sup>th</sup>. 1762.

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Image 532-Right

438.

[438r]

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Paine et al ~~vs~~ Eldridge.

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Robert Treat Paine Esq; et al plaint<sup>s</sup>. ~~vs~~ Deliverance Eldridge def<sup>t</sup>.

This Action is Agreed, see the Judgment of this Court between these Parties fol<sup>o</sup>. 441.

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Tyler's Pet<sup>o</sup>. allow'd

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The Petition of Thomas Tyler et al for division of land; as on file, Allow'd.

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Foster ~~vs~~ Crabtree.

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Timothy Foster of Attleborough in the County of Bristol Yeoman Appellant ~~vs~~ Agreen Crabtree of Attleborough aforesaid Husbandman Appellee, from the Judgm<sup>t</sup>. of an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of September AD 1761. when and where the Appell<sup>t</sup>. was plaint. and the Appellee was def<sup>t</sup>. In a plea of trespass for that the said Agreen on the fourteenth day of April 1761. with Force and Arms did enter into and upon a tract of land of the plaint<sup>'s</sup> and in his own possession in Attleborough aforesaid bounded as followeth the first corner is a cracked maple tree standing close to the edge of the run called Abbots-run, thence East three degrees North fifteen rods to a stake for a turn, thence East thirty degrees South Eight rods to a stake for a turn; thence south four degrees east twelve rods to a chesnut tree for a turn; belonging to Christopher Bowen; thence Westerly fifty rods on said Bowen's line to said Abbots run, then Easterly by said Run to the first corner and being Entred with Force as aforesaid did then and there cut down and carry away six white Oak trees, one black oak tree, and two hundred poles of the plaint<sup>'s</sup>. and are of the value of ten pounds ten shillings Lawful Money and other enormities to the plaint then and there did, all contrary to Law and against the King's peace. To the damage of the said Timothy as he saith, the sum of twenty pounds. At which said Inferior Court Judgment was Rendred, that the said Agreen Crabtree shou'd recover against the said Timothy Foster Cost of Court. This Appeal was bro't forward at the last term of this Court for this County, and Continued unto this Court by Consent: And Now both Parties Appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the s<sup>d</sup>. Agreen Crabtree recover against the said Timothy Foster the sum of £5.14.11. Costs.

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Ex'c'on issued

18<sup>th</sup>. Nov. 1762.

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Godfrey vs Macomber.

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Richard Godfrey of Taunton in the County of Bristol Esq; and one of the deputy Sheriffs for said County Appellant vs Thomas Macomber of Taunton in the same County Yeoman Appellee, from the Judgment of an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of September AD 1761. when and where the Appellee was plaint & the Appellant was def. In a plea of Ejectment of two several tracts or parcels of

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[438v]

of land containing Nineteen acres situate in Taunton aforesaid near three-mile-River, on the Easterly side of the great river bounded as follows viz. beginning at a stone by the Eastwardly side of the way that leads from Lawrence Hart's to pole plain, thence Easterly by land of said Macomber's to a maple tree, marked thence southerly by said Macomber's land to a small burch marked thence Eastwardly to a great white oak tree marked near the Westwardly side of said three-mile-river, thence by the land that was John Spur's Westwardly to a stone marked T. by a fence in said Macomber's land thence Northerly to a sassafras tree marked thence Westwardly to a heap of stones on the Eastwardly side of the way that leads to pole plain as aforesaid then by said way to the first mentioned bounds. the bounds of the other peice of land aforesaid beginneth at a heap of stones on the Eastwardly side of the way that leads to pole plain thence Eastwardly by said Macomber's land to a flat stone marked T. thence Southwardly by said Macomber's land to a stone marked T. in the s<sup>d</sup>. way that leads to pole plain, thence by said way Northerly to the first mentioned bounds or however the said two parcels of land are bounded according to the known bounds thereof: and the appurtenances thereof; for that the said Thomas on the first day of March Anno Domini one thousand seven hundred and forty two being seized of the demanded premisses in his demesne as of fee,

the said Richard unjustly entred upon him deforced him thereof and still holds [<sup>him</sup>] out of the same To the damage of the said Thomas as he saith, the sum of one hundred pounds. At which said Inferior Court Judgment was rendred, upon the pleadings there, that the said Thomas Macomber shou'd recover against the said Richard Godfrey Esq; possession of the land and premisses sued for, and cost of Court. This appeal was bro't forward at the last term of this Court for this County; and Continued to this Court by Consent; and the appellant agreed not to make any strip or waste upon the land in controversy in the mean time. And now the Parties Appeared, and the said Richard (by Samuel White Esq; his Attorney) retracting his plea [<sup>made</sup>] at the s<sup>d</sup>. Inferior Court, [<sup>& on file</sup>] says he is not guilty as the plaint. declares and of this put &c<sup>a</sup>. whereupon [<sup>issue being join'd</sup>] the Case after a full hearing was committed to a Jury sworn according to Law to try the same, who [<sup>(having viewed the premisses)</sup>] Returned their Verdict therein upon Oath that is to say, The Jury find for the appellee the possession of the land and premisses sued for, and Costs. It's therefore Considered by the Court that the said Thomas Macomber recover against the said Richard Godfrey the possession of the land and premisses demanded, and Costs taxed at £6.14.1.

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Fac<sup>s</sup>. Hab. issuedNov. 18<sup>th</sup>. 1762.

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Samuel

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Image 533-Right

439.

[439r]

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Drinkwater ~~vs~~ Hathway

&gt;&gt;

Samuel Drinkwater of Dighton in the County of Bristol Yeoman Appellant

versus Joshua Hathway of Freetown in the same County Blacksmith Appellee, from the Judgment of an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of March A.D.1761. when and where the appellant was plaint. and the appellee was def<sup>t</sup>. In a plea of trespass for that the said Joshua with force and arms on the twenty fifth day of December AD.1759. at Freetown aforesaid, an assault on the body of the said Samuel then and there committed, who was then and there in [^the King's^] peace and struck the said Samuel and threw him [^violently^] down the stone steps of the house of Lot Strange whereby the said Samuel was greivously wounded so that his life was for a long time despaired off, and other outrages committed against the King's peace To the damage of the said Samuel as he saith, the sum of three hundred pounds. At which said Inferior Court Judgment was rendred, that the said Samuel Drinkwater recover against the said Joshua Hathway the sum of Eleven pounds eight shillings and seven pence Lawful Money damage, and Costs of Court. This Appeal was bro't forward at the last term of this Court for this County, and from thence was continued to this Court by Consent: And now both Parties appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee reversion of the Former Judgment with Costs. It's therefore Considered by the Court that the former Judgment be reversed, and that the said Joshua Hathway recover against the said Samuel Drinkwater Costs taxed at £

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Dom. Reg ~~vs~~ Perry

&gt;&gt;

Our sovereign Lord the King plaint ~~vs~~ Darius Perry defendant, on a Writ of scire facias [^as^] on file. In this case the Kings Attorney, with the consent of the court, enters a Noli prosequi, upon the defendants paying the costs in Court.

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Our sovereign Lord the King Plaint. ~~vs~~ Samuel Valentine and Linde Valentine both of Freetown in the County of Bristol Yeomen defendants, on a Writ of scire facias &c<sup>a</sup>. (as by the Writ on file, dated December 24<sup>th</sup>. 1761. at large appears.) The defendants although solemnly called to come into Court did

not appear but made default: It is therefore Considered by the Court that our Sovereign Lord the King have execution against the said Samuel Valentine for the sum of twenty pounds Lawful Money of this Province Debt, and against the said Linde Valentine for the sum of twenty pounds Lawful Money of this Province Debt, and against both of them for Costs. taxed at £2.4.0.

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Ex'c'on issued

Oct<sup>o</sup>. 16<sup>th</sup>. 1762.

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Image 534-Left

[439v]

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Woodward ~~vs~~ White

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Israel Woodward of Taunton in the County of Bristol Yeoman Administrator of all and singular the goods Chattles rights and Credits of Zerviah Pitts late of said Taunton Widow deceased Intestate Complainant ~~vs~~ Thomas White of Taunton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of December last, he Recovered Judgment against the said Thomas for the sum of £8.18.1½. Lawful Money damage and Costs of suit; from which Judgment the said Thomas appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Israel Woodward Adm'or as aforesaid recover against the said Thomas White the sum of Nine pounds[^six^] shillings and a penny Lawful Money of this Province Damage, and Costs taxed at £3.4.7.

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Ex'c'on issued

Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Almy ~~vs~~ Almy

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Phebe Almy who was the Wife of William Almy late of Dartmouth in the County of Bristol Yeoman deceased, Appellant ~~vs~~ Samuel Almy of Tiverton in the County of Newport in the Colony of Rhode Island and Providence plantation &C<sup>a</sup>. Yeoman Appellee, from the Judgment of an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of December last, when and where the appellant was plaint. and the appellee was def<sup>t</sup>. on Writ of dower that instantly and without delay he render to the said Phebe Almy her reasonably dower which happens to her of a certain Messuage and about two hundred acres of land situate in Dartmouth aforesaid consisting of Orchards, meadows, Uplands, and salt pasture, arrable and woodland, with two dwelling houses and one barn thereon standing and is bounded South-westerly on the West: :ermost arm of Acoakset river so called Northerly partly on the homestead of Thomas Cory and partly on land belonging to Gabriel Hix, Easterly partly on land belonging [<sup>^</sup>the said Gabriel Hicks & partly on land belonging<sup>^</sup>] to Thomas Brightman partly on land belonging to Joseph Brightman and partly belonging to Henry Brightman southerly partly on Land belonging to William Earle partly on a drift way partly on land belonging to Henry Brightman, with it's appurtenances, and also of one small sedge flat lying at a distance from said Messuage and in Dartm<sup>o</sup>. aforesaid, and in said Westernmost arm of Acoakset River and it is bounded as follows lying to the southward of Gunning Island and to the Westward of the main channel and to the Northward of the sedge Flat called Wilbures flat and now belongeth to Enos Gifford bounded Easterly on the main channel all other ways on the Water, containing about one acre and

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Image 534-Right

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[440r]

and it's appurtenances in the possession of the said Samuel Almy which was in the seizin and possession of her said husband William Almy whereof he was seized in his demesne as of fee during the coverture and whereof she hath nothing(as she saith). And the said Phebe Almy complains that the said Samuel Almy hath deforced her thereof. At which said Inferior Court Judgment was rendred, that Samuel Almy shou'd recover against Phebee Almy Cost of Court. Both Parties appeared, and the case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said Samuel Almy recover against the said Phebe Almy Costs taxed at £16.16.7.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Keith ~~vs~~ Leonard.

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Eleazer Keith of Easton in the County of Bristol Yeoman Appellant ~~vs~~ Eliphalet Leonard of said Easton Gentleman appellee, from the Judgment of an Inf<sup>r</sup>. Court of common pleas held at Taunton in and for the County of Bristol on the second tuesday of June last, when and where the Appellant was plaint and the aplee was def<sup>t</sup>. In a plea of the case for that the def<sup>t</sup>. was [<sup>^</sup>in<sup>^</sup>] and for the year of our Lord one thousand seven hundred and forty nine a selectman and assessor of said Town of Easton of the Town rates to be assessed in said Town, and together with John Williams and Benjamin Kingsley both of said Easton [<sup>^</sup>who were the other Selectmen and assessors in & for s<sup>d</sup>. Town for the same year for s<sup>d</sup>. Town rates &<sup>^</sup>] who are both of them since deceased undertook to assess the same, and in assessing such rates not regarding the duty of said office in that respect but contriving to assess the plaint and cause money to be extorted from him under colour of law at Easton aforesaid pretending the plaint. was lyable by law to be assessed for and towards the erecting and building a New Meeting for the public worship of God in said town and to be obliged to pay the same on the thirtieth day of January anno Domini one thousand seven hundred and forty nine, illegally, arbitrarily, without any cause or reason assessed and raised the plaint. for and towards the erecting and building the said Meeting house the sum of two pounds thirteen shillings and four pence and signed and delivered their

list of assessment and rate bill including said illegal assessment to Timothy Williams then a constable and Collector of taxes for said town properly Impowred and Authorized as such and for executing his said office together with their warrant under the hand and seal of the def<sup>t</sup>. & the said John and Benjamin thereby requiring him to levy and collect the several sums in said list contain'd agreeable to the prescription of the Law of the Province for Collecting town Assessments and thereupon afterwards viz. on the twenty third day of March Anno Domini one thousand seven hundred & sixty two the said Timothy in pursuance of said Warrant and list of Assessm<sup>t</sup>. for

<duplicates previous>

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[440v]

for nonpayment of said sum illegally assessed upon the plaint. and included in said list as aforesaid, seized the body of the plaint and him detained in Custody for the space of eight days 'till the plaint in order to obtain his liberty was obliged to pay the said sum of two pounds thirteen shillings and four pence; and also the further sum of Eight shillings and eight pence besides other great expences and loss of time. And the plaint infact saith that at the time of making said assessment and long before he was a professed member of the church of England and that he usually had frequently attended the public whorship of God according to that establishment and that there was not any legal foundation for assessing the plaint as aforesaid. And that the def<sup>t</sup>. then and there had due notice of the same according to the Law of this Province, and that the def<sup>ts</sup>. doings as aforesaid were illegal and arbitrary to the damage of the said Eleazer as he saith the sum of thirty pounds. At which said Inferior Court Judgment was rendred, that Eliphalet Leonard shall Recover against Eleazer Keith Cost of Court. The Parties appeared. and the Case after a full hearing was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath that is to say, they find for the appellant the sum of three pounds fourteen shillings Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Eleazer Kieth recover against the said Eliphalet Leonard the sum of three pounds fourteen shillings Lawful Money of this Province damage, and Costs taxed at £9.0.7.

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Ex'c'on issued

Nov. 18<sup>th</sup>. 1762.

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Blackwell ~~vs~~ Dom Reg.

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Our sovereign Lord the King against John Blackwell of Dartmouth  
 in the County of Bristol Blacksmith Appellant from the Judgment or  
 sentence of a Court of General Sessions of the peace held at Taunton within  
 and for the County of Bristol on the second Tuesday of September last.  
 that the said [^John when & where the grand Jurors for this County presented^] being an ill  
 designing and disorderly person and of  
 a wicked and malicious mind on the eighth day of July. 1762. with force &  
 arms at Dartmouth aforesaid one Dark coloured Reddish cow of the price  
 of four pounds of the goods and chattles of one Phillip Cannon of s<sup>d</sup>. Dartmouth  
 Yeoman and then and there in his Possession in a certain cowyard there  
 belonging to him the said Phillip then and there being unlawfully privately  
 wilfully and maliciously then and there he the said John the said Cow  
 did kill and destroy contrary to Law and against the peace of the said Lord  
 the King his crown and dignity in Evil example to others &c<sup>a</sup>. at which  
 said Court the said John was sentenced to pay a fine of four pounds to  
 the King and become bound by way of recognizance (with sufficient  
 sureties) in

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[441r]

in the sum of twenty pounds for his good behavior till the (then) next term of said  
 Court, and costs of Court. The Appellant appeared, and after a full hearing  
 of him and the Evidence, the case was committed to a Jury sworn according  
 to Law to try the same, who Returned and upon their oath say, that the said  
 John is guilty. And the Court having Considered his Offence Order

that he pay the sum of Four pounds as a fine to the king, and that he recognize in the sum of twenty pounds with two sureties in ten pounds each for his keeping the peace etc. until the next term, and that he pay costs standing committed until this sentence is performed.

