

November Term A. D. 1837.

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and costs of suit taxed at four Dollars and thirty seven cents.
Exon issued January 20. 1838.

Samuel M. Chase, of Portland, Clerk
 versus, Reuben Ruby, Abraham Niles,
 John M. Johnson, William Hammett,
 George H. Blake and Franklin G. Pierre all
 of the City of Portland in said County. Defense
 made, In a plea of the case, for that whereas
 the Plaintiff is a good, honest and upright
 citizen of this State and from the time of
 his birth has always behaved and conduct
 ed himself as such, and during all that
 time has been justly held, respected and
 esteemed of good name, fame and
 reputation among his fellow citizens and
 acquaintances, and during all that time
 has never been guilty, nor justly suspected
 to be guilty of fraud, knavery, or deceit,
 nor of the offence of obtaining money or
 other things by or under false pretence
 or pretences, or of the crime of cheating,
 or, in any way, of defrauding any person,
 and whereas the Plaintiff, by means of
 his said good name, fame and repu
 tation and by reason of learning and of
 his moral ~~character~~ and religious life
 and character, had obtained the favour
 and good opinion of his neighbors and
 acquaintances, and, for the space of two
 years now last past, has been and still
 is a minister of the gospel and during
 all the last mentioned time the Plaintiff
 has been in that function, and has
 been justly held and esteemed in the
 same for his exemplary zeal for moral
 ity and religion, and innocence of life,
 and integrity, and has never been guilty
 of being an impostor, nor justly suspected
 to be guilty of being an impostor, nor has

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ever been guilty of the offences and misconducts
 herein after mentioned to have been charged upon
 and imputed to the Plaintiff, or of any other
 such offences or misconducts and by means
 of his virtuous and religious life and conduct
 and by reason of the faithful discharge of his
 duties as a minister of the gospel, the Plain-
 tiff has not only obtained the esteem, respect
 and good will of his fellow citizens and
 acquaintances, but has gained and received
 thereby a comfortable and respectable main-
 tenance and support:— and whereas the
 Plaintiff by means of his good name fame
 and reputation, and by reason of his honesty
 and integrity had justly gained the
 confidence and good opinion of the
 members of the Abyssinian Religious Society
 of Portland, and, by a vote of said Society,
 at a legal meeting thereof, was duly appointed
 to be the Agent of the Abyssinian Religious Society
 of Portland aforesaid, and duly authorized
 to visit such places as he might think
 expedient, and to procure, from the friends
 of the coloured people, funds for the use of
 said Society in paying the debts for which
 their meeting house was mortgaged, and in
 executing his said Agency he has conducted
 with all good fidelity and honesty as well
 towards all persons of whom he has
 solicited funds for the benefit of said
 Society as towards the Society aforesaid,
 and he has never been guilty nor justly
 suspected to be guilty of fraud, knavery
 or deceit, or of obtaining money by false
 pretence or pretences, or of the crime of
 cheating, or in any way of defrauding any
 person or persons, — yet the said Reuben
 Ruby, Abraham Niles, John M. Johnson,
 William Hamatt, George H. Black, and
 Franklin G. Purre well knowing the
 premises all and singular all us aforesaid,
 but wantonly, wickedly and maliciously

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contributing to injure the Plaintiff in his good name, fame and reputation, and to injure him in his character as a minister of the gospel, and to bring him into great scandal and reproach, at said Portland on the twenty seventh day of May now last past, did write print, utter and publish and did cause to be written, printed, printed, uttered and published in the sight and hearing of divers good citizens of this State, a false, scandalous and malicious libel upon and against the Plaintiff in a certain Newspaper printed and published in said Portland called the Daily Evening Advertiser, wherein the said Ruby, Niles, Johnson, Hamlett, Black and Pierre among other things falsely scandalously and maliciously affirmed and declared, in writing and in print, of and concerning the Plaintiff, and of and concerning him in his character of Minister of the Gospel, and of and concerning him as an agent of the Abyssinian Religious Society of Portland oforeaid, the following false and scandalous words, to wit, "Beware of imposition" (meaning the imposition of the Plaintiff) "The undersigned members of the Abyssinian Church and society" (meaning the defendants and others, and that they were members of the Abyssinian Religious Society of Portland) "hereby give notice to the public, that the article inserted by them (meaning by the defendants and others) "in the Portland Daily Advertiser of the 21st inst. (meaning the said Newspaper, called the Daily Evening Advertiser published in Portland and which was published as aforesaid on the twenty fourth day of May now last past) "was published by the advice and with the consent of said society" (meaning the Abyssinian

