

131426

Slew v. Whipple

11 papers.

By the grace of God of Great Britain
King, Defender of the Faith &c
To the Sheriff of our County of Essex under, shalff
or Deputy Greeting

We command you that you summon John Whipple
Jury of Essex in our County, of Essex Gentleman
if he may be found in your shire, to appear, before
our Justice of our Superior Court, of Common Pleas,
next to be holden at, Newark together with or assistants,
of Essex on the last Tuesday of March next, then and
there in our said County, to answer to Jenny Stew
of Newark before Master in a plea of Trespass
for that the said John, upon the 29th day of January
1762 at Newark forced with force & arms, took
her the said Jenny into his house, in servitude
as a slave in his service and has restrained her of
her liberty from that time to this day without
any lawfull Right, or Authority so to do and did
her other injuries against our Peace and to the
Damage of the said Jenny Stew in the sum the
sum of Twenty five pounds, which she doth then there
be made to appear, with other due damage, and
have you thus this writ with your doing March
Witness John Choate Esq at Salem the fifth day of
March in the fifth year, of our Reign Anno Dom 1765

Edward Jenny Stew & her, make

Joseph Wooditch Esq

Essex March 11th 1765

I summoned the within named John
to appear & answer, according to the Tenor of this writ
by Reading it to him

William Dodge Esq Sheriff

and the said John Whipple Jury fore, defend, whereof I
say that there is no such Person in Nature as Jenny Stew

if he may be found in your District, to appear, before
 our sitting of our Superior Court, of Common Pleas,
 next to be holden at, Newick together with our officers,
 of the said County, Tuesday of March next, then and
 there in our said Court, to answer to Jenny Stew
 of Newick before Ministers in a plea of Trespass
 for that the said John, upon the 29th day of January
 1762 at Newick aforesaid with force & arms, took
 her the said Jenny into his house, & there, in servitude
 as a Slave in his service and has restrained her of
 her liberty from that time to this day without
 any lawfull Rights, or Authority so to do and did
 her other injuries, Against our Peace and to the
 Damage of the said Jenny Stew by the said the
 sum of Fifty five pounds, which she doth then
 be made to appear, with other due damage, and
 have you thus the writ with your doing therein.
 Witness, John Choate Esq at Salem the fifth day of
 March in the fifth year, of our Reign Anno Dom 1765

Endorsed Jenny Stew & her heirs

Joseph Wooditchell

Essex March 11th 1765

I have read the within named John
 to appear & answer according to the Tenor of this writ
 by Reading it to him

William Dodge Esq Sheriff

And the said John Whipple said John defend, when he
 says that there is no such Person in Nature as Jenny Stew
 of Newick aforesaid, and that the said John is Ready
 to Verify wherefore the writ aforesaid should be abated,
 and the said John be allowed Cost, and he pray Judgment
 accordingly

Given Under my Hand & Seal of Office
 the 5th John
 Having which Plea if Overruled, says he is not

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Guilty

Guilty as the PD complains & thereof shall be

and the PD Reserving to himself the liberty of
Joining Issue on the Def^d Plea aforesaid upon the Appeal
say, the Def^d Plea aforesaid is an Insufficient Answer to
the PD Declaration aforesaid & by Law she is not held
to Reply thereto and this she is Ready to verify
whereof for want of a sufficient answer to the
PD Declaration aforesaid she may Judgment
for her Damages Costs

and the Def^d consenting to the PD waving the
Demurrer on the Appeal say, his Plea aforesaid
is good & because the PD Refuse to Reply
thereto he may Judgment for his Costs

Copy Given of Joseph Bowditch Esq

The Demurrer is waived & the issue is joined

All Sam^l W^m Worthington

W^m W^m
Hess of W^m P^l
copy

Essex: Anno Regni Regis Georgii Tertii Magnae
Britanniae Franciae & Hiberniae Quinque

At his Majesty's Superior Court, of Common
Pleas, begun & held at Newbury Town, within
the County of Essex on the last Tuesday
of September being the Twenty fourth day
of the said month Anno Domini 1765