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Paine et al vs Eldridge.

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Robert Treat Paine of Taunton in the County of Bristol Esquire, Joseph Greenleaf of Abington in the County of Plimouth Trader and Abigail his Wife, in Right of the said Abigail, and Eunice Paine of Weymouth in the County of Suffolk Sempstress Plaintiffs vs Deliverance Eldridge of Dartmouth in the County of Bristol Widow Defendant. In a plea of Review of a plea of Entry and disseisin commenced at an Inferior Court of Common pleas held at Taunton in and for the County of Bristol in September AD 1758. by the plaint<sup>s</sup>. (by the Names of Robert Treat Paine of Boston in the County of Suffolk Gentleman, Joseph Greenleaf of Abington in the County of Plimouth Trader and Abigail his Wife in the right of the said Abigail, and Eunice Paine of Weymouth in the County of Suffolk Sempstress) against Samuel Cornish of Dartmouth in the County of Bristol Husbandman, but prosecuted at an Inferior Court of common pleas held at said Taunton for said County of Bristol in September AD 1759. by the plaint<sup>s</sup>. [<sup>^</sup>against<sup>^</sup>] the said Deliverance (who was vouched in, and admitted in the said Inferior Court, to defend in said Action instead of the said Cornish) In the words following viz. "In a plea of Entry "and disseisin wherein they demand against the said Samuel the possession of a certain "tract or parcel of land situate in Dartmouth aforesaid containing about twenty six "acres butted and bounded as follows viz. beginning at the east end of the homestead "that belonged to Elnathan Eldridge bounded easterly on land formerly called "colonel Fitch's northerly on Benjamin Allen's homestead southerly in part by Blake "Shaw's homestead and so extending westerly on the northerly side thereof (and "excluding the land sat off to Deliverance Eldridge as her right of dower) which "they claim as their right of inheritance for that one Elnathan Eldridge in a time "of peace in our reign was seized of the demanded premisses in his demesne as of "fee and being so seized afterwards viz. on the twenty seventh day of July AD. "1741. by his deed of bargain and sale of that date duly acknowledged and "recorded and in court to be produced for a valuable consideration therein expressed "sold and conveyed the same to one Thomas Paine the father to the present "demandants and his heirs, by force whereof the said Thomas became seized of the

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[441v]

"the demanded premisses in his demesne as of fee, and being so seized the said

"Samuel afterwards viz. on the eleventh day of May 1753. unjustly and without  
 "right or Judgment entred on the demanded premisses and disseised the said  
 "Thomas thereof and afterwards viz. on the thirtieth day of May 1757. the said  
 "Thomas died leaving the demand [^:ants^] his only children and heirs to whom the  
 "right in fee to the demanded premisses descended as his heirs and they  
 "accordingly ought to be in the possession thereof, but the said Samuel who had  
 "no Entry into the premisses but after the disseisin thereof made as aforesaid,  
 "unjustly withholds the possession thereof from the demandants and still  
 "unjustly deforces them. To the damage of the said Robert Treat Paine, Joseph  
 "Greenleaf and Abigail, and Eunice as they say the sum of sixty pounds."  
 At which said Inferior Court Judgment was rendred, upon the demurer there,  
 that Deliverance Eldridge shou'd recover against Robert Treat Paine, Joseph  
 Greenleaf and Abigail his Wife, and Eunice Paine Cost of Court. from  
 which Judgment the plaint<sup>s</sup>. appealed to the Superior Court of Judicature  
 Court of Assize and General Goal delivery, held at Taunton in and for the  
 County of Bristol on the last Tuesday of October AD 1759. when and where  
 Judgment was rendred that the said Deliverance Eldridge recover against  
 the said Robert Treat Paine, Joseph Greenleaf and Abigail [^his^] Wife, and  
 Eunice Paine Costs of Courts taxed at £. Which same Judgment  
 the plaint<sup>s</sup>. say is wrong and erroneous and that they are thereby damnified  
 the sum of Eighty pounds as shall then and there be made to appear; Wherefore  
 for reversing the Judgment last mentioned and recovering back from the said  
 Deliverance the same costs, and for recovering Judgment against the said  
 Deliverance for possession of the premisses demanded and Cost of Courts, they  
 the plaint<sup>s</sup>. bring this suit. The Parties appeared, and they in this Action & another  
 action of Review now depending between them (which last mentioned action was  
 continued from the last term of this Court) agree that the said Deliverance shall pay to the  
 said Paine and others, the costs of these suits from the commencement of them  
 including the Costs which they paid to her on the appeals: and the said Paine  
 & others, are to convey to the said Deliverance the premisses contained in the  
 deed sued upon, and also the Land they Recovered of her at this court in  
 October 1759. in which Action Jonathan Kenny was original defendant. Costs  
 of the two said last mentioned suits are taxed at £31.18.4. in which sum the Costs  
 which they paid to her on the appeals, are not included.

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Keith vs Babbit

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Mark Keith of Easton in the County of Bristol Yeoman trustee of John

Astin of Smithfield in the County of Providence in the Colony of Rhode Island.

&C<sup>a</sup>. Yeoman, [^who is the absent & absconding Debtor of the Ap'lee^] Appellant vs Nathaniel Babbit of said Easton Yeoman Appellee,

from the Judgment of an Inferior Court of common pleas held at Taunton in and  
for

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for the County of Bristol on the second Tuesday of June last, when and where the Appellee was plaint. and the appellant was def. In a plea of the Case etc. (as by the Writ on file, tested the 25<sup>th</sup>. day of May last, at large appears) At which said Inferior Court Judgment was rendred, that Nathaniel Babbit shou'd recover against Mark Keith the sum of Four pounds and twelve shillings Lawful Money damage, and Cost of Court. The Parties appeared, and the appellant in court confesses Judgment for four pounds nine shillings and four pence Lawful Money damage and Costs. It's therefore Considered by the Court that the said Nathaniel Babbit recover against the Money, Goods, and Effects of the said John Astin in the hands of the said Mark Keith trusee as aforesaid the sum of Four pounds Nine shillings and four pence Lawful Money of this Province damage, and Costs taxed at £7.7.11.

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Ex'c'on issued

Nov. 10<sup>th</sup>. 1762.

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Hoskins vs Joslyn jun<sup>r</sup>.

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Abigail Hoskins of Taunton in the County of Bristol Spinster Appellant  
 vs Henry Joslyn jun<sup>r</sup>. of Rehoboth in the County of Bristol Yeoman Appellee, from the  
 Judgment of an Inferior Court of common pleas held at Taunton in and for the County  
 of Bristol on the second Tuesday of March last, when and where the Appellant was  
 plaint. and the appellee was def<sup>t</sup>. In a plea of trespass etc. (as by the Writ tested the 28<sup>th</sup>. day  
 of January last, at large appears). At which said Inferior Court Judgment was  
 rendred, that Henry Joslin jun<sup>r</sup>. shoud recover against Abigail Hoskins Cost of Court.  
 The appellant appeared, but the appellee although solemnly called to come into  
 Court and save himself, did not appear but made default. It's therefore  
 Considered by the Court that the said Abigail Hoskins recover against the said  
 Henry Joslyn jun<sup>r</sup>. the sum of thirteen pounds two shillings Lawful Money of this  
 Province Damage, and Costs taxed at £3.17.10.

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Ex'c'on issued  
 Nov. 16<sup>th</sup>. 1762.

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Cobb vs Crane

&gt;&gt;

Elijah Cobb of Taunton in the County of Bristol Trader appellant vs Seth  
 Crane of Berkley in the County of Bristol Mariner Appellee, from the Judgment  
 of an Inferior Court of common pleas held at Taunton in and for the County of Bristol  
 on the second Tuesday of March last, when and where the appellant was plaint. and  
 the appellee was def<sup>t</sup>. In a plea of trespass upon the case etc. (as by the Writ on file, tested  
 the 23<sup>d</sup>. day of February last; at large appears.) At which said Inferior Courts Judgment  
 was rendred that Seth Crane shou'd recover against the said Elijah Cobb cost of  
 Court. The appellant appeared, and the appellee altho' solemnly called to come into  
 Court, did not appear but made default. It is therefore Considered by the Court  
 that the said Elijah Cobb recover against the said Seth Crane the sum of thirty  
 six pounds ten shillings and nine pence three farthings Lawful Money of this  
 Province Damage, and costs taxed at £4.10.2.

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Ex'c'on issued



Nov. 10

>>. 1762.

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Ratcliff

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[442v]

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Hellon ~~vs~~ Alden

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Ratcliff Hellon of Taunton in the County of Bristol Trader Appellant ~~vs~~ Solomon Alden of Bridgwater in the County of Plimouth Yeoman Appellee, from the Judgment of an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of September last, when and where the Appellant was plaint and the appellee was def. In a plea of trespass on the case for that on the second day of April one thousand seven hundred and sixty two at said Taunton, it was agreed between the said Ratcliff and the said Solomon that the said Solomon should deliver to the said Ratcliff a number of white Oak wail peices of the value of six pounds Lawful Money on the third day of April one thousand seven hundred and sixty two at the landing place near the dwelling house of Timothy Fales Esq; in said Taunton and also to deliver to the said Ratcliff in one months time then next ensuing at said Landing place the neat proceeds of twenty five logs containing fifteen tuns of timber that the said Solomon then had at Ebenezer Deans sawmill in said Taunton at the rate of twelve shillings for each tun of timber contained in said Logs (meaning that the said Solomon should deliver to the plaint. all the plank that should be made of said logs at the price of twelve shillings for each tun as aforesaid) and should also present to the said Ratcliff an account of the cost of drawing said logs to said mill and of sawing said logs into plank and of carting said Plank from said mill to said landing place. And also to deliver to the said Ratcliff in one month's time then next ensuing twenty tuns of good ship timber at said landing place; which ship timber delivered at said landing place the plaint avers to be of the value of thirteen pounds and ten shillings. the plaint also avers that the said neat proceeds of said logs deliver'd at said landing place as aforesaid, is of the value of sixteen pounds and

fourteen shillings. And that the said Ratcliffe shou'd pay to the said Solomon six pounds on the said third day of April one thousand seven hundred and sixty two, for said wail peices, and should pay the said Solomon twelve shillings for each tun of timber contained in said logs when said plank shou'd be sawed and delivered to him as aforesaid, and should also pay the said Solomon the whole that the drawing said logs to said mill, the sawing the same into plank and the carting said plank from said Mill to the said landing place should cost in English goods delivered at said Ratcliff's shop in said Taunton (when the said Solomon shou'd present to the said Ratcliff an acco<sup>t</sup>. of the same as aforesaid) and also shou'd pay the said Solomon the Value of said ship timber (when the said Ship timber should be delivered as aforesaid) in english goods delivered at the said Ratcliffs shop in said Taunton. and afterwards viz. on the same second day of April at said Taunton in consideration that the said Ratcliff had undertaken and to the same

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443.

[443r]

same Solomon then and there faithfully promised to perform the said Agreement in all things on his part to be performed he the said Solomon undertook and to the said Ratcliff then and there faithfully promised to perform the said Agreement in all things on his part to be performed. Now the said Ratcliff in fact says that he the said Ratcliff afterwards to wit on the Third day of April one thousand seven hundred and sixty two, at said Taunton relying upon the aforesaid Agreement and promise of the said Solomon did pay unto the said Solomon the said six pounds and always has been and still is ready to pay to the said Solomon the value of said logs at the rate of twelve shillings for each tun as aforesaid which amounts to nine pounds when said plank (they being now sawed and amounts to three thousand feet of plank) shall be delivered to him as aforesaid and pay what the drawing said logs to said mill, the sawing the same and carting them as aforesaid shall cost when an account of the same shall be presented to him as aforesaid. And the said Ratcliff has always been and still is ready to pay the said Solomon the value of said ship timber as aforesaid when the

same shall be delivered to him as aforesaid yet the said Solomon tho' requested not regarding his promise and under taking aforesaid hath not delivered to the s<sup>d</sup>. Ratcliff the wale peices as aforesaid altho' the plaint. was always ready to receive the same nor the value thereof in lawful Money as aforesaid nor has the said Solomon delivered to the said Ratcliff the said plank at said landing:place tho' the plaint. was always ready to receive them nor has he paid the plant. the Value thereof in lawful Money as aforesaid nor has he presented said account of the Cost of drawing said logs to said mill sawing said plank and carting s<sup>d</sup>. plank to said landing:place as aforesaid, nor has the said Solomon delivered the plaint. the said ship timber at said landing place as aforesaid, altho' the plaint. was always ready to receive it nor has he paid the plaint. the value of said Ship timber in lawful Money as aforesaid but refuses to do it to the damage of the said Ratcliff Hellon as he saith the sum of Forty pounds. At which s<sup>d</sup>. Inferior Court Judgment was rendred, that Solomon Alden shou'd recover against Ratcliff Hellon Cost of Court. The Parties appeared, and the Case after a full hearing was Committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say they find for the Appellee Costs. It's therefore Considered by the Court that the said Solomon Alden Recover against the said Ratcliff Hellon Costs taxed at £3.16.3.

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Ex'c'on iss<sup>d</sup>.

8. feb. 1763

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Morey ~~vs~~ Britton

&gt;&gt;

Thomas Morey of Norton in the County of Bristol Esq; Complainant ~~vs~~ Ab[<sup>^</sup>i<sup>^</sup>]el Britton the second of that name of Smithfield in the County of Providence in the Colony of Rhode Island &c<sup>a</sup>. Blomer. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second

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[443v]

second Tuesday of March last, he Recovered Judgment against the said Abel for the sum of £3.6.0. Lawful Money damage, and Costs of suit; from which Judgment the said Abel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Thomas Morey Recover against the said Abel Britton the sum of three pounds six shillings Lawful Money of this Province Damage, and Costs taxed at £3.5.0.

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Ex'c'on issued

24. Jan<sup>ry</sup>. 1763.

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Morey ~~vs~~ Wilbore et al

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George Morey of Norton in the County of Bristol Gentleman Complainant ~~vs~~ Meshec Wilbore of Raynham in the County of Bristol in New England Yeoman and Ebenezer Britton of said Raynham Yeoman. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of June last, he recovered Judgment against the said Meshec and Ebenezer for the sum of £7.4.4. Lawful Money debt and Costs of suit; from which Judgment the said Meshec and Ebenezer appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said George Morey Recover against the said Meshec Wilbore and Ebenezer Britton the sum of Seventy four pounds seven shillings and ten pence Lawful Money of this Province Debt and Costs taxed at £3.7.6.

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Ex'c'on issued

Oct<sup>o</sup>. 28. 1762.

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Brown ~~vs~~ Garey.

&gt;&gt;

Jabez Bowen of Providence in the County of Providence in the Colony of Rhode Island &c<sup>a</sup>. Esq; Complainant ~~vs~~ Stephen Garey of Norton in the County of Bristol Housecarpenter. The Compl<sup>t</sup>. shew'd that at an Inferior Court of com'on pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Stephen for the sum of £6.14.2. Lawful Money damage, and Costs of suit; from which Judgment the said Stephen appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jabez Brown recover against the said Stephen Garey the sum of six pounds eighteen shillings and five pence Lawful Money of this Province Damage, and Costs taxed at £3.11.10.

