

12089

No. _____

Supreme Court of Illinois

People ex-rel.

vs.

Osman.

71641  7

The People of the State
of Illinois upon the
relation of Nicholas Stauffer } Habeas Corpus
as
William Asman }

For return to the writ of habeas corpus in
this case this respondent saith that he has
brought the said Stephanie Stauffer before this
court as commanded by said writ. This
respondent admits that the said Stephanie
Stauffer is residing in his family but he utterly
denies that the said Stephanie is unlawfully
restrained from said Nicholas Stauffer by this
respondent, and he denies that said Stephanie
is ~~not~~ ~~not~~ restrained of her liberty in any
manner by respondent but that she is now
residing in the family of respondent of her
own choice and by her own desire and under
the circumstances more fully set forth hereafter.
For some time prior to the 31st day of August AD 1852
said Stephanie who was then of the age of nine
years was in danger of becoming a county charge
for the reason that her father the said Nicholas
Stauffer was then and then a habitual drunkard
and idle and neglecting and refusing to provide
for the support of his family, and that the
said Stephanie then and then habitually begged
for alms. ^{in LaSalle County Illinois} And on said 31st day of August AD 1852
said Stephanie was for the reasons aforesaid
brought before Abner H. Fisher and Aaron B. Smith
who were then and then two Justices of the peace
in & for the County of LaSalle aforesaid and it
was made then and then to appear to said

Justices of the peace by the evidence of credible witnesses then and there sworn in due form of law that said Stephania was then and there a minor of the age of 9 Years, That her father said Nicholas Stauffer was then and there an habitual drunkard that he was unable and refused & neglected to provide for the support of said Stephania, That the said Stephania then & there habitually begged for alms, and was then & there in danger of becoming a county charge for the reasons aforesaid and that said Stephania was then and there by said Justices of the peace indentured and bound to this respondent in due form of law with known consent and with the consent and approval of of Henry G. Cotton who was then and there County Judge of said County, and a certain writing obligatory was thereupon ^{executed} ~~executed~~ ^{of the one part & this respondent} of the other part, ^{filed in the office of the clerk of the county court of said County} a copy of which is hereto annexed marked A & made a part of this return

This respondent further answering saith that from the date of said bond hitherto he has faithfully performed all the conditions & stipulations of said bond by him to be performed that he has kept true & clothed & instructed said child as if she had been his own child

This respondent further answering saith that said Nicholas Stauffer is by reason of his drunkenness brutality and violent temper a person totally unfit to have the custody of said child, that he has been in the habit of brutally abusing his children so that they were ~~utterly~~ compelled to leave his house and take refuge with his neighbors, that while said

Stephanie reside with him she was in a great
measure free of charity. And that he is now
unable properly to take care of said child
and ~~her~~ ~~mother~~ This respondent insists that
to remove said Stephanie from a comfortable
home where she is properly treated & provided
for to the custody of said Nicholas Stauffer
would be doing her serious if not irreparable
injury

This respondent insists that this
court should not take cognizance of this
suit further because he says that the
said Nicholas Stauffer filed his petition
in the Circuit Court of said LaSalle
County at the May term thereof A.D. 1852
of the same purport and effect as the petition
filed in this cause & send out of said Circuit
Court a writ of Habeas Corpus directing this
respondent commanding him to produce the
body of said Stephanie before said Circuit
Court and to abide ^{such} the order ^{as} of the ^{said} Circuit
Court should make in that behalf, in obedi-
ence to said writ respondent did make return
to said writ and said Nicholas Stauffer filed
a demurrer to said return which demurrer
was overruled by said Circuit Court and
thereupon leave was granted to said Nicholas
Stauffer on his motion to answer said return
and thereupon said Nicholas Stauffer filed an answer
alleging ^{a portion of} the statements in respondents return and
~~thereby~~ made an issue of fact, and thereupon
said cause ~~was~~ by the order of said circuit
by the general order of continuance ~~remained~~
continued to the next term of said court and
that said cause is now pending and undetermined

in said Circuit Court and that the relief sought & said
proceeding in said Circuit Court is the same as the
relief sought in this cause and not otherwise
different, and he prays to ~~be~~ be hence dismissed
with his costs

William Asman
of Bloomington

State of Illinois
Sasale County ss

Wm Asman deposes & says that the
above return is true in substance & in fact
Subscribed & sworn to before me
this 4th day of July AD 1853
J. H. Leland Clerk
Cir Court

Filed July 13th 1853.
J. H. Leland Clk.
By J. H. Leland Depy

The People of the
State of Illinois }

To Joseph Duplain, Peter
Trouty, Thomas Flinn, John Lynch, Jacob Gretenkent,
Henry Gretenkent, Patrick Fanning, Pat Ford,
George Vallyberger, John Vallyberger, Michael Clark
Marion Capsell, Rosalia Capsell, Pat Halloran,
Thomas R Courtney & Felix Capsell - Greeting.

