

P L E A S: Before the Honorable S.B.Pound, Judge of the District Court, Second Judicial District of Nebraska, in and for said County of Lancaster. At the May A.D. 1886 term of said Court, begun and held in the City of Lincoln in said County and State on the 17th day of May in the year of our Lord, One Thousand Eight Hundred and Eighty Six, and on a day therein, to-wit: On the 10th day of June, A.D. 1886 (that being the 22nd Judicial Day of said May A.D. 1886 term of said Court,) Present Honorable S.B.Pound, Judge presiding, S M Melick, Sheriff and E.R. Sizer, Clerk: The following proceedings, among others, were had and done to-wit:

BE IT REMEMBERED, That at the several times hereinafter set forth, were filed in the Office of the Clerk of said Court, papers of which the following are true and correct copies, and proceedings were had and done in the cause below named as follows, to-wit:

P E T I T I O N

In District Court before the Hon. S B Pound, Judge of Lancaster Co. Nebr.

In the matter of the)
Application of Mary)
Marshall, mother of)
William Marshall, an)
infant, for a writ of)
Habeas Corpus.)

Petition.

Your petitioner Mary Marshall respectfully represents to this Hon. Court that she is the mother of said Wm Marshall who is an infant under the age of six years.

That said Wm Marshall is unlawfully and wickedly deprived of his liberty and the care and keeping of his mother by Hattie R Painter and Joseph H Painter in Lancaster Co Nebr.

That on or about the ----- day of October 1884 your petitioner accompanied by her said child Wm entered the home for the friendless at Lincoln Nebr that shortly after that date the said infant Wm was seized with a certain decease of the blood and this petitioner at the ardent solicitation of the said Hattie R Painter and upon the advice of the Officers of said Home for the Friendless delivered the said infant to said Hattie R Painter who is a physician for treatment of said decease of the blood. That many times thereafter the petitioner visited said infant and contributed to his support and was repeatedly promised by said Painter the possession thereof.

That said child is now cured.

That your petitioner has many times demanded the possession of said child but that the said Hattie K Painter and Joseph H Painter wickedly unlawfully and cruelly refused and still refuse to deliver said infant to your petitioner.

Your petitioner further alleges that she is able to support said child and educate and instruct him according to her station in life. That she is virtuous and of good character and that she has never abandoned or relinquished her right to said child.

4602-0-246. IN RE APPLICATION OF MARY MARSHALL, FOR WRIT OF HABEAS CORPUS

Your petitioner therefore prays that a writ of habeas corpus may be issued that said infant Wm may be discharged from said unlawful restraint and imprisonment and that your petitioner may have the care and custody of him.

Foxworthy & Son,
Attys for Petitioner.

State of Nebraska,)
Lancaster County.) s:

Mary Marshall being first duly sworn says she has read the foregoing petition and that the contents are true.

Mary Marshall.

Subscribed in my presence and sworn to before me this 7th day of June 1886.

J H Brown,
Justice of the peace.

E N D O R S E D: In re application of Mary Marshall for a writ of Habeas Corpus.-- Petition.-- Clerks Office District Court, Filed Jun 8 1886 E.R. Sizer, Clerk D.C.

O R D E R

In District Court, Lancaster County, Nebraska.

In the matter of the)
Application of Mary)
Marshall mother of in-)
fant Wm Marshall, for a)
writ of Habeas Corpus.)

Order.

Now on this day came Mary Marshall by Foxworthy & Son her attorneys and presented her petition duly verified praying for a writ of Habeas Corpus for Wm Marshall an infant and presented to me the facts of the cause of the detention of said Wm Marshall and the cause of his being deprived of his liberty and it being made to appear that said Wm Marshall is unlawfully detained

It is therefore ordered that a writ of habeas corpus be allowed to issue in favor of said Wm Marshall returnable on the 8 day of June 1886 at 2 o'clock P M and be directed to Hattie K Painter and Joseph H Painter.

S B Pound,
Judge.

E N D O R S E D: In re application of Mary Marshall mother of Wm Marshall as infant for a writ of Habeas Corpus.-- Order.-- Clerks Office District Court, Filed Jun 8 1888 E.R. Sizer, Clerk D.C.

WRIT OF HABEAS CORPUS.