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Ex'c'on issued

Oct<sup>o</sup>. 28<sup>th</sup>. 1762.

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Ham'ond ~~vs~~ Snell

&gt;&gt;

Enoch Hammond Comp. ~~vs~~ Amos Snell et al. Agreed.

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Simeon

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[444r]

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Hodges ~~vs~~ Tisdale

&gt;&gt;

Simeon Hodges of Norton in the County of Bristol Yeoman Complainant ~~vs~~ John Tisdale of Taunton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of September last, he Recovered Judgment against the said John for the sum of £14.11.1¾. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd and Recognized with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Simeon Hodges recover against the said John Tisdale the sum of fourteen pounds twelve shillings and five pence Lawful Money of this Province damage, and Costs taxed at £3.6.2.

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Ex'c'on issued

Octo. 28<sup>th</sup>. 1762.

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Snow ~~vs~~ King

&gt;&gt;

Caleb Snow of Raynham in the County of Bristol Husbandman Complainant ~~vs~~ Phillip King of said Raynham Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Phillip for the sum of £3.5.9. Lawful Money damage, and Costs of suit; from which Judgment the said Phillip appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Caleb Snow recover against the said Phillip King the sum of three pounds seven shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.3.6.

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Ex'c'on issued

24.Jan<sup>ry</sup>.1763.

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Ware ~~vs~~ Hoskins

&gt;&gt;

William Ware of Wrentham in the County of Suffolk Cordwainer Complainant ~~vs~~  
 Peter Hoskins of Taunton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an  
 Inferior Court of common pleas held at Taunton in and for the County of Bristol on the  
 second Tuesday of June last, he Recovered Judgment against the said Peter for the sum  
 of £2.8.8. Lawful Money damage, and Costs of suit; from which Judgment the  
 said Peter appealed to this Court and Recogniz'd with sureties according to Law  
 to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional Interest and Costs. It's therefore  
 Considered by the Court that the said William Ware Recover against the said Peter  
 Hoskins the sum of two pounds nine shillings and six pence Lawful Money of this  
 Province damage, and Costs taxed at £3.10.10.

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Ex'c'on issued

28<sup>th</sup>. Octo. 1762.

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Andrews v Willbore.

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Joseph A[^n^]drews of Norton in the County of Bristol Yeoman Complainant ~~vs~~,  
 Phillip

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[444v]

Phillip Wilbore of Raynham in the County of Bristol Yeoman and Benjamin

Wilbore of said Raynham Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at Taunton in and for the County of Bristol on the second tuesday of June last, he Recovered Judgment against the said Phillip and Benjamin for the sum of £4.0.7¾. Lawful Money damage, and Costs of suit; from which Judgment the said Phillip and Benjamin appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Joseph Andrews recover against the said Phillip Wilbore and Benjamin Wilbore the sum of four pounds one shilling and five pence Lawful Money of this Province Damage, and Costs taxed at £3.5.0.

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Ex'c'on issued

Nov. 18<sup>th</sup>. 1762.

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Mason vs Paul

&gt;&gt;

Melatiah Mason of Dighton in the County of Bristol Yeoman Complainant vs James Paul of said Dighton Blacksmith. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second tuesday of June last, he Recovered Judgment against the said James for the sum of £2.11.5½. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Melatiah Mason recover against the said James Paul the sum of two pounds twelve shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.15.10.

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Ex'c'on issued

Dec'em 6<sup>th</sup>. 1762.



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Tucker ~~vs~~ Round

&gt;&gt;

Job Tucker of Norton in the County of Bristol Yeoman Complainant ~~vs~~  
 Isaac Round of Rehoboth in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol  
 on the second tuesday of June last, he Recovered Judgment against the said Isaac for the  
 sum of £3.15.7. Lawful Money damage, and Costs of suit; from which Judgment  
 the said Isaac appealed to this Court and Recogniz'd with sureties according to law  
 to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 affirmation of said Judgment with additional Interest and Costs. It's therefore  
 Considered by the Court that the said Job Tucker Recover against the said Isaac  
 Round the sum of three pounds seventeen shillings Lawful Money of this Province  
 damage, and Costs taxed at £3.12.8.

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Ex'c'on issued

Dec'em 31<sup>st</sup>. 1762.

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James

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Image 540-Right

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[445r]

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Blake ~~vs~~ Snell et al

&gt;&gt;

James Blake of Taunton in the County of Bristol Yeoman Complainant ~~vs~~  
 Nathaniel Snell of said Taunton Gentleman, and Nathaniel Carver of said Taunton  
 Blacksmith. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton  
 in and for the County of Bristol on the second Tuesday of June last, he Recovered Judgm<sup>t</sup>.

against them for the sum of £7.12.11¼. Lawful Money damage, and Costs of suit; from which Judgment they appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said James Blake recover against the said Nathaniel Snell and Nathaniel Carver the sum of seven pounds fifteen shillings and eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.3.6.

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Ex'c'on issued

Nov. 16<sup>th</sup>. 1762.

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Harvey v Tisdale

&gt;&gt;

Josiah Harvey of Norton in the County of Bristol Yeoman Complainant ~~vs~~ John Tisdale of Taunton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of June last, he Recovered Judgment against the said John for the sum of £8.10.1. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Josiah Harvey Recover against the said John Tisdale the sum of Eight pounds thirteen shillings and five pence Lawful Money of this Province damage, and Costs taxed at £3.4.4.

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Ex'c'on issued

Nov. 16<sup>th</sup>. 1762.

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Shaw ~~vs~~ Smith jun<sup>r</sup>.

&gt;&gt;

Daniel Shaw of Taunton in the County of Bristol Cordwainer Compl<sup>t</sup>.  
 vs John Smith the second of Taunton in the County of Bristol Joyner. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Taunton in and for the County of  
 Bristol on the second Tuesday of June last, he Recovered Judgment against the s<sup>d</sup>.  
 John for the sum of £4.1.5. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>.  
 Judgment the said John appealed to this Court and Recognized with sureties  
 according to Law to prosecute the same with Effect but fail'd so to do: Wherefore  
 the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest &  
 Costs. It's therefore Considered by the Court that the said Daniel Shaw recover  
 against the said John Smith the sum of four pounds four shillings Lawful  
 Money of this Province Damage, and Costs taxed at £3.3.2.

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Ex'c'on issued  
 Nov. 16<sup>th</sup>. 1762.

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Newcomb v Babbit

&gt;&gt;

Jonathan Newcomb of Norton in the County of Bristol Innholder Compl<sup>t</sup>.  
 versus.

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[445v]

versus Abiather Babbit of Norton aforesaid Yeoman. The Compl<sup>t</sup>. shew'd that at an  
 Inferior Court of common pleas held at Taunton in and for the County of Bristol on  
 the second Tuesday of March last, he Recovered Judgment against the said  
 Abiather for the sum of £22.7.8. Lawful Money damage, and Costs of suit;  
 from which Judgment the said Abiather appealed to this Court and recogniz'd  
 with sureties according to Law to prosecute the same with the Effect, but fail'd  
 so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
 Additional Interest and Costs. It's therefore Considered by the Court that

the said Jonathan Newcomb recover against the said Abiather Babbit the sum of twenty three pounds three shillings and three pence Lawful Money of this Province damage, and Costs taxed at £3.7.2.

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Ex'c'on issued

Nov. 11<sup>th</sup>. 1762.

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Bryant ~~vs~~ Perry

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David Bryant Complainant ~~vs~~ Jonathan Perry agreed.

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Brintnel ~~vs~~ Richardson

&gt;&gt;

Ebenezer Brintnel of Norton in the County of Bristol Yeoman Complainant ~~vs~~ Nathaniel Richardson of Boston in the County of Suffolk Gentleman. The Compl<sup>t</sup> shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of September last, he Recovered Judgment against the said Nathaniel for the sum of £2.0.9½. Lawful Money damage, and Costs of suit; from which Judgment the said Nat. appealed to this Court and Recog:nized with sureties according to Law to prosecute the same with Effect; but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Ebenezer Brintnel recover against the said Nathaniel Richardson the sum of two pounds & nine pence half penny Lawful Money of this Province Damage, and Costs taxed at £4.13.6.

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Ex'c'on issued

Oct<sup>o</sup>. 28<sup>th</sup>. 1762.

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Vaughan ~~vs~~ Carver

>>

Abraham Vaughan of Middleborough in the County of Plimouth Yeoman  
Complainant ~~vs~~ Jonathan Carver of Taunton in the County of Bristol Gentleman.  
The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at Taunton in &  
for the County of Bristol on the second Tuesday of December last, he Recovered Judgm<sup>t</sup>.  
against the said Jonathan for the sum of £8.16.7. Lawful Money damage, and  
Costs of suit; from which Judgment the said Jon<sup>a</sup>. appealed to this Court and  
Recogniz'd with sureties according to Law to prosecute the same with Effect, but  
fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with  
additional Interest and Costs. It's therefore Considered by the Court that the said  
Abraham Vaughan Recover against the said Jonathan Carver the sum of  
nine pounds five shillings and a penny Lawful Money of this Province  
damage, and Costs taxed at £3.7.0.

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Ex'c'on issued  
Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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[446r]

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Andrews v Tisdale

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Samuel Andrews of Berkley in the County of Bristol Boatman Compl<sup>t</sup>. ~~vs~~  
John Tisdale of Taunton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an  
Inferior Court of common pleas held at Taunton in and for the County of Bristol on  
the second Tuesday of December last, he Recovered Judgment against the said  
John for the sum of £6.12.11. Lawful Money of this Province damage, and Costs of  
suit; from which Judgment the said John appealed to this Court and Recogniz'd  
with sureties according to Law to prosecute the same with Effect but fail'd so to do:

Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Interest and Costs. It's therefore Considered by the Court that the said Samuel Andrews recover against the said John Tisdale the sum of six pounds eighteen shillings & eleven pence Lawful Money of this Province Damage, and Costs taxed at £3.3.8.

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Ex'c'on issued

Oct<sup>r</sup>. 22<sup>nd</sup>. 1762.

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Barney jun<sup>r</sup>. ~~vs~~ Wyley

&gt;&gt;

Jacob Barney Jun<sup>r</sup>. of Newport in the County of Newport in the Colony of Rhode Island &c<sup>a</sup>. Hatter Complainant ~~vs~~ Jacob Wiley of Dighton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Wiley for the sum of £13.19.6. Lawful Money damage and Costs of suit; from which Judgment the said Wiley appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Jacob Barney jun<sup>r</sup>. Recover against the said Jacob Wiley the sum of thirteen pounds nineteen shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £4.1.5.

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Ex'c'on issued

Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Durfey v Seekins

&gt;&gt;

Richard Durfey of Tiverton in the County of Newport in the Colony of

Rhode Island etc. Gentleman Complainant *vs* Moses Seekins of Taunton in the County of Bristol Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Moses for the sum of £10.11.1. Lawful Money damage, and Costs of suit; from which Judgment the said Moses appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Richard Durfey Recover against the said Moses Seekins the sum of ten pounds sixteen shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.11.5.

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Ex'c'on issued

Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Ephraim

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[446v]

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Leonard Esq et al *vs* King

&gt;&gt;

Ephraim Leonard of Norton in the County of Bristol Esq; and Abigail Leonard the Wife of the said Ephraim and Ebenezer Williams of Easton in the County of Bristol Yeoman Complainant *vs* Phillip King of Raynham in the County of Bristol Gentleman. The Compl<sup>s</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, they recovered against the said Phillip Judgment for £16.17.9. Lawful Money damage, and Costs of suit; from which Judgment the said Phillip appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>ts</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Ephraim Leonard and

Abigail Leonard, and Ebenezer Williams Recover against the said Phillip King the sum of seventeen pounds eight shillings and three pence Lawful Money damage, and Costs taxed at £3.8.1.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Brownell ~~vs~~ Willis

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Jonathan Brownell of Dartmouth in the County of Bristol Yeoman Compl<sup>t</sup>. ~~vs~~ Jizeh Willis of said Dartmouth Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of March last, he Recovered Judgment against the said Jizeh for the sum of £3.14.0. Lawful Money damage, and Costs of suit; from which Judgment the said appealed to this Court and recognized with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jonathan Brownell recover against the said Jizeh Willis the Sum of three pounds pounds fourteen shillings Lawful Money of this Province damage, and Costs taxed at £3.19.1.

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Ex'c'on issued

Dec'em 7<sup>th</sup>. 1762.

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Anthony ~~vs~~ Shaw.

>>

Daniel Anthony of Swansey in the County of Bristol Husbandman. Compl<sup>t</sup>. ~~vs~~ Samuel Shaw of Raynham in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and



for the County of Bristol on the second Tuesday of March last, he recovered Judgment against the said Samuel for the sum of £3.8.1½. Lawful Money damage, and Costs of suit; from which Judgment the said Samuel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>. Judgment with Additional Interest and Costs. It's therefore Considered by the Court

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447.

[447r]

Court that the said Daniel Anthony Recover against the said Samuel Shaw the sum of three pounds ten shillings and five pence Lawful Money of this Province damage, and Costs taxed at £3.9.4.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Smith ~~vs~~ Andrews

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Jasiel Smith of Taunton in the County of Bristol Brickmaker Complainant ~~vs~~ John Andrews of Providence in the County of Providence in the Colony of Rhode Island &c<sup>a</sup>. Bricklayer. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second tuesday of March last, he Recovered Judgm<sup>t</sup>. against the said John for the sum of £22.15.4. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Jasiel Smith recover against the said John Andrews the sum of twenty three pounds ten shillings and four pence Lawful Money of this Province damage, and Costs taxed at £3.9.6.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Richmond ~~vs~~ Leonard.

&gt;&gt;

Amariah Richmond of Taunton in the County of Bristol Husbandman  
 Complainant ~~vs~~ William Leonard of said Taunton Gentleman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Taunton in and for the County of  
 Bristol on the second Tuesday of March last, he Recovered Judgment against  
 the said William for the sum of £2.14.0. Lawful Money damage, and Costs of  
 suit; from which Judgment the said William appealed to this Court and recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but fail'd so  
 to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
 Additional Costs. It's therefore Considered by the Court that the said Amariah  
 Richmond recover against the said William Leonard the sum of two pounds  
 fourteen shillings Lawful Money of this Province Damage, and Costs taxed  
 at £3.4.1.

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Ex'c'on issued

Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Hoskins v Joslyn

&gt;&gt;

Abigail Hoskins of Taunton in the County of Bristol Spinster Compl<sup>t</sup>. ~~vs~~  
 Henry Joslyn jun<sup>r</sup>. of Rehoboth in the County of Bristol Yeoman. The Compl<sup>t</sup>.  
 shew'd that at an Inferior Court of common pleas held at Taunton in and for  
 the County of Bristol on the second Tuesday of March last, she recovered Judgm<sup>t</sup>.  
 against the said Henry for the sum of £6.17.6. Costs of suit; from which  
 Judgment the said Henry appealed to this Court and recognized with

sureties according to Law to prosecute the same with effect, but fail'd so to do:  
Wherefore the Compl<sup>t</sup>. pray'd Affirmation with Additional Costs. It's therefore  
Considered by the Court that the said Abigail Hoskins recover against  
the

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[447v]

the said Abigail Hoskins Recover against the said Henry Joslyn jun<sup>r</sup>. Costs taxed at  
£8.10.10.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Hoskins ~~vs~~ Joslyn jun<sup>r</sup>.

