

# American Legal History – Russell

## **Records and Files of the Quarterly Courts of Essex County (The Essex Inst. 1913) (1664).**

Mr. Thomas Gilbert and Joseph Bigsbye of Topsfield were made free.

John French took the oath of fidelity.

Jacob Foster of Ipswich made free.

William Nelson, being convicted of stealing six pieces of beef from Thomas Bishop, was sentenced to pay 12s. to Goodman Bishop, the beef being returned, and to sit one hour in the stocks.

William Downeing and Joseph Lee were fined upon their presentments for breach of the peace.

Caleb Kimball, upon his presentments for striking Symon Tuttle and for breach of the peace, was fined.

Richard Shatswell, upon his presentment for breach of the peace, was fined.

Peeter Cheny, upon his presentment for fornication, was fined. His wife Hanah Cheny was fined 3li. unless she appear "before the court rises if soe the court will consider further."

Caleb Kimball and his wife, John Leeds and Abraham Knowlton, complained of for playing at cards, were fined 5s. each.

Richard Smith, complaining against Zachry Debell and William Newman for stealing his canoe, the court ordered that they pay treble damages, 4li. 19s.

The treasurer was ordered to pay John Woolcott 14li., and Peter Chenye's fine to be part of it.

Jonathan Lambert, dying intestate, his brother John Lambert, was appointed administrator and he was ordered to bring in an inventory to the next Ipswich court. John Lambert was bound in forty pounds.

Stephen Godwin, for breaking prison, was ordered to be severely whipped and committed to prison.

Zachary Debell and William Newman, or being accessory abettors and conveying the prisoners away, were ordered to be severely whipped, fined and committed to prison until they paid it, and also bound to good behavior. Zachary Debell and Samuel Graves bound. Thomas Willson, for being an abettor and concealing the prisoners escape from prison, was ordered to be whipped.

Thomas Tredwell, jr., Nathaniel Tredwell and John Pindar, for concealing the prisoner, were admonished.

Samuel Graves, for suspicion of concealing the prisoner and carelessness in his trust in searching for him, was bound in 50li. to appear at the next Ipswich court.

Execution being respited in the action of Tho. Clarke v. Tho Andrews, the respite was taken off.

Charges allowed to Walter Roper, Caleb Kimball, Richard Coye, George Abbott and Thomas Johnson in prosecution of the prisoner.

Ordered that Mr. Symonds and Major Genll. Denison take order about the security for the good behavior of the prisoners and the charges. Sam. Graves engaged to pay Zacherye's fine.

"Forasmuch as severall escapes have beene made out of the prisson by the prisoner with the ayd & assistance of some Ill affected psons It is ordered that noe pson shall p<sup>r</sup>sume heerafter to come within the prisson yard, nor within 20 foote of the prisson on the west syde therof, where there is noe fence, upon any p<sup>r</sup>tence whatsoever without pticular licence from the keeper, while any prisoners are in prisson, upon paine & penalltye to be psceded agas<sup>t</sup> as contemnors of authoritye and abbettours of malifactors."

Jno. Ilsly, jr., presented for inhumanly abusing Jno. Dickison, jr., was fined and to acknowledge in open court that what he did was sinful and shameful. He made acknowledgment.

### **Court held at Ipswich, Apr. 27, 1665.**

Henry Spencer confessed in court that he ran away from his master, Edmond Mounforth, and stole from him a coat, a piece of serge, 2 Bibles, a rapier and belt, a pewter bottle and a piece of linen closth, and being at Andover at Goodman Chandlour's, he broke into said Chandlour's house twice and stole a horse and saddle. After being apprehended and brought to Ipswich prison, he broke prison. He was ordered to be severely whipped, branded on the forehead with the letter B, and pay a fine of five pounds to the county, and to his master, treble damages, amounting to thirteen pounds, and forty shillings to his master for loss of time. Further ordered that upon his master paying the fine, he should be sent to Boston prison, there to remain until his master can dispose of him. In the meantime, he was to be kept in Ipswich prison.

John Palmer, for his high misdemeanor in attempting uncleanness with Elizabeth White in her master's house, was ordered to be severly whipped and to pay costs to Mr. Epps.

John Kent was ordered to be whipped or to pay a fine for fornication.

John Cheny, presented for reviling speeches, was fined.

Robert Morse and Susana Rogers, presented for reviling words, were fined.

John Leigh, jr., was fined for threatening words against Sam Younglove

### **May 1682**

Mary Williams forfeited her bond for appearance, and she was ordered to be whipped unless she pay the bond or 3li. in money.

Margret Allexander, for fornication, was to be whipped. Upon payment of a fine the corporal punishment was remitted.

Thomas Bettes, servant to John Simmons, often running away and being incorrigible, said Simmons was discharged of his obligation of teaching the trade of a weaver.

Mr. William Godswell having taken Thomas Bettes, who was sentenced to be whipped, and paying 40s., said Bettes had his corporal punishment remitted, and in consideration of his master Cogswell buying off his whipping, he agreed to serve him one year more than the time of his indenture and the six months ordered to serve his master Simmons by Ipswich court, Mar. 29, 1682. Jo. Sparke was allowed charges.

Phillip Fowler was presented for abusing his servant, Richard Parker, and although court justified any person in giving meet correction to his servant, which the boy deserved, yet they did not approve of the manner of punishment given in hanging him up by the heels as butchers do beasts for the slaughter, and cautioned said Fowler against such kind of punishment. He was orderd to pay costs.

Richard Briar, being charged with a prisoner, Benidict Pulsipher, who was sentenced to be whipped and to pay half the treble damages to Steephen Crose, let him escape and run away.

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