

MSA SC 5463-4-2

True Copies  
Test

Thos C. James  
Warden

State of Maryland, Baltimore City, to wit:

To the Warden of Baltimore City Jail, Greeting:

You are hereby commanded to receive from *H Beckwith*  
 the body of *George Smith* who is charged with being  
*an absconder from the Barge*  
*Isabella Co. Jones after signing articles*  
 contrary to law; and hiw, the said *George Smith* safe keep in your Jail  
 and custody until he shall be thence delivered according to law. Hereof fail not at your peril.

WITNESS, the subscriber, a Justice of the Peace of the said State, in and for the city afore-  
 said, who hath hereto set his hand and seal, this *20th* day of *Jan* 1865

*Stephen Whalen*

SEAL.





To the Honorable  
Wm F. Giles  
Judge of the District  
Court of the United States  
for the Maryland District

The petition of George Smith of England  
respectfully represents.

That he is now & has been since  
the 20 Day of January 1865. Confined  
illegally in the Jail of Baltimore  
City under pretence of violation  
of the provisions of the Act of  
Congress 1790. Sec. 7. Approved July  
20<sup>th</sup>

And petitioner herewith annexes  
a copy of the Commitment  
under of & by virtue of which  
Thomas C. James Esq. Warden  
of the Jail of Baltimore City  
pretends to hold the petitioner, but  
illegally as aforesaid

And petitioner further represents  
that it does not appear upon  
the face of the Commitment  
that as required by the <sup>Act of Congress, the</sup> Master of  
the vessel in the Commitment  
named made any Complaint  
to said Justice and in the absence  
of an averment of that kind, the



Commitment aforesaid is illegal  
It does not warrant the party's  
detention

Wherefore petitioner  
prays your Honor will be  
pleased to order the writ of  
Habeas Corpus to be issued &  
directed to the said Thomas  
C. James Warden of the  
Jail of Baltimore City Commanding  
preparing him or the said  
James to have the body of  
J. S. petitioner before your  
Honor on the day & place  
therein to be named together with the  
cause or causes of his detention.  
and as in duty bound

Jno. H. Ing

Attorney

State of Maryland  
City of Baltimore

On this 4<sup>th</sup> day of February A.D. 1865  
before the subscriber (a Justice  
of the Peace of the State of  
Maryland and for the City  
of Baltimore personally,



Appears, George Smith I makes  
oath in due form of law  
that the matters of fact  
set forth in the aforegoing  
petition are true  
sworn to before

Wm. D. Smith





Let the writ of Habeas  
Corpus issue in the case  
returnable before me in the  
District Court Room in Town  
(Tuesday) morning at 10<sup>o</sup>  
o'clock -  
William F. Giles  
Feb. 6<sup>th</sup> 1865

21<sup>st</sup> July 6 1868. That upon  
returnable to Thomas (Tuesday)  
morning at 11 o'clock

Nov 1869. Sec. 14, p. 106. Reg.

Oct 17<sup>th</sup> 90 P. 90. Vol. 5, p. 115, 1863.  
Proceedings in case of Nov 1863, p. 4.

on the hearing of the within petition, it is  
hereby this 7<sup>th</sup> day of February 1865 adjudged  
and ordered that the petitioner George Smith  
be discharged from further imprisonment for and  
on account of the charge stated in the return of  
the Warden, viz, Michael Captain Hon. J. Shan.  
The Master of the Brigue Tabella C. Jones has  
testified before me that he never made any com-  
plaint before the committing Justice against the  
said George Smith -

William F. Giles  
ii

The costs and charges of the  
writ be paid by the petitioner



George Smith

vs

Thomas C. James  
Warden of City  
Jail

Sumner

W Bonifant

US Marshal



To the Marshal

Summon

Mr Edward ~~Haley~~ ~~Shipping~~ Martin  
James Home

Capt Alexander J Shaw of Brig Sabelta L Jones  
To appear before the District Court of the United  
States immediately.

Jas W. Chew cl  
ens d



True Copy

Test

Thos C James

Warden



## State of Maryland, Baltimore City, to wit:

To the Warden of Baltimore City Jail, Greeting:

You are hereby commanded to receive from *J. Beckwith*  
 the body of *George Smith* who is charged with  
*being an absconder from the Barque Isabella*  
*C Jones after signing the articles*  
 contrary to law; and him, the said *George Smith* safe keep in your Jail  
 and custody until he shall be thence delivered according to law. Hereof fail not at your peril.

WITNESS, the subscriber, a Justice of the Peace of the said State, in and for the city afore-  
 said, who hath hereto set his hand and seal, this *21<sup>st</sup>* day of *Jan.* 186 *5-*

*Stephen Whalen*

SEAL





George Smith

Thomas C. James  
Warden of City  
Jail

Summond

W. Benefant

U.S. Marshal

To the Marshal.

Sumner, Stephen Whalen, J.P.  
to bring with him his Docket and all the  
papers in the case of George Smith  
committed to jail by said Whalen on  
charge of being an absconder from  
the Barque Isabella C. Jones -  
to appear before the District Court of  
the United States immediately.

Ja<sup>s</sup> W. Chew esq  
clerk



The United States of America  
District of Maryland, Court.  
To Thomas C. James Warden of the Jail of  
Baltimore City - - - Greeting;

You are hereby enjoined and  
commanded to be and appear  
before the District Court of the  
United States in and for the  
Maryland District, at the  
United States Court Room in the City of  
Baltimore on to Morrow (Tuesday) Morning  
at 10 O'clock A.M. and that you have with  
you the body of George Smith, confined  
illegally in the Jail of Baltimore City un-  
der pretence of Violation of the provisions  
of the Act of Congress 1790 Sec. 7 Approved July  
20<sup>th</sup> now in your Custody. And that you  
certify and make known the day and cause  
of the capture and detention of the said  
George Smith and that you there and there  
do submit to and receive whatsoever the  
said Court shall determine upon concerning  
you in this behalf according to law, and  
have you there and there this writ  
Witness the Honorable William F. Giles Judge of  
our said District Court the first Tuesday in  
December in the year of our Lord one thousand  
eight hundred and sixty four.  
Spued 6 February 1865 Jas. W. Chewee  
Deu es



In obedience to the above writ I herewith  
produce the body of George Smith together  
with a copy of his commitment showing  
the cause of his capture and detention  
and respectfully await the action the action  
the Honorable Court

Thomas C James  
Warden  
Baltimore City Jail

George Smith  
v  
Thomas C James  
Warden of City  
Jail.

Habeas Corpus