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Abigail Hoskins of Taunton in the County of Bristol Spinster, William Hoskins  
of said Taunton Yeoman, and Elijah Gary of Rehoboth in the County of Bristol  
Yeoman Complainants ~~vs~~ Henry Joslin jun<sup>r</sup>. of Rehoboth aforesaid Yeoman.

The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton  
in and for the County of Bristol on the second Tuesday of March last, they  
Recovered Judgment against the said Henry for Costs of suit; from which  
Judgment the said Henry appealed to this Court and recogniz'd with  
sureties according to Law to prosecute the same with Effect, but fail'd so to do:  
Wherefore the Compl<sup>t</sup>. pray'd affirmation with Additional Costs. It's  
therefore Considered by the Court that the said Abigail Hoskins, Elijah  
Gary, and William Hoskins Recover against the said Henry Hoskins jun<sup>r</sup>.  
Costs taxed at £3.15.5.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Seekins ~~vs~~ Gilbert

&gt;&gt;

John Seekins of Taunton in the County of Bristol Husbandman  
 Complainant ~~vs~~ Thomas Gilbert of Berkley in the County of Bristol  
 Gentleman and one of the deputy sheriffs of said County. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Taunton in and for the County  
 of Bristol on the second tuesday of March last, he Recovered Judgment against  
 the said Thomas for the sum of £11.1.9¾. Lawful Money damage, and  
 Costs of suit; from which Judgment the said Thomas appealed to this Court  
 and recogniz'd with sureties according to Law to prosecute the same with  
 effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Interest and Costs. It's therefore Considered  
 by the Court that the said John Seekins recover against the said Thomas  
 Gilbert the sum of eleven pounds nine shillings and four pence three  
 farthings Lawful Money of this Province damage, and Costs taxed at  
 £3.5.2.

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Ex'c'on issued

Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Sanford ~~vs~~ Babbit

&gt;&gt;

George Sanford of Berkley in the County of Bristol Gentleman.  
 Complainant ~~vs~~ Elkanah Babbit of said Berkley in the County of  
 Bristol Joyner. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common  
 pleas held at Taunton in and for the County of Bristol on the second tuesday  
 of March last, he Recovered Judgment against the said Elkanah for the  
 sum of £2.4.1. Lawful Money damage, and Costs of suit; from which  
 Judgment the said Elkanah appealed to this Court and Recogniz'd with  
 sureties

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448.

[448r]

sureties according to Law to prosecute the same with Effect, but fail'd so to do:

Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional

Interest and Costs. It's therefore Considered by the Court that the said

George Sanford recover against the said Elkanah Babbit the sum of two

pounds five shillings six pence Lawful Money of this Province Dam<sup>a</sup>.

and Costs taxed at £

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Crane ~~vs~~ Whitmarsh

>>

John Crane of Raynham in the County of Bristol Yeoman Compl<sup>t</sup>. ~~vs~~

Lusannah Whitmarsh of Dighton in the County of Bristol Widow. The Compl<sup>t</sup>.

shew'd that at an Inferior Court of common pleas held at Taunton in and for

the County of Bristol on the second Tuesday of June last, he recovered Judgm<sup>t</sup>.

against the said Lusannah for the sum of £17.3.11¼. Lawful Money dam<sup>a</sup>.

and Costs of suit; from which Judgment the said Lusannah appealed to this

Court and Recogniz'd with sureties according to Law to prosecute the same

with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. Pray'd Affirmation of

said Judgment with Additional Interest and Costs. It's therefore Considered

by the Court that the said John Crane recover against the said Lusannah

Whitmarsh the sum of seven-[^teen^] pounds ten shillings and seven pence one farth<sup>g</sup>.

Lawful Money of this Province Damage, and Costs taxed at £3.4.8.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Paddleford ~~vs~~ Ingell

>>

Zachariah Paddleford of Taunton in the County of Bristol Yeoman  
 Complainant *vs* John Ingell of said Taunton Cooper. The Compl<sup>t</sup>. shew'd that  
 at an Inferior Court of common pleas held Taunton in and for the County of  
 Bristol, on the second Tuesday of June last, he Recovered Judgment against  
 the said John for the sum of £6.10.1. Lawful Money damage, and  
 Costs of suit; from which Judgment the said John appealed to this Court  
 and Recogniz'd with sureties according to Law to prosecute to prosecute  
 the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>.  
 of said Judgment with Additional Interest and Costs. It's therefore  
 Considered by the Court that the said Zachariah Paddleford Recover  
 against the said John Ingell the sum of six pounds twelve shillings  
 and six pence Lawful Money of this Province Damage, and Costs  
 taxed at £3.3.4.

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Ex'c'on issued  
 Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Walker v Cobb.

&gt;&gt;

Mary Walker of Taunton in the County of Bristol Widow Administratrix of  
 all and singular the goods chattles Rights and Credits of James Walker late of said  
 Taunton Yeoman deceased Intestate Complainant *vs* [<sup>a</sup>Eliz<sup>a</sup>. Cobb of Taunton aforesaid Widow  
 Adm<sup>x</sup>. on the Estate of<sup>^</sup>] Jacob Cobb of said  
 Taunton Husbandman [<sup>^</sup>dec'ed<sup>^</sup>]. The Compl<sup>t</sup>. shew'd that at an Inferior Court of,  
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[448v]

common pleas held at Taunton in and for said County of Bristol on the second  
 Tuesday of June last, he recovered Judgment against the said Jacob for the  
 sum of £8. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>.  
 the said Jacob appealed to this Court and recogniz'd with sureties accord<sup>g</sup>.  
 to Law to prosecute the same with Effect, but fail'd so to do: Wherefore

the Compl<sup>t</sup>. pray'd of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Mary Walker recover against the Estate of said Jacob Cobb (who died since the appeal aforesaid) in the hands of the said Elizabeth Cobb Administratrix thereon as aforesaid, the sum of eight pounds Lawful Money of this Province Damage, and Costs taxed at £3.2.6.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Hall ~~vs~~ Wilbore

&gt;&gt;

David Hall of Raynham in the County of Bristol Yeoman Compl<sup>t</sup>.  
~~vs~~ Benjamin Wilbore of Raynham in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common pleas held at Taunton in and for the County of Bristol on the second tuesday of June last, he recovered Judgment against the said Benjamin for the sum of £8.15.1. Lawful Money damage, and Costs of suit; from which Judgment the said Benj<sup>a</sup>. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said David Hall Recover against the said Benjamin Wilbore the sum of Eight Pounds seventeen shillings and six pence Lawful Money damage, and Costs taxed at £3.3.4.

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Slead ~~vs~~ Wilbore

&gt;&gt;

Obadiah Slead of Swansey in the County of Bristol Yeoman  
 Compl<sup>t</sup>. ~~vs~~ Benjamin Wilbore of Raynham in the County of Bristol

Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second Tuesday of June last, he Recovered Judgment against the said Benjamin for the sum of £13.10.1. Lawful Money damage, and Costs of suit; from which Judgment the said Benjamin appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Obadiah Slead Recover against the said Benjamin Wilbore the sum of thirteen pounds fifteen

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[449r]

fifteen shillings and a penny Lawful Money of this Province Damage and Costs taxed at £3.7.10.

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Simmons ~~vs~~ White

>>

Nathan Simmons of Freetown in the County of Bristol Gentleman Compl<sup>t</sup>. ~~vs~~ Nathaniel White of Taunton in the County of Bristol Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Taunton in and for the County of Bristol on the second tuesday of June last, he recovered Judgment against the said Nath<sup>l</sup>. for the sum of £27.4.10. Lawful Money damage, and Costs of suit; from which Judgment the said Nath<sup>l</sup>. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirm<sup>a</sup>. of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Nathan Simmons Recover against the said Nathaniel White the sum of twenty seven pounds fifteen shill<sup>s</sup>. and three pence Lawful Money of this Province damage, and Costs



taxed at £3.7.2.

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Ex'c'on issued

Nov. 4<sup>th</sup>. 1762.

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Hathway v Sampson

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Phillip Hathway of Freetown in the County of Bristol Yeoman  
 Compl<sup>t</sup>. ~~vs~~ Barnabas Sampson of Middleborough in the County of Plim<sup>o</sup>.  
 Cordwainer. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common  
 pleas held at Taunton in and for the County of Bristol on the second Tuesday  
 of June last, he recovered. Judgment against the said Barnabas for the  
 sum of £8.3.8. Lawful Money damage, and Costs of suit; from w<sup>ch</sup>.  
 Judgment the said Barnabas appealed to this Court and recogniz'd  
 with sureties according to Law to prosecute the same with Effect  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Interest and Costs. It's therefore Considered  
 by the Court that the said Phillip Hathway recover against the said  
 Barnabas Sampson the sum of eight pounds six shillings and 10<sup>d</sup>.  
 Lawful Money of this Province damage, and Costs taxed at £3.7.2.

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Ex'c'on issued

Oct<sup>o</sup>. 22<sup>d</sup>. 1762.

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Chase ~~vs~~ Swasey

>>

Thomas Chace of Taunton in the County of Bristol Boatman  
 Complainant ~~vs~~ Joseph Swasey of Swansey in the County of Bristol  
 Mariner. The Compl<sup>t</sup>. shew'd that at an Inferior Court of Common  
 pleas held at Taunton in and for the County of Bristol on the second

tuesday of September last, he Recovered Judgment against the said Joseph for the sum of £8.5.8½. Lawful Money damage, and Costs of suit; from which Judgment the said Joseph appealed to this

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[449v]

this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Chace recover against the said Joseph Swasey the sum of eight pounds six shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.11.11.

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Gilbert ~~vs~~ Stephens

>>

Thomas Gilbert of Berkley in the County of Bristol Gentleman and a deputy sheriff of the same County Complainant ~~vs~~ Ebenezer Stephens of Taunton in the County of Bristol Tanner. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of common pleas held at Taunton in and for said County of Bristol on the second Tuesday of September last, he Recovered Judgment against the said Ebenezer for the sum of £9.19.1½. Lawful Money damage, and Costs of suits; from which Judgment the said Eben. appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Gilbert recover against the said Ebenezer Stephens the sum of ten pounds and a penny Lawful Money of this Province Damage, and Costs taxed at £3.5.8.

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Order on Smith's Pet<sup>o</sup>.

&gt;&gt;

Upon reading the Petition of John Smith Adm'or on the Estate of John Smith late of Taunton in the County of dec'ed; Wherein the Petitioner shew'd that the said deceased's personal Estate is insufficient to pay his just debts etc. by the sum of £2.17.5. The Petition<sup>r</sup>. therefore pray'd leave to sell the whole of the said deceased's real Estate to enable him to pay the same.

Ordered that the prayer of this Petition be Granted, and that the said John Smith Adm'or as aforesaid, be and hereby is Impowered to make sale of the real estate of said deceased for the Ends aforesaid as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Williams's Petition

&gt;&gt;

Upon Reading the Petition of Timothy Williams Administrator on the Estate of Benjamin Keith late of Easton in said County deceased; Wherein the Petitioner shew'd that the said deceased's personal Estate is insufficient to pay his just debts etc. by the sum of £32.1.6½. The Petitioner therefore

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therefore pray'd this Court to grant him leave to sell so much of the said dec'eds real estate as wou'd enable him to pay the same and the charges that may further arise in selling the same. Ordered that the prayer of this Petition be granted; and that the said Timothy Williams Adm'or as aforesaid, be and hereby is impowered to make sale of thirty five pounds worth of the real Estate of said deceased for the ends aforesaid (such as will least prejudice the residue) as pray'd for, and to pass and execute a good Deed or deeds in the law for

Conveyance thereof, the Petitioner to post up notifications thirty days before the sale and account with the Judge of Probate for said County, as Law directs.

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Order on Briggs's Petition.

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Upon Reading the Petition of Mary Briggs Adm<sup>x</sup>. on the Estate of Mathew Briggs late of Berkley in the County of Bristol deceased. Wherein the Petition<sup>r</sup>. shew'd that the said deceased's personal Estate is insufficient to pay his just debts etc. by the sum of £10.12.2. The Petitioner therefore pray'd leave of this Court to sell so much of the said deceased's real Estate as wou'd be sufficient to pay the same and the charges that might further arise in settlement thereof, Ordered that the prayer of this Petition be granted, and that the said Mary Briggs Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of fourteen pounds worth of the real Estate of said deceased for the Ends aforesaid (such as will least prejudice the residue) as pray'd for, and to pass and execute a good Deed or deeds in the Law for Conveyance thereof the Petitioner to post up notifications thirty days before the sale, & account with the Judge of Probate for said County, as the Law directs.

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Order on Wilbore's Petition.

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Upon Reading the Petition of Shadrack Wilbore Adm<sup>r</sup>. on the Estate of John Hacket late of Raynham in the County of Bristol dec'ed; Wherein the the Petitioner shew'd that the said deceased's personal Estate is insufficient to pay his just debts by the sum of £37.19.3¾. The Petitioner therefore pray'd this Court to Impower him to sell so much of the said deceased's real Estate as wou'd be sufficient to pay the same. Ordered that the prayer of this Petition be granted, and that the said Shadrack Wilbore Adm<sup>r</sup> or as aforesaid, be and hereby is Impowered to make Sale of forty two pounds worth of the real Estate of said deceased for the Ends aforesaid, (such as will least prejudice the whole) as pray'd for; the petitioner to pass and Execute a good Deed or Deeds in the Law for Conveyance thereof, and

post up notifications thirty days before, and also to account with the Judge of Probate of said County as the Law directs.

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Lopez Naturaliz'd

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Be it remembred that on the fifteenth day of October during this term sitting the chief Justice and three other Justices, between the hours of nine and twelve in the morning appeared Aaron Lopez of Swansey in this County Merchant and represented that he was a person professing the Jewish religion and had resided at Newport in the Colony of Rhode Island and Providence Plantations, and at Swansey in the Province of the Massachusetts-Bay for more than seven years viz. at said Newport from the thirteenth day of October AD1752. 'till the tenth day of September last, and at said Swansey ever since, and had not been absent from the said Colony and Province during said time for more than two months at any one time, and proof having been made thereof the said Aaron Lopez pray'd that he might be admitted to take and subscribe the Oaths and to make Repeat & subscribe the declaration appointed by an act made in the first year of the reign of his late Majesty King George the first, entitled an act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late Princess of Sophia being protestants, And for extinguishing the hopes of the pretended Prince of Wales his open and secret Abettors, before the said chief Justice and other Justices of this Court according to the form and effect of an act of parliament passed in the thirteenth year of his late Majesty King George the second intituled an act for Naturalizing such foreign protestants and others therein mentioned as are settled or shall settle in any of his Majesty's Colonies in America, and being thereunto admitted, the said Aaron Lopez

took and subscribed the Oaths, and made repeated and subscribed the declaration aforesaid in presence of the said chief Justice and other three Justices aforesaid, and between the hours of nine and twelve in the morning as aforesaid.

