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Com. Record Page

GAGE COUNTY
DISTRICT COURT

In the matter of the
application of Agnes
vs.
Smith for a Writ
of Habeas Corpus.

Title of Action Petition for
Habeas Corpus.

Filed May 2nd 1921
J. E. Lenhart
M. Clerk of District Court

By Deputy

ATTORNEYS:

C. E. Walsh
Plaintiff

Defendant

IN THE DISTRICT COURT OF GAGE COUNTY, NEBRASKA.

In the Matter of the Application)
of Agnes Smith for a Writ of) Petition For Habeas Corpus.
Habeas Corpus.)

Your petitioners, Mrs. Thomas Foley, mother, and T.F. Foley, step-father of above named Agnes Smith, represents to Honorable L.W. Colby, Judge of the District Court for the County of Gage, State of Nebraska, that said Agnes Smith is unlawfully deprived of her liberty by S.J. Stewart, Superintendent of the Institution for Feeble Minded Youth located at Beatrice, Nebraska, and by L.C. Oberlies, A.E. Allyn, Miss K.F. Worley, and E.B. Fairfield members of the State Board of Control.

Your petitioners further state that said Agnes Smith was during the year 1913 committed from the Juvenile Court Of Douglas County, Nebraska, to the Geneva School for a period of two years, but was detained there for over five years and at the end of that period was committed to the Institution for Feeble Minded Youth at Beatrice, Nebraska, without the consent and against the will of said Agnes Smith, and without due notice to your petitioners, and that she is now detained there against her will and without the consent of your petitioners, and against her will and consent. Your petitioners state that said Agnes Smith is not feeble minded.

Your petitioners therefore pray that a writ of habeas corpus may be issued, and that she may be discharged from said unlawful imprisonment.

State of Nebraska)
County of Douglas) SS

Mrs. Thomas Foley and T.F. Foley being first duly sworn on oath deposes and says that they are the parents of above named Agnes Smith, that they have read the foregoing petition and that the facts therein stated are true.

Subscribed in my presence and sworn to before me this 27th day of March, 1921.

Notary Public.

COUNTY COURT

Fillmore

County, Nebraska.

IN THE MATTER OF THE ESTATE OF

Deceased.

CITATION

Rec'd Jan. 4, 1918.

C. J. Warner, Sheriff

By Eric Johnson, Dpty.

Filed Jan 4, 1918.

W. R. Fulton, County Ju

By Hattie A. Little,

Clerk of the County
Court.

THE STATE OF NEBRASKA,

Fillmore

County.

ss.

To the Sheriff of said County, Greeting:

You are commanded to cite Agnes Smith, also the County of Douglas
in Nebraska,

personally to be and appear in the County Court for said County
 of Fillmore, Nebraska, on the 19th day of January,
1918, at 10 o'clock in the fore noon, to show cause, if any there be, why
said Agnes Smith should not be committed to the State Institution for
Feeble Minded at Beatrice, Nebraska.

This citation to be served at least 14 days before the return day thereof, and have you then
 and this writ with your doings thereon.

Witness my hand and the seal of our County Court this 4th
 day of January, A. D. 1918.



(Seal)

W. R. Fulton,

County Judge.

IN THE DISTRICT COURT OF GAGE COUNTY, NEBRASKA.

In the Matter of the Application
of Agnes Smith for a writ of
Habeas Corpus.

ORDER

Now on this day came Agnes Smith, by Mrs. Thomas Foley and T. F. Foley, her parents, and presented her petition, duly verified, praying for a writ of habeas corpus, and produced to me evidence of her unlawful detention whereby she is deprived of her liberty, and it being made to appear that said Agnes Smith is unlawfully detained,

It Is Therefore ordered that a writ of habeas corpus be allowed to issue in favor of said Agnes Smith returnable on the 9th day of May at one o'clock P.M. and be directed to S. J. Stewart, Superintendent of the Institution for Feeble Minded Youth at Beatrice, Nebraska, and L. C. Oberlies, A. E. Allyn, Miss K. F. Worley, and E. B. Fair-child members of the State Board of Control.

By the Court.

Leonard W. Crepy.
Judge.

Beatrice, Nebraska

May 2nd, 1921.

STATE OF NEBRASKA)
Lancaster County) SS

I hereby certify that on the 5th. day of May, 1921, I served the within Writ on the within named L. C. Lberlies, A. E. Allyn and Miss. K. F. Worley, by delivering to each of them in person a true and certified copy of this Writ with all endorsements thereon, all done in Lancaster County, Nebraska, as required by law.

Fees
Service and return
Copies
Mileage

\$1.00
:75
:50
\$2.05

Ira Miller, Sheriff.

By E. C. Ward Deputy

Returned & Filed
May 7th 1921
F. C. Lberlies
clerk.



IN THE DISTRICT COURT OF GAGE COUNTY, NEBRASKA.

In the Matter of the Application)
of Agnes Smith for a Writ of) O R D E R.
Habeas Corpus.)

Now on this day came Agnes Smith, by Mrs. Thomas Foley and T.F. Foley, her parents, and presented her petition, duly verified, praying for a writ of habeas corpus, and produced to me evidence of her unlawful detention whereby she is deprived of her liberty, and it being made to appear that said Agnes Smith is unlawfully detained,

It is Therefore ordered that a writ of habeas corpus be allowed to issue in favor of said Agnes Smith returnable on the 9th day of May, at one o'clock, P.M., and be directed to S.J. Stewart, Superintendent of the Institution for Feeble Minded Youth at Beatrice, Nebraska, and L.C. Oberlies, A.E. Allyn, Miss K.F. Worley, and E.B. Fairchild members of the State Board of Control.