Jenny Slew of Ipswich in the County of Essex Spinster
vs
John Whipple Esq of said Ipswich Gentleman
Defendant in a Plea of Trespass for that the said John upon the
Twenty ninth day of February 1762 at Ipswich aforesaid
with force & arms took her the said Jenny held & kept
her in servitude as a Slave in his Service & has restrained
her of her Liberty from that Time to the fifth of March last
without any lawfull Right, or Authority so to do & did her
Other Injuries Against the Peace and to the Damage
of the said Jenny Slew as she saith the sum of Twenty
five pounds

This Action was first brought at, last, March Term at Ipswich
whence where the Parties appeared & the Cause was continued by
Order of Court to the then next Term whence where the Plaintiff
and the said John Whipple Esq Name by Edmund Frowbridge Esq
his Attorney and Defendant whence where it was that there is no such
Person in Nature as Jenny Slew of Ipswich aforesaid Spinster
and the writ should be abated and the said John Whipple Esq
Costs and he prayed Judgment accordingly, which
Jury was awarded by the Court and afterwards the
said John by the said Edmund made a motion to
the Court praying that another Person might endorse
the writ & be subject to Costs if any should find be for
the Def but the Court rejected this motion and then
the Def having his Plea in Abatement aforesaid said that
he is not Guilty as the Pld complains & thereof put
himself on the Jury & then the Cause was continued

It Against John Whipple son of said John Whipple
Defendant a plea of Trespass for that the said John upon the
Twenty ninth day of February 1762 at Ipswich aforesaid
with force & arms took her the said Jenny held & kept
her in servitude as a slave in his Service & has restrained
her of her liberty from that time to the fifth of March last
without any lawful Right, or Authority so to do & did her
Other Injuries Against the Peace and to the Damage
of the said Jenny & she saith the sum of Twenty
five pounds

This Action was first brought at, last, Marchfour, at Ipswich
whence where the Party appeared, & the Cause was continued by
Order of Court to the then next Term when where the Plaintiff
and the Defendant Whipple were named by Edmund Howbridge Esq
his attorney and Defendant Whipple made that there is no such
Person in Nature as Jenny, Slave of Ipswich aforesaid
and in consequence thereof the writ should be abated and the said John be abated
Court and he prayed Judgment accordingly, which
Jury was awarded by the Court, and afterwards the
said John by the said Edmund made a motion to
to the Court praying that another Person might endorse
the writ & be subject to Court, if any should find be for
the Def but the Court Rejected this motion, and then
the Def having his Plea in abatement aforesaid laid there
he is not guilty as the Plt complains & thereof put
himself on the Country and then the Cause was continued
to the June and now the Plt Reserving to herself the
liberty of Joining Issue on the Def's plea aforesaid on
the appeal says the Def's plea aforesaid is an insufficient
Answer to the Plt's Declaration aforesaid and by law she
is not held to Reply thereto and that she is Ready to Oath
wherefore for want of a sufficient Answer to the Plt's
131426 Declaration

Guilty as the Pl^d complains & thereof shall be

John his man,
and the Pl^d Reserving to himself the liberty of
forming issue on the Def^d plea afores^d upon the Appeal
say, the Def^d Plea afores^d is an Insufficient Answer to
the Pl^d Declaration afores^d & by law she is not held

Declaration afores^d She pray, Judgment for her
Damage, Costs, and the Def^d consenting to the
waving the Damages, on the Appeal say, his plea
afores^d is good and because the Pl^d Refused to Reply
thereto he pray, Judgment for his Costs,

It is considered by the Court that the Def^d
plea in Chief afores^d is good and that the said John
Whipple Recovers of the said Penny Slew Costs
Six p^{ts}

She did appeal to the Superior Court
Judicature to be holden for this County and
Entered into Recogn^o with Surety by the law
direct for Prosecuting her Appeal to Effect

(Copy of Record)

Sam^l Joseph Bowditch

Guilty on the 1st of compliance & money paid
and the 10 Reserving to himself the liberty of
doing as he pleases on the 1st of the plea aforesaid upon the Appeal
says the 1st Plea aforesaid is an insufficient answer to
the 1st Declaration aforesaid & by law she is not held

2:1
The Court is hereby
pleas & W. H. G. 1765
Sept 17 65
The Court is hereby
Three Papers
The Court is hereby