We hereby command you that you be
and appear before our Supreme Court at
Ottawa in said State on Monday the
25th day of July A.D. 1853. at the hour of nine
O' Clock in the forenoon of said day, then
and there to testify & the truth to speak
on behalf of the Relator in the ~~case of~~
The matter of the application of ~~Willi~~
Nicholas Stauffer, at the Court House in
Ottawa aforesaid, and this you shall in
no wise omit under the penalties of the law.

{ Witness the Hon. Samuel B
Great Chief Justice of our
said Court, and the Seal
thereof, at Ottawa, this 23^d
day of July A.D. 1853.

{ L. Leland Clerk.
By P. H. Leland Depy

The People ex al.
Nicholas Stauffer
vs.
William Osman

Subpoena

Filed July 23^d 1853.

L. Leland Clk.
By P. K. Leland Depy.

~~Sept 21 - 2.25~~

~~9 miles 45~~

~~Sept 21 - 2.70~~

14 Mile

3.60

70

\$4.30

Mile Amt.

Executed this writ by
Reading the same to
Thomas R Courtney Joseph
DuPlain Thomas Alim
Michael Clark Rosalia
Cassell Pat Holloxan
Pat Ford George Salzbeger
& John Lynch.

July 25th 1853

R Thorne Sheriff

for S M Rogers Deputy

Jacob Grotenhout Henry Grotenhout
Patrick Fleming John Salzbeger
Marion Cassell & Felix Cassell
not found

Return of Sheriff filed
July 25th 1853.

L. Leland Clk.

By P. K. Leland Depy.

State of Illinois }
La Salle County } Supreme Court of said State
P. Grand Division -

The People of the State of Illinois
to William Oeman - Greeting;
We command you, that you do forthwith
without excuse or delay, bring, or cause to be
brought, before the Supreme Court of said State,
now sitting at the Court House in Ottawa in
said County, the body of Stephanie Stauffer, by
whatever name or addition she is known or called,
and who is unlawfully detained in your custody,
as it is said, together with the day & cause of her
caption & detention; then & there to perform and
abide such order & direction, as our said Supreme
Court shall make in that behalf.

Hereof make due return, forthwith, under
the penalty of what the law directs.

To the Sheriff of said County to execute.

Witness the Hon. Samuel H. Treat
Chief Justice of our said Court
& the Seal thereof, at Ottawa,
this 23^d day of June A.D. 1859.
L. Seland Clk. of said
Supreme Court.

The People ex. rel.
Nicholas Stauffer

vs
William Osman

Habeas Corpus.

Submitted
Entered this writ
by Reading to the
Within named Wil-
liam Osman

June 27th 1853

R. Thorne Sheriff

Sum Writ \$ 60
1st Miles $\frac{5}{100}$
\$ 65

Filed June 27, 1853.

L. Keland Clk.

Supreme Court of the
State of Illinois.

In Re Nicholas Stapp.

I do hereby enter myself security
for costs in this proceeding, and
acknowledge myself bound to pay
on demand to be paid, all costs
which may accrue in this
proceeding either to the said
William Osman or to any of the
officers of this Court according
to law.

Dated June 28th 1853.

Robt Montgomery

Supreme Court

In Re Nicholas
Stauffer.

See for costs.

¹³
Per place. ex. rel. Stauffer

William Osman

seey. for costs

Filed June 28. 1880.
L.eland C.R.

Supreme Court of the State
of Illinois.

State of Illinois.

The petition of the under-
signed Nicholas Stauffer
respectfully shows that he is
the father of Stephanie
Stauffer who is now not
more than ten years of age,
who is daughter born of the
wife of this petitioner, who is
now dead; that his said
daughter is restrained from
this petitioner by William
Osman of La Salle County
in the State aforesaid in
said County, and ~~that~~ ^{there}
said Osman illegally
kept from this petitioner
although he has commanded
of said Osman that
he should surrender and
deliver her body to him the
said petitioner; and that
she is not committed or
detained for any criminal
or supposed criminal
matter, and is not held
under any legal process;
and the said petitioner
prays that the People's
writ of Habeas Corpus
may be awarded, directed
to the said William Osman,
and made returnable
forthwith, commanding

the said Orsman to bring on
cause to be brought before
the said Court the body of
the said Stephania, and
make return of said writ,
and await and abide
the disposition of said Court
in the premises as this
case may require.

