

Maurice A. Deane School of Law at Hofstra University

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Documents from Making Habeas Work: A Legal History (monograph)

Supporting Documents for Making Habeas Work

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5-30-1771

### Provincial Case File No. 29935, New Hampshire State Archives - Bond of Charles Banfield

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#### Recommended Citation

"Provincial Case File No. 29935, New Hampshire State Archives - Bond of Charles Banfield" (1771). *Documents from Making Habeas Work: A Legal History (monograph)*. 8. [https://scholarlycommons.law.hofstra.edu/making\\_habeas\\_work\\_mono/8](https://scholarlycommons.law.hofstra.edu/making_habeas_work_mono/8)

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The within named Benajmin Whittemore having recognized for his appearance at the Superior Court to be held in August next you are hereby required to liberate him he paying your Fees  
by order of the Chief Justice  
George Ring clerk

***Document b. Whittemore's Petition for a Writ of Habeas Corpus, June 7, 1771.***

[EMF note: he obviously had counsel for this]

Province of  
New Hampshire} To the Honorable Theodore Atkinson Esq. chief Justice of the Superiour Court  
of Judicature for the Province of New Hampshire Humbly complains  
Benjamin Whittemore of Nottingham West in said province aforesaid Husbandman now  
confined in his Majesty's goal in Porstsmouth in said province aforesaid that the was on the fifth  
day of June Instant commtted to said goal by order of Ezekiel Chase Esq. one of his Majesty's  
Justices of the Peace for said Province and is there still unjustly held and detained without any  
lawful cause for such detainer set forth by the said Ezekiel Chase Esq. in his order of  
commitment. Wherefore the saide Whittemorer humbly prays your Honour would order a  
Habeas Corpus cum Causa to be issued in his Favour so that he may be restored to his Liberty,  
unless some lawful Cause for detaining him shall afterwards appear as in Duty bound shall ever  
pray etc.

Benjamin Whittemore

Portsmouth Goal June 7, 1771

Reverse side:

Province of  
New Hampshire} June 8<sup>th</sup> 1771

To George Ring Esqr Clerk of the Superior Court of Judicature Greeting —  
Your are to issue a Writ of Habeas Corpus cum Causa agreeably to the Within Petition and  
request that the same may be enquired into

Theodore Atkinson Chief Justice

***Document c. Writ of Habeas Corpus June 8, 1771***

[Brian: Document needs conservation work]

Province of  
New Hampshire} George the third by the grace of God of Great Britain France and  
Ireland King defender of the Faith etc.

To the Keeper of our goal in said Province his under Keeper or Deputy

We command you that the Body of Benjamin Whittemore of Nottingham west in our said  
province Husbandman in our Prison under your custody detained as 'tis said, together with the  
Day and cause of his taking and detaining by whatsoever name the said Benjamin Whittemore