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Religious Society of Portland aforesaid, "they" (meaning the Defendants and others) "deeming it their duty to unmask all impostors" (meaning and intending falsely to insinuate therein and thereby and by the aforesaid article, by them inserted and published as aforesaid, in said newspaper, that the Plaintiff was and is an impostor) And the said Ruby, Niles, Johnson, Hamitt, Black and Pierre of their further malice did then and there further cause to be again printed and published, in manner aforesaid and in the same Newspaper called the daily evening Advertiser printed, and published, on the same twenty second day of May aforesaid, the same article, which had been previously printed and published by them as aforesaid, and which article forming and being a part of said false and malicious libel, was composed of and contained the following false and scandalous words of and concerning the Plaintiff, and of and concerning him in his character of a minister of the gospel, and of and concerning him as an agent, as aforesaid, to wit, "Notice to charitable." At a meeting of the male members of the Abyssinian Church and Society, in Portland, on Monday the 15th instant, the meeting being called to order by Mr. Niles" (one of the Defendants) "George H. Black" ^{(also} (one of the Defendants) "was appointed chairman, and H. G. Pierre" (also one of the Defendants) Secretary; when the following resolutions were unanimously adopted Viz:—Resolved, 1st That the self styled Rev. Samuel M. Chase" (meaning the Plaintiff and that he had unjustly and improperly assumed and taken upon himself the style and designation usually given to ministers of the gospel) "now travelling as an agent of the Abyssinian Society of Portland"

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(meaning the Abyssinian Religious Society of Portland) "is not authorized by said Society" (meaning the Abyssinian Religious Society of Portland) "to act in this capacity" (meaning in the capacity of an agent of the Abyssinian Religious Society of Portland) "as they" (meaning the aforesaid Abyssinian Religious Society) "disclaim all intention with him" (meaning the Plaintiff) "and the few misguided men who are his" (meaning the Plaintiff's) "abettors" — Resolved 2nd, "that Messrs G. H. Black, S. Killings, and A. Niles" (three of the Defendants) "be committed to procure the publishing of the proceedings of this meeting. — Resolved that the proceedings of this meeting be published in the Portland Advertiser and Argus" (meaning two news papers printed and published in said Portland) "also in the Liberator at Boston" (meaning a newspaper printed and published in Boston in the Commonwealth of Massachusetts) "and that the editors of Newspapers in N. H." (meaning in the State of New Hampshire) "be requested to copy the same" (meaning that the said editors be requested to publish in their respective papers, the aforesaid proceedings, and the aforesaid false and scandalous words of and concerning the Plaintiff). George H. Black, Chairman. H. J. Pierre, Secretary — and the said Judge, Niles Johnson, Hammett, Black & Pierre of their further malice did then and there in the same libel, further cause to be written printed and published, in manner aforesaid, of and concerning the Plaintiff, and of and concerning his conduct and character as a minister of the Gospel, the following false and scandalous words, to wit: "all Religious Societies and charitable communities are cautioned against aiding a minister of Christ" meaning the Plaintiff)

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"who" (again meaning the Plaintiff) "has but recently avowed to members of this Society, (meaning the Abyssinian Religious Society of Portland) "his" (meaning the Plaintiff) "intention of creating dissensions and causing a separation in the Society" (meaning the Abyssinian Religious Society of Portland) "and that if he" (meaning the Plaintiff) "did not succeed in his" (meaning the Plaintiff) "most laudable object it was not his" (meaning the Plaintiff) "fault, as God knew he" (meaning the Plaintiff) "had tried hard enough" (meaning and intending therein and thereby falsely to insinuate that the Plaintiff had said and declared to members of the said Abyssinian Religious Society that the Plaintiff had tried hard enough to create dissensions and to cause a separation in the Abyssinian Religious Society of Portland). And the said Hubbs, Miles, Johnson, Hamett, Black and Pierre of their further notice against the Plaintiff, did then and there further cause to be written, printed and published in manner aforesaid, in the same Daily Evening Advertiser, of and concerning the Plaintiff and of and concerning his conduct as an agent, as aforesaid, the following false and scandalous words, to wit: "As Samuel W. Case" (meaning the Plaintiff) "has once before travelled under the false pretence of collecting money which he" (meaning the Plaintiff) "and a few others have appropriated to their" (meaning the Plaintiff and others) "own use" (meaning and intending therein and thereby falsely to insinuate and have it believed, that the Plaintiff, at the time of the publication of said libel, was traveling for the purpose and with the design of obtaining money by false pretences and thereby to defraud the public, as well as that the Plaintiff, previously to that time had traveled for the purpose of obtaining

