

MSA SC 5463-4-7

Charles Cooper & others

vs

The Warden of the
Jail of Baltimore
City and County

~~Peter~~ Subp

Joseph Breck


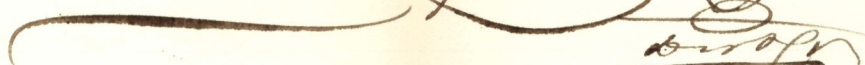
Summoned

Moran Forrest

US Marshall

The United States of America
District of Maryland to wit
To the Marshal of the Maryland District - Greeting
Summon Joseph Breck to appear before the
Judge of the District Court of the U. S. in and for the
Maryland District at the Clerks Office of said
Court immediately. Witness the honorable Nepton
S. Heath the first Tuesday in March in the year
of our Lord one thousand eight hundred and forty
six

Spued the 26th April 1847

Thos Spicer 


Charles Cooper Esq

The Warden of the Jail
of Bath City and County

Peter Subp

John Smith

James Gilliam

John Ferguson

Summoned

Moreau Forrest

W. S. Marsh

Wm Esq Parry
at Gibson's Dock Kelley

To the Marshal

Summon, John Smith, James Gillam, John Ferguson
to testify to the District Court at 11 o'clock this
morning in the case of Charley Cooper and others
against the Warden of the Jail of Baltimore City
and County

Wm Spiers Esq

Charles Cooper
William Mitchellman
Samuel H. Lawrence
William Bounday
William Wranf
William Hodgman

vs

The Warden of the
Jail of Baltimore
City and County

Habeas Corpus

In obedience to the within
write I herewith produce the
bodies of the seamen named therein
with the cause of their capture & detention
and respectfully await the action
of the Honorable Court.

J. A. Soller
Warden
Baltimore Jail

8:15 p.m.

W. H. - the

When consideration of the nature in
this case and the facts thereof. And it
appearing that the same were com-
mitted for an offense or act alleged
to have been committed in the State
of Baltimore and within the juris-
diction of the State - and are in
fact under a warrant of commitment
by a Justice of the Peace of the State
of Maryland and not under color
of the authority of the United States -
It is therefore ¹⁸⁴⁷ ~~the 26~~ ^{the 26} day of April
1847 ~~the 26~~ ^{the 26} day of April
that action be and the same is
hereby dismissed with costs and
it is further ordered that the Petitioner
be and they are hereby remanded
to the custody of the Warden of the
Jail of Baltimore City & County
to remain under my hand and seal
the day and year above written

The United States of America

District of Maryland to wit

To the Warden of the Jail of Baltimore City and County, Greeting

You are hereby enjoined and Com manded to be and appear before the Honorable Upton S Heath Judge of the United States in and for the Maryland District, at the Clerks office of the said Court, on Monday the 26 day of April at 11 o'clock a. m. and that you have with you the bodies of Charles Cooper, William Mitchellman, Samuel H Lawrence, William Bounay, William Wrand, and William Hodgman, and that you Certify and make known the day and Cause of the Caption and Detention of the said Charles Cooper, William Mitchellman, Samuel H Lawrence, William Bounay, William Wrand, and William Hodgman; and that you then and there do submit to and receive whatsoever the said Judge shall determine upon concerning 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 first Tuesday in March in the year of our Lord Eighteen hundred and forty seven.

Given 24 April 1847

Thos. Spicars, Ck
District

Petition of
Charles Cooper
Wm Mitchell more
Samuel H Lawrence
William Bounoy
William Wrand &
William Hoagman

The Warden of the
Jail of Baltimore City
and County — for
Habeas Corpus.

Filed 24 April 1847 —
writ ordered and signed
returnable at the Clerk's
office on Monday 26
Inst. at 11 o'clock A.M.

State of Maryland }
Baltimore City to wit } To the Warden
of Baltimore City & County Jail - Greeting
You are hereby commanded to
receive from John Affayroua Countate
the bodies of Charles Cooper Wm Mitchellmore
Saml W Lawrence Wm Bowman, Wm
Wrande and Wm Hodgman!

Who are charged with being articulated
seaman belonging to the British Bayou
Sir E Paury in a state of insubordin-
ation as appears to me by the
certificate of John M Jarvis Esq
Wm B M Consul dated this day
and thow the said Seamen safe
keep in your jail and custody until
demanded agreeably to the laws of the
United States of America. Hereof
fail not at your peril. Witness
the Subscriber a Justice of the peace
of the said State for the City aforesaid
who hath hereunto set his hand and seal
this 23rd day of April 1847

True copy
for Thos Mollen
Warrant
of Clancy
OK

Joseph B. Cook
Deal

W. B. Spicer will issue the Habeas
Corpus as prayed returnable on Monday
morning next the 26th inst: at 11 o'clock AM
at the Office of the Clerk of the District Court
W. B. Heath D. J. Judge

To The Honorable Upton Heath, District
Judge of the United States of America
for the District of Maryland,

The petition of Charles Cooper, William
Mitchellmore, Samuel H. Lawrence,
William Bondy, William Brand, and
William Hodgman, now respectfully
presents unto your Honor, that they
are British seamen and are legally
detained in custody under a Commission,
of which the annexed paper is a copy,
they solemnly affirm that they have
been guilty of no breach of Law
or of duty and that the said
paper, being directed to the
aforesaid cause of detention
whenever they pay your Honor for
the United States part of the
Caspas, to be issued by the Chief of
this Honorable Court, directed to the
Master of the said Commission, how
to produce before your Honor the
bodies of your petitioners with the
Case &c. I Voted & do hereby
Respectfully for Orders