

CRIMINAL

Doc. *22* No. *221*

DISTRICT COURT

Douglas County
NEBRASKA

State of Nebraska

*Supplication
of
Gussie Burns
for
Habeas Corpus*

Complete Record, Vol. _____ Page _____
" " " " " "

A. V. SHOTWELL,
County Attorney

18818--MPS. BY OMAHA PRINTING CO., OMAHA

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA.

Gussie Burns,

Relator,

vs.

Marshall Eberstein,
Chief of Police,
Dr. J. P. Edwards,
Health Commissioner,
and
Alta Berger,

Respondents.

PETITION FOR A WRIT OF
HABEAS CORPUS.

Comes now the petitioner and shows to the Court that she is unlawfully deprived of her liberty by the Respondents:

The Relator further alleges and shows to the Court that on November 29, 1919, a complaint, copy of which is attached hereto, made a part hereof and marked Exhibit "A" was filed against her before the Police Magistrate of the City of Omaha, Nebraska, charging her with vagrancy; that relator was tried on said complaint before James M. Fitzgerald, police magistrate of the city of Omaha, Douglas County, Nebraska, on said November 29, 1919, was found guilty and sentenced to imprisonment in the county jail of Douglas County for a period of thirty days; that immediately after said sentence was imposed, relator, who had been examined physically by certain officers under the direction and control of the Health Commissioner of the City of Omaha, and pronounced infected with a venereal disease, was confined in the detention home in the City of Omaha, wherein are detained women who are found, upon examination, to be infected with venereal diseases; that since said 29th day of November, 1919, relator has been and still is detained in said detention home, although the period of her sentence of 30 days has expired, and in spite of the further fact that she has so far responded to treatment as to indicate full recovery from the alleged infection.

That three or four times within the past year relator has been taken into custody and confined and detained in said detention home for women, under the pretext that she was suffering with a venereal infection, and each time after a certain period of confinement has been discharged as cured; that she was discharged from said home only a short time before her arrest on November 29, 1919, as aforesaid, and was at that time pronounced cured; that her condition at the period of her arrest and confinement on and since said November 29, 1919, was the same as when she was discharged from said detention home as cured, no condition having arisen during the interval to bring about a renewal of the alleged venereal infection.

Relator further alleges that respondents herein insist on her undergoing an operation for the removal of certain tubes as a condition precedent to her release, and that she is being detained and confined at this time, not because of an existing purulent venereal infection; that respondents insist on performing the said operation themselves, refusing to allow relator to have a physician selected by herself do the work; that relator is willing to have said operation performed, but desires that it be done by some physician of her own selection.

Relator further states that in view of the fact that the period of 30 days confinement to which she was sentenced has

long since expired, and of the further fact that she is now cured of any venereal disease with which she may have been infected at the date of her arrest, and is being held only until she consents to have said operation performed, she is now and has been ever since said sentence of thirty days expired, entitled to her liberty, but is now and has been unjustly detained and imprisoned by said respondents, and wholly without authority of law.

WHEREFORE the relator prays that a writ of habeas corpus may be issued and that she may be discharged from said unlawful imprisonment.

W E Lovely
Attorney for Relator.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS.) SS

William E. Lovely, being first duly sworn, upon his oath deposes and says that he is attorney for the relator herein, that the facts herein alleged are within his personal knowledge and that the same are true.

W E Lovely

Subscribed in my presence and sworn to before me
this 2nd day of March, 1920.

W E Lovely
Notary Public.

Docket 22

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In the
District Court
of
Douglas County, Nebraska