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Dogget ~~vs~~ Healey

&gt;&gt;

Israel Dogget of Rehoboth in the County of Bristol Yeoman Appellant ~~vs~~ William Healey of said Rehoboth Husbandman Appellee, from the Judgment of an Inferior Court of common pleas held at Taunton in & for the County of Bristol on the second Tuesday of September AD1760. when & where the Appellee was plaint. & the Appellant was def<sup>t</sup>. In a plea of trespass on the case &c. (as by the Writ on file, tested the 14<sup>th</sup>. day of July AD1760. at large appears.) At which said Inferior Court Judgment was rendred that the said William Healey recover against the said Israel Dogget the sum of one hundred & one pounds four pence Lawful Money damage, & Costs of Court. This Appeal was bro't forward at the Superior Court of Judicature &c. held at Taunton for & within the County of Bristol on the third Wednesday of October AD1760. and from thence was

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[451r]

was continued to the last term of this Court for said County by Consent of Parties; & then from said term the said appeal (by Consent) was continued to this Court: And now both parties appeared and Referr'd this action to Thomas Troop Esq; Thomas Peck, & John Stearns the determination of said Referees (or of any two of 'em) to be conclusive; Report to be made to the Court at Boston in February term next, & Judgm<sup>t</sup>. to be then & there entred up as of this term: & pursuant to the Report of said Referees which was accepted. It is Considered by the Court that the said William Healey recover against the said Israel Dogget the sum of One hundred & fifteen pounds Lawful Money of this Province damage, and Costs taxed at £12.1.10.

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Ex'c'on issued

Mar, 1<sup>st</sup>. 1763.

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Bicknell vs Draper

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Japheth Bicknell of Attleborough in the County of Bristol Yeoman Plaintiff.  
 vs Josiah Draper of said Attleborough Yeoman, late Clerk of the third foot company in  
 Attleborough aforesaid, which was late under the Command of Cap<sup>t</sup>. John Stearns  
 belonging to third Regiment of Militia in the County of Bristol whereof Ephraim  
 Leonard Esq; was late Colonel defendan., In a plea of Review of a plea of Review  
 of a plea of debt; which plea of debt was commenced & prosecuted at an Inferior  
 court of common pleas held at Taunton in & for the county of Bristol on the second  
 Tuesday of June AD1757. by the said Josiah against the said Japheth in the words  
 follow<sup>g</sup>. viz. "In a plea of debt" &c. (as by the original writ. on file, tested the  
 day of at large appears.) The Parties Appeared, & The Writ [<sup>^</sup>of Review<sup>^</sup>] was dismiss the  
 Court being of Opinion that the order [<sup>^</sup>of the General Court mention'd in the writ of Review &  
 now in Court<sup>^</sup>] produced does not support it: It's therefore  
 Considered by the Court that the said Josiah Draper recover against the said  
 Japheth Bicknell Costs taxed at £4.9.2.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Court Adjourn'd

without day

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Taunton Oct<sup>o</sup>. 15<sup>th</sup>. 1762. The Court enter'd up Judgment according to the Verdicts, &  
 then the Court was Adjourn'd without day. Att<sup>r</sup>. Sam<sup>l</sup>. Winthrop Cler

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452.

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Province of the} Anno Regni Regis Georgii tertii Magnæ Britanniaë  
Massachusetts Bay} Franciaë et Hiberniaë secundo.

Essex ss}

At his Majesty's Superior Court of Judicature Court of Assize  
and General Goal Delivery, held at Salem within & for the  
County of Essex on the third Tuesday of October (being the 19<sup>th</sup>.  
day of said Month) Annoq Domini 1762.

By the Honorable Thomas Hutchinson Esq; chief Justice.

Benjamin Lynde}

John Cushing}

Chambers Russell&}

Peter Oliver}

The Names of the Grand and Petit Jurors present Impanel'd and sworn are in  
writing on file.

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Harris ~~vs~~ Morse.

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James Harris Appellant ~~vs~~ Abraham Morse Appellee.

This Action is dismiss, the appellee being dead and no executor or Administrator  
appearing.

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Davis et al ~~vs~~ Hodge

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Benjamin Davis of Boston in the County of Suffolk Merchant & Edward



Davis of the same Boston Merchant Appellants ~~vs~~ Michael Hodge of Newbury the County of Essex Shipwright Appellee, from the Judgment of an Inferior Court of common pleas held at Newbury in and for said County of Essex on the last tuesday of September AD1759. when and where the appellee was plaint. and the Appellants were deft<sup>s</sup>. In a plea of trespass on the case etc. (as by the Writ on file tested the 10<sup>th</sup>. day of said Sept. 1759, at large appears) At which said Inferior Court Judgment was rendred, that the said Michael Hodge recover against the said Benjamin Davis and Edward Davis ten pounds one shilling money damage, and Costs. This appeal was bro't forward at the Superior Court of Judicature Court of Assize and General Goal Delivery, held at Salem in & for said County of Essex on the fourth Tuesday of October AD1759. by Adjournment, when and where the parties appeared, and referr'd this action with all other demands to the determination of Stephen Higginson Esq; Nathaniel Ropes, & Ralph Cross, Report of said Referees, or of any two of 'em, to be final; and from thence said appeal was continued to the then next term of said Court for said County of Essex, by Consent: and from said Court last mentioned said appeal was continued

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[452v]

continued unto the next term by Consent, and so from term to term said Appeal was Continued to the Superior Court of Judicature &c. held at Salem in and for said County of Essex on the third tuesday of October last, when and where the parties appeared and Joseph Dowse Esq; was appointed a Referee in this Action instead of said Higginson who was dead, and afterwards said Appeal was further continued from that Court to the last term of this Court for this County, said Referees not having Reported, and from thence said Appeal was continued to this Court, no Report being made. And now both Parties l Appeared, and said Dowse & the other referees made Report to the Court in writing under their hands, which was read and accepted as on file, pursuant therefore to the same Report. It is Considered by the Court that the said Michael Hodge recover against the said Benjamin Davis and Edward Davis the sum of one pound one shilling Lawful Money

of this Province damage, and Costs taxed at £16.2.0.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Morse ~~vs~~ Freeman

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Abraham Morse Appellant ~~vs~~ Isaac Freeman Appellee.

This Action is dismiss, the Appellant being dead, and no Executor or Administrator appearing.

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Greene ~~vs~~ Hodgdon

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Thomas Greene of Boston in the County of Suffolk Esq; Appellant ~~vs~~ Thomas Hodgdon of Gloucester in the County of Essex Butcher & trustee of Henry Comerford of said Gloucester Merchant Appellee, from the Judgment of an Inferior Court of common pleas held at Ipswich in and for s<sup>d</sup>. County of Essex on the last tuesday of March AD1761. when and where the Appellant was plaint. & the Ap'lee was def<sup>t</sup>. upon a declaration of the s<sup>d</sup>. Thomas Greene's filed in the office of the Clerk of said Inferior Court wherein the same Thomas complains against the said Henry in a plea of trespass on the case, etc. (as by the Writ on file, tested the 12<sup>th</sup>. day of February AD1761. at large appears) At which said Inferior Court Judgment was Rendred, that the said Thomas Hodgdon recover against the said Thomas Greene Costs of suit. This appeal was brought forward at the Superior Court of Judicature Court of Assize and General Goal Delivery held at Ipswich in & for the County of Essex on the second tuesday of June AD1761. & from thence was Continued to the next term of this Court for this County, by Consent; and from thence said Appeal was continued to the next term, and so from the same term to this Court: And now the appellant appeared, but the appellee altho'

solemnly called to come into court did not appear but made default: It's therefore Considered by the Court that the said Thomas Greene recover against the Money goods, and effects of the said Henry Comerford, in the hands of said Thomas Hodgdon

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Hodgdon trustee as aforesaid, the sum of eight hundred and eleven pounds ten shillings and seven pence one farthing Lawful Money of this Province damage, and Costs taxed at £6.19.2.

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Ex'c'on issued

Nov. 16<sup>th</sup>. 1762.

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Endicot ~~vs~~ Hutchinson et al

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Samuel Indicot of Danverse in the County of Essex Gentleman Appellant ~~vs~~ Israel Hutchinson Gentleman, Ammi-Ruhamah Kimball Labourer, Thomas Andrews Husbandman, John Rea Husbandman, & David Prince Cordwainer all of Danverse afores<sup>d</sup>. Appellees, from the Judgment of an Inferior Court of common pleas held at Salem in and for the County of Essex on the second tuesday of July AD1761. when and where the Appellant was plaint. and the appellees were defendants. In a plea of trespass for that the said Israel, Ammi-Ruhamah, Thomas, John, & David on the thirteenth day and fourteenth day of June 1760. & on diverse other days and times between the said fourteenth day of June and thirteenth day of July 1760. with force & arms entred into the plaint<sup>s</sup>. close called Endicot's Neck in Danverse aforesaid & with force as aforesaid cut down & carried away four hundred and thirty two of the plaint<sup>s</sup>. trees then standing & growing in the plaint. close afores<sup>d</sup>. all of the value of sixty pounds, and in said close dug up & carried away a hundred loads of the said Samuels Gravel worth six pounds, and cut up &

trampled down & destroyed the plaint<sup>s</sup>. grass growing in said close of the value of five pounds, and other Injuries the def<sup>s</sup>. then and there did to the plaint. against the peace, and to the damage of the said Samuel Indicot, as he saith, the sum of Ninety pounds. At which said Inferior Court Judgment was rendred, that the said Israel Hutchinson, Ammi-Ruhamah Kimball, Thomas Andrews, John Rea, and David Prince recover against the s<sup>d</sup>. Samuel [<sup>^</sup>Endicott costs.<sup>^</sup>] [<sup>^</sup>This Appeal was bro't forward at the term of this Court for this County held at Salem in 1761 and then s<sup>d</sup>. Appeal was continued to the last term of this Court for this County & from that term was continued to this Court and it having been agreed by each party<sup>^</sup>] in this Action that each party bear his own costs in [x] consideration thereof the appellant accepts and acknowledges he has received of the appellees fifteen pounds in full satisfaction of the damages in the Writ mentioned; & for the twenty pounds allow'd him for the private way laid thro'. the close aforesaid at the request of [x] Jeremy Page and others by the selectmen of Danverse: but the Appellant reserves to himself the right of demanding and receiving the sum allow'd him for damages sustain'd by a high: :ways being laid thro' his land aforesaid by order of the Court of General Sessions of the peace.

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Kimbal ~~vs~~ Lapthorn.

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Joshua Kimball of Marblehead in the County of Essex Wiggmaker Appellant ~~vs~~ John Lapthorn of said Marblehead Fisherman Appellee, from the Judgment of an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July AD1761. when & where the appellant was plaint. & the Appellee

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[453v]

Appellee was def<sup>t</sup>. In a plea of the case for that the def<sup>t</sup>. at said Marblehead the first day of June 1761 owing the plaint. ten pounds fifteen shillings & eight pence farthing for goods before that time sold & delivered by the plaint. to the def<sup>t</sup>. and at his request according to the account annexed to the Writ then & there promised the plaint to pay him the same on

demand, yet the def<sup>t</sup>. tho' Requested has not paid it but denies it. And for that also afterwards the same day there in consideration that the plaint had before that time: sold & delivered to the said John other goods at his request the def<sup>t</sup>. then & there promised the plaint to pay him therefor on demand so much as the same were worth, which the plaint. saith were worth other ten pounds fifteen shillings & eight pence farthing of which the def<sup>t</sup>. then & there had notice, Yet he has not paid it tho' Requested but denies it. To the damage of the Joshua as he saith the sum of fifteen pounds. At which said Inferior Court Judgment was rendred upon the demurer there, that the said John Laphorn recover against the said Joshua Kimball Costs. This appeal was bro't forward at the Superior Court of Judicature Court of Assize & General Goal Delivery held at Salem in and for the County of Essex on the third Tuesday of October AD1761. and from thence was continued to the last term of this Court for this County, by the parties consent; & from the same term said appeal was continued to this Court by Consent: And now both Parties appeared, & the demurer aforesaid is waiv'd, and the issue tender'd [<sup>at s<sup>d</sup></sup>. Inferior Court & on file was<sup>^</sup>] join'd upon which the Case after

a full hearing was committed to a Jury sworn according to Law to try the same, who Returned their Verdict therein upon Oath, that is to say, they find for the Appellee Costs. It's therefore Considered by the Court that the said John Laphorn recover against the s<sup>d</sup>. Joshua Kimball Costs taxed at £

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Procter ~~vs~~ Kimball

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Joseph Procter of Marblehead in the County of Essex Shoreman Appellant ~~vs~~ Joshua Kimball of Marblehead Wiggmaker Appellee, from the Judgment of an Inferior Court of common pleas held at Ipswich in and for the County of Essex on the last tuesday of March last, when & where the Appellee was plaint & the Appellant was def<sup>t</sup>. In a plea of the case etc. (as by the Writ on file, tested the 15<sup>th</sup>. day of March last, at large appears.) At which said Inferior Court Judgment was rendred, that the said Joshua Kimball recover of the said Joshua Procter fifteen pounds twelve shillings and two pence farthing money damage and Costs. This Appeal was bro't forward at the last term of this Court for this County when & where the parties appeared, and referr'd this Action with all other demands to Isaac Mansfield Esq; Benjamin Boden, & Thomas King; who were also to consider and

determine whether either of the parties shou'd Recover Interest of the other, & if any how much; the determination of said Referees or any two of them to be final, and from thence said Appeal was continued to this Court, by Consent: And Now both

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[454r]

both Parties appeared, and the said Referees reported in writing under their hands (as on file) & pursuant to the same report, which was read & accepted: It is Considered by the Court that the said Joshua Kimball recover against the said Joseph Procter the sum of ten pounds seventeen shillings and five pence Lawful Money of this Province Damage, and Costs taxed at £

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Turner ~~vs~~ Fuller

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John Turner of Salem in the County of Essex Esq; Appellant ~~vs~~ Timothy Fuller of Middleton in the County of Essex Gentleman Appellee, from the Judgment of an Inferior Court of common pleas held at Newbury in and for the County of Essex on the last tuesday of September last, when and where the Appellee was plaint and the Appellant was def<sup>t</sup>. In a plea of Replevin for that the said John Turner on the seventh day of July last, at a place called Baker's Island in Salem afores<sup>d</sup>. took twenty five sheep of the plaint<sup>s</sup>. and drove them away and impounded them in the Town-pound of the Town of Salem afores<sup>d</sup>. & in the said pound them unjustly detained against pledges & sureties 'till the 8<sup>th</sup>. day of the same July, To the damage of the said Timothy as he saith the sum of Nine pounds. At which said Inferior Court[-]upon the pleadings there, Judgment was rendred that the said Timothy Fuller recover against the said John Turner five pounds Money damage, and Costs. The Parties appeared, and the pleadings above mentioned being waiv'd by Consent, the case after a full hearing of the parties upon the pleas, (as on file). was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say,

they find for the appellee twenty shillings Lawful Money damage, and Costs. It's therefore Considered by the Court that the said Timothy Fuller recover against the said John Turner the sum of twenty shillings Lawful Money of this Province Damage, and Costs taxed at £

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Carr v Skilling

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Hannah Carr of Marblehead in the County of Essex Widow Appellant ~~vs~~ Joseph Skillings and Jeremy Bannister both of said Marblehead Mariners Ap'lees, from the Judgment of an Inferior Court of common pleas held at Salem within and fore the County of Essex on the second tuesday of July last, when and where the appellant was plaint. and the appellees were deft<sup>s</sup>. In a plea of trespass for that the deft<sup>s</sup>. on the fourth day of February last; at [<sup>s</sup>.<sup>d</sup>.<sup>^</sup>] Marblehead with force & arms an assault on the body of the said Hannah committed and her did beat illtreat and for the space of twelve hours imprison on board the ship vulture then in the harbour & near to the Wharves in said Marblehead & the more effectually to injure & abuse her did (in the view of a multitude called together on said Wharf by the deft<sup>s</sup>.) tie an Iron barr to her and having by tackles fixed thereto raised the plaint. to the End of said Ships Yards arm

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[454v]

arm did cause her repeatedly to fall from thence with great force into the Water & to remain under it till she was almost drowned & the deft<sup>s</sup>. having cutt off her cloths painted & disfigured her did with force as aforesaid drive the plaint. through the streets of said Marblehead Maliciously insulting & exposing her before the Multitude and other outrages the deft<sup>s</sup>. then and there committed on the plaint against the peace and to the damage of the said Hannah as she saith the sum of five hundred pounds. At which said Inferior Court Judgment was rendred upon the demurer there, that the said Joseph Skillings & Jeremiah Bannister recover against the s<sup>d</sup>. Hannah Carr Costs. The Parties Appeared, and the demurer is waiv'd & issue join'd in the plea tender'd [<sup>^</sup>at s<sup>d</sup>. Inferior Court & on file<sup>^</sup>] upon which the Case after a full hearing was committed was committed to a

Jury sworn according to Law to try the same, who Returned their Verdict therein Upon Oath that is to say, they find for the Appellant forty pounds Lawful Money damage and Costs. It's therefore Considered by the Court that the said Hannah Carr recover against the said Joseph Skillings and Jeremiah Bannister the sum of forty pounds Lawful Money of this Province Damage, and Costs taxed at £12.8.11.

