

14064

No. _____

Supreme Court of Illinois

J.W. Whitney

vs.

People

To the Honorable Supreme Court of the State of
Illinois, now sitting

The undersigned one of the
Attornies & Counsellors of the said Supreme Court now sitting
states and sets forth, that he was arrested by Benjamin W.
Thompson, one of the Constables of Fayette County in said State, in the
evening of the seventeenth inst. and is now in custody as that
of copies illegally issued by a Justice of Peace of Fayette County
onst. in the hands of said Thompson, and prays that a writ
of Habeas Corpus may issue thereunto: accordingly
to law:— A copy of the Affidavit, on which the Copies
issued:— and a Copy of the Copies are hereto annexed.

He further states that at the time of arrest he was and now
is a Tutor in this Honorable Court, and actually engaged
as such Counsellor and Attorney, in cause at the time of
such arrest now pending in said Court & further sets out

Sworn & subscribed before me
this 18th of July 1837.

J. W. Duncan

J. S. Shreve

Habeas Corpus
of M. Whitney
affidavit -

Filed July 19. 1837
J. M. Duman

1464

The People of the State of Illinois
~~To the Sheriff of Fayette County~~

We command you to ~~summon and require~~
Allen McPhail a Justice of Peace of said County
and Brijw. Thompson Constable of said County
that they be and appear before ~~Our~~
Justices of Our Supreme Court, now sitting at
Nauvolia and that the said McPhail
and Thompson have with them the
body of James W. Whitney Esq an Attorney
and Counsellor of this Court and a printer
therein, by you unlawfully arrested
and detained as it is charged to be
and that you also signify to this
Court the cause of his capture and
detention.

Witness the Hon Wm. Wilson
Chief Justice of Our said Court
and the seal thereof at
Nauvolia, this 19th day of
July. in the year of Our
Lord Eighteen hundred and
thirty seven.

J. Mr. Duncan etc
L. C. Ill

I have seized the within writ by having
the body of the said Whitney now
in Court - and arrested and ^{have} detained
him in my custody as Constable
of Haystack County by virtue of a
Capias issued against the body
of said Whitney at the by one
Allen McPhail a Justice of the
Peace in and for ~~Haystack Co.~~ and
for said County at the suit of
one Thomas Redman action
of debt for the sum of 37.46 cents
which Capias bears date 19th of July
1837.

R. M. Thompson
C. S. J.

Attest
R. M. Thompson

Allen McPhail

Justice of the Peace

The People of the
County of Haystack

State of Illinois }
Fayette County } This day personally came before the undersigned

and made oath that James W. Whitney is justly indebted to him in the sum
of thirty seven Dollars 14 cents, and that he is apprehensive should he pursue
the ~~process~~ the ordinary course of law. He would that said sum for which
cause he asks that a summons may issue in the form of Capias, and
the said Whitney brought to answer the demand forthwith this 17th
day of July 1837. * Sec 4. R 357.

Thomas Redmond

Subscribed and sworn
before me this 17 July 1837.

Allen M. Phail, J.P.

State of Illinois
Fayette County. To the People of the State of Illinois:— To any Constable of said
County: Greeting; You are hereby commanded to
take the body of James W. Whitney, and bring him forthwith before our selves
if special bail be entered, and if such bail be entered, you will command him
to appear before me at my Office Sandwick on the 22th day of this month
at 10 o'clock A.M. to answer the complaint of Thomas Redmond, for a
failure to pay him a certain demand not exceeding one hundred Dollars
and demand due return as the law directs. Given under my hand and
seal this 17th day of June 1837.

Allen M. Phail, J.P. ^{Witness}
^{my hand}
^{and seal}

Cont Returns
Record on the within person. Linn 1125

* B. W. Thompson
103a omia C.F.C.

Habeas Corpus
case

Mr. Whitney

Filed July 19. 1837
J. M. Duncan

Copy of Affidavit &
Process