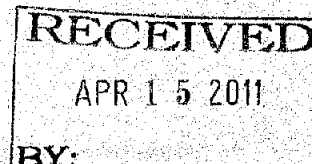


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New Jersey Supreme Court Cases, 1704 – 1760

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(Continued from Volume 85, page 139)

FOR A FULL BACKGROUND DISCUSSION of this long-running serial article please see *GMNJ* 62:63 (May 1987); a shorter introduction appears in *GMNJ* 79:23 (January 2004). A star [*] following a case number is actually part of the number, used as a suffix by the Court Clerk when a case was inserted between two others already numbered — evidently in an effort to maintain the semi-alphabetical arrangement.

CAMERON V. DORLAND. May Term 1720. Middlesex ss. Donald Cameron of Lochiel by his attorney James Alexander in a plea of trespass and ejectment complains of Garrat Dorland the tenant in possession of a farm at Bound Brook, Middlesex County, with a barn, stable and other appurtenances. [6776*]

CAMERON V. MANNING. May Term 1720. Middlesex ss. Donald Cameron of Lochiel by his attorney James Alexander in a plea of trespass and ejectment complains of James Manning the tenant in possession of a farm at Bound Brook, Middlesex County, with a barn, stable and other appurtenances. [6776*]

CLARKSON V. DE HART. May Term 1727. Middlesex ss. David Clarkson in a plea of debt complains of Jacob De Hart. On 10 August 1726 at Perth Amboy De Hart became indebted to Clarkson in the amount of £87.10.6 current money of New York for goods, wares and “merchandizes” delivered to him. On 27 September 1727 De Hart appeared in court and “confessed judgment” for the sum of £59.13.6 with cost of suit. [6790*]

CARLE V. DOUGHTY. May Term, *anno undecimo Georgii Regis* [1725]. Middlesex ss. John Carle in a plea of debt complains of Jacob Doughty. On 1st July in the ninth year of King George [1723], Doughty acknowledged himself to be indebted to Carle in the amount of £15.19.4 for various sums of money which Carle had laid out and expended in behalf of Doughty. [6791*]

CLARKSON V. DOUGHTY. The only document on file is a copy of a bond executed 16 July 1740 by which Benjamin Doughty of Prince Town, Middlesex County, and Thomas Leonard Esq. of Somerset County became indebted to Cornelia Clarkson of Somerset County, widow, in the penal sum

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of £800 for a debt of £400. Witnesses to the bond were Thos. Whiteh and Fran. Costigen. [6797*]

CATTELL V. ELDRIDGE. On 5 January 1758 Ezekiel Eldridge Deptford, Gloucester County, issued a warrant of attorney to J. Lawrence authorizing him to appear in court for Eldridge in a suit brought against him by James Cattell and confess judgment for £130 and cost suit.

Lawrence accepted the warrant, but he did not enter it in court until August Term 1760. At that term the court issued a writ commanding the sheriff of Gloucester County to levy on the goods and chattels, lands, tenements of Eldridge for the debt as well as £4.12.7 for costs. The sheriff returned the writ with the statement that he had levied on the goods of Eldridge to the value of £5 and also on 470 acres of land in Deptford which remained in his hands for want of buyers. [6800]

CHAMBERS V. EMANS. August Term 1759. Somerset ss. John Chambliss in a plea of trespass on the case complains of Benjamin Emans who on 9 March 1759 at Millstone, Somerset County, became indebted to him on a promissory note in the amount of £25.12s. which remains unpaid. [6803]

CARLE V. DRUMMOND. On file is a writ dated 15 May, 9 Geo II [1737] commanding the coroner of Middlesex County to have Evan Drummond Esq., sheriff of the said county, in court at August Term next to answer John Carle of a plea of trespass. The writ was returned by John Deane with a notation indicating that the defendant (that is, the sheriff) had been summoned. [6810*]

CONNER V. DUNN. On file is a writ issued July 23, 1753 commanding the sheriff of Middlesex County to have Jeremiah Dunn of Piscataway in court at August Term next to answer Timothy Conner of a plea of trespass and his bill for £240. The writ was returned by the sheriff with a notation indicating that the defendant had been taken into custody. [6811 Oversize]

COX V. EMANS. May Term, 21 Geo II [1748]. Somerset ss. John Cox in a plea of trespass and ejectment complains of Hendrick Emans the tenant in possession of a farm at Rocky Hill, Somerset County. On 14 August 1748 Henry Drake stated in an affidavit that on the 13th instant he delivered to Cox a copy of the declaration in the case to Hendrick Emans.