And your petitioner
will ever pray.

C. W. Tracy

Att'y for Petitioner

Seal of Clerk.

Nicholas Stauffer
whose name appears in the
within petition doth depose
and say that he has read
the same read and knows
the contents thereof, and
that the statements recited
and things therein con-
-tained are true in sub-
-stance and in fact.

Subscribed, sworn to
before me June 22.

1853 Richard M.

Nicholas Stauffer

¹³
Supreme Court

Petition of
Nicholas Stauffer

Filed June 22-1888.
L. Seland Clk.

This Indenture, made the thirty-first day of August, in the year of our Lord one thousand eight hundred and fifty-two, between A.B. Smith and A. A. Fisher, Esquires, two Justices of the Peace in and for the county of La Salle, in the state of Illinois, of the one part, and William Osman, of the said county, of the other part, Witnesseth, that the said Justices of the peace, in pursuance of the statute in such case made and provided, have put, placed, and bound, ~~by~~ and by these presents do put, place, and bind Francis Ellen Stouffer, ^{alias Stephanie Stouffer,} of the age of nine years, ~~on the~~ ^{day of} ~~last~~, (the child of a poor and needy family, and the father of said family being an habitual drunkard, and unable ^{and refusing and neglecting} to support said family, ^{and the said Francis Ellen alias Stephanie having been actually legged for alms,} to live ~~on his family~~ the family of him, the said William Osman, and as one of the family to dwell with the said William Osman, from the date hereof, until the said Francis Ellen Stouffer, ^{alias Stephanie Stouffer} shall come to the age of fourteen years, during all which time the said Francis Ellen, ^{alias Stephanie} shall well and faithfully serve the said Osman, and shall not, at any time depart or absent herself without the consent of the said Osman, or his family.

And the said Osman, in consideration of the before mentioned premises shall and will instruct or cause to be instructed the said Francis Ellen, ^{alias Stephanie} in all the duties of housewifery and common sewing, and ~~that~~ he shall and will find and allow to the said Francis Ellen, ^{alias Stephanie} suitable meat, drink, washing, lodging, and ~~and~~ ^{and to pay all expenses of sickness if any, and find and allow} apparel, ~~and~~ all other things necessary, and fit, and convenient for said Francis Ellen, ^{alias Stephanie} during said term, and will cause her to receive at least one year's schooling during said term, and to be taught to read and write, and the ground rules of arithmetic, and will give unto the said Francis Ellen, ^{alias Stephanie} a new Bible, and two new suits of clothes, suitable to

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her condition, at the expiration of her term of service.

In Witness whereof, the said parties have hereunto
set their hands and seals the day and year first above written.

Executed and delivered in presence. Interlined before signing.

of
Moses Osman

{ A. J. Smith Jr. 
A. L. Fisher Jr. 
Wm Osman 

I hereby approve and Consent to the binding
of the within named minor according to
the terms and Conditions stated in the
within indenture - August 31st 1852.

Henry G. Cotton

Judge LeSalle Co. Court

Harry Ellen Stauffer
Indenture

filed August 31st 1882
JW Raymond
Clerk

Delud May 19. 1853

Blindly

This Indenture made the thirty first day of August
in the Year of our Lord one thousand Eight Hundred and fifty
two, Between A. B. Smith and A. A. Fisher Esquires, two
Justices of the Peace in and for the County of LaSalle in the State
of Illinois of the one part, Witnesseth that the said Justices
of the Peace in pursuance of the Statute in such case made
and provided, have put placed and bound and by these
presents do put, place and bind Frances Ellen Stouffer alias
Stefania Stouffer of the age of nine years (the child of a poor &
needy family and the father of said family being an habitual drunkard
and unable and refusing and neglecting to support said family &
the said Frances Ellen, alias Stefania having habitually begged for
alms) to live with him the said William Osman, and as one of the fam-
ily to dwell with the said William Osman, from the date hereof
until the said Frances Ellen ~~Stouffer~~ alias Stefania Stouffer
shall come to the age of fourteen years, during all which time
the said Frances Ellen alias Stefania shall well and faithfully serve
the said Osman and shall not at any time depart or absent herself
without the consent of the said Osman, or his family -