By the Court,

Leonard W. Golby
Judge.

Beatrice, Nebraska,

May 2, 1921.

IN THE DISTRICT COURT OF GAGE
COUNTY, NEBRASKA.

In the Matter of the
Application of Agnes Smith
for a Writ of Habeas Corpus.

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R E T U R N

O F

Samuel J. Stewart, Supt.

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Clarence A. Davis, Atty. Gen'l.

Attorney for Respondent.

IN THE DISTRICT COURT OF GAGE COUNTY, NEBRASKA.

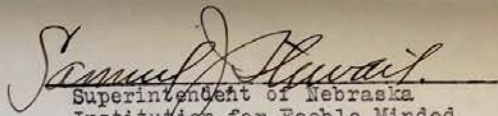
In the Matter of the Application
of Agnes Smith for a Writ of
Habeas Corpus

}
R E T U R N

Samuel J. Stewart, Superintendent
of the Institution for Feeble Minded Youth of the State
of Nebraska, for answer and return to the writ of habeas
corpus, herein states that Agnes Smith, whose custody is
asked in this proceeding, was committed to the Nebraska
Home for Feeble Minded Youth by virtue of a commitment,
a true copy of which is attached to this return marked
"Exhibit A", and that respondent now holds the said Agnes
Smith in custody, as Superintendent of said Nebraska
Institution for Feeble Minded Youth, by virtue of said
commitment.

Wherefor, in obedience to the writ
of habeas corpus, respondent, Samuel J. Stewart, Superin-
tendent, now produces the body of Agnes Smith before this
court to be dealt with according to law, and prays that
this writ of habeas corpus be dismissed.

Dated May 9, 1921.


Superintendent of Nebraska
Institution for Feeble Minded
Youth.

State of Nebraska, }
County of Gage, } ss.

Samuel J. Stewart, first being duly sworn on oath deposes and says that he is the Superintendent of the Institution for Feeble Minded Youth of Nebraska; that he has read the foregoing return, knows the contents thereof, and that the allegations and statements therein are true as he verily believes.

Samuel J. Stewart

Subscribed and sworn to in my presence
this 9th day of May, 1921.

F. E. Leland

IN THE COUNTY COURT OF FILLMORE COUNTY, NEBRASKA.

In the matter of

Agnes Smith, Feeble Minded

}
DECREE.

This cause came on to be heard this 2nd day of February, 1918, upon the petition and the evidence, and was submitted to the court, upon consideration whereof the court, being fully advised in the premises, finds:

1. That due notice of the pendency of this proceeding and of this hearing has been given to all parties in interest, to-wit: Miss Lyda J. McMahon, Agnes Smith and Douglas County, and that the court has jurisdiction of the parties and subject matter of this action;

2. That the allegations of the petition are true;

3. That Agnes Smith, a female person, was born on the _____ day of _____, 1____; is a bona fide resident of the county of Douglas, in the State of Nebraska, and is a feeble-minded person;

4. That said person is a proper subject for commitment to the Nebraska Institution for Feeble Minded Youth and that the best interests of said person and the welfare of society require that she be committed to said institution; and

5. That said person has no estate sufficient to meet the costs of this proceeding and of her transportation to said institution and the cost of providing suitable clothing and incidental expenses while there,

(describe property, if any)

and that _____, the mother of said person is not possessed of sufficient property or income to meet the costs and expenses aforesaid, and the Court finds that the obligation of maintaining and providing for the above named unfortunate is a charge upon Douglas County, Nebraska.

It is therefore considered, ordered and decreed by the court that said Agnes Smith be and is hereby committed to the Nebraska Institution for Feeble Minded Youth and be removed thereto and detained therein until duly discharged therefrom.

It is further considered and ordered by the Court that the expense of this proceeding, together with the annual cost of maintenance of the above named unfortunate at the Institution to which she is committed, together with the costs of transferring the patient from her present location to the Institution for Feeble Minded Youth at Beatrice,

be and hereby is assessed to the County of Douglas, and that the said County be ordered to pay into this Court the costs of said proceeding and transfer, and that the expense of future maintenance of said unfortunate at the Beatrice Institution be defrayed by said County of Douglas.

By the Court,

W. R. FULTON

County Judge.

THE STATE OF NEBRASKA)
) SS
GAGE COUNTY)

The State of Nebraska, to the Sheriff of Gage County, Nebraska,
Greeting:-

YOU ARE HEREBY COMMANDED, that the body of Agnes Smith, now supposed to be in Gage County, Nebraska, and by S. J. Stewart, Superintendent of the Institution for Feeble Minded Youth located at Beatrice, Nebraska, who detained such person and restrain her of her liberty, as it is said, together with cause of her detention, you take and have before, the Hon. L. W. Colby, Judge of the District Court in and for Gage County, Nebraska, at the court house in Beatrice, Nebraska on the 9th day of May, 1921 at the hour of two o'clock in the afternoon thereof, forthwith to do and receive what the said judge shall then and there consider concerning her in this behalf. And have you then and there this writ with your doings thereon.

WITNESS- L. W. Colby, Judge of the District Court of Gage County, Nebraska, and the seal of said court affixed hereto this 2nd day of May, 1921.

S. J. Stewart,

Clerk of the District Court, Gage County, Nebraska