The documents on file do not indicate the outcome of the above case, but at May Term 1765 Hendrick Emans was the tenant in the occupation of this same farm at which time William Coxe, Daniel Coxe and Grace Coxe entered a complaint of trespass and ejectment against him. On 28 August

1765 Job Stockton, High Sheriff of Somerset County, stated in an affidavit that on the 2nd of August instant he delivered a copy of the declaration in the case to Hendrick Emans. [6845*]

COXE V. FURMAN. On file is a writ dated 6 November 1756 commanding the sheriff of Hunterdon County to have Josiah Furman of Hopewell, said county, in court at March Term next to answer Daniel Coxé of a plea of trespass on the case and his bill for £341.2.8. The writ was returned by Ben. Biles, Sheriff, with a notation indicating that the defendant was not to be found within his bailiwick. However, a writ issued 21 March 1757 for the same purpose was returned by Biles with a notation indicating that the defendant was taken into custody. [6849]

COSTIGIN V. FARQUHAR. August Term, 33 Geo II [1759]. Middlesex ss. Francis Costigin complains of William Farquhar surviving executor of John Porterfield Esq., deceased. On 11 October 1737 at the City of Perth Amboy, Porterfield became indebted to Costigin for £112. This sum was not paid by Porterfield nor by his executors John Kinsey and Joseph Peace, both now deceased, nor by William Farquhar.

In an affidavit made in court on 21 August 1759 Costigin stated that Farquhar on 30 July 1751 presented a warrant of attorney by which he confessed judgment in this honorable court for the debt as well as costs. Costigin added that Farquhar was still alive as he verily believes.

On the same day, 21 August 1759, a writ was issued to the sheriff of Middlesex County commanding him to levy on the goods and chattels, lands and tenements of Porterfield to the value of the debt and costs. The writ was returned by Wm. Crawford, Sheriff, with the statement that there was no property of Porterfield within his bailiwick.

On 10 November, 33 Geo II [1759], two writs were issued, one to the sheriff of Hunterdon County, the other to the sheriff of Burlington County, to levy on the property of Porterfield. The sheriff of Hunterdon County, Moore Furman, returned the writ directed to him with the statement that at the particular request and risque of the plaintiff he levied on a tract of land in Trenton known as the Iron Works containing about 25 acres with improvements thereon.

The sheriff of Burlington County, Joseph Imlay, returned the writ *directed to him with the statement that he seized and took in execution 300 acres of land more or less in Nottingham Township now in the tenure and occupation of one Coleman; and also two other tracts in said township containing about 116 acres; the value and circumstances of which are unknown and are said to have been the property John Porterfield at the*

COXE V. FURMAN. March Term 1742. Hunterdon ss. John Coxé, executor of Daniel Coxé Esq., deceased, in a plea of trespass and ejectment complains of Richard Furman the tenant in possession of land in Trenton containing a barn, a stable, an orchard and garden. In an affidavit made 6 May 1743 James Johnston stated that on the 2nd of May he delivered a copy of the declaration in the case to the wife of Richard Furman and read the same to her. [6859]

CLAYPOLE V. FRASER. On file is a writ dated 19 August, 20 Geo II [1746], commanding the sheriff of Salem County to have William Fraser of Philadelphia, Pennsylvania, shopkeeper, in court at November Term next to answer Samuel Powell and Deborah Claypole, executors of George Claypole, deceased, of a plea of trespass on the case and their bill for £38. The writ was returned by the sheriff with a notation indicating that the defendant had been taken into custody. [6863]

COSTIGIN V. FOLKERSE. On file is a writ dated 19 August, 33 Geo II [1759], commanding the sheriff of Morris County to have Joseph Folkerse in court at November Term next to answer Francis Costigin of a plea of trespass and his bill for £50. The writ was returned by the sheriff with a notation indicating that the defendant had been summoned.

At November Term 1760 Francis Costigin, an attorney and one of the attorneys of the Supreme Court, entered a declaration in the case. (This document is headed November Term, 34 Geo II, but that king died 25 October 1760. If news of his death had reached New Jersey in a more timely fashion, the heading would have been 1 Geo III.) Costigin stated that on the 1st day of August 1760 at Perth Amboy Joseph Folkerse acknowledged himself to be indebted to Costigin for various legal services and for sums expended on his behalf, particularly in a suit brought against Folkerse by John Radley, but all to Costigin's damage of £50.

While the defendant is generally named in the records as Folkerse, the Dutch version of his name, he is also referred to as Folkertson, essentially an English version of the same name.

On 1st January 1761 Joseph Folkertson of Morris County was delivered to bail to Nathaniel Drake Jun^r. At March Term 1761 a writ was issued to the sheriff of Middlesex County to have the defendant in court to satisfy

Costigin for the debt and costs, but it was returned by the sheriff with the notation "not found." A writ for the same purpose issued at May Term 1761, but directed to the sheriff of Morris County, was also returned with a notation indicating that the defendant was not to be found in his bailiwick.