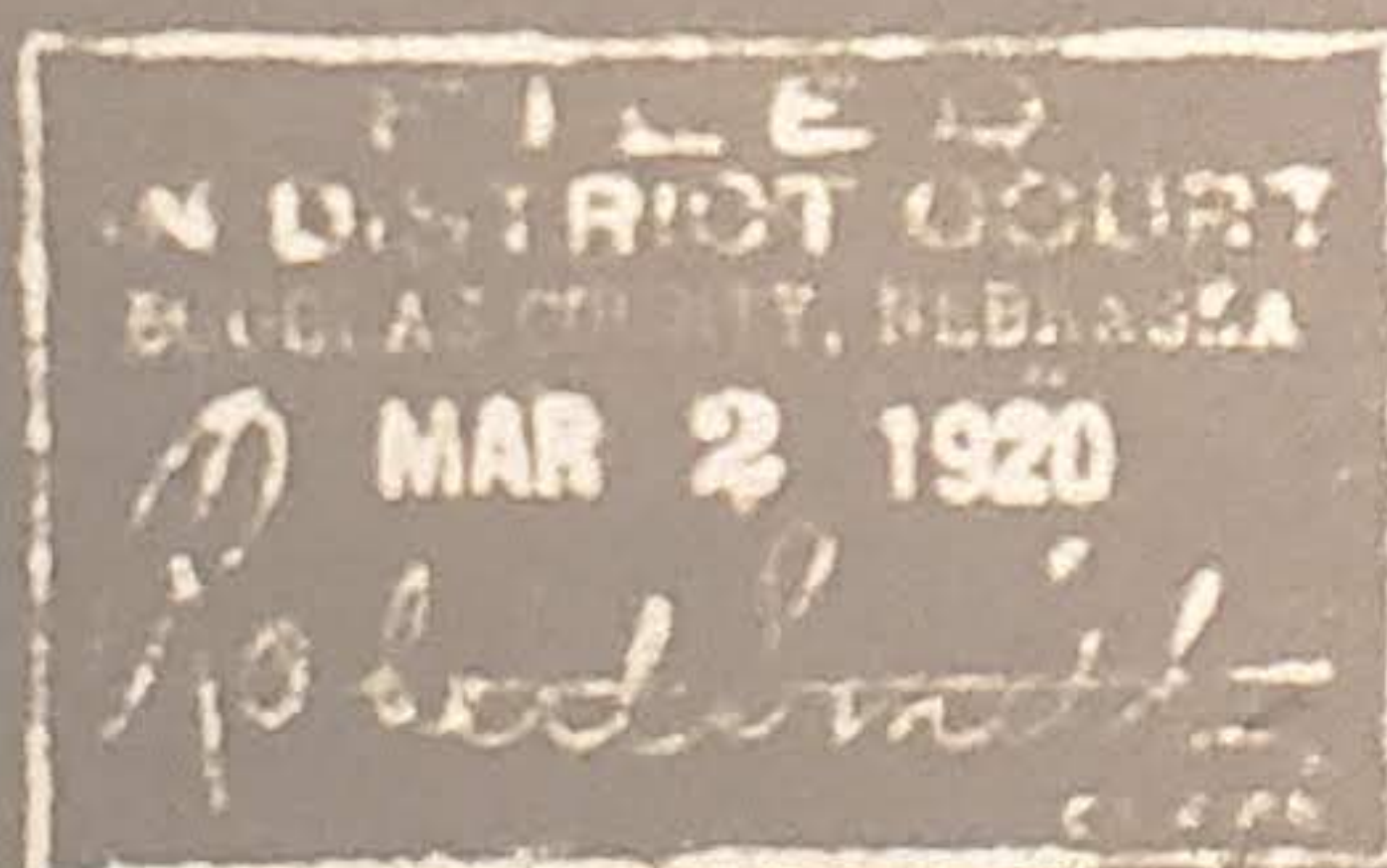
Gussie Burns

Relator

VS.

Marshall Eberstein, Chief of
Police, Dr. J.F. Edwards
Health Commissioner and Alta Berger

Respondent



LOVELY & LOVELY
SEE BUILDING
OMAHA

Attorneys for Relator

Ent. App. Sec. Spencer

Ent. Ex. Sec. Spencer

Ent. Gen. Index Spencer

Ent. Judgt. Sec. Spencer

General Spencer

Comp. Sec. Spencer

Ind. Spencer

12-48

STATE OF NEBRASKA,
County of Douglas, City of Omaha,

ss.

In the Police Court of the City of Omaha, Douglas County, Neb.

THE STATE OF NEBRASKA,

vs.

Gussie Buene

STATE OF NEBRASKA
COUNTY OF DOUGLAS
CITY OF OMAHA

I hereby certify that the within is a true and correct copy of the original with and without the seal of the City of Omaha, and the seal of the Police Court of the City of Omaha, and the seal of the City of Omaha.