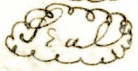
And the said Osman, in consideration of the before mentioned prem-
ises shall and will instruct or cause to be instructed, the said Fran-
ces Ellen alias Stefania in all the duties of housewifery and common
sewing, and he shall and will find and allow to the said Frances Ellen
alias Stefania suitable meat, drink, washing, lodging and apparel, &
pay all expenses of sickness if any and find and allow all other things
necessary and fit and convenient for said Frances Ellen alias Stefania
during said term and will cause her to receive at least one year

schooling during said term, and to be taught to read and write
and the Ground Rules of Arithmetic, and will give unto the said Fran-
ces Ellen alias Stefania a new Bible, and two new suits of clothes
suitable to her condition, at the expiration of her term of service

In witness whereof the said Parties have hereunto
set their hands and seals the day and year first above
written

Executed to and delivered }

In Presence of
Moses Osman }

Interlined before signing
A. B. Smith J. P. 
A. A. Fisher J. P. 
Wm Osman 

I hereby approve and consent to the binding of the within
named minor according to the terms and conditions
stated in the within indenture August 31st 1862

Henry C. Cotton Judge
Sasalle Co. Court

State of Illinois }
Sasalle County, } SS

I Samuel Raymond Clerk of the County Court
of and for said County do hereby certify the foregoing to be
a true and correct copy of an Indenture now on file in my office

In witness whereof I have hereunto set my hand and seal
of said Court at Ottawa this 20th day of May, 1863

S. W. Raymond Clerk

12069-27
Filed July 21st 1853.
L. Leland Clk.
By P. K. Leland Sg.

The People of the } ^{Hess Mrs Glen & Isabella Glen}
State of Illinois } ^{Joseph Aubrey, Philip Sulzberger Louisian}
^{Friedrich Griderman, Henry Eichulberger, Barbara Stauffer, Fox, F, Hess}
^{Altha L. Conwin, A. A. Fisher, Mrs. E. L. Waterman, Mary Cotton}
^{H. W. Hopkins, A. Woodruff, Sarah Morris (much time at Moral & Waterman)}
^{Lucy Bryant, Martha ^{these} Brown, E. L. Thompson Mrs. Orman Eliza Widman}

We Command you forthwith appear before the Supreme Court now in session in the City of Ottawa to give evidence in a certain matter wherein the People of the State of Illinois Complain of William At Osman on the part of said Osman, & thereof fail not under the penalty of the law

{ Witness the Hon. Samuel H.
Great Chief Justice of our
Said Court & the Seal thereof
at Ottawa this 22^d day of
July A.D. 1853.

Loring Odland Clerk.
By J. H. Odland Depy. Clk.

Executed this Will
by Reading the same
to Z Barnard & the
S Erwin & A Fisher
Mrs E L Waterman
& Mary Cotton
July 22 1853 R. Thorne Shk
p J. M. Rogers.
Deputy.

Sum 412 1.35

5 mile $\frac{-25}{1.60}$

Morse Eliza Widman S. C.

G. J. Thompson M. H. ^{Esq.}

A Woodruff Lucy Bryan

4 William Eastman

July 23-1853

Rev. 350

10 Miles SD

3. 1. 1.

~~7 11.60~~

8475

3. 95

at 870

R. Thom

Served this writ by reading
 the same to Frederick Wickman
 Joseph Myers Barbara
 Joseph Bergs
 # He is For Joseph
 Aubrey Philip Leutberger
 Louis H. M. Mary Jane Isabella J. L. M.
 # Thorne Sheriff
 for S. W. Rogers Deputy

July 25th 1853

Dist. Ret- 285-

11 Miles 7 ~~116~~

1795

disfano D. H.

1770

July 25 1853

74

—

2. *Alburnum*

5

8-11

in Commem

2000

1844

M. de C.

The People of the State of Illinois ex rel.
Nicholas Stauffer

vs

Mr. ~~Stuffer~~ ^{Stuffer}.

The undersigned, ~~aff~~ defendant
in the above cause, on his oath saith, that
he believes himself acquainted with the pecu-
nary circumstances of ~~the~~ this above
Nicholas Stauffer, and that he does not
believe him to be in the legal possession
of property that may be seized for costs
accruing and accruing in the above ~~cost~~ ^{cause}
sufficient to cover said costs, and
therefore said affiant prays that
said Nicholas Stauffer may be required
to file security for the payment of costs
in the above cause should any
legally accrue against him, the said
Nicholas Stauffer

William Ceman

Subscribed and sworn to before
me this 27th day of June AD 1853
John B. Anthony
Notary Public

13
People vs. et al, et

Wm. Osman

Aff. for costs

Filed June 28. 1853.
L. Seland Clk.

Deputy
Recorder
of
Haverhill

13

People ex. rel. Stauffer

vs
William Corman

1853

13 P.D.

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