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

Supporting Documents for Making Habeas Work

6-9-1771

Provincial Case File No. 30379, New Hampshire State Archives - Whittemore's recognizance

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"Provincial Case File No. 30379, New Hampshire State Archives - Whittemore's recognizance" (1771). *Documents from Making Habeas Work: A Legal History (monograph)*. 10. https://scholarlycommons.law.hofstra.edu/making_habeas_work_mono/10

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Permitted of A
New Hampshire } George the third by the grace
Pickingham Co } of God of Great Britain France
and Ireland King Defender of
the Faith &c

To the Sheriff of our County in our said
County his under Sheriff or Deputy

We command you that the Body
of Benjamin Whittmore of Nottingham West
in our County of Pickingham, ^{Husbandman} otherwise called
Benjamin Whittmore of Nottingham west
in our Province of New Hampshire Husbandman

in our Prison under your custody detained
at his said together with the day and Cause
of his taking and detaining by whatsoever
name the said Benjamin Whittmore shall
be charged in the same you have under
safe and secure conduct before the Hon^{ble} the
Justices of his Majesty's Superior Court of
Judicature now sitting at Exeter in and for
our County of Pickingham aforesaid immedi-
ately after the receipt of this Writ to do and
quod all which our said Court shall then
consider in this particular Manner Theodore
Atteston Esq. Dated at Exeter the fifth day of Septem^r
in the eleventh Year of our reign Annoque
Domini 1771. William Geo. Fingale

Writ of Habeas Corpus
for B Whittlemore

30379

Province of
New Hampshire
Rockingham

To the Honourable the Justices of the Superior
Court now sitting at Exeter within & for the said
County of Rockingham on the first Tuesday of
September 1778

In obedience to this precept I bring before
Your Honourable Court you the Body of the said Benjamin
Whittlemore under safe & secure conduct he having been
under my custody detained for the following cause viz
on the 5th day of June 1778 he was by Euphates Hadley Con-
stable of Rockingham West Committed to his Majesty's Goal in Fort-
mouth ^{in said County} in said County of Rockingham by virtue of a
Mittimus granted by Ezechiel Chase ^{24th} then one of his Majesty's
Justices of the peace for said County Province which Mittimus
bears date the second day of June 1778 & is hereto annexed
and on the ~~5th~~ ^{24th} day of June 1778 he was liberated from the
said Prison by a Writ of Habeas Corpus ^{dated the 24th day of June 1778} granted
by Theodore Atkinson Esquire Chief Justice of the said Superior
Court ^{now remains in this Court} which same writ of Habeas Corpus ~~was also granted~~
~~and the said Whittlemore on the same 5th day~~
of June entered into Recognizance before the said Chief Justice
with Sureties for his appearance at this Honourable Court
to answer to such Matters as should be objected against him
by at the said Court as appears more fully by the said Recogni-
zance ^{in Court now remaining} & upon his entering into said Recogni-
zance the said Chief Justice issued an order to set him at full Liberty on
his paying the Prison Fees which order appears on the Back
of the Annexed Mittimus And on the said proceedings
being brought up to the said Superior Court now sitting the
same were ordered by the Court to be & by Judgment of said
Court were Quashed & the said Whittlemore on the fifth day
of September Instant was committed into my custody with
order to ^{as by the Writ of Habeas Corpus now remaining appears} ~~to~~ ^{bring him} ~~to~~
under my custody before the Honourable the Justices of the said
Superior Court under safe & secure conduct & thereby return
the above Causes of his ~~detention~~ Detention being the whole for
which he is detained under my custody given under my
hand & Seal at Exeter in said County the ~~24th~~ ^{24th} day of
September in the Eleventh year of his Majesty's reign
annoque Domini 1778 -

J. Parker Sheriff & Keeper of
of His Majesty's Prison in S. County