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Ex'c'on issued

Nov. 16<sup>th</sup>. 1762.

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Golthwait ~~vs~~ Calef

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Joseph Goldthwait of Boston in the County of Suffolk Gentleman Appellant ~~vs~~  
~~vs~~ John Calef of Ipswich in the County of Essex Physician Appellee, from the Judgment of  
 an Inferior Court of common pleas held at Newbury in and for the County of Essex on the  
 last tuesday of September last when and where the Appellee was plaint, and the Appell<sup>t</sup>.  
 was def<sup>t</sup>. In a plea of trespass on the case for that whereas the said Joseph at Ipswich  
 afores<sup>d</sup>. on the twenty fourth day of June AD1760. by his note of hand of that date for  
 value received promised one Amos Putnam jun<sup>r</sup>. to pay him or his order twenty six  
 pounds thirteen shillings and eight pence lawful Money on demand. & the said  
 Amos at Beverly in the County of Essex afores<sup>d</sup>. on the twenty seventh day of March last  
 by his endorsement in writing on the back of said note appointed the Contents  
 thereof then due and unpaid, to be paid to the plaint. having received of him the  
 Value of all which the def<sup>t</sup>. at Ipswich afores<sup>d</sup>. on the sixth day of August last had  
 notice, & thereby became chargeable to the plaint. to pay him the said twenty six pounds  
 thirteen shillings and eight pence, & at Ipswich aforesaid on the same sixth day of  
 August, promised him to do it accordingly, Yet the def<sup>t</sup>. tho' requested hath not paid  
 the same but neglects to pay it. also for that the def<sup>t</sup>. at the same Ipswich on the  
 same twenty fourth day of June AD1760. by his other note of hand of that date for  
 Value Received, promised the same Amos Putnam to pay him or his order thirteen  
 pounds six shillings and eight pence in twelve months from the date of the same  
 note. And the said Amos at Beverly aforesaid on the same twenty seventh day of  
 March last, by his endorsement in writing on the back of said note appointed the



Contents thereof then due & unpaid to be paid to the plaint. having received of

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of him the value of all which the def<sup>t</sup>. at Ipswich aforesaid on the sixth day of Aug last had notice & thereby became chargeable to the plaint. to pay him the said thirteen pounds six shillings and eight pence & then & there promised him to do it accordingly Yet the s<sup>d</sup>. Joseph tho' Requested has not paid it but Neglects to pay it: all which is to the damage of the said John Calef as he saith the sum of fifty pounds. At which said Inferior Court Judgment was rendred, that the said John Calef recover against the said Joseph Goldthwait thirty three pounds seven shillings Lawful Money damage, and Costs. The Parties appeared and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their verdict therein upon Oath that is to say, they find for the Appellee thirty three pounds seven shillings Lawful Money of this Province Damage for both notes, & Costs: having deducted £6.13.4. paid by Ad<sup>m</sup>. Brown as in the Case. It is therefore Considered by the Court that the said John Calef Recover against the said Joseph Goldthwait the sum of thirty three pounds Seven shillings Lawful Money of this Province Damage, and Costs taxed at £

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Brown ~~vs~~ Henly

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William Brown of Beverly in the County of Essex Esq; appellant ~~vs~~ Joseph Henly of Falmouth in the County of Cumberland Yeoman appellee, from the Judgment of an Inferior Court of common pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, when & where the appellant was plaint. and the appellee was def<sup>t</sup>. In a plea of Debt. for that whereas the said Joseph at Beverly afores<sup>d</sup>. on the fourteenth day of July Anno Dom. 1739. by his bond under his hand & seal of that date in Court to be produced bound himself to the s<sup>d</sup>. William to pay him by the name of William Brown of Salem in the County of Essex afores<sup>d</sup>. Gentleman,

fifty two pounds fourteen shillings and six pence Lawful Money of New England on demand. Yet the s<sup>d</sup>. Joseph tho' often requested has never paid the same but unjustly detains it. To the damage of the said William Brown as he saith the sum of sixty pounds. At which said Inferior Court Judgment was rendred, that the s<sup>d</sup>. Joseph Henly recover against the said William Brown Costs. The Parties appeared, and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who Returned their Verdict therein upon Oath that is to say, they find for the appellee costs. It's therefore Considered by the Court that the said Joseph Henly recover against the said William Brown Costs taxed at £12.14.0.

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Ex'c'on issued

22 Nov<sup>r</sup>. 1762.

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Tarbox ~~vs~~ Stacey

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Joseph Tarbox of Glocester in the County of Essex Housewright Plaintiff ~~vs~~ Benjamin Stacey of Marblehead in the County of Essex Mariner Defendant on a Writ of scire facias etc. (as by the same writ on file dated July seventh Anno Dom. 1762. at large appears). The Plaint. appeared, but the defendant altho' solemnly called

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[455v]

called to come into court did not appear but made default. It's therefore Consider'd by the Court that the said Joseph Tarbox have execution against the said Benj<sup>a</sup>. Stacey for the money sued for, being Nineteen pounds Fifteen shillings and eleven pence Lawful Money of this Province debt, and Costs taxed at £2.2.2.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Adams ~~vs~~ Hale

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Abraham Adams the third, of Newbury in the County of Essex Yeoman Compl<sup>t</sup>.  
~~vs~~ David Hale of Bradford in the County of Essex Gentleman. The Compl<sup>t</sup>. shew'd that  
 at an Inferior Court of common pleas held at Salem in and for the County of Essex on  
 the second tuesday of July last, he Recovered Judgment against the said David for the  
 sum of £14.4.1. Lawful Money damage, and costs of suit; from which Judgment  
 the said David appealed to this Court & recogniz'd with sureties according to Law  
 to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd  
 Affirmation of said Judgment with Additional Interest & Costs. It's therefore  
 Considered by the Court that the said Abraham Adams recover against the said  
 David Hale the sum of fourteen pounds eight shillings and five pence Lawful  
 Money of this Province Damage, and Costs taxed at £3.15.10.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Peabody ~~vs~~ Hale

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Francis Peabody of Boxford in the County of Essex Gentleman Compl<sup>t</sup>. ~~vs~~ David  
 Hale of Bradford in the County of Essex Husbandman. The Compl<sup>t</sup>. shew'd that at an  
 Inferior Court of Common pleas held at Salem in and for the County of Essex on the  
 second tuesday of July last, he recover'd Judgment against the said David for  
 the sum of £18.11.6. Lawful Money damage, and Costs of suit; from which  
 Judgment the said David appealed to this Court and recogniz'd with sureties  
 according to Law to prosecute the same with the Effect, but fail'd so to do: Wherefore  
 the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with additional Interest & Costs.  
 It's therefore Considered by the Court that the said Francis Peabody recover  
 against the said David Hale the sum of Eighteen pounds sixteen shillings

and eleven pence Lawful Money of this Province damage, and Costs taxed at £3.10.8.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Wicom ~~vs~~ Hale

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William Wicom of Newbury in the County of Essex Husbandman Compl<sup>t</sup>.  
~~vs~~ David Hale of Bradford in the County of Essex Gentleman. The Compl<sup>t</sup>.  
 shew'd that at an Inferior Court of common pleas held at Salem in and for  
 the County of Essex on the second tuesday of July last, he recovered Judgment  
 against the said David for the sum of £10.13.4. Lawful Money Damage,  
 and costs of suit; from which Judgment the said David appealed to this  
 Court and Recogniz'd with sureties according to Law to prosecute the same  
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with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said  
 Judgment with Additional Costs. It's therefore Considered by the Court that  
 the said William Wicom recover against the said David Hale the sum of Ten  
 pounds thirteen shillings and four pence Lawful Money of this Province  
 Damage, and Costs taxed at £3.15.4.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Bartlet vs Plummer

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Joseph Bartlet of Newbury in the County of Essex Cooper Compl<sup>t</sup>. vs Enoch Plummer of said Newbury Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said Enoch for the sum of £4.10.7. Lawful Money damage, and costs of suit; from which Judgment the said Enoch appealed to this Court and recogniz'd with sureties according to Law to Prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said Joseph Bartlet recover against the said Enoch Plummer the sum of four pounds one shillings and seven pence Lawful Money of this Province damage and Costs taxed at £3.17.6.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Stephens vs Plummer

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Ephraim Stephens of Amesbury in the County of Essex Victualler Compl<sup>t</sup>. vs Enoch Plummer of Newbury in the County of Essex Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second tuesday of July last, he recovered Judgment against the said Enoch for the sum of £4.6.2. Lawful Money damage, and Costs of suit; from which Judgment the said Enoch appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the said Ephraims Stephens recover against the said Enoch Plummer the sum of Four pounds six shillings and two pence Lawful Money of this Province Damage, and Costs taxed at £3.19.8.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Clark v Ingersol

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Lawrence Clark of Newbury in the County of Essex Mariner Compl<sup>t</sup>.

vs John Ingersol of said Newbury Mariner. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Newbury in and for the County of Essex on the last, tuesday of September last, he recovered Judgment against the said John for the sum of £36.16.8. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd

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[456v]

fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Lawrence Clark recover against the said John Ingersol the sum of thirty six pounds nineteen shillings and six pence Lawful Money of this Province Damage, and Costs taxed at £3.5.8.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Titcomb vs Frothingham

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Parker Titcomb of Newbury in the County of Essex Joyner Complainant vs Benjamin Frothingham of said Newbury Glazier. The Compl<sup>t</sup>. shew'd that at

an Inferior Court of common pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, he Recovered Judgment against the said Benj<sup>a</sup>. for the sum of £149.6.11. Lawful Money debt, and Costs of suit; from which Judgment the said Benjamin appealed to this Court & recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of s<sup>d</sup>. Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said Parker Fitcomb recover against the said Benjamin Frothingham the sum of One hundred and forty Nine pounds seventeen shillings & ten pence Lawful Money of this Province Debt, and Costs taxed at £3.7.8.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Woodman ~~vs~~ Peaslee.

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John Woodman of Newbury in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~ Amos Peaslee of said Newbury Yeoman. The Compl<sup>t</sup>. shew'd that at an Inf<sup>r</sup>. Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said Amos for the sum of £9.9.5. Lawful Money damage, and Costs of suit; from which Judgment the said Amos appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said John Woodman recover against the said Amos Peaslee the sum of Nine pounds twelve shillings and six pence Lawful Money of this Province damage, and Costs taxed at £3.19.4.

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Ex'c'on issued

Nov. 2<sup>d</sup>. 1762.

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Hoyt ~~vs~~ Lowell

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William Hoyt of Amesbury in the County of Essex Cordwainer  
 Complainant ~~vs~~ William Lowell of said Amesbury Shipwright. The Compl<sup>t</sup>.  
 shew'd that at an Inferior Court of common pleas held at Salem in and  
 for the County of Essex on the second Tuesday of July last, he Recovered  
 Judgment against the said William Lowell for the sum of £14.3.8.  
 Lawful

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Image 552-Right

457

[457r]

damage, and costs of suit; from which Judgment the said W<sup>m</sup>. Lowel appealed to this  
 Court and recogniz'd with sureties according to Law to prosecute the same with  
 Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment  
 with additional Interest and Costs. It's therefore Considered by the Court that the  
 said William Hoyt recover against the said William Lowell the sum of Fourteen  
 pounds eight shillings Lawful Money of this Province damage, and Costs  
 taxed at £4.0.4.

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Rust ~~vs~~ Boynton

&gt;&gt;

Francis Rust of Newbury in the County of Essex Mariner Complainant ~~vs~~  
 James Boynton of Rowley in the same County Husbandman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Newbury in and for the County  
 of Essex on the last Tuesday of September last, he recovered Judgment against the  
 said James for the sum of £4.14.1. Lawful Money damage, and Costs of suit;  
 from which Judgment the said James appealed to this Court and recogniz'd .  
 with sureties according to Law to prosecute the same with Effect, but fail'd



so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Interest and Costs. It's therefore Considered by the Court that the said Francis Rust recover against the said James Boynton the sum of four pounds fourteen shillings and five pence Lawful Money of this Province Damage, and Costs taxed at £3.9.0.

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Ex'c'on issued

Dec'em 11<sup>th</sup>. 1762.

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Ellis ~~vs~~ Boynton

&gt;&gt;

William Ellis of Boxford in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~ James Boynton of Rowley in said County Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, For the sum of £3.13.6. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, Wherefore the Compl<sup>t</sup>. (the s<sup>d</sup>. James having fail'd so to do:) pray'd Affirm<sup>a</sup>. of said Judgment with Additional Interest and Costs. It's therefore Consider'd by the Court that the said William Ellis recover against the said James Boynton the sum of three pounds fourteen shillings and ten pence Lawful Money of this Province damage, and Costs taxed at £3.11.1.

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Ex'c'on issued

Dec'em. 11<sup>th</sup>. 1762.

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M<sup>c</sup>.Hard ~~vs~~ Sergeant

&gt;&gt;

James M<sup>c</sup>.Hard of Haverhill in the County of Essex Esq; Compl<sup>t</sup>. ~~vs~~ Henry Sergeant of said Haverhill Shopkeeper. The Compl<sup>t</sup>. shew'd that at an Inferior

Court of common pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, he Recovered Judgment against the said Henry for the sum of £26.13.11. Lawful Money damage, and Costs of suit; from which Judgment

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[457v]

Judgment the said Henry appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said James M<sup>c</sup>.Hard Recover against the said Henry Sargeant the sum of twenty six pounds seventeen shillings and three pence Lawful Money of this Province damage, and Costs taxed at £3.15.6.

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Ex'c'on issued

27<sup>th</sup>. Oct<sup>o</sup>. 1762.