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by false pretences, and had so obtained money and had thereby defrauded the public) and the said Ruby, Niles, Johnson, Hammett, Black and Ferris of their further malice against the Plaintiff, then and there in manner aforesaid, in the same libel and in the same newspaper called the daily evening Advertiser aforesaid, and for the purpose of giving to them aforesaid false and scandalous libel upon the Plaintiff the appearance and authenticity of truth and to inflict upon the Plaintiff the greater injury and wholly to destroy his good name, fame and reputation among his fellow citizens and acquaintances, and to destroy the Plaintiff's character and usefulness as a minister of the gospel, did further cause the names of the aforesaid Reuben Ruby, Abraham Niles, John M. Johnson and William Hammett, to be subjoined to the said libel and to be printed and published at the end of the aforesaid libel, as a committee appointed to procure the publication of the advertisement, in said Newspaper, wherein the aforesaid false and scandalous words of and concerning the Plaintiff were written, printed and published as aforesaid - and the said Defendants of their further malice and for the purpose of giving greater effect and force to the aforesaid false and scandalous libel upon the Plaintiff, and to inflict upon him, and upon his character, the greater injury, did, then and there, further cause to be written, printed and published, in manner aforesaid at the end of the aforesaid libel and after the names of the aforesaid supposed committee, and of and concerning the aforesaid supposed committee as follows, to wit: "Committee appointed to publish the same" (meaning the aforesaid advertisement, so published in the same newspaper, as aforesaid) signed by thirty one

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others of the Society" (meaning the Abyssinian Religious Society of Portland), and further meaning and intending therein and thereby falsely to insinuate that the aforesaid Ruby, Niles, Johnson and Harnett were appointed and authorized, by thirty one members of the Abyssinian Religious Society of Portland aforesaid, who had signed the aforesaid libel as a committee of the said thirty one members to cause the aforesaid advertisement to be printed and published in manner aforesaid. Now the Plaintiff in fact avers that the said supposed committee were not appointed by thirty one members of the Abyssinian Religious Society of Portland, nor were they by the aforesaid Society in any way authorized, to publish the aforesaid libel in the aforesaid newspaper as a committee of the Abyssinian Religious Society of Portland nor in any manner to publish the same; and the Plaintiff further avers that in truth he was not and is not guilty of any of the offences, misdemeanors, crimes and misconduct with which he is charged in the libel so written, printed, uttered and published of and concerning him by the said Defendants, in the Newspaper called the Daily Evening Advertiser aforesaid - By reason of all which false, scandalous, and defamatory words and statements, so written, printed, uttered and published by the said Ruby, Niles, Johnson, Harnett, Black and Pierre of and concerning the Plaintiff, as aforesaid, the Plaintiff has suffered in his good name, fame and reputation and in his character of a minister of the gospel among the good citizens of the State; has been greatly wounded in his feelings and has fallen into great scandal and reproach, and has been and is, by means of the premises otherwise greatly injured.

To the damage of the Plaintiff (as he says)

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the sum of one thousand Dollars.

And now the parties appear and agree to refer this action to the determination of Samuel Suspenden and William P. Froble Esquires; — The report of whom, to be made as soon as may be — judgment thereon to be final; and execution to issue accordingly. And if either party neglect to appear on due notice given, the Referees are to proceed ex parte. And now the said Referees make their report in the words and figures following, to wit, Cumberland Co. January 11th A. D. 1838.

Pursuant to the foregoing rule, we the Referees therein named, having notified, met and fully heard the parties for the term of five days and maturity considered their several allegations, and evidence produced to support the same, are of opinion, and do report accordingly, that the said George Blake and Franklin Pierre are not guilty in manner and form as the Plaintiff has alleged; but that the said Blake and Pierre shall recover no costs of the Plaintiff. And we are further of opinion that the said Ruben Ruby, Abraham Niles, John M. Johnson and William Hammett are guilty of publishing the libel headed, "Beware of Impositions", and that they have failed in making out a justification therefor, and that the Plaintiff recover of the said Ruby, Niles, Johnson, and Hammett the sum of one hundred and fifty dollars damage and cost of Plaintiffs travel and attendance before referees taxed at two dollars and cents, and costs of court taxed by the Court. And the reason why we do not give a greater sum in damage is: what deem the inability of the Defendants to pay more, and our statement in this report that we do not consider the justification

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set up to be made out. And for their services in hearing the parties and making up this award, the Referees charge no fees, having assumed the duty from an anxious desire to promote the peace and welfare of all the parties and those connected with them by affinity and situation.

Samuel Sependen,
Wm. P. Froble } Referees

which report being seen and by the Court understood is accepted and ordered to be recorded. It is therefore considered by the Court that the said Plaintiff recover against the said Reuben Ruby, Abraham Miles, John M. Johnson and William Hammett the sum of One hundred and fifty Dollars, debts or damages and costs of Referees and costs of Court, taxed at twenty seven Dollars and ninety two cents.

Exp. issued January 16. 1838.

Webster
vs
Hunt

Jackson Webster of Gray in said County a minor under the age of twenty one years who sues this action by Francis Webster of said Gray, his father and next friend, Plaintiff versus Isaac Hunt of Portland in said County, Agronan, Defendant. In a plea of the case, for that the said Isaac, at said Gray on the sixth day of April last past, by his note of that date by him signed for value received promised the said Jackson to pay him or his order fifty seven dollars in three months then next now past, with interest. Yet the said Isaac though requested has not paid the same to the damage of the said Plaintiff (as he saith) the sum of one hundred dollars. And whereas the Plaintiff says that the Defendant has not in his own hands and possession, goods and estate to the value of one hundred dollars aforesaid

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