

MSA SC 5463-3-10

Edward ~~H~~ Irving by
his Guardian Sarah
Irving
vs

Capt Tho^s B. Ridgely

Petition for Habeas
Corpus

File 7a

Filed April 7th 1847
writ issued returnable
5 o'clock P.M. same
day

7.

The Honorable Weston J. Heath - Judge of the District Court of The United States - for the district of Maryland:

The petition of Sarah Irving, of the city of Baltimore, humbly sheweth, that her son, Edward F. Irving, a minor, under the age of twenty one years, enlisted in the army of the United States, without the consent or knowledge of your petitioner, his guardian, & only surviving parent: that he is now desirous of being discharged from the service so by him illegally & thoughtlessly entered into, but that he is illegally held in custody by Captain Thomas B. Ridgely, an officer in the said army: Wherefore, your petitioner humbly prayeth that a writ of habeas corpus may be directed to the said Thomas B. Ridgely, requiring him to bring before your Honor the body of the said Edward F. Irving, & to abide such other & further orders as your Honor may see the premises - And your petitioner will ever pray &c.

John H. Thomas, counsel for Petr.

Baltimore county - to wit.

Before the subscriber, a Justice of The Peace of the State of Maryland, in & for the county aforesaid, personally appeared Sarah Irving, & made oath, ^{that} the matters

set forth in the above petition, are true.
Sworn before J Cockey

W. Spicer, will appear the Court of
of Appeals, as herein as prayed for
and make the same returnable
before me at the Clerk's office in
the City of Baltimore this afternoon
at 5 o'clock P.M. given under
my hand this 7th Day of April
1847

W. Heath
D. Judge

Edward I Irving by his
Guardian Sarah Irving

vs

Capt^l Thomas B Ridgely

The within named
Edward I Irving enlisted
in the service of the
United States on the
thirty first of March
1847 as appears by
his articles of enlistment
and I respectfully re-
turn to this Hon^{ble} Court
that he is now held
as a regularly enlisted
soldier in that service

Wm Shurtleff
for T B Ridgely,
Capt 40th

Edward I Irving by
his Guardian Sarah
Irving vs

Capt. Thomas B. Ridgely

Fort M'Henry Md
April 7th. 1847-

Samuel Childs sends the within
named Edward J Irving, before
the honorable W.S. Heath as
directed and claims to hold
the said Irving as an enlisted
Soldier of the United States, enlisted
by St Marriott of the Voltigeurs in
Baltimore on the 31st of March
1847 - and that the said Irving
gave his age - at 22 years to
the Recruiting Officer (St Marriott)

S. C. Childs
Capt 4th Art'y
Commanding at Fort M'Henry

The United States of America
District of Maryland to wit
To Captain Thomas B. Ridgely - Greeting
You are hereby enjoined and commanded
to be and appear the Honorable Upton
S. Heath Judge of the District Court
of the United States in and for the
Maryland District, at the office
of the Clerk of the said District Court in the City
of Baltimore this (Wednesday April 7th) afternoon at
5 o'clock, and that you have with you the body of
Edward J. Irving now in your custody, and that you
certify and make known the day and the cause of the
capture and detention of the said Edward J. Irving,
and that you then and there do submit to and receive
whatsoever the said Court shall determine upon concern-
ing you in this behalf according to law and have you
then and there this writ. Witness the Honorable
Upton S. Heath Judge of our said District Court the
seventh day of April in the year of our Lord one
thousand eight hundred and forty seven
J. H. T. Spued 7th April 1847

The Spicers