

Mr. Georg Corwin v. John Godfery. Replevin. For distraining two oxen and a cow. Jury reported that if the conveyance of the

deuorix might be Judge in the case w^{ch} was refused to be Assented unto."

John Peach,* John Bartoll,* John Clemants* and John (his mark) Legg, the major part of the selectmen of Marblehead, " Upon the 4th day of June in this psent yeare 60 do freely grant and bequeath (diuers Consideracons mouing us thereunto) on smale pcell of Rockes adiacent to a stage of his newly erected unto John deuorix his heires and Assignes for euer, hauing full power to act by generall consent of the towne who gaue us fule power to agitate the Towne affaires Uppon the 5th of Janaery w^{thout} limitation. These rockes being by estimacion on quarter of an acre The s^d rockes lying betwixt the purchased land of Jo. deuorix on the south-west & the land of Will nickes on the northeast."

James Brading, aged about twenty-nine years, deposed that he had occasion to be at Marble Head often in the past two years and a half, and often went on the land and over the fence, which fence always stood where it did until pulled down. Sworn in court.

Mary Clarke, aged about twenty-nine years, deposed that the first year the stage was built, her husband worked with John Dev-eriks about the fish. The fence was then set up, and has ever stood until now. Since that time, her husband had made winter voyages. Sworn in court.

William Reymer, aged about thirty-five years, deposed that John Devreux, when he went to the eastward, left the charge of his stage, housing and blubber casks to deponent, who was very careful until the beginning or the middle of May. Then Christopher Nicholson pulled down the fence, of which deponent was an eye witness, to his great trouble, for he was fain to watch early and late, to the loss of said Devereux two butts, two hogsheads, half or three-quarters of a barrel of oil, besides other materials, as flakes, all being laid common. Said Deuveuxes wife was constrained to send her man with some fence of her own, which fence deponent saw after it was set up. Sworn in court.

Robert Paty, aged about twenty-three years, deposed that about the beginning of May last, Christopher Nicholson pulled down eight or ten poles of his master's fence at the stage. " My master being not at home my dame went to y^e select men, who ordered her that her man should set it up againe, & when he had almost set it up, to one panell of railles, y^e ¶ said ¶ Christopher came & puld it downe againe, & bad me, go home & tell my dame y^t what he had done he would answer it, & if I did set it up neuer so often, he would pull it downe, if it cost him a hundred pound then I gaue him charge of y^e fence to looke after it, being my master's goods, then I went to

*Autograph.