For Vagrancy.

The complaint and information of J. B. Murray City Prosecutor, City of Omaha, Douglas County aforesaid, made in the name of the State of Nebraska before the Magistrate of the Police Court, within and for the City of Omaha, in said County, this day of Nov 29-1912 A. D., 191... who, being duly sworn, on his oath says, that

Gussie Buene Defendant
on or about the 28 day of Nov A. D., 1912, in the County aforesaid and within the incorporate limits of the City of Omaha aforesaid, then and there being, was then and there unlawfully an idle person, not having visible means of support and maintenance, and who live without employment and wander abroad and live in taverns, beer houses, sheds, barns, and open air, and cannot give a good account of himself, and is a suspicious character

and is a vagrant, contrary to the ordinances of the City of Omaha and the form of the statutes in such cases made and provided, and against the peace and dignity of the State of Nebraska.

(signed) J. B. Murray
Subscribed in my presence and sworn to before me this day of Nov 29-1912 A. D., 191...

(signed) Jas. M. Fitzgerald
Police Magistrate of the City of Omaha.

Police Department of the City of Omaha
Chief of the Police Court City of Omaha

Heidzema

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA.

In the matter of the
Application of Gussie Burns
for a writ of Habeas Corpus.

22-231
O R D E R .

NOW, on this 2nd day of March, 1920, came
Gussie Burns, by W. E. Lovely, her attorney, and presented
his petition duly verified, praying for a writ of habeas corpus
and produced to me a copy of the commitment by which the said
Gussie Burns is deprived of her liberty, and it appearing from
the allegations in said petition that the said Gussie Burns is
unlawfully detained and imprisoned:

IT IS THEREFORE ORDERED that a writ of habeas
corpus be allowed to issue in favor of said Gussie Burns, re-
turnable on the 4 day of March, 1920, at 10 A. M.
in Court Room No. 3 Douglas County Court House, and be di-
rected to Alta Berger, superintendent of the women's detention
home, 1915 Dodge Street, Omaha, Nebraska.

BY THE COURT:

Wesley C. Tuttle
J U D G E .

Doc. 2 2

No. 2 21

IN THE DISTRICT COURT OF DOUG-
LAS COUNTY, NEBRASKA.

IN THE MATTER OF THE APPLICA-
TION OF GUSSIE BURNS FOR A
WRIT OF HABEAS CORPUS.

ORDER.

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W. E. JOURNAL CLERK
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RECORDED
Journal 177 Page 13
CLERK DISTRICT COURT

MAR 2 1920

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WRIT OF HABEAS CORPUS.

The State of Nebraska, }
Douglas County. }

STATE OF NEBRASKA, TO ALTA BERGER, SUPERINTENDENT
WOMEN'S DETENTION HOME ORRETING:

We command you that the body of Gussie Burns
imprisoned and restrained of his liberty by you, as it is said, you take and have before
Hon. Chas. A. Goss Judge of the District Court for said County, on
the 4th day of March 1920-1921, at 10 o'clock A.M. to do
and receive what the said Judge shall then and there consider concerning him in his behalf, and have you
then and there this writ with your doings hereon and show cause of the said taking and detaining of
the said Gussie Burns

WITNESS my hand and the seal of said Court, at Omaha,
this 2nd day of March 1920-1921

ROBERT SMITH

Clerk.

