

William Edmonds v. Benjamin Kimball. Debt. Withdrawn.*

John Devorix v. Cristopher Nicholson. Trespass. For pulling down the fence of said Devorix and laying open his ground to the common.†

would let him have land of his which lay near, to which Mr. Payne agreed. In sine Howlet, Corporal Grig, old John Perkins and deponent were appointed to lay it out on both sides. They laid out to Mr. Brodstreet one parcel of Mr. Payne's land, which lay by a brook called the Mile brook, which is near Topsfield, on one side of it and a meadow called the hasacke meadow on the other side of it, and Mr. Brodstreat's land elsewhere. They laid out another parcel on the other side of the brook of Mr. Payne's land to Mr. Brodstret, which land joined the land of the latter. Further deponent testified that a little before the last Ipswich court, he was at John Redingtones house and the latter and Ensign Howlet were speaking of the coming suit and Howlet told Redington that he must be a witness against him for he could testify that Mr. Brodstreet had a strip of land granted to him thereabouts. Deponent asked Howlet if he could tell where it lay, and he replied that he could not, but he had heard some say that it went to an old tree in a place called "durty medo," and he did not know whether any of the land granted Mr. Brodstreat was within John Ridington's fence. Sworn, 21 : 4 : 1662, before Samuel Symonds.‡

*Writ : William Edmons v. Benjamin Kimball ; for not delivering a mare colt which was delivered to defendant to keep for plaintiff about three years since, which colt he had received of Henery Green of Hampton ; dated Apr. 14, 1662 ; signed by Samuell Dalton,‡ for the court, and served by Jon. Clough constable of Salisburie.

†Writ, dated May 15, 1662, signed by Hillyard Veren,‡ for the court, and served by John Legg,‡ constable of Marblehead. Bond of Christopher Nickelson,‡ witnessed by Francis Johnson.‡

Bill of charges, 1li. 10s.

John Bartoll,‡ John Peach,‡ John Peach‡ and Willia. Charles,‡ arbitrators in this action, concerning pulling down a small parcel of fence standing, as Jo.Devorix pretended, upon that parcel of rocks which the selectmen gave him, reported as follows : " Trueth it is we gaue him a quarter of an Acre of land which the s^d pretended Fence w^{ch} is yet at the Commoners pleasure for limitation for it was neuer bounded out by any, & therefore we conceine it is no matter of Trespasse because the s^d Jo devorix was not to ympeade any neighbour of free Ingresse & regresse To or from the waters side, we used all means we could that so this Court might not be troubled to pswade unto Arbitration w^{ch} being Assented unto The men chosen met there could be nothing done unlesse the s^d Jo.

‡Autograph.