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Ladd ~~vs~~ Sergeant

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Ezekiel Ladd of Haverhill in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~ Henry Sargeant of said Haverhill Shopkeeper. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Newbury in & for the County of Essex on the last Tuesday of September last, he recovered Judgment against the said Henry for the sum of £19.13.8. Lawful Money damage, and Costs of suit; from which Judgment the said Henry appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of s<sup>d</sup>. Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Ezekiel Ladd recover against the said Henry Sergeant the sum of Nineteen Pounds fifteen shillings Lawful Money of this Province Damage, and Costs taxed at £

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Poor vs Bragg

&gt;&gt;

Enoch Poor of Exeter in the Province of New Hampshire Gentleman  
 Complainant vs John Bragg of Andover in the County of Essex Cordwainer  
 The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Newbury in  
 and for the County of Essex on the last Tuesday of September last, he Recovered  
 Judgment against the said John for the sum of £12.8.0. Lawful Money damage  
 and Costs of suit; from which Judgment the said John appealed to this Court &  
 Recogniz'd with sureties according to Law to prosecute the same with Effect,  
 but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment  
 with additional Interest and Costs. It's therefore Considered by the Court  
 that the said Enoch Poor Recovered against the said John Bragg the sum of  
 twelve pounds eight shillings and ten pence Lawful Money of this Province  
 Damage, and Costs taxed at £3.19.8.

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Ex'c'on issued

Nov. 22<sup>d</sup>. 1762.

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Frazier vs Boynton

&gt;&gt;

Nathan Frazier of Andover in the County of Essex Shopkeeper Complainant  
 vs James Boynton of Rowley in the same County Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Newbury in and for the  
 County of Essex on the last Tuesday of September last, he Rrecovered Judgment against  
 the said James for the sum of £3.9.8. Lawful Money damage, and Costs of suit  
 from which Judgment the said James appealed to this Court and Recogniz'd with  
 sureties

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[458r]

sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs.

It's therefore Considered by the Court that the said Nathan Frazier recover against the said James Boynton the sum of three pounds nine shillings and eleven pence Lawful Money of this Province damage, and Costs of Courts taxed at £3.15.6.

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Ex'c'on issued

23. feb. 1763

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Lincoln ~~vs~~ Boynton

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Seth Lincoln of Weston in the County of Worcester Trader Complainant ~~vs~~ James Boynton of Rowley in the County of Essex Husbandman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said James for the sum of £2.6.5. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the said James appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said Seth Lincoln recover against the said James Boynton the sum of two pounds seven shillings and a penny half penny Lawful Money of this Province Damage, and Costs taxed at £

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Diamond ~~vs~~ Boynton.

>>

John Diamond of Marblehead in the County of Essex Mariner Compl<sup>t</sup>. ~~vs~~ James Boynton of Rowley in the County of Essex Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Newbury in and for the County of Essex on the last Tuesday of September last, he Recovered Judgment against the said James for the sum of £14.7.7. Lawful Money damage, and Costs of suit; from which Judgment the said James appealed to

this Court & recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additio<sup>l</sup>. Interest and Costs. It's therefore Considered by the Court that the said John Diamond Recover against the said James Boynton the sum of fourteen pounds eight shillings & eight pence Lawful Money of this Province Damage, and Costs taxed at £

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Cheever ~~vs~~ Dale

&gt;&gt;

Ebenezer Cheever of Lebanon in the County of Windham within the Colony of Connecticut Husbandman Compl<sup>t</sup>. ~~vs~~ John Dale of Danverse in the County of Essex Yeoman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said John for the sum of £5.13.10. Lawful Money damage, and Costs of suit; from which Judgment the said John appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect, but so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation with Additional Interest & Costs. It's therefore Considered by the Court that the said Ebenezer Cheever Recover against

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[458v]

against the said John Dale the sum of five pounds fifteen shillings and ten pence Lawful Money of this Province Damage, and Costs taxed at £6.19.8.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Bickford ~~vs~~ Groves

&gt;&gt;

Benjamin Bickford of Beverly in the County of Essex Sail: maker. Compl<sup>t</sup>.

vs Peter Groves of said Beverly Mariner. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second of July last, he recovered Judgment against the said Peter for Costs of suit; from which Judgm<sup>t</sup>. the said Peter appealed to this Court & recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with additional Costs. It's therefore Considered by the Court that the said Benjamin Bickford recover against the said Peter Groves Costs taxed at £2.19.6.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Putnam vs Gilbert

&gt;&gt;

Enoch Putnam of Danverse in the County of Essex Yeoman Compl<sup>t</sup>. vs Daniel Gilbert of Salem in the County of Essex Victualler. The Compl<sup>t</sup>. shew'd, that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said Daniel for the sum of £13.16.8. Lawful Money damage, and Costs of suit; from which Judgment the said Enoch appealed to this Court and Recogniz'd with sureties according to Law to prosecute the same with Effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Costs. It's therefore Considered by the Court that the s<sup>d</sup>. Enoch Putnam recover against the said Daniel Gilbert the sum of thirteen pounds sixteen shillings and eight pence Lawful Money of this Province Damage, and Costs taxed at £3.1.2.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Fuller ~~vs~~ Stearns

>>

Amos Fullar of Middleton in the County of Essex Yeoman Complainant  
~~vs~~ Samuel Stearns of said Middleton Husbandman. The Compl<sup>t</sup>. shew'd that at  
 an Inferior Court of common pleas held at Salem in and for the County of  
 Essex on the second Tuesday of July last, he recovered Judgment against the said  
 Sam<sup>l</sup>. for the sum of £121.17.2. Lawful Money damage, and Costs of suit;  
 from which Judgment the said Samuel appealed to this Court & recogniz'd  
 with sureties according to Law to prosecute the same with Effect, but  
 fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with  
 additional Interest and Costs. It's therefore Considered by the Court that the  
 said Amos Fuller recover against the said Samuel Stearns the sum of  
 one hundred & twenty three pounds sixteen shillings and two pence  
 Lawful Money of this Province Damage, and Costs taxed at £3.5.4.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Aaron

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[459r]

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Gray v Foster

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Aaron Gray of Andover in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~ Joshua  
 Foster of said Andover Yeoman. The Compl<sup>t</sup>. shew'd shew'd that at an Inferior Court  
 of common pleas held at Salem in and for the County of Essex on the second tuesday  
 of July last, he recovered Judgment against the said Joshua for the sum of £77.2.5.  
 Lawful Money damage, and Costs of suit; from which Judgment the said  
 Joshua appealed to this Court and recogniz'd with sureties according to Law

to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Aaron Gray Recover against the said Joshua Foster the sum of seventy eight pounds eleven shillings and five pence Lawful Money of this Province Damage, and Costs taxed at £3.13.8.

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Ex'c'on issued

1. Nov<sup>r</sup>. 1762.

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Lovejoy ~~vs~~ Foster jun<sup>r</sup>.

&gt;&gt;

Nathaniel Lovejoy of Andover in the County of Essex Yeoman Compl<sup>t</sup>. ~~vs~~ Joshua Foster jun<sup>r</sup>. of said Andover Joiner. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said Joshua for the sum of £15.7.2. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the said Joshua appealed to this Court & recogniz'd with sureties according to Law to prosecute the same with effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest & Costs. It's therefore Considered by the Court that the said Nathaniel Lovejoy Recover against the said Joshua Foster junior, the sum of Fifteen pounds eleven shillings and ten pence Lawful Money damage, and Costs of Courts taxed at £3.13.4.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Mather v Barrett

&gt;&gt;

Thomas Mather of Boston in the County of Suffolk Physician Compl<sup>t</sup>. ~~vs~~



Jacob Barrett of Salem in the County of Essex Miller. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in and for the County of Essex on the second Tuesday of July last, he Recovered Judgment against the said Jacob for the sum of £11.7.6. Lawful Money damage, and Costs of suit; from which Judgment the said Jacob appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Mather recover against the said Jacob Barrett the sum of Eleven pounds twelve shillings Lawful Money of this Province damage, and Costs taxed at £3.10.6.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Mary

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[459v]

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Prince ~~vs~~ Rea

&gt;&gt;

Mary Prince of Danverse in the County of Essex Widow Compl<sup>t</sup>. ~~vs~~ Daniel Rea of Bedford in the County of Middlesex Gentleman. The Compl<sup>t</sup>. shew'd that at an Inferior Court of common pleas held at Salem in the County of Essex on the second tuesday of July last, she Recovered Judgment against the said Daniel for the sum of £9.2.5. Lawful Money damage, and Costs of suit; from which Judgment the said Daniel appealed to this Court and recogniz'd with sureties according to Law to prosecute the same with effect but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with Additional Interest. It's therefore Considered by the Court that the said Mary Prince recover against the said Daniel Rea the sum of Nine pounds five shillings and three pence Lawful Money of this Province Damage, and Costs taxed at £3.5.4.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Wardwell ~~vs~~ Gilbert

&gt;&gt;

Joshua Wardwell of Andover in the County of Essex Innholder Compl<sup>t</sup>. ~~vs~~  
 Daniel Gilbert of Salem in the same County Victualler. The Compl<sup>t</sup>. shew'd that  
 at an Inferior Court of common pleas held at Salem in and for the County of Essex  
 on the second Tuesday of July last, he recovered Judgment against the said Daniel  
 [^for the sum of £17.7.0. Lawful Money damage, and Costs of suit; from which Judgm<sup>t</sup>. the s<sup>d</sup>.  
 Daniel^] appealed to this Court & Recogniz'd with sureties according to Law to prosecute the  
 same with Effect, but fail'd so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation  
 of said Judgment with Additional Costs. It's therefore Considered by the  
 Court that the said Joshua Wardwell recover against the said Daniel Gilbert  
 the sum of seventeen pounds seven shillings Lawful Money of this Province dam<sup>a</sup>.  
 and Costs taxed at £3.9.0.

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Ex'c'on issued

Nov. 1<sup>st</sup>. 1762.

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Perkins ~~vs~~ Boynton

&gt;&gt;

Thomas Perkins of Topsfield in the County of Essex Blacksmith Compl<sup>t</sup>.  
~~vs~~ James Boynton of Rowley in the County of Essex Yeoman. The Compl<sup>t</sup>. shew'd  
 that at an Inferior Court of common pleas held at Newbury in & for the County  
 of Essex on the last Tuesday of September last, he Recovered Judgment against  
 the said James for the sum of £5.10.2. Lawful Money damage, and Costs of  
 suit; from which Judgment the said James appealed to this Court & recogniz'd  
 with sureties according to Law to prosecute the same with effect, but fail'd  
 so to do: Wherefore the Compl<sup>t</sup>. pray'd Affirmation of said Judgment with

Additional Interest and Costs. It's therefore Considered by the Court that the said Thomas Perkins recover against the said James Boynton the sum of Five Pounds ten shillings & seven pence Lawful Money of this Province damage, and Costs taxed at £3.12.6.

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no Ex'c'on issued

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Order on Stoning's Pet<sup>o</sup>.

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Upon reading the Petition of Mary Stoning Adm'or on the Estate of her husband Samuel Stoning late of Danverse deceased, Intestate Wherein the petitioner shew'd that the debts against said Estate amount to

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[460r]

to twenty six pounds nineteen shillings more than all his personal Estate will pay. She Therefore pray'd this Court to Impower her to sell the whole of said deceased's real Estate consisting of a small old house & about one acre of land adjoining all appraiz'd at forty four pounds as ¶ Inventory: That she may be enabled to pay the debts aforesaid & other debts still due from said Estate (her dower therein not excepted.) Ordered that the prayer of this Petition be granted, And that the said Mary Stoning Adm<sup>x</sup>. as afores<sup>d</sup>. be and hereby is Impowered to make sale of the real Estate of said deceased, for the Ends aforesaid, as pray'd for; and to pass and execute a good deed or deeds in the Law for Conveyance thereof, the petitio<sup>r</sup>. to post up notifications thirty days before the sale, & account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Low's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Aaron Low Executor of the Testament of his father Thomas Low late of Ipswich deceased. Wherein the Petitioner shew'd that the debts against said Estate are Eleven pounds & nine pence [ $^{\frac{3}{4}}$ ] more than said deceased's personal Estate & the lands the Petitioner has sold, will pay. The petitioner therefore pray'd this Court to empower him to sell part of said deceased's real Estate (where it will least prejudice the same) for payment of the debts aforesaid. Ordered that the prayer of this Petition be granted, and that the said Aaron Low Exe'cor as aforesaid, be & hereby is Impowre'd to make sale of fourteen pounds worth of the real Estate of said deceased, for the Ends aforesaid (such as will least Prejudice the whole) as pray'd for; & to pass & Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, & account with the Judge of Probate for said County, as the Law directs.

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Order on Parson's Petition.

&gt;&gt;

Upon Reading the Petition of Jemima Parsons Adm<sup>x</sup>. of the Estate of her husband Joseph Parsons late of Gloucester deceased Intestate, Wherein the petitioner shew'd, that the debts due from the Estate of the said deceased are twenty five pounds two shillings and nine pence  $\frac{1}{4}$  more than all his personal Estate will pay. The petitioner therefore pray'd this Court to Impower her to make sale of so much of said deceased's real Estate (where it will least prejudice the same) for payment of the s<sup>d</sup>. debts. Ordered that the prayer of this Petitioner be granted, and that the said Jemima Parsons Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of twenty eight pounds worth of the real Estate of said deceased, (for the Ends aforesaid, such as will least prejudice the whole) as pray'd for; And to pass & execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale & account with the Judge of Probate for said County as the Law directs.

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[460v]

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Order on Ruth West's Petition

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Upon Reading the Petition of Ruth West Adm<sup>x</sup>. of the Estate of Mary Martin late of Beverly deceased Intestate. Wherein the petitioner shew'd that the debts of said Estate are eight pounds fourteen shillings and one penny halfpenny more than said deceased's personal estate & the lands the Administratrix has sold, will pay. The Petitioner therefore pray'd this Court to impower her, in her s<sup>d</sup>. Capacity, to make sale of so much of said Intestate's real Estate, where it will least prejudice the same, to the value of the debt aforesaid. Order'd that the prayer of this Petition be granted, & that the said Ruth West Adm<sup>x</sup>. as aforesaid, be and hereby is Impowr'd to make sale of twelve pounds worth of the real Estate of said deceased, for the Ends afores<sup>d</sup>. (such as will least prejudice the whole) as pray'd for; [x]

[x] and to pass & execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale and account with the Judge of Probate for said County, as the Law directs.

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Order on Day's Pet<sup>o</sup>.

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Upon reading the Petition of Sarah Day of Glocester in the County of Essex Adm<sup>x</sup>. to the estate of Samuel Day late of Glocester dec'ed Intestate. Wherein the Petiti<sup>o</sup>. shew'd that the debts against the Estate of the said Samuel Day are forty seven pounds eleven shillings and one penny more than all the personal Estate, as appears by the Register of Probate's certificate on file; The petitioner therefore pray'd leave to sell so much of said deceased's real estate as shou'd be sufficient to pay said debts & the charges arising by the sale. Ordered that the prayer of this Petition be Granted, & that the said Sarah Day Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of fifty one pounds worth of the real Estate of said dec'ed for the Ends aforesaid, (such as will least Prejudice the whole) as pray'd for; [^and to pass & execute a good deed or deeds in the Law for Conveyance thereof.^] the Petitioner to post up Notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Order on Prince's Pet<sup>o</sup>.