By

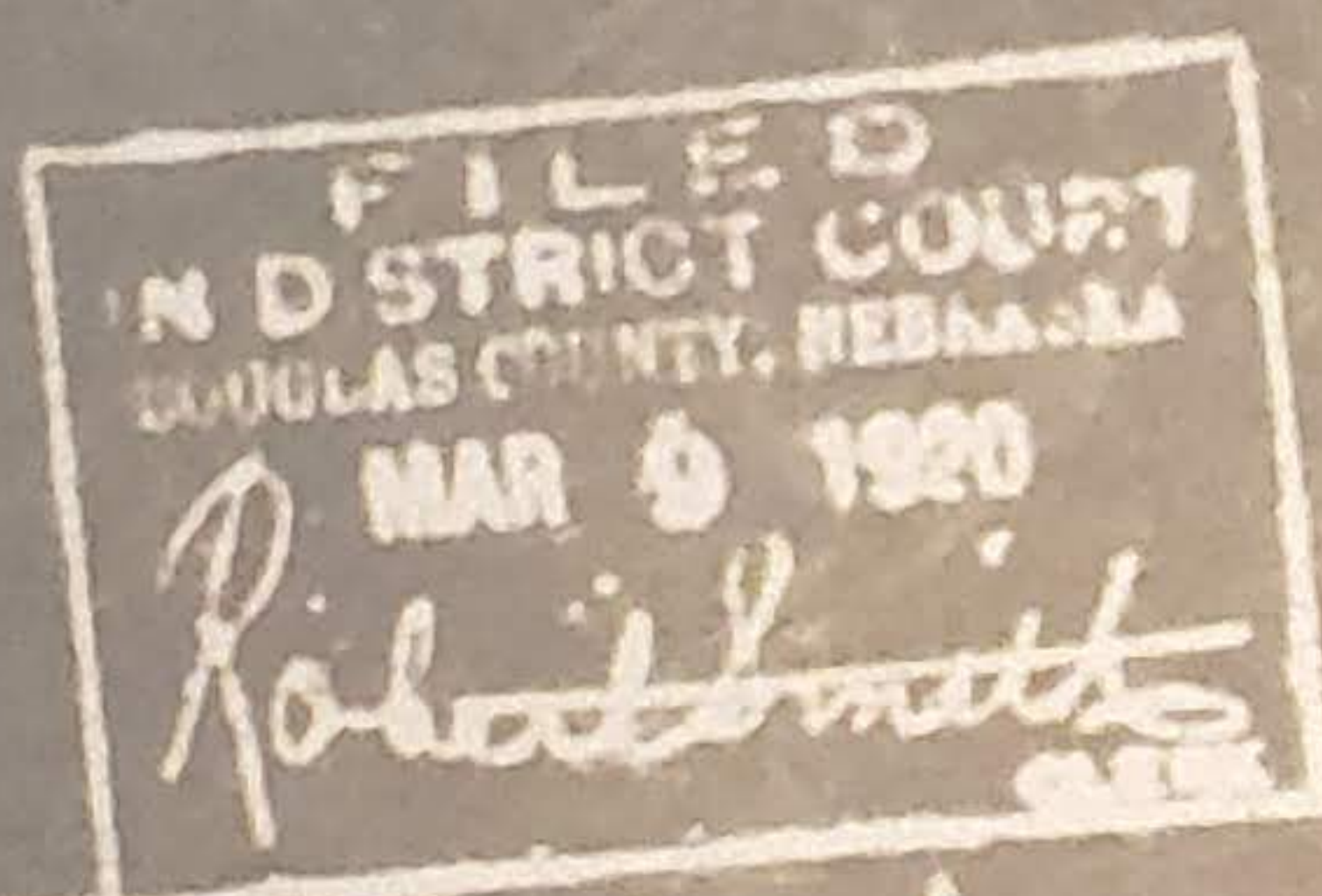
Handwritten signature

Deputy.

District Court, Douglas County,
NEBRASKA.

IN THE MATTER OF
CUSSIE BURNS
ON HABEAS CORPUS.

Writ of Habeas Corpus.



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SHERIFF'S OFFICE

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DOUGLAS COUNTY
NEBRASKA

Wm. E. Lovely

4786

Ent. App. Sec. *ma*

Ent. Ex. Sec. _____

Ent. Gen. Index _____

Ent. Judgt. Sec. _____

Recorded *ma*

Compared _____

Page _____

State of Nebraska,
Douglas County.

Received this writ on the _____ day of

March 1920 at _____

came on the _____ day of *March*

1920 by *Alta Burger* to me the undersigned

Wm. E. Lovely Sheriff

Home

personally in Douglas County, Nebraska, a true

and duly certified copy of this writ with all the

endorsements thereon.

Fees *10* MICHAEL L. CLARK,

10 By *P. J. Welch* Sheriff.

Deputy.