Essex, ff. Memorandum,

Henry
a Great
Bene

THAT on the 28th Day of September
in the 5th Year of Our Sovereign Lord King **G E O R G E**
the Third, over **G R E A T - B R I T A I N**, &c. *Annoque Domini, 1765*
before His Majesty's Justices of the Inferiour Court of Common Pleas,
within the County of *Essex*, in **N E W - E N G L A N D**, Personally appeared
Benjamin Neely of Boston in the County of
Suffolk Esq^r Att^o to Henry Slew of Ipswich in
Said Essex County & John Chipman & Nathaniel Bowen
both of Marblehead in Said Essex Co^y
and acknowledged themselves to be severally indebted unto
John Whipple Esq^r of Said Ipswich Esq^r

in the respective Sums following, viz. the said *Neely*
Principal, in the Sum of *Ten* Pounds, and the said
Chipman & Bowen Sureties,
in the Sum of *Five* Pounds each, to be levied upon their
several Goods or Chattels, Lands or Tenements, and in want thereof
upon their Bodies (to the Use of the said *Whipple*)
if Default be in the Performance of the Condition here under-written.

THE Condition of the above-written Recognizance is such,
that if the above-named *Slew*

shall and do profecute an Appeal by *he* made from a Judgment
given against *he* in the Inferiour Court of Common Pleas
holden at *Newbury Port*, on the *28th* Tuesday of *Sept^r*
for the Sum of

and Costs of Suit, at the next Superiour Court of Judicature,
to be holden at *Salem* for the County of *Essex* aforefaid,
with Effect: Then the above-written Recognizance to be void,
otherwise to abide in full Force.

att^o Joseph Bowditch

Copy Examd Joseph Bowditch

... on the ...
... of Our Sovereign Lord King GEORGE ...
... over Great Britain, ...
... before His Majesty's Justices of the ...
... in New-England, ...

... and ...

... in the ...
... Principal, in the sum of ...
... in the sum of ...
... upon their ...
... is Default ...

... of the above ...

... shall and do ...
... given ...
... holden as ...
... for the sum of ...

... and Costs of Suit ...
... to be holden at ...
... with MR. ...
... otherwise to abide in full force ...

10-4
See
New to ...

Hait
Brou
Cau

21st
H. To Caleb Balch Jonathan Hart Anthony Wood
Hannah Dodge, wife of Joshua Dodge. Servus Greeting.
Brown Sarah Herrick all of Beverly in
County

YOU are hereby required in His Majesty's Name, to make your
Appearance before the Justices of Our Lord the KING, at the
next Superiour Court of Judicature to be holden at Ipswich
within and for the County of Essex on the third Tuesday of
June current To give Evidence of what you know relating to
an Action or Plea of *Trespass upon the Case* then an there
to be Heard and Tried betwixt *Jenny New-appelt* against
John Whipple applee

Hereof fail not, as you will answer your Default under the Pains
and Penalty in the Law in that behalf made and provided. Dated at
Ipswich the 17th Day of *June* in the
sixth Year of His Majesty's Reign. Annoque Domini, 1768

131426

Sam^r Winthrop

For June 18th 1766

John Smith
and the others
my present

William Lloyd

1766

TO THE HONORABLE THE JUSTICES OF THE PEACE FOR THE COUNTY OF MIDDLESEX
I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the Court of Sessions at the City of London
Witness my hand and seal this 18th day of June 1766
John Smith

John Chadwick, Negro Man-Servant to Mr.
Henry Rolfe, and Elizabeth White Negro Servant to
Capt. William Jfley were married to each other on
October 9th 24. 1754. By me, John Tucker, Pastor
of the first Church in Newbury. —

Newbury Oct. 31. 1766.

