

Transcription of Minutes of the Hunterdon County Common Pleas Court related to Lawrence Marr.

--- Done by Robert Moody. December 2021.

Introductory summary for each case came from Helen Bowman. It appears that Ms. Bowman must have reviewed the full court records as opposed to the brief information in the minutes.

- 1) In February 1757 Term of Inferior Common Pleas Court, Lawrence Marr of Amwell, Blacksmith, was summoned to answer Robert Smith, executor of last will of Benjamin Smith deceased for the sum of \$20.0.0 current proclamation money which he had altogether refused to pay.
 - a. *The minutes start with Feb 1758. The minutes don't show a resolution to the action.*

TRANSCRIPTION:

P127. Writs returnable to February Term 1758 with other entries and minutes of October Term vacation.

- Estate of Benjamin Smith v Lawrence Marr } Capias¹ debt. Sept(?) 20. Cepi corpus² in custody³ rules.

P155. Writs returnable to May Term 1758 with other entries and minutes of February Term vacation.

- Estate of Benjamin Smith v Lawrence Marr } The Like (Declaration⁴ warrant and attorney oyer⁵ bond with Sheriff's receipt(?) filed.

P167. May Term minutes of Court 1758.

- Estate of Benjamin Smith v Lawrence Marr } In debt- on motion of M. Cottman for plaintiff ~ The Like ~ (In Debt – on read of the Sheriffs certificate of the service of a copy of the Declaration together with copys of the rules for the body no(?) pleas endorsed hereon upwards of twenty days ago which being filed and no plea, on motion of Mr. Pigeon for ___ ordered that judgment be entered nisi prius(?)⁶.

P182. Writs returnable to August Term 1758 with other entries and minutes of May Term vacation.

- The Estate of Benjamin Smith v Lawrence Marr } In Debt the(?) judgment roll & costs filed. Case sealed... Cotman.

¹ "That you take." The general name for several species of writs, the common characteristic of which is that they require the officer to take the body of the defendant into custody; they are writs of attachment or arrest. There is no bail.

² The sheriff has taken the body, i. e., arrested the body of the defendant.

³ I have taken the defendant and he is in custody.

⁴ Probably referring to a formal and methodical specification of the facts and circumstances constituting his cause of action.

⁵ A hearing in open court involving the production of some document pleaded by one party and demanded by the other.

⁶ At common law, judgment nisi was a judgment entered on the return of the nisi prius record, which, according to the terms of the postea endorsed thereon was to become absolute unless otherwise ordered by the court within the first four days of the next succeeding term. "Postea" refers to a formal statement (on the nisi prius record) which gives an account of the proceedings at the trial of the action.

P194. August Term Minutes of Court – 1758

- Robert Smith executor of Benjamin Smith deceased & Lawrence Marr } The sheriff having returned a *capias ad satisfaciendum*⁷. Found in this cause *cepi corpus* in custody. It is ordered thereupon on motion of Abram Cottnam that the defendant stand and be committed until the debt, damages and costs be fully paid and satisfied.

Introductory summary:

- 2) In the same court in 1760, Aaron Doud, attorney for Lawrence Marr, summons Samuel Johnson, Esq. to render \$50 proclamation money which he has owed Marr since 8 Feb 1757. The court awarded Lawrence a judgment for the full amount plus \$5.15 "for damages he that sustained by occasion of the detaining the debt." Judgment awarded 22 Feb 1761.
 - a. *The minutes show the debt as £1760.0.0 and I don't know whether the summary of Helen Bowman is a conversion of that amount to "proclamation money". I don't understand why proclamation money would have been used.*
 - b. *The minutes don't show damages or judgment date.*

TRANSCRIPTION:

P 375. Writs ___ returnable to August Term 1760. June 3rd 1760 Moore Furman Dibble(?)

- Lawrence Marr against Samuel Johnson } *Capias Debtor*⁸. £1760.0.0 C.C.C Mil 8/6 rules(?) --- Ditto (Pigeon). [*I don't understand the part after the pounds/shillings/pence. The 8/6 was also a form for noting shillings and pence but don't see how that fits here.*]

P396. Writs returnable to October Term 1760 Continued

- Lawrence Marr against Samuel Johnson(?) } Declaration filed Ditto (Lagrange?)

P401. October Term Minutes of Court 1760

- Lawrence Marr v Samuel Johnson Esq(?) } In Debt ___ – on reading the declaration(?) – on motion of Doud for the plaintiff judgment -

P416. Writs returnable to February Term 1761 Continued

- Lawrence Marr v Samuel Johnson } In debtor Cas Fa⁹ Sealed. --- Ditto (Doud)

P422. February Term Minutes of Court 1761

- Lawrence Marr v Samuel Johnson } In debt ___ – The sheriff(?) returning the Cas Fa⁹ joined(?) in this cause *cepi corpus*² in custody. It is thereupon ordered on motion of Doud for the plaintiff that the defendant stand committed.

⁷ The emphatic words of the writ of *capias ad satisfaciendum*, which requires the sheriff to take the person of the defendant to satisfy the plaintiff's claim.

⁸ Referring to the debtor being in custody.

⁹ Presumably direction to take the debtor into custody.