

Elisha Hawley, Enoch Judd, Ebenezer Curtis, John Benjamin, Andrew Norton, Elnathon Strong, Joseph Thompson, David Getchel and Steel Smith, for their assaulting Detaining and Imprisoning your Petitioner at the several times and in the manner set forth in the annexed affidavit and doth conceive it necessary to bring two Suits at Law against the Persons above named for recovery of his Damages by reason of the same. And doth Intend to charge the said Persons above named with his Damage to the amount of four hundred pounds in each of his said actions.

Your Petitioner therefore humbly Prays that in Tender Consideration of the Premises your Honour will Be pleased to Order Bail to your Petitioners Actions in the sum of Four hundred pounds each or such other sum as your Honour Shall Judge meet.

And your Petitioner shall pray &c

JOHN GROUT.

Let process Issue against David Stone, Samuel Stone, Elisha Hawley, Enoch Judd, Ebenezer Curtis, John Benjamin, Andrew Norton, Elnathan Strong, Joseph Thompson, David Getchel and Steel Smith upon the preceeding affidavit and Petition with an ac etiam for Two hundred pounds in each action.

DANL HORSMANDEN.

August y<sup>e</sup> 9<sup>th</sup> 1770.

(Endorsed) Affidavit of John Grout & Pet & order for Bail.  
filed 11<sup>th</sup> Aug<sup>st</sup> 1770.

BRUSH, Att<sup>ry</sup>.

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### AFFIDAVIT OF JOHN GROUT.

City of New York ss.

JOHN GROUT of Chester in the County of Cumberland attorney at Law practising in the Inferior Court of Common Pleas for the said County came this day before me and made Oath That sometime in the month of May last past Daniel Whipple Esquire High Sheriff of the County of Cumberland came to this Deponents House and demanded his Assistance as one of a Posse he intend-

ed to raise in order to Retake one Joseph Wait and others who had escaped out of his Custody being Rescued by a number of armed men, That the said Sheriff Insisting upon this Deponents attendance this Deponent accordingly accompanied the said Sheriff as one of the Posse which amounted to about 15 or 16 Persons to the House of the said Joseph Wait and he not being at Home and being informed that he was at the House of Benjamin Wait the said Sheriff with the Posse Proceeded towards the said House and had travelled but a little distance before this Deponent discovered a Body of Men approaching in a Riotous manner to the number of about Forty Persons who were armed with Guns, Swords, Pistols, and Clubs, among whom were Nathan Stone, Joseph Wait, Benjamin Wait, and Samuel Stone the Persons whom the Sheriff wanted to Retake, together with Peter Levins David Stone Benjamin Thurston, Samuel Gridley, David Getchel, Jacob Getchel, Elisha Hawley, Ebenezer Horsington, Ebenezer Horsington Jun<sup>r</sup>, Simeon Mills, Enoch Judd, Ebenezer Curtis, Solomon Emmons, John Benjamin, Andrew Norton, Jonathan Noble, John White, Samuel Whiston, Elnathan Strong, Joseph Thompson, Joseph King, Steel Smith and Aaron Bartlet since Deceased, that the said Nathan Stone marched before the persons so assembled in a Riotous manner armed with a Sword that the said Sheriff in the Hearing of the Persons so riotously assembled made Proclamation aloud in form of Law for them to Disperse, but without Effect soon after which the said Joseph Wait and some others of the Rioters Rushed upon the Sheriff & his Posse that the said Joseph Wait being armed with a Pistol in his left hand, and a Club in his right Hand Struck at this Deponent twice with the Club which this Deponent avoided by suddenly retreating whereupon the said Joseph Wait levelled his Pistol at this Deponent, by which this deponent was put in fear and Dread of his Life, That the other Rioters thereupon in General fell upon the said Sheriff and his Posse which they soon overpowered, and forceably and Violently Seized this Deponent and others of the said Posse, and Carried them to the House of the said Joseph Wait where the Sheriff was informed by the said Rioters that one at least of his said Posse so taken they would hold Prisoners until he the said Sheriff, this Deponent and some

others should enter into Bond for Five hundred Pound according to the best of this Deponents Remembrance and Belief to be forfeited if the matters for which the said Sheriff was then attempting to take them were any further prosecuted, or if any of the Inhabitants of Windsor should be prosecuted at the then next General Sessions for any Crimes whatsoever, And further that the said Sheriff should Engage to make Return upon the Process against the said Nathan Stone, Joseph Wait, Benjamin Wait and Samuel Stone, that they could not be found in his Bailiwick—That after detaining this Deponent a Prisoner in the said House for upwards of Seven Hours the said Sheriff & this Deponent with the rest of the Prose were set at Liberty and Suffered to Depart, And this Deponent further Deposeth that on the fifth day of June last while this Deponent was attending the Inferior Court of Common Pleas for the said County in the Business of his Profession at the Township of Chester in the said County one Benjamin Thurston and one David Getchel seized this Deponent then in the House of John Chandler Esq<sup>r</sup> Clerk of the Peace for the said County and forceably and Violently Carried him away from thence & were soon after joined by David Stone, Elisha Hawley, Enoch Judd, Ebenezer Curtis, Andrew Norton, Elnathan Strong, Joseph Thompson Steel Smith, Nathan Stone, Joseph Wait Benjamin Wait, Samuel Gridley Jacob Getchel Ebenezer Horsington, Simeon Mills, Solomon Emmons Jonathan Noble, Samuel Whiston, Joseph King, Ebenezer Heywood, Aron Bartlett since Deceas'd and some others to the number of near Thirty Persons who were armed with sticks & who surrounded this Deponent and after pulling, shaking and Twitching this Deponent with the utmost Cruelty forceably & violently hurried this Deponent along with them with the utmost precipitation to Charlestown in the Province of New Hampshire obliging this Deponent to walk the whole way thither being Twelve Miles distant from the said Township of Chester that on the Road they used this Deponent with great Incivility & Cruelty by pulling Twitching and Shaking him, that this Deponent remained in the Custody of the said Rioters at Charlestown aforesaid about Twelve Hours from whence they carried this Deponent to a place called Windsor in this Province distant about Twenty miles from