131426

This Certifies that I Traveled 20 Miles & attended one
Day at Ipswich Superior Court in June last and
Traveled 20 Miles & attended two days at the Superior
Court at Salem in November last as an Evidence such
Court in the case Jery Slew against John Whipple Junr

I attended 2 days & trial 20 miles. Caleb Balch
= as an Evidence in the above case =
at November Court last at Salem Hannah ^{sen} Dodge
mark

I also Traveled 20 miles & attended 2 days at Salem
Court an Evidence in the same case

131426

This Certifies that I Traveled 20 miles & attended one
Day at Ipswich Superior Court in June last and
Traveled 20 miles & attended Two days at Superior
Court at Salem in November last as an Evidence each
Court in the case Jany Slew against John Whipple Junr

I attended 2 days & travel 20 miles = Caleb Balch
= as an Evidence in the above case =
= at November Court last at Salem Hannah ^{her} Dodge
= mark

I also Traveled 20 miles & attended 2 days at Salem Nov^r
Court an Evidence in the same case

I Traveled to Ipswich Court above = Ruthen Wood
= and at Salem Court above said I Traveled
= 20 miles & attended 2 days as an Evidence =
= in the case above said = Jon^r Hunt

Wit: 20 m. 2 d. each

131426

This Certifie that I was Summoned as an
Evidence in the case between Jany Slew & John
Whipple Junr. at ^{the} last November Court at Salem
and traveled 20 miles & attended 2 days

Wit: Dec. 5th 1766
Jwach hualik

131426

Jenny New Plaid. John Whipple vs. D. J. The
Jury find. for the Plaid. four Pounds Money Damages
and Costs of Courts

131426

Spec^y Court of Common Pleas
at Ipswich March 1765

Jany slew Det	-	-	-	-	-
John Whipple Det	-	-	-	-	-
Writ	-	-	-	-	-
Lerins	-	-	-	-	1
Entry & Court fee	-	-	-	-	2
attorney, fee	-	-	-	-	9-8
Travel 10 miles	-	-	-	-	6
attend ^r 3 Days	-	-	-	-	1-6
Continuance	-	-	-	-	4-6
	-	-	-	-	8

July Court at Salem 1765

Travel 30 miles	-	-	-	-	4-6
attend ^r 2 days	-	-	-	-	3-0
Continuances	-	-	-	-	8

September Court at Newbury:

Port Travel 20 miles	-	-	-	-	3-0
attend ^r 5 Days	-	-	-	-	7-6
Two witnesses Travel	-	-	-	-	13-6
= 90 miles	-	-	-	-	
Three attend ^r 1 Day Each	-	-	-	-	3-0
Grady ^t - fill: Tax &c	-	-	-	-	1-6

23-2-0

Supp ^y Humoring	-	-	-	-	2-4
	-	-	-	-	3-4

Grand Joseph, Board with

Sup^r Court. Salem Nov^r 1765

New Whipple ap^rts Court

Int^r courts bill

Copy 4/ Entry 10/	-	-	-	-	3m 4n 4
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fee 12/ attend 3 Days	-	-	-	-	1n 2n 0
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Travel 30 miles	-	-	-	-	0n 4n 6
-----------------	---	---	---	---	---------

Cont ⁿ 2/11 wit. 20 miles 20:6/	-	-	-	-	0n 4n 6
Murkin June 1766	-	-	-	-	0n 7n 0

Continuance - - - 8

July Court at Salem 1765

Travel 30 miles - 4-6
attend! 2 days - 3-0
Continuances - - - 8

September Court at Newbury:

Port Travel 20 miles - 3-0
attend! 5 days - 7-6
Two witnesses Travel - } 13-6
= 90 miles - }
Three attend! 1 day each - 3-0
Judge's bill: Tax &c - 1-6

23-2-0

Supremacy Humoring 2-4
Grand Jurors Board etc etc 3-4-4

Supr. Court. Salem Nov 1765
New whipple appt's Court

Int. courts bill - 23-4-4

Comp 4/ Entry 10/ - 1-2-0

fee 12/ attend 3 days 0-4-6

Travel 30 miles 0-4-6

Contn. 2/ wit. 20 miles 2-6/ 0-7-0
Munich June 1766.

Travel miles att 5 days 0-7-6

2 Wit. 1 day each 0-3-0

13th travel 30 m. & 12th 20 m. 0-7-6

Contn Salem 1766. 0-1-0

Travel 30 m. & 3rd 4 0-9-0

Jury fee 131426 1-6-8

4 wit. 20 miles each - 0-12-0

4th att 2 days each 0-12-0

Subpn. & de wire 0-4-6

3/6 0-4-0
Hatchler 9-8-6

total 9-9-6