&gt;&gt;

Upon Reading the Petition of Mary Prince as she is Adm<sup>x</sup>. of the Estate of Nathan Prince late of Danverse dec<sup>'</sup>ed, Wherein the Petitioner shew'd that the said deceased's personal estate falls short of paying his debts forty seven pounds 16<sup>[^s^]</sup>/6<sup>[^d^]</sup>. The petitioner therefore pray'd this Court to Impower him to make Sale of fifty one pounds worth of the Real Estate of said dec<sup>'</sup>ed for payment of said debts & the charges of sale. Ordered that the prayer of this Petition be granted, & that the said Mary Prince Adm<sup>x</sup>. as aforesaid, be & hereby is Impowered to make sale of fifty one pounds worth of the deceased's real Estate for the ends aforesaid (such as is least prejudicial to the whole) as pray'd for; & to pass & execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale, & account with the Judge of Probate for s<sup>d</sup>. County, as the Law directs.

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[461r]

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Order on Pecker's pet<sup>o</sup>.

&gt;&gt;

Upon reading the petition of James Pecker Adm<sup>r</sup>. of the Estate of John Pecker late of Haverhill deceased intestate, Wherein the petitioner shew'd that the debts against said Estate are one hundred & forty five pounds seven shillings & eleven pence more than all his personal Estate, & the lands this Court formerly gave the petitioner power to sell, will pay. The Petitioner therefore pray'd this Court to Impower him to sell part of said deceased's real estate where it wou'd least prejudice the same to the value of the debt aforesaid. Ordered that the prayer of this Petition be granted, and that the said James Pecker Adm<sup>'</sup>or, as aforesaid,

be and hereby is impowered to make sale of one hundred & fifty pounds worth of the real Estate of said deceased for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; and to pass and execute a good deed or deeds in the Laws for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate for said County, as the Law directs.

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Order on Trask's pet<sup>o</sup>.

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Upon reading the Petition of Elizabeth Trask Adm<sup>x</sup>. of the Estate of her husband Manassah Trask late of Beverly dec'ed Intestate, Wherein the Petitioner shew'd that the debts against said Estate amount to sixty one pounds nineteen shillings and seven pence more than all his personal Estate. The Petitioner therefore pray'd this Court to empower her to sell part of said deceased's real Estate, where it will least prejudice the same, to the value of the sum aforesaid. Order'd that the prayer of this Petition be granted, & that the said Elizabeth Trask Adm<sup>x</sup>. as aforesaid, be and hereby is Impowered to make sale of sixty six pounds worth of the real Estate of said deceased for the Ends aforesaid (such as will least prejudice the whole) as pray'd for; the petition<sup>r</sup>. to pass & execute a good deed or deeds in the Law for Conveyance thereof; & to post up notifications thirty days before the sale, the petitioner to account with the Judge of Probate for said County, as the Law directs.

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Order on Oliver's Petition

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Upon Reading the Petition of Abigail Oliver Adm<sup>x</sup>. of the Estate of Mary Pool late of Marblehead in said County dec'ed Intestate, Wherein the Petitioners shew'd that the debts due from the estate of said deceased are twenty one pounds thirteen shillings & two pence more than all her personal Estate is worth. Wherefore the petitioner pray'd liberty to sell so much of said deceased's real Estate as wou'd amount to twenty four pounds where it wou'd be least prejudicial, for the payment of said debts.

Ordered that the prayer of this Petition be granted & that the said Abigail Oliver Adm<sup>x</sup>. as aforesaid, be & hereby is Impowered to make

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[461v]

make sale of so much of the real Estate of said dec'd, for the ends aforesaid (such as will least prejudice the whole) as pray'd for; And to pass and execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, and account with the Judge of Probate of said County (for the produce thereof) as the Law directs.

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Order on Odel's Pet<sup>o</sup>.

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Upon Reading the Petition of Sarah Odel as Adm<sup>x</sup>. of the Estate of James Odel late of Salem deceased, Wherein the petitioner shew'd that the deceased's personal Estate falls short of paying his debts forty pounds two shillings and 4<sup>d</sup>. she therefore pray'd this Court to empower her to make sale of forty four pounds worth of his real estate for payment of the same & the charges. Ordered that the prayer of this Petition be granted, & that the said Sarah Old Adm<sup>x</sup>. as aforesaid, be & hereby is Impowered to make sale of forty four pounds worth of the real Estate of said deceased, for the Ends aforesaid, (such as will least prejudice the whole) as pray'd for, and to pass & Execute a good Deed or Deeds in the Law for Conveyance thereof, the Petitioner to post up Notifications thirty days before the sale & account with the Judge of Probate for said County, as the Law directs.

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Order on Caldwell's Pet<sup>o</sup>.

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Upon reading the Petition of Mary Caldwell late of Lynn in the County aforesaid, & now of Boston in the County of Suffolk Widow Adm<sup>x</sup>. to the Estate of her late husband Moses Caldwell late of Lynn Mariner deceased, Wherein



the Petitioner shew'd that the personal Estate of her late Husband falls short of paying the just debts due from said Estate to the several creditors. Wherefore she pray'd that this Court would grant her Liberty to dispose of the real Estate of said deceased to enable her to discharge said debts. Ordered that the prayer of this Petition be granted, & that the said Mary Caldwell Adm<sup>x</sup>. be and hereby is Impowered to make sale of the real Estate of said deceased for the ends aforesaid, as pray'd for; & to pass & execute a good deed or deeds in the Law for Conveyance thereof, the Petitioner to post up notifications thirty days before the sale, & account with the Judge of Probate for said County (for the produce thereof) as the Law directs.

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Order on Ellingwood's Indictment

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The Jurors for the sovereign Lord the King for the body of this County, did on their Oath present, that Benjamin Ellingwood of Beverly in the said County of Essex Mariner not having God before his Eyes, but being moved & seduced by the instigation of the devil did on the sixteenth day of August last, at said Beverly with force & arms feloniously wilfully & of his malice forethought assault one Jacob Poland, And that the said Benjamin Ellingwood with a sworn

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462

[462r]

sword (made of Iron & steal & of the value of five shillings) which he then & there had & held drawn in his right hand, did with force as aforesaid, feloniously wilfully & of his Malice forethought strike & peirce the said Jacob Poland in and upon the left part of his Breast near the left pap & thereby he the said Benjamin Ellingwood did with the sword aforesaid then & there with force as aforesaid feloniously wilfully & of his Malice forethought give the said Jacob Poland in & upon the said left part of his breast near the left pap a mortal wound [^one inch wide & ten inches deep of which mortal wound^] the said Jacob Poland then & there instantly died: And so the Jurors aforesaid upon their

Oath say that the said Benjamin Ellingwood did then & there with force as aforesaid feloniously wilfully & of his malice forethought in Manner & form aforesaid Kill & murder the said Jacob Poland against the peace of the said Lord the King his crown & dignity. The said Benjamin was thereupon set to the bar & arraigned & upon his arraignment pleaded not guilty & for trial put himself upon God & the Country: A Jury was then sworn to try the issue M<sup>r</sup>. John Gould foreman, & fellows viz. Benjamin Osgood, Robert Hooper, William Williams, Jonathan Allen, Archelaus Dale, Zerubbabel Peabody, Benjamin Goodhue, Jacob Ashton, Ebenezer Stacey, Edward Johnson, & Jacob Hooper, who having fully heard the Evidence for the King with the prisoners defence went out to consider thereof & Returned with their Verdict & on their Oath say that the said Benjamin Ellingwood is not guilty of murder but is guilty of manslaughter. The Kings Attorney thereupon moved the Court that sentence might be pronounced against him according to Law; upon which he was asked by the Court what he had to say why sentence of Death should not be pronounced against him: And he then pray'd the Court that he might be allow'd the benefit of the Clergy, which was granted, & he was thereupon burnt in the hand in the face of the Court: & the Court having considered his offence, Order that he suffer one years imprisonment, & that he pay Costs of prosecution standing committed until this sentence shall be performed.

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Ross's Indictm<sup>t</sup>.

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The Jurors for the sovereign Lord the King for the body of this County, did upon their Oath present, that on the sixteenth day of September last, about an hundred of the principal inhabitants of Marblehead in said County being lawfully assembled together in the town house in Marblehead in said County, Alexander Ross of Marblehead aforesaid Mariner not duly regarding the lives or liberties of the people aforesaid, he the said Alexander then & there with force & arms wilfully & maliciously discharged a hand gunn by him charged with powder & gravel-stones into a room in the Town house aforesaid, wherein the people aforesaid

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[462v]

aforesaid were so assembled, & among the people aforesaid & thereby not only disturb'd the peace & quiet of the said Inhabitants of Marblehead aforesaid being leige subjects of the said Lord the King, but greatly endanger'd their lives, in evil example to others against the peace of the said Lord the King his crown & dignity. The said Alexander Ross was thereupon set to the bar and arraigned, & for plea said that he will not contend with the said Lord the King but submit himself to his grace; And the Court having consider'd his offence. Order that he pay the sum of three pounds as a fine to the King, & that he pay costs of prosecution standing committed until this sentence shall be performed.

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Molloy's Indictment

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The Jurors for the sovereign Lord the King for the Body of this County, did upon their Oath present, that on the sixteenth day of September last, about one hundred of the principal Inhabitants of Marblehead in said County being lawfully assembled together in the town-house in Marblehead aforesaid, Patrick Molloy of Marblehead aforesaid Mariner not duly regarding the lives or liberties of the people aforesaid, he the said Patrick then & there with force & Arms wilfully & maliciously discharged a hand gun by him charged with gun powder & gravel stones, into the room in the town:house aforesaid where the people afores<sup>d</sup>. were so assembled, & among the people aforesaid & thereby not only disturbed the peace & quiet of the said Inhabitants of Marblehead being leige subjects of the said Lord the King, but greatly endanger'd their lives in evil example to others, against the peace of the said Lord the King his Crown & dignity. The said Patrick Molloy was there: upon set to the bar & arraigned & for plea he said that he will not contend with the s<sup>d</sup>. Lord the King but submits himself to his grace. And the Court having considered his offence, Order that he pay the sum of three pounds as a fine to the King, & that he pay costs of prosecution standing committed until this sentence shall be performed.

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Lindsey's Indictment

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The Jurors for the sovereign Lord the King for the Body of this County, did upon their Oath present that, Eleazer Lindsey of Danverse in the County of Essex Husbandman having been indicted for wilfully & corruptly forging & making a false & counterfeit writing purporting an acknowledgement made by one John Nurse in writing under the hand of the said John on the fourth day of November in the year of our Lord Christ one thousand seven hundred & fifty-four, had received of the said Eleazer ten shillings in full of all accounts dues and demands, with an evil intent to offer the same in evidence & afterwards publishing the same false & counterfeit writing & offering the same in Evidence, he the said Eleazer knowing the same writing to be false and counterfeit

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463

[463r]

counterfeit when he published & offered the same in evidence as aforesaid, he the s<sup>d</sup>. Eleazer was at his Majesty's Superior Court of Judicature Court of Assize & General Goal Delivery, held at Ipswich in and for the County of Essex on the second Tuesday of June last, duly convicted of the offence aforesaid, & by the same Court sentenced therefor to be set in the pillory for the space of one hour, to suffer six months imprisonment to pay the sum of twenty pounds as a fine to the King & to become bound by way of Recognizance in the sum of twenty pounds with two sureties in ten pounds each for his the said Eleazer's keeping the peace, & being of the good behavior towards all his Majesty's leige subjects for the term of twelve months & to pay costs of prosecution standing committed until the same sentence should be performed & that thereupon in pursuance of the sentence aforesaid, he the said Eleazer was imprison'd in the goal of the said Lord the King in Salem aforesaid; And the s<sup>d</sup>. Jurors for the said Lord the King upon their Oath further present that on the fifth day of August last, Thomas Robinson of the City of Philadelphia in the Province

of Pennsylvania Merchant took out of the Clerk's Office of the Inferior Court of com'on pleas for the said County of Essex, the Writ of the said Lord the King directed to the Sheriff of the County of Essex his under sheriff, or deputy, Commanding him to attack the goods or estate of John White of Marblehead in the County of Essex Merchant to the value of three hundred pounds, & forwant thereof to take the body of the s<sup>d</sup>. John White if he might be found in their precinct, & him safely keep so that they have him before the Justices of the Inferior Court of common pleas then next to be holden at Newbury within & for the said County of Essex on the last Tuesday of Sep<sup>r</sup>. then next, then & there in the said Court to answer unto the said Thomas Robinson in a plea of the case for that the said John White at said Marblehead on the twenty ninth day of October Anno Domini 1760. owing the plaint three hundred twenty six pounds eighteen shillings & nine pence Philadelphia Money of the Value of two hundred fifty two pounds lawful Money of this Province for diverse goods & merchandizes by the plaint. before that time sold & delivered him according to the account annexed to the Writ. promised to pay it to the plaint on demand yet the def<sup>t</sup>. has not paid of it but twenty four pounds tho' requested but denies to pay the residue Also for that the def<sup>ts</sup>. then & there in consideration that the plaint. had before that time at the def<sup>t</sup>. request sold & delivered him diverse other goods promised the plaint. to pay him as much as he reasonably deserved to have therefor on demand. & the plaint said that he reasonably deserved to have therefor other three hundred pounds eighteen shillings & nine pence Philadelphia money of the value of two hundred sixty one pounds eleven shillings Lawful Money: of all which the def<sup>t</sup>. then & there had Notice Yet he had not paid it (tho' requested) but denied to pay it To the damage of the said Thomas Robinson

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[463v]

Robinson as he said three hundred Pounds. And the said Jurors upon their Oath further present that on the sixth day of August last, at Salem aforesaid Nathan Brown a deputy Sheriff of the County aforesaid; fo rwant of Goods or Estate of the said John took the body of the said John White & committed him to the Goal aforesaid in said Salem where he continued a prisoner untill the second day

of September last; And the said Jurors upon their Oath further present, that before the expiration of the aforesaid term of six months & before the said sum of twenty pounds or the costs aforesaid were paid or bonds given agreeable to the sentence of the said Superior Court as aforesaid & before the said John White had answered to the declaration of the said Thomas Robinson in the Writ afores<sup>d</sup>. or had satisfied the said Thomas's demand therein or was legally discharged from his Imprisonment aforesaid (viz.) on the said second day of September last the said Eleazer Lindsey & John White at Salem aforesaid with force & arms broke the goal aforesaid, & cut & made a hole through the upper floor of the said Goal & thro' the same hole so cut & made as aforesaid they the said Eleazer Lindsey & John White did then & there unlawfully escape out of the Goal aforesaid & go at large where they pleased, in contempt of the law & against the peace of the said Lord the King his crown & dignity. The said Eleazer was thereupon set to the bar and arraigned, & upon his arraignment pleaded not guilty, & being afterwards set to the bar to receive his trial, the said Eleazer pray'd that he might be allow'd to withdraw his aforesaid plea of not guilty, & to submit himself to the Kings Mercy, which being allow'd he now withdraws his aforesaid plea, & for plea now says, that he will not contend with the said Lord the King but submits himself to his grace: And the Court having consider'd his offence order that the said Eleazer suffer four months imprisonment from and after the tenth day of December next, the expiration of the time for which he was sentenced by this Court at the last term to be imprisoned, & that he pay costs of prosecution standing committed until this sentence shall be performed.

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Court Adjourn'd  
without day.

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Salem Oct<sup>o</sup>. 23<sup>d</sup>. 1762. The Court enter'd up Judgment according to the verdicts; & then the Court was adjourn'd without day.

Att<sup>n</sup>. Sam<sup>l</sup>. Winthrop Cler

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