The State of Nebraska,)
Lancaster County.) ss:

The State of Nebraska to the Sheriff of said County, G R E E T I N G:

4602-0-246. IN RE APPLICATION OF MARY MARSHALL FOR WRIT OF HABEAS CORPUS

We command you, that the body of William Marshall of Lincoln Nebr, by Hettie K Painter & Joseph H Painter of Lincoln Nebr., imprisoned and restrained of his liberty, as it is said, you you take and have before S B Pound a Judge of our District Court at Lincoln Nebr., on June 8th A.D. 1886 at 2 o'clock P.M. to do and receive what our said Judge shall then and there consider of and concerning him in his behalf and summon the said Hettie K Painter & Joseph H Painter then and there to appear before the said Judge to show the cause of the taking and dettining the said William Marshall and have you there this writ with your doings thereon.

Witness my hand and seal of said Court, at Lincoln Nebr., this 8th day of June in the year of our Lord One Thousand Eight Hundred and Eighty Six.

E.R. Sizer,
Clerk D.C.

S E A L

E N D O R S E D: on the matter of the application of Mary Marshall mother of William Marshall an infant for a Writ of Habeas Corpus.--
Writ of Habeas Corpus.--

State of Nebraska,)
Lancaster County.) ss:

As command de by the within writ I have taken the body of the within named William Marshall and have his body now before the Court, and I have summoned the within named Hettie R Painter to appear before said Court to show cause of the caption and detention of said William Marshall.

S M Melick,
Sheriff.

Fees: Total, \$1.70

Clerks Office District Ct. Filed Jun 8 1886. E.R. Sizer, Clerk Dist. Court

A N S W E R

In the District Court,)
Lancaster County.) ss:

In the matter of the)
Apmllication of Mary)
Marshall for a writ)
of Habeas Corpus, for)
the body of Wm. Marshall.)

Noa comes the said Hattie K Painter and the said Joseph H Painter, and say they admit that said Mary Marshall is the mother of said Wm Marshall admits that said William Marshall was so deceased, deny each and every other allegation in said application verred.

Said respondents further say that on the 30th day of March 1886, one A B Slaughter, was by the County Court of said County, duly appointed guardian of the person and estate of the said William Marshall and now is and every since the said appointment the guardian of the person of said William Marshall.

4602-0-246. IN RE APPLICATION OF MARY MARSHALL, FOR WRIT OF HABEAS CORPUS

That the said Hattie K Painter now lawfully holds and has in her custody the person of the William Marshall by authority of the said guardian and also has the lawful custody of the said William Marshall by and with the consent and permission of the said Mary Marshall and that for the 18 months last past rendered medical attendance and service to and for the said William Marshall who is an infant about five years old, and also has fed and clothed said child and that she is a suitable person to have the care and custody of said child.

Hattie K Painter.

Joseph H Painter.

Lancaster County.) ss:

Hattie K Painter says that she is one of the said respondents and that the facts stated in her foregoing answer are true as she verily believes.

Hattie K Painter.

Subscribed in my presence and sworn to before me this 9th day of June 1886.

A H Harrington,
Dep. Clk. D.C.

S E A L

E N D O R S E D: In re application of Mary Marshall for writ of Habeas Corpus for William Marshall.-- Answer.-- Clerks Office District Court, Filed Jun 9 1886. R. Sizer, Clerk D.C.

JOURNAL ENTRY.

That on the 10th day of June 1886, (that being the 22nd day of the May A.D. 1886 term of said Court,) were had and do e the following proceedings herein as appears upon Court Journal "M" page 419, to-wit:

In the matter of the)
Application of Mary)
Marshall, mother of)
William Marshall an)
infant, for a writ of)
Habeas Corpus.)

4602-0-246.

Now on this day came Hettie Painter and Joseph H Painter, and produced the body of William Marshall and also made return to the writ and answer of to the writ of Habeas Corpus issued in the case and after hearing the testimony adduced and the argument of Council and the on due consid ration thereof, the Court finds that said William Marshall is not unlawfully restrained or deprived of his liberty, and should be remanded back to the custody of the respondent Hettie K Painter, and that the relator Mary Marshall shall access and be allowed to visit said William Marshall at all seasonable times, and leve is given relator Mary Marshall at any time after Six (6) months to make application to chan e amend or modify the order and decree herein, to all of which relator excepts.

4602-0-246. IN RE APPLICATION OF MARY MASHALL, FOR WRIT OF HABEAS CORPUS.

It is therefore ordered that said William Marshall be, remanded back to the custody of said Hettie K Painter, there to remain until otherwise legally ordered, and that said Mary Marshall shall have access to and be allowed to visit said William Marshall at all times times with leave to apply at any time after six months to change or or modify this order and decree, and that ary Marshall pay the costs of this action taxed at \$37.00 to all of which Mary Marshall by her Attorney duly excepts.

S